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IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

CHICAGO POLICE OFFICERS SHANNON SPALDING and DANIEL ECHEVERRIA,

Plaintiffs,

vs.) No. 12 C 8777

CITY OF CHICAGO, Chicago Police Chief JUAN RIVERA, Chicago Police Chief DEBRA KIRBY, Chicago Police Commander JAMES O'GRADY, Chicago Police Chief NICHOLAS ROTI, Chicago Police Lt. KEVIN SADOWSKI, Chicago Police Lt. DEBORAH PASCUA, Chicago Police Commander ADRIENNE STANLEY, Chicago Police Sergeant MAURICE BARNES, Chicago Police Lt. ROBERT CESARIO, Chicago Police Commander JOSEPH SALEMME, Chicago Police Sergeant THOMAS MILLS,

Defendants.

The deposition of SHANNON MARIE SPALDING, called for examination, taken pursuant to the provisions of the Code of Civil Procedure and the Rules of the Supreme Court of the State of Illinois pertaining to the taking of depositions for the purpose of discovery taken before SUSAN HASELKAMP, CSR No. 084-004022, Certified Shorthand Reporter of said state, on November 18, 2014, at the hour of 9:26 a.m. at 191 North Wacker Drive, Suite 3700, Chicago, Illinois, pursuant to notice.

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APPEARANCES:

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ALSO PRESENT: MR. DANIEL ECHEVERRIA

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(Whereupon, the witness was duly sworn.)

SHANNON MARIE SPALDING,
having been first duly sworn, was examined and testified as follows:

EXAMINATION

BY MR. KING:

Q. Let the record reflect that is this the deposition of one of the Plaintiffs Shannon Spalding being taken pursuant to notice and agreement of the parties and pursuant to applicable rules of the Federal Rules of Civil Procedure and Federal Rules of Evidence.

Ms. Spalding, can you state your full name and spell your last name again for the record.

A. Shannon Marie Spalding, S-P-A-L-D-I-N-G.

Q. And have you ever given a deposition before?

A. Once.

Q. Once. What kind of case was that?

A. It was an accident case.

Q. Okay. Were you the plaintiff?

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A. No.

Q. Okay. Well, I'm sure you're pretty familiar with what's going to go on here today but I'll go over --

A. Please.

Q. -- a few ground rules. Obviously you've been -- I'll be asking you questions, you've been sworn to tell the truth in response to my questions. If you don't understand any of my questions or if I'm speaking too fast, feel free to let me know. I can try to rephrase the question, I'll be happy to slow down. I see you nodding the head. And another rule that we need to make sure --

A. I understand.

Q. -- that your answers are verbal so the court reporter will be able to take them down.

Another issue with the court reporter is that it's difficult for her to take down anything if we're both talking at the same time. So I'll do my best to allow you to answer the questions if you'll allow me to get the questions out, this will go a little bit smoother. Okay?

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A. Okay. Thank you.
Q. Thank you. And if you need to take a break at any point, that should be fine. The only thing that I would ask is that you not take a break while there's a question pending. Okay?
A. Okay.
Q. Okay. What's your current home address?
A. 11016 South Central Park Avenue, Chicago, 60655.
Q. And how long have you lived at that address?
A. Approximately under two months.
Q. Okay. And where were you living prior to that?
A. 3421 West 115th Place, Chicago, 60655.
Q. Okay. And how long were you at that address?
A. Almost eight years.
Q. And at your current address, is there anyone living there with you?
A. Yes.
Q. Who would that be?
A. My daughter.

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Q. Okay. I'm sorry.
A. It's my -- my daughter is renting the house. Her boyfriend.
Q. Okay.
A. And my boyfriend.
Q. Okay. And your boyfriend is?
A. Anthony Hernandez.
Q. Thank you. And you're currently still employed with the Chicago Police Department?
A. I am currently still employed, yes.
Q. Okay.
A. But not actively at work.
Q. Okay. You're on medical leave?
A. I am on disability leave.
Q. Okay. It's my understanding you had made an application for injured on duty status; is that correct?
A. That is correct.
Q. To your knowledge has there been any determination on that application?
A. Yes. It was denied as an IOD, injured on duty --
Q. Okay.
A. -- by the committee on finance.

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Q. And are you seeking some kind of review of that?
A. Yes. A grievance was filed by the FOP.
Q. Okay. So am I correct that at some point, you were on medical leave that was paid and then you reached a point where it became unpaid, correct?
A. Yes, correct.
Q. And do you recall when the paid medical leave ended?
A. Yes. It was in June of this year.
Q. Okay. And since June of this year when your pay was stopped, have you had any other sources of income?
A. I was approved for a partial disability by the pension board until my case can be reviewed for full duty disability benefits. And that partial, I believe it is called ordinary disability, kicked in I'm not sure if it was the end of July or August.
Q. Okay. And does that pay you a portion of your regular compensation with the department?
A. Yes, it does.

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Q. And do you know what portion you received under the ordinary disability?
A. Don't quote me the exact amount, but it's roughly $3,200 or $3,400 a month.
Q. And what was your regular rate of pay before?
A. I don't even know what we got paid hourly, but I do know that it is double. That is what I believe it is. But that's -- and then taxes. Probably 5 or more, 5,000 or more.
Q. Your regular rate of pay --
A. Yeah.
Q. -- before your pay was stopped --
A. Yeah.
Q. -- is what you believe was approximately --
A. Yeah.
Q. -- $5,000 a month?
A. Yeah.
Q. And the -- did I hear you correctly that the amount you're getting for ordinary disability --
A. Correct.
Q. -- is half, 50 percent of your pay?

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A. I believe it's something like that. It's -- the checks I've received are somewhere between, I'm guessing the amount, the proximity of 3,200 to 3,400 once a month.
Q. Okay. You don't remember them telling you a percentage, like you'll get 50 percent of your pay?
A. I'm not -- I can't be exactly sure. I can't recall exactly, and I don't want to guess.
Q. That's fine, okay.
And since your pay was initially stopped in June, 2014, have you had any other employment?
A. No.
Q. Okay. Have you had any other sources of income other than the ordinary disability payments?
A. Not income but I -- no.
Q. Okay. You started with the police department in 1996; is that correct?
A. That's correct.
Q. Okay. Can you, as best as you can, just explain sort of your history from when you were -- when you started, where you were

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assigned, to the extent you can remember, your supervisors. Actually, just go up until the point that you were detailed to Detached Services. We don't need to get into that now.
A. Okay.
Q. But starting when you joined the force, as best as you can recall, can you kind of trace your history?
A. Yes. After completing the academy, I was assigned to the 5th District. I remember supervisor -- the sergeant was Elizabeth Glatz. When you are put on the watch, your supervisors rotate, and so you don't have a specific supervisor that you report to every day. And I don't recall who they were. It was a long time ago.
Q. Sure.
A. And you are a PPO, probationary police officer, so you work with different people all the time for training purposes. I was not in the 5th District very long. I don't recall how long it was. From there, I was assigned to the 2nd District at 51st and Wentworth. And from the 2nd District, I went to work in Public

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Housing South.
Q. Do you remember any of your supervisors in the 2nd District?
A. In the 2nd District, I -- honestly, I remember it was the Watch Commander Michael Byrne. No, I don't remember the sergeants.
Q. Okay.
A. And then I went to work for Commander Toliver in Public Housing South. There were multiple supervisors there that worked there. Glenn Evans was my supervisor at the time. And I know there was a supervisor Sergeant Mark Moore worked there.
Q. Okay.
A. Billy Patterson, William Patterson and Anthony Ceja.
Q. Do you know how to spell Ceja?
A. Yes, I do. C-E-J-A.
Q. Thank you.
A. You're welcome. I don't recall.
Q. Okay.
A. I'm missing people.
Q. Okay. Before we move on, do you know approximately how long you were in the 2nd

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District before you went to the Public Housing?
A. It had to be roughly a year and a half to two years.
Q. Okay.
A. Roughly. I'm guessing. I don't recall.
Q. Sure. And how long were you in Public Housing South?
A. Until they disbanded, which was November of I think 2005. I don't recall the year to be exactly.
Q. Okay.
A. But the unit disbanded.
Q. Okay.
A. Then I went to work on the gang team in the 1st District, tactical/gang team in the 1st District.
Q. Okay.
A. I was not there very long, and then I went to Organized Crime Narcotic Division. And from there, assigned to 543.
Q. Okay. Do you remember when you started in Organized Crime Division?
A. It was approximately May of -- it was

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when the fentanyl operation was going on, and it was in approximately May of 2006 or '07.
Q. Okay.
A. And then we were -- my partner, Danny Echeverria, and I were borrowed for the fentanyl mission in May of two thousand -- or whatever the year --
Q. Sure.
A. And we were the intelligence behind the fentanyl mission. So we were borrowed, we were not assigned to that unit. The mission for Operation Fallout, the fentanyl mission, was completed in October and then we were requested -- we were assigned there.
Q. Okay. So when you worked on Operation Fallout, you had essentially between borrowed by the Organized Crime unit --
A. Correct.
Q. -- you weren't officially detailed there yet?
A. No. And we worked for Sergeant DiCristofano, Anthony DiCristofano and then we went to 543.
Q. You mentioned Officer Echeverria being

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your partner. When did the two of you become partners?
A. We had -- when I went to the 1st District, we became partners at that time. But we had crossed paths and worked together within the Public Housing sector prior to that.
Q. Okay. And since you and Officer Echeverria first became partners, have you been partners consistently ever since then?
A. Except for a period of time in Organized Crime, yes.
Q. Do you recall what period of time or why you weren't partners?
A. When you first come to Organized Crime, the Narcotic Division, it was explained to us that since I had been from the South Side my entire time, I couldn't go as an undercover officer buying on the South Side where I would be recognized. So I needed to go somewhere different, on the West Side or the North Side. And Officer Echeverria needed to go in a different area and for training purposes for that, they -- that is my understanding of it.
Q. So you were -- is it your understanding

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you were separated just for training purposes?
A. That's what we were told.
Q. Okay. Do you recall about how long you were separated?
A. Up until the time -- I'm not sure of exactly when it was. It was maybe February of 2008 I was an undercover officer who was a victim of a battery and a robbery.
And after that incident, I received a phone call from Chief Limon who stated, have you been placed back with your partner yet. And I specifically remember stating, if I had been working with my partner, this incident would not have occurred. And he said, well, I'm going to get you back with your partner immediately.
Q. Okay.
A. And then he put us both on the same team.
Q. Okay.
A. That was Chief Limon's decision, and he contacted me.
Q. Okay. What were the circumstances of the battery and the robbery or do you know who committed it?

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A. At this time, absolutely not. I don't know their names.
Q. Sure.
A. No, I did not know them.
Q. Okay.
A. The incident was that we were going to a particular location on the West Side to purchase a controlled narcotics purchase. The regular sergeant, I'm not even sure at the time who it was, I believe it was Kevin Johnson maybe, wasn't there. I know that a Sergeant Ty Bates I was working for on that particular day. And when he gave the location, I specifically told him prior to going out that I cannot purchase narcotics there because my last controlled buy, I was called out as an undercover officer and it would jeopardize my safety.
Q. Okay.
A. He said, okay, that's fine. I set up as surveillance. And then he came over the radio and said, you are going to go through and make this purchase.
Q. Okay.

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A. Which I explained I was extremely uncomfortable with the situation, because I'm going back to a spot I had already been identified at.
Q. Sure.
A. But he gave me a direct order to go through and buy, so I did. At which point I was immediately identified and was pulled out of the car and they tried to take the car and I began fighting. My surveillance, I should have had two surveillance officers, one was a Robin McGhee, who was supposed to be directly behind me, and another one was Officer Masud, Saud. Saud was his first name, S-A-U-D.
Q. That's fine.
A. He was my main eyeball and was calling out the actions, so he should have been the first to respond; however, that did not occur.
What happen was the enforcement vehicle was the first one on the scene. And enforcement is usually parked multiple blocks away and they're the farthest distance away. So it is very questionable as to where was my backup and where was my surveillance. They were not the

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first on the scene.
Q. Okay.
A. Okay. And so it felt like forever that I was fighting this. But Officer Joseph Mirus and Officer Abner Rodriguez were the enforcement car, and they began to pursue the offenders on foot and in vehicle, at which point, you know, multiple offenders, I believe four or five were apprehended.
Q. Okay.
A. And what happened next was that --
Q. I'm going to cut you off now. I think --
A. Okay.
Q. -- you've answered my question.
A. Okay.
Q. You indicated that that incident where you were subject to the battery and the robbery you thought was February, 2008. Are you pretty sure it was that month or approximately?
A. Approximately.
Q. Okay.
A. I'm just trying to --
Q. Sure.

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A. It's a long time to remember the exact dates. I don't have the documents to review.
Q. Okay.
(Whereupon, Spalding Deposition Exhibit No. 1 was marked for identification.)
BY MR. KING:
Q. Ms. Spalding, I'm showing you what's been marked Spalding Deposition Exhibit No. 1, which is a copy of your Amended Complaint in the lawsuit.
Can you tell me if you've seen this document before?
A. Yes, I believe I have seen this document.
Q. Okay. And if I could direct your attention to Paragraph 20 of the Complaint, which is on Page 4. And Paragraph 20 begins, in 2007 while working an undercover narcotics investigation, Plaintiffs uncovered evidence of illegal activity being committed by various Chicago Police Officers.
A. I'm missing a page.
MR. SMITH: Here, we can switch. Oh,

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wait, no.
THE WITNESS: You're missing it, too. Because it only goes to Chicago Police Officers and then it goes to 21. He's reading Paragraph 20.
MR. SMITH: Right.
THE WITNESS: There's only two sentences, and then it goes to 21.
MR. SMITH: That's fine.
THE WITNESS: Am I confused? I'm sorry.
BY MR. KING:
Q. That's correct. That's okay. Paragraph 20 is just one sentence.
A. I'm sorry.
Q. Okay. And, again, it indicates that, in 2007 while working an undercover narcotics investigation, Plaintiffs uncovered evidence of illegal activity being committed by various Chicago Police Officers. And then the next Paragraph it says, one of those officers was Sergeant Ronald Watts. Do you see that?
A. Yes, I do.
Q. Okay. Prior to 2007, as alleged in

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Paragraph 20, you had been asked at some point if you had any knowledge of any illegal activity by Sergeant Watts, correct?
A. Correct.
Q. And when were you first approached about illegal activity involving Sergeant Watts?
A. It was while I was assigned to Public Housing South. I was --
Q. So approximately what year?
A. It had to be at least ten years prior.
Q. Okay.
A. About ten years, at least, you know.
Q. Okay.
A. Maybe it was 9, maybe it was 11.
Q. Sure. And did someone discuss Sergeant Watts with you at that time?
A. Yes.
Q. Who was -- who discussed Sergeant Watts with you?
A. FBI Special Agent Ken Samuels.
Q. And what did Mr. Samuels say to you?
A. He originally contacted me -- let me rephrase that. He contacted me and first asked me about several -- he asked me about multiple

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people, which included Sergeant Watts. He asked me if I had any knowledge to the best of my recollection.
Q. Sure.
A. The scope of the conversation was my direct firsthand knowledge of any illegal activity that I may have seen or witnessed from these multiple officers, including Sergeant Watts.
Q. And was this an in-person meeting with Mr. Samuels or telephone?
A. No, it was not. It was telephone.
Q. Okay. Do you have any knowledge of how or why Mr. Samuels came to reach out to you about this subject?
A. Yes, I do.
Q. And why did he reach out to you?
A. It was because another officer that I worked with in Public Housing had gone to the FBI regarding the corruption within the Public Housing South units and on multiple officers.
Q. Okay. Was Sergeant Watts one of those officers?
A. I can't be sure of the conversation

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between the officer that went to him and Ken Samuels.
Q. Okay. Was Sergeant Watts working in the same Public Housing South unit at the time?
A. As me?
Q. As you.
A. Correct.
Q. Yes, okay. Who was the other officer who had complained about -- or gone to the FBI?
A. Michael Spaargaren, S-P-A-A-R-G-A-R-E-N.
Q. And do you know if it was Ken Samuels that Mr. Spaargaren --
A. I do.
Q. It was?
A. Yes, sir.
Q. And you know that based on what Mr. Spaargaren told you?
A. Spaargaren, yes.
Q. Spaargaren. Sorry.
But you weren't present for the conversation between Mr. Spaargaren and Mr. Samuels?
A. I had no knowledge of him going to the

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FBI until after the fact.
Q. Okay. And do you know what Mr. Spaargaren's conversation with Mr. Samuels or anyone else at the FBI before you talked to Mr. Samuels had to do with Ronald Watts?
A. I don't know that.
Q. Okay. It may have, it may not have?
A. I don't know. I wasn't present for their conversations.
Q. Okay. So going back to your telephone call with Ken Samuels approximately between 9 or 11 years approximately before 2007, tell me again to the best of your recollection what was said by Mr. Samuels and what was said by you.
A. Well, he just basically asked me if I had witnessed any illegal activity from several -- he asked me about several different people.
Q. Sure.
A. At which point I told him that I had not witnessed anything and I was not aware of anything. Because at the time, I had absolutely no knowledge of that.

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Q. Okay. So you didn't tell him that you were aware of any --
A. I didn't --
Q. -- illegal activity by Ron Watts?
A. No.
Q. Okay.
A. I did not know that there was illegal activity happening.
Q. Okay. But he asked you about several people including Watts, correct?
A. I believe so, yes.
Q. Okay.
A. I don't know if it was during one conversation or another conversation. At some point in time, I was asked.
Q. Right. And given that you were contacted by the FBI and asked if you were aware of any illegal activity by officers including Watts, it would be fair to say that you knew at that point that the FBI was investigating Watts, correct?
A. Well, I assumed that there would be some type -- I knew that there were allegations that had been made against multiple people.

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Now, as I said before, the main person -- that I don't believe Ron Watts was the main person I was asked about initially.
Q. Okay.
A. There was another officer that I recall specifically.
Q. Who was that officer?
A. His name was Joe Seinitz, S-E-I-N-I-T-Z. And at the time, I just believed by what these officers were bringing in, that they were just really good officers, including Ronald Watts.
Q. Okay. But my question is, would it be fair to say that because you were contacted by the FBI --
A. I'm sorry.
Q. -- to ask you questions about certain officers and their illegal activity, including Ron Watts, you understood that the FBI was investigating those officers, including Watts at the time, correct?
A. That they were looking into allegations, is what I thought.
Q. Okay. And did you have more than one

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conversation with Ken Samuels on that subject?
A. I did.
Q. Okay.
A. So I don't know if it was the first conversation or at some point later on.
Q. Sure.
A. I can't tell you at what point Ronald Watts came up, but at some point, he did come up.
Q. Okay. Do you recall approximately how many conversations you had with Ken Samuels?
A. I don't.
Q. Did it ever get to a point where you reported to Ken Samuels yes, I do have information about illegal activity by Officer Watts or anyone else?
A. No.
Q. Okay. So between your last conversation -- well, let's strike that.
And I'm going to butcher his name again. Michael --
A. Spaargaren.
Q. -- Spaargaren, okay.
Do you know if Mr. Spaargaren is still

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with the police department?
A. Yes, he is.
Q. Do you know what his current position is?
A. I know that he just transferred from the 9th District to a North Side district. I can't be sure.
Q. Sure. Do you know what his rank is?
A. PO, police officer.
Q. Okay. Going back to Paragraph 20 of the Amended Complaint. You indicate that you and your partner uncovered evidence of illegal activity being committed by various Chicago Police Officers. Can you tell me what you uncovered?
A. When you are in Narcotics, there is an intelligence debriefing that goes on by the enforcement officers, which was the position of my partner, Danny Echeverria.
At the time, you interview the person who sold the narcotics to the undercover officer to gather further intelligence to go up the chain for conspiracy. During his assignment on the South Side, he was unfamiliar with Ronald

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Watts and not working with him or these individuals before.
Q. Sure.
A. During debriefings, these detained individuals, the arrestees, began to always talk about being under arrest but yet you don't prosecute your own, Sergeant Watts. You know, he's out there running a dope line. And they made multiple, multiple allegations.
At first it was inconsistent and vague and unbelievable because they couldn't give any hard facts or anything.
Q. Sure.
A. And a lot of times people will say anything to try to get out of an arrest. There came a point, though, that Danny had -- Officer Echeverria had interviewed a subject that was able to give enough information that he could further investigate and it concerned him that there may be some truth to these allegations that continuously surfaced on the same sworn personnel. It never deviated from the personnel.
Q. Sure.

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A. It was consistently the same ones.
Q. Do you recall, in addition to Watts, what other personnel these arrestees were giving information on that suggested that they were engaging in illegal activity?
A. Yes, I do.
Q. Who would that be?
A. Most of the time they would say his crew, which was referring to his tact team. I -- you would have to ask Officer Echeverria exactly who they did name.
Q. Okay. But your understanding, they named at least Watts and his tact team, was your impression?
A. During -- yes.
Q. Okay.
A. During his interrogations -- I was not -- I shouldn't say interrogations. Interviews. I'm sorry. Let me stand corrected. As being an undercover, I would never be in the room with that -- for the conversation.
Q. Okay.
A. And I don't recall specifically during that. But I know later on down the line,

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individuals that were identified --
Q. Sure.
A. -- that I had firsthand knowledge of.
Q. Okay. So in Paragraph 20 where it indicates that Plaintiffs uncovered evidence of illegal activity, is it actually more accurate to say that Plaintiff Echeverria uncovered that --
A. Yes.
Q. -- and then informed you about it?
A. That is correct.
Q. Okay. Now, these intelligence briefings where you indicate Officer Echeverria would have learned of the allegations of illegal activity, do you know who attends those intelligence briefings?
A. Usually it would be the enforcement officers. And it could be one, two, three, I mean, how many subjects are in the room.
Q. Okay. And would sergeants be part of those meetings?
A. It was my understanding not usually, unless they would be requested for some reason.
Q. Okay. And how about lieutenants?

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A. I don't believe I've ever known a lieutenant to be in there.
Q. Okay. Have you, yourself ever been in a position where you participate in these intelligence briefings that you testified to?
A. While working in Narcotics --
Q. Correct.
A. -- as an undercover? Not while I was working in an undercover.
Q. Okay. So to the best of your knowledge, Officer Echeverria was not the only one in these intelligence briefings who was receiving knowledge about the illegal activity of Watts and others; is that correct?
A. That's absolutely correct. I do know of two other officers that were present --
Q. What --
A. -- at some point.
Q. Who else was present?
A. Trevor Stotts, S-T-O-T-T-S and Ken Herrera.
Q. And Trevor Stotts, do you know what his position was at the time?
A. He was an officer in Narcotics.

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Q. And the same for Ken Herrera?
A. Correct.
Q. Okay. Did you ever have any, you personally have any conversations with Mr. Stotts or Mr. Herrera about this alleged illegal activity?
A. No, I did not.
Q. Okay. Other than your partner, Officer Echeverria, did you ever have any discussions prior to going to the FBI with anyone within the Chicago Police Department about alleged illegal activity by Watts and others?
A. I'm sorry, could you -- I'm not understanding.
Q. Sure. You allege in your Complaint later on, and we'll get to this, that in roughly August of 2008, you -- well, let's strike that. Let's strike that.
When you learned of the alleged illegal activity from your partner, Officer Echeverria, did you personally have any conversations with anyone else within Chicago Police Department about the alleged illegal activity?

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A. No, I did not because I was not present for the information. But I did instruct Danny to go to his -- go to the supervisor on the scene and inform them of this immediately so that they could take the appropriate action necessary and make a determination how they wanted to proceed with this.
Q. Okay. And to your knowledge, did Officer Echeverria do that?
A. Yes, he did.
Q. Okay. Do you know who that person he went to was?
A. I do.
Q. Who was that?
A. Sergeant Roderick Watson.
Q. And do you recall -- what was it, the first time that Officer Echeverria told you about this alleged illegal activity that you recommended that he go to the supervising officer or was it some point down the line?
A. It was the first time that he received credible information, that it was reported immediately.
Q. Okay. Did you, yourself ever speak

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with Sergeant Roderick Watson about alleged illegal activity by Watts or others?
A. No. I wasn't even on duty the day that that occurred.
Q. Okay. And am I correct that at some point after Officer Echeverria contacted Roderick Watson, you or Officer Echeverria contacted the FBI about this subject?
A. Yes. The day that Officer Echeverria reported this to Roderick Watson, it is Officer Echeverria's responsibility to complete the intelligence report, the debriefing and he has to sign off on that information. So he directly asked the sergeant, how do you want me to handle this, how do you want me to document this, what do I need to do. Because he had not come across these circumstances prior.
And he was given a direct order by Sergeant Watson to disregard all that information and make the report a negative, meaning no intelligence was gathered.
Q. And what you just testified to about this alleged direct order, the basis for your information on that is what Officer Echeverria

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told you, correct?
A. That is correct, because he contacted me again --
Q. Okay.
A. -- informing me of that.
Q. Okay. And after that contact that you were just speaking of, did you or Officer Echeverria contact the FBI at any point?
A. Well, after that. Because at first, I thought that maybe the reasoning for the negative debriefing was that maybe Sergeant Watson was going to initiate a confidential investigation or something. You know, he's a supervisor, I was pretty confident that he was going to handle it according to department rules and regulations.
But through the, you know, chain of events that followed and, you know, the information kept flowing in, it became evident that the department was not -- I didn't -- I did not have the confidence that an investigation, a fair investigation would happen within the department --
Q. Okay.

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A. -- looking into the allegations.
Q. Okay. I just move to strike as not being responsive to my question, which was simply at some point did you contact the FBI about --
A. Yes.
Q. -- the alleged illegal activity of Watts and others.
A. Yes.
Q. Okay. And if we look at Paragraph 23 of your Complaint, your Amended Complaint, it indicates that in 2007, Plaintiffs reported to FBI Special Agent PS the illegal activity by Sergeant Watts and others who worked with him. The PS is Patrick Smith, correct?
A. Yes.
Q. Okay. And in terms of this reporting to Patrick Smith initially, did you make that report or did Officer Echeverria make that report?
A. I did.
Q. Okay.
A. I contacted Agent -- Special Agent Patrick Smith initially and informed him that I

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had information on what I believed was at one time an investigation by Special Agent Ken Samuels into corrupt activity by Sergeant Ronald Watts, and if he could put me in contact with Ken Samuels again.
Q. How did you -- was it random that you contacted Patrick Smith or was there a reason that you went to him?
A. Because I had worked with Patrick Smith prior to that.
Q. Okay.
A. So I just happened to have his number.
Q. Sure.
A. And so I contacted him asking him if he personally could give me Ken Samuels' number --
Q. Sure.
A. -- or if he knew him. And he said that he was well aware of the Watts investigation and had been involved on a certain level with Ken Samuels on it.
Q. Okay. Now, this initial contact, you had a phone conversation with Mr. Smith?
A. Yes, I did. I called him and was requesting to meet with Ken Samuels or how I

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could contact him.
Q. Sure.
A. Because I knew that at some point so long ago, there was an investigation into it; however, I did not know if it was closed, if it was still open and active, if it was closed with negative results.
Q. And Mr. Smith told you that he was well aware of the Watts investigation?
A. Correct. And --
Q. And in this initial phone conversation, do you recall Mr. Smith saying anything else?
A. I know we had spoke, I don't know if it was the same day or again. But we -- at one point he did say, when you said you had some information, I never thought it would be as big as the Watts case. And --
Q. Okay. Let's just talk about that first conversation. And you just said, you're not sure if that was in the first conversation.
You testified that in the first conversation he did indicate that he was well aware of the Watts investigation. Do you recall him saying anything else in that first

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conversation?
A. I recall him saying that he knew Ken Samuels and knew that Ken Samuels had that investigation.
Q. Okay. Did he say, I'll get you to Ken Samuels or you can deal with me on this?
A. He said he was going to talk to Ken Samuels.
Q. Okay. Was it your understanding that Ken Samuels was still in the FBI at that point?
A. Yes.
Q. Okay. And other than what you've already testified to, do you recall anything else that you said or that Patrick Smith said in that first conversation?
A. I know that we were going to provide the information. I don't know if that was the first conversation or the next conversation or -- but I know that he was going to have a conversation with Ken Samuels.
I can't be sure if it was the exact conversation of -- at some point I was asked. Like how I knew Ken Samuels had it and I had said I had spoken to him so many years prior --

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Q. Sure.
A. -- and I didn't even know if it was an active case or what had happened.
Q. Sure.
A. But I can't be 100 percent that that was the very initial conversation.
Q. Sure, sure.
A. It was just that we were going to come in at some point and provide the information.
Q. Okay. And at some point, did you go in --
A. Yes.
Q. -- and meet with Patrick Smith?
A. I'm sorry. Yes, we did.
Q. Was Ken Samuels part of that meeting, also?
A. No, not in the first meeting. He was not.
Q. Okay. And between the first conversation you had with Patrick Smith and the time you went in to meet, do you recall if you had any other conversations with Patrick Smith or was there the one phone call and then you had a meeting?

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A. I don't recall.
Q. Okay. And at the time that you -- strike that.
So at some point you and Officer Echeverria, I assume, have a meeting with Patrick Smith?
A. Correct.
Q. And was anyone else present for that initial meeting?
A. Yes.
Q. Who else was present?
A. Special Agent Julie Anderson.
Q. And Ms. Anderson was with the FBI?
A. Correct.
Q. Anyone else?
A. No.
Q. Okay. So it was Patrick Smith, you and Officer Echeverria and Special Agent Julie Anderson?
A. Correct.
Q. Okay. What's your best recollection chronologically if you can who said what in the course of that meeting?
A. Oh, gosh.

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Q. I know it's been a long time.
A. It has been.
Q. What's your best recollection of what --
A. I know that they introduced themselves. We went into a small conference room in the FBI building, at which point we presented the facts that we had, the information that we had to them so that an outside investigation -- an investigation by an outside agency could be conducted. We would provide the information and that would be it.
Q. Okay. Well, what do you recall the facts and the information being that you related to them in this meeting?
A. Just what I told you earlier, that continuously the same names continuously popped up by people from different areas, whether it was Englewood or Idabeballs (phonetic) or the South Side, all consistently naming Ronald Watts and members of his team committing the same crimes of robbing the drug dealers, false arrests, stealing the money, extortion.
Q. Sure.

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A. Just a whole laundry list.
Q. Okay.
A. And we provided that information. They asked some questions and --
Q. Do you recall what questions they asked?
A. Well, you know, our names, where we worked, where we were assigned, how Danny came across the information, asked me previously how I knew about -- how I previously knew Ken Samuels --
Q. Sure.
A. -- had the case. And I told him that I had spoke with him so long ago.
Q. Sure.
A. And they were just vague, you know, conversations. You know, the FBI doesn't give you a lot of information when they call you. They want information.
Q. Sure.
A. And I know we concluded the meeting with he was going to pass this information along to Ken Samuels and they may be working on the investigation with him.

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Q. Okay.
A. And we left the building knowing that we had provided the information and --
Q. Sure.
A. -- we thought we were out of it.
Q. Okay.
A. Because with Ken Samuels, I never heard back from him again so.
Q. Okay. So you never heard from Ken Samuels on the investigation?
A. After he talked to me about it?
Q. Right.
A. No, I never did.
Q. Okay.
A. And so --
Q. You've answered my question.
A. Thank you.
Q. Okay. But you did have further contact with Patrick Smith about the Watts matter?
A. After that meeting?
Q. After the initial meeting.
A. Correct.
Q. Okay. And did you have any more in-person meetings with Patrick Smith or just

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telephone calls?
A. I believe we did meet in person. Again, always when we were off duty, on our own time.
Q. Okay. And how many times do you think you met in person with him after that initial meeting?
A. Are you talking through the whole investigation?
Q. Yes.
A. Well, we went to work directly with him, so it would be -- we would see him every -- I mean, I can't even begin to guess.
Q. Okay, that's fine.
Well, let's say prior to August of 2008, how many in-person meetings do you think you had with Patrick Smith after the first one, if any?
A. I can just tell you multiple, but I can't be sure how many.
Q. Okay. And did you also have any telephone calls during that -- with him during that period after the first meeting and prior to August of 2008?

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A. Yes.
Q. Do you recall how many telephone calls you may have had?
A. I can tell you initially they were sporadic and then as time passed, it became more frequent.
Q. Okay.
A. And more demanding on our part to the point that I was a little uncomfortable with it.
Q. You mean it was more demanding in the sense that it was encroaching on your work time as a Chicago Police Officer?
A. No. He was requesting us to come in during hours that we couldn't or anything like that. So we told him, we cannot meet with you or talk to you. At one point he called me and wanted to know if I could meet him, you know, at a certain time and I said, I can't, I'm working and -- tomorrow. And he said, well, can't you break away. And I said, you know, it doesn't work that way. We can't do that.
Q. Okay.
A. And that's the point where I became

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uncomfortable. Because if you're going to call me on my day off and ask me if I know if Watts is on vacation or not or something, I can say yes or no; but to meet with you, no. I -- no.
Q. Do you recall when -- that conversation where he wanted you to meet with him during work hours, do you recall when that was?
A. I recall that it made me so uncomfortable that Danny and I decided that we needed to go contact the chief of our own IAD. And it was -- so it was shortly before we met with Chief Tina Skahill of IAD in August of 2008.
Q. And before that meeting with Tina Skahill, which we'll talk about in August of 2008, is it your testimony that you never met with Patrick Smith or talked to Patrick Smith on the phone or otherwise provided any information to the FBI during your work hours?
A. I may have taken a phone call and said I'll have to call you back or something like that. Everybody answers, you know, their phone.
Q. Okay.
A. But no. We would always meet with

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Patrick Smith or provide information or something like that on our own time.
Q. Okay. If you take a look at Paragraph 26 of the Amended Complaint. This August, 2008 meeting, is that the meeting you just testified to where Tina Skahill was present?
A. Correct.
Q. Okay. Who else was present at that meeting?
A. Unbeknownst to us -- Officer Echeverria and I had a scheduled meeting. Unbeknownst to us when we walk in, Special Agent Patrick Smith was there along with Sergeant Tom Chester and commanding officer of IAD at the time Barbara West.
Q. Okay.
A. Along with Chief Skahill, of course.
Q. And was Tom Chester with Internal Affairs Division, also?
A. Yes.
Q. Okay.
A. He's the FBI liaison of the confidential investigation section for Chicago

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Police.
Q. And had you been under the impression that you were only going to meet with Tina Skahill?
A. Yes.
Q. Okay. How did you set up the meeting with Tina Skahill?
A. Officer Echeverria called and made an appointment.
Q. Okay. What do you recall being said by you and everyone else in this August, 2008 meeting?
A. The short version?
Q. I'm afraid to say I think I need the long version.
A. Oh, no.
Q. I need your best recollection of everything that was said in that meeting --
A. Okay.
Q. -- from the beginning until the end, as best you can recall.
A. I can recall.
Q. Okay.
A. We walked in the door -- and let me

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just back up. Prior to the meeting with Chief Skahill, I had -- I believe it was Officer Echeverria notified Patrick Smith that we intended on going to the chief of IAD because he was requesting our involvement and it made us uncomfortable. So when we walked in and saw Patrick Smith there, we were floored.
Q. Okay.
A. And we had no idea who any of these individuals were. Tina Skahill was very welcoming, very professional, made you feel like you were coming to the right place. She introduced everybody in the room, she told us to have a seat.
She said that they had had a meeting prior to us coming in. They, meaning the other people present, Barb West, Tom Chester, Patrick Smith. At which point they had determined that the Watts investigation, that we had enough intelligence, that we had enough credible information, that they could revive the current investigation that was stalled.
Q. Who said this?
A. Tina Skahill.

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Q. Okay.
A. With our involvement in the investigation.
Q. Okay.
A. We were told that the investigation under Ken Samuels was not closed out, but -- I forgot the FBI term that they use.
Q. Okay.
A. But just dormant, like stalled.
Q. Okay.
A. Because they were unable to gather any current information on activity to --
Q. Okay. I just want to make sure you're telling me what was said in this meeting.
A. Yes.
Q. Okay.
A. And so then we were told that what we were going to do is be detailed to 543.
Q. Let me stop you for a second. Did anyone other than Tina Skahill say anything in the meeting?
A. I know that Patrick Smith -- everyone was talking at some point.
Q. Okay.

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A. It was an interactive conversation.
Q. Okay. I'm sorry, continue. What else do you recall being said and by whom in the meeting?
A. Okay. Well, then Tina Skahill wanted to hear our story, like what had happened. And I believe Officer Echeverria, since he's the one that made the appointment, laid the facts on the table and told them, this is the information I got, this is how I got it, this is who I reported it to, this is additional information I learned.
I -- you know, we learned that there's been so many open CR numbers against these same individuals and, you know, all this time has gone by from the first time I was contacted and we decided to go on our own to FBI and, you know.
Q. Was the conversation just about Officer Watts or other individuals, as well?
A. No. The member of his tact team, as well.
Q. Okay. Were the specific names --
A. Yes.

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Q. -- discussed in that meeting?
A. Yes.
Q. Okay. And Officer Mohammed was one of them?
A. Yes.
Q. Okay. What else do you recall, if anything, you or anyone else saying in the meeting?
A. I remember that we were being told that we were going -- we're not asking you to go to this investigation. I remember that I voiced extreme concern because I worked with these individuals from the start of my career, one of the named targets I actually graduated the academy with and I also knew the allegations that were made against Sergeant Watts --
Q. Sure.
A. -- and they're serious allegations. And not only is he working with -- allegedly working with these gang members and committing these crimes, he also has the ability to look into who's investigating him and he has the ability to use the police systems and it made me extremely nervous.

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Q. Okay. Was it your point of going to the FBI to get approval to work on this with -- during your regular work hours?
A. Going to the FBI?
Q. Going to the department. I'm sorry.
A. No. It was to inform Tina Skahill that we had gone to the FBI and that this agent was now contacting us and wanting us to break away and -- or meet with him and we informed him that we couldn't.
Q. Okay. So were you trying to get Officer Skahill to protect you from having to work on this investigation or get authorization to work on it during work hours?
A. No. It was to inform her of the action that we had taken and we didn't know -- you know, we work for Chicago Police Department --
Q. Yes.
A. -- we're unfamiliar with the rules and regulations on what exactly you can and cannot do with these agents.
Q. Okay.
A. And in order for this to remain confidential -- because I do recall now that

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Patrick Smith and Julie Anderson said, we must keep this confidential, the investigation must remain confidential. We cannot talk about this to anyone or we would be interfering with the investigation and could jeopardize it. So we couldn't just go ask our own sergeant.
Q. Sure.
A. So we know that IAD does confidential investigations.
Q. Sure.
A. So we went to get clarification from her and make sure that we weren't coloring outside the lines in any capacity before, you know, Patrick Smith was requesting what I felt was too much. And so we just wanted to -- and you can't -- with confidential information, you don't know who's friends with who --
Q. Sure.
A. -- so we went to the chief.
Q. Sure, sure. And you said you were told in that meeting that you needed to keep this confidential?
A. Yes, yes, yes.
Q. Okay. Other than what you've already

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testified to, what do you recall else, if anything, being said in this August, 2008 meeting?

A. I recall Tina Skahill saying that this is going to be a very good move for you, it is necessary. This is a very important investigation to the department, you have the resources, you have the ability to close this out with positive results, your concerns are unwarranted, we would never just throw you back into patrol, you will be protected, your identity will never be revealed.

In fact, you know, you can be made meritorious sergeant from this because -- meritorious means when you go above and beyond. You know it's not -- that's what it's supposed to be for. You can remain on the task force so you don't go right back into patrol and some -- you know, that's I think a three or five-year detail.

She said, we protect our people at all costs, it will never come back to you. You have nothing to worry about as long as you don't ever talk about this. Chief Skahill, Tom Chester --

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Q. Go ahead. I'm sorry.

A. They then said, this is how we're going to proceed.

Q. Let me stop you for a second. When Sergeant -- I'm sorry. When Tina Skahill was saying, this will be a good move for you, you could be made meritorious sergeant, you could remain on the task force, you understood that as she was giving you possible outcomes following this investigation, she wasn't promising you those things, correct?

A. She was promising us that we would be one, protected --

Q. Yes.

A. -- two, our identity would never be revealed; and three, we would be able to go within a specialized unit of like the FBI Task Force or something so we would not transition right back into the Chicago Police Officers directly or promoted so that you're not back in the rank and files until it's safe to do so.

Q. Okay. Is it your understanding that in that meeting, Tina Skahill was promising you a promotion?

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A. I did not perceive it as that personally.

Q. Okay. Is it your understanding that in that meeting, Tina Skahill was promising you that at the end of this investigation, you would be on some task force?

A. I did not perceive it as a promise of exactly where or something, but a promise of you would not be returned here and we will take care of you.

Q. Okay. I'm sorry. Other than what you've already testified to, what else do you recall being said in that August, 2008 meeting?

A. I recall that it was explained to us why we were going to be detailed to 543 and the structure of how that worked. Because my partner and I were unfamiliar of 543, which is miscellaneous details. She explained that --

Q. I'm sorry. Is Tina Skahill explaining this to you?

A. Yes.

Q. Okay.

A. She explained that there are many different divisions that come out of there, like

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the Mayor's detail, serving I think summons, the DEA Task Force, FBI Task Force. So you would report to 543. That way if anybody, like Sergeant Watts or someone else, we don't know where the investigation is going --

Q. Sure.

A. -- or how far up the chain it's going to lead, we're to look at where -- whoever would question us, it would say 543 miscellaneous detail. And from there --

Q. And 543 was Detached Services, correct?

A. I'm sorry, Detached Services. With many miscellaneous details in there, that's correct.

Q. Okay.

A. And then that would show that we were there and then nobody would be exactly sure what we were doing. We could never be connected specifically to what was then dubbed as Operation Brass Tax, the Ronald Watts case.

And we were told that we were under no circumstances no one is allowed to question us about this. We do not talk about it. The only people that would have knowledge were the people

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that were in the room. And I believe the people above her at the time was Debra Kirby, Brust and Jodie Wies. And other than that, we were given a story to stick to.
Q. Okay.
A. No matter who asked us.
Q. Okay. And this is Tina Skahill giving you this information?
A. Yes.
Q. Okay.
A. At points Barb West may have been talking and Tom Chester was definitely talking.
Q. Okay.
A. And they were just breaking it down and explaining, but the majority of the information came from Chief Skahill.
Q. Okay. And while I understand they were indicating it would be a confidential investigation, did anyone say that the folks, the people that would know about it would be on a need to know basis?
A. Yes.
Q. Okay, all right.
A. Oh, no.

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Q. Other than what you've already testified to, is there anything else you recall being said in that meeting?
A. I have a question. When you say on a need to know basis, are you talking -- I perceive that question to mean that we were not to discuss it with other people.
Q. Okay.
A. Am I correct?
Okay. So my answer to yes is meaning that I am not to discuss it with other people because there's only certain people that need to know about the investigation.
Q. Correct.
A. Okay. And we do our reports and give them to Tom Chester and Tom Chester briefs, whether it's Tina Skahill --
Q. Sure.
A. -- or the superintendent or whoever. But we don't go outside that square.
Q. Sure, right. But the certain people who would need to know about the investigation, was not determined by you --
A. No.

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Q. -- or Officer Echeverria, correct?
A. No.
Q. Correct?
A. Correct.
Q. Okay. Do you recall anything else being said --
A. Yes, I remember Tina --
Q. -- in the August, 2008 meeting?
A. So sorry.
Q. That's okay.
A. Tina Skahill and Patrick Smith discussed that the FBI was to give us vehicles and we would be using FBI vehicles and that we would complete packets for our credentials so that we would report to 2111 West Roosevelt on a regular basis and we would report our -- the liaison, our direct contact for CPD was Tom Chester. We could go into 543.
The only person that would -- in 543 that knew what we would be doing was then Lieutenant and Commanding Officer Liz Glatz, G-L-A-T-Z. And if anyone, including a lieutenant or someone, asked us anything, just say you work for Tom Chester and they should

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know immediately not to ask you anything further.
Q. Okay.
A. And then she said that it was going to happen quick, that we were going to be moved right away. She -- they stressed the importance of keeping our identity confidential --
Q. Okay.
A. -- is not to discuss this.
Q. Right.
A. Gave us the story that we were going to be -- once again, we were detailed to 543 and the story was that we were being borrowed as intelligence to the FBI Narcotics Task Force. So we were to also, you know, along the way have stories ready for -- you know, you're going to run into police personnel.
Q. Sure.
A. They're going to ask you where are you working, what are you doing.
Q. Sure.
A. So make sure you're prepared for that.
Q. Did they tell you what to say to those people who may ask you what you're doing?

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A. Yeah. You're borrowed to the FBI Narcotics Task Force and, you know, discuss what you want about that but be vague. But questions will come up, you know, who are you working for.
Q. Sure.
A. Many officers -- when we got to 2111 West Roosevelt, we realized there was a whole lot of CPD personnel in there.
Q. And that address is the FBI headquarters, correct?
A. Yes.
Q. Okay. Do you recall anything else being said at the August, 2008 meeting?
A. You know, we were given the BlackBerry numbers of Barb West, Tom Chester, Tina Skahill for direct contact.
Q. Okay.
A. We were told that, you know, we weren't going to discuss this with anyone from Narcotics, that it would be handled at the chief level.
Q. Okay.
A. We would at some point be told -- how it was going to happen is somebody from

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Narcotics would just tell us that we're on an order to go and we just say, okay.
Q. Okay.
A. But we don't -- you don't go to work and ask or anything, it was just going to be handled.
Q. Okay.
A. Run silent.
Q. Okay. Other than what you've already testified to, do you recall anything else said in the August, 2008 meeting?
A. I know that we were reassured that we were doing the right thing and we were thanked for coming forward and that, you know, it's no secret in the Chicago Police Department that when you go against officers --
MR. KING: I move to strike the response.
BY MR. KING:
Q. My question is do you recall anything else being said --
A. Yes.
Q. -- in the August, 2008 meeting?
A. Yes.

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Q. Okay. And I don't want to hear about secrets or no secrets. What else was said in the August, 2008 meeting?
A. I was just about to tell you. I said in the meeting, it's no secret that when you go against other officers in the department, the things that can happen to you.
Q. Someone said that in the meeting?
A. I said it.
Q. Okay. You said it?
A. Yes.
Q. Okay.
A. And I was extremely concerned.
Q. Okay.
A. And we were reassured that we were doing the right thing and that, you know, we would be protected.
Q. Okay.
A. And that people come forward and you never know about it, we should have no fears.
Q. Okay. They were basically telling you they do things like this all the time, you shouldn't worry?
A. Correct.

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Q. Okay. Anything else you can recall being said in that meeting?
A. I think the major points are covered.
Q. Okay.
A. I believe so.
Q. Okay. Was it your understanding that -- well, strike that.
Just so I'm clear, would you say that you and Officer Echeverria agreed to participate under these terms, you weren't -- this wasn't something you were coerced to do against your will, was it?
A. Well, I can tell you we were told in this meeting, we're not asking, we're informing you that you will be part of this investigation.
Q. Okay. Did you agree to be part of the investigation?
A. When a chief tells you you're going to be part of the investigation, you agree to it.
Q. Okay.
A. Yes.
Q. Okay. My question is did you not want to be part of this investigation but you were

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ordered to, is that what your testimony is?
A. I was concerned about being part of this investigation and I was reassured that -- from the chief that it would be fine. And so yes, we agreed to be part of the investigation --
Q. Okay.
A. -- under those conditions.
Q. Fair enough, okay.
Was it your understanding that immediately after that meeting, you were going to Detached Services or would it be some time later that you would be told that you were going to Detached Services?
A. She just said that it would happen soon.
Q. Okay. If you'll look at Paragraph 28 of the Amended Complaint. You say that certain CPD command staff knew of your involvement with the Watts investigation, including the superintendent and former deputy superintendent Kirby and the chief of IAD at the time was Tina Skahill and later Juan Rivera, correct?
A. Correct. And also to that list I

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believe was Brust, who worked under Jodie Wies, and I cannot tell you --
Q. Sure.
A. -- his position or his first name or anything. I never met the man.
Q. That's fine. What's your basis for saying Superintendent Wies was aware of your participation in the investigation?
A. Because during that meeting with Chief Skahill, Tom Chester, Barb West and Patrick Smith, we were told the only people that will know about it are the people in the room and that list was given to us, these people. And nobody else outside this circle, other than Liz Glatz.
MR. KING: I move to strike the answer as nonresponsive.
BY MR. KING:
Q. What's your basis for saying that the superintendent of police Jodie Wies had knowledge of your involvement in the Watts investigation?
A. Because the superintendent was briefed about Operation Brass Tax by somebody from the

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IAD office, I believe it would be the chief. And whether Barb West was present or not, I was not at the meetings or the briefings.
Q. Okay. During the August, 2008 meeting, are you -- is it your testimony that you were told that the superintendent would be made aware of your involvement in Operation Brass Tax?
A. Yes.
Q. Okay. During that August, 2008 meeting, is it your testimony that you were made aware that Deputy Superintendent Kirby would be made aware of your involvement in the investigation?
A. Yes.
Q. Okay. And obviously Chief Skahill was in the meeting, so she knew about your involvement of the investigation, correct?
A. Yes.
Q. And you think that Mr. Brust, that he may or may not have told you that he would also be made aware of your involvement in the investigation, is that your best recollection?
A. My recollection is his name came up as being a person that had knowledge of it, but I

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don't know if it was in this meeting or later on in the investigation.
Q. Okay. So these individuals, Superintendent Kirby and Brust possibly, you were being told in the meeting that they already had knowledge of this?
A. That they --
Q. Correct?
A. That they -- I was being told that they would be the only ones who would have knowledge. Whether they already had knowledge or they had knowledge after the meeting, I can't say because I'm not privilege to those meetings.
Q. Right, right. So you have no personal knowledge of what the superintendent had knowledge of with respect to your involvement in the investigation, correct?
MR. SMITH: Objection, are you asking at the time of the meeting or subsequent?
BY MR. KING:
Q. I'm asking at the time of the meeting.
A. I have no idea.
Q. Okay. So after that August, 2008 meeting, there was a period of time where you

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continued to work in Narcotics before you were told that you were being detailed to Detached Services, correct?
A. Yeah, about two days.
Q. About two days, okay.
So on Paragraph 29 of the Amended Complaint, you indicated that you were detailed to Detached Services at a certain point and you then reported directly to FBI headquarters; is that correct?
A. Yes.
Q. And our records indicate you were detailed to Detached Services early August, 2008. Does that sound correct?
A. That's what your records reflect?
Q. Yes.
A. That's --
Q. I'm just asking if that sounds correct to you.
A. Yes, because it was immediately after the meeting with Chief Skahill.
Q. Okay.
A. When I say immediately, days. That fast.

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Q. Okay. And when you were then detailed to Detached Services and reporting to the FBI, was it your understanding at that point that that was all you were going to do, was work on the Watts case with the FBI or would you work on the Watts case as needed and then you performed other responsibilities in the Detached Services unit?
A. Our purpose for being detailed to the FBI was to work on Operation Brass Tax.
Q. At the time you were detailed to Detached Services, was it your understanding that you were going to spend all of your work time working on Operation Brass Tax or that you would work on it periodically as needed and also have some responsibilities within Detached Services?
A. Work on Operation Brass Tax full time with no responsibility -- other responsibilities within 543.
Q. Okay. And what was the basis for that understanding?
A. Because that's what we were told we were going to do in that meeting by the chief --

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Q. Okay.
A. -- Tom Chester, Liz Glatz. We reported to her periodically. We would go into 543, but 2111 West Roosevelt is where we reported.
Q. Okay. Paragraph 30 of the Complaint you say, over the next several years, Plaintiff continued to work on Operation Brass Tax. During that time, you were also encouraged by CPD command staff to develop other Narcotics related cases, which overlapped with their work on Operation Brass Tax.
Who encouraged you to develop other Narcotics cases as alleged in Paragraph 30?
A. Juan Rivera.
Q. Okay. And at the time Juan Rivera was chief of the Internal Affairs Division, correct?
A. Correct.
Q. And do you know why Chief Rivera asked you to also work on other Narcotics cases?
A. Yes.
Q. Why?
A. Because I told him that during the course of the investigation, we were coming across very credible Narcotics information that

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did not pertain directly to Operation Brass Tax but that Chicago Police Narcotics Division could use and develop conspiracies or search warrants. And he said, as long as it doesn't compromise Brass Tax or overlap it, by all means, any intelligence that you gather regarding Narcotics, you have my blessing to go back to Narcotics and forward that information to the officers and supervisors there and I will sign off on any overtime that you work with them on cases that you develop. Because if you can kill basically two birds with one stone --
Q. Sure.
A. -- by all means, do it, as long as it does not interfere, compromise the integrity of Operation Brass Tax.
Q. Okay.
A. You can't cross that line.
Q. Do you recall how long you were working out of FBI headquarters before you had that conversation with Chief Rivera?
A. I don't.
Q. Okay. Any sense of whether it was in 2008, 2009, 2010?

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A. It might have been about 2010.
Q. Okay. And when you were reporting to the FBI to work at that headquarters but were also in the Detached Services unit, did you have an understanding of there was someone in Detached Services that you were supposed to report to also?
A. No.
Q. During that time when you were in Detached Services and reporting to the FBI headquarters, do you know if your time, the A&A sheets for you were being kept in Detached Services?
A. I believe they would be.
Q. Okay.
A. But I never questioned that. I never asked that question.
Q. Okay. And you believe they would be because --
A. Why would the FBI have them.
Q. Okay. And you were detailed to Detached Services Unit 543, right?
A. Yes.
Q. Okay.

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A. To the best of my knowledge, we were. That's what we were told.
Q. Okay.
A. I can't be sure how they recorded it because I'm not privilege to the records.
Q. Are you familiar with Lieutenant Cervanka?
A. I know who he is, yes.
Q. Was he ever a lieutenant in your chain of command at any point?
A. He was.
Q. At what period of time was -- were you working ultimately under Lieutenant Cervanka?
A. When Chief Limon called me after I was the victim of the robbery and battery and asked me if I had been working with my partner Danny Echeverria, set back up with him. And I told him, no. And he said, well, I'll adjust that and take care of it. He then moved me to work on Sergeant Roderick Watson's team with Danny Echeverria, which fell under Cervanka's command.
Q. Okay.
A. And that was for a brief time prior to going to 543.

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Q. Was there any time while you were working in Detached Services and working on the Watts investigation that you were told to report to Lieutenant Cervanka?
A. No.
Q. Do you have any knowledge of whether Lieutenant Cervanka was aware of your work on Operation Brass Tax while you were in Detached Services?
A. No. He was not in that list of who would have knowledge of it.
Q. Okay.
A. So I don't believe he should have had knowledge of it.
Q. Okay. You don't recall any circumstances where you were instructed by anyone that on days that you were going to be working at the FBI, that you would let Lieutenant Cervanka know that you'd be over at the FBI and not working at Detached Services?
A. At no time did anybody tell myself, tell me that I was ever to report to anybody from Narcotics.
Q. Okay. You testified earlier that

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Chief Rivera told you essentially if you came across credible Narcotics information that might help an investigation, you should report that. Did he tell you who you should take that information to?
A. He told me, feel free to pass it on to someone that we may have known or worked with in Narcotics.
Q. Okay.
A. To pass the intelligence on.
Q. Okay. And were there any situations while you were in Detached Services, that you did pass intelligence on to anyone in Narcotics?
A. Yes.
Q. And whom did you pass that information onto?
A. Sergeant Jay Padar and at the time Anthony Hernandez worked on his team.
Q. And those would be the only two individuals?
A. Other members of the Narcotics team would work on the cases, but those were the individuals we contacted or we discussed with.
Q. Okay. How many times do you think you

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provided information to Sergeant Padar while you were in Detached Services and working on the Watts investigation about other Narcotics cases?
A. Multiple times. I can't be sure of the exact amount.
Q. And would that be the same for Officer Hernandez?
A. Correct.
Q. Okay. But other than you communicating information to them, you didn't talk to anybody else in Narcotics about the information or evidence that you'd come up with?
A. Okay. That's -- we would initially speak to one of those individuals being Padar or Hernandez.
Q. Sure.
A. Once the information was provided and the supervising sergeant Jay Padar decided that they were going to work it, we would then talk to other team members if we were going to go do a search warrant or something.
Q. Sure.
A. But the initial intelligence was --

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Q. Right.
A. -- given to them and then that was how it flowed to the team.
Q. Right. So you mentioned, for example, if you were going to do a search warrant -- so at times while you were in Detached Services and you were working on the Watts investigation with the FBI, at times you were also working on Narcotics cases; is that your testimony?
A. Yes.
Q. Okay.
A. It happened multiple times.
Q. Okay. And when you were working on Narcotics cases, did you have an understanding of who you reported to in connection with that work of Narcotics cases?
MR. SMITH: I'm just going to object to the form of the question, vague as to reported to.
BY MR. KING:
Q. Did you understand my question?
A. Could you say it again, please?
Q. During the period when you were in Detached Services and you were working on the

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Watts investigation, you testified that you were also from time to time working on Narcotics cases.
Did you have an understanding of who your direct report was, if anyone, while you were working on those Narcotics cases?
A. Yeah. We reported directly to Tom Chester and we would inform Tom Chester and also Juan Rivera directly.
Q. Okay. During that same period of time, were you ever told that you needed to let someone know on the days that you'd be working on the Watts case, someone within the police department?
A. No. We would report to work at the FBI building. What do you -- what do you mean someone? Tom Chester was within the police department, but he was at the FBI building.
Q. Okay. So if there were days where you didn't go to the FBI building because you were working on a Narcotics case, were you supposed to report what you were doing for that day, hey, we're not going to be at FBI, we're going to be in Narcotics? Were you supposed to tell someone

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that?
A. We weren't, per se, in Narcotics.
Q. Right.
A. But rather just forwarding the information.
Q. Sure.
A. And then the search warrants that Officer Echeverria and I participated on were always overtime and we would report directly to Sergeant Padar, who was conducting the search warrants then.
Q. Okay.
A. And that was with Juan Rivera's consent.
Q. Okay. So is it correct that when you were in Detached Services and you provided information to Sergeant Padar or Officer Hernandez and that led to further work, as you just said, was that work always under Sergeant Padar?
A. Yes.
Q. Okay. I assume the decision to move you to Detached Services so that you could work on the Watts case, you're not claiming that that

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decision was part of any retaliation against you in this case, are you?
A. When Tina Skahill moved us?
Q. Yes.
A. No.
Q. And, in fact, you're not alleging, the Plaintiffs are not alleging that Tina Skahill retaliated against you or harassed you in any manner in this case?
A. Not in any manner whatsoever.
Q. Okay. If I could direct your attention to Paragraph 31 in the Amended Complaint, which indicates, on an unknown date, information that Plaintiffs had reported criminal misconduct by a sworn officer and were working with an outside investigation was leaked within the department and became known to Defendant Commander O'Grady. What's the basis for your allegation that information was leaked to Commander O'Grady?
A. Okay. If I may, I need to back you up just a little bit because that's really a two-part question. How we found out the information and then who we addressed it to.

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Q. My question for now is what's the basis for the allegation that information was leaked to Commander O'Grady?
A. Okay.
Q. How do you know that?
A. Because on one of the search warrants that we were conducting with Sergeant Jay Padar and his team, we were in the 7th District parking lot after the search warrant. And Sergeant Jay Padar handed me back a file that I had submitted, along with Officer Echeverria, to register our -- register our informants who were already registered as FBI informants with the Chicago Police Department so they could be compensated --
Q. Okay.
A. -- for the work that they were now doing on these other Narcotic cases that were --
Q. You were trying to get approval for a confidential informant to get paid?
A. Correct, under these.
Q. Okay.
A. The approval you have to be assigned --

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or an undercover or assigned to 189, which we were, and it has to come from then Commander James O'Grady, who I never worked under. I was gone before he came, okay.
Q. Right.
A. It was submitted. Commander --
Q. Let me stop you for a second. You said you were assigned to 189 and, in fact, at the time were detailed to Detached Services, correct?
A. Correct. But the way that works, we're assigned and then detailed.
Q. I understand.
A. So that is correct.
Q. Okay. So Padar, Sergeant Padar hands you a form, I think you said?
A. No.
Q. I'm sorry.
A. Okay. He hands me back --
Q. Right.
A. I completed a file, submitted it, gave it to Padar, who submitted it to Commander O'Grady. Commander O'Grady then signed off on it.

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Q. Okay. Just to stop you. The information you're testifying to is based on what Sergeant Padar told you in the parking lot, correct?
A. Correct.
Q. Okay. So did he tell you that Commander O'Grady had signed off on it?
A. He handed me back the file and I looked at it and saw that it was signed off.
Q. Okay.
A. And then he said that there was a yellow Post-it on it for him to go see Commander O'Grady.
Q. Okay. So when you saw the form, it had been signed by Commander O'Grady?
A. Yes.
Q. And there was a yellow Post-it on it telling Sergeant Padar to see Commander O'Grady about this?
A. Yes.
Q. Okay.
A. It was -- the Post-it was on the outside envelope of the packet. It was multiple forms.

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Q. Okay. Did Sergeant Padar say anything else to you in that conversation --
A. Yes.
Q. -- in the parking lot?
A. Yes.
Q. What else did he tell you?
A. He said -- when I went in there, Commander O'Grady said to me, he said, I will not approve this with these two IAD rats Spalding and Echeverria on here. If you want to remove their names, I will approve the informant for Hernandez only. Furthermore, you are no longer to ever work with them. I don't want them in this building, you never cross their paths. And if you are out there and they call a 10-1, which is a police emergency, you or any member of this division is not to respond.
And I looked at him and I said, why in the hell would a commander who never met me say something like that. He said, don't kill the messenger, I have no idea. So do you want to remove your names. And I said, no, and I took the file back, which is now in possession of my attorney.

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Q. Okay.
A. Okay. And then I'm --
Q. Are we still talking about with Sergeant Padar, the conversation with you and him in the parking lot?
A. Yes.
Q. Is your partner, Officer Echeverria, there at this time also?
A. Yes. Along with another witness.
Q. Okay. Who else was there?
A. Anthony Hernandez.
Q. Okay.
A. Because it was his search warrant.
Q. Okay. Was there anything else said in that conversation by either Sergeant Padar or you or Officer Hernandez or Officer Echeverria?
A. Yes.
Q. What else was said?
A. I said, you mean to tell me if Danny and I leave this parking lot and someone has opened fire on us and shooting on us, you will not respond? Sergeant Padar said, I can't and I won't. I have my orders, I can't mess up my job. But someone on the zone will come, it just

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won't be anyone from Narcotics.
We took our file -- and he said, we have the search warrant for 7:00 tomorrow morning. After that, I have my direct orders, we are to part ways and our paths are never to cross again per Commander O'Grady.
Q. Okay.
A. With that information --
Q. Let me just stop you.
Other than what you've already testified to, was there anything else said in that conversation in the parking lot?
A. I remember asking him, you know, why Commander O'Grady would do this and why he thought we were working with IAD. And he said, I'm not sure where his information came from, I'm not privilege to that. I just know that that's what he said.
Q. Okay. So you don't know -- if Commander O'Grady had learned that you were working with IAD, you don't know how he learned that or what the source of that information is, correct?
A. I do know.

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Q. You know now?
A. I do know now.
Q. Okay. What's your understanding of the source of that information to Commander O'Grady?
A. Once that incident occurred, my partner Echeverria and I went to Juan Rivera and I was absolutely mortified that my -- that somebody may have knowledge of the investigation. It was clear Commander O'Grady had insider information as to what we were doing, because he knew that there was a confidential investigation into other officers, okay.
Q. Okay.
A. So with that information, I asked Juan Rivera, how in the hell would Commander O'Grady have known this. And he said, that may be my fault.
Q. Okay.
A. And I asked Juan Rivera, what do you mean, that may be your fault? He said, I might have fucked up.
Q. Okay.
A. He said, I went to Ernie Brown, the then chief of Organized Crime, and told him you

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two were working on Operation Brass Tax and the nature of the investigation.
And I asked Juan Rivera, why in the hell would you do something like that when you know there are connected relationships with him and the targets of the investigation that is jeopardizing our safety. He said, I did it with the hopes that Ernie Brown would then put you in place for the FBI Task Force. But instead, he held a meeting and told everybody with his commanding officers over there when he wasn't supposed to do that.
Q. Okay. We'll come back to that, that conversation with Rivera. But when you were executing search warrants and doing work for Sergeant Padar --
A. With Sergeant Padar.
Q. -- with Sergeant Padar, that was work in the Narcotics unit, correct?
A. No.
Q. It was Narcotics work?
A. It was -- it was us providing, once again, intelligence of narcotics activity --
Q. Okay.

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A. -- so that the Narcotics officers could then go and --
Q. Sure.
A. -- execute the search warrants and build up conspiracies, which we did not work on.
Q. Okay.
A. We only worked on the information we provided where our informant would be the witness for the search warrant or something --
Q. Right.
A. -- and we were necessary to be involved in.
Q. My point is you were spending some of your time not on the Watts case but you were spending it on things related to Narcotics investigation, correct?
MR. SMITH: Objection to the form of the question, vague and Narcotics is the work.
BY MR. KING:
Q. You're in the parking lot talking to Padar and you're providing information, you testified, about other Narcotics matters.
So I'm just asking you when you're

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doing that, you are assisting with Narcotics cases other than the Watts case, correct?
A. On overtime, yes.
Q. Okay. And at the time, James O'Grady was the commander of the Narcotics Division, correct?
A. Yes.
Q. And at the time, Ernie Brown was the chief over Organized Crime that included the Narcotics Division, correct?
A. Correct.
Q. You testified that when Sergeant Padar told you this information that Commander O'Grady had allegedly said, you had never worked for O'Grady previously, correct?
A. Correct.
Q. Did you know Commander O'Grady at all?
A. No.
Q. Okay. And I apologize for interrupting you. Let's go back to the conversation that you had with Juan Rivera once you learned that Commander O'Grady was aware of your work, as you allege, on Operation Brass Tax.
Sergeant -- or Chief Rivera indicates

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that he told Ernie Brown and you testified that he had done it for a certain reason and instead that Ernie Brown held a meeting. What did Rivera tell you about the meeting that Ernie Brown held?
A. He said that instead of keeping the information confidential, it's apparent that he opened his mouth to everyone of his -- you know, at least the command staff, which then obviously trickles down, because now Sergeant James Padar knows about it, too.
Q. I just want to know what specifically Rivera told you out of his mouth in this meeting. What -- tell me about that conversation, everything that you can recall.
A. Everything I just said.
Q. And was Officer Echeverria part of this meeting, as well?
A. Yes. And it was in the -- it was not a meeting in a room where we were sitting down.
Q. Sure.
A. It was a conversation in the hallway outside of his office.
Q. Okay.

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A. And yes, Officer Echeverria was there. I was very upset. I even -- I said, I wanted to be removed from the investigation, that I didn't feel safe, my identity had been compromised. And these people all have access to where I live, my daughter. And the crimes alleged against these members that we're investigating, are very serious allegations. And I did not feel safe at all. And he -- he violated every -- everything that I was told would never happen.

Q. All right. I'm going to move to strike the answer. My question -- and I do apologize for interrupting you when you started talking about the conversation.

But I'm going to ask you to start from the beginning. You and Officer Echeverria are in the hallway and you have a conversation with Juan Rivera where he tells you about the fact that he had disclosed it to Ernie Brown.

A. Correct.

Q. Tell me everything you recall you saying --

A. Okay.

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Q. -- Officer Echeverria saying --

A. Okay.

Q. -- or Juan Rivera saying in that hallway conversation.

A. I said -- I informed Chief Juan Rivera -- I wanted to know --

Q. Take your time.

A. -- how the hell Commander O'Grady knew to the point that a sergeant would tell me that he would go the other way if I was being shot at and that they would not respond.

And this is a man I have never met. How the hell did O'Grady find out to the point that you put my life and my partner's life in jeopardy. And Chief Rivera said -- and Chief Rivera said --

Q. Take your time.

A. -- that may be my fault, I might have fucked up.

Q. Okay.

A. And I'm quoting, so I apologize.

Q. Sure.

A. I went to Ernie Brown and I told him that the two of you were working on Operation Brass Tax and the nature of the investigation, but I did it in hopes that he would then put you on an FBI Task Force. And I told Juan Rivera, why would you tell someone that has relationships with the targets of the investigation? It could compromise the investigation. It definitely compromised our safety. It's supposed to be a confidential investigation. It doesn't make any sense is what I'm telling him.

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Q. Okay.

A. That you're the chief and you would tell this person. I don't feel safe anymore. I want to be removed from the investigation. He said, you can't. This is an important investigation. You have to stay on it. Hang in there. Hang in there. Hang in there when I have people telling me that I could be shot and they're not going to help me in the street.

And he said that Ernie Brown was supposed to keep that information confidential, but instead he had a meeting with then Deputy Chief Nick Roti and Commander O'Grady and obviously his command staff. I don't know everybody.

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Q. Did he tell -- who did he tell you, who did Rivera tell you that the meeting Brown allegedly had with? Did he --

A. He only named who was then deputy chief was Nick Roti, Nick Roti. I'm sorry. Nicholas Roti, if I'm saying that name correct, and then Commander O'Grady.

Q. Okay.

A. And then he told me that I had to stay on this investigation.

Q. Other than him telling you that Ernie Brown had had a meeting with Nick Roti and O'Grady, did he tell you anything else about it?

A. That he was supposed to keep his F-ing mouth shut.

Q. Okay.

A. He wasn't supposed to do that.

Q. And it was your understanding that Juan Rivera was not in this meeting that Ernie Brown allegedly had with Roti and O'Grady, correct?

A. I didn't perceive it that he was in the meeting.

Q. Okay.

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A. But I was not there and I don't know who was there.
Q. Right, right.
So other than what you've already testified to, do you recall anything else that you, Officer Echeverria or Juan Rivera said in this hallway conversation?
A. That we were just to continue working on Operation Brass Tax, lay low, stay off the radar, do not go around, you know, Narcotics and all that. He said -- we obviously can't work with them anymore. But just don't -- steer clear of Narcotics, stay away from them for your own safety. You know, fly under the radar, lay low. You report directly to me, you tell me, you know, what you guys are doing and fly under the radar, unseen, unheard for your own safety.
Q. Okay. Do you recall anything else being said?
A. I really -- you know, other than me saying several times that I wanted off of this and being told to hang in there.
Q. Do you recall if Officer Echeverria said he wanted off of this?

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A. I know he did.
Q. Do you recall if he said that in the meeting?
A. I don't know.
Q. Okay.
A. I'm not sure at this point.
Q. Okay. And after that conversation with Juan Rivera, did you, in fact, stop working on any Narcotics cases?
A. Yes. We had no choice.
Q. My question is --
A. We stopped.
Q. -- after the conversation, did you stop working on any Narcotics cases?
A. With --
Q. Other than the Watts investigation.
A. Watts investigation is a Narcotics. Other than the -- other than the Watts investigation. Do you mean FBI-wise or do you mean CPD-wise?
Q. I mean CPD-wise.
A. Yes, we stopped.
Q. Okay.
MR. SMITH: Is this an okay time to take a break?
MR. KING: Absolutely.
(Whereupon, a discussion was had off the record.)
(Whereupon, Spalding Deposition Exhibit No. 2 was marked for identification.)
BY MR. KING:
Q. Officer Spalding, I'm showing you another document that's been marked as Spalding Deposition Exhibit No. 2. And I would ask you to take a look at this document and let me know if you've ever seen this before.
A. This is part of -- yes. The answer is yes.
Q. Okay.
A. This is part of the informant packet that I and my partner Officer Echeverria submitted to have our informant approved --
Q. All right.
A. -- registered with the Chicago Police Department to Sergeant Jay Padar who in turn turned it into Commander O'Grady.
Q. Okay. And you say this is part of the packet, correct?
A. No, I don't know if -- yes, it is part of the packet.
Q. Okay. And if you look on Page 1 of this document, does it appear to be signed by Commander O'Grady?
A. Yes.
Q. Okay. Where do you see Commander O'Grady's signature?
A. Isn't that the second one? Am I mistaken?
Q. On the right side of the page under Jay Padar, you believe that's Commander O'Grady's signature; is that correct?
A. I thought it was.
Q. Okay.
A. It's not?
Q. Other than --
A. I can't read it.
Q. Okay. That's fine.
A. I thought it was Commander O'Grady's.
Q. Other than not having the yellow Post-it note on Exhibit 2 that you testified to before, does this look like -- is this the

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document that you were testifying about previously?
A. This is part of it, yes.
Q. Turning your attention back to Exhibit 1 of the Amendment Complaint.
A. I'm sorry, where are we?
Q. The Amended Complaint. And we'll look at Paragraphs 34 and 35 deal with -- well, take a look at 34 and 35. And my question is the basis for the information alleged in -- let me strike that. Let's just direct your attention to Paragraph 35.
And my question is the basis for what's alleged in Paragraph 35 is what Jay Padar told you in the parking lot what you've already testified to, correct?
A. Correct.
Q. Okay.
MR. SMITH: I object --
BY MR. KING:
Q. And directing your attention to Paragraph 36, you allege that by interfering with your ability to develop Narcotics cases in the unit, Defendant O'Grady intentionally

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prohibited Plaintiffs from earning overtime. And that's based on your prior testimony that Jay Padar was allowing you to work overtime on some Narcotics cases, correct?
A. Correct.
Q. Okay. And do you happen to know how much you made in overtime in 2008?
A. Not much. It was stopped.
Q. Okay.
A. I have no idea the amount to be honest with you.
Q. Okay. How about let's say 2007, 2006, any of those years, do you know the amount of overtime you earned?
A. I have no idea.
Q. Okay. How about 2009 or 2010, do you know the amount of overtime you earned?
A. No, I don't even know the amount. But 2010 was much more than the rest of them, I believe.
Q. You believe?
A. Or maybe it was 2011. The VRI program. I don't know.
Q. Okay.

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A. I have no idea.
Q. Okay. As you sit here, you don't have any idea how much you earned in overtime in any of the years between 2006 and 2014; is that fair to say?
A. That's fair to say.
Q. Okay. Now, directing your attention to Paragraph 38 of the Amended Complaint. What's the basis of your allegation in Paragraph 38 that, on one or more dates, multiple Defendants discussed the handling or treatment of Plaintiffs. At one such meeting, Plaintiffs' possible reassignment was discussed. In response, Defendant O'Grady referred to Plaintiffs as rats and stated he did not want Plaintiffs working in his unit.
Is that also based on what Jay Padar told you in that conversation in the parking lot?
A. No.
Q. Okay. What's the basis for that allegation in Paragraph 38?
A. The basis is -- you're going to ask me for the date and I can't tell you the date.

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Q. So you're about to tell me about a meeting that you believe occurred?
A. That I know occurred.
Q. Okay. Were you in the meeting?
A. No, I was not.
Q. So you're going to tell me about a meeting you believe occurred, correct?
A. I'm going to tell you about a meeting Juan Rivera informed me of that occurred.
Q. Okay. Do you know what year that meeting was?
A. It was right at the time -- the day before we were reassigned from 543 to the academy. Is that Unit 041? The police academy.
Q. Okay.
A. So the day before that.
Q. Okay. Juan Rivera told you about a meeting the day before that or he told you the meeting happened the day before?
A. The meeting occurred the day before.
Q. Okay. So when did Juan Rivera tell you about the meeting, the same day or was it later?
A. It was -- it was the next day, I

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believe. It was within a couple of days of the meeting.
Q. Okay.
A. The day of, the day after.
Q. Okay.
A. Shortly after the meeting occurred.
Q. Okay. And what did Ron -- Juan Rivera tell you about this meeting?
A. Juan Rivera stated that in the meeting when we were being reassigned from 543, removed from the Brass Tax investigation, that a meeting was called and present in the meeting was Beatrice Cuello, James Jackson, Nick Roti or Roti. I'm sorry, Nick Roti, James O'Grady, Juan Rivera, and I don't recall if he mentioned anyone else or not.
Q. I thought you previously testified that Juan Rivera was not in this meeting.
MR. SMITH: Objection, it assumes it's the same meeting.
THE WITNESS: That's not the same meeting. This is the meeting on -- are you talk -- this is not the Ernie Brown meeting.
BY MR. KING:

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Q. Right. I'm talking about the -- at one such meeting, as you allege in Paragraph 38, that's the meeting we're talking about now, correct?
A. Yeah.
Q. Okay.
A. It's -- I believe -- I believe 38 is referencing a meeting that happened in regards to us being removed from Operation Brass Tax, at which point Beatrice Cuello wanted us returned to Unit 189.
Q. And you found out about the content of this meeting from Juan Rivera, correct?
A. That is correct.
Q. Tell me everything you recall -- strike that.
Did Juan Rivera tell you about this meeting in person or in a telephone call?
A. In person.
Q. And was Officer Echeverria also there?
A. Yes.
Q. Was anyone else present?
A. No.
Q. Okay. And tell me what Juan Rivera

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said, what you said, what Officer Echeverria said in that conversation.
A. I believe that 38 is referring to the meeting that occurred the day before we were removed from Operation Brass Tax. So if, in fact, that is the one that we're referencing, he stated shortly after, within the next day or so, that in that meeting -- the individuals that I named -- do you want me to repeat them? No, you're good? Beatrice Cuello, okay.
Beatrice Cuello wanted us removed from 543. And usually you return to your unit of assignment and she was requesting that we go back to work for O'Grady and Nick Roti. At which point Juan Rivera stated that O'Grady said in the meeting that I'm not taking those F-ing IAD rats back; and furthermore, God help them if they need help on the street, he's not -- it's not going to come. She's going to -- I'll bounce her to the 3rd District on midnights and him, I don't remember if it was the 14th or 13th District on midnights. We're not taking -- under no circumstances are they coming back here. And then --

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Q. You mentioned in your description of the meeting, you made a comment that normally you'd go back to your unit, that -- that's your understanding. You weren't relating what Chief Rivera told you about the meeting, correct?
A. No, no. He said, normally you would just go back, but they don't want you back.
Q. Okay.
A. They're not going to take you back because --
Q. I understand. Chief Rivera told you that?
A. Yes.
Q. So Paragraphs 38 and 39 are both what was -- Paragraph 39 is part of what was said in the meeting, correct?
A. I didn't even read that far. But yes.
Q. What else -- other than what you've testified to, what else did Juan Rivera tell you was said in the meeting?
A. He said that not only did -- not only did they not want to take us back because we assisted on a confidential investigation against other officers, but he'd like to see us fired,

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that our careers were over.
Q. Rivera said -- who said that they'd like to see you fired?
A. O'Grady.
Q. Okay.
A. And then --
Q. Do you recall anything else that Rivera said in the meeting?
A. Yes. At this time, Nick Roti is now the chief and Ernie Brown is no longer the chief.
Q. Chief of Organized Crime?
A. Of Organized Crime, correct. And that we would never, ever work in Organized Crime again or any task force or anything. It will never happen.
Q. Did Rivera tell you that or did Rivera say that someone said that in the meeting?
A. Rivera said that Nick -- Chief Nick Roti said that. And he said, that's a big problem because if you are to go to any task force after this, Nick Roti is the one who has to sign off on it. But because you assisted --
Q. I understand. I'm just asking you

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about what Rivera said to you.
A. Rivera is telling me this. But because you guys assisted with this, they don't want you in their unit.
Q. Okay.
A. Juan Rivera also said that it's really -- your careers are over.
Q. Rivera said that, he didn't -- someone said that in the meeting?
A. No. Rivera was -- it was Rivera's opinion that our careers were over.
Q. Okay. Do you recall anything else that was said in the meeting with you, Officer Echeverria and Juan Rivera?
A. Yes. I recall that he said that his hands were tied because Nick Roti is in bed with the superintendent, that's his drinking buddy. And whatever he says, Gary McCarthy -- no, that was a different time. I'm sorry. That was a later time. Please disregard that, because this is later. It wasn't that time. This time was just about the meeting from 543.
Q. Right.
A. No, he said that he was limited in how

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he could help us and that our careers were over.
Q. Okay.
A. That was it, basically.
Q. Okay. And you don't recall anything else being said?
A. Not.
Q. You don't have to.
A. Not at this time.
Q. Okay.
A. I don't -- I don't know if I will later, but I don't now right at this moment.
Q. Did Rivera tell you at that point that the two of you were going to be sent back to patrol, meaning you and Officer Echeverria?
A. Earlier that day, that same day on the -- we heard when we reported to the academy -- no. To answer your question, at that moment in time in that same conversation, no.
Q. Okay. Let's -- I think this is going to get to what you are going to testify about. If you look at Paragraph 45 of the Amended Complaint, you allege that Chief Kirby caused the two of you to be removed from your detail in 543 Detached Services.

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Can you explain the basis of that allegation, why you believe Defendant Kirby caused you to be removed?
A. Yes. On that date in question, which was late May of 2011, the person that we were to report to in 543 was Lieutenant Liz Glatz. She went on furlough and was in Ireland. She was the only person within the unit that knew what our true assignment was.
Q. Okay.
A. Okay. I don't know --
Q. To the best of your knowledge, she was the only person in the Detached Services who knew what your true assignment was?
A. To the best of my knowledge.
Q. Okay.
A. Okay. So on the date in question, the acting commanding officer in her place while she is gone is a Sergeant Jill Stevens.
Q. Okay.
A. She calls my partner Echeverria and states that --
Q. And just to stop you for a moment. This was a conversation between Jill Stevens --

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A. And Echeverria.
Q. -- and Echeverria? You were not part of the conversation?
A. I was not part of it. She called him on the phone.
Q. And what's your understanding of what was said in that conversation?
A. What my understanding was is that Jill Stevens related to Officer Echeverria that she needed a specific form and she gave the name of the form, I don't recall what the name was, completed -- completed listing what our exact assignment was, the nature of our investigation, who we reported directly to. And Danny related back -- Officer Echeverria related back to Sergeant Jill Stevens that he would call her back.
Q. Go ahead.
A. Do you know the form I'm talking about?
Q. Go ahead. I do.
A. That she --
Q. Okay. So is it your testimony that your understanding is that after Jill Stevens requested whatever she requested, did --

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Echeverria was -- the only thing he said is that he'd called her back or did he say something else?
A. He said, can I call you back with that information. I don't know if she was asking if the form had been completed or informing him it needed to be completed or asking him to get the form completed by the supervisor. I do know that she was told that he would call her back and she was okay with that.
Q. Okay.
A. Is my understanding.
Q. It's based on what Officer Echeverria has told you?
A. Yes.
Q. Okay. Based on that understanding, you would agree that Sergeant Stevens asked for certain information in that phone call and Officer Echeverria did not provide that information in that phone call?
A. He told her he did not have that information but he would get that information for her and call her back.
MR. KING: Okay. Could you read my

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question back?
(Whereupon, the record was read as requested.)
BY MR. KING:
Q. Is that correct?
A. He was unable to provide the information she requested. So no, he did not provide it.
Q. Okay. Well, he knew information about what he was working on and who he was working with, he certainly knew information about the assignment. Your understanding is that he did not provide that to Sergeant Stevens, correct?
A. She did not request that. She requested that form be completed with the information.
Q. Okay. And what happened next that leads to your allegation in Paragraph 45 that Debra Kirby caused you to be removed from Detached Services?
A. What happens next is Danny immediately calls Chief Juan Rivera and states, Jill Stevens is requesting this information on a form that I am unfamiliar with. How do you want us to

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proceed with this?
Q. Yes.
A. Chief Juan Rivera instructed, gave Officer Echeverria a direct order and said, under no circumstances are you to tell Jill Stevens that you received this information from me because you will jeopardize, which was ironic, the confidentiality of the investigation, which --
Q. Now, let me just stop you and ask you. You said Officer Echeverria calls Juan Rivera --
A. That is correct.
Q. -- and Rivera tells him some things. Are you part of that conversation or no?
A. I am relating what Officer Echeverria stated to me.
Q. Okay.
A. I was not part of the conversation.
Q. Okay. So what else did Officer Echeverria tell you about that conversation with Juan Rivera?
A. He stated that Juan Rivera said, I want you to tell her the forms are already taken care of on your behalf and that under no

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circumstances are you to tell her that you spoke with me. Because then she will know that you are working with IAD and it will be confirmed. You are to tell her the forms are completed. And should she have any questions, she -- she would need to contact Debra Kirby, who will provide any answers to questions she has.

Q. Okay.

A. Officer Echeverria said okay, and followed his instructions.

Q. Okay. So it's your understanding that Officer Echeverria then calls Jill Stevens back, is that correct?

A. That is correct.

Q. And you're also not part of that conversation?

A. No, sir, I am not.

Q. And you learned from Officer Echeverria what's said in that conversation between himself and Jill Stevens?

A. That's correct.

Q. And what does Officer Echeverria tell you about what was said in that conversation with Jill Stevens?

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A. He states that when he called Officer Stevens back, he said words to the effect of, please don't take this as any disrespect, but I was told to tell you that -- by my chief that those forms are completed on our behalf and that should you have any further questions, you would need to contact -- or need further information, that your source of information should come directly from Debra Kirby and that you should contact her and she should be able to answer any questions that you have.

Jill Stevens then said, what chief was that. And Danny again said, I apologize, you know, but I cannot give you that information, I am not at liberty to say. And she said, so you're telling me you are refusing to answer my question. Officer Echeverria said, it's not that I'm refusing, I've been given a direct order not to disclose that information. Words to that effect.

Q. Okay.

A. At which time Jill Stevens says, well, then I will let her, referring to Beatrice Cuello, know. She said I will let her --

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Q. Did she say her or did she say Beatrice Cuello?

A. She said, I will let her -- I believe she said, I will let her. Because in the initial conversation, she had stated that per Beatrice Cuello, these forms needed to be completed.

Q. Okay. So to the best of your knowledge, it was Echeverria's understanding that Beatrice Cuello had asked Jill Stevens to call him and request this information; is that correct?

A. Yes, yes.

Q. Okay.

A. So when --

Q. And do you know -- do you have any knowledge of the circumstances as to why Beatrice Cuello would have called and asked Jill Stevens to contact Officer Echeverria and get information about his assignment?

A. We have information -- I have information as to why and then further information later as to why.

But the information immediately stated

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by Jill Stevens is that the interim superintendent would be leaving and the new superintendent would be coming in and they needed to have these forms completed.

Q. Okay. And to your understanding, was that said in the first conversation --

A. Yes.

Q. -- between Officer Echeverria and Jill Stevens?

A. Yes.

Q. Okay. So he understood that she was calling at the direction of Beatrice Cuello to get some information that the new superintendent needed, correct?

A. To the best of my knowledge, that is correct.

Q. Okay. And now going back to the last conversation you testified about, that Officer Echeverria had with Jill Stevens or the second conversation. Other than what you've already testified to, are you aware of anything else that was said in that conversation?

A. She said, well, then I will let her know that you are refusing to provide the

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information and hung up on him.
Q. Okay. And what, if anything, happened next that leads you to allege that Debra Kirby caused you to be removed from Detached Services?
A. Multiple things happened that led me to believe that. One, I received a call, I personally received a call from Sergeant Tom Chester shortly after this saying, what the hell is going on, what happened with Jill Stevens. I relayed the same information to him that we just discussed.
Q. Yes.
A. Do I need to repeat it?
Q. No.
A. Okay. At which point he said, Juan Rivera had absolutely no right to put Officer Echeverria in that position. He should have made that call to Debra Kirby himself and had Kirby call. He said, they're in an uproar, they're trying to throw you out of 543 over this. He said, and I've got to get ahold of Juan Rivera, Juan to straighten this out.
Q. Okay.

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A. He said, you should have never been put in that position, never.
Q. Okay.
A. Okay.
Q. Do you recall anything else being said in that conversation with you and Tom Chester?
A. I don't know if it was that first conversation, because I talked to him twice that day or the next conversation.
Q. Let's stick with the first one. Other than what you just testified to, can you recall anything else said in the first conversation?
A. I know that he said he was going to call Chief Rivera to try to straighten this out, that this was a big mess, that Beatrice Cuello was very upset.
And, again, I don't -- I don't know if in this first conversation he stated that Beatrice Cuello did call Debra Kirby and she denied having any knowledge of this investigation or that was a conversation -- because I was just hit with a ton of bricks.
Q. I understand.
A. And so I'm not -- you know, everything

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is unravelling at a fast face.
Q. Right.
A. So I -- you know, a lot of calls are going on, so I don't know if it's this one or the next one.
Q. Do you believe you had two conversations that -- with Tom Chester about this subject?
A. I don't know if they were on the same day or the next day.
Q. Okay.
A. But I had multiple conversation with him about this.
Q. And it's your testimony that in one of those conversations, Tom Chester told you what about Debra Kirby?
A. Tom -- in one of the conversations with Tom Chester, he told me that Debra Kirby had called and -- I mean, that Debra Kirby had been contacted and denied having knowledge, I was also informed by Juan Rivera of the same information.
Q. Juan Rivera told you that Debbie -- Deb Kirby had been contacted and denied having

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knowledge of your involvement in Operation Brass Tax, is that your testimony?
A. That's a polite way to put what he said.
Q. Tell me what he said.
A. Are you sure you want me to quote him?
Q. Yeah. Well, before you do that. In the multiple conversations you had with Tom Chester on this subject, other than what you've already testified to, can you recall anything else that was said between you and Tom Chester?
A. In the immediately -- following the events of Jill Stevens, not immediately afterward, no.
Q. Okay. Did you, around the same time you were having these conversations with Tom Chester, have a conversation with Juan Rivera about this subject?
A. We had -- at the same time I had immediately tried to call Juan Rivera, and he was not picking the phone up.
Q. Okay. Did you eventually speak with him?

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A. Yes. The next -- early the next morning.
Q. Okay. And was that a telephone conversation?
A. The first time, yes; the next time in person.
Q. Was the telephone conversation just between you and Juan Rivera?
A. It was between -- one conversation was between Danny, but we passed the phone back and forth.
Q. Okay.
A. So it was the same conversation --
Q. Okay.
A. -- with me and I don't know if it was from -- Danny called him or I called him, but we both spoke on the phone.
Q. Sure. There was one telephone conversation, you both spoke at times on the phone and then you had a meeting with Rivera about it; is that correct?
A. The same day. We were at the academy that day in the morning and we -- yes.
Q. Tell me about the telephone

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conversation that day you had with Juan Rivera. What do you recall you saying to him or him saying to you in the phone conversation.
A. Well, when I -- are you talking about the day I tried to call him -- okay.
Q. You told me that the day you were talking to Tom Chester --
A. Yeah, he didn't pick up. So then --
Q. -- he didn't pick up, you spoke to him on the phone the following morning.
A. Okay, the next morning.
Q. I'm asking you about that telephone conversation that morning.
A. That morning -- okay. So I informed him that we were at the academy, the night before we had received a call, I received a message that's from James Jackson that said, this is Deputy Superintendent Jimmy Jackson.
Q. You received a voicemail message?
A. A voicemail message.
Q. Okay. Tell me about what was left on the voicemail.
A. Okay. I received a voicemail message from Deputy Superintendent, I believe was his

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title, Jimmy Jackson. He said, Officer Spalding, this is Deputy Superintendent Jimmy Jackson with the Chicago Police Department, effective immediately today, you are no longer assigned to the FBI and you are being reassigned to Chicago Police Department. You are to report at 0700 to Beatrice Cuello at Unit 543 in uniform effective tomorrow morning.
Q. Okay.
A. The next morning --
Q. Did the message say you were no longer assigned to the FBI --
A. Correct.
Q. -- or no longer assigned to Detached Services?
A. You are no longer assigned to the FBI.
Q. Do you still have that voicemail message?
A. I may.
Q. Okay.
A. I may.
Q. I ask you and your counsel not to delete it to the extent it can be transcribed, I think that's called for in the request for

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produce in the case. But you can go back and check if you have any.
A. I certainly will.
Q. Okay. So then the following morning, do you have the phone conversation with Rivera before you report to the police academy?
A. While I guess upon arrival of the police academy. Because on the way there, we then received a call from the secretary of Beatrice Cuello that said, do not report here at 0700, you and your partner are going to go to a one-day retraining to transition back in or whatever she said. A one-day training at the academy, so report to the academy at 0800 and then -- for a one-day training.
Q. Do you know that secretary's name?
A. I can't think of it right now, but I do know her name.
Q. Did you speak with her or did she also leave you a voicemail message?
A. I spoke with her.
Q. And to the best of your recollection, she said a one-day training?
A. She said, per Deputy Chief Cuello --

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Q. Okay.
A. -- you are not to report here today at 0700, but rather you will be going to a one-day training session at the academy starting 0800, so just go straight there.
Q. Okay. And at that point, you had not yet talked to Juan Rivera?
A. No.
Q. Okay. And do you talk to Juan Rivera before you get to the academy?
A. I talked to him -- I briefly walked into the academy and there was no training schedule for the day, at which point we walked outside and called Juan Rivera.
Q. Okay.
A. I was talking to him and --
Q. Okay. Tell me your best recollection of everything that was said in that conversation with Juan Rivera.
A. I know I said that -- or we were down at the academy, that we had received a message from Jimmy Jackson to report down there and that we were no longer assigned to 543. And he didn't seem to know what I was speaking about.

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I know that Danny had a much lengthier conversation with him --
Q. Okay.
A. -- in my presence. I was there. I was not the one on the phone.
Q. But initially you were the one on the phone with him?
A. Yeah, initially I was. I had talked --
Q. When you reported those circumstances, Juan Rivera did not seem to be aware of them, correct?
A. No, no.
Q. That's correct?
A. That's correct.
Q. Okay.
A. To the best of my recollection.
Q. Sure.
A. But then I believe his name was Lieutenant Pigott was coming out of the academy. And aggressively like and he was saying -- Danny was then on the phone with Juan.
Q. Right.
A. And he was saying, are you Spalding and Echeverria, and I said, yeah. He said, you know

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you're not fucking here for a one-day training. You know what the fuck you did, you fucked up. And that's when I'm no longer on the phone. He's screaming at us. And Danny is still continuing on the phone.
Q. And what's this individual's name, Tom --
A. Lieutenant Pigott, Pigott or something like --
Q. Okay.
A. I don't -- my interaction with him was very brief.
Q. Okay. Before we get to Lieutenant Pigott, while you have the receiver and you're on the phone with Juan Rivera, do you recall anything else discussed?
A. No.
Q. Okay.
A. I was briefed and then the lieutenant came out and Danny was --
Q. And what are you alleging that Lieutenant Pigott said to you?
A. He stated, are you Spalding and Echeverria, and I said, yes. And he said, you

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know damn -- you know damn well you're not here for a one-day training, you know what you did and you fucked up. And he said, you're not -- you, and he points at me, you're going to 3 on midnights and Echeverria is going to, I don't remember, I think it was 13 on midnights or something like that.
Q. Sure, sure.
A. And he said and -- he said and you knew that, you were informed of this. And I said, we did not know that and neither did our chief. And he said, I'll take your cell phones, I'll write -- and if you think you're going to make a fucking phone call to get out of this, I'll get a CR number on you. He said, you knew and your chief knows.
I said, no, he doesn't. He said, oh, he doesn't or your chief doesn't know? I said, no, he's on the phone right now. Do you want to talk to him? He's like, sure he's on the phone. And Danny goes, here you go, and handed him the cell phone. And then all you hear was yes, sir, yes, sir. I received an e-mail from Jimmy Jackson. I was unaware that you didn't know,

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sir. That's all we heard on that end of it. Then the phone was hung up and we were ordered to go in. And that was the end of the conversation with Juan.
Q. Okay. So the conversation ends and you go back in the police academy. Is it your understanding at that point that you're going back to patrol in these two districts that Lieutenant Pigott mentioned?
A. I had no understanding of anything that was happening.
Q. Okay.
A. So I understood nothing that was happening. We were let into the academy, we were put into an empty room why -- obviously now the lieutenant is now confused as to what is going on, Chief Rivera is confused as to what is going on.
Q. Okay.
A. It's nothing but mass confusion. I have no understanding of anything at that point.
Q. Okay. Did you have another conversation or a meeting with Juan Rivera that day?

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A. Yeah. We left as soon as we had a lunch break and we were right over to his office.
Q. Okay.
A. And that's the conversation I told you about earlier when he told us about the meeting that took place the day before where we couldn't go back to 189 like we normally would.
Q. Okay.
A. And all of that. And that day the --
Q. That's the meeting you testified to previously?
A. Yes.
Q. Okay.
A. And while that meeting --
Q. You and Officer Echeverria were never, in fact, sent back to patrol, correct?
A. No.
Q. Is that correct?
A. Yes.
Q. Thank you.
So you spent some time in the -- at the police academy. How long did you -- do you recall how long you reported to the police

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academy?
A. Well, yes.
Q. How long was that?
A. Several months.
Q. Okay.
A. To the best of my recollection.
Q. Ultimately, do you have any personal knowledge of whose decision it was to have you go report to the police academy?
A. Well, the voicemail that was left came from Jimmy Jackson.
Q. Okay.
A. So that's the person who informed me.
Q. Okay. And are you aware that it's police policy when an officer hasn't been in patrol for a certain extended period of time, that they're typically sent back to the police academy for some retraining before they go to patrol?
A. It's my understanding in our circumstances that that's not typical.
MR. KING: Could you read back my question?

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(Whereupon, the record was read as requested.)
BY MR. KING:
Q. Are you aware of that?
A. No.
Q. Okay. Ever heard of that, going back to the academy for some retraining before you go back to patrol, you never heard of that?
A. I've heard of it if you've been out injured or away out of service for a long period of time and haven't been actively working, like desk duty or on the street, but I have not heard of it where you were actively working on the street, and then sent for retraining. No, I never have heard of that.
Q. When you say you've heard of it, have you seen a policy on that or --
A. No.
Q. -- just kind of --
A. Just from personal knowledge --
Q. Yeah.
A. -- of people.
Q. Okay. And you testified that you, in fact, weren't sent back to patrol. In fact,

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after the police academy, you were moved to the Inspections Division, correct?
A. While we were -- that's not actually -- we were under the Inspection Division A&As but reported to the police academy for part of the time we were at the police academy, to answer that question.
Q. Okay. And the A&As is the attendance and assignments sheet, is that --
A. I think it's attendance and absence or maybe it's attendance and assignments.
Q. Okay. And do you recall who told you that you were going on the Inspections Division A&As?
A. Chief Skahill.
Q. Chief Skahill?
A. Yes.
Q. Okay. And was that in a meeting or a telephone conversation?
A. I think that it was in person.
Q. Okay.
A. Because we met with Chief Skahill multiple times when all this was going on. In fact, when that meeting was taking place with

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Jimmy Jackson and I couldn't get ahold of Juan Rivera, I went down to Chief Skahill's office with Officer Echeverria to inform her of what was going on immediately.
Q. Okay.
A. And so then the next day when we left Rivera's office, we went back to Chief Skahill's office, because she's the one who initially placed us on the assignment.
Q. Right. At that point, Chief Skahill was no longer in Internal Affairs, correct?
A. No. But Chief --
Q. Is that correct?
A. No. I mean, correct, she was not in Internal Affairs.
Q. Okay. So that day you said the two of you went to her office when you couldn't get ahold of Juan Rivera?
A. Correct.
Q. What do you recall being said in that meeting by you or by Officer Echeverria or Tina Skahill?
A. I walked in and I told her the events that had occurred.

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Q. Tell me what you recall telling her.
A. I told her that -- first, I said, you know, there's a big uproar and there's supposed to be a meeting going on right now. They're trying to kick us off of 543 and off of Operation Brass Tax. And she said, that can't happen, this is a very important investigation. The superintendent is directly involved with this as well as his command staff. This cannot happen. She said, what happened? And Danny explained the conversation with Jill Stevens briefly.
Q. Yes.
A. And she said, where is this meeting? I said, down there. Because we had just left 543 so we could speak with Beatrice Cuello. She said, wait here, I'm going down there right now. This cannot be allowed. We were about to break the case the next day and sign on a big witness, and she was aware of that.
Q. Okay.
A. She went down to the meeting, but she shortly returned. And she said, I went down there, I couldn't get into the meeting.

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Q. Okay.
A. She said, I am going to talk to Juan Rivera the second that meeting is over, go home. We're going to have to straighten this out.
Q. Okay.
A. These guys are going to have to straighten this out. This can't happen.
Q. Okay.
A. I will call you.
Q. Okay. Did Tina Skahill ever call you after that about this subject?
A. She met with us the next day.
Q. Okay. And it was just you and she and Officer Echeverria?
A. Yes.
Q. And in her office?
A. Correct.
Q. And what was said in that conversation?
A. She said that she had spoke to Juan Rivera and that -- she had mentioned -- she had mentioned Debra Kirby, but I don't remember exactly what it was about. I do remember she said that Juan was pissed off --
Q. Okay.

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A. -- about Debra Kirby denying everything and starting this whole issue.
Q. You recall Tina Skahill saying that in the meeting?
A. Yes. Our meeting.
Q. In your meeting?
A. Not the --
Q. I understand. In your meeting with Tina Skahill, you remember her saying something to the effect that Juan was pissed off?
A. That Juan had related to her that he was pissed.
Q. Okay.
A. Something to those --
Q. Sure.
A. It meant the same. Those are not her exact words, but that is the point she was getting across.
Q. Sure.
A. And that she was going to -- she said, I don't know why Juan doesn't just assign you to Confidentials. That is what he should be doing. He needs to just assign you to Confidentials. He doesn't need anyone's permission, he

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doesn't even need the superintendent's. You know, he should assign you to Confidentials. If I were in IAD, that's exactly what I would do. None of this -- if I were still there, none of this would have happened.
Q. Sure.
A. And then she said, I need to have a talk with him and he needs to start doing what he's supposed to be doing. Go back to the academy and we'll see what we can do to -- I'll see what I can do to figure this out for you guys.
Q. So at that point, it's your understanding Skahill is directing you to go back to the academy while she tries to figure the situation out; is that fair to say?
A. That's fair.
Q. Okay. And do you have a subsequent conversation with Tina Skahill where she has figured it out or has any resolution for you?
A. There are -- as all of this is going on for the next months, we have conversations with Juan and Tina Skahill. Was it the next day, the same day, two hours later, five hours later, I

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can't tell you.
Q. Sure.
A. But I do have subsequent conversations with her.
Q. Okay.
A. She did tell us -- I'm sorry. In that first meeting, she said -- we told her that we were going back to patrol. She said, they can't do that.
Q. Right.
A. You'll get killed. That's officer safety. We have to address that immediately. You cannot take officers from this, have their identities compromised and then throw them back to the wolves. That was in the very first meeting.
Q. Sure.
A. She said we need to get this --
Q. Okay.
A. You need to go back to the academy. I do recall now that was said in the first meeting.
Q. Sure.
A. Later on she reiterated that in another

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conversation, we don't do our police officers like that.
Q. Sure.
A. You know, when you do something like this and you come forward, we want to encourage that, not discourage it. We can't let that happen. What does that say going forward to other officers. We can't compromise that.
Q. Okay. Let me try to shortcut this. You testified that at some point you're at the academy and you don't physically move to Inspections Division but you're put on Inspections A&A sheets, correct?
A. For part of the time.
Q. Okay. I'm trying to find out, how did you learn that you were going put -- going to be put on Inspections Division A&A sheets and that you were then going to be reassigned to the Inspections Division?
A. From Chief Tina Skahill.
Q. Okay.
A. We were told at one point when we reported to the academy one morning, we were told by a Sergeant Steve, I don't -- something

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with a W, Wosniak (phonetic) or something along those lines.
Q. Okay.
A. That we were not going to be reassigned to the patrol for officer safety.
Q. Okay.
A. That Tina Skahill had called Howard something Loading (phonetic) maybe --
Q. Okay.
A. -- of the academy and said that it was an officer safety concern and that he is not to put us on the street because it would be detrimental to us.
Q. Okay.
A. And she then -- the academy then, because she was no longer with IAD, fell under her rank.
Q. Yes.
A. So then she said that she would put us in Inspection Division on -- we were being moved to the Inspection Division on A&As, but they needed -- but we would report to the academy until we went on furlough for some -- to sit in on in-car camera training. Not that -- that we

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would be doing the training, not that we were receiving the training.
Q. You were told by Tina Skahill that you were first going to be put on Inspections --
A. Yeah.
Q. -- A&A sheets. And then before you actually physically moved to Inspections, you were to stay at the academy for a certain period of time to do some in-car camera training; is that fair?
A. No. Let me clarify just a little bit.
Q. Okay.
A. We were at the academy. At some point while we were there, we went to Inspections for a couple of days.
Q. Okay.
A. Okay. Maybe a week, two weeks, days. At which point the academy then needed -- they were short people to teach this class.
Q. Sure.
A. So I guess it would be fair to say we were then on the A&As at 126 and borrowed to the academy.
Q. Okay.

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A. We were borrowed again.
Q. And you actually had physically been at 126 and then -- for a few days, at least?
A. I believe so.
Q. And then Tina Skahill asked you to go back to the academy to do this work?
A. That is --
Q. Correct?
A. That is correct.
Q. And is it your understanding that Tina Skahill was the one who made the decision to move you to the Inspections Division?
A. Yes. Because she said we should be put in Confidentials but Juan wasn't doing that, so this is what --
Q. Okay.
A. -- she could do.
Q. Okay. Are you okay for a little while longer?
A. I'm okay. That's what matters.
(Whereupon, a discussion was had off the record.)
BY MR. KING:
Q. When you were told I guess by Tina

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Skahill that you were going to be moved over to Inspections, did she tell you what you were going to be doing at Inspections or why you were being moved there?
A. For officer safety.
Q. Okay.
A. As we couldn't be just thrown back out there like that.
Q. Okay. Did you have an understanding that -- were you still working on the Watts investigation at that point?
A. No.
Q. It had kind of ended?
A. It -- yes. But it had ended at the time for reasons unbeknownst to us beyond the misunderstanding, we later found out there was a bigger situation with it.
Q. We'll probably come back to that.
A. You ain't going to want to.
Q. No, I will.
So you went to Inspections ultimately and you were working for Lieutenant Pascua, correct?
A. Yes, that's correct.

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Q. Okay. When you were there for a few days and then went back to the academy those few days, were you interacting with Lieutenant Pascua?
A. Minimum.
Q. Okay. Let's go to Paragraph 56 of the Amended Complaint of Deposition Exhibit No. 1.
You indicate that you and your partner were detailed to 126 Inspections until March, 2012. Do you know when you were first referred to or detailed to Inspections?
I'll tell you, our records indicate it was in May of 2011. So you would have been in Inspections from some point in May, 2011 until March, 2012. Does that sound correct?
A. I was going to guess the end of May or beginning of June. I thought it was right around Memorial Day.
Q. Okay.
A. Was that about right when you guys have it?
Q. I think that's right.
A. That was going to be my guess.
Q. Okay. So you allege -- well, strike

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that.
For part of the time you were in Inspections you were, for lack of a better term, reporting to Lieutenant Pascua and then that changed at some point and you were reporting to Lieutenant Sadowski, correct?
A. Yes.
Q. Do you recall how long you were reporting to Lieutenant Sadowski?
A. We were there until March. I would say the greater portion of it or at least half of the time.
Q. At least half of the time you think you were reporting to Lieutenant Sadowski?
A. I think -- I think.
Q. Okay.
A. Reporting is a vague term.
Q. Sure, okay. But at some point you were told either your reporting or your working relationship was moving from Pascua to Sadowski, correct?
A. Correct.
Q. Okay. And you think that was approximately half way through your time in the

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Inspections Division, correct?
A. That's a guestimation.
Q. Okay. Obviously you allege that in Paragraph 56 that you were subjected to harassment and hostility from Lieutenant Pascua. In Paragraph 37 you alleged that she called you, rat, I guess, motherfuckers, didn't want you in the unit.
That allegation in Paragraph 57, was that her allegedly referring to you as that, was that the first thing that happened that you consider harassment or retaliation by Lieutenant Pascua?
A. No.
Q. Okay. What was the first thing that you consider retaliation by Lieutenant Pascua?
A. I think -- I think that the first retaliation, I wasn't even there for.
Q. Okay.
A. It was witnessed by my partner, which was indirectly Lieutenant -- it was Lieutenant Pascua but -- and a Sergeant Jan Barney.
Q. What was that incident?
A. It was where they -- Jan Barney was the

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one talking but stated that they knew that the only way -- the reason I was in Narcotics is blonde hair blue eyed female, I fucked my way in there.
Q. And Officer Echeverria told you that he had heard that being said?
A. Yeah. They said it to him. That Jan Barney was doing the talking.
Q. Okay.
A. And he responded.
Q. And what did he say?
A. You don't got to be jealous, they sell blond wigs. Because he tried to make light of the subject.
Q. Okay. Sure. Was there anything more to that incident that you consider either harassment or retaliation by Lieutenant Pascua?
A. Not to that incident.
Q. Okay. What was the next incident that you would consider retaliation by Lieutenant Pascua?
A. We were put in desks and not given any assignments. Just empty cubicles. Just like an empty wall cubical with no computer, no

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anything, to sit there and do nothing. And I mean absolutely just sit there, okay.
Q. Okay.
A. And I was --
Q. Lieutenant Pascua would tell you to sit there?
A. Well, she was our person we reported to so yeah.
Q. She wasn't giving you any assignments to do?
A. None, nothing, zero.
Q. Okay.
A. And then --
Q. Let me just stop you now. Did you have an understanding when you started in Inspections of what your job duties or responsibilities would be working in Inspections?
A. Well, I figured work. I would do some type of work.
Q. My question is did you have an understanding of what kind of work that would be that you'd be doing in Inspections?
A. I understood that Inspection did investigations into -- like audits into

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overtime. Not criminal stuff but like infractions or --
Q. Sure.
A. You don't have plates or something, officers don't.
Q. You do a lot of -- you do auditing, right?
A. I do?
Q. In Inspections.
A. In Inspections, they do, yes.
Q. Okay.
A. Like into investigations that needed auditing. Like there may be some overtime fraud here, so they have to look for that.
Q. Sure.
A. But they also do the field work where they go out and look for infractions. And I just understood that that was the work that they did.
Q. Okay.
A. And, again, no understanding through any of this time what was going on and what I would be doing.
Q. Nobody told you at any point what kind

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of work you would be doing in Inspections?
A. No.
Q. Okay. Did you or Officer Echeverria at some point when you were detailed to Inspections, do any auditing work, sitting in the office, going through records, that sort of auditing work? Did you do that?
A. One time.
Q. One time?
A. We were given one assignment.
Q. Okay. And were you given that assignment by Lieutenant Pascua?
A. I remember working with a Sergeant John Stahl on it. And he's the one that gave it to me, so I don't know where ultimately it came from, whether it was Sadowski or Pascua. It was all lieutenants and then Sergeant John Stahl. So I recall working with him, I don't recall who it was for.
Q. Okay. And did you do any of the what you believed that Inspections also did field work. Were you asked to do any field work while you were in Inspections?
A. One time I went with for -- both Danny

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and I went with to a fire drill at one district. I don't recall.
Q. Okay.
A. That was about an hour in the morning. And another occasion I went to -- they had me go to the Organized Crime building --
Q. Okay.
A. -- to -- for some -- for some equipment inventory from a TRU Unit -- the TRU Unit that had disbanded. And there were something -- it was something involved with the TRU Unit. I know that it was another location. It might have been the old 7th District, I don't know.
Q. Okay.
A. Again, in almost a year, that was it.
Q. Okay.
A. That I can recall.
Q. Okay. And during that time when you were detailed to Inspections, you started working on the Watts investigation again, correct?
A. In October.
Q. In October of what?
A. Of twenty -- we were there until March

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of 2012. Is that what we said?
Q. Yes.
A. Then it was October, 2011.
Q. Okay. And once you started working on the Watts investigation again in October, 2011, would you say for the remainder of the time that you were detailed to Inspections, at least on paper, you were spending most of your time working on the Watts investigation?
A. No.
Q. Okay.
A. That's not accurate.
Q. Okay. How much of your time was spent on Watts and how much of your time was being over at Inspections?
A. From October until maybe the beginning of December, it was divided.
Q. Okay.
A. Then we were the -- I believe -- or maybe until -- yeah, somewhere around December maybe. And then the Operation Brass Tax concluded I think in the beginning of February and then we were back to sitting at the desk.
Q. Okay. During the period when you were

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at -- when you started working on the Watts investigation again when you were in Inspections, do you think you were still under Lieutenant Pascua when that started up again or were you under Lieutenant Sadowski?
A. I believe it was Sadowski at that point.
Q. Okay.
A. Somewhere in that -- during that time it shifted, right around that time maybe.
Q. Okay. And on days that you were going to spend not at Inspections but working on the Watts investigation, were you supposed to tell anyone in Inspections where you were going, what you were going to be working on?
A. No. We had -- again, we were under Juan Rivera because he is -- they shifted everything and now Inspection fell under Juan Rivera. They shifted it.
Q. Okay.
A. And he instructed us that we only report directly to him.
Q. Okay. So if you were still reporting to Lieutenant Pascua and on a particular day you

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were going to work on the Watts investigation, you just go work on the Watts investigation, you wouldn't tell Lieutenant Pascua, hey, we're not coming in today, we're going to be working on Watts; is that correct?
A. That was confusing in the beginning. Because Juan Rivera, on the day that he had contacted -- I'm going to tell you. On the day that the investigation was reinitiated --
Q. Yes.
A. -- he directly called me and said, effective tomorrow, I want you to report at 0900 to the FBI building. You are going to brief the FBI agents about the case for the last several years and bring them up to speed.
Q. Okay.
A. And then I specifically asked Juan Rivera, will you be notifying the personnel over here? Because by this time --
Q. Okay.
A. -- they were gone for the day. So who was going to notify them? Do I go directly there? And he said, I am the chief. If I tell you and give you a direct order, that is not for

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you to worry about.
Q. Okay. I'm not talking specifically about the first day you go to the FBI and brief them. My question is while you were working in Inspections under Lieutenant Pascua and the Watts investigation had started up again, you testified you spent some of your time on Watts, some of your time in Inspections.
My question is on the days that you were going to work on Watts, did you tell Lieutenant Pascua what you were doing or did you just go work on Watts?
A. No. I did not just go work on Watts. Whoever I was working under, was notified that we would be working on Watts, whether that was Pascua or Sadowski, and I don't recall which one it was at the time.
Q. Okay.
A. And the communication was usually done through Officer Echeverria.
Q. Okay. Are you aware of either yourself or Officer Echeverria ever telling Lieutenant Pascua personally, we are not coming into Inspections, we're working on Watts? Are you

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aware of that ever happening?
A. No.
Q. Okay. Similarly, are you aware of either yourself or Officer Echeverria ever telling Lieutenant Sadowski in those situations that you were not coming in to Inspections, you were going to be off working on Watts?
A. I recall that when we were told that we would be needed to work on Operation Brass Tax, that we would inform them that that was going to happen. Like on these days, we are going to be working on those -- like this week, we'll be working on this day, this day and this day prior to it happening.
MR. KING: Okay. Can you read back my question?
(Whereupon, the record was read as requested.)
THE WITNESS: Yes, they were told when we would be working on the Watts case.
BY MR. KING:
Q. I'm asking about Lieutenant Sadowski. You or Officer Echeverria would tell him?
A. Yes.

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Q. Okay. He had started talking about some incidents you felt was retaliation from Lieutenant Pascua. Other than what you've testified to already, what was the next incident, if any?
A. In the empty cubical that I was sitting in, she came up to the corner of it. You know how the cubical comes to the corner, and she stood over it and she told me, if you want to work with Juan Rivera and the rest of those fucking rats, you should be sitting across the hall. I don't want you over here in this fucking unit. Words to that effect.
Q. Was anyone else present?
A. No.
Q. Okay. Do you recall anything else she said or you said in that incident?
A. Not in that incident I didn't -- no.
Q. Okay. So she said that and you just didn't respond?
A. No.
Q. Okay. What was the next incident, if any, where you felt that Lieutenant Pascua was retaliating or harassing you?

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A. Well, I was escorted to the bathroom either by her or Jan Barney every time I would get up to use the bathroom. There are cubicles in close proximity also and I had to sit right there in earshot of her saying comments about me as if I'm not there to the other command staff. Like I'm an attorney, I know how to put a case on a motherfucker and things like that, you know. And -- Narcotics officers.
So we're the only Narcotics officers up there, obviously it's referring to myself and my partner.
Q. Let me back up just to maybe move this along. Paragraph 57, you allege that Lieutenant Pascua called the Plaintiffs rat motherfuckers and told them that she did not want them in the unit.
Is that what you just testified to at the cubical or when did this occur?
A. That incident occurred after a meeting, a meeting within the unit that was prompted by Danny and I going to Commander Adrienne Stanley to report the harassment of retaliation of Pascua against us.

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Q. Okay. So before -- well, let me ask you this. Strike that.
With respect to the allegation in Paragraph 57 of her calling you rat motherfuckers, did you hear that directly or how did you learn about that?
A. I was sitting in the cubical and she said it as she walked by going to her desk.
Q. Tell me exactly what you recall her saying.
A. Are you talking -- you're talking about --
Q. Paragraph 57.
A. 57.
Q. Is it your testimony that you heard her saying that as she was walking by?
A. Yes, she did say that when she was walking by.
Q. Okay. What exactly did you hear her say?
A. That -- just that, that we were rat motherfuckers and she didn't want us in the unit.
Q. Okay. Did she say --

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A. Are you talking --
Q. Did she say Spalding and Echeverria, did she --
A. Narcotics officers.
Q. -- just say rat motherfuckers? What did she say?
A. She said, I don't want those rat motherfuckers in the unit. And then she further stated, I'm an attorney, I know how to put a case on those Narcotics officers. I know how to build a case, not put a case on. I know how to build a case on those Narcotics officers.
Q. Okay.
A. And that comment was made on several occasions.
Q. Okay. But on the one occasion we're talking about, you're saying she made both the rat motherfuckers reference and said something about building a case; is that correct?
A. Yes. But that building a case was said a couple times.
Q. Okay. On this same time when she walked passed -- strike that.
On this occasion where she walked

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passed and you heard her make reference to the, I'm a lawyer, I know how to put on a case, was that the first time that she said something along those lines and then there were subsequent times where she said something about being a lawyer and knowing how to put on a case?
A. Yes. And the correct word was build a case. She didn't say put on a case.
Q. I'm sorry.
A. I don't want to confuse that, because that's a pretty different meaning.
Q. My question is was that the first time --
A. That I --
Q. -- when she walked by your cubical that you ever heard her make reference to building a case?
A. Yes.
Q. Okay. You indicated that -- well, strike that.
Directing your attention to Paragraph 60 of the Amended Complaint. Is that a reference to that same incident where she walked by your cubical?

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A. No. This one is the -- this one is when we came out of the meeting with the team after we went to the commander.
Q. Okay. Let's talk about when you went to the commander. That was you and --
A. Officer Echeverria.
Q. -- and Commander Stanley?
A. Yes.
Q. And before we get to that, when you first moved over to Inspections, Commander Stanley was out on medical leave, correct?
A. Yes, that's correct. She was gone.
Q. Do you recall approximately how long you were in Inspections before she returned from medical leave?
A. No. But I do know that it was -- she was back before October --
Q. Okay.
A. -- of 2011, because she was there for when we started that FBI case again. And I think she had been back for a little while before that. So maybe a month or so maybe.
Q. Okay. When do you recall going to Commander Stanley to complain about anything?

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A. Well, it would have to be in August or September of 2011, if she was back at that time. And that was prompted by Lieutenant Sadowski stating that we should address the issue of the harassment and retaliation from Lieutenant Pascua with Adrienne Stanley. He approached us and said, I've witnessed it and it's going to continue. I see what she does. And I said, well, why don't you talk to Adrienne Stanley? He said, you need to go and address that issue with her.
Q. Okay. Let's talk now about that conversation with Lieutenant Sadowski. Is that a conversation that you and he had or is it the three of you, you and Echeverria?
A. The three of us.
Q. Okay. And where does this conversation take place?
A. In front of his desk in Unit 126.
Q. And what's your best recollection of everything Lieutenant Sadowski says and everything that the two of you say in that conversation?
A. In that morning, we would come in

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earlier than everyone else and of course we would, you know, say good morning to him and he would be at his desk. And he said that he, you know, was aware of, you know, what's going on and that he witnesses it. He knows I was very distraught going there and I was -- it was very difficult and it was very apparent. It was a very hostile work environment and these are open cubicles. So he's aware of it. He told me that.

Q. Okay.

A. He said, so the only way it will stop is you need to go report that to the commander.

Q. Okay.

A. And he said, I've witnessed it but it won't stop.

Q. Okay. Do you recall you or Officer Echeverria saying anything else or Lieutenant Sadowski saying anything else?

A. I recall I asked him since he's a lieutenant, why couldn't he initiate a CR number or talk to the commander about it.

Q. Okay.

A. And he said, no, no, it's got to come

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from you guys. Which I don't understand, but we followed his advice.

Q. Okay. So you then go -- I'm sorry. Is there anything else you recall being discussed in that conversation?

A. No, just that we would go see the commander then.

Q. Okay. And the two of you then did go see the commander?

A. Yes, we did.

Q. Okay. And was that a meeting in the commander's office?

A. Yes.

Q. And the commander and you and Officer Echeverria were present, correct?

A. Yes.

Q. Okay. And was it that same day as the conversation with Sadowski or shortly after?

A. Shortly after.

Q. Okay. What do you recall being said in that meeting?

A. I know that we walked in and we told her that we wanted to talk to her and address some issues. And Danny had started saying that,

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you know, that we are being harassed by Deborah Pascua and that it's a hostile work environment and this is, you know, negatively affecting us and we want -- and we were requesting her to initiate a CR number. And Adrienne Stanley stated -- you know, and to investigate what we were saying. She said, I'm not trying to hear that, I don't want to hear any of this. I don't want to know.

And Danny said, whether you want to know or not, you're our commander and we are requesting you to take action on this. And she said, I refuse. You will never get a CR number from me on one of my own. If you want that, and she points over to the IAD side, because it's one side and the other side, you go over there with Juan and those people and maybe they'll give you a fucking CR -- I'm sorry, she didn't swear.

Q. Okay.

A. They'll give you a CR number.

Q. Okay. Do you recall anything else being said in that meeting?

A. She said, we're done, I don't want to

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hear any more. And we left.

Q. Okay. And at some point after that meeting, your assignment was essentially changed from Lieutenant Pascua to Lieutenant Sadowski, correct?

A. Yeah.

Q. Okay. And to the best of your knowledge, a commander would have made that decision, Commander Stanley, correct?

A. Yeah, I --

Q. If you know.

A. I don't know who made it.

Q. Okay. Other than what you've already testified to, was there anything else that happened that you believe was retaliation or harassment by Lieutenant Pascua?

A. Yes. Things got so bad in Unit 126. The commander's office is in the middle and there's cubicles here and cubicles on the other side, just a couple. But Deborah Pascua sits here and my cubical is right here.

Q. Right.

A. So I'm in earshot of hearing this all the time. So I move to the other side in the

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back of a vacant desk. There's two desks here, two desks here, two desks here.
Q. Sure.
A. These people -- it was a Sandra, I don't remember her last -- Espinoza, Aileen Robinson, they worked for a different department, and then a vacant desk. So I just became -- I was so distraught, I would just come in and sit there. After a few days of that, you know, I began talking to Aileen Robinson and, you know, like good morning, how are you. And, you know, just average small talk that should happen in an office environment.
Q. Sure.
A. Well, that didn't last too long because a brief time later, a week, two weeks, something like that, when I came in in the morning because we come in before most everyone, Aileen approached me, Robinson, A-I-L-E-E-N, Robinson. And she said, I just want you to know that when you left yesterday, officer George Flores approached me and the women over here are my coworkers and told us that we should not be talking to you, that you are IAD rats, you are

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here to fuck us over, you're here to put it -- develop cases against us, don't talk to us, ignore, ignore us, you know. And he said, I know this to be a fact because Lieutenant Pascua told me herself.
Q. So Aileen Robinson is telling you about something that George Flores told her and George Flores allegedly told her that Lieutenant Pascua --
A. It's coming from Lieutenant Pascua.
Q. Okay.
A. And Lieutenant Pascua and George Flores are very close friends.
Q. Okay.
A. And she just said, I'm just telling you this because I think you should know what's going on behind your back.
Q. Okay. Other than that incident, is there anything else that happened that you believe was harassment or retaliation by Lieutenant Pascua, other than what you've already testified to?
A. There was one time that a secretary who retired from there, her name was Jo, J-O, I

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don't know her last name. She was Commander Stanley's secretary. She had mentioned in front of Danny and I she had said that she knows that I have a hard time up there and the treatment that I'm getting and how bad it is for me and that she sees it, as well.
And it was a conversation that I left crying from because I was hearing all the -- again, you know, I sit at a desk and I don't even talk to anyone and this is just continuing. And you go and you're subjected to that all day long, it's just very difficult.
Q. Okay.
A. And it doesn't take much. But if you say -- and in Unit 126, there's under 20 people. So if you say a few negative things, we're not -- we're --
Q. Do you recall that secretary Jo saying anything else to you in that incident?
A. It wasn't a real short conversation, it just went into how bad things were for me there and that, you know, she felt really bad for me and then she retired.
Q. Okay. Other than what you've testified

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to, was there anything else that -- any other incidents where you believe were evidence of Lieutenant Pascua retaliating against you or harassing you?
A. Yes, there is one more incident that is pretty important.
Q. Okay.
A. The first day that I had to go brief at the FBI under the direct order of Juan Rivera, and he told me it's directly under my command, you are to go there. I was harassed so bad and they would follow me to the bathroom, they were just doing everything. I remember the Jill Stevens incident, and I just didn't trust the communication gap. So even though I didn't have to go into Unit 126, I went in before.
There was a sign-in sheet and I signed in. Lieutenant Pascua was there. I walked up to her and said, I don't know if you have been informed by Chief Rivera. I want to make sure everyone here is aware, there's no miscommunication. I've been given a direct order by Chief Rivera to go and report to the FBI building today and that is where I'm going

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to be working. Nobody was in yet. She was the only -- she's the lieutenant.
Q. Okay.
A. Please make sure that if any further notification is -- or the commander has been notified, if she has any questions, to call Juan Rivera.
Well, when I'm in that meeting, and I went with Sergeant Tom Chester --
Q. Okay, all right. I'm confused. You signed in at Inspections and saw Lieutenant Pascua before you went --
A. And I didn't have to do that.
Q. -- before you went to the meeting at the FBI?
A. Yes.
Q. And when you told her what you were doing and that this was per Chief Rivera, did Lieutenant Pascua say anything to you at that point in time?
A. Fine.
Q. Fine, okay.
A. And I said, please make sure that the commander is informed when she comes in in case

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Juan Rivera did not -- it was a precaution on my end I did not need to take. I did not have to do that. In case Chief Rivera --
Q. Okay.
A. -- did not get ahold of her, I knew that they would be like where the hell is she, who gave you permission or whatever. I came in early --
Q. Sure, I understand.
A. -- and went there first and then went to the FBI building. While I was there, I was with -- I was sitting here, Tom Chester was sitting here. We both reported as we were directed to.
Q. Yes.
A. My phone keeps buzzing, buzzing, buzzing. I finally look at it and it's the commander. And I pick it up and she is absolutely livid and screaming at me.
Q. This is Commander Stanley?
A. Yes.
Q. And what did Commander Stanley say to you on the phone?
A. She said, Officer Spalding, you are to

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report back here to Unit 126. This is not how we do things. It's not the wild west, a rogue police officer, you just do whatever the hell you want. I've already talked to Eddie Walsh about getting you thrown out of here, getting you dumped out of this unit. Who gave you permission to go over there? And I explained to her that it was a direct order from the chief, I even came in. And she said, that's not how we do things here. I don't know what I'm supposed to do.
Q. Sure.
A. It's before anyone else is in. She's screaming at me so bad that I hand my phone to Tom Chester and I said, you're a white shirt, I'm following your direct orders, I want you to handle this.
Q. Okay.
A. He walked out of the conference room, had a conversation with her. And then afterwards, I said, you're going to go back up there with me and we're going to straighten this out. And she said that Deborah Pascua while on the phone -- I said, I notified Lieutenant

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Pascua. And she said, Lieutenant Pascua said you just came in here for a brief minute and you told her you were just going out. Like she didn't accurately repeat that I had a direct order. She made it -- from that phone call, it was not correctly relayed. It was relayed in a negative manner to the point --
Q. It's your impression from the phone call with Commander Stanley that she did not know that you had received an order from Chief Rivera to report to the FBI, is that fair?
A. Well, that -- maybe that she did not receive the order for it or that even if I did, that I was supposed to clear it with someone in 126, which I did. I took extra precautions to do that.
Q. I understand.
A. So I don't know what else I could have done.
Q. Okay.
A. So whether she was informed or not, I cannot say.
Q. Okay.
A. But I know that she was angry that I

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didn't receive permission. And I did notify --
Q. Lieutenant Pascua?
A. -- Lieutenant Pascua.
Q. Okay. I know you said there was one more incident. Was that the only -- other than what you've already testified to, was there any other incident where you believe Lieutenant Pascua retaliated or harassed you?
A. Not that I can recall at this time.
Q. Okay. Are you also claiming that Commander Stanley engaged in some retaliation against you?
A. Yes.
Q. What's the basis of that allegation?
A. Well, the first time would be to fail to initiate a CR investigation when I tell you that I'm being harassed and retaliated against.
Q. Okay.
A. Failing to take action and telling me you don't want to hear about that, allowing it to continue, basically. To a certain extent, I'm entitled to a CR number.
Q. Okay. Other than Commander Stanley not acting on a CR number, is there anything else

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that you're alleging was a retaliation by Commander Stanley?
A. Well, hostile I would say is that phone call. Even if you thought that I failed to report to someone, you don't call screaming and swearing at an officer like that that's -- you know, like that. Even after the circumstances were explained, she was very hostile towards me and I'm put in a catch-22.
Q. You say after the circumstances were explained. Are you saying she was hostile to you on the telephone after the circumstances were explained to her?
A. Yes. And after I returned to the unit, as well.
Q. Okay. What -- you said you passed the phone to Tom Chester, correct?
A. Yes.
Q. Okay. After Tom -- it's your testimony Tom Chester gives you the phone back and Commander Stanley is hostile to you, is that your testimony?
A. She told me I needed to leave the FBI building and come in, period, disregarding what

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Juan Rivera said. That is what she said in a hostile manner.
Q. Okay. Commander Stanley said that after or before you passed the phone to Tom Chester, if you can recall?
A. See, I don't recall if it was after or before.
Q. Okay.
A. But I thought it was after.
Q. All right. You also testified when you returned to Inspection, she was hostile. Can you explain that?
A. She was very angry and -- yes. She was very angry. The way you talk to someone. I mean, Tom Chester said to me, I do not want to go up there and deal with this, I don't want to get involved. I said, that's too bad. Because as, you know -- he did. He said, oh, but I don't want to because of how irate she was.
Q. So Tom Chester went with you back to the unit, right?
A. He said, first we're going to stop -- first, we're going to go over to Juan Rivera's office and let him know about what is going on.

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And we stopped there first.
Q. Okay. And what did you tell Juan Rivera?
A. Exactly the events that I just related to you about the meeting.
Q. Okay.
A. And he said, that's fucking ridiculous. He said, Adrienne Stanley doesn't want you in the unit, they don't want you there and she's looking for any reason to throw you out.
Q. Okay.
A. Absolutely any reason. They're not comfortable with you being over there because you worked with IAD on these confidential cases.
Q. Juan Rivera said --
A. Yes.
Q. -- that because you worked at IAD on these confidential cases, is that your testimony?
A. Because you worked with IAD on these confidential, with. Because we never worked for IAD.
Q. I understand.
A. There's a difference. Yes, he did.

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Q. Okay.
A. And he says -- again, dismissed it and said, just go back over there it will be fine. But I knew from the phone conversation --
Q. Okay.
A. -- it's not going to be fine because --
Q. Did you go back to the commander with Tom Chester?
A. I don't recall if we walked in there together. I think he did walk across the hall, but when I -- because they're just like right by each other, the offices. We went to Rivera's and then I do think he walked across the hall. And when we approached her office --
Q. Yes.
A. -- she didn't want anything to do with me. She didn't want to talk to me at all. She was so mad, she just walked out of her office and said she was going across the hall to deal with it, referring to Juan Rivera's office.
Q. You thought --
A. And then I think Tom Chester went back across the hall, too, I just went back to the cubical.

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Q. Okay.
A. It was very stressful.
Q. Okay. Other than what you've already testified to, is there any other incidents of alleged retaliation by Commander Stanley against you or Officer Echeverria?
A. No, not at this time.
Q. When you talked about the meeting with Rivera and you and Tom Chester, was Officer Echeverria also in that meeting?
A. He was off that day.
Q. Okay. So when you were presenting on the Operation Brass Tax case that day at the FBI, Officer Echeverria was not with you?
A. No.
Q. Okay. If I could direct your attention to Paragraph 68 of the Complaint. You allege, among other things, that Chief Roti had ordered that you not be allowed back in the Narcotics unit or any other bureau of Organized Crime. You've already testified to that conversation, correct?
A. Correct.
Q. Okay. Did you or Officer Echeverria

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ever personally ask Chief Roti if you could come back to Narcotics?
A. I attempted to, yes.
Q. What do you mean you attempted to?
A. Officer Echeverria called his office to make an appointment with him to talk about it, because we are getting all of this information from Juan Rivera directly but we're starting to question Juan Rivera because he's not doing what he's supposed to.
So we want to hear from our chief himself that we can't come back. I want to hear him tell me that.
Q. And did you ever have a meeting with Chief Roti?
A. No.
Q. Okay. But as you testified, you were starting to question whether things that Rivera was telling you about not being able to go back to Narcotics, were true?
A. I was questioning everything. Because absolutely everybody -- my head was spinning. Everybody was all over the map and nobody was doing what they were supposed to do.

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Q. Okay.
A. So that -- yes. Because Juan Rivera was not putting us in confidential, forcing us to stay in 126, which was still under his command and allowing us -- refusing to get a CR number.
Q. Okay.
A. I don't know what's up and what's down.
Q. I understand.
When Officer Echeverria made an attempt to meet with Chief Roti, was there just no response or --
A. No, there was a response. Officer Echeverria called his office. The phone was answered by Sue Blauer (phonetic), his secretary. At which point she stated, you need to be a member of Organized Crime to get a meeting with Chief Nick Roti. And he said, I am. She said, no, you need to be assigned to the unit. He said, I am. And she said, what's your name. And he said, Officer Daniel Echeverria, I'd like to schedule a meeting.
And she said, well, what is it about. He said, it's of a confidential matter that I

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need to discuss directly with the chief. And she said, you need to tell me what that's about. And then she basically said, you know what, that is never going to happen, and hung up on Danny.
Q. Okay.
A. Now, we know that Chief Roti got the message.
MR. KING: I move to strike. It's not responsive to any question.
BY MR. KING:
Q. Well, let's go there. You testified that Chief Roti got the message that you and Echeverria were trying to have a meeting with him. Is that your testimony?
A. Yes.
Q. How do you know he got that message?
A. Juan Rivera.
Q. Okay. What did Juan tell you about that?
A. Juan Rivera saw us in the hallway and he said, what the -- we were both walking together. What -- he starts telling me, what the fuck is wrong with you, why the fuck did you call Nick Roti. I said, I didn't call anyone.

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Danny said, that was me, boss, I did that. He said, why in the fuck did you call Nick Roti.
He said, he called over here and told me, don't you fucking ever have either one of those motherfuckers call my office again. You tell those motherfucking Spalding and Echeverria I've got nothing to say to them, they will never work here, that's it.
Now, Juan Rivera knew this shortly after the phone call happened. There is no way possible he could have quoted what happened --
Q. Okay.
A. -- if Nick Roti did not relay that information.
Q. Okay. Did you or Officer Echeverria ever attempt to speak directly with Commander O'Grady about returning to Narcotics?
A. After the higher ranking official told us never to contact that unit and we couldn't come back, we would be going down. Absolutely not.
MR. KING: Okay. Do you guys want to take a short lunch or do you want to --
THE WITNESS: I'm good.

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BY MR. KING:
Q. You're good?
A. I'd rather get this over with. It's up to you guys. Let's push through it.
MR. KING: How do you feel?
MS. COURT REPORTER: I'm fine. Whatever you want to do.
MR. KING: We'll push through all the way to the end. Well, let's keep going for a while.
MR. SMITH: Well, let's just go for a little while and we can revisit this in a half hour or so?
MR. KING: Yeah, that's fine.
BY MR. KING:
Q. If I can direct your attention to Paragraph 64 of the Amended Complaint.
You indicate that Lieutenant Sadowski --
A. 64, 6-4?
Q. 64. You indicate that Lieutenant Sadowski joined what you refer to as the campaign by repeatedly attempting to lodge false allegations of wrongdoing against Plaintiffs.

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Do you see that?
A. Yes, I do.
Q. Okay. So that was after you were reassigned to be under Lieutenant Sadowski, correct?
A. Correct.
Q. Okay. And what are you referring to when you say, he attempted to lodge false allegations against you?
A. Well, there are a couple of incidents. One of the incidents being that when we would be working later than our regular time, we would call him and tell him that we were working overtime with Operation Brass Tax and then we would call him and tell him when we had completed that.
So we were about to leave, be done for the day at headquarters with Operation Brass Tax and Officer Echeverria called Lieutenant Sadowski to tell him that we were leaving. When we went to get on the elevators to go, the doors open up and Juan Rivera and Commander Klimess (phonetic) were there.
Q. Okay.

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A. We were on, you know, the fifth floor where we all, you know, worked out of. And he said, oh, just the two I'm looking for. Come into my -- Chief Rivera said, just the two I'm looking for, come into my office. I need you to bring me up to speed, brief me on where we are with Operation Brass Tax because we, referring to himself and Klimess, Commander Klimess, have to go in to McCarthy's office and brief him.
Q. Okay.
A. That delayed us an extra hour and a half, approximately. So then we said, okay, boss, well, here's our overtime sheets. Who's going to sign those now? Because we --
Q. Right --
A. -- we signed them out when we were leaving at -- we signed it for like 6:00 and now we're there until 7:30.
Q. Sure, sure.
A. He said, give them to me, I'll sign them and he signed them. We said, do we need to call Lieutenant Sadowski back. And he said, I'm the fucking chief.
Q. Okay.

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A. I signed it, it's done.
Well, fast forward, now Lieutenant Sadowski says he wants to file a complaint against us for falsifying our overtime because Danny had called him and said we were leaving and then we didn't.
Q. Okay.
A. So we explained the situation to him, Danny explained the situation to him over the phone while I was in the car. I heard Danny explain exactly the incident that I just explained to you.
Q. Okay. So Danny has a conversation with him when you all are driving back to Inspections?
A. This is on another day. This is fast forward.
Q. Okay.
A. Because it takes about a few weeks or longer for the slips to go through however long.
Q. Okay.
A. So this is another day he contacts Danny. So we thought the explanation would satisfy the situation --

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Q. Okay.
A. -- at which point it doesn't.
Q. Okay. Let me --
(Whereupon, Spalding Deposition Exhibit No. 3 was marked for identification.)
BY MR. KING:
Q. Ms. Spalding, I'm showing you another document that's marked Deposition Exhibit No. 3, I believe. And it appears to be a counseling session report. The first page is Officer Echeverria's name, the second page is your name and it's a counseling by Lieutenant Sadowski. Have you seen this document before?
A. No. I have not seen this at all.
Q. Okay. This indicates anyway under the section statement of performance concern and he writes, above is being counseled for two separate incidents. The second incident states, failed to notify a supervisor assigned to 126 when above worked overtime on 21, November, 2011. Is that the overtime incident that you were just testifying about?
MR. SMITH: I object to the

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characterization as second incident. I'm sorry, I see the first sentence above this. I withdraw the objection.
THE WITNESS: Yes.
BY MR. KING:
Q. Yes?
A. Yes.
Q. Okay. So Lieutenant Sadowski had a meeting with you and Officer Echeverria about this overtime incident, correct?
A. No, incorrect.
Q. Okay. Never had a meeting?
A. No. He told us we were going to have a meeting for this counseling report. And the reason I never saw it is when I -- he told us we needed to come --
Q. Right.
A. -- we needed to come and you'll see that this -- there is no signature on here. We would have to sign this.
Q. I understand. My only question is --
A. Okay.
Q. -- did you have a meeting --
A. No.

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Q. -- with Lieutenant Sadowski about this overtime issue?
A. No. No, I did not. I was not -- I never met with him.
Q. Okay. And -- okay.
And do you know what the first incident is referencing, failed to notify a supervisor assigned to Unit 126 about the status of eligibility for OPY, Operation Project Youth?
A. I have no idea what that even is.
Q. Okay. Do you have any recollection of OPY, Operation Project Youth?
A. I don't know what that even is.
Q. Okay. Do you have any recollection of being asked to participate in OPY, Operation Project Youth?
A. I was never asked to participate in it. I don't even know what it is.
Q. Okay. Do you ever recall being asked to participate in a police initiative where you would go to one of the schools?
A. No.
Q. Okay. And Lieutenant Sadowski, to the best of your recollection, never had a

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conversation with you about failing to notify a supervisor about the status of your eligibility for OPY?
A. With me?
Q. Yes.
A. Lieutenant Sadowski had this conversation with me?
Q. Yes. I'm asking you, yes.
A. No, not that I recall at all. No.
Q. Okay. And if you look at the third page of this exhibit. Are these the overtime slips that you were testifying about that were signed by Juan Rivera?
A. These would not be the ones because -- they can't be because of -- to 1830, yes, they would be the ones because it says Juan Rivera down there, doesn't it, at the bottom?
Q. It appears to.
A. If that's his signature. I can't see. I can't read it, either, any of this.
Q. Okay.
A. And it's signed seven days later, isn't it, by Juan -- is that Juan Rivera?
Q. Let me just -- have you seen this

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document before?
A. No.
Q. Okay.
A. I'm -- no, I haven't. But --
Q. That's fine.
A. But it is signed by Juan Rivera.
Q. Correct.
A. So it would have to be the incident date.
Q. Okay. You don't have any reason to doubt that --
A. No.
Q. -- this relates to the incident that you were testifying about where Rivera signed the overtimes?
A. I have no reason to doubt it.
Q. Okay. And Lieutenant Sadowski never sat down and had what you understood to be a counseling with you?
A. No.
Q. Okay.
A. Never.
Q. And then I assume you --
MR. SMITH: I'm just going to object to

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the vagueness of counseling with you.
THE WITNESS: I could tell you why.
BY MR. KING:
Q. I was asking you if you felt that there was any retaliation by Lieutenant Sadowski, you mentioned this overtime incident.
A. Uh-huh.
Q. Other than that, are you alleging that there are any other incidents where Lieutenant Sadowski retaliated against you or harassed you?
A. The overtime incident where he was calling us in for the meeting, to go into -- for our counseling meeting that never happened between him and I.
Q. Okay.
A. Okay. And then there was another incident --
Q. Let me just stop you for a second. So you understood you were going to be called in for a counseling meeting with Lieutenant Sadowski but that, in fact, never happened?
A. He talked to me on the phone and yes, he said you're going to come in and you're going to come in at this time in the morning. And we,

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you know -- but no, the meeting with me and Sadowski never happened.
Q. Okay. Do you know if there was a meeting between Echeverria and Sadowski --
A. Yes.
Q. -- about the overtime?
A. Yes.
Q. Okay. And you weren't present for that?
A. I was on my way up when Juan Rivera stopped me and said, what the hell are you doing here.
Q. I see.
A. You're supposed to be on the street.
Q. Okay, that's fine.
And I'm sorry, you were testifying to any other incidents of alleged retaliation by Lieutenant Sadowski.
A. There was another time on a day we were not working Operation Brass Tax, you can ask me when, I don't recall when exactly it was. It was in the middle of sometime when he became our lieutenant --
Q. Sure.

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A. -- and before we left the unit. That he was talking about an incident that happened and he was going over it with Danny and I. And I said, wait a minute, on what date? And I don't recall the incident. But I said, lieutenant, I don't even know what you're talking about and I wasn't even at work that day. And he said, it doesn't matter, partners go down in pairs. You're getting written up for it, too.
Q. Okay. Do you recall what the incident was that you were getting written up for?
A. No, because I had no idea. And then I couldn't recall. I'm like, what is he talking about. And so then I asked him the date. And said, I wasn't here that day, that's why I have no knowledge of what you're talking about.
Q. But did Lieutenant Sadowski tell you what the incident was?
A. At the time he did, I don't recall what it is now.
Q. You don't recall what it was?
A. Yes. He did state it at the time.
Q. Okay.

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A. I don't recall because I wasn't even there.
Q. Sure. So you were upset that --
A. How am I going to --
Q. -- he was faulting you for some incident on a day when you weren't even at work?
A. Correct.
Q. Okay. Other than what you already testified to, is there anything else that happened that you believe is retaliation or harassment by Lieutenant Sadowski?
A. Not that I recall at this time.
Q. Okay. And would I be correct that everything that you're alleging was retaliation by Lieutenant Pascua, Lieutenant Sadowski or Commander Stanley occurred during the time that you were assigned to the Inspection Division?
A. Correct.
Q. Okay. Did you ever complain to Tina Skahill about anything that you believed was -- that you were being retaliated against or harassed?
A. I did -- we did tell her like when we were being thrown out of 543, as we discussed --

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Q. Okay.
A. -- and, you know, how we were being thrown out and that we were going to go back to the district.
Q. Other than what you've already testified to, did you ever complain to Tina Skahill about any alleged retaliation or harassment?
A. During the course of Operation Brass Tax, of course with the permission of Juan Rivera, he was well informed of it, we would continue to keep her up on date when we would see her -- up to date on Operation Brass Tax.
Q. Okay.
A. And during the course of those conversations, I would say, you know, this -- you know, like I would mention things that had happened. And she said she would talk to Juan because Juan needed to just assign us to Confidentials and then everybody in IAD Confidentials does the same work as us and the harassment would stop.
And she said she didn't understand why Juan wasn't doing that, but she would talk to

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him. She offered to talk to Juan multiple times on our behalf --
Q. Okay.
A. -- about that.
Q. Okay. And all of these occasions where you were just testifying about were when Juan Rivera was the chief and Tina Skahill was no longer the chief, correct?
A. Correct.
Q. Okay. You never specifically asked Tina Skahill to pull a CR number for you, did you?
A. No, because she wasn't -- no. We weren't reporting directly to her anymore, so we would ask Juan.
Q. Okay. Do you have any recollection of ever discussing with Tina Skahill any alleged retaliation that you believe was happening in Inspections at the hands of Lieutenant Pascua or Sadowski or Commander Stanley?
A. You mean while it was under her authority?
Q. At any time.
A. No.

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Q. Okay. And after the Inspections Division, your next detail was Fugitive Apprehension, correct?
A. Correct.
Q. Okay. And are you alleging that there was anything retaliatory about your move to Fugitive Apprehension?
A. No.
Q. Okay. In fact, you applied to get into that unit, correct?
A. In fact, Danny and I went and had a conversation with Chief Tom Byrne. He was our former boss when we were in the 1st District and he had -- he knew that we were really good officers and he had, in fact, asked us to come to Fugitives while we were in Operation Brass Tax and I had told Juan Rivera I wanted off and I wanted to go, but we were denied.
Q. Okay.
A. And during the course of the conversations with Juan when all of this was happening, he said, my hands are tied, I can't help you, maybe you can go back and talk to Tom Byrne, maybe he can help you.

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Q. Okay.
A. So we did.
Q. So let me stop you.
So when you testified that you were, at certain points, trying to get out -- or at a certain point trying to get out of Operation Brass Tax and you told that to Juan Rivera, you were trying to move to Fugitive Apprehension; is that correct?
A. Well, at -- no, not at all times. At one point, I didn't care where he put me, I just wanted off. And at one point he said, I could put you in Confidentials -- I'll move you, I'll move you to Confidentials or I'll move you back to the academy. And I said, I'll gladly go to Confidentials and it never happened. So we didn't know where it would be.
Q. Okay. So prior -- is it your testimony that prior to you and Officer Echeverria putting in applications to go to Fugitive Apprehension, you had a conversation with Chief Tom Byrne about Fugitive Apprehension?
A. It was a conversation in passing.
Q. Okay.

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A. Where he said, you know, you guys being inside is a really big waste of talent and you guys should go work with me. We knew that wasn't going to happen because we weren't --
Q. When he's saying, you guys should come work for me, is he referring to Fugitive Apprehension?
A. That's how I took it.
Q. Okay. And when did this conversation take place in relation to when you submitted an application to go to Fugitive Apprehension?
A. It had to be at least a year or so before.
Q. Okay. Thank you.
(Whereupon, Spalding Deposition Exhibit No. 4 was marked for identification.)
BY MR. KING:
Q. Ms. Spalding, I'm showing you another document that's been marked Deposition Exhibit No. 4, which is an e-mail -- or a couple of e-mails. At the top, an e-mail from Officer Echeverria to Juan Rivera. Have you ever seen this e-mail before?

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A. No.
Q. Okay. Were you aware that Juan Rivera was providing you information and suggesting that you apply to the Fugitive Apprehension unit?
A. What -- again, I will state that what he said was it would be our best bet to go and see if Tom Byrne could help us get into there. Because Nick Roti was the one that would have to sign off on any of the other units and it was impossible.
Q. Okay. There are three different e-mails reprinted on Exhibit 4. Is it your testimony you've never seen any of them?
A. I did not see the actual e-mail.
Q. Okay.
A. But I do know that -- hold on, there's more down here. Hold on a second. This was -- no, I never saw these documents before.
Q. Okay, that's fine.
You were aware, obviously, that you and Officer Echeverria decided to submit applications for the Fugitive Apprehension unit, correct?

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A. Okay. This is referring to a night task force that is going to start that was not up and running at the time. But yes, for Fugitive Apprehension unit, the task force, yes.
Q. Okay. You're saying what this is referring to but you've never seen the e-mail?
A. No, I haven't seen the actual e-mails. No, I have not.
Q. Okay.
A. I have not seen these e-mails. It's the first time I'm seeing them.
Q. Okay. At some point, you and Officer Echeverria --
A. I must be failing to understand.
Q. -- decided to apply for a reassignment to Unit 606 Fugitive Apprehension, correct?
A. Correct.
Q. Okay. And in connection with that application, you asked both Chief Rivera and Tina Skahill to provide letters of recommendation for the two of you, correct?
A. Correct.
Q. And both of them did, correct?
A. Correct.

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Q. Okay. And you were reassigned to Fugitive Apprehension, by my records, effective on or about March 18, 2012. Does that sound correct?
A. Yes.
Q. Okay. If I could now direct your attention back to Exhibit 1, the Amended Complaint, Paragraph 73.
You allege that on March 20th, you are detailed to Fugitive Apprehension Unit 606. And you allege, within that unit, Plaintiffs were assigned to the United States Marshal's Task Force. Do you see that?
A. I see that.
Q. Is that your understanding that when you first joined Fugitive Apprehension, that you were a part of the United States Marshal's Task Force, yes or no?
A. United States Marshal's Task Force, no.
Q. Okay. Is it your understanding at any time since you've been detailed to Fugitive Apprehension, that you've been a member of the United States Marshal's Task Force?

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A. Since we were in Fugitives?
Q. Yes.
A. No.
Q. And in order to do that, you'd need to be deputized --
A. Correct.
Q. -- by the U.S. Marshals, correct?
A. Correct.
Q. Okay. And when you first went to Fugitive Apprehension, your first immediate supervisor was Sergeant Barnes, correct?
A. Correct.
Q. Looking at Paragraph 75 of the Amended Complaint. You allege upon information and belief on or around the day of your initial detail, it says to the U.S. Marshal's Task Force, Defendant O'Grady went out of his way to personally inform Plaintiffs' new supervisors that they were rats and should be treated accordingly.
Do you have any personal knowledge of Defendant O'Grady telling anyone in Fugitive Apprehension that you were rats and should be treated accordingly?

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A. Yes.
Q. And what's the basis of that knowledge?
A. On the first day that Officer Echeverria and I reported to the unit, we met with Salemme and Cesario, at which point, you know, they asked us if we had come -- you know, where our background, if we worked -- you know, worked with IAD before, things like that.
Q. Okay.
A. And were we assigned. And I said, at no time were we assigned to IAD. And then when we left the office after the brief meeting, he walked us over to the two secretaries, Jan Hannah and Colleen Dugan, and he said, you'll talk to them about getting, you know, your radios, your equipment, whatever.
Q. Sure.
A. And they walked away. At which point, they stated, oh --
Q. Who is they?
A. Jan Hannah and Colleen Dugan.
Q. Are both of them talking or one of them?
A. At one point, each one of them talked.

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Q. Okay. What did you hear Jan Hannah and Colleen Dugan, the secretaries, say?
A. Jan Hannah said, oh, so you guys are the IAD rats that we heard about and Colleen said -- echoed the same thing.
Q. Okay.
A. Within ten minutes of being in the unit.
Q. Okay. And that's the basis for your allegation in Paragraph 75 of the Amended Complaint?
A. That was my second heads-up that something was going on. The first time, there was --
Q. Okay. My question is you allege on the information and belief that O'Grady personally informed your new supervisors that you were rats and should be treated accordingly. One basis for that is what you testified to that Jan Hannah and Colleen Dugan said. Is there any other basis for your allegation in Paragraph 75?
A. Yes.
Q. And what is that?
A. Prior to -- on the day that we were

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notified that we were going to Fugitive Apprehension, we had to contact them to find out when do we start and general information, where do we report. And the secretary Maureen, something with an S, answered the phone. She used to be -- work down in Narcotics at the 24-hour desk, so I was familiar with who she was. And she said, okay, Officer Spalding, so you and your partner -- and she said, so you're coming from Unit -- so you're assigned to 126.
And I said, no, actually we're assigned to Unit 189 Narcotics. She said, oh, that explains why Commander O'Grady is up here for the last couple of hours so upset. He's probably mad that we're taking two of his officers away. That was my first heads-up that things weren't going to go so well.
Q. Okay.
A. That's probably why he's upset.
Q. Did Maureen S. say anything else in that conversation?
A. After that, I can't recall what she said because I was just so shaken to the core.
Q. Okay. You don't have any personal

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knowledge, do you, of Defendant O'Grady saying anything about you to anyone in the Fugitive Apprehension unit, do you?
A. Yes.
Q. Is that based on what you already testified to?
A. No.
Q. Okay. What is that based on?
A. That's based on July of 2011 when I was called in to Lieutenant Cesario's office in the presence of Sergeant Mills and was told that --
Q. Okay. Before we -- I don't mean to interrupt you. But before we get to the July, 2011 meeting.
A. Okay.
Q. Prior to that, did you have any personal knowledge that Commander O'Grady spoke negatively about you or Officer Echeverria to anyone in the Fugitive Apprehension unit?
MR. SMITH: Objection, vague as to meaning of personal knowledge.
Go ahead.
THE WITNESS: I'm confused now.

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BY MR. KING:
Q. Do you have any knowledge based on anything other than what you've already testified to --
A. Prior to.
Q. -- that prior to this July, 2011 meeting, Commander O'Grady spoke to anyone in the Fugitive Apprehension unit negatively about you or Officer Echeverria?
A. Not that I can recall at this time.
Q. Okay. And you have no personal knowledge that -- prior to you starting in Fugitive Apprehension, you have no personal knowledge of Commander O'Grady speaking to Sergeant Barnes about anything, correct?
A. Prior to me starting?
Q. Yes.
A. No.
Q. And likewise, you have no personal knowledge of Defendant O'Grady speaking to Commander Salemme or Lieutenant Cesario in a negative manner about you or Officer Echeverria, do you?
A. Other than the indication from Maureen

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saying that O'Grady was up there very upset with the commanders over us coming there, no.
Q. Okay. You were testifying about Paragraph 75, what you base your belief on that O'Grady had informed new supervisors that you were rats and should be treated accordingly.
Have you testified about everything that allegation in Paragraph 75 was based on?
A. I believe so.
Q. Okay. In the next paragraph, you indicate that your first sergeant in Fugitive Apprehension, Sergeant Barnes thereafter informed your new team that you were rats, that you were not to be trusted or backed up by the team; is that correct?
A. Correct.
Q. And what's the basis for that allegation?
A. Team members informing us of that.
Q. Okay. And when did they inform you of that?
A. Shortly after our assignment to work with them.
Q. And what team members informed you of

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that?
A. Robert Walker and Loren, L-O-R-E-N, Guishnere, G-U-I-S-H-N-E-R-E, I believe.
Q. And was Guishnere and Walker on your team under Sergeant Barnes?
A. Yes.
Q. Okay. And were both you -- strike that.
Was this in a single conversation with both Walker and Guishnere or were these separate conversations?
A. Separate.
Q. And were you present for both of those conversations?
A. Yes.
Q. Was Officer Echeverria present for both of those conversations?
A. Yes.
Q. Who told you this first?
A. Walker.
Q. In person or on the phone?
A. In person.
Q. What did Walker say to you and what did you or Officer Echeverria say to Walker?

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A. He said, after working with you guys for a while, I just think it's fair that you know what's going on. He said, you know, we heard about you prior to you getting here. The sergeant told us that, you know, you're coming from IAD and that we shouldn't be working with you or back you up, you know, that I just think you should know. I base my judgment on the individuals and you guys are good cops and maybe you should address this issue with the sergeant and see if, you know, you can resolve the issues.
Q. Do you recall Robert Walker saying anything else in that conversation?
A. I mean, the conversation wasn't just that simple. I mean, of course we were floored. And I think he said that he had mentioned, and I don't recall his exact wording, that Sergeant Barnes was very good friends with Jim O'Grady. I believe he mentioned that he was good friends with the boss. I don't know who told us that it was -- actually, that he was friends with, you know, O'Grady and that it had come from the Narcotic Division is what he said.

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Q. Okay. Do you recall Walker saying anything else?
A. No.
Q. Okay. And was the conversation with Loren Guishnere in person?
A. Yes.
Q. And is that a male or female?
A. It's a male.
Q. Okay. What do you recall Mr. Guishnere saying to you and you and Officer Echeverria saying in the conversation that you say supports your allegation in Paragraph 76?
A. Guishnere stated that they were instructed not to work with us and the same -- basically the same information that Walker -- you know, that we're from IAD, not to work with us and -- or back us up. And Guishnere said, you know, that he personally cannot treat an officer in a negative manner, unless he has his own specific personal reasons to do so.
Q. Okay. Other than that, do you remember Officer Guishnere saying anything else?
A. Since then, Guishnere has had multiple conversations with my partner directly regarding

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the same situation.
Q. Okay. Have you personally had any other conversations with Guishnere about this situation?
A. You know, it may have come up in passing, but not a direct, you know, conversation like that.
Q. Okay. If I could direct your attention to Paragraph 77 in the Complaint. You allege that at one point Sergeant Barnes removed the Plaintiffs from a high profile case to which they had been assigned because they were rats. Plaintiff would not be allowed to work on the case. Can you explain what that incident was about?
A. Yes. I had been given a high profile homicide case that was all over the media. And I was working with my partner Echeverria, Kevin Williams and Larry Odem, O-D-E-M, and we had been working together on cases. And on this particular day, it was Officer Echeverria, myself, and I believe Larry Odem was there. I don't believe Kevin Williams was present for this.

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We -- I got the assignment, we hurried up, we pulled out all the information, made contact with a possible witness and we're en route to handle this when Sergeant Barnes had called and said that he was taking the case away from me.
Every one of the cases that I had prior to that had been like turnstile jumpers for CTA or something like that in --
Q. So you were en route to working on the case --
A. Yes.
Q. -- and Sergeant Barnes calls you and says he's taking the case away from you?
A. Correct.
Q. Okay. Did he say anything else other than he's taking the case away from you?
A. No. I know I told him that we were already en route and we had already worked it up. And, you know, he said, it's being reassigned to somebody else, and then I received turnstile jumpers and things like that.
Q. Do you recall him saying anything else in that conversation?

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A. Not in that conversation.
Q. Okay. So you're en route to work on the case that you worked up. Do you continue on to do that?
A. No.
Q. Do you stop and get out of the car or what happens?
A. We pick up the next file and start working on that one.
Q. So you stopped working on the case that you --
A. I was ordered to.
Q. Okay. And was that just you and Officer Echeverria in the car? I'm sorry.
A. It was Larry Odem, as well.
Q. Right. Was Kevin Williams also in the car?
A. I don't believe Kevin Williams was in the car at the time this happened.
Q. Okay. If I can direct your attention to Paragraph 78 of the Complaint. You allege that when you tried to talk to Sergeant Barnes, he repeatedly referenced that you had brought down a sergeant, referring to Watts; is that

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correct?
A. Correct.
Q. How many times did Sergeant Barnes reference to you that you had brought down a sergeant?
A. Multiple times.
Q. Okay. Any recollection of when the first time was?
A. This is during one conversation, I believe. You're saying -- you are referring to the time that I tried to talk to --
Q. I'm referring to whatever you're referring to in Paragraph 78.
A. Okay. This was after I was informed, we, my partner and I, were informed by Robert Walker of the situation. He had said, why don't you try to talk to Sergeant Barnes.
Q. Okay.
A. So I was working with Kevin Williams that day and Sergeant Barnes had come in. And he was being -- he was -- he just -- he was really being -- I don't even know the right word, other than very aggressively hostile towards me.

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First when he came in, they had just come in from apprehending someone for I believe homicide. And Guishnere had -- it was actually his case and everybody was out on it but not myself, Danny or Kevin. And he told me, well, we just got this guy, you're going to get on the computer and you're going to write up, start the arrest report. I can't start the arrest report, I wasn't even on scene. I'm not the arresting officer. So he said, you're going to start it.
So I called Guishnere and I said, Guish, how do you want me to do your report. And he said, absolutely not, you can't. Don't do it, you'll ruin the whole case. I said, yeah, I'm confused. Can I start something else for you. So Barnes became very upset that I wouldn't go ahead and start this arrest report. I'm not even on the scene, I don't even know where you guys were.
Q. Sure.
A. That's not even -- I can't. It's illegal.
Q. Sure.
A. So he sits down next to me right here, he leans all the way over in my ear and puts the radio down and turns it up. He says, you fucking hear that? Do you hear that? That's the 3rd fucking District. Do you now how fast I could fucking have you back there? Do you want to go back to that fucking district? Do you want to go back to the district? He was being so aggressive that a female detective turned around and said, Sergeant Barnes, I don't like the way you're talking to her. This is inappropriate and this is hostile. You need to stop immediately.

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Q. And who was the female detective?
A. I don't know who she was.
Q. Okay.
A. But I would know her if I saw her again.
Q. Okay.
A. It was upstairs in Area South on 111th and Ellis.
Q. Okay.
A. 711 East 111th Street.
Q. Other than what you've already testified to, did Sergeant Barnes do or say anything else to you in that incident?
A. Yes.
Q. What did he do or say?
A. After that incident, he walked away and he sat down at this desk. And I figured, this is escalating, maybe I should try to talk to him and see if we could quash this. I mean, we're in Fugitives, we're working with really good officers on this team. I'm so tired of this, I'm desperate to make it work. We did what I think is the right thing with Watts. So I approached --
Q. What did Sergeant Barnes say or do?
A. I approached Sergeant Watts and asked -- Sergeant Barnes and asked him if I could speak to him and he said, okay. We started talking and I said, you know, it's my understanding that, you know, you have some preconceived ideas about my partner and I and that maybe you're concerned about our reasons for being here. And these are issues that I would -- if you have concerns about, I would like to attempt to address and rectify so that we don't have any future problems.

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Q. Okay.
A. And so Sergeant Barnes said, we're going to go, you know, talk and he led me to this back like storage room area, I don't know what it was, up in the Detective Division.
And I basically, without naming who, I told him what information I had heard. And, you know, he said, you know, I know that, you know, you worked for IAD, you brought a sergeant down. And I said -- he said, you're going to deny you worked for IAD?
I said, well, there's a difference between working for IAD or working on, you know, a case that IAD is involved in, a Narcotics case, you know, with wrongful stuff. I said does -- yes, does IAD become involved, you know, once you learn of some kind of allegations and stuff, absolutely. What are you supposed to do, you know, but it happens.
And he's like, so you like to bring sergeants down, huh? You like to have sergeants arrested? And he's like, you like to do that stuff? And I'm like nobody, you know --
Q. Just tell me what he said and what you said.
A. -- likes to do that. And he's like, well, you know what the problem is, the team doesn't -- the team doesn't like you. They're not going to back you up, they don't trust you. I said, they don't? They don't trust us? And why is that? Because my understanding is they're being ordered by you. They don't have a problem with us. He said, yes, they do.
I said, well, do you think it's possible we could have a team meeting to clarify? Let's put all the cards on the table, we'll answer any questions. I don't want any problems. And he said -- again, he would continue to bring up, you like to bring sergeants down, you like to put sergeants in prison, over and over again.
Q. Okay.
A. And then he said, well, you know what, you're not -- you're not social, you don't even -- you don't socialize with the guys. I said, I didn't know socializing with the guys was part of my job requirement.
And he's like, well, you know, and they're not going to back you up. You're not safe out here. He said, to be honest with you, I'd hate to one of these days have to be the one to knock on your door and tell your daughter you're coming home in a box. That's how serious it is.
He said, if you want to address the issue, I'll tell you what, the next time we have a -- I call a team meeting, feel free to stand up and address the issues, but I'm not going to do it.
Q. Okay.
A. So I said, okay. On that particular day, I said, okay.
Q. Okay.
A. During the course of that meeting, Officer Echeverria and Williams walked in.
Q. Okay. During the course of the meeting you were just testifying to that you were having with Barnes, Officer Echeverria and Kevin Williams walk in?
A. Yes.
Q. Are they part of the conversation?
A. They come in and they say, what's going on, you know. And I said, well, Danny, maybe you should have a seat because Sergeant Barnes says this is an issue with both of us, it concerns both of us.
Q. Does Officer Echeverria sit down?
A. He walks in to sit down and Sergeant Barnes says, no, Danny, you get to play with her all day. I'll send her back when I'm finished.
Q. Okay.
A. And tells Danny to leave the room.
Q. Okay.
A. And Kevin Williams walked out, as well.
Q. Okay. Other than what you just testified to you saying and then Barnes saying, Officer Echeverria was not present for the rest of the conversation with Barnes, correct?
A. Correct.
Q. Okay. Am I correct that the conversation that you just testified to with Sergeant Barnes is what you're referring to in Paragraphs 78 and 79 of the Complaint?
A. Correct.
Q. Okay. Other than what you've already testified to, is there any other alleged

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retaliation or harassment by Sergeant Barnes that you're alleging?
A. From these paragraphs, no.
Q. Other than anything you've already testified to, is there anything else that you're alleging is retaliation or harassment by Sergeant Barnes?
A. Yes.
Q. What else?
A. After that -- after that meeting with Sergeant Barnes, a few days later, he calls a team meeting. During that meeting, Officer Echeverria stood up and said, I'd like to address an issue. You know, does anybody here seem to have a problem with my partner and I? There's -- we're seeming to receive information that people are questioning our intentions here and whether we could be trusted. And it seems to be we've been -- you know, my partner has been informed that, you know, it's a problem, the team has a problem working with us. Does anyone have a problem working with either my partner or I? And everyone said, no, we don't have a problem.

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And Sergeant Barnes said, you know, no, you're misunderstanding. I said, I'm not misunderstanding anything. Yesterday or two days ago you stated that the team has a problem working with us and that that's not safe -- and that we're not safe out here.
And he tried to backpedal. And then he's like, well, you said somebody told you that I said this. Who told you? I said, I'm not going to divulge that information. I want to know who told you that. I said, Sergeant -- Robert Walker stood up and said, I told her Serge, I'm the one that told her because that's what happened.
Q. Okay.
A. Ever then after that --
Q. Do you recall anything else being said in that conversation about this subject?
A. No. That meeting -- Sergeant Barnes was very mad and that meeting was over very quick after that.
Q. Okay. Other than what you already testified to, is there anything else that you consider retaliation by Sergeant Barnes?

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A. Yes.
Q. What else?
A. Shortly after that, my partner and I were called into a meeting with Sergeant Barnes, Salemme and Cesario, at which point we were removed from Sergeant Barnes' team.
Q. Okay. Let me stop you there.
MR. KING: I've got to eat.
MR. SMITH: Okay.
MR. KING: Can we do a short maybe 30 minutes?
MR. SMITH: Sounds good.
(Whereupon, a short break for lunch was taken.)
BY MR. KING:
Q. Officer Spalding, if I could direct your attention back to the Amended Complaint in Paragraphs 33 and 34. In Paragraph 33, you make the allegation that Defendant O'Grady began a campaign of harassment, and then the next paragraph you talked about the situation where he refused to sign the confidential informant, correct?
A. Correct.

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Q. Okay. My question is am I correct, that this confidential informant incident on or about August 17, 2010 was the first incident of alleged retaliation that you're claiming by either the City of Chicago or any of the Defendants in this case?
A. That I'm aware of.
Q. Okay. That's the first incident? You're not aware of any other incident?
A. With O'Grady, that's the first incident.
Q. Okay. And my question was, am I correct that this first incident with O'Grady on or about August 17th is the first incident of alleged retaliation that you're claiming in this lawsuit either by the City of Chicago or any of the Defendants -- individual Defendants in the case?
MR. SMITH: I'm going to object, legal conclusion.
BY MR. KING:
Q. Can you answer the question?
A. August of 2010. No, I don't think that would be the first with the whole City of

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Chicago. Because there's incidents that happened before O'Grady. I mean, just -- correct.

Q. Plaintiff Spalding, you allege that Commander O'Grady began a campaign of harassment and retaliation against you in August 2010. Isn't it correct that you're not alleging that there was any retaliation against you or your partner, Officer Echeverria, prior to Defendant O'Grady as you allege beginning that campaign of harassment, you're not alleging that there was any other retaliation against you for your participation in Operation Brass Tax prior to August, 2010?

MR. SMITH: I'm going to the object to the form of the question, a legal conclusion.

Go ahead.

THE WITNESS: We were there in 2008, and that's two years later. That is the first incident that alerted me to -- I'm sorry, I have to look at this, because you're asking me in a two years' time span. Do have the timeline?

BY MR. KING:

Q. You can't ask questions. I'm sorry.

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Okay.

A. Well --

Q. My question is I am correct, aren't I, that the first incident of alleged retaliation that you're claiming in this lawsuit against you or your partner, Officer Echeverria, which you allege was retaliation for your reporting or your work on Operation Brass Tax, was the August 17, 2010 incident where you allege that O'Grady wouldn't approve your confidential informant, correct?

A. To the best of my recollection at this time, I believe you are correct.

Q. Okay. Ms. Spalding, you also testified earlier about an incident where you came to understand that Deb Kirby had denied knowing about your involvement in Operation Brass Tax. Do you recall that testimony?

A. Yes, sir.

Q. Okay. Other than that allegation that in connection with that incident, Deb Kirby denied -- allegedly denied knowing about your involvement in Operation Brass Tax, are you alleging that there was any other retaliation by

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Deb Kirby based on your involvement with Operation Brass Tax?

A. Yes.

Q. Okay. What else did Deb Kirby do that you're alleging was retaliation?

A. We were informed by Chief Juan Rivera that after the incident occurred, that Deb Kirby admitted to him that she -- you know, that she had denied knowing it and that these two are going to have to be the fall guys now because it's -- I'm not going to go back.

Q. I understand that. And that relates to Debbie -- Deb Kirby allegedly denying the knowledge that you were involved in Operation Brass Tax.

Other than that subject, Deb Kirby allegedly denying knowing that you were involved in that Operation Brass Tax, are you alleging that there was any other retaliation by Deb Kirby?

A. No.

Q. Okay. Am I correct that Lieutenant Pascua never disciplined you in any fashion?

A. Not that I'm aware of.

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Q. Okay. And you're also not aware of Lieutenant Sadowski ever disciplining you in any fashion, correct?

A. I was aware that he stated that we were going to have a meeting for it, which never occurred between himself and I.

Q. Okay. So to the best of your knowledge, Plaintiff Spalding, you're not aware of Lieutenant Sadowski ever disciplining you in any fashion, correct?

A. Other than stating that he was going to, what he did with that, to my knowledge, I don't know.

Q. Okay. Now, if I can direct your attention back to the Amended Complaint, Exhibit 1, and Paragraph 80 of the Complaint.

As alleged in Paragraph 80, who ordered you to meet with Salemme, Cesario and Barnes?

A. Sergeant Barnes informed us that.

Q. And did he inform you the same day of the meeting?

A. No.

Q. What did Sergeant Barnes inform you about that meeting?

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A. Nothing, other than a few days prior, he stated on this date that we were to meet him, the commander and the lieutenant in the unit for a meeting.
Q. Okay.
A. That's all he said.
Q. Okay. And this meeting did take place?
A. Yes, sir.
Q. And were you, Officer Echeverria, Lieutenant Cesario, Sergeant Barnes and Commander Salemme present?
A. Yes.
Q. Okay. What do you recall being said in that meeting by you or by any of the participants in the meeting?
A. Well, I know that we were called in and we sat down. And at first, Lieutenant Cesario attempted to challenge our -- attempted to cite our performance as a reason that he was going to be kicking us off of the day team, which is a CPD/marshal's team where CPD officers are deputized.
Q. Right. But you and Officer Echeverria were not deputized?

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A. No, not at that time. No, we were not. Absolutely not.
Q. Okay. So Cesario indicated that he was moving you from Barnes' team, day team, correct?
A. Correct.
Q. And you said he attempted to cite your performance. By that, he mentioned your arrest activity, correct?
A. Well, that's what he said.
Q. Okay.
A. We challenged that.
Q. Okay.
A. And then Commander --
Q. Tell me what you specifically recall Cesario saying and --
A. He pushed a paper and said, look at this, these -- activity report. And it was based -- activity is --
Q. I just want to know what was said in meeting, I don't want to know anything else. Okay. He had some Activity Reports in the meeting, correct?
A. Correct.

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Q. Okay. What did he say about the activity report?
A. You know, this is your activity and what do you think of that. And I said, well, activity is -- in a Detective Division, which falls under the Detective Division, the Fugitive Apprehension is based on your assignments. So your assignments are assigned to you. So your activity can be only what your assignments are.
Q. Okay.
A. So we can't -- if we don't get the assignments, there -- we have to be assigned the cases.
Q. Okay.
A. So then -- continue.
Q. Sure.
A. So then Commander Salemme stated, did you or did you not ever work for IAD. You work for IAD? And, you know, at that point we said, at no time were we ever assigned to IAD; but did we work investigations with IAD, yes.
Q. Okay.
A. Regarding internal corruption, yes. But those are two very different subjects. He

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said, you should have known better. If you want to go against other sworn personnel, you should have known this shit was going to happen to you. You brought this baggage here with you. I didn't give it to you, you came here with it.
Q. Okay. Commander Salemme said that?
A. Yeah, Commander Salemme said that.
Q. Do you recall anything else said in this meeting by any participants?
A. Yes. Sergeant -- I mean, Lieutenant Cesario said that he was taking us -- we were being removed from Sergeant Barnes' day team. And he said, you want to go against officers, you want to do this type of activity, you are going to be put on the night team way up north. He stated, you will no longer work south, you will no longer work days, you will no longer have a take home car and if I can help it, you will never be deputized.
Q. Okay.
A. And he said to me, you will never have any of these things as long as you are here. And then lieutenant -- the commander said, you're still in the unit for now because we

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couldn't get you out just yet. Meaning to me --
Q. Commander Salemme said that?
A. Yes, Commander Salemme said that.
Q. Okay. Do you recall anything else that was said in the meeting?
A. There was so much said. It was a -- it was a fairly long meeting. They continued -- I mean, the questioning about our involvement with IAD and our working with IAD and what we had done with them, was fairly extensive by the commander and Cesario, the questionings into --
Q. Other than what you've already testified to, do you specifically remember anything else said in the meeting?
A. I remember that, you know -- I remember that I asked -- I openly said, so if we had never been assigned to work this case with IAD, if we had never been involved with any of this, would any of this be happening at all right now. And I was told by Lieutenant Cesario, no.
Q. Okay.
A. Okay. I was also -- I then also said, you know, is it possible that I can go anywhere else and work days, anywhere else. And he said,

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for you, never. You'll never see days again.
Q. Okay. You inquired about working days. Did Officer Echeverria say anything about wanting to work days?
A. Well, he -- yes. He stated, you know, we're not asking to be moved to another shift or the other side of the City, you know. We don't want this. And Lieutenant Cesario said, well, I'm the one that makes these decisions and you're going.
Q. Okay. Other than what you've already testified to, do you recall anything else that was said by anyone in that meeting?
A. You know, there was so much said, I don't recall specifics. There were -- there are additional specifics, but I can't recall what they are right now.
Q. Okay. Isn't it true that in that meeting, somebody mentioned the fact that your boyfriend, Anthony Hernandez, had had a confrontation with Sergeant Barnes?
A. Yes, yes.
Q. Okay. Who brought that up?
A. It is true. Now, I'm not sure if -- I

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believe, I believe that -- I don't know if it was Barnes or -- I believe it was Cesario that brought that up. I believe that Lieutenant --
Q. What do you recall Lieutenant Cesario saying about that subject?
A. I do recall Lieutenant Cesario saying that in addition to that --
Q. He said in addition to your activity, right?
A. Yes.
Q. Okay.
A. In addition to, meaning referring to everything that I have previously stated --
Q. Okay.
A. In addition to that, you know, Officer Hernandez -- he said, are you dating Officer Hernandez. And I said what does that have to do with any of this. I don't understand that. And he said, well, Officer Hernandez came over to Barnes and talked -- had a confrontation with him.
Q. Okay.
A. I don't know if he said confrontation or communication with him. I may not be using

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the word --
Q. Okay.
A. He may not have used the word confrontation.
Q. He may have, he may not have?
A. Yeah. He came over to talk to Sergeant Barnes regarding some other -- the rumors of sergeants, the rumors of the sergeants, me being IAD, taking down the sergeants, you know, those rumors. Because now that you say that, it reminds me that Sergeant Barnes, when we had our meeting when I asked him about can we clear the air with any of your concerns --
Q. Yes.
A. -- he had also brought up Sergeant Jay Padar from Narcotics and an allegation against him and said I was responsible for that.
Q. Okay.
A. And I stated that I was not responsible for that. And then --
Q. Okay. Let's go back to the meeting that you're testifying about. Cesario brings up the fact that there was a confrontation or communication between Anthony Hernandez and

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Sergeant Barnes?
A. Yes, yes.
Q. What else is said about that?
A. He said that because of that, because of -- Sergeant Barnes said that he didn't like the way that he approached him and that he had -- I said, approached him? Because I actually now -- now that you bring this up --
Q. Please only tell me what was said in the meeting.
A. Okay. I'm sorry.
Q. Do you recall anything else?
A. Sergeant Barnes said -- Sergeant Barnes said that it was -- maybe Sergeant Barnes said it was a confrontation or something along the lines of he didn't like the way he was approached. And I said, well, when I --
Q. When Sergeant Barnes said he didn't like the way he was approached, he meant by Anthony Hernandez?
A. Anthony Hernandez.
Q. Correct?
A. Yes, he did.
Q. Okay.

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A. And I said, when I talked to yesterday after the conversation with Anthony Hernandez, you guys exchanged phone numbers, you were talking fine. That's not the impression you gave me yesterday. It was just a conversation. And he said, well, you know, he came up behind me and it startled me. And, you know, Loren Guishnere is a witness to that.
Q. Okay. Let's just talk about the meeting.
A. That's what he said. That's the meeting.
Q. No. Loren Guishnere is not in the meeting we're testifying about.
A. Sergeant Barnes said Loren Guishnere is a witness to the conversation between --
Q. Sorry.
A. -- me and Hernandez. It was not --
Q. Okay.
A. You know, it was a little more than friendly. That was said in the meeting.
Q. Okay. Other than what you've testified to, do you recall anything else said in the meeting about --

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A. Yes.
Q. -- the confrontation between Anthony Hernandez and Sergeant Barnes?
A. Yes.
Q. What else was said?
A. Then I said, so if you are unhappy with the actions of another officer, why don't you take disciplinary action against that officer and speak to his supervisors? I don't see -- I don't control a conversation between another officer, especially when their offices are right next door to each other and they cross paths, if they happen to have a conversation --
Q. Okay.
A. -- and they work, the computers are next to each other.
Q. Please just tell me what was said in the meeting.
A. I said, I don't control that and I don't feel that I should be accountable for some other officer's actions, that he should be -- if he has done something wrong, you should be initiating disciplinary action against him for that. I said that in the meeting.

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Q. Okay. Do you recall that you apologized in the meeting for Officer Hernandez' actions?
A. I told him I wasn't responsible for that. And Sergeant Barnes said, well, for a minute there I thought you might have told him to do that. And I told him I'm sorry that you feel that way.
Q. Okay.
A. And -- something else in the meeting.
Q. Do you recall anything else said in the meeting?
A. Yes, I do.
Q. Okay.
A. Sergeant Barnes stated before we left, he said, you know what, he said, give me a call, we can talk about this.
Q. Okay. And other than what you've already testified to, do you recall anything else said in that meeting?
A. I believe that Danny and I -- the meeting was concluded with us being told, you know, when we were going to start nights and all of that information was provided to us.

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Q. Okay.
A. And then Danny and I exited the meeting, and Danny was not comfortable with the way it was left. He said, do you know what, I have something else to say.
Q. Okay.
A. And we walked back into the room.
Q. Okay. And after you walked back in the room, what do you recall being said?
A. I remember Danny stating, you know what, this is not right, this is all because of retaliation for something and we did the right thing and we wouldn't be getting kicked off by Commander -- Lieutenant Cesario's own words, we wouldn't be getting kicked off if we didn't do this investigation and it wasn't right and we didn't want this to happen and we were not requesting this and --
Q. Okay. Do you recall anything else being said in that second part of the meeting?
A. No. We exited -- we exited the office and then Barnes follows us out and says, can I talk to you.
Q. Okay. Did Barnes talk to you?

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A. Yes, he did talk to Danny and I.
Q. Okay. And where did this conversation take place?
A. In the hallway in the building.
Q. Okay. And what do you recall said by any of the participants in that conversation?
A. Sergeant Barnes said, do you know what, why don't you call me, we'll see what we can do about this. I said, for what, you already did it? You went up there and made me guilty for whatever you felt, you know, and it's already done. There's -- you know, fix what? It should have never happened.
Q. Okay. Do you recall anything else being said in that conversation?
A. No, I don't.
Q. Okay. Did you ever have any further conversations with Sergeant Barnes about that subject of you been moved off of his team onto another team?
A. No, I don't think so.
Q. Okay. Now, at the time Fugitive Apprehension was starting a new third watch, correct?

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A. Correct.
Q. Okay. And that third watch had to obviously be staffed with officers, correct?
A. Correct.
Q. And at that time, when you were moved to the third watch, you had only been in Fugitive Apprehension for -- do you know how long?
A. Well, March to June.
Q. Okay. So a couple months?
A. Correct.
Q. A few months, okay. And there were other officers that were moved from the second watch to the third watch, also, correct?
A. I don't know about that.
Q. Okay. But on the third watch, you were still in Fugitive Apprehension, you were just working on the North Side and different hours instead of the South Side, correct?
A. It's not just that, no.
Q. Okay. At the time were you reassigned to the third watch on the North Side, you were living on the South Side, correct?
A. Extreme South Side.

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Q. Okay. And Officer Echeverria was living on the North Side, correct?
A. Yes.
Q. Okay. What was his address at the time?
A. I don't know his exact address, but I think it's 56 something North Mulligan.
Q. Okay. And your assignments out of the third watch on the North Side were typically chasing fugitives on the North Side, would that be fair to say?
A. It would be looking for offenders on the North Side.
Q. Okay.
(Whereupon, Spalding Deposition Exhibit No. 5 was marked for identification.)
BY MR. KING:
Q. Officer Spalding, I'm showing you another document that's been marked as Deposition Exhibit No. 5. I'll ask you if you've seen it before. But it appears to be some arrest records for yourself between March 22, 2012 and June, 21, 2012. Take a look

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at the first and the second pages. Do you think you've ever seen this document before?
A. I know I have never seen it before.
Q. Okay. Do you know one way or another whether this was the document that Lieutenant -- Lieutenant Cesario had with him in the meeting that you were just testifying to that took place on or about June 20, 2012?
A. No. I -- it could be.
Q. It could be, okay.
A. It might not be.
Q. That's good enough.
And as you sit here today, do you have any reason to believe this report is inaccurate in terms of your arrest activity between March 22, 2012 and June 21, 2012?
A. I would have absolutely no way to know if this is accurate or not.
Q. Okay. Now, when you were told that you were moving to the night team on the North Side, in that meeting, were you told that you were -- that you'd be assigned to Sergeant Mills or when did you learn you'd be assigned to Sergeant Mills?

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A. I don't know if it was in that meeting or afterwards. I'm sorry, should I continue?
Q. Sure.
A. Yes, as a matter of fact, it was in that meeting, now that you say that.
Q. Okay.
A. Because Commander Salemme said, we're going to put you on Sergeant Mills' team. He came from IAD, maybe he can help you learn how to deal with that baggage you brought with yourselves since you came from IAD, as well.
Q. Okay. And when you first reported to the third watch working for Sergeant Mills, do you recall having an initial meeting, initial conversation with Sergeant Mills?
A. Yes.
Q. And where did that take place?
A. Outside the Fugitive unit in the hallway.
Q. Okay. And were you and Officer Echeverria present?
A. Yes.
Q. And just Sergeant Mills?
A. Correct.

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Q. And what do you recall being said in that initial conversation with Sergeant Mills?
A. Following the advice of Juan Rivera, we decided to talk to Mills about the way that we were moved and the reasons why we were moved from Sergeant Barnes' team and explain the situation to him. As I said, we were told that, you know, maybe he would, you know -- we wanted -- we are tired of the trouble, we wanted upfront here's the deal, this is what's going on, we don't know what you were being told.
Q. Sure.
A. I said, you know, we don't know what you were told --
Q. Sure.
A. -- but this is what happened on our side and, you know. He said, you know, fair enough. He said he was going to actually give Juan Rivera a call and talk to him about us.
Q. Okay. Do you recall him saying something along the lines of, you'd get a fresh start with him, he wasn't going to hold anything against you from the past?
A. I remember him saying that he was going

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to contact Juan Rivera and then -- I don't know if it was in that meeting or after he called Juan that he did say something along those lines.
Q. Okay.
A. But he did say it.
Q. Okay.
A. If it was at that time or a couple days later, I'm not.
Q. Okay. Between the time you were told you were going from Barnes' team to Mills' team, did you contact Juan Rivera?
A. Yes.
Q. Okay. And was that one conversation before you reported to Mills or do you think multiple conversations?
A. I know Officer Echeverria had called him.
Q. Okay.
A. And then I know that he called Officer Echeverria back. I also know that I contacted him. He said he was going into a meeting and that he would call me back.
Q. Okay.

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A. But then he failed to do so. So I then called Tom Chester and said, this is what's going on, you know. I mean, this retaliation that isn't supposed to be happening that we were guaranteed by Tom Byrne would not happen in his unit because it won't -- he wouldn't tolerate it, is happening. And Tom Chester said, I will reach out to Chief Rivera and get him to call you.

Q. Okay.

A. Juan's a good guy, but he doesn't always do what he's supposed to do. And then Chief Rivera called me back after Tom Chester reached out to him.

Q. Okay. So you had a phone conversation with Chief Rivera before you met Sergeant Mills?

A. Yes, I did.

Q. And what was said during that conversation?

A. During the conversation -- now, I don't -- I don't know if it was -- I don't know if -- the conversation was that -- and now I don't know if he had this conversation with

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Danny and he was on speakerphone or I was on the phone with him by myself.

Q. Okay.

A. Okay. He said that Sergeant Mills, you know, he knows him personally and that he made him meritorious sergeant. And he said that just go to him and let him know what's going on.

Q. Okay.

A. And that was basically it. He said --

Q. Did he tell you that Sergeant Mills had worked for him, Juan Rivera in IAD?

A. Yes. And that's why he meritoriously promoted him from there. I'm sorry, yes.

Q. So he had a positive impression of Sergeant Mills, is that fair to say?

MR. SMITH: Objection.

THE WITNESS: I don't know. Because he said we'll see -- after you reach out to him, we'll see what kind of individual he is or where his loyalties lie now. That's what Juan Rivera said, we'll see where his loyalties lie now.

BY MR. KING:

Q. Okay.

A. And then he also said, what they're

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doing in Fugitive Apprehension is building -- this is how they build a case against you. He said, so what I'm going to tell you to do is document and record every incident that happens and I will take it to the next level, obviously, if it's necessary.

Q. Okay. Do you recall anything else being said in that conversation with Juan Rivera?

A. I think that's the majority of the ground that was covered.

Q. Okay. You can't recall anything else? I'm not suggesting there was anything else.

A. I mean, I think that covers the gist of the conversation.

Q. Okay.

A. I could be forgetting something.

Q. Okay.

A. There's a lot of stuff to remember.

Q. Okay. So you have an initial meeting with Sergeant Mills that goes okay, as far as you're concerned?

A. Yeah.

Q. You indicate you have a subsequent

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meeting. He said something along the lines of you've got a fresh start with me, correct?

A. Between one of those two times --

Q. Sure, one of those two times.

A. -- that conversation happened.

Q. Okay. My understanding is that you allege in the Complaint that after you filed your lawsuit and you and Officer Echeverria spoke to the media, that Sergeant Mills retaliated against you. My question is, is it your claim that Sergeant Mills engaged in any retaliation against you or Officer Echeverria before you filed your lawsuit?

A. No. Not -- no.

Q. After you filed your lawsuit, is it your allegation that Sergeant Mills engaged in some retaliation against you?

A. Yes.

Q. And what retaliation are you alleging that Sergeant Mills engaged in?

A. Well, after the lawsuit was filed, it was a whole different atmosphere when you return back to work and a whole different attitude with Sergeant Mills. You absolutely could feel the

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tension.
You -- Sergeant Mills, I pulled him to the side as soon as we came to work the next day. And I said, obviously you're aware of the situation and obviously no, I couldn't tell you ahead of time that this was going to happen. And, you know, I'm curious as to how this is going to, you know, affect us working here. And he said, it is what it is.
You know, at some point he informed me that, you know, Juan Rivera and him were in the Marines together. I believe he said the Marines. It was the military.
Q. Okay.
A. And that him and Salemme have been friends forever, they go golfing all the time and that they've been friends for over 20 years and the ties to these individuals run deep.
Q. Okay. Are you testifying to what Sergeant Mills said in that first post-lawsuit conversation?
A. Yes.
Q. Okay. Do you recall anything else said in that conversation?

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A. I know he said it is what it is. He said, you know -- I said, well, can you tell me, you know, how you were notified or what the team thinks about this.
And he said, well, you know, I was notified by the commander that you guys were going to have a news conference and so I told all the members of the team to come in, watch the conference, we were going to see what's on the news and see what happens and then we had a team meeting about it.
Q. Okay. So you had a team meeting --
A. Mills is telling me that they had a team meeting about it.
Q. Okay. I see, okay.
A. That night after the media aired.
Q. And this post-lawsuit conversation you're testifying to, was Officer Echeverria also part of that conversation?
A. Yes.
Q. Okay. It's just the two of you and Sergeant Mills?
A. Yes.
Q. Okay. Other than what you've already

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testified to, do you remember anything else being said in that conversation?
A. Yes.
Q. What else?
A. He said -- I said, what happened during the team meeting. He said, well, some people hate you, you know, some people don't really give a shit. And he even said, one person said Danny should have gotten a haircut before going on TV.
He said, but different people have different amounts of time on the job. People with more time, they're not really too concerned about it.
Q. Sure.
A. But our team is a young team, a lot of people with not a lot of time and they hate you and maybe they don't even know why they hate you.
Q. Okay.
A. He said, but, you know, it is what it is. I said, well, it's not easy, it was something that was a very last resort where we tried to resolve it internally. And he said,

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I'm sure it's not easy. He said -- I said, it's nothing we wanted to do. It's not a place we wanted to be. And we just wanted to come to work and do our job and be left alone.
And he said, I understand that. I'm sure it's not easy. I can't think that anybody that would go to this extreme, it would be easy for.
Q. Sure.
A. He said, I'm sure it's very difficult and, you know. So that's what happened and, you know, that's it. And that was the five minutes after we walked in, the day after we hit the media.
Q. Okay. And what retaliation are you claiming that Sergeant Mills engaged in?
A. Well, as time went on, Sergeant Mills went from being -- from stating that -- at one point he said, it's evident to me that they do treat you differently and that they are working against you and retaliating against you. At one point, he was completely on our side and --
Q. When did Sergeant Mills --
A. I'm explaining that.

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Q. -- say that to you?
A. When did he make that comment?
Q. Yes.
A. Sergeant Mills made that comment in about July when I was banned from the building by Commander O'Grady.
Q. Okay. We'll come back to that.
Okay. I'm sorry for interrupting you. My question was what retaliation are you claiming that Sergeant Mills engaged in.
A. Okay. He did a 360 from the way he used to be. From the way that he would talk to us, from the way that he would just throw the keys down, from the point that he would send us, you know, text messages not to come in until the end of the tour. At one point I went into the unit to use the bathroom and he said, you know, I told you don't come in from off the street until the end of the tour, you know, you've got to be out on the street.
I became so intimidated that every time I was going to walk in there, I was going to be yelled at like I was called into the principal's office, that I started going to the McDonalds on

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the West Side to use the bathroom rather than walking into the facilities and being screamed at for just wanting to use the bathroom.
Q. Okay.
A. Okay. So that's just part of it. He would send us out and switch our hours when we needed to, to go work days, you know, whatever.
And there was a time that I had to get this guy, I don't recall his name. It was around Valentine's Day. But his previous record, he had to be tased multiple times, it was a chase, a foot pursuit, battery to PO or some kind of, you know, incident where it took multiple officers to take him down and everything. So now I've got to go get this guy for battery or something, a domestic battery and --
Q. So Sergeant Mills gave you an assignment to go and get this guy that you're testifying?
A. I don't know that Sergeant Mills gave me the assignment, it came in an e-mail from the unit.
Q. Okay.

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A. So I don't know who assigned it. So we switched our hours to go -- the victim was cooperating, telling us where he was during the day. So we switched our hours.
Q. Sure.
A. Okay. We came in during the day to help other team members during the day, the day before. When we went to go leave that night, we said in the presence of everyone, are you going to be here for our case tomorrow morning. Yes.
Q. Okay.
A. We're going to have the backup we need. Because this guy, obviously, is violent.
Q. And who do you recall being present when you --
A. We --
Q. -- stated that you said in the presence of everyone, you said, are you guys going to be there tomorrow morning, who was present?
A. Officer Chris Dingle, D-I-N-G-L-E.
Q. Yes.
A. Officer Roxanne Blarcheck (phonetic), I don't know how you spell Blarcheck.
Q. Okay.

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A. A female detective, I don't know her name. She works up there --
Q. Okay.
A. -- in the financial crimes.
Q. Okay.
A. Officer Echeverria.
Q. Okay.
A. Myself and I don't know if -- I want to say Sergeant Mills was there, as well.
Q. Okay. But you're not sure?
A. No, I'm not 100 percent sure right now.
Q. Okay. So you indicate, you asked people that are going to be there to back you up. What happens next?
A. Well, Sergeant Mills told me that Chris Dingle and Roxanne were going to be coming in the next day.
Q. Okay.
A. So we arrive on the scene and they're not there.
Q. Okay.
A. Nobody is there to back us up. Now, I know that I either spoke or had a text message

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with Sergeant Mills. I believe I talked to him during that day where, you know, he said it's just going to be the two of you, you know, be careful with this guy.

Q. Okay.

A. But nobody else is coming. I believe at some point that I may have received a text either that day -- we worked multiple days on the same offender, but at some point of working on this offender of, you know, be careful, but it's just the two of us against this person.

Q. Okay. But you don't know why Dingle and Roxanne didn't show up, do you?

A. No.

Q. Okay.

A. But when the sergeant tells you that you're going to switch your hours and you're going to have backup --

Q. I understand, I understand.

But you testified you were expecting that Dingle and Roxanne would be there to back you up. Am I correct that you do not know why Dingle and Roxanne weren't there to back you up, correct?

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A. I know there were no officers there to back me up --

Q. Can you answer my question?

A. I don't know why.

Q. Okay, thank you.

Okay. Other than what you've already testified to, is there anything else that Sergeant Mills did that you believe was retaliation against you?

A. There's a very long list. I'm going to have trouble remembering every absolutely incident -- every single incident.

Q. Well, do your best.

A. I'm going to do my best.

Q. Okay.

A. The lawsuit became a topic of conversation almost on a daily basis. Comments would be made to me like, what are you going to do when you lose this lawsuit, what the fuck do you think is going to happen to you then? I don't even know why you're still in this unit. Why are you still in the unit?

What do you think is going to happen if you get in a police involved shooting? He,

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pointing at Lieutenant Cesario's office, is going to be the one that handles that for you. How do you think that's going to go for you? It's not going to go fucking well.

He said, the people on the team don't want to work with you, they don't trust you. For all we know, you could still be working IAD investigating them. They don't want to work with you guys after all of this came out.

Q. Okay.

A. He said, I'm not here to -- I requested, well, then maybe we can have a meeting. As a supervisor, is there anything you can do to intervene on our behalf? How would you suggest that we handle this? And he said, I'm not here to be your social mediator. That's your problem, not mine.

Q. Okay.

A. How --

Q. Statements along the lines that you just testified to, did Sergeant Mills make them once or approximately how many times?

A. It continued from the time that we filed the lawsuit until I went on the medical

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and did not return back to work.

Q. Okay.

A. And it progressively became worse.

Q. Okay.

A. To the point that I couldn't go back to work.

Q. Okay. Have you testified to everything that you believe Sergeant Mills did that was retaliation against you?

A. No.

Q. What else?

A. We would work what's called VRI, which is overtime, and that is seniority based. Usually everything that is done in Fugitive Apprehension is based on your seniority number of years on the job, not your time in the unit.

Q. Okay. Who told you that overtime would be based on your seniority on the job?

A. Sergeant Mills.

Q. Okay.

A. And it's -- it's definite --

Q. Okay.

A. And it's a fact. Because everybody would apply and they would take the people by

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the top of seniority.
Q. Okay. Among those who apply, it's your testimony that they would take them by seniority?
A. Yes, that's correct.
Q. Okay. And if two people were needed for overtime and you didn't get your application for overtime in before two other people did, then you wouldn't get overtime, right?
A. No. There was -- you would have to submit your applications to the secretary, one of the secretaries, usually Jan Hannah.
Q. Okay.
A. And as long as you got it to her by a specific date, it had to be in by that date. It didn't mean if he turned -- someone turned theirs in three days ahead of me, that they got it. It wasn't by the date, it was by the deadline.
Q. Sure, sure. How many times when you were working on the third watch in Fugitive Apprehension are you alleging that you put in overtime requests on the time and individuals with less seniority than you got the overtime

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and you didn't?
A. I'm not --
Q. How many times did that happen, if at all?
A. I'm not alleging that at all.
Q. Okay, fair enough.
Okay. You were testifying something about VRI?
A. Yes.
Q. What was the point of that?
A. So we were -- we were working that one day on VRI, which was around March or April. It ended up being the last day that I would -- maybe the beginning of March. It would end up being the last day that I would put in for VRI, because Sergeant Mills was very, very hard, very retaliatory that day.
Q. Can you explain what VRI is?
A. Violent reduction initiative.
Q. Okay.
A. And it's funded by the U.S. Marshals for people who are assigned to the U.S. Marshals Apprehension unit to work on their days off.
Q. So you're saying at times you put in to

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work on your days off?
A. Correct.
Q. Okay. And who would control whether you got to do that?
A. Well, it was the U.S. Marshal's program.
Q. Okay.
A. So they would control it, I suppose.
Q. Okay. So you'd put in your request for VRI to the U.S. Marshals?
A. No. To the secretary.
Q. The secretary?
A. Jan Hannah.
Q. Okay. The secretary in Fugitive Apprehension?
A. Correct.
Q. Okay. And are you alleging that somehow Sergeant Mills retaliated against you in connection with VRI?
A. What I'm saying is he happened to be my sergeant on that day we were working VRI. He put in to work on his day off, as well.
Q. Okay. I see.
A. And while we were working for the VRI

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program on our day off, Sergeant Mills was working on his day off and was our supervisor.
Q. I see.
A. It was on a Sunday.
Q. Okay.
A. After we worked this overtime, okay, we had -- we had been assigned to work in a South Side district with Kevin Williams, Larry Odem, multiple people. And you got assigned wherever you got assigned and we were under Sergeant Mills for that day.
Q. Sure.
A. And on previous occasions, Sergeant Mills had said, you know, this is federally allocated money and we're in Fugitives. So all of our cases are Fugitive Apprehension related.
Q. Okay.
A. It's not like we're coming over from Bomb and Arson where we can't work our cases. If you have a fugitive that wants to turn themselves in or somebody that you can pick up on your regular case, we would get a list of other cases. He said, we're going to get him because you're getting paid time and a half on

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federal money and it's still a -- it falls under the Marshal's guidelines.

So if it wasn't on your assignment list but it was an assignment --

Q. Is he telling you this on the day that you're working the Sunday, the VRI --

A. Yes.

Q. -- where you're under his supervision?

A. No. He told us this previously --

Q. Previously?

A. -- when we were under his supervision.

Q. Okay.

A. And subsequently after that, it had -- that is -- he instructed us that and he never instructed us that it ever change.

Q. Okay. On this Sunday when you're working under his supervision, are you alleging that there was some sort of retaliation?

A. Yes.

Q. What was the retaliation?

A. Okay. When we first arrived to work, one of Danny Echeverria's wanted subjects, who was going to turn themselves in the night before, had called and said I couldn't make it

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but you can come pick me up now. We were reporting to work in the 11th District out of the 11th District that day, and this person was right down the street in the 11th District.

Q. Okay.

A. So based on the fact that Sergeant Mills had told us that while we're working this program, that as long as it is a Fugitive Apprehension case, you can work it.

Q. Okay.

A. Because it's still fugitives.

Q. Okay.

A. So we went in to -- we went to pick the offender up who said, come and get me. I'm wanted, come and get me. Processed that offender, we sent Sergeant Mills that information.

Q. Okay.

A. And then we proceeded to our area that we were assigned to for that day, which was the 4th District.

Q. Okay.

A. Sergeant Mills lost his mind.

Q. Okay.

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A. Called screaming, yelling, what the fuck are you doing over there in this 11th District. You're supposed to be in the 4th District. You're misappropriating federal funds, blah, blah, blah, blah. I said, Serge --

Q. This is a telephone conversation?

A. Yes.

Q. Okay.

A. I said, Serge, I said, you are the one who directed us to do this previously.

Q. Okay.

A. Everybody -- everyone does this.

Q. Okay.

A. No, you know, and I -- he started to just really yell. And I said, well, you know what, this is Danny's case, I think you'll need to talk to Danny.

Q. Okay.

A. And then he talked to Danny and, you know, I can hear from Danny's end of the conversation, it was the same thing, it was no better.

Q. Okay.

A. Danny hung up the phone, we got in the

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car. He said, I don't know what he's losing his mind about. He's absolutely -- Danny said, he's hostile, and I don't -- we're doing our job, we made the arrest.

Q. Sure.

A. So we went up there, we went to do our sheet to go look for people. After our tour was over, Sergeant Mills sent us a text telling us to report back to him in the 11th District, which we normally would anyway. But then he called us in to the secretary's office and shut the door.

Q. Okay.

A. I believe it was the secretary's office in the Fugitive Apprehension unit in the 11th District.

Q. Okay.

A. And, you know, in one of those offices. And he just said that, you know, I don't know what the hell you think you're doing, you guys just go out there and do whatever you the fuck you want to do.

And Danny says, well, wait a minute. You've got all these other officers here that

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are doing exactly the same different -- as the same thing, why is our arrests treated differently than anybody else's. Don't worry about what I do with other people. Because Danny specifically named officers. Well, what about this officer, and what about this officer. How dare you bring up other officers.

Danny said, I'm not bringing them up, I'm questioning why you are treating us differently than you'd treat these officers.

Q. Do you recall which officers Officer Echeverria brought up in the meeting?

A. I recall that it was -- his name will come to me. Lopez, Joe Lopez.

Q. Okay.

A. And I don't know if it's -- I can't recall the other ones.

Q. Okay.

A. Okay. So --

Q. Do you think he brought up other officers' names and you can't recall or the only one you recall is Joe Lopez?

A. Well, the only one I recall is Joe -- I remember him specifically saying Joe Lopez.

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Q. Okay.

A. Okay.

Q. What else is said in this meeting with Sergeant Mills?

A. Well, Sergeant Mills once again reiterates the whole thing about, I don't know why the fuck they left you in this unit, you shouldn't have been left here, you know.

He told me, in fact, Chris Dingle dropped paper on you this morning. And I said, dropped paper on me this morning? Meaning did a report. He said because of your comments about Barnes. I said, what comments are you referring to? He said, I don't know, you tell me. And I said, do you want to know what the conversation was? And he said, yeah, why don't you tell me.

I said at 6:00 when we start, we're sitting here at our desk, Danny is sitting here. There's about five of us. Chris Dingle sitting there next to whoever. Oh, this is another time. He says, Chris Dingle even dropped paper on you. I don't know if it was that day.

Q. Okay.

A. Yeah, I don't know if it was that day

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that he dropped the paper or it was the day before or another day.

But he said that Chris -- he told me that Chris Dingle dropped paper on me because another sergeant walked in, Sergeant Mason walked and said to Chris Dingle, hey, have you seen your sergeant today yet, you're working for Sergeant Barnes. And he said, no, I haven't -- not today, do you want me to call him. And Mason said, well, it's 6:30, he's sleeping off somewhere, he'll get here when he gets here.

Okay. So little bit -- this is what happened in this meeting. I'm telling Sergeant Mills this.

Q. You're telling Sergeant Mills about this?

A. Yes.

Q. Okay.

A. So then I said, then -- all I said to Chris was, well, that was the one good thing about working on Barnes' team is that, you know, you get your cases, you know, you go work your cases, you're treated like an adult. You go out, you work it, you know, Sergeant Barnes is

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not hovering over you every minute, what are you doing. That was my comment, along those lines.

Q. Sure.

A. That wasn't my exact wording.

Q. Sure.

A. So how in the hell are you going to drop paper on me for a negative comment? And Danny says, drop paper on her? If anything, why don't you drop paper on Sergeant Barnes for not being here when he's being paid by the Fugitive Apprehension U.S. Marshals or Sergeant Mason for not reporting him?

Q. Okay. But to your understanding, Chris Dingle is the one that dropped paper on you?

A. That's what he told me.

Q. Back to your conversation with Sergeant Mills. Do you recall anything else being said in that conversation?

A. Yeah. He continued to say that people don't want you in the car, we don't know if you're -- you know, they think that you're recording them. For all we know, you could still be -- how do we know you're not working with IAD? You could be working with them and

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recording us now. I said --
Q. Okay.
A. -- I could be, you know. Okay, you know, you could be. But if I was, I couldn't tell you that anyway. But you could be. For all I know, you are.
Q. Okay.
A. But who cares. I mean, what does that have to do with anything, you know?
Q. Do you recall anything else being said in that conversation?
A. Yeah. He said we weren't going to be backed up and the team doesn't like us and he doesn't know why we're there, he doesn't know why we leave, he doesn't know how we're going to have a career when this is over.
He said, do you know what the fuck is going to happen to you when this is over? I said, I know what's not going to happen. You're not going to continue to retaliate against me.
Q. Okay.
A. And then I said, you have kept us here an hour and a half past the time I'm supposed to get off. Unless you're going to pay me, I'm

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leaving.
Q. Okay. And did you leave?
A. He said, okay, I'm done here. I'm not going to stop you.
Q. Okay.
A. And I left.
Q. Okay. And I think you were testifying that this was shortly before you went out on medical leave, that incident?
A. Yeah. It was somewhere shortly before that.
Q. Okay.
A. You know, within a month or two or sooner.
Q. Okay. Do you recall how soon that was before you went out on medical leave?
A. I could tell you that incident happened -- after that incident happened, about a week later, IAD supervisor Mike Barz and -- Sergeant Mike Barz and Sergeant -- and Sergeant Moscolino, I don't know his first name. Robert Moscolino, came up to the unit.
Q. Okay.
A. I had received a -- no. I walked into

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the unit.
Q. Let me just stop you for a second. I know you're about to testify about another incident. My question is other than what you've testified to so far, is there anything else that you are claiming that was retaliation against you by Sergeant Mills?
A. Yes.
Q. What else?
A. I after -- and every one of these are going to intertwine into another incident, another incident, so you --
Q. Okay.
A. Okay. So in July the day that Commander O'Grady banned me from coming into the building after Lieutenant Cesario had that meeting with me and Mills present, I went outside and I was so distraught and so shaken up that I called Sergeant Mills and said, can you meet, I need to talk to you. So we went -- he told us to meet him in the parking lot over at Fugitives up on the roof.
So Danny, Sergeant Mills and I got out of our vehicle. It was summertime and we were

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out there. And I said to Sergeant Mills, you know, what just happened in there? I mean, I don't understand that. How can you ban an officer in good standing out of a building that they're assigned to? I don't understand how you can do that.
He said, you know, I don't know, I don't know what the fuck is wrong with that lieutenant or the commander. I was here when O'Grady called in to Commander Salemme, he said, and then Commander Salemme came in and told Cesario, I want you to talk to her, have a meeting with her. You're to tell her she's to stay the fuck out of that building, we're banning her from the building, blah, blah, blah, blah, blah.
Q. You're telling me that Sergeant Mills told you he heard what O'Grady said to Salemme and then Salemme said to Cesario, is that what you're saying?
A. No. I'm telling -- he said he was at work when Commander O'Grady called Salemme and then Salemme came into -- and then Salemme went to Cesario and said -- you've got to remember,

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it's one big office and then there's a door.
Q. I understand.
A. And then Salemme said -- he told -- he instructed Cesario to have a meeting with me and ban me from the building.
He said, after that, I went to Lieutenant Cesario and I said, listen, Lieutenant, I don't think you can legally ban her from that building. I said, I thought I questioned on my level, he said, and they put me in a compromising position. Because at this point, I've got nothing I can do if this ends up in a federal lawsuit except testify and tell the truth that that's what the fuck they did.
But I'm going to tell you this much. You need to be very concerned. Commander O'Grady hates you so much that if he could pop you off, meaning shoot you, across the parking lot while you're walking to or from your car to work, he's going to take that shot. So I advise you, you need to wear your vest.
Q. Sergeant Mills told you this?
A. Sergeant Mills told me that.
Q. Okay.

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A. I was so distraught and so upset. I took time off until I went on vacation, however many days that was. And I told Sergeant Mills, how can you stand here and tell me, knowing all of this, and you don't initiate any action against these supervisors for doing this. How can you stand here and tell me this?
You are mandated to get a CR number. You come from IAD, you know this. You're supposed to take some kind of action on my behalf.
Q. Okay.
A. And he said, you know what, just put your time due slips in, don't worry about all of this. By the time you get back from furlough, maybe things will resolve themselves. He would not take any supervisor action to protect me at all. Nothing. You're going to stand on the rooftop and tell me that that's what you're going to do?
Q. And this rooftop conversation was shortly before you went on furlough and then medical leave, correct?
A. No. This was in July before I filed the lawsuit.

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Q. Okay.
A. The day that Commander O'Grady banned me from the building, whatever day that was, July or whatever, 2011.
Q. Let's -- why don't we look at Paragraph 90 of the Amended Complaint. You allege that Defendant Commander O'Grady banned you from the Chicago Police Headquarters at Homan Square where you were assigned a locker.
How did you come to know that O'Grady so-called banned you from that facility?
A. Sergeant Mills told me and Lieutenant Cesario told me in that meeting that we just discussed.
Q. Okay. I'm sorry, just so I'm clear. There was a meeting with just you and Mills and Cesario?
A. Correct.
Q. And was the only subject of that meeting this allege ban of you -- how did that meeting -- how were you told to meet with them about that subject?
A. Sergeant Mills called me and he said,

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hey, where are you at. I said, Danny and I are in the car. We already left to get our subjects, our offenders.
Q. Okay.
A. He said, well, can you come back in, the lieutenant wants to meet with you.
Q. Okay.
A. So I told Danny in the car, here we go again. But when I walked in that day, I sent Danny a text. I said, something's in the air. Because when I walked in, the commander and the lieutenant were standing there waiting for me and they were just -- the lieutenant's veins were popping in his neck. And the way they looked at me, and the way they glared at me and the tension in the air, I became extremely nervous --
Q. Okay.
A. -- because this is going on constantly, so I know that something is going to happen. It's just walking in behind enemy lines. So I text Danny. Now Mills calls me in and says, the lieutenant wants to talk to me. So now I'm extremely nervous because I know that --

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Q. Okay.
A. -- something terribly negative is going to happen.
Q. And at that point, you don't know what the meeting is about?
A. I have no idea. But all kinds of things are happening that shouldn't be happening.
Q. Okay. Did you call Officer Echeverria?
A. I asked if I could -- we were together. We both walked in.
Q. Okay.
A. And I said, can I have a witness in this meeting and they said, no, you can't. Only Lieutenant Cesario can.
Q. Okay. So who's in the meeting?
A. Lieutenant Cesario, Sergeant Mills and me.
Q. And what is said in this meeting that you're basing your allegation in Paragraph 90?
A. Lieutenant Cesario said, what did you do before work today. Could you be a little more specific? Like what did you do before work. Did you go over to Homan Square. I said,

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yes, I did. What are you -- what the -- what are you doing in that building? I said, I'm assigned to that building, I don't understand where this is coming from.
Q. Okay.
A. Did you see Commander O'Grady in there? No, I never saw Commander O'Grady in there.
Q. Okay.
A. You know, he said, well -- he said, Commander O'Grady doesn't want you in that building.
Q. Okay.
A. He doesn't want you going in that facility. I said, it's a facility that has a gym that is open to all officers in good standing. Anybody can go in there, use the washroom, you know, park your car there. I'm assigned there anyway, you know.
Q. And when you say you're assigned there, you had a locker there, correct?
A. At one point I had a locker there, I don't know if I still had the locker.
Q. Okay.
A. I could still have a locker there now,

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for all I know, you know.
Q. Okay.
A. Yes. But you're assigned to 189, detailed to Fugitives.
Q. Okay.
A. So instead of assignment, detailed. And so --
Q. In your detail to Fugitive Apprehension, you weren't -- your work location was not Homan Square, correct?
A. No. We moved out of Homan. It was at Homan Square for part of the time up on the fifth floor.
Q. Okay.
A. And then we moved out and we had just moved into the 11th District.
Q. Okay. So at the time that you had this meeting with Cesario and Mills, your work location was no longer Homan Square, correct?
A. Correct.
Q. Okay. What else, other than what you've testified to, do you recall being said in this meeting with Cesario and Mills?
A. He said, I strongly -- Lieutenant

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Cesario said, I strongly encourage you for your own benefit that you do not go back into that building. You be advised that you are banned from that building.
Q. Okay. Do you recall anything else being said in that meeting?
A. It was a little bit longer meeting than that so I'm sure that there was more that I just can't recall at this moment.
Q. Okay. If you look at your Complaint, Paragraph 89, you say, on August 17th, Sergeant Watts and Officer Mohammed pled guilty. And then in Paragraph 90, you say around the same time, Defendant O'Grady banned you from Homan Square.
Do you have a recollection of whether this alleged banning was after August 17, 2012?
A. No. I thought it was closer to July.
Q. Okay. Are you sure of when it was?
A. No.
Q. It could have been July, it could have been August?
A. Yeah. I'm basing it on the fact that I took time off until I went on vacation. And I

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always took vacation in July, so I could be wrong.
Q. Okay.
A. But I don't have those records.
Q. Okay. And after that Homan Square incident, is it your testimony that you shortly thereafter took vacation or furlough and then went right into medical leave?
A. No.
Q. Okay.
A. I took time off using my comp time.
Q. Okay.
A. And I went on my assigned scheduled furlough that I picked the previous November.
Q. Okay.
A. I believe that it was -- that's when the incident occurred.
Q. Okay.
A. To the best of my recollection.
Q. Okay. I think where we were in this whole thing, I was asking you if there was anything else that Sergeant Mills did that you believe was retaliatory.
You've told me about a lot of things.

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Is there anything else that you're alleging that Sergeant Mills did that was retaliatory?
A. There were things that occurred on a daily basis almost and I just at this point can't recall anything further specific at this time.
Q. Okay. After you found out that Commander O'Grady didn't want you in Homan Square, did you make any further attempts to go in the Homan Square building before you went out on medical leave?
A. I only went there one other time when I was told, given an instruction by Sergeant Mills that I had to go in there because we were issued new stars or badges or something.
Q. Sure.
A. And that's where we had to go pick them up. And I even told them, Sergeant Mills that I did not want to go into that building without a supervisor escorting me.
Q. Okay.
A. Because Commander O'Grady had made comments to other officers I would be arrested.
Q. Okay.

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A. So I was afraid.
Q. Did you, in fact, go to Homan Square on that occasion?
A. On the day that Sergeant Mills said, you guys need to go there now and pick it up, I did follow his order.
Q. Okay. And you didn't have any problem that day when you went there and picked up your star or whatever you needed to pick up?
A. No. Because everybody was gone. We went there at night when it was closed up.
Q. Okay.
(Whereupon, Spalding Deposition Exhibit No. 6 was marked for identification.)
BY MR. KING:
Q. Officer Spalding, I'm showing you what's been marked as Deposition Exhibit No. 6 and ask you to take a look at these. And we can actually just take this page by page.
So if you take a look at the first page of Exhibit 6, which indicates it's a Portfolio Report. The subject is you, Shannon Spalding, created by Thomas Mills. Have you ever seen

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this first page of Exhibit 6 before?
A. No.
Q. Okay. In the report, Sergeant Mills indicates that he checked the activity of the team and the involved member had low arrest numbers for the time period of January 13, 2001 to February 13, 2001. The involved member worked 14 days and had only 2 arrests.
As you sit here, do you know if that was correct in terms of your arrest activity during that period?
A. I have no idea to know if it's correct.
Q. Okay. But you don't recall ever seeing -- well, strike that.
Sergeant Mills goes on to say that he will provide the involved member with his activity report. Do you -- did Sergeant Mills regularly provide you with Activity Reports?
A. After we started -- after we filed the lawsuit, he began to retaliate against us with activity.
MR. KING: Okay. I move to strike that response as nonresponsive.

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BY MR. KING:
Q. Did Sergeant Mills regularly provide you with Activity Reports on your activity?
A. Not regularly, no.
Q. Okay. If you take a look at the second page of Exhibit 6. It indicates, again, it's a Portfolio Report created by Sergeant Mills and you are the subject. Do you recall ever seeing this document?
A. I never saw any of these documents before.
Q. Okay. Well, he writes that he spoke with the involved member on March 19, 2013 about spending excessive time in the Unit 606. I believe you testified to this, perhaps.
Do you recall that Sergeant Mills would tell you that he felt that you were spending excessive time in the unit and should be out on the streets?
A. I recall that he did not word it that way. I recall him saying that we should not be in the building, that we, specifically us, should not be in the building and that we should not come in until 11:30.

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Q. Okay.
A. And that was his conversation.
Q. Okay. As you sit here, do you know whether, in fact, he spoke to you on March 19, 2013 about spending excessive time in the unit?
A. I know that -- I can't say that it was March 19th, but I can say that one day we left and we did return a couple of hours later because my partner, Officer Echeverria, who had recently been hospitalized and everything, was feeling really ill and wasn't going to be able to remain on the street.
Q. Okay.
A. But before we could even get a chance to tell him why we were back in the unit, he became very irate and exploded verbally at us screaming at us what were we doing back in the unit and why aren't we out on the street.
Q. Okay.
A. And at that point, Danny decided not to tell him anything. And I let him finish his rant and then said that he was sick and couldn't continue to work.
Q. Okay. And as far as you know, that

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incident may or may not have been on what's documented in this Portfolio Report?
A. It was close to that time.
Q. Okay.
A. It is more than likely this incident.
Q. Okay. If you look at the third page, it indicates another Portfolio Report on -- the subject is you, created by Sergeant Mills.
This is the incident that you previously testified to, correct? That you made an arrest in the 11th District when you were not assigned to the 11th District, correct?
A. This is on the VRI program that I was telling you about, yes.
Q. Okay. The next page, another Portfolio Report dated March 24, 2013 says, the involved member failed to make any arrests from the dates of 19 March 2013 until 23 March 2013.
As you sit here, do you know whether that's, in fact, correct or not?
A. I don't know if those -- if that information is correct or not.
Q. Okay.

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(Whereupon, Spalding Deposition Exhibit No. 7 was marked for identification.)
BY MR. KING:
Q. Officer Spalding, I'm showing you another group of documents that's marked as Deposition Exhibit No. 7. And I'll just try to identify them and I'll ask you if you've ever seen these reports before.
They appear to be Officer Activity Reports for you, Shannon Spalding, between 6/20/2012 and 4/30/2013. Do you recall seeing these documents before or Activity Reports like this?
A. I have seen Activity Reports, but I don't know if they were exactly these same reports.
Q. Okay.
A. Where are you seeing the dates? Okay.
Q. And the arrest totals that are listed in Deposition Exhibit 7, you have no basis for knowing whether they're correct or incorrect? Let me strike that. That's a bad question.
Do you know whether the arrest activity

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that's reflected in Deposition 7 is correct or incorrect?
A. I have no way of knowing that.
Q. Okay.
(Whereupon, Spalding Deposition Exhibit No. 8 was marked for identification.)
BY MR. KING:
Q. Officer Spalding, I'm showing you another document that's been marked Deposition Exhibit No. 8, which indicates anyway that it is a report listing of arrests for Shannon Spalding for January 1, 2013 until the end of the year, December 31, 2013.
Are you able to tell me whether or not these arrest reports are correct or incorrect?
A. I have no idea. I've never even seen this report before.
Q. Okay. You've never seen this report?
A. No.
Q. Okay. That's fine.
If you'll direct your attention to Paragraph 104 of the Complaint, Deposition Exhibit No. 1, and Paragraph 105 and 106. My

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question is this is the incident that you previously testified to, correct?
A. Correct.
Q. Okay. You mentioned something about secretly recording conversations. Was there some point when you were secretly recording --
MR. SMITH: Objection to the form of the question.
MR. KING: Okay. I don't need -- I don't need to allude to the prior question. I'll just ask you.
BY MR. KING:
Q. Was there any point where you were secretly recording any conversations that you were having with Sergeant Mills?
A. No.
Q. Okay. Is it your understanding that at some point Sergeant Mills was under the impression that you were recording conversations with him?
A. I don't know what Sergeant Mills' impression was of anything.
Q. Okay. You never had a -- strike that.
Did you ever have a conversation with

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anyone about the subject of you recording conversations with Sergeant Mills or Sergeant Mills' belief that you were recording conversations with him?
A. Only in regards to a CR number with IAD.
Q. Okay. Who --
A. It was more -- yeah, a discussion. I wouldn't say a discussion.
Q. Okay. Who did you have a discussion with that related to either recording conversations with Sergeant Mills or his belief that you were recording conversations?
A. I didn't have a discussion, I was working in -- I reported to work, along with Officer Echeverria, shortly before I went on the medical.
Q. Okay.
A. And Sergeant Mills stated that two people of the team, Sergeant Steve -- or I'm sorry, Detective Steve Becker and that Roxanne Blarcheck would be in the unit late and that him and the rest of the team were going north. And that he -- and ironically after telling us to be

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out on the street more, instructed Danny and I to stay inside the building.
Q. Okay.
A. Okay. So we followed his instructions and we didn't leave.
Q. Okay.
A. Shortly after Sergeant Mills left, Sergeant Mike Barz and Sergeant Robert Moscolino from IAD confidential section, approached me. Now, Sergeant Mike Barz was a sergeant involved with Operation Brass Tax with the Ronald Watts situation.
Q. Yes.
A. So at first when I saw them, I thought that he was coming to talk to us with something with the operation --
Q. Sure.
A. -- because that has happened in the past.
Q. Okay.
A. So when he approached me, he said to me -- I said, oh, hey, you know, Serge, what's going on. Do you need to talk to us about the Watts case? And he said, no. If I told you

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that you were under arrest right now, are you going to come with me peacefully or not.
Q. Sergeant Barz said this?
A. Yes. Yes, he did.
Q. Okay. And then what else was said?
A. I said, no. He said, okay, then we're going to fucking do this here. And he said, get up. And him and the other sergeant escorted me into a room and shut the door and put me between some desks, one sat here, one stood there and I was between two desks like this.
And he said, we have criminal federal allegations that you are illegally recording. And he said, these are allegations that you're going to be arrested and charged for and will lose your job over. This is serious.
Q. Okay. Did they say anything else in this meeting?
A. They said a whole lot for whole long -- a long time.
Q. Okay. Did they indicate who you were alleged to be recording?
A. Yes.
Q. Who?

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A. Sergeant Mills.
Q. Okay. What else was said in this conversation?
A. He said to me that -- I said, well, what are the charges? He said, you're not allowed to know that at this time. I can't know specifically what the charges are? He said, no, not at this time, you cannot.
Q. By the way, was Officer Echeverria present?
A. No, no.
Q. Okay. That's my only question.
A. Okay.
Q. Okay. What else was said in the meeting?
A. I was going to tell you. Sorry.
As I was walking in the meeting, I was able to get a text off that said, they're arresting me, call our attorney.
Q. Okay.
A. To Danny Echeverria, okay.
Q. Okay.
A. But he was not in the room at any time.
Q. Okay. What else was -- other than what you've already testified to, what else was said in this meeting?
A. He said -- I said, I need to know specifically what are you asking me. He said, that you were recording conversations. I said, well, there's different versions of recording. Are you referring to recording as writing down and documenting or are you referring to like tape-recording, video recording. He said, let's just say using your cell phone or using a recording device.
Q. Okay.
A. I said, no, you know, I have no idea what are you talking about.
Q. Okay.
A. They continued to question me. And then he said, I'll tell you what, he said, give us your phone right now, which by the way they had out of my reach, and we'll go through it. We'll go through it right now. He goes, I'll tell you what, I have an affidavit here for your phone. I said, an affidavit? You better get a fucking search warrant.
Q. Okay.

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A. Because now I'm in a corner. You've got me trapped like a rat.
Q. Okay.
A. And you're alleging all of this stuff. And I said, you want this phone? I said if I walk out of this room without giving you this phone, you will swear there's something incriminating on it and I got rid of it.
So I'll tell you what, you can have this phone, but I want you to call my lawyer or let me call my lawyer. And as soon as my lawyer gets here, you can go through the phone with his permission.
Q. Okay.
A. And he said, okay. He said, all right. Let me ask you something --
Q. So he -- so Barz and Moscolino did not go through your phone, correct?
A. No.
Q. Is that correct?
A. It is correct, they did not go through the phone.
Q. Okay. They asked you if you were using any kind of recording device to record Officer

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Mills. What was your answer to that?
A. No.
Q. Okay. What else was said in the meeting?
A. He said -- okay. He said, we have a Complaint here. He said, do you have any knowledge of anybody that would be dropping paper on you. And I immediately thought about that whole last day that we walked -- worked VRI and Mills saying, the people don't want to work with you, they're dropping paper on you, in fact, even Chris Dingle dropped paper on you.
So I said, well, Sergeant Mills had mentioned last, and at the time, I knew the date, I was able to say the date off the top of my head, on such and such a date, it was a Sunday we were working, Sergeant Mills had told me that people were dropping paper on me.
He said, Sergeant Mills fucking told you that? And I said, yeah. He said, why in the fuck would Sergeant Mills give you a heads-up and tell you that. I said, what are you talking about? Like I said -- he said, why would he tell you something like that? I said,

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you'll have to go ask Sergeant Mills. And he said, well -- he said, okay, with that being said --
Q. Okay. Did you ever learn in that meeting or any time after that, who had accused you of secretly using a recording device with Sergeant Mills?
A. Yes.
Q. Who did?
A. He said, with that being said, I will now tell you Colleen Dugan along with -- no, I think he just mentioned Colleen at the time, has filed a CR number against you --
Q. Okay.
A. -- stating that on Monday, on such and such a date on a Monday, she observed you in the hallway with a recording device that she believed could possibly be your cell phone and she heard a man's voice coming from the cell phone that she believed to be Sergeant Mills.
Q. Okay.
A. And she believed that it was a recorded conversation. And I said, that's what you're detaining me here for? And he said, yes. I

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said that fucking might have been -- I could have been listening to a saved voicemail, I could have had Sergeant Mills on speakerphone.
Q. Sure.
A. You don't even know that it was Sergeant fucking Mills. I said, are you kidding me? You've got criminals like the rest of Ronald Watts' team still out there not under arrest for the crimes they've committed, and you have this completely false made-up allegation that you're going to detain me for and go to prison for?
Q. Okay.
A. Okay. And then he said -- I said, did you approach Sergeant Mills with this?
Q. Yes.
A. And he said, yes, Sergeant Mills is the victim. I said, the victim? So you've already made a final conclusion on this and you haven't even done the investigation, so I'm already guilty? And he said, well, of course, he's the victim, so I did approach him.
Q. Okay.
A. And he said -- I said, you know what,

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this is further fucking retaliation. Because Sergeant Mills just told me in that VRI meeting that people think that we might still be working for IAD. And now you two IAD bosses come up here and you pull me in here in front of all these coworkers and you're detaining me in here and you're just going to solidify their thoughts.
Q. What coworkers were in the office when Sergeant Barz and Sergeant Moscolino came and took you in the room and interrogated you?
A. Multiple members of the Bomb and Arson team.
Q. Okay.
A. Steve Becker, Roxanne Blarcheck was there. She walked out, she walked in. I don't know if she was there at the exact moment, because I was paying attention to them.
Q. That's fine.
A. Officer Echeverria. And I don't know the names of the people from Bomb and Arson, but they were there, as well.
Q. So Sergeant Barnes informed you that he had shared this with Sergeant Mills?

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A. Yes.
Q. That there had been a Complaint that you were secretly using a recording device recording conversations with him; is that fair?
A. He said that he approached him because he was the victim.
Q. Okay.
A. And I said, well --
Q. Other than what you've already testified to, do you recall anything else being said in that meeting?
A. Yes.
Q. Okay. What else?
A. I said, well, that's great. I said, I have a rough enough time with this sergeant already, okay, ever since this lawsuit was filed. I said, and now you're going to go to him and state this false allegation and make my work situation 100 times worse.
You guys worked with me on this operation, you were supposed to help me and protect me and instead you're make it 100 times worse. And I said, now, what was Sergeant Mills' reaction? He said, Sergeant Mills stated

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at no time did he have any knowledge nor did he believe that you have ever recorded him at any time.
Q. Okay.
A. He said that was Sergeant Mills' response. So I didn't make your sergeant think worse of you.
The conversation continued and I told him, this is just further retaliation. This -- you guys are coming after me. You know, this is a fishing expedition because my conversation with the VRI. And I wouldn't elaborate on anything. This is a fishing expedition because I have a lawsuit filed and people are trying to find out if I have recordings that are going to surface in the lawsuit or not. I said, that's all that this is.
Q. Okay.
A. At some point in between this conversation, my lawyer Dan Herbert at the time called Mike Barz on his cell phone.
Q. Okay.
A. And said, I understand you have her. And I could hear both sides of the -- because

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I'm so close.
Q. Okay.
A. And he said, yeah, he said, we are holding her, we do have her. I'm questioning her regarding these federal charges that I have.
Q. Yes.
A. Mike Barz then continued and said, hey, listen, listen -- in front of me. He said listen, Dan, where are you at, you out of town? You're in Washington? We're going to see you for the game on Saturday or whatever? Okay, I'll see you then. This is my attorney talking to the guy that's detaining me, okay.
Q. Okay.
A. So now I said -- he said, okay, he said, listen, buddy, do my a favor, don't make this part of the retaliation in the lawsuit and I'll make these charges disappear.
Q. Who said that?
A. Mike Barz said that.
Q. Okay.
A. To Dan Herbert.
Q. Okay.
A. And you're laughing.

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Q. I'm sorry. Go ahead.
A. Like it's a joke, like something like that is funny.
Q. I'm sorry. I apologize. I was not laughing at you.
A. Yeah, you were.
And then Mike Barz handed me the phone. And my attorney said, don't say another word to them. I said you're about 45 minutes too late. I want to get the fuck out of here, they're not letting me leave.
Q. Okay.
A. So when he hung up, I said, am I free to go now? And Mike Barz said, no, not yet. Sit down.
Q. Okay.
A. He said, look, I'm sorry I came at you the wrong way. I said, you're right. This could be perceived as retaliation.
He said, you know what, I came here as your friend. My intention was to give you a heads-up and let you know that I know that these are false allegations and let you know that these are not going to go anywhere. We know

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that these are falls allegations. I came here so that you would not be concerned about these because we know that they're going nowhere, we know they're false.

Q. Okay.

A. And he said and if you're having such a hard time with everything, I'll tell you what, isn't there a way to expedite this whole situation and make it easier on you? I said, I have no idea. Do you know of a way to expedite a federal lawsuit? He said -- I said, oh, you mean drop the lawsuit? And he said, if it makes it easier.

I said, I can't and I fucking won't.

Am I free to leave now? He said, no. He said, do you have Sergeant Mills' phone number? And I said, yeah. He said, call him. I said, no, you call him. He said, give me his phone number. He said, you are distraught and psychologically not fit to go out for duty. He said, you are too distraught, you are too historical and --

Q. Sergeant Barz said this?

A. Yes. He said -- I said, I wasn't before you guys came and did all this to me for

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the last hour and something.

Q. Okay.

A. And he said, listen, this is going to disappear. There's going to be no criminal charges, we're going to make this disappear, okay. He called Sergeant Mills and he said, I am -- Sergeant Mills I want to inform you that Officer Spalding is not fit for duty, she's too distraught over this situation and I am sending her home. She is not fit to work the streets.

Q. Okay. Was that the last day that you actually worked --

A. No.

Q. -- in Fugitive Apprehension?

A. No. I worked I believe two more days.

Q. Okay.

A. But I changed my duty hours to days and I went to FOP the next day to inform them that I was detained, wasn't read my rights --

Q. Okay.

A. -- wasn't given the charges and wasn't free to leave even after my attorney called and when I requested my attorney to be called. And I talked to a lawyer there at the time named

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McCarthy. He said, you have a great case. He said, they should not have done that to you. That was an arrest and it was completely illegal. However, the problem is the people that would discipline him and make sure that this is corrected is Juan Rivera and you're suing Juan Rivera.

He said, in your best interest and for safety reasons, you do have a benefit called medical. And in your extreme situation, you can go on medical because of the stress. It's a stress leave. And I was unfamiliar with that. Because I told him, I'm now to the point that I can't even get in a car without shaking. I don't know what's going to happen next.

How can I go chase wanted offenders in that condition? I'm jeopardizing my partner's safety and I'm mentally not able to do this anymore. And he said, for your own good, I advise you not to. I came, we worked days, like the next day on that Sunday. It was like a Thursday. Friday I went to FOP. I worked days on Saturday. Sunday Danny started furlough. I put in time, too for two weeks. Half way

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through that, I went to a therapist. I was just so distraught and everything --

Q. Okay.

A. -- and then I went on the medical.

Q. Okay. So after the incident with Sergeant Barz, you worked -- well, the following day, you went to FOP?

A. Yes.

Q. And you worked days?

A. Yes, so I could go to FOP.

Q. And you're saying there was one more day that --

A. I believe there was like one more day.

Q. Okay. So after the incident with -- well, after the incident with Sergeant Barz, did you ever have a conversation with Sergeant Mills about that incident?

A. No, I never had a conversation with Sergeant Mills about it.

Q. Okay. And at the time of that incident with Sergeant Barz, you had been reassigned from nights to days at that point, correct?

A. But I never got to work days because of the incidents that occurred. I never ever

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worked one day on days.
Q. Okay. But you had requested you and your partner to go back to days in Fugitive Apprehension and you were ultimately sent back to days with Sergeant Stack, correct?
A. Yes.
Q. Okay. But you actually never reported for duty on days with Sergeant Stack, correct?
A. Correct.
Q. Okay.
MR. ECHEVERRIA: Do you want to take a break?
MR. SMITH: Why don't we take a break.
MR. KING: Yeah, why don't we take a break.
(Whereupon, a short break was taken.)
BY MR. KING:
Q. Officer Spalding, am I correct that your allegations that Sergeant Barnes and Sergeant Mills engaged in some retaliation against you was all within the time period that you were assigned to Fugitive Apprehension?
A. Correct.

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Q. And since you never reported to work with Sergeant Stack, I assume you're not alleging that Sergeant Stack retaliated against you in any fashion?
A. Correct.
Q. When you were in Fugitive Apprehension, did you have any understanding of what the process was for officers such as yourself to get recommended for the U.S. Marshal's Task Force?
A. Prior to going to Fugitive Apprehension, we met with Chief Tom Barnes, as I stated earlier. During that time, we met with him to tell him what we were involved with with Operation Brass Tax since it had concluded.
Because we wanted to lay all of the cards on the table and let him know that we're looking to go to a unit where there will be no further retaliation and nothing else like this will happen anymore.
Q. Okay. Did he tell you about this process, is my question?
A. Yes, yes.
Q. Okay. And what did he say about it?
A. What he said to us is, you two are

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great officers, you worked for me before. He said, I am about to start a night team; however, with your experience, your resource and your talents, I believe that it would be a waste to put you on the night team. I think you're better suited for the day team to work in fugitives with the U.S. Marshals on one of the teams. Right now, I don't have any openings to have you deputized.
Q. Okay.
A. However, when the openings come up, I will get you -- you will be deputized. He said, I'm not saying that you're better than the officers that will go on -- that will go on night, it's just at this point in your career, it's going to be a completely different concept. For you, it would be a glorified tact team and it would be a big step back in your career.
Q. Okay. Let me ask it this way. Did you understand that in order to be deputized for the U.S. Marshals Task Force, your sergeant had to recommend you for deputization?
A. No. I -- later on being -- after I have gotten -- at the time with Tom Barnes -- it

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wasn't explained that way.
Q. Okay.
A. He said, I will -- you guys -- I will have you guys -- him, being the chief, I think he could recommend it.
Q. Okay.
A. But after being in Fugitives, on the night team, I did learn from Jan Hannah that when they picked the people to be deputized on that night team, that they did ask the sergeants; however, when I did ask Sergeant Mills about that --
Q. Yes.
A. -- he said that sergeants don't have anything to do with that.
Q. Okay. Sergeant Mills told you sergeants don't have anything to do with recommending who gets deputized for the U.S. Marshal's Task Force?
A. Yeah. He said with him -- that's what he said when we first got to the night team. But Jan Hannah told me later that that's not accurate.
Q. Okay. To the best of your knowledge,

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did Sergeant Barnes or Sergeant Mills ever recommend you and Officer Echeverria for the U.S. Marshal's Task Force?
A. Well, I -- I don't -- I didn't even -- when I was in Sergeant Barnes' team, I didn't even have that information or know what it was, so I would have no knowledge.
Q. Right.
A. And when I asked Sergeant Mills, he said that he -- it wasn't done that way, so I didn't even know.
Q. Okay. I assume that's a no?
A. No.
Q. To the best of your knowledge --
A. No.
Q. -- you're not aware of Sergeant Barnes or Sergeant mills recommending you for the U.S. Marshal's Task Force, correct?
A. That's correct.
Q. Okay. And -- strike that.
So we've gotten to the point where you go out on medical leave and you have talked about certain people you complained to about certain things.

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My question is, did you ever make any Complaint in writing to anyone that you believed you were retaliated against for working on Operation Brass Tax?
A. That's not -- you usually talk to a supervisor. No.
MR. KING: Okay. Can you read back the question.
(Whereupon, the record was read as requested.)
THE WITNESS: I don't believe I did.
BY MR. KING:
Q. Okay. Are you aware that your attorney at the time Patrick Walsh made a Complaint on your and Officer Echeverria's behalf that did result in a CR number being issued?
A. No.
MR. SMITH: I'm going to object to the form of the question, it assumes facts not in evidence.
MR. KING: Well, let's see if we can put it into evidence.
MR. SMITH: Complaints that are Civil lawsuits, generate CRs automatically.

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THE WITNESS: Can you say that again? I'm misunderstanding what you said. Am I what?
MR. KING: You can read back the question to her.
THE WITNESS: Please.
(Whereupon, the record was read as requested.)
THE WITNESS: No. As a -- he filed a CR number?
(Whereupon, Spalding Deposition Exhibit No. 9 was marked for identification.)
BY MR. KING:
Q. Let me show you Deposition Exhibit No. 9 and ask you to take a look at that document. It's a Summary Report Digest of the Chicago Police Department. Have you ever seen this document before?
A. No, I've never seen this. Is this what my attorney filed?
Q. If you look in the allegation section on the first page, it says, the Complainant Attorney Patrick Walsh alleged that at an unknown date, time and location, Chicago Police

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Officers you and Dan Echeverria were subjected to retaliation from unknown Chicago Police Officers because of their cooperation in an FBI investigation that resulted in the arrest and prosecution of Chicago Police Officers.
Is it your testimony that you're not aware of your attorney --
MR. SMITH: I'll object. This is misleading as to the process of how these claims are initiated.
MR. KING: Okay.
MR. SMITH: I'm going to ask for my client to have a minute to read -- review the materials.
MR. KING: Sure.
THE WITNESS: I can't even see the materials. Can I talk to you for a minute?
MR. SMITH: Can we take a break now or do you want her to finish answering this question?
MR. KING: And I don't want to ask an unfair question. I'm not trying to do that. Let me try to ask a better question.
THE WITNESS: Well, if you could read

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this whole thing. My eyes are so blurry from all this crying. If you want to read that to me, then I can answer your question.
BY MR. KING:
Q. Let me ask it this way. Are you aware that at some point after you filed your lawsuit, there was a CR number that was opened relating to your allegations of retaliation?
A. No. This is the first I'm hearing of it.
Q. Okay. Do you -- so you don't recall having to make a decision at some point if you wanted to pursue the CR or you just pursued your lawsuit?
A. No, never.
Q. Okay. Fair enough.
(Whereupon, Spalding Deposition Exhibit No. 10 was marked for identification.)
BY MR. KING:
Q. Officer Spalding, are you familiar with the Independent Police Review Authority?
A. I know who they are.
Q. Okay. And is it your understanding

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that they investigate complaints of misconduct by police officers?
A. Yes.
Q. Okay. And when did you -- have you known that your whole career essentially that who IPRA is and that they investigate complaints?
A. I don't know that I've known that my whole career. I don't think IPRA has been in existence my whole career. I don't know much about them. You know, I've only had to deal with IAD.
Q. Okay. So I'm assuming you never made a -- you or as far as you know, Officer Echeverria never made a Complaint to the Independent Police Review Authority about any of the retaliation that you allege you were subjected to?
A. No, I never did.
Q. Okay.
A. Not that I'm aware of.
Q. And as far as you know, Officer Echeverria did not, either, correct?
A. No. He didn't, either, as far as I

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know.
Q. Let me show you another document that's been marked as Deposition Exhibit No. 10 and ask you to take a look at that.
Take a look at this first page of Exhibit 10 and just let me know if you've ever seen this e-mail before.
A. No.
Q. Okay. And as of April 13, 2008, you were still working in Narcotics, correct?
A. As of -- yes.
Q. And are you familiar with Kevin Navarro?
A. Yes.
Q. Who was Kevin Navarro?
A. He was a lieutenant in Narcotics.
Q. Okay. And to the best of your knowledge, was he your lieutenant as of April 13, 2008?
A. Yes, I believe he was.
Q. And was your sergeant at that time Kevin Johnson?
A. In April?
Q. In April of 2008.

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A. Do your records reflect that? I'm not sure who was my sergeant at that time.
Q. Okay. But it may have been Kevin Johnson?
A. It could have been, yes.
Q. Okay. If you would -- if you look at the first line of the e-mail, Page 1 of Exhibit 10, it says, from Kevin Navarro to Nick Roti. It says, boss, here are the personnel assessments. Sergeants were done by me and their personnel were done by them. Do you see that?
A. Yes.
Q. Okay. And then if you turn to Page 149 -- at the bottom right, it's Page 1495, which says, Lieutenant Kevin Navarro at the top and then Sergeant Kevin Johnson underneath that. Do you see that?
A. I do.
Q. Okay. And if you turn to the next page, you're identified on the next page correct?
A. Correct.
Q. Okay. And have you ever seen these

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pages, 1495 and 1496 before?
A. I've never seen any of these pages.
Q. Okay. And during the time that you were under Sergeant Kevin Johnson, were these the individuals that were also under Sergeant Johnson, as far as you know?
A. Yes.
Q. Officer -- those listed on Page 1495?
A. Yes.
Q. Yes?
A. Uh-huh.
Q. Okay, thank you.
And do you have any knowledge or information that as of April 13, 2008 Kevin Navarro was aware of your work with the FBI on the Watts investigation?
A. You know, I don't know who knew what at what point.
Q. Do you have any basis for believing Kevin Navarro was aware of that as of April 13, 2008?
A. I have no proof of that.
Q. Do you have any basis for believing that as of April, 2008, Kevin Johnson was aware

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of your work on the Watts investigation?
A. No. I don't know what Kevin Johnson may or may not have known, but he was working in the FBI building.
Q. Okay.
A. So it's possible, I don't know.
Q. Okay. Do you have any personal knowledge of whether Kevin Johnson was aware of as of April, 2008 that you were working on the Watts investigation?
A. No personal knowledge.
Q. Okay. You don't have any knowledge? You don't have any knowledge that he was aware of that, correct?
A. Correct.
Q. Okay. If you look at the first page, the e-mail from Kevin Navarro to Nick Roti, the second paragraph starts to talk about a robbery and battery of you, P.O. Spalding. Is that what you previously testified to, that incident?
A. No.
Q. Okay. Do you recall what that incident was about?
A. Yes. I was robbed and -- oh, with --

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yes, with the -- did we talk about that, with Bates, where I was told to go out and make the drug buy when I didn't feel comfortable?
Q. Well, why don't you tell me what this --
A. Okay.
Q. -- your understanding of the incident was when you were robbed and --
A. I was working under Bates, Tyron Bates.
Q. Okay.
A. And I don't know and I don't recall if we did discuss this today already. But we were going to make a narcotics purchase on the West Side. We went over this, correct? And I explained that I wasn't comfortable going back to the situation because my identity had already been revealed?
Q. Yes.
A. Yes, this is the same subject that we talked about.
Q. Okay. This is the same subject we talked about?
A. Yes.
Q. And obviously by the date of this

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e-mail, that incident occurred sometime prior to April 13, 2008, would you agree?
A. I believe it was in February.
Q. Okay. Of 2008?
A. Yes.
Q. Okay. That's fine.
And later on in the e-mail, Kevin Navarro writes, I'm definitely going to have a team meeting because there's animosity over this incident, a split among team members including P.O. Spalding going around the unit bad mouthing the team for not backing her up. I don't know if you'd agree to bad mouthing, but would you agree that you were expressing concern about the team not backing you up in that situation?
A. I was asked by multiple supervisors about the incident, and I did express the -- I did tell them the incident that did happen and they expressed more concern than I did --
Q. Okay.
A. -- for the incident and related back to me that they were trying to cover that up.
Q. Okay. Did you express concern in connection with that incident about team members

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not being there to back you up?
A. Yes.
Q. Okay. And then Kevin Navarro goes on to write, quote, I talked to her personally on the phone with her from Peoria and asked the question specifically about backup and she told me she had no problems. Do you believe that's correct?
A. What I do know is that the conversations took place when Kevin Navarro -- prior to his phone call. I don't believe he was informed immediately of the situation.
Q. Okay.
A. I think it was a day or the next day.
Q. Okay.
A. And so these conversations took place immediately after the incident.
Q. I understand. I'm just asking if you remember a phone conversation with Kevin Navarro.
A. I do remember Kevin Navarro calling.
Q. Do you recall that you told him you weren't concerned about the team members not backing you up or do you not recall that?

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A. I don't recall telling him that I wasn't concerned. I remember telling him that I was okay.
Q. Okay. That's fine, that's fine.
And Tyron Bates, I assume you don't have any knowledge that as of when that incident occurred, he had any knowledge of your working on the Watts investigation?
A. I have no knowledge of him having knowledge.
Q. Okay.
(Whereupon, Spalding Deposition Exhibit No. 11 was marked for identification.)
BY MR. KING:
Q. Officer Spalding, I'm showing you another document that's been marked Deposition Exhibit No. 11 and I will ask you to -- it's a lengthy document. But if you could tell me whether or not you believe you've seen this document before.
A. I don't think I've ever seen this document, the first page of it. I don't know. Hold on a second.

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Q. And we can just look at the first page.
A. Okay.
Q. It appears to be what's called a Summary Report Digest. It indicates in the allegation section that the allegation was that a complainant Michael Murphy had made some allegations relating to some actions by you and Officer Echeverria relating to a dog. Do you recall that incident?
A. Yes.
Q. Okay. And you are aware that as a result of that incident, there was a CR number and investigation was done, correct?
A. Yes.
Q. Okay. And do you recall that Joseph Stehlik with the Internal Affairs Division was the one who conducted that investigation?
A. I don't recall who conducted it.
Q. Okay. If you could turn -- strike that.
To the best of your recollection, you have not seen this document before?
A. Well, I was just looking at the front page and I don't ever recall seeing a Summary

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Report Digest.
Q. Okay. Do you ever recall seeing any report concerning the investigation of this incident?
A. Well, these are the investigator's log, so I wouldn't be privilege to this.
Q. Okay.
A. I wouldn't have any of this.
Q. Okay.
A. This is not what we would see.
Q. I understand. I'm just checking.
Just let me know if you think you've seen any of these documents before.
A. Well, I know that I would -- I know that I saw a CR number for that.
Q. Okay.
A. But I don't -- it's not the same as this, I don't believe. But I did see CR documents for that.
Q. Okay. And if you turn to the page at the bottom, it's Number 923. And do you see that?
A. Yes.
Q. It says findings on this page. And it

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indicates with respect to you, the accused, Shannon Spalding, that allegation that's written here anyway is sustained a violation of Rule 4 and sustained a violation of Rule 2. Do you remember learning at some point that the violations against you, in what I'll refer to as the dog incident, had been sustained?
A. Yes.
Q. Okay. And if you turn to the next page, it indicates that the violations or the allegations against Officer Echeverria were likewise sustained. You learned of that, as well, correct?
A. Yes.
Q. And if you turn to the following page, which is the recommendation page, you learned that at least -- did you learn at some point that at least the recommendation was a suspension for you and for Officer Echeverria?
Did you recall learning that a suspension had been recommended for the both of you?
A. I recalled them sustaining that, sustaining it. I don't recall -- I know that we

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filed a grievance on it, so I know it was sustained.
Q. Okay.
A. But I don't recall the specific --
Q. You don't recall knowing --
A. Yes.
Q. -- what the recommended penalty would be?
A. Time. Yeah, exactly. But it says it right here.
Q. Sure, okay. And ultimately is it your understanding that those findings were changed to not sustained?
A. Yeah. We filed a grievance with FOP.
Q. Okay. So my question is --
A. Yes.
Q. -- ultimately, did you learn that these -- these findings were changed or overruled such that they were not sustained?
A. Correct. Ultimately.
Q. Okay. And do you have any knowledge of what happened to cause the findings to be changed from sustained to not sustained?
A. Yeah. We went to FOP and I remember

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that we were upset and we wanted to file a grievance --
Q. Sure.
A. -- because it was sustained. And now that -- I mean, I'm looking at this and four days when you've never -- you know, usually it doesn't --
Q. That's fine.
A. -- start out at four days. So we filed -- when we went to file the grievance --
Q. Yes.
A. -- we were informed by Kathy, who works at FOP, she said, well, this --
Q. I'm sorry. Go ahead.
A. We were informed by Kathy at some point when we were talking to FOP about filing the grievance, that this CR number was made by -- was called in as a favor to the complainant's mother, who actually worked either for Nick Roti or O'Grady as their secretary or something for years. So that is the kid's mother. And so they called it in and then they took the CR number and we were told by --
MR. KING: Okay. I'm just going to

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move to strike that entire answer as nonresponsive to my question.
THE WITNESS: Okay.
MR. SMITH: Not that striking testimony in a deposition has any meaning at all. It's part of her answer. If you don't want her to answer your question about what they did and why they did it --
MR. KING: Okay.
MR. SMITH: -- she could continue. If you want to withdraw the question, then withdraw the question and ask another one.
MR. KING: That's a good idea. I'll withdraw the question and I'm moving to strike her answer.
MR. SMITH: Again, that has no meaning in a deposition.
MR. KING: I appreciate the Civil Procedure lesson. I'll ask -- I'll rephrase my question.
BY MR. KING:
Q. Are you aware of whether someone intervened on your behalf to change the finding of sustained to not sustained? Do you have any

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knowledge of that?
A. I understand that when you file a grievance, that there will be a hearing and that somebody will review it and make a decision on that. That is my understanding.
Q. Do you know in this particular case how the initial finding of sustained came to be changed to unsustained?
A. I was never told by FOP.
Q. Okay. So you don't know?
A. No.
Q. Okay. If I could turn your attention to Paragraph 116 of the Amended Complaint of Exhibit 1. Paragraph 116 indicates that the allegation is that the Defendants -- let me strike that.
Paragraph 116 alleges that as described in the preceding paragraphs, Defendants acting in concert with known and unknown conspirators, reached an understanding to deprive Plaintiffs of their Constitutional rights.
What Defendants are you alleging reached an understanding, I guess, to retaliate against you?

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A. The Defendants named in the lawsuit.
Q. Okay. So it's your allegation that all of the Defendants named in the lawsuit reached an understanding to deprive you of your rights, is that your testimony?
A. I'm not sure I understand the question.
Q. Okay. Well, you testified that all of the Defendants named in the case --
A. The Defendants named in the case.
Q. The Defendants named in the case you're alleging reached an understanding to deprive you of your rights. I assume that means to retaliate against you, correct?
A. All the Defendants listed did engage in retaliation at some point.
Q. Okay. You've testified as to all of the Defendants engaging in some sort of retaliation against you. Is it also your testimony that they all reached some understanding to engage in this retaliation or they -- or they just, on their own, engaged in retaliation, if you know?
A. I don't -- well, like Nick Roti and the people from Organized Crime, obviously were

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aware of each other's actions, you know.
Q. Okay.
A. And Lieutenant Cesario, Barnes, Mills, Salemme from 606, they have at different moments been witnesses or there when things have taken place.
Q. Okay. So is it your testimony that your allegation that the Defendants reached an understanding to retaliate against you, that's based on your allegation that certain Defendants knew about the alleged retaliation of other Defendants, is that fair to say?
A. Yes, they knew about it and failed to stop it or report it or engaged in it.
Q. Okay. Is it your position in the case that the Defendants that retaliated against you, did they retaliate against you because you spoke to the FBI specifically or simply because you reported illegal activity on behalf of -- illegal activity by Watts and others?
MR. SMITH: I'm going to object, it's a compound question as to all the Defendants and then --

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BY MR. KING:
Q. My question is, is it your belief that they retaliated against you because you went to the FBI or simply because you had, quote-unquote, ratted on fellow police officers?
A. I believe that they retaliated against my partner and myself because we went to an outside agency to report criminal conduct within the department that wasn't being addressed by the department and we broke the code of silence and reported supervisors within the department to outside agencies so --
Q. Okay. And were you finished with your answer?
A. I could be.
Q. Okay. You mentioned this code of silence. As you understand the code of silence, it's that you're -- I guess tell me what's your understanding of what that means, the code of silence?
A. Well, I'm sure it's not the first time that you've heard of the code of silence. But even when you're in the academy, they tell you the fastest way to ruin your career is go

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against another police officer. So you know that from the minute you walk in, that is taboo within the department. Look the other way or whatever.

Q. Okay.

A. And if you don't, it will cost you your career, as we are examples of.

Q. Okay. So your understanding of the code of silence is that you're not supposed to report criminal or illegal activity by other officers; is that correct?

A. My understanding of it is it is not looked favorably by other officers or supervisors if you are going against other officers or reporting it. It's not -- it doesn't make you popular. It will damage you and make you an outsider.

Q. Okay. And that -- your understanding is the same whether they're -- you know, I'll strike that.

If I could turn your attention to Paragraph 120 of the Complaint. And just have you take a look at Paragraph 112(a). Are you aware of any authority, any particular authority

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that the Chicago City Council has delegated to the superintendent of police?

A. Personally?

Q. Yes.

A. No.

Q. Okay. Are you personally aware of any authority that the superintendent of police may have delegated to chiefs?

A. What do you mean by that? Like what, the authority he allows them to have in their position?

Q. My question is, are you aware of any authority that the superintendent of police, specific authority that a superintendent has delegated to chiefs?

A. I know the authority that the chiefs have under their position.

Q. Well, what's your understanding of the authority that the chiefs have?

A. What division are you talking about? Do I know what the superintendent personally assign to chiefs or authorize them to do personally, no.

Q. Either personally or based on

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documents, are you aware of specifically what authority the superintendent of police has delegated to individuals at the chief level?

A. I have not seen any documents from the superintendent to the chiefs.

Q. Okay. You -- there's an allegation in Paragraph 112(c) that -- strike that.

Is it your allegation in this case that the superintendent of police, whoever the superintendent was at any particular time, was personally involved in any retaliation against you?

A. Did the superintendent --

Q. Yes.

A. -- retaliate against me personally?

Q. Yes.

A. No.

Q. Or the same for Officer Echeverria, as far as you know?

A. As far as I know.

Q. Okay. And --

MR. KING: Can we take a quick a break?

MR. SMITH: Sure.

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(Whereupon, a discussion was had off the record.)

BY MR. KING:

Q. I don't think I asked this. Am I correct that the alleged retaliation that you say was engaged in by Commander Salemme and Lieutenant Cesario was all during the period that you were assigned the Fugitive Apprehension?

A. You're correct.

Q. And with respect to Nick Roti, other than your allegation that he did not allow you to come back to work in Narcotics, is that the extent of the alleged retaliation by Nick Roti?

A. No.

Q. Okay. How else did Nick Roti retaliate against you?

A. By allowing Commander O'Grady to continue his retaliation against me, you know.

Q. Okay. So other than not allowing you back in the unit and to your knowledge Roti allowing O'Grady to continue to retaliate, was that the extent of the retaliation that you're alleging by Nick Roti?

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A. No.
Q. Okay. What else?
A. After Echeverria tried to make attempts to make the phone call, his conversation with Juan Rivera telling us, you know, never to contact him, we're never going to be allowed in Organized Crime, we'll never go to any task force, that conversation.
Q. Okay.
A. Other than that --
Q. Maybe I'll ask it this way.
A. Other than that --
Q. Other than what you've already testified to, is there anything else that you're alleging is a retaliation by Nick Roti?
A. No.
Q. Okay. You testified that the superintendent you didn't believe was engaged in retaliation. Is it your position in this case that the superintendent of police is somehow responsible for the retaliation that you suffered?
A. The superintendent never engaged in retaliation against --

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Q. I understand.
A. -- my partner or I.
Q. And I'm asking is it your position that nevertheless -- and I'm not saying that it is. Is it your position that nevertheless the superintendent is somehow responsible for those under him who engaged in retaliation?
MR. SMITH: I object it calls for a legal conclusion.
THE WITNESS: I think that the superintendent is responsible for his chiefs underneath him and the actions that they do. And when there is retaliation to this extent and he was involved in the operation, that it -- you know with the -- all of -- all of this, that, you know, once he becomes aware of this, you know, it is his responsibility to address it.
BY MR. KING:
Q. Okay. And are you aware of any of the retaliation that the superintendent was actually aware of?
A. I'm sure he was made aware of the lawsuit.
Q. My question is, are you -- do you have

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any personal knowledge of the superintendent of police being aware of any of the alleged retaliation against you before you filed the lawsuit and it became public?
A. No.
Q. Okay. You talked about this code of silence. And my question to you is other than what you allege has happened to you and your partner, Dan Echeverria, are you aware of any other officers whom you believe have been retaliated against for violating this so-called code of silence?
A. Michael Spaargaren.
Q. Okay.
A. S-P-A-A-R-G-A-R-E-N.
Q. And what's your understanding of what Michael Spaargaren did? Is this what you previously testified to?
A. It's in addition to.
Q. Okay. What's your understanding of what Michael Spaargaren did to violate or breach the code of silence and what retaliation do you believe happened to him?
A. When we were in Public Housing South,

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at one point he was placed on Sergeant Ronald Watts' team. And he began to personally observe activity that he believed was not according to the rules and regulation of the police department and he started to question their conduct.
He had a -- he confronted Sergeant Watts about it, at which point Sergeant Watts then told him that -- Sergeant Watts threatened him and told him that he needs to keep his mouth shut and you know what, you'll be the one that I do the paper on. Don't -- you know, you're not going to question what I do. I'm the supervisor.
Q. Okay.
A. And they got into a verbal altercation over it, to the point that Michael Spaargaren then went to lieutenant -- the lieutenant of Public Housing at the time.
Q. Do you recall who that was?
A. Yes. It was Spratt, S-P-R-A-T-T. At which point the lieutenant told Michael Spaargaren that he better not go to IAD and report any of this, that basically he would be

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done and he better keep his mouth shut.
Q. Okay.
A. And at that point, Michael Spaargaren began to fear that he would get a false case put on him or false papers. So he turned in his papers -- he went down to headquarters to take a leave of absence in fear of what would happen.
Q. Okay. And what you just testified to that Lieutenant Spratt allegedly said to Michael Spaargaren, you got that from Michael Spaargaren, correct?
A. I got that from Michael Spaargaren. But also I heard them arguing upstairs.
Q. Okay.
A. I heard them screaming, so I could hear part of that argument and I heard Spratt yelling at him.
Q. I understand Michael feared that there might be some retaliation against him. He went on leave, I think you said?
A. Yeah.
Q. Okay. Are you aware of any actual retaliation that happened to Michael Spaargaren?
A. No. He left -- he left the job then.

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Q. Okay.
A. And then they changed the rules after about a year and a half or two years, and he came back.
Q. Okay. And he came back?
A. Yes.
Q. Okay. And since Michael Spaargaren has come back to work, are you aware of any retaliation that he suffered?
A. I'm not aware.
Q. Okay. Other than you and your partner and Michael Spaargaren, are you aware of any other officers who to your understanding breached this code of silence and suffered any retaliation?
A. You know, a couple officers, after I became public with this, did approach me and I don't -- I don't know their names now.
Q. Okay.
A. And did approach me with their situations, but I don't know their names.
Q. Okay. You don't know -- it's fair to say you don't know their names or the details of their situations?

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A. Well, I do know that like they told me their brief story.
Q. Okay.
A. And so I knew their incident. One person said that he had worked with Ronnie Watts and when he complained about him in the 2nd District, he was launched off. And I don't remember if he said he was put on midnights somewhere on foot patrol or something, but he had made it to traffic or something now. But, you know, situations like that.
Q. Okay.
A. But, you know, these officers would know me from media and come up to me.
Q. Sure.
A. And I don't know these officers. I don't remember their names.
Q. Other than what you've already testified to, are you aware of any other officers who to your knowledge breached the code of silence and suffered some kind of retaliation?
A. I could possibly be aware of incidents that I don't recall right now.

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Q. Okay. At any time that you were suffering alleged retaliation, am I correct that your pay was not cut, correct?
A. No. My salary?
Q. Was your salary ever cut?
A. No.
Q. And, in fact, did you receive any salary increases during the period of time that you allege you were suffering retaliation?
A. To be honest, I don't know. I have direct deposit, I never looked at my checks. If there was an increase, I didn't notice it.
Q. Okay. Do you know what your last salary was before your pay was stopped?
A. I don't even open up my W2s. I just bring them to the accountant.
Q. So you don't know?
A. No.
Q. Okay. And I assume also -- well, strike that.
And during the period that you allegedly suffered retaliation, none of your employment benefits were cut, correct?
A. Correct.

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Q. Okay. And are you alleging that you suffered any monetary losses as a result of the alleged retaliation?
A. Well, I did -- you know, the retaliation resulted in me not being able to come to work now, it's resulted in me applying for disability because of the post-traumatic stress disorder, it's resulted in the City doctor saying that me ever returning to legal work -- I mean, to law enforcement, is very unlikely. So it's negatively effected my income ultimately, yes.
Q. So at this point, the monetary loss that has been the result of the alleged retaliation, would you agree that it is the fact that you're no longer getting your full salary while you're on disability?
A. Or allowed to work overtime or have the chance to advance or any of that.
Q. Okay. And with respect to overtime, are you alleging that the retaliation impacted your ability to work overtime just in Fugitive Apprehension or in any other units?
A. Well, there --

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Q. Well, strike that. Let me ask you.
With respect to the -- your claim that the retaliation, are you alleging that that caused you to lose overtime opportunities?
A. The retaliation?
Q. Yes.
A. Yes.
Q. Okay. Do you have any knowledge as you sit here of how much overtime you claim that you've lost as a result of alleged retaliation?
A. I lost the possibility to working overtime. There was no overtime in the units I was put in like 126 or things like that. For us like to work later investigations or things like that, like that was limited.
Q. It was limited overtime opportunities?
A. Yeah, in some of the units. Like in 606, we weren't going to be working overtime unless we worked our days off.
Q. Okay.
A. So it was limited where you couldn't stay late. We couldn't stay late.
Q. Sure, okay.
Do you have any knowledge of in dollars

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how much overtime you may have lost or believe you lost as a result of the alleged retaliation?
A. I can't guess what I would have been -- worked or not worked.
Q. Sure, that's fair.
Is it true that when you were working on the third watch in Fugitive Apprehension, you -- did you ever have to also go to court during the days?
A. No.
Q. Okay. You've alluded to that you've seen some medical professionals in connection with I guess medical conditions that you're alleging were the result of the retaliation; is that correct?
A. I'm not alleging. They are a result of the retaliation.
Q. Okay. And can you tell me who each of those medical providers were?
A. The Therapist Deborah Weaver.
Q. Okay.
A. Psychiatrist Dr. Kaiser, Psychiatrist Nancy Landre.
Q. Okay. Anyone else?

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A. Yes. I saw a doctor at the University of Chicago for some stress-related testing for the physical effects. I don't remember his name. If you said the name --
Q. Is that Dr. Robert Sargis?
A. Yes.
Q. Okay.
A. If you say the names, I could tell you what they did.
Q. Okay. Do you recall anyone else who provided any treatment to you?
A. Dr. Jessica Dietheim from Rush.
Q. Okay.
A. And then I went to see a cardiologist at Rush, Dr. Jolly.
Q. Okay. Do you recall visiting at any time -- does the name Joleen Hartland or Genesis ring a bell to you?
A. Yes, I did. I did go see her at times for -- she's a therapist, as well.
Q. Okay.
A. I'm trying to think. There may be one other name that you have on the list that I can't --

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Q. Okay. I'll just ask you a few questions. Our records, and we've obtained records from all these providers, of course, indicate that your first visit with Deborah Weaver was on April 4, 2013. Do you have any reason to doubt that?
A. No.
Q. Okay. And we've seen records that indicate that you visited Joleen Hartland on May 11, 2013. Do you have any reason to doubt that?
A. No, no.
Q. Do you recall having just that one visit with Joleen Hartland or more than one?
A. No. I went to her multiple times, but I don't recall how many times.
Q. Okay. And do you have any reason to doubt that May 11, 2013 was the first time you visited her?
A. No.
Q. Okay. And our records indicate a visit to the doctor you mentioned, Jessica at Rush University Medical Center on June 5, 2013. Do you have any reason to question that?

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A. No.
Q. Do you know if you had the one visit with Dr. Jessica, I guess it's, Dietheim --
A. Yeah.
Q. -- or multiple visits?
A. One visit.
Q. Okay. And Dr. Robert Sargis at the U of C Medical Center, our records indicate you visited on December 5th of 2013. Any reason to doubt that?
A. No.
Q. Did you have one visit with Dr. Sargis or multiple?
A. I had one visit with Dr. Sargis and then one return visit, but that was for labs, for Dr. Sargis. And then two phone consultations over the phone with Dr. Sargis.
Q. Any reason to doubt that the one main visit with Dr. Sargis was on December 5, 2013?
A. No.
Q. Okay. And you mentioned Dr. David Kaiser.
A. Kaiser.
Q. Kaiser. Our records indicate that your first visit with him was on February 3, 2014. Do you have any reason to doubt that?
A. No. For some strange reason, I remember that day.
Q. Okay. And Nancy Landre you testified to, you visited her on one occasion, correct?
A. Correct.
Q. Okay. And our records indicate that that evaluation was done on July 15, 2014. Does that sound correct?
A. That is correct.
Q. Okay. And the only other person I think you mentioned was a Dr. Jolly?
A. Yes. I went to see him once. He was a cardiologist. But I was having chest pains.
Q. Do you recall when you visited Dr. Jolly?
A. I was -- no, I don't.
Q. Okay. In the other visits we've talked about with medical professionals, the first one appears to be the visit with Deborah Weaver on April 4, 2013. Do you know if your visit to Dr. Jolly was after that date?
A. After that? You know what, I believe

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it was before that.
Q. Okay.
A. I believe I was still working at the time in Fugitives, but I would have to check that date for you.
Q. Okay.
A. I believe I was working at Fugitives but --
Q. But you're not positive?
A. I can't be positive. I'd have to check for you.
Q. Okay. And you went to Dr. Jolly because you were having chest pains?
A. Yeah, I was having chest pains. It was from anxiety, but I didn't know they were increasing.
Q. Okay. And do you recall where Dr. Jolly's office is or what the address is?
A. Yeah. He's at Rush Professional Building.
Q. Okay.
A. And that's like 1340 West Harrison or something.
Q. Okay. Was he the one that referred you

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to Deborah Weaver?
A. Did he refer me to Deborah Weaver?
Q. Yes.
A. No. Jessica Dietheim said that I should see somebody.
Q. Okay. You don't know when you visited Dr. Jolly, whether it was before you went on medical leave or after?
A. I want to say it was before, but as I stated, I'm not 100 percent positive.
Q. Okay. And is he located in the same building as Jessica Dietheim at Rush?
A. I think they are in the same building.
Q. Okay. And did you have just one visit with Dr. Jolly or multiple?
A. No, just one.
Q. Okay. And you indicated that it was his diagnosis that you were having chest pains from stress?
A. It was his diagnosis that he believed that it was not a heart attack or heart related, but it was anxiety, stress related.
Q. Okay. Would I be correct to say that all of the medical professionals that you

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visited, all of the information that they received as to what was allegedly happening to you at work at the Chicago Police Department was provided to them by you?
THE WITNESS: Well, yeah.
MR. SMITH: Objection, foundation.
BY MR. KING:
Q. And that would have been both things that you told them verbally and in some cases you provided some documents to some of the medical professionals, correct?
A. Yes.
Q. Okay. And were you at some point diagnosed with any particular condition by any of the medical professionals that we've talked about?
A. Yes.
Q. And who diagnosed you with what?
A. Deborah Weaver with post-traumatic stress disorder; Dr. Kaiser post-traumatic stress disorder, anxiety disorder; the City of Chicago's Dr. Nancy Landre, post-traumatic stress disorder, anxiety, mood disorder.
Q. Anything else?

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A. Dr. Sargis said that my condition is stress-related and recommended that I see a psychiatrist.
Q. Okay. You referred to Nancy Landre as the City of Chicago's doctor. Who referred you to see Nancy Landre?
A. That came -- I don't -- I don't remember her name, but she is like a medical caseworker for the City.
Q. Okay.
A. And she notified me that an appointment was made on that date and that I needed to go there for an evaluation.
Q. Okay. And the person that sent you for the evaluation with Nancy Landre, do you recall were they with the pension board?
A. Yes, I think it was the case management for -- I don't know if they worked at the pension board or it's a company that -- it's somebody that the pension board uses.
Q. Okay.
A. Or I don't know if they are employed at the pension board.
Q. Okay. And you were -- other than what

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you've testified to, are there any other conditions that you've been diagnosed with that you're claiming is a result of the retaliation in this case?
A. No, not that I recall. No.
Q. Okay. Did any of the medical professionals you saw prescribe any medications for you?
A. Yes, they did.
Q. Okay. Who prescribed what medication for you?
A. I don't remember the names of the medication that Dr. Sargis -- it was anxiety medicine.
Q. Okay.
A. And I don't remember the names of the medicine that Jessica Dietheim prescribed, but it was also for anxiety.
Q. Okay.
A. And Dr. Kaiser has given me Clonazepam. I know I'm going to get it wrong. It's tromp -- they're -- there's three different anxiety medicines.
Q. Okay. Have all of the medicines to

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your knowledge that have been prescribed to you anti-anxiety medications?
A. They are supposed to help alleviate the anxiety and post-traumatic stress disorder. So if they're classified as anti-anxiety or something else, but they're for that reason.
Q. Okay. So all the medications that you've been prescribed, it's your understanding that they were to help with the anxiety --
A. Related to the --
Q. -- related to the post-traumatic stress disorder?
A. Correct.
Q. Okay. And have you consistently taken all of the medications that have been prescribed for you by each of your doctors?
A. With Dr. Sargis he said to try it and see how it worked and then to see a psychiatrist. And the medicine he gave me, did not work. And I do take the medicine that I'm prescribed from my psychiatrist regularly, yes.
Q. And that's Deborah Weaver?
A. No. Dr. Kaiser.
Q. Dr. Kaiser, okay. So at this point,

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are you taking any medication?
A. Yes, I am on three medicines and I don't recall the names of all of them.
Q. Okay. And those are medications that Dr. Kaiser prescribed for you?
A. Yes.
Q. Okay.
(Whereupon, Spalding Deposition Exhibit No. 12 was marked for identification.)
BY MR. KING:
Q. Ms. Spalding, I'm showing you now what's been marked as Deposition Exhibit No. 12 and ask you to take a look at this and let me know if you've seen these documents before.
A. Well, of course I have.
Q. Okay. And what is Deposition Exhibit No. 12?
A. They are notes that I had made for myself.
Q. Okay.
MR. SMITH: Do you have another copy of that one?

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MR. KING: I'm sorry, yes.
MR. SMITH: Thank you.
MR. KING: There you go. Yeah.
MR. SMITH: Thank you.
BY MR. KING:
Q. And they seem to be according to date or some dates beginning on November 1, 2012. Did you keep these on some kind of calendar?
A. On the Gmail calendar.
Q. Explain that to me.
A. You know how you can just go onto your phone calendar --
Q. Okay.
A. -- and type it in? That's what I would do. Or you could do it from your computer.
Q. Okay. And would you always do it on your phone or sometimes on the computer?
A. I would do it at different times.
Q. Okay. My question to you is did you always type this information in on the dates that's indicated or would you sometimes do it later and go back and type it in?
A. These notes would pretty much be taken like it would depend on the day. I might write

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them like at the end of the day or I might write them part way through the day or, you know, or maybe the next day.
Q. Okay.
A. But they were always done --
Q. Fairly soon after the day?
A. Yeah, so I wouldn't forget.
Q. Okay. And did you first keep any handwritten notes that you then used to type this in or no?
A. Yes, I did.
Q. Okay. Would that be true for all of the entries on this exhibit, that originally they were handwritten notes that you then typed in?
A. I have had handwritten notes that I kept before, yes.
Q. Do you still have any of those handwritten notes?
A. No, I don't.
Q. Okay. If I could direct your attention to the page that is numbered 656 at the bottom. If you look at the entry at 4:00 p.m. on March 21, 2013. And I'll just ask you, right in

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the middle of that entry, you write, quote, but I was just reminded again by Mills that the activity have is unacceptable and I was also informed that I should not be working cases other than the ones assigned to me. Do you see that?
A. This is on March 21st you're saying or March 22nd?
Q. Yeah.
A. Okay.
Q. It appears based on the document that on Thursday, March 21, 2013 at 4:00 p.m., you've typed in, among other things, that you were just informed by Mills that you should not be working cases other than the ones assigned to you. Do you see that?
A. Yes, I do.
Q. Okay. And do you have any reason to believe that Mills did not inform you of that on that date?
A. No, if I put it in there.
Q. Okay. And if you turn to the next page, the entry for Sunday March 24, 2013. Do you see that?

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A. Sunday, March 24th. Yes.
Q. And that, in fact, is the VRI incident that you previously testified to where Mills got upset because you made an arrest in the 11th District, correct?
A. Uh-huh.
Q. Is that a yes?
A. Yes, yes.
Q. Okay. If you turn now to the page marked 664, and your entries for Thursday, April 11, 2013. Do you see that?
A. Yes.
Q. Okay. And here you're talking about the situation with Mark Barz where you thought you were going to be arrested, correct?
A. Yes.
Q. And you write -- in part, you say, quote, I said now Mills will think I'm an idiot, how would you feel Barz if you were told a police officer who worked for you was recording you? Barz said, yeah, I know. I, meaning you, Shannon Spalding said, you mean to tell me it wouldn't negatively affect the work situation Barz. Barz says, yeah, I know, I understand how

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it would. Do you see that?
A. Uh-huh.
Q. Is that accurate -- is that a yes?
A. Yes.
Q. Does that accurately reflect a part of the discussion you had with Sergeant Barz?
A. Yes.
Q. Okay. So you were acknowledging that you could understand that it would negatively affect your working relationship with Sergeant Mills if he believed you were secretly recording him, correct?
A. Yes.
Q. Okay. If you turn to the page that's Numbered 667. Do you see your entry for Tuesday, April 16th at 2013, at 4:00 p.m. Do you see that?
A. Yes.
Q. Okay. And a few lines in, you say, quote, I'm not sure if Mills believes I have recorded him or if Mills his part of this make-up scheme. Do you see that?
A. Or his part in this make-up scheme. Yeah.

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Q. Okay. So would it be fair to say that as of that point, you weren't sure whether Mills believed you actually recording him, correct?
A. No, I have no idea what he believed.
Q. Okay.
A. Even though Mike Barz said that he didn't believe it.
Q. Okay. You typed in on April 16, 2013 that you weren't sure at that point if Mills believed that you recorded him; is that correct?
A. That's correct.
Q. Okay. So at that point, you didn't know whether Mills believed it, that you were recording him or not, correct?
A. Yeah. But I don't -- but I don't know about --
Q. I think you answered the question.
A. April 8, 2013, okay. Go ahead.
Q. Okay. On the page numbered 670, 6-7-0, on April 25, 2013 under the heading all day, one of the things that you indicated is that, quote, Dan and I told Mills that due to our situation, we were not comfortable going to the Marshal's training. Do you see that?

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A. I'm sorry, where are you at? The first one?
Q. Under all -- the second paragraph, I'm sorry, that says all day, which begins, Mills had informed and later on in that paragraph.
A. Yes, I see that.
Q. Okay. And so there was some Marshal training that you and Officer Echeverria declined to go to, correct?
A. At this point, yes.
Q. Okay. Do you have a recollection of what that Marshal's training was about?
A. No.
Q. Okay. That's fine.
A. I think I do recall.
Q. If you turn to Page 673.
A. Yes.
Q. Under Thursday, March 2, 2013, the second paragraph under all day. Well, one of the things you say is you're beyond sorry to see Tina Skahill leave. As far as your concerned, she's the only ethical boss in this God forsaken department. Do you recall typing that?
A. Where are you at, 673?

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Q. Yes.
A. Okay. Are you under the first paragraph?
Q. The second paragraph. It begins, I'm beyond sorry. We can strike that. I don't need to ask you about that.
In that paragraph, that second paragraph under May 2, 2013, you say, quote, Danny also said that unit launched four POs to the district. Ryan and Brian from Barnes' team and Williams and Odem from Mason's team. Wow the four clout heavy officers. Do you see that?
A. Yes.
Q. Okay. And then you say, and Williams and Odem are great officers, they're hardworking in the unit since day one, tons of activity, but they always treated the two of them like outcasts, never included them in team activities cases or overtime. The nicest guys ever. Do you recall that?
A. I do.
Q. Okay. And do you have any knowledge of these four officers, Ryan and Brian from Barnes team or Williams or Odem, ever breaching what you call the code of silence?
A. I know that Kevin Williams was suspicious to some people because his brother was chief of IAD for a while, so they wondered what his position was. But breaching the code of silence, I have no knowledge of them doing that.
Q. Okay. Do you have any knowledge of why these four officers were so called launched from the district?
A. No.
Q. Okay.
A. But I wasn't --
Q. Okay.
A. I wasn't even at work any longer.
Q. Okay.
A. I don't think.
Q. If you turn to the next page, 674, which is still under May 2, 2013. You say that you spoke with Guishnere who you've testified about previously, correct?
A. Yes.
Q. And you say that, Guishnere said that he would ask Barnes how come you and Danny

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didn't come back to Barnes' team, correct?
A. On the first paragraph?
Q. Yes.
A. Yes.
Q. Okay. Then you write that you told Gush that you wouldn't be mad if he said that to Barnes but just don't say that I wanted you to ask, correct?
A. Yeah, that's correct. Because I didn't want Barnes to think I was the one inquiring, because I wasn't.
Q. Okay. And was Guishnere on Barnes' team at that point?
A. He still is, as far as I know.
Q. Okay. And at this point, he was on-Barnes' team, correct?
A. Yes.
Q. Okay. And then you write, quote, Gush is a great guy, that is why we should be back on that team. They are the only officers that treat me and Danny like officers with no retaliation, period. And they would back us up 100 percent. It's the safest place for us, that's why we were not put back there. You're

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referring to being put back on Barnes' team, correct?
A. I'm --
Q. Are you referring to being put back in Barnes' team --
A. No.
Q. -- in the sentence I just read?
A. No.
Q. All right. Let's break this down. You write, quote, Gush is a great guy, that is why we should be back on that team. Were you referring to Barnes' team?
A. I was referring to the officers that worked for Barnes, not Barnes. To clarify.
Q. Were you referring -- you said --
A. I wrote this from my personal notes.
Q. I understand.
A. And I was referring to myself saying that the guys were great and they were officers that would back us up. I was not referencing Barnes in any capacity.
Q. Okay. So when you wrote, Gush is a great guy, that is why we should be put back on that team, you weren't referring to the existing

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team under Sergeant Barnes?
A. Not under Sergeant Barnes. To work with the team, not the supervisor.
Q. So your desire was to work on a team with all of Sergeant Barnes' officers, but not under Sergeant Barnes?
A. I would have loved to work with those guys again, but not with Sergeant Barnes.
Q. Okay.
A. Correct.
Q. And when you say, it's the safest place for us, that's why we were not put back there, you were talking about Sergeant Barnes' team, correct?
A. I was talking about the officers from Sergeant Barnes' team.
Q. Okay.
A. And that was my personal opinion.
Q. Okay. But you indicated in here that you told Guishnere that you wouldn't be mad if he asked Sergeant Barnes how come you and Danny didn't come back to Sergeant Barnes' team, correct?
A. Correct.

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Q. Okay.
A. But you're taking one sentence out of context of an entire conversation. And these are summary notes.
Q. Okay.
MR. KING: I'm going to take a very short break.
MR. SMITH: Sure.
(Whereupon, a short break was taken.)
BY MR. KING:
Q. Officer Spalding, you testified that during the period that you felt you were being subjected to retaliation and you had a number of conversations with Juan Rivera, correct?
A. Yes.
Q. Okay. Do you recall whether you ever specifically asked Juan Rivera to open a CR investigation?
A. Multiple times.
Q. Okay. And -- okay. And do you recall what his responses would be to that inquiry?
A. Hang in there, it's going to get better.

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Q. Okay. Do you -- strike that.
A question about Lieutenant Pascua. Do you ever recall anyone suggesting to you that Lieutenant Pascua might have a problem with you because you were a female police officer?
A. No, that's inaccurate. They said she had a problem with anybody female.
Q. Okay. So someone told you that Lieutenant Pascua had a problem with females?
A. With -- in general.
Q. Okay. Who do you recall --
A. I don't recall.
Q. -- telling you that?
A. I don't recall at this moment, I don't.
Q. Is it your belief that any of the issues you had with Lieutenant Pascua was because you were a female?
A. No. I believe that they were because of the investigation.
Q. Okay. I think I've asked you with respect to each of the individual Defendants, but I will ask you an overall question. With -- with respect to each of the individual Defendants, Rivera, Kirby, O'Grady, Roti,

Sadowski, Pascua, Stanley, Barnes, Cesario, Salemme and Mills, other than what you've already testified to, is there -- are there any incidents of alleged retaliation that you're claiming in this lawsuit that were engaged in by any of those individual Defendants?

A. Like I stated throughout this deposition, there are so many incidents. But at this time to the best of my recollection, I have given you all the information.

Q. Okay.

MR. KING: I don't believe I have any further questions.

THE WITNESS: Are you kidding me? All right.

MR. SMITH: No questions. I think we will reserve.

FURTHER DEPONENT SAITH NOT.

(The deposition concluded at 6:43 p.m.)

CERTIFICATE OF OFFICER

I, SUSAN HASELKAMP, a Certified Shorthand Reporter of the State of Illinois, do hereby certify:

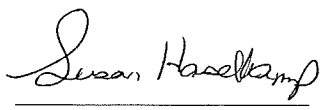
That previous to the commencement of the examination of the witness, the witness was duly sworn to testify the whole truth concerning the matters herein;

That the foregoing deposition transcript was reported stenographically by me, was thereafter reduced to typewriting under my personal direction and constitutes a true record of the testimony given and the proceedings had;

That the said deposition was taken before me at the time and place specified;

That I am not a relative or employee or attorney or counsel, nor a relative or employee of such attorney or counsel for any of the parties hereto, nor interested directly or indirectly in the outcome of this action.

IN WITNESS WHEREOF, I do hereunto set my hand at Chicago, Illinois, this 24th day of November, 2014.



Certified Shorthand Reporter
CSR Certificate No. 084-004022

I N D E X

WITNESS EXAMINATION
SHANNON MARIE SPALDING,
By Mr. King.....3

E X H I B I T S

NUMBER MARKED FOR ID
Spalding Deposition Exhibit
1.....19
2.....103
3.....199
4.....212
5.....260
6.....307
7.....312
8.....313
9.....339
10.....341
11.....350
12.....386

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DEPOSITION ERRATA SHEET

Assignment No. 239697

Chicago Police Officers Shannon Spalding and Daniel Echeverria vs. City of Chicago, et al.

DECLARATION UNDER PENALTY OF PERJURY

I declare under penalty of perjury that I have read the entire transcript of my Deposition taken in the captioned matter or the same has been read to me, and the same is true and accurate, save and except for changes and/or corrections, if any, as indicated by me on the DEPOSITION ERRATA SHEET hereof, with the understanding that I offer these changes as if still under oath.

Signed on the _____ day of

_____, 2014.

_____

SHANNON MARIE SPALDING

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DEPOSITION ERRATA SHEET

Page No.____Line No.____Change to:_____

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Reason for change:_____

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SIGNATURE:_____DATE:_____

SHANNON MARIE SPALDING

Chicago Police Department

General Order

COMPLAINT AND DISCIPLINARY PROCEDURES

ISSUE DATE:	14 May 2013	**EFFECTIVE DATE:**	14 May 2013
RESCINDS:	17 March 2013 Version		
INDEX CATEGORY:	Professionalism		

I. PURPOSE

This directive:

A. outlines the Complaint and Disciplinary process policy. Department members will refer to the Special Order titled "Complaint and Disciplinary Procedures" for procedural elements of the Complaint and Disciplinary process.

B. continues the use of the:

1. Automated Complaint System (ACS);
2. Automated Summary Punishment Action Request (SPAR) System;
3. Suspension Notification form (CPD-44.102);
4. Waiver of Counsel/Request to Secure Counsel form (CPD-44.106);
5. Investigator Unable to Contact Complainant/Witness (English/Spanish) (CPD-44.223);
6. Election/Rejection of Options to Suspension form (CPD-61.416);
7. Recorded Voice Transmissions Request form (OEMC-109).

C. introduces the use of the following revised forms:

1. Infraction Report [CPD-21.116 (Rev. 6/12)];
2. Request For Interview/Statement Report [CPD-44.103 (Rev. 2/12)];
3. Criminal Rights form [CPD-44.104 (Rev. 6/09)];
4. Administrative Proceedings Rights (Statutory) form [CPD-44.105 (Rev. 6/09)];
5. Investigator's Checklist form [CPD-44.108 (Rev. 06/12)];
6. Summary Report [CPD-44.112 (Rev. 06/12)];
7. Summary Report Digest [CPD-44.112-A (Rev. 06/12)];

A. The Superintendent is charged with the responsibility and has the authority to maintain discipline within the Department. Accordingly, the Superintendent must ensure that internal investigations are conducted in accordance with the provisions outlined in this directive, in order to provide Department members with the fundamental principles of fairness and to ensure that members are afforded all their rights. These rights will also be understood to mean the provisions of the applicable agreement (contract) between the City of Chicago/Department of Police and the particular organization (union) representing the members.

B. All members will comply with Department Rules and Regulations, directives, and orders. Members who fail to comply hinder the effective performance of the Department's functions. This failure will be considered just cause for disciplinary action. Sworn members will be held strictly accountable for properly exercising the authority they have been given to protect the rights, lives, and property of all individuals. At the same time, Department members must be protected against false allegations of misconduct. This can only be accomplished through a consistently thorough investigative process. Prompt, thorough investigations will be conducted into allegations of misconduct to establish facts which can absolve the innocent and identify the guilty.

C. Certain rights afforded all Department members relative to the conduct of a disciplinary investigation are set forth in the directive entitled, "Department Member's Bill of Rights." Accordingly, members must cooperate with any ongoing investigation into allegations of misconduct. Members will be disciplined up to and including, separation from the Department for refusing to answer questions relating to their official actions or obligations which were assumed upon appointment to the Department.

III. DEFINITIONS

A. **Acknowledgment** - an electronic confirmation by a member using their Department logon username (PC Number) and password. **The electronic acknowledgment will have the full effect as that of the member's written signature.** In the event that an electronic acknowledgement is not available, a paper acknowledgement and written signature can be substituted.

B. **Automated Complaint System (ACS)** - the automation of the process for Log investigations.

C. **Letter of Declination** - a free and voluntary statement by a non-Department reporting party to withdraw a complaint against any member of the Department.

D. **Log Number** - a tracking number assigned to any incident brought to the attention of the Department, by a reporting party, involving a Department member that may be investigated.

Log Numbers may be further classified as:

1. **Complaint Register (CR) Number** - the conversion of a Log Number to a full disciplinary investigation. The sustained finding of a Complaint Register Number investigation is reported in a Department member's disciplinary history.

2. **EO -** the type given to an extraordinary incident (e.g., death in custody, suicide in custody, attempt suicide in custody).

not effective, (i.e., the conduct of the member indicates a repetitive pattern of irregularities) the procedures contained in the directive entitled "Summary Punishment" will be followed.

VI. DISCIPLINARY PROCESS

A. Alleged or suspected violations of Department Rules and Regulations, directives, or orders by any sworn or civilian member of the Chicago Police Department, with the exception of temporary Department employees, as designated by the Human Resources Division, (i.e., seasonal temporary and internship program employees) will be processed in accordance with the provisions of this directive.

B. The following directives set forth rights, responsibilities, and procedures for conducting investigations relative to disciplinary matters:

1. Department Member's Bill of Rights
2. Specific Responsibilities Regarding Misconduct
3. Conduct of Complaint Investigations
4. Special Situations Involving Misconduct
5. Complaint Summary Reporting and Review Procedures
6. Sustained Complaint Options
7. Summary Punishment

(Items indicated by *italics/double underline* have been added or revised)

Garry F. McCarthy
Superintendent of Police

08–118 MAV/MWK

PHONE BOOK:

1. **Independent Police Review Authority (IPRA)**
   PAX 0114

2. **Crime Prevention Information Center (CPIC)**
   PAX 0100 / 0254
   24 Hours

ADDENDA:

1. G08-01-01 - Department Member's Bill of Rights
2. G08-01-02 - Specific Responsibilities Regarding Allegations of Misconduct

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

SHANNON SPALDING AND DANIEL ECHEVERRIA	)	
Plaintiff,	)	
v.	)	12-CV-8777
City of Chicago, et al.	)	Judge Fienerman
Defendants.	)	Magistrate Judge Sheila Finnegan

AFFIDAVIT OF PETE KOCONIS

I, PETE KOCONIS, being first duly sworn on oath, under penalties of perjury as provided by law, depose and state as follows:

1. I was a member of the Chicago Police Department for 38 years.
2. During the last month and a half of my career I was Special Assistant to the Superintendent.
3. I was assigned for 17 years to the Internal Affairs Department ("IAD") of the Chicago Police Department.
4. While assigned there, I assisted in writing General Orders and Operational Procedures on the disciplinary policies to be followed by sworn personnel, including members of IAD, Office of Professional Standards ("OPS"), now known as the Independent Review Police Authority ("IPRA").
5. Part of the General Orders I reviewed included the provision(s) that, whenever a sworn member becomes aware of corrupt or criminal misconduct which violates department procedure, that member is required

to notify his/her supervisor of the conduct before completion of their tour of duty.

6. When the supervisor is made aware of the misconduct, the supervisor is expected to initiate a Complaint Review ("CR") investigation. No "To/From" is required to be submitted by the officer reporting misconduct in order for a CR to be initiated.
7. The supervisor is then expected to forward the CR investigation to IAD, where it is determined which section will handle the complaint, such as IAD, the Independent Police Review Authority ("IPRA"), or at the Districts.
8. Once the reporting officer has made the supervising officer aware of misconduct or criminal allegations, the reporting officer has fulfilled his/her duties as outlined by the Department's General Orders, policies, and procedures. Further investigation or reports will be completed on a supervisor level.
9. Around the year 2005, while I was still working with the IAD section of the Chicago Police Department, I became aware that Lt. Thomas Tranckitello, who was part of the Confidential Section of IAD, had received complaints of Officer Ronald Watts ("Watts") of criminal nature, including- but not limited to- drug extortion, false arrest, and even suspected involvement in the homicide of a Chicago Police Officer.

10. On or around 2005, Lt. Tranckitello retired, and his replacement in the Confidential Section was Juan Rivera ("Rivera"). The files on Watts were passed to Rivera for further investigation and prosecution.
11. I voluntarily left IAD after I conducted an investigation that showed that an officer from the 21st District, Officer Dignan, perjured himself under oath and paid a confidential informant ("CI") with narcotics obtained during an unlawful arrest. Based on interviews, evidence including video, my recommendation was to fire Officer Dignan, separating him from the Chicago Police Department. However, I received a direct order from Assistant Deputy Superintendent Karen Rowen to reduce the recommended punishment to thirty (30) days. When I refused to do so, Karen Rowen overrode my decision, allowing Officer Dignan to remain on the job. I realized I could not work for a supervisor who permitted corruption to occur within the department unabated, and I requested to be reassigned to another division within the department.
12. Sometime on or about the year 2011, Officer Shannon Spalding ("Shannon") contacted me requesting a meeting, and that it was urgent.
13. During the meeting, Shannon informed me that she and Officer Danny Echeverria had been working on a Confidential joint-investigation with the FBI. During this time, the confidentiality of their identities had been breached, and the targets of the investigation, which included sworn members of the Chicago Police Department, were not only aware of their

identities and the nature of the investigation, but also began retaliating against both Shannon and Danny.

14. Both Officers expressed great concern for their safety and provided me with details regarding the hostile work environment, extreme retaliation, lack of back-up and other support from members of the department (including the identities of individuals involved in the retaliatory conduct). Shannon and Danny turned to me for advice, informing me that they had on multiple occasions spoken directly with Chief of IAD, Juan Rivera, and had requested CR investigations be initiated on their behalf, with negative results.

15. Officer Spalding informed me that Rivera refused to initiate any type of investigation or disciplinary proceedings on their behalf.

16. Under the Chicago Police Department's General Orders and procedures, it can be an offense for a supervisor to fail to initiate a CR investigation after learning of any violation of Department rules and regulations.

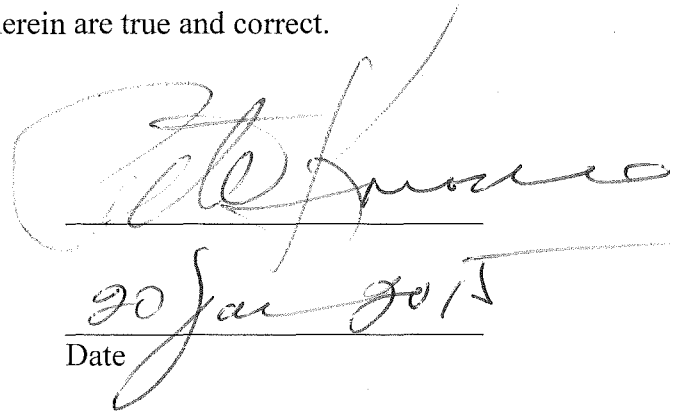
17. After Shannon and Danny informed me they had been removed from their detail of 543, I had a conversation with Deputy Superintendent Beatrice Cuello inquiring why either of these Officers would be removed from their assignments. During this conversation, Cuello stated to me that both officers were good officers and Cuello never had experienced any problems with them. However, during a meeting which included Deputy Chief James Jackson, Commander James O'Grady, and Chief Nicholas Rotti, James O'Grady and Nicholas Rotti stated that they refused to allow

either officer to return to their units of assignment within "189", due to the fact that Shannon and Danny were "IAD rats."

18. While visiting an acquaintance of mine, Lt. Paul Kusinkski, assigned to the tactical team in the 24th District, the conversation came up that Lt. Cesario and Lt. Kusinkski recently had a conversation during which Lt. Cesario stated something to the effect of: "I cannot believe they middled me into fucking with them, and now I'm involved in this federal lawsuit." He further stated, "Look at this shit, all because I fucked with Shannon and Danny because O'Grady and Salemme told me to."

FURTHER AFFIANT SAYETH NOT.

Under penalties as provided by law pursuant to 735 ILCS 5/1-109, I certify that the statements set forth herein are true and correct.



30 Jan 2015

Date

Page 1

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

CHICAGO POLICE OFFICERS SHANNON SPALDING and DANIEL ECHEVERRIA,

Plaintiffs,

vs. No. 12 C 8777

CITY OF CHICAGO, Chicago Police Chief JUAN RIVERA, Chicago Police Chief DEBRA KIRBY, Chicago Police Commander JAMES O'GRADY, Chicago Police Chief NICHOLAS ROTI, Chicago Police Lt. KEVIN SADOWSKI, Chicago Police Lt. DEBORAH PASCUA, Chicago Police Commander ADRIENNE STANLEY, Chicago Police Sergeant MAURICE BARNES, Chicago Police Lt. ROBERT CESARIO, Chicago Police Commander JOSEPH SALEMME, Chicago Police Sergeant THOMAS MILLS,

Defendants.

The deposition of SHANNON MARIE SPALDING, called for examination, taken pursuant to the provisions of the Code of Civil Procedure and the Rules of the Supreme Court of the State of Illinois pertaining to the taking of depositions for the purpose of discovery taken before SUSAN HASELKAMP, CSR No. 084-004022, Certified Shorthand Reporter of said state, on November 18, 2014, at the hour of 9:26 a.m. at 191 North Wacker Drive, Suite 3700, Chicago, Illinois, pursuant to notice.

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APPEARANCES:

CHRISTOPHER SMITH TRIAL GROUP,
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Representing the Defendants.

ALSO PRESENT: MR. DANIEL ECHEVERRIA

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(Whereupon, the witness was duly sworn.)

SHANNON MARIE SPALDING,
having been first duly sworn, was examined and testified as follows:

EXAMINATION

BY MR. KING:

Q. Let the record reflect that is this the deposition of one of the Plaintiffs Shannon Spalding being taken pursuant to notice and agreement of the parties and pursuant to applicable rules of the Federal Rules of Civil Procedure and Federal Rules of Evidence.

Ms. Spalding, can you state your full name and spell your last name again for the record.

A. Shannon Marie Spalding, S-P-A-L-D-I-N-G.

Q. And have you ever given a deposition before?

A. Once.

Q. Once. What kind of case was that?

A. It was an accident case.

Q. Okay. Were you the plaintiff?

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A. No.

Q. Okay. Well, I'm sure you're pretty familiar with what's going to go on here today but I'll go over --

A. Please.

Q. -- a few ground rules. Obviously you've been -- I'll be asking you questions, you've been sworn to tell the truth in response to my questions. If you don't understand any of my questions or if I'm speaking too fast, feel free to let me know. I can try to rephrase the question, I'll be happy to slow down. I see you nodding the head. And another rule that we need to make sure --

A. I understand.

Q. -- that your answers are verbal so the court reporter will be able to take them down.

Another issue with the court reporter is that it's difficult for her to take down anything if we're both talking at the same time. So I'll do my best to allow you to answer the questions if you'll allow me to get the questions out, this will go a little bit smoother. Okay?

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A. Okay. Thank you.
Q. Thank you. And if you need to take a break at any point, that should be fine. The only thing that I would ask is that you not take a break while there's a question pending. Okay?
A. Okay.
Q. Okay. What's your current home address?
A. 11016 South Central Park Avenue, Chicago, 60655.
Q. And how long have you lived at that address?
A. Approximately under two months.
Q. Okay. And where were you living prior to that?
A. 3421 West 115th Place, Chicago, 60655.
Q. Okay. And how long were you at that address?
A. Almost eight years.
Q. And at your current address, is there anyone living there with you?
A. Yes.
Q. Who would that be?
A. My daughter.

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Q. Okay. I'm sorry.
A. It's my -- my daughter is renting the house. Her boyfriend.
Q. Okay.
A. And my boyfriend.
Q. Okay. And your boyfriend is?
A. Anthony Hernandez.
Q. Thank you. And you're currently still employed with the Chicago Police Department?
A. I am currently still employed, yes.
Q. Okay.
A. But not actively at work.
Q. Okay. You're on medical leave?
A. I am on disability leave.
Q. Okay. It's my understanding you had made an application for injured on duty status; is that correct?
A. That is correct.
Q. To your knowledge has there been any determination on that application?
A. Yes. It was denied as an IOD, injured on duty --
Q. Okay.
A. -- by the committee on finance.

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Q. And are you seeking some kind of review of that?
A. Yes. A grievance was filed by the FOP.
Q. Okay. So am I correct that at some point, you were on medical leave that was paid and then you reached a point where it became unpaid, correct?
A. Yes, correct.
Q. And do you recall when the paid medical leave ended?
A. Yes. It was in June of this year.
Q. Okay. And since June of this year when your pay was stopped, have you had any other sources of income?
A. I was approved for a partial disability by the pension board until my case can be reviewed for full duty disability benefits. And that partial, I believe it is called ordinary disability, kicked in I'm not sure if it was the end of July or August.
Q. Okay. And does that pay you a portion of your regular compensation with the department?
A. Yes, it does.

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Q. And do you know what portion you received under the ordinary disability?
A. Don't quote me the exact amount, but it's roughly $3,200 or $3,400 a month.
Q. And what was your regular rate of pay before?
A. I don't even know what we got paid hourly, but I do know that it is double. That is what I believe it is. But that's -- and then taxes. Probably 5 or more, 5,000 or more.
Q. Your regular rate of pay --
A. Yeah.
Q. -- before your pay was stopped --
A. Yeah.
Q. -- is what you believe was approximately --
A. Yeah.
Q. -- $5,000 a month?
A. Yeah.
Q. And the -- did I hear you correctly that the amount you're getting for ordinary disability --
A. Correct.
Q. -- is half, 50 percent of your pay?

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A. I believe it's something like that. It's -- the checks I've received are somewhere between, I'm guessing the amount, the proximity of 3,200 to 3,400 once a month.
Q. Okay. You don't remember them telling you a percentage, like you'll get 50 percent of your pay?
A. I'm not -- I can't be exactly sure. I can't recall exactly, and I don't want to guess.
Q. That's fine, okay.
And since your pay was initially stopped in June, 2014, have you had any other employment?
A. No.
Q. Okay. Have you had any other sources of income other than the ordinary disability payments?
A. Not income but I -- no.
Q. Okay. You started with the police department in 1996; is that correct?
A. That's correct.
Q. Okay. Can you, as best as you can, just explain sort of your history from when you were -- when you started, where you were

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assigned, to the extent you can remember, your supervisors. Actually, just go up until the point that you were detailed to Detached Services. We don't need to get into that now.
A. Okay.
Q. But starting when you joined the force, as best as you can recall, can you kind of trace your history?
A. Yes. After completing the academy, I was assigned to the 5th District. I remember supervisor -- the sergeant was Elizabeth Glatz. When you are put on the watch, your supervisors rotate, and so you don't have a specific supervisor that you report to every day. And I don't recall who they were. It was a long time ago.
Q. Sure.
A. And you are a PPO, probationary police officer, so you work with different people all the time for training purposes. I was not in the 5th District very long. I don't recall how long it was. From there, I was assigned to the 2nd District at 51st and Wentworth. And from the 2nd District, I went to work in Public

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Housing South.
Q. Do you remember any of your supervisors in the 2nd District?
A. In the 2nd District, I -- honestly, I remember it was the Watch Commander Michael Byrne. No, I don't remember the sergeants.
Q. Okay.
A. And then I went to work for Commander Toliver in Public Housing South. There were multiple supervisors there that worked there. Glenn Evans was my supervisor at the time. And I know there was a supervisor Sergeant Mark Moore worked there.
Q. Okay.
A. Billy Patterson, William Patterson and Anthony Ceja.
Q. Do you know how to spell Ceja?
A. Yes, I do. C-E-J-A.
Q. Thank you.
A. You're welcome. I don't recall.
Q. Okay.
A. I'm missing people.
Q. Okay. Before we move on, do you know approximately how long you were in the 2nd

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District before you went to the Public Housing?
A. It had to be roughly a year and a half to two years.
Q. Okay.
A. Roughly. I'm guessing. I don't recall.
Q. Sure. And how long were you in Public Housing South?
A. Until they disbanded, which was November of I think 2005. I don't recall the year to be exactly.
Q. Okay.
A. But the unit disbanded.
Q. Okay.
A. Then I went to work on the gang team in the 1st District, tactical/gang team in the 1st District.
Q. Okay.
A. I was not there very long, and then I went to Organized Crime Narcotic Division. And from there, assigned to 543.
Q. Okay. Do you remember when you started in Organized Crime Division?
A. It was approximately May of -- it was

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when the fentanyl operation was going on, and it was in approximately May of 2006 or '07.
Q. Okay.
A. And then we were -- my partner, Danny Echeverria, and I were borrowed for the fentanyl mission in May of two thousand -- or whatever the year --
Q. Sure.
A. And we were the intelligence behind the fentanyl mission. So we were borrowed, we were not assigned to that unit. The mission for Operation Fallout, the fentanyl mission, was completed in October and then we were requested -- we were assigned there.
Q. Okay. So when you worked on Operation Fallout, you had essentially between borrowed by the Organized Crime unit --
A. Correct.
Q. -- you weren't officially detailed there yet?
A. No. And we worked for Sergeant DiCristofano, Anthony DiCristofano and then we went to 543.
Q. You mentioned Officer Echeverria being

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your partner. When did the two of you become partners?
A. We had -- when I went to the 1st District, we became partners at that time. But we had crossed paths and worked together within the Public Housing sector prior to that.
Q. Okay. And since you and Officer Echeverria first became partners, have you been partners consistently ever since then?
A. Except for a period of time in Organized Crime, yes.
Q. Do you recall what period of time or why you weren't partners?
A. When you first come to Organized Crime, the Narcotic Division, it was explained to us that since I had been from the South Side my entire time, I couldn't go as an undercover officer buying on the South Side where I would be recognized. So I needed to go somewhere different, on the West Side or the North Side. And Officer Echeverria needed to go in a different area and for training purposes for that, they -- that is my understanding of it.
Q. So you were -- is it your understanding

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you were separated just for training purposes?
A. That's what we were told.
Q. Okay. Do you recall about how long you were separated?
A. Up until the time -- I'm not sure of exactly when it was. It was maybe February of 2008 I was an undercover officer who was a victim of a battery and a robbery.
And after that incident, I received a phone call from Chief Limon who stated, have you been placed back with your partner yet. And I specifically remember stating, if I had been working with my partner, this incident would not have occurred. And he said, well, I'm going to get you back with your partner immediately.
Q. Okay.
A. And then he put us both on the same team.
Q. Okay.
A. That was Chief Limon's decision, and he contacted me.
Q. Okay. What were the circumstances of the battery and the robbery or do you know who committed it?

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A. At this time, absolutely not. I don't know their names.
Q. Sure.
A. No, I did not know them.
Q. Okay.
A. The incident was that we were going to a particular location on the West Side to purchase a controlled narcotics purchase. The regular sergeant, I'm not even sure at the time who it was, I believe it was Kevin Johnson maybe, wasn't there. I know that a Sergeant Ty Bates I was working for on that particular day. And when he gave the location, I specifically told him prior to going out that I cannot -- purchase narcotics there because my last controlled buy, I was called out as an undercover officer and it would jeopardize my safety.
Q. Okay.
A. He said, okay, that's fine. I set up as surveillance. And then he came over the radio and said, you are going to go through and make this purchase.
Q. Okay.

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A. Which I explained I was extremely uncomfortable with the situation, because I'm going back to a spot I had already been identified at.
Q. Sure.
A. But he gave me a direct order to go through and buy, so I did. At which point I was immediately identified and was pulled out of the car and they tried to take the car and I began fighting. My surveillance, I should have had two surveillance officers, one was a Robin McGhee, who was supposed to be directly behind me, and another one was Officer Masud, Saud. Saud was his first name, S-A-U-D.
Q. That's fine.
A. He was my main eyeball and was calling out the actions, so he should have been the first to respond; however, that did not occur.
What happen was the enforcement vehicle was the first one on the scene. And enforcement is usually parked multiple blocks away and they're the farthest distance away. So it is very questionable as to where was my backup and where was my surveillance. They were not the

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first on the scene.
Q. Okay.
A. Okay. And so it felt like forever that I was fighting this. But Officer Joseph Mirus and Officer Abner Rodriguez were the enforcement car, and they began to pursue the offenders on foot and in vehicle, at which point, you know, multiple offenders, I believe four or five were apprehended.
Q. Okay.
A. And what happened next was that --
Q. I'm going to cut you off now. I think --
A. Okay.
Q. -- you've answered my question.
A. Okay.
Q. You indicated that that incident where you were subject to the battery and the robbery you thought was February, 2008. Are you pretty sure it was that month or approximately?
A. Approximately.
Q. Okay.
A. I'm just trying to --
Q. Sure.

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A. It's a long time to remember the exact dates. I don't have the documents to review.
Q. Okay.
(Whereupon, Spalding Deposition Exhibit No. 1 was marked for identification.)
BY MR. KING:
Q. Ms. Spalding, I'm showing you what's been marked Spalding Deposition Exhibit No. 1, which is a copy of your Amended Complaint in the lawsuit.
Can you tell me if you've seen this document before?
A. Yes, I believe I have seen this document.
Q. Okay. And if I could direct your attention to Paragraph 20 of the Complaint, which is on Page 4. And Paragraph 20 begins, in 2007 while working an undercover narcotics investigation, Plaintiffs uncovered evidence of illegal activity being committed by various Chicago Police Officers.
A. I'm missing a page.
MR. SMITH: Here, we can switch. Oh,

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wait, no.
THE WITNESS: You're missing it, too. Because it only goes to Chicago Police Officers and then it goes to 21. He's reading Paragraph 20.
MR. SMITH: Right.
THE WITNESS: There's only two sentences, and then it goes to 21.
MR. SMITH: That's fine.
THE WITNESS: Am I confused? I'm sorry.
BY MR. KING:
Q. That's correct. That's okay. Paragraph 20 is just one sentence.
A. I'm sorry.
Q. Okay. And, again, it indicates that, in 2007 while working an undercover narcotic investigation, Plaintiffs uncovered evidence c illegal activity being committed by various Chicago Police Officers. And then the next Paragraph it says, one of those officers was Sergeant Ronald Watts. Do you see that?
A. Yes, I do.
Q. Okay. Prior to 2007, as alleged in

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Paragraph 20, you had been asked at some point if you had any knowledge of any illegal activity by Sergeant Watts, correct?
A. Correct.
Q. And when were you first approached about illegal activity involving Sergeant Watts?
A. It was while I was assigned to Public Housing South. I was --
Q. So approximately what year?
A. It had to be at least ten years prior.
Q. Okay.
A. About ten years, at least, you know.
Q. Okay.
A. Maybe it was 9, maybe it was 11.
Q. Sure. And did someone discuss Sergeant Watts with you at that time?
A. Yes.
Q. Who was -- who discussed Sergeant Watts with you?
A. FBI Special Agent Ken Samuels.
Q. And what did Mr. Samuels say to you?
A. He originally contacted me -- let me rephrase that. He contacted me and first asked me about several -- he asked me about multiple

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people, which included Sergeant Watts. He asked me if I had any knowledge to the best of my recollection.
Q. Sure.
A. The scope of the conversation was my direct firsthand knowledge of any illegal activity that I may have seen or witnessed from these multiple officers, including Sergeant Watts.
Q. And was this an in-person meeting with Mr. Samuels or telephone?
A. No, it was not. It was telephone.
Q. Okay. Do you have any knowledge of how or why Mr. Samuels came to reach out to you about this subject?
A. Yes, I do.
Q. And why did he reach out to you?
A. It was because another officer that I worked with in Public Housing had gone to the FBI regarding the corruption within the Public Housing South units and on multiple officers.
Q. Okay. Was Sergeant Watts one of those officers?
A. I can't be sure of the conversation

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between the officer that went to him and Ken Samuels.
Q. Okay. Was Sergeant Watts working in the same Public Housing South unit at the time?
A. As me?
Q. As you.
A. Correct.
Q. Yes, okay. Who was the other officer who had complained about -- or gone to the FBI?
A. Michael Spaargaren, S-P-A-A-R-G-A-R-E-N.
Q. And do you know if it was Ken Samuels that Mr. Spaargaren --
A. I do.
Q. It was?
A. Yes, sir.
Q. And you know that based on what Mr. Spaargaren told you?
A. Spaargaren, yes.
Q. Spaargaren. Sorry.
But you weren't present for the conversation between Mr. Spaargaren and Mr. Samuels?
A. I had no knowledge of him going to the

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FBI until after the fact.
Q. Okay. And do you know what Mr. Spaargaren's conversation with Mr. Samuels or anyone else at the FBI before you talked to Mr. Samuels had to do with Ronald Watts?
A. I don't know that.
Q. Okay. It may have, it may not have?
A. I don't know. I wasn't present for their conversations.
Q. Okay. So going back to your telephone call with Ken Samuels approximately between 9 or 11 years approximately before 2007, tell me again to the best of your recollection what was said by Mr. Samuels and what was said by you.
A. Well, he just basically asked me if I had witnessed any illegal activity from several -- he asked me about several different people.
Q. Sure.
A. At which point I told him that I had not witnessed anything and I was not aware of anything. Because at the time, I had absolutely no knowledge of that.

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Q. Okay. So you didn't tell him that you were aware of any --
A. I didn't --
Q. -- illegal activity by Ron Watts?
A. No.
Q. Okay.
A. I did not know that there was illegal activity happening.
Q. Okay. But he asked you about several people including Watts, correct?
A. I believe so, yes.
Q. Okay.
A. I don't know if it was during one conversation or another conversation. At some point in time, I was asked.
Q. Right. And given that you were contacted by the FBI and asked if you were aware of any illegal activity by officers including Watts, it would be fair to say that you knew at that point that the FBI was investigating Watts, correct?
A. Well, I assumed that there would be some type -- I knew that there were allegations that had been made against multiple people.

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Now, as I said before, the main person -- that I don't believe Ron Watts was the main person I was asked about initially.
Q. Okay.
A. There was another officer that I recall specifically.
Q. Who was that officer?
A. His name was Joe Seinitz, S-E-I-N-I-T-Z. And at the time, I just believed by what these officers were bringing in, that they were just really good officers, including Ronald Watts.
Q. Okay. But my question is, would it be fair to say that because you were contacted by the FBI --
A. I'm sorry.
Q. -- to ask you questions about certain officers and their illegal activity, including Ron Watts, you understood that the FBI was investigating those officers, including Watts at the time, correct?
A. That they were looking into allegations, is what I thought.
Q. Okay. And did you have more than one

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conversation with Ken Samuels on that subject?
A. I did.
Q. Okay.
A. So I don't know if it was the first conversation or at some point later on.
Q. Sure.
A. I can't tell you at what point Ronald Watts came up, but at some point, he did come up.
Q. Okay. Do you recall approximately how many conversations you had with Ken Samuels?
A. I don't.
Q. Did it ever get to a point where you reported to Ken Samuels yes, I do have information about illegal activity by Officer Watts or anyone else?
A. No.
Q. Okay. So between your last conversation -- well, let's strike that.
And I'm going to butcher his name again. Michael --
A. Spaargaren.
Q. -- Spaargaren, okay.
Do you know if Mr. Spaargaren is still

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with the police department?
A. Yes, he is.
Q. Do you know what his current position is?
A. I know that he just transferred from the 9th District to a North Side district. I can't be sure.
Q. Sure. Do you know what his rank is?
A. PO, police officer.
Q. Okay. Going back to Paragraph 20 of the Amended Complaint. You indicate that yo and your partner uncovered evidence of illega activity being committed by various Chicago Police Officers. Can you tell me what you uncovered?
A. When you are in Narcotics, there is an intelligence debriefing that goes on by the enforcement officers, which was the position my partner, Danny Echeverria.
At the time, you interview the person who sold the narcotics to the undercover offi to gather further intelligence to go up the chain for conspiracy. During his assignmen the South Side, he was unfamiliar with Ron

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Watts and not working with him or these individuals before.
Q. Sure.
A. During debriefings, these detained individuals, the arrestees, began to always talk about being under arrest but yet you don't prosecute your own, Sergeant Watts. You know, he's out there running a dope line. And they made multiple, multiple allegations.
At first it was inconsistent and vague and unbelievable because they couldn't give any hard facts or anything.
Q. Sure.
A. And a lot of times people will say anything to try to get out of an arrest. There came a point, though, that Danny had -- Officer Echeverria had interviewed a subject that was able to give enough information that he could further investigate and it concerned him that there may be some truth to these allegations that continuously surfaced on the same sworn personnel. It never deviated from the personnel.
Q. Sure.

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A. It was consistently the same ones.
Q. Do you recall, in addition to Watts, what other personnel these arrestees were giving information on that suggested that they were engaging in illegal activity?
A. Yes, I do.
Q. Who would that be?
A. Most of the time they would say his crew, which was referring to his tact team. I -- you would have to ask Officer Echeverria exactly who they did name.
Q. Okay. But your understanding, they named at least Watts and his tact team, was your impression?
A. During -- yes.
Q. Okay.
A. During his interrogations -- I was not -- I shouldn't say interrogations. Interviews. I'm sorry. Let me stand corrected. As being an undercover, I would never be in the room with that -- for the conversation.
Q. Okay.
A. And I don't recall specifically during that. But I know later on down the line,

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individuals that were identified --
Q. Sure.
A. -- that I had firsthand knowledge of.
Q. Okay. So in Paragraph 20 where it indicates that Plaintiffs uncovered evidence of illegal activity, is it actually more accurate to say that Plaintiff Echeverria uncovered that --
A. Yes.
Q. -- and then informed you about it?
A. That is correct.
Q. Okay. Now, these intelligence briefings where you indicate Officer Echeverria would have learned of the allegations of illegal activity, do you know who attends those intelligence briefings?
A. Usually it would be the enforcement officers. And it could be one, two, three, I mean, how many subjects are in the room.
Q. Okay. And would sergeants be part of those meetings?
A. It was my understanding not usually, unless they would be requested for some reason.
Q. Okay. And how about lieutenants?

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A. I don't believe I've ever known a lieutenant to be in there.
Q. Okay. Have you, yourself ever been in a position where you participate in these intelligence briefings that you testified to?
A. While working in Narcotics --
Q. Correct.
A. -- as an undercover? Not while I was working in an undercover.
Q. Okay. So to the best of your knowledge, Officer Echeverria was not the only one in these intelligence briefings who was receiving knowledge about the illegal activity of Watts and others; is that correct?
A. That's absolutely correct. I do know of two other officers that were present --
Q. What --
A. -- at some point.
Q. Who else was present?
A. Trevor Stotts, S-T-O-T-T-S and Ken Herrera.
Q. And Trevor Stotts, do you know what his position was at the time?
A. He was an officer in Narcotics.

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Q. And the same for Ken Herrera?
A. Correct.
Q. Okay. Did you ever have any, you personally have any conversations with Mr. Stotts or Mr. Herrera about this alleged illegal activity?
A. No, I did not.
Q. Okay. Other than your partner, Officer Echeverria, did you ever have any discussions prior to going to the FBI with anyone within the Chicago Police Department about alleged illegal activity by Watts and others?
A. I'm sorry, could you -- I'm not understanding.
Q. Sure. You allege in your Complaint later on, and we'll get to this, that in roughly August of 2008, you -- well, let's strike that. Let's strike that.
When you learned of the alleged illegal activity from your partner, Officer Echeverria, did you personally have any conversations with anyone else within Chicago Police Department about the alleged illegal activity?

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A. No, I did not because I was not present for the information. But I did instruct Danny to go to his -- go to the supervisor on the scene and inform them of this immediately so that they could take the appropriate action necessary and make a determination how they wanted to proceed with this.
Q. Okay. And to your knowledge, did Officer Echeverria do that?
A. Yes, he did.
Q. Okay. Do you know who that person he went to was?
A. I do.
Q. Who was that?
A. Sergeant Roderick Watson.
Q. And do you recall -- what was it, the first time that Officer Echeverria told you about this alleged illegal activity that you recommended that he go to the supervising officer or was it some point down the line?
A. It was the first time that he received credible information, that it was reported immediately.
Q. Okay. Did you, yourself ever speak

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with Sergeant Roderick Watson about alleged illegal activity by Watts or others?
A. No. I wasn't even on duty the day that that occurred.
Q. Okay. And am I correct that at some point after Officer Echeverria contacted Roderick Watson, you or Officer Echeverria contacted the FBI about this subject?
A. Yes. The day that Officer Echeverria reported this to Roderick Watson, it is Officer Echeverria's responsibility to complete the intelligence report, the debriefing and he has to sign off on that information. So he directly asked the sergeant, how do you want me to handle this, how do you want me to document this, what do I need to do. Because he had not come across these circumstances prior.
And he was given a direct order by Sergeant Watson to disregard all that information and make the report a negative, meaning no intelligence was gathered.
Q. And what you just testified to about this alleged direct order, the basis for your information on that is what Officer Echeverria

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told you, correct?
A. That is correct, because he contacted me again --
Q. Okay.
A. -- informing me of that.
Q. Okay. And after that contact that you were just speaking of, did you or Officer Echeverria contact the FBI at any point?
A. Well, after that. Because at first, I thought that maybe the reasoning for the negative debriefing was that maybe Sergeant Watson was going to initiate a confidential investigation or something. You know, he's a supervisor, I was pretty confident that he was going to handle it according to department rules and regulations.
But through the, you know, chain of events that followed and, you know, the information kept flowing in, it became evident that the department was not -- I didn't -- I did not have the confidence that an investigation, a fair investigation would happen within the department --
Q. Okay.

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A. -- looking into the allegations.
Q. Okay. I just move to strike as not being responsive to my question, which was simply at some point did you contact the FBI about --
A. Yes.
Q. -- the alleged illegal activity of Watts and others.
A. Yes.
Q. Okay. And if we look at Paragraph 23 of your Complaint, your Amended Complaint, it indicates that in 2007, Plaintiffs reported to FBI Special Agent PS the illegal activity by Sergeant Watts and others who worked with him. The PS is Patrick Smith, correct?
A. Yes.
Q. Okay. And in terms of this reporting to Patrick Smith initially, did you make that report or did Officer Echeverria make that report?
A. I did.
Q. Okay.
A. I contacted Agent -- Special Agent Patrick Smith initially and informed him that I

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had information on what I believed was at one time an investigation by Special Agent Ken Samuels into corrupt activity by Sergeant Ronald Watts, and if he could put me in contact with Ken Samuels again.
Q. How did you -- was it random that you contacted Patrick Smith or was there a reason that you went to him?
A. Because I had worked with Patrick Smith prior to that.
Q. Okay.
A. So I just happened to have his number.
Q. Sure.
A. And so I contacted him asking him if he personally could give me Ken Samuels' number --
Q. Sure.
A. -- or if he knew him. And he said that he was well aware of the Watts investigation and had been involved on a certain level with Ken Samuels on it.
Q. Okay. Now, this initial contact, you had a phone conversation with Mr. Smith?
A. Yes, I did. I called him and was requesting to meet with Ken Samuels or how I

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could contact him.
Q. Sure.
A. Because I knew that at some point so long ago, there was an investigation into it; however, I did not know if it was closed, if it was still open and active, if it was closed with negative results.
Q. And Mr. Smith told you that he was well aware of the Watts investigation?
A. Correct. And --
Q. And in this initial phone conversation, do you recall Mr. Smith saying anything else?
A. I know we had spoke, I don't know if it was the same day or again. But we -- at one point he did say, when you said you had some information, I never thought it would be as big as the Watts case. And --
Q. Okay. Let's just talk about that first conversation. And you just said, you're not sure if that was in the first conversation.
You testified that in the first conversation he did indicate that he was well aware of the Watts investigation. Do you recall him saying anything else in that first

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conversation?
A. I recall him saying that he knew Ken Samuels and knew that Ken Samuels had tha investigation.
Q. Okay. Did he say, I'll get you to Ken Samuels or you can deal with me on this?
A. He said he was going to talk to Ken Samuels.
Q. Okay. Was it your understanding that Ken Samuels was still in the FBI at that point?
A. Yes.
Q. Okay. And other than what you've already testified to, do you recall anything else that you said or that Patrick Smith said in that first conversation?
A. I know that we were going to provide the information. I don't know if that was the first conversation or the next conversation or -- but I know that he was going to have a conversation with Ken Samuels.
I can't be sure if it was the exact conversation of -- at some point I was asked. Like how I knew Ken Samuels had it and I had said I had spoken to him so many years prior

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Q. Sure.
A. -- and I didn't even know if it was an active case or what had happened.
Q. Sure.
A. But I can't be 100 percent that that was the very initial conversation.
Q. Sure, sure.
A. It was just that we were going to come in at some point and provide the information.
Q. Okay. And at some point, did you go in --
A. Yes.
Q. -- and meet with Patrick Smith?
A. I'm sorry. Yes, we did.
Q. Was Ken Samuels part of that meeting, also?
A. No, not in the first meeting. He was not.
Q. Okay. And between the first conversation you had with Patrick Smith and the time you went in to meet, do you recall if you had any other conversations with Patrick Smith or was there the one phone call and then you had a meeting?

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A. I don't recall.
Q. Okay. And at the time that you -- strike that.
So at some point you and Officer Echeverria, I assume, have a meeting with Patrick Smith?
A. Correct.
Q. And was anyone else present for that initial meeting?
A. Yes.
Q. Who else was present?
A. Special Agent Julie Anderson.
Q. And Ms. Anderson was with the FBI?
A. Correct.
Q. Anyone else?
A. No.
Q. Okay. So it was Patrick Smith, you and Officer Echeverria and Special Agent Julie Anderson?
A. Correct.
Q. Okay. What's your best recollection chronologically if you can who said what in the course of that meeting?
A. Oh, gosh.

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Q. I know it's been a long time.
A. It has been.
Q. What's your best recollection of what --
A. I know that they introduced themselves. We went into a small conference room in the FBI building, at which point we presented the facts that we had, the information that we had to them so that an outside investigation -- an investigation by an outside agency could be conducted. We would provide the information and that would be it.
Q. Okay. Well, what do you recall the facts and the information being that you related to them in this meeting?
A. Just what I told you earlier, that continuously the same names continuously popped up by people from different areas, whether it was Englewood or Idabeballs (phonetic) or the South Side, all consistently naming Ronald Watts and members of his team committing the same crimes of robbing the drug dealers, false arrests, stealing the money, extortion.
Q. Sure.

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A. Just a whole laundry list.
Q. Okay.
A. And we provided that information. They asked some questions and --
Q. Do you recall what questions they asked?
A. Well, you know, our names, where we worked, where we were assigned, how Danny came across the information, asked me previously how I knew about -- how I previously knew Ken Samuels --
Q. Sure.
A. -- had the case. And I told him that I had spoke with him so long ago.
Q. Sure.
A. And they were just vague, you know, conversations. You know, the FBI doesn't give you a lot of information when they call you. They want information.
Q. Sure.
A. And I know we concluded the meeting with he was going to pass this information along to Ken Samuels and they may be working on the investigation with him.

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Q. Okay.
A. And we left the building knowing that we had provided the information and --
Q. Sure.
A. -- we thought we were out of it.
Q. Okay.
A. Because with Ken Samuels, I never heard back from him again so.
Q. Okay. So you never heard from Ken Samuels on the investigation?
A. After he talked to me about it?
Q. Right.
A. No, I never did.
Q. Okay.
A. And so --
Q. You've answered my question.
A. Thank you.
Q. Okay. But you did have further contact with Patrick Smith about the Watts matter?
A. After that meeting?
Q. After the initial meeting.
A. Correct.
Q. Okay. And did you have any more in-person meetings with Patrick Smith or just

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telephone calls?
A. I believe we did meet in person. Again, always when we were off duty, on our own time.
Q. Okay. And how many times do you think you met in person with him after that initial meeting?
A. Are you talking through the whole investigation?
Q. Yes.
A. Well, we went to work directly with him, so it would be -- we would see him every -- I mean, I can't even begin to guess.
Q. Okay, that's fine.
Well, let's say prior to August of 2008, how many in-person meetings do you think you had with Patrick Smith after the first one, if any?
A. I can just tell you multiple, but I can't be sure how many.
Q. Okay. And did you also have any telephone calls during that -- with him during that period after the first meeting and prior to August of 2008?

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A. Yes.
Q. Do you recall how many telephone calls you may have had?
A. I can tell you initially they were sporadic and then as time passed, it became more frequent.
Q. Okay.
A. And more demanding on our part to the point that I was a little uncomfortable with it.
Q. You mean it was more demanding in the sense that it was encroaching on your work time as a Chicago Police Officer?
A. No. He was requesting us to come in during hours that we couldn't or anything like that. So we told him, we cannot meet with you or talk to you. At one point he called me and wanted to know if I could meet him, you know, at a certain time and I said, I can't, I'm working and -- tomorrow. And he said, well, can't you break away. And I said, you know, it doesn't work that way. We can't do that.
Q. Okay.
A. And that's the point where I became

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uncomfortable. Because if you're going to call me on my day off and ask me if I know if Watts is on vacation or not or something, I can say yes or no; but to meet with you, no. I -- no.
Q. Do you recall when -- that conversation where he wanted you to meet with him during work hours, do you recall when that was?
A. I recall that it made me so uncomfortable that Danny and I decided that we needed to go contact the chief of our own IAD. And it was -- so it was shortly before we met with Chief Tina Skahill of IAD in August of 2008.
Q. And before that meeting with Tina Skahill, which we'll talk about in August of 2008, is it your testimony that you never met with Patrick Smith or talked to Patrick Smith on the phone or otherwise provided any information to the FBI during your work hours?
A. I may have taken a phone call and said I'll have to call you back or something like that. Everybody answers, you know, their phon
Q. Okay.
A. But no. We would always meet with

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Patrick Smith or provide information or something like that on our own time.
Q. Okay. If you take a look at Paragraph 26 of the Amended Complaint. This August, 2008 meeting, is that the meeting you just testified to where Tina Skahill was present?
A. Correct.
Q. Okay. Who else was present at that meeting?
A. Unbeknownst to us -- Officer Echeverria and I had a scheduled meeting. Unbeknownst to us when we walk in, Special Agent Patrick Smith was there along with Sergeant Tom Chester and commanding officer of IAD at the time Barbara West.
Q. Okay.
A. Along with Chief Skahill, of course.
Q. And was Tom Chester with Internal Affairs Division, also?
A. Yes.
Q. Okay.
A. He's the FBI liaison of the confidential investigation section for Chicago

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Police.
Q. And had you been under the impression that you were only going to meet with Tina Skahill?
A. Yes.
Q. Okay. How did you set up the meeting with Tina Skahill?
A. Officer Echeverria called and made an appointment.
Q. Okay. What do you recall being said by you and everyone else in this August, 2008 meeting?
A. The short version?
Q. I'm afraid to say I think I need the long version.
A. Oh, no.
Q. I need your best recollection of everything that was said in that meeting --
A. Okay.
Q. -- from the beginning until the end, as best you can recall.
A. I can recall.
Q. Okay.
A. We walked in the door -- and let me just back up. Prior to the meeting with Chief Skahill, I had -- I believe it was Officer Echeverria notified Patrick Smith that we intended on going to the chief of IAD because he was requesting our involvement and it made us uncomfortable. So when we walked in and saw Patrick Smith there, we were floored.

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Q. Okay.
A. And we had no idea who any of these individuals were. Tina Skahill was very welcoming, very professional, made you feel like you were coming to the right place. She introduced everybody in the room, she told us to have a seat.
She said that they had had a meeting prior to us coming in. They, meaning the other people present, Barb West, Tom Chester, Patrick Smith. At which point they had determined that the Watts investigation, that we had enough intelligence, that we had enough credible information, that they could revive the current investigation that was stalled.
Q. Who said this?
A. Tina Skahill.

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Q. Okay.
A. With our involvement in the investigation.
Q. Okay.
A. We were told that the investigation under Ken Samuels was not closed out, but -- I forgot the FBI term that they use.
Q. Okay.
A. But just dormant, like stalled.
Q. Okay.
A. Because they were unable to gather any current information on activity to --
Q. Okay. I just want to make sure you're telling me what was said in this meeting.
A. Yes.
Q. Okay.
A. And so then we were told that what we were going to do is be detailed to 543.
Q. Let me stop you for a second. Did anyone other than Tina Skahill say anything in the meeting?
A. I know that Patrick Smith -- everyone was talking at some point.
Q. Okay.

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A. It was an interactive conversation.
Q. Okay. I'm sorry, continue. What else do you recall being said and by whom in the meeting?
A. Okay. Well, then Tina Skahill wanted to hear our story, like what had happened. And I believe Officer Echeverria, since he's the one that made the appointment, laid the facts on the table and told them, this is the information I got, this is how I got it, this is who I reported it to, this is additional information I learned.
I -- you know, we learned that there's been so many open CR numbers against these same individuals and, you know, all this time has gone by from the first time I was contacted and we decided to go on our own to FBI and, you know.
Q. Was the conversation just about Officer Watts or other individuals, as well?
A. No. The member of his tact team, as well.
Q. Okay. Were the specific names --
A. Yes.

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Q. -- discussed in that meeting?
A. Yes.
Q. Okay. And Officer Mohammed was one of them?
A. Yes.
Q. Okay. What else do you recall, if anything, you or anyone else saying in the meeting?
A. I remember that we were being told that we were going -- we're not asking you to go to this investigation. I remember that I voiced extreme concern because I worked with these individuals from the start of my career, one of the named targets I actually graduated the academy with and I also knew the allegations that were made against Sergeant Watts --
Q. Sure.
A. -- and they're serious allegations. And not only is he working with -- allegedly working with these gang members and committing these crimes, he also has the ability to look into who's investigating him and he has the ability to use the police systems and it made me extremely nervous.

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Q. Okay. Was it your point of going to the FBI to get approval to work on this with -- during your regular work hours?
A. Going to the FBI?
Q. Going to the department. I'm sorry.
A. No. It was to inform Tina Skahill that we had gone to the FBI and that this agent was now contacting us and wanting us to break away and -- or meet with him and we informed him that we couldn't.
Q. Okay. So were you trying to get Officer Skahill to protect you from having to work on this investigation or get authorization to work on it during work hours?
A. No. It was to inform her of the action that we had taken and we didn't know -- you know, we work for Chicago Police Department --
Q. Yes.
A. -- we're unfamiliar with the rules and regulations on what exactly you can and cannot do with these agents.
Q. Okay.
A. And in order for this to remain confidential -- because I do recall now that

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Patrick Smith and Julie Anderson said, we must keep this confidential, the investigation must remain confidential. We cannot talk about this to anyone or we would be interfering with the investigation and could jeopardize it. So we couldn't just go ask our own sergeant.
Q. Sure.
A. So we know that IAD does confidential investigations.
Q. Sure.
A. So we went to get clarification from her and make sure that we weren't coloring outside the lines in any capacity before, you know, Patrick Smith was requesting what I felt was too much. And so we just wanted to -- and you can't -- with confidential information, you don't know who's friends with who --
Q. Sure.
A. -- so we went to the chief.
Q. Sure, sure. And you said you were told in that meeting that you needed to keep this confidential?
A. Yes, yes, yes.
Q. Okay. Other than what you've already

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testified to, what do you recall else, if anything, being said in this August, 2008 meeting?

A. I recall Tina Skahill saying that this is going to be a very good move for you, it is necessary. This is a very important investigation to the department, you have the resources, you have the ability to close this out with positive results, your concerns are unwarranted, we would never just throw you back into patrol, you will be protected, your identity will never be revealed.

In fact, you know, you can be made meritorious sergeant from this because -- meritorious means when you go above and beyond. You know it's not -- that's what it's supposed to be for. You can remain on the task force so you don't go right back into patrol and some -- you know, that's I think a three or five-year detail.

She said, we protect our people at all costs, it will never come back to you. You have nothing to worry about as long as you don't ever talk about this. Chief Skahill, Tom Chester --

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Q. Go ahead. I'm sorry.

A. They then said, this is how we're going to proceed.

Q. Let me stop you for a second. When Sergeant -- I'm sorry. When Tina Skahill was saying, this will be a good move for you, you could be made meritorious sergeant, you could remain on the task force, you understood that as she was giving you possible outcomes following this investigation, she wasn't promising you those things, correct?

A. She was promising us that we would be one, protected --

Q. Yes.

A. -- two, our identity would never be revealed; and three, we would be able to go within a specialized unit of like the FBI Task Force or something so we would not transition right back into the Chicago Police Officers directly or promoted so that you're not back in the rank and files until it's safe to do so.

Q. Okay. Is it your understanding that in that meeting, Tina Skahill was promising you a promotion?

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A. I did not perceive it as that personally.

Q. Okay. Is it your understanding that in that meeting, Tina Skahill was promising you that at the end of this investigation, you would be on some task force?

A. I did not perceive it as a promise of exactly where or something, but a promise of you would not be returned here and we will take care of you.

Q. Okay. I'm sorry. Other than what you've already testified to, what else do you recall being said in that August, 2008 meeting?

A. I recall that it was explained to us why we were going to be detailed to 543 and the structure of how that worked. Because my partner and I were unfamiliar of 543, which is miscellaneous details. She explained that --

Q. I'm sorry. Is Tina Skahill explaining this to you?

A. Yes.

Q. Okay.

A. She explained that there are many different divisions that come out of there, like

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the Mayor's detail, serving I think summons, the DEA Task Force, FBI Task Force. So you would report to 543. That way if anybody, like Sergeant Watts or someone else, we don't know where the investigation is going --

Q. Sure.

A. -- or how far up the chain it's going to lead, we're to look at where -- whoever would question us, it would say 543 miscellaneous detail. And from there --

Q. And 543 was Detached Services, correct?

A. I'm sorry, Detached Services. With many miscellaneous details in there, that's correct.

Q. Okay.

A. And then that would show that we were there and then nobody would be exactly sure what we were doing. We could never be connected specifically to what was then dubbed as Operation Brass Tax, the Ronald Watts case.

And we were told that we were under no circumstances no one is allowed to question us about this. We do not talk about it. The only people that would have knowledge were the peop

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that were in the room. And I believe the people above her at the time was Debra Kirby, Brust and Jodie Wies. And other than that, we were given a story to stick to.
Q. Okay.
A. No matter who asked us.
Q. Okay. And this is Tina Skahill giving you this information?
A. Yes.
Q. Okay.
A. At points Barb West may have been talking and Tom Chester was definitely talking.
Q. Okay.
A. And they were just breaking it down and explaining, but the majority of the information came from Chief Skahill.
Q. Okay. And while I understand they were indicating it would be a confidential investigation, did anyone say that the folks, the people that would know about it would be on a need to know basis?
A. Yes.
Q. Okay, all right.
A. Oh, no.

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Q. Other than what you've already testified to, is there anything else you recall being said in that meeting?
A. I have a question. When you say on a need to know basis, are you talking -- I perceive that question to mean that we were not to discuss it with other people.
Q. Okay.
A. Am I correct?
Okay. So my answer to yes is meaning that I am not to discuss it with other people because there's only certain people that need to know about the investigation.
Q. Correct.
A. Okay. And we do our reports and give them to Tom Chester and Tom Chester briefs, whether it's Tina Skahill --
Q. Sure.
A. -- or the superintendent or whoever. But we don't go outside that square.
Q. Sure, right. But the certain people who would need to know about the investigation, was not determined by you --
A. No.

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Q. -- or Officer Echeverria, correct?
A. No.
Q. Correct?
A. Correct.
Q. Okay. Do you recall anything else being said --
A. Yes, I remember Tina --
Q. -- in the August, 2008 meeting?
A. So sorry.
Q. That's okay.
A. Tina Skahill and Patrick Smith discussed that the FBI was to give us vehicles and we would be using FBI vehicles and that we would complete packets for our credentials so that we would report to 2111 West Roosevelt on a regular basis and we would report our -- the liaison, our direct contact for CPD was Tom Chester. We could go into 543.
The only person that would -- in 543 that knew what we would be doing was then Lieutenant and Commanding Officer Liz Glatz, G-L-A-T-Z. And if anyone, including a lieutenant or someone, asked us anything, just say you work for Tom Chester and they should

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know immediately not to ask you anything further.
Q. Okay.
A. And then she said that it was going to happen quick, that we were going to be moved right away. She -- they stressed the importance of keeping our identity confidential --
Q. Okay.
A. -- is not to discuss this.
Q. Right.
A. Gave us the story that we were going to be -- once again, we were detailed to 543 and the story was that we were being borrowed as intelligence to the FBI Narcotics Task Force. So we were to also, you know, along the way have stories ready for -- you know, you're going to run into police personnel.
Q. Sure.
A. They're going to ask you where are you working, what are you doing.
Q. Sure.
A. So make sure you're prepared for that.
Q. Did they tell you what to say to those people who may ask you what you're doing?

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A. Yeah. You're borrowed to the FBI Narcotics Task Force and, you know, discuss what you want about that but be vague. But questions will come up, you know, who are you working for.
Q. Sure.
A. Many officers -- when we got to 2111 West Roosevelt, we realized there was a whole lot of CPD personnel in there.
Q. And that address is the FBI headquarters, correct?
A. Yes.
Q. Okay. Do you recall anything else being said at the August, 2008 meeting?
A. You know, we were given the BlackBerry numbers of Barb West, Tom Chester, Tina Skahill for direct contact.
Q. Okay.
A. We were told that, you know, we weren't going to discuss this with anyone from Narcotics, that it would be handled at the chief level.
Q. Okay.
A. We would at some point be told -- how it was going to happen is somebody from

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Narcotics would just tell us that we're on an order to go and we just say, okay.
Q. Okay.
A. But we don't -- you don't go to work and ask or anything, it was just going to be handled.
Q. Okay.
A. Run silent.
Q. Okay. Other than what you've already testified to, do you recall anything else said in the August, 2008 meeting?
A. I know that we were reassured that we were doing the right thing and we were thanked for coming forward and that, you know, it's no secret in the Chicago Police Department that when you go against officers --
MR. KING: I move to strike the response.
BY MR. KING:
Q. My question is do you recall anything else being said --
A. Yes.
Q. -- in the August, 2008 meeting?
A. Yes.

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Q. Okay. And I don't want to hear about secrets or no secrets. What else was said in the August, 2008 meeting?
A. I was just about to tell you. I said in the meeting, it's no secret that when you go against other officers in the department, the things that can happen to you.
Q. Someone said that in the meeting?
A. I said it.
Q. Okay. You said it?
A. Yes.
Q. Okay.
A. And I was extremely concerned.
Q. Okay.
A. And we were reassured that we were doing the right thing and that, you know, we would be protected.
Q. Okay.
A. And that people come forward and you never know about it, we should have no fears.
Q. Okay. They were basically telling you they do things like this all the time, you shouldn't worry?
A. Correct.

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Q. Okay. Anything else you can recall being said in that meeting?
A. I think the major points are covered.
Q. Okay.
A. I believe so.
Q. Okay. Was it your understanding that -- well, strike that.
Just so I'm clear, would you say that you and Officer Echeverria agreed to participate under these terms, you weren't -- this wasn't something you were coerced to do against your will, was it?
A. Well, I can tell you we were told in this meeting, we're not asking, we're informing you that you will be part of this investigation.
Q. Okay. Did you agree to be part of the investigation?
A. When a chief tells you you're going to be part of the investigation, you agree to it.
Q. Okay.
A. Yes.
Q. Okay. My question is did you not want to be part of this investigation but you were

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ordered to, is that what your testimony is?
A. I was concerned about being part of this investigation and I was reassured that -- from the chief that it would be fine. And so yes, we agreed to be part of the investigation --
Q. Okay.
A. -- under those conditions.
Q. Fair enough, okay.
Was it your understanding that immediately after that meeting, you were going to Detached Services or would it be some time later that you would be told that you were going to Detached Services?
A. She just said that it would happen soon.
Q. Okay. If you'll look at Paragraph 28 of the Amended Complaint. You say that certain CPD command staff knew of your involvement with the Watts investigation, including the superintendent and former deputy superintendent Kirby and the chief of IAD at the time was Tina Skahill and later Juan Rivera, correct?
A. Correct. And also to that list I

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believe was Brust, who worked under Jodie Wies, and I cannot tell you --
Q. Sure.
A. -- his position or his first name or anything. I never met the man.
Q. That's fine. What's your basis for saying Superintendent Wies was aware of your participation in the investigation?
A. Because during that meeting with Chief Skahill, Tom Chester, Barb West and Patrick Smith, we were told the only people that will know about it are the people in the room and that list was given to us, these people. And nobody else outside this circle, other than Liz Glatz.
MR. KING: I move to strike the answer as nonresponsive.
BY MR. KING:
Q. What's your basis for saying that the superintendent of police Jodie Wies had knowledge of your involvement in the Watts investigation?
A. Because the superintendent was briefed about Operation Brass Tax by somebody from the

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IAD office, I believe it would be the chief. And whether Barb West was present or not, I was not at the meetings or the briefings.
Q. Okay. During the August, 2008 meeting, are you -- is it your testimony that you were told that the superintendent would be made aware of your involvement in Operation Brass Tax?
A. Yes.
Q. Okay. During that August, 2008 meeting, is it your testimony that you were made aware that Deputy Superintendent Kirby would be made aware of your involvement in the investigation?
A. Yes.
Q. Okay. And obviously Chief Skahill was in the meeting, so she knew about your involvement of the investigation, correct?
A. Yes.
Q. And you think that Mr. Brust, that he may or may not have told you that he would also be made aware of your involvement in the investigation, is that your best recollection?
A. My recollection is his name came up as being a person that had knowledge of it, but I

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don't know if it was in this meeting or later on in the investigation.
Q. Okay. So these individuals, Superintendent Kirby and Brust possibly, you were being told in the meeting that they already had knowledge of this?
A. That they --
Q. Correct?
A. That they -- I was being told that they would be the only ones who would have knowledge. Whether they already had knowledge or they had knowledge after the meeting, I can't say because I'm not privilege to those meetings.
Q. Right, right. So you have no personal knowledge of what the superintendent had knowledge of with respect to your involvement in the investigation, correct?
MR. SMITH: Objection, are you asking at the time of the meeting or subsequent?
BY MR. KING:
Q. I'm asking at the time of the meeting.
A. I have no idea.
Q. Okay. So after that August, 2008 meeting, there was a period of time where you

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continued to work in Narcotics before you were told that you were being detailed to Detached Services, correct?
A. Yeah, about two days.
Q. About two days, okay.
So on Paragraph 29 of the Amended Complaint, you indicated that you were detailed to Detached Services at a certain point and you then reported directly to FBI headquarters; is that correct?
A. Yes.
Q. And our records indicate you were detailed to Detached Services early August, 2008. Does that sound correct?
A. That's what your records reflect?
Q. Yes.
A. That's --
Q. I'm just asking if that sounds correct to you.
A. Yes, because it was immediately after the meeting with Chief Skahill.
Q. Okay.
A. When I say immediately, days. That fast.

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Q. Okay. And when you were then detailed to Detached Services and reporting to the FBI, was it your understanding at that point that that was all you were going to do, was work on the Watts case with the FBI or would you work on the Watts case as needed and then you performed other responsibilities in the Detached Services unit?
A. Our purpose for being detailed to the FBI was to work on Operation Brass Tax.
Q. At the time you were detailed to Detached Services, was it your understanding that you were going to spend all of your work time working on Operation Brass Tax or that you would work on it periodically as needed and also have some responsibilities within Detached Services?
A. Work on Operation Brass Tax full time with no responsibility -- other responsibilities within 543.
Q. Okay. And what was the basis for that understanding?
A. Because that's what we were told we were going to do in that meeting by the chief --

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Q. Okay.
A. -- Tom Chester, Liz Glatz. We reported to her periodically. We would go into 543, but 2111 West Roosevelt is where we reported.
Q. Okay. Paragraph 30 of the Complaint you say, over the next several years, Plaintiff continued to work on Operation Brass Tax. During that time, you were also encouraged by CPD command staff to develop other Narcotics related cases, which overlapped with their work on Operation Brass Tax.
Who encouraged you to develop other Narcotics cases as alleged in Paragraph 30?
A. Juan Rivera.
Q. Okay. And at the time Juan Rivera was chief of the Internal Affairs Division, correct?
A. Correct.
Q. And do you know why Chief Rivera asked you to also work on other Narcotics cases?
A. Yes.
Q. Why?
A. Because I told him that during the course of the investigation, we were coming across very credible Narcotics information that

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did not pertain directly to Operation Brass Tax but that Chicago Police Narcotics Division could use and develop conspiracies or search warrants. And he said, as long as it doesn't compromise Brass Tax or overlap it, by all means, any intelligence that you gather regarding Narcotics, you have my blessing to go back to Narcotics and forward that information to the officers and supervisors there and I will sign off on any overtime that you work with them on cases that you develop. Because if you can kill basically two birds with one stone --
Q. Sure.
A. -- by all means, do it, as long as it does not interfere, compromise the integrity of Operation Brass Tax.
Q. Okay.
A. You can't cross that line.
Q. Do you recall how long you were working out of FBI headquarters before you had that conversation with Chief Rivera?
A. I don't.
Q. Okay. Any sense of whether it was in 2008, 2009, 2010?

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A. It might have been about 2010.
Q. Okay. And when you were reporting to the FBI to work at that headquarters but were also in the Detached Services unit, did you have an understanding of there was someone in Detached Services that you were supposed to report to also?
A. No.
Q. During that time when you were in Detached Services and reporting to the FBI headquarters, do you know if your time, the A&A sheets for you were being kept in Detached Services?
A. I believe they would be.
Q. Okay.
A. But I never questioned that. I never asked that question.
Q. Okay. And you believe they would be because --
A. Why would the FBI have them.
Q. Okay. And you were detailed to Detached Services Unit 543, right?
A. Yes.
Q. Okay.

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A. To the best of my knowledge, we were. That's what we were told.
Q. Okay.
A. I can't be sure how they recorded it because I'm not privilege to the records.
Q. Are you familiar with Lieutenant Cervanka?
A. I know who he is, yes.
Q. Was he ever a lieutenant in your chain of command at any point?
A. He was.
Q. At what period of time was -- were you working ultimately under Lieutenant Cervanka?
A. When Chief Limon called me after I was the victim of the robbery and battery and asked me if I had been working with my partner Danny Echeverria, set back up with him. And I told him, no. And he said, well, I'll adjust that and take care of it. He then moved me to work on Sergeant Roderick Watson's team with Danny Echeverria, which fell under Cervanka's command.
Q. Okay.
A. And that was for a brief time prior to going to 543.

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Q. Was there any time while you were working in Detached Services and working on the Watts investigation that you were told to report to Lieutenant Cervanka?
A. No.
Q. Do you have any knowledge of whether Lieutenant Cervanka was aware of your work on Operation Brass Tax while you were in Detached Services?
A. No. He was not in that list of who would have knowledge of it.
Q. Okay.
A. So I don't believe he should have had knowledge of it.
Q. Okay. You don't recall any circumstances where you were instructed by anyone that on days that you were going to be working at the FBI, that you would let Lieutenant Cervanka know that you'd be over at the FBI and not working at Detached Services?
A. At no time did anybody tell myself, tell me that I was ever to report to anybody from Narcotics.
Q. Okay. You testified earlier that

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Chief Rivera told you essentially if you came across credible Narcotics information that might help an investigation, you should report that. Did he tell you who you should take that information to?
A. He told me, feel free to pass it on to someone that we may have known or worked with in Narcotics.
Q. Okay.
A. To pass the intelligence on.
Q. Okay. And were there any situations while you were in Detached Services, that you did pass intelligence on to anyone in Narcotics?
A. Yes.
Q. And whom did you pass that information onto?
A. Sergeant Jay Padar and at the time Anthony Hernandez worked on his team.
Q. And those would be the only two individuals?
A. Other members of the Narcotics team would work on the cases, but those were the individuals we contacted or we discussed with.
Q. Okay. How many times do you think you

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provided information to Sergeant Padar while you were in Detached Services and working on the Watts investigation about other Narcotics cases?
A. Multiple times. I can't be sure of the exact amount.
Q. And would that be the same for Officer Hernandez?
A. Correct.
Q. Okay. But other than you communicating information to them, you didn't talk to anybody else in Narcotics about the information or evidence that you'd come up with?
A. Okay. That's -- we would initially speak to one of those individuals being Padar or Hernandez.
Q. Sure.
A. Once the information was provided and the supervising sergeant Jay Padar decided that they were going to work it, we would then talk to other team members if we were going to go do a search warrant or something.
Q. Sure.
A. But the initial intelligence was --

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Q. Right.
A. -- given to them and then that was how it flowed to the team.
Q. Right. So you mentioned, for example, if you were going to do a search warrant -- so at times while you were in Detached Services and you were working on the Watts investigation with the FBI, at times you were also working on Narcotics cases; is that your testimony?
A. Yes.
Q. Okay.
A. It happened multiple times.
Q. Okay. And when you were working on Narcotics cases, did you have an understanding of who you reported to in connection with that work of Narcotics cases?
MR. SMITH: I'm just going to object to the form of the question, vague as to reported to.
BY MR. KING:
Q. Did you understand my question?
A. Could you say it again, please?
Q. During the period when you were in Detached Services and you were working on the

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Watts investigation, you testified that you were also from time to time working on Narcotics cases.
Did you have an understanding of who your direct report was, if anyone, while you were working on those Narcotics cases?
A. Yeah. We reported directly to Tom Chester and we would inform Tom Chester and also Juan Rivera directly.
Q. Okay. During that same period of time, were you ever told that you needed to let someone know on the days that you'd be working on the Watts case, someone within the police department?
A. No. We would report to work at the FBI building. What do you -- what do you mean someone? Tom Chester was within the police department, but he was at the FBI building.
Q. Okay. So if there were days where you didn't go to the FBI building because you were working on a Narcotics case, were you supposed to report what you were doing for that day, hey, we're not going to be at FBI, we're going to be in Narcotics? Were you supposed to tell someone

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that?
A. We weren't, per se, in Narcotics.
Q. Right.
A. But rather just forwarding the information.
Q. Sure.
A. And then the search warrants that Officer Echeverria and I participated on were always overtime and we would report directly to Sergeant Padar, who was conducting the search warrants then.
Q. Okay.
A. And that was with Juan Rivera's consent.
Q. Okay. So is it correct that when you were in Detached Services and you provided information to Sergeant Padar or Officer Hernandez and that led to further work, as you just said, was that work always under Sergeant Padar?
A. Yes.
Q. Okay. I assume the decision to move you to Detached Services so that you could wc on the Watts case, you're not claiming that tha

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decision was part of any retaliation against you in this case, are you?
A. When Tina Skahill moved us?
Q. Yes.
A. No.
Q. And, in fact, you're not alleging, the Plaintiffs are not alleging that Tina Skahill retaliated against you or harassed you in any manner in this case?
A. Not in any manner whatsoever.
Q. Okay. If I could direct your attention to Paragraph 31 in the Amended Complaint, which indicates, on an unknown date, information that Plaintiffs had reported criminal misconduct by a sworn officer and were working with an outside investigation was leaked within the department and became known to Defendant Commander O'Grady. What's the basis for your allegation that information was leaked to Commander O'Grady?
A. Okay. If I may, I need to back you up just a little bit because that's really a two-part question. How we found out the information and then who we addressed it to.

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Q. My question for now is what's the basis for the allegation that information was leaked to Commander O'Grady?
A. Okay.
Q. How do you know that?
A. Because on one of the search warrants that we were conducting with Sergeant Jay Padar and his team, we were in the 7th District parking lot after the search warrant. And Sergeant Jay Padar handed me back a file that I had submitted, along with Officer Echeverria, to register our -- register our informants who were already registered as FBI informants with the Chicago Police Department so they could be compensated --
Q. Okay.
A. -- for the work that they were now doing on these other Narcotic cases that were --
Q. You were trying to get approval for a confidential informant to get paid?
A. Correct, under these.
Q. Okay.
A. The approval you have to be assigned -- or an undercover or assigned to 189, which we were, and it has to come from then Commander James O'Grady, who I never worked under. I was gone before he came, okay.
Q. Right.
A. It was submitted. Commander --
Q. Let me stop you for a second. You said you were assigned to 189 and, in fact, at the time were detailed to Detached Services, correct?
A. Correct. But the way that works, we're assigned and then detailed.
Q. I understand.
A. So that is correct.
Q. Okay. So Padar, Sergeant Padar hands you a form, I think you said?
A. No.
Q. I'm sorry.
A. Okay. He hands me back --
Q. Right.
A. I completed a file, submitted it, gave it to Padar, who submitted it to Commander O'Grady. Commander O'Grady then signed off on it.

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Q. Okay. Just to stop you. The information you're testifying to is based on what Sergeant Padar told you in the parking lot, correct?
A. Correct.
Q. Okay. So did he tell you that Commander O'Grady had signed off on it?
A. He handed me back the file and I looked at it and saw that it was signed off.
Q. Okay.
A. And then he said that there was a yellow Post-it on it for him to go see Commander O'Grady.
Q. Okay. So when you saw the form, it had been signed by Commander O'Grady?
A. Yes.
Q. And there was a yellow Post-it on it telling Sergeant Padar to see Commander O'Grac about this?
A. Yes.
Q. Okay.
A. It was -- the Post-it was on the outside envelope of the packet. It was multiple forms.

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Q. Okay. Did Sergeant Padar say anything else to you in that conversation --
A. Yes.
Q. -- in the parking lot?
A. Yes.
Q. What else did he tell you?
A. He said -- when I went in there, Commander O'Grady said to me, he said, I will not approve this with these two IAD rats Spalding and Echeverria on here. If you want to remove their names, I will approve the informant for Hernandez only. Furthermore, you are no longer to ever work with them. I don't want them in this building, you never cross their paths. And if you are out there and they call a 10-1, which is a police emergency, you or any member of this division is not to respond.
And I looked at him and I said, why in the hell would a commander who never met me say something like that. He said, don't kill the messenger, I have no idea. So do you want to remove your names. And I said, no, and I took the file back, which is now in possession of my attorney.

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Q. Okay.
A. Okay. And then I'm --
Q. Are we still talking about with Sergeant Padar, the conversation with you and him in the parking lot?
A. Yes.
Q. Is your partner, Officer Echeverria, there at this time also?
A. Yes. Along with another witness.
Q. Okay. Who else was there?
A. Anthony Hernandez.
Q. Okay.
A. Because it was his search warrant.
Q. Okay. Was there anything else said in that conversation by either Sergeant Padar or you or Officer Hernandez or Officer Echeverria?
A. Yes.
Q. What else was said?
A. I said, you mean to tell me if Danny and I leave this parking lot and someone has opened fire on us and shooting on us, you will not respond? Sergeant Padar said, I can't and I won't. I have my orders, I can't mess up my job. But someone on the zone will come, it just

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won't be anyone from Narcotics.
We took our file -- and he said, we have the search warrant for 7:00 tomorrow morning. After that, I have my direct orders, we are to part ways and our paths are never to cross again per Commander O'Grady.
Q. Okay.
A. With that information --
Q. Let me just stop you.
Other than what you've already testified to, was there anything else said in that conversation in the parking lot?
A. I remember asking him, you know, why Commander O'Grady would do this and why he thought we were working with IAD. And he said, I'm not sure where his information came from, I'm not privilege to that. I just know that that's what he said.
Q. Okay. So you don't know -- if Commander O'Grady had learned that you were working with IAD, you don't know how he learned that or what the source of that information is, correct?
A. I do know.

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Q. You know now?
A. I do know now.
Q. Okay. What's your understanding of the source of that information to Commander O'Grady?
A. Once that incident occurred, my partner Echeverria and I went to Juan Rivera and I was absolutely mortified that my -- that somebody may have knowledge of the investigation. It was clear Commander O'Grady had insider information as to what we were doing, because he knew that there was a confidential investigation into other officers, okay.
Q. Okay.
A. So with that information, I asked Juan Rivera, how in the hell would Commander O'Grady have known this. And he said, that may be my fault.
Q. Okay.
A. And I asked Juan Rivera, what do you mean, that may be your fault? He said, I might have fucked up.
Q. Okay.
A. He said, I went to Ernie Brown, the then chief of Organized Crime, and told him you

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two were working on Operation Brass Tax and the nature of the investigation.
And I asked Juan Rivera, why in the hell would you do something like that when you know there are connected relationships with him and the targets of the investigation that is jeopardizing our safety. He said, I did it with the hopes that Ernie Brown would then put you in place for the FBI Task Force. But instead, he held a meeting and told everybody with his commanding officers over there when he wasn't supposed to do that.
Q. Okay. We'll come back to that, that conversation with Rivera. But when you were executing search warrants and doing work for Sergeant Padar --
A. With Sergeant Padar.
Q. -- with Sergeant Padar, that was work in the Narcotics unit, correct?
A. No.
Q. It was Narcotics work?
A. It was -- it was us providing, once again, intelligence of narcotics activity --
Q. Okay.

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A. -- so that the Narcotics officers could then go and --
Q. Sure.
A. -- execute the search warrants and build up conspiracies, which we did not work on.
Q. Okay.
A. We only worked on the information we provided where our informant would be the witness for the search warrant or something --
Q. Right.
A. -- and we were necessary to be involved in.
Q. My point is you were spending some of your time not on the Watts case but you were spending it on things related to Narcotics investigation, correct?
MR. SMITH: Objection to the form of the question, vague and Narcotics is the work.
BY MR. KING:
Q. You're in the parking lot talking to Padar and you're providing information, you testified, about other Narcotics matters.
So I'm just asking you when you're

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doing that, you are assisting with Narcotics cases other than the Watts case, correct?
A. On overtime, yes.
Q. Okay. And at the time, James O'Grady was the commander of the Narcotics Division, correct?
A. Yes.
Q. And at the time, Ernie Brown was the chief over Organized Crime that included the Narcotics Division, correct?
A. Correct.
Q. You testified that when Sergeant Padar told you this information that Commander O'Grady had allegedly said, you had never worked for O'Grady previously, correct?
A. Correct.
Q. Did you know Commander O'Grady at all?
A. No.
Q. Okay. And I apologize for interrupting you. Let's go back to the conversation that you had with Juan Rivera once you learned that Commander O'Grady was aware of your work, as you allege, on Operation Brass Tax.
Sergeant -- or Chief Rivera indicates

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that he told Ernie Brown and you testified that he had done it for a certain reason and instead that Ernie Brown held a meeting. What did Rivera tell you about the meeting that Ernie Brown held?
A. He said that instead of keeping the information confidential, it's apparent that he opened his mouth to everyone of his -- you know, at least the command staff, which then obviously trickles down, because now Sergeant James Padar knows about it, too.
Q. I just want to know what specifically Rivera told you out of his mouth in this meeting. What -- tell me about that conversation, everything that you can recall.
A. Everything I just said.
Q. And was Officer Echeverria part of this meeting, as well?
A. Yes. And it was in the -- it was not a meeting in a room where we were sitting down.
Q. Sure.
A. It was a conversation in the hallway outside of his office.
Q. Okay.

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A. And yes, Officer Echeverria was there. I was very upset. I even -- I said, I wanted to be removed from the investigation, that I didn't feel safe, my identity had been compromised. And these people all have access to where I live, my daughter. And the crimes alleged against these members that we're investigating, are very serious allegations. And I did not feel safe at all. And he -- he violated every -- everything that I was told would never happen.

Q. All right. I'm going to move to strike the answer. My question -- and I do apologize for interrupting you when you started talking about the conversation.

But I'm going to ask you to start from the beginning. You and Officer Echeverria are in the hallway and you have a conversation with Juan Rivera where he tells you about the fact that he had disclosed it to Ernie Brown.

A. Correct.

Q. Tell me everything you recall you saying --

A. Okay.

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Q. -- Officer Echeverria saying --

A. Okay.

Q. -- or Juan Rivera saying in that hallway conversation.

A. I said -- I informed Chief Juan Rivera -- I wanted to know --

Q. Take your time.

A. -- how the hell Commander O'Grady knew to the point that a sergeant would tell me that he would go the other way if I was being shot at and that they would not respond.

And this is a man I have never met. How the hell did O'Grady find out to the point that you put my life and my partner's life in jeopardy. And Chief Rivera said -- and Chief Rivera said --

Q. Take your time.

A. -- that may be my fault, I might have fucked up.

Q. Okay.

A. And I'm quoting, so I apologize.

Q. Sure.

A. I went to Ernie Brown and I told him that the two of you were working on Operation Brass Tax and the nature of the investigation, but I did it in hopes that he would then put you on an FBI Task Force. And I told Juan Rivera, why would you tell someone that has relationships with the targets of the investigation? It could compromise the investigation. It definitely compromised our safety. It's supposed to be a confidential investigation. It doesn't make any sense is what I'm telling him.

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Q. Okay.

A. That you're the chief and you would tell this person. I don't feel safe anymore. I want to be removed from the investigation. He said, you can't. This is an important investigation. You have to stay on it. Hang in there. Hang in there. Hang in there when I have people telling me that I could be shot and they're not going to help me in the street.

And he said that Ernie Brown was supposed to keep that information confidential, but instead he had a meeting with then Deputy Chief Nick Roti and Commander O'Grady and obviously his command staff. I don't know everybody.

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Q. Did he tell -- who did he tell you, who did Rivera tell you that the meeting Brown allegedly had with? Did he --

A. He only named who was then deputy chief was Nick Roti, Nick Roti. I'm sorry. Nicholas Roti, if I'm saying that name correct, and then Commander O'Grady.

Q. Okay.

A. And then he told me that I had to stay on this investigation.

Q. Other than him telling you that Ernie Brown had had a meeting with Nick Roti and O'Grady, did he tell you anything else about it?

A. That he was supposed to keep his F-ing mouth shut.

Q. Okay.

A. He wasn't supposed to do that.

Q. And it was your understanding that Juan Rivera was not in this meeting that Ernie Brown allegedly had with Roti and O'Grady, correct?

A. I didn't perceive it that he was in the meeting.

Q. Okay.

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A. But I was not there and I don't know who was there.
Q. Right, right.
So other than what you've already testified to, do you recall anything else that you, Officer Echeverria or Juan Rivera said in this hallway conversation?
A. That we were just to continue working on Operation Brass Tax, lay low, stay off the radar, do not go around, you know, Narcotics and all that. He said -- we obviously can't work with them anymore. But just don't -- steer clear of Narcotics, stay away from them for your own safety. You know, fly under the radar, lay low. You report directly to me, you tell me, you know, what you guys are doing and fly under the radar, unseen, unheard for your own safety.
Q. Okay. Do you recall anything else being said?
A. I really -- you know, other than me saying several times that I wanted off of this and being told to hang in there.
Q. Do you recall if Officer Echeverria said he wanted off of this?

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A. I know he did.
Q. Do you recall if he said that in the meeting?
A. I don't know.
Q. Okay.
A. I'm not sure at this point.
Q. Okay. And after that conversation with Juan Rivera, did you, in fact, stop working on any Narcotics cases?
A. Yes. We had no choice.
Q. My question is --
A. We stopped.
Q. -- after the conversation, did you stop working on any Narcotics cases?
A. With --
Q. Other than the Watts investigation.
A. Watts investigation is a Narcotics. Other than the -- other than the Watts investigation. Do you mean FBI-wise or do you mean CPD-wise?
Q. I mean CPD-wise.
A. Yes, we stopped.
Q. Okay.
MR. SMITH: Is this an okay time to take a break?
MR. KING: Absolutely.
(Whereupon, a discussion was had off the record.)
(Whereupon, Spalding Deposition Exhibit No. 2 was marked for identification.)
BY MR. KING:
Q. Officer Spalding, I'm showing you another document that's been marked as Spalding Deposition Exhibit No. 2. And I would ask you to take a look at this document and let me know if you've ever seen this before.
A. This is part of -- yes. The answer is yes.
Q. Okay.
A. This is part of the informant packet that I and my partner Officer Echeverria submitted to have our informant approved --
Q. All right.
A. -- registered with the Chicago Police Department to Sergeant Jay Padar who in turn turned it into Commander O'Grady.
Q. Okay. And you say this is part of the packet, correct?
A. No, I don't know if -- yes, it is part of the packet.
Q. Okay. And if you look on Page 1 of this document, does it appear to be signed by Commander O'Grady?
A. Yes.
Q. Okay. Where do you see Commander O'Grady's signature?
A. Isn't that the second one? Am I mistaken?
Q. On the right side of the page under Jay Padar, you believe that's Commander O'Grady's signature; is that correct?
A. I thought it was.
Q. Okay.
A. It's not?
Q. Other than --
A. I can't read it.
Q. Okay. That's fine.
A. I thought it was Commander O'Grady's.
Q. Other than not having the yellow Post-it note on Exhibit 2 that you testified to before, does this look like -- is this the

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document that you were testifying about previously?
A. This is part of it, yes.
Q. Turning your attention back to Exhibit 1 of the Amendment Complaint.
A. I'm sorry, where are we?
Q. The Amended Complaint. And we'll look at Paragraphs 34 and 35 deal with -- well, take a look at 34 and 35. And my question is the basis for the information alleged in -- let me strike that. Let's just direct your attention to Paragraph 35.
And my question is the basis for what's alleged in Paragraph 35 is what Jay Padar told you in the parking lot what you've already testified to, correct?
A. Correct.
Q. Okay.
MR. SMITH: I object --
BY MR. KING:
Q. And directing your attention to Paragraph 36, you allege that by interfering with your ability to develop Narcotics cases in the unit, Defendant O'Grady intentionally

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prohibited Plaintiffs from earning overtime. And that's based on your prior testimony that Jay Padar was allowing you to work overtime on some Narcotics cases, correct?
A. Correct.
Q. Okay. And do you happen to know how much you made in overtime in 2008?
A. Not much. It was stopped.
Q. Okay.
A. I have no idea the amount to be honest with you.
Q. Okay. How about let's say 2007, 2006, any of those years, do you know the amount of overtime you earned?
A. I have no idea.
Q. Okay. How about 2009 or 2010, do you know the amount of overtime you earned?
A. No, I don't even know the amount. But 2010 was much more than the rest of them, I believe.
Q. You believe?
A. Or maybe it was 2011. The VRI program. I don't know.
Q. Okay.

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A. I have no idea.
Q. Okay. As you sit here, you don't have any idea how much you earned in overtime in any of the years between 2006 and 2014; is that fair to say?
A. That's fair to say.
Q. Okay. Now, directing your attention to Paragraph 38 of the Amended Complaint. What's the basis of your allegation in Paragraph 38 that, on one or more dates, multiple Defendants discussed the handling or treatment of Plaintiffs. At one such meeting, Plaintiffs' possible reassignment was discussed. In response, Defendant O'Grady referred to Plaintiffs as rats and stated he did not want Plaintiffs working in his unit.
Is that also based on what Jay Padar told you in that conversation in the parking lot?
A. No.
Q. Okay. What's the basis for that allegation in Paragraph 38?
A. The basis is -- you're going to ask me for the date and I can't tell you the date.

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Q. So you're about to tell me about a meeting that you believe occurred?
A. That I know occurred.
Q. Okay. Were you in the meeting?
A. No, I was not.
Q. So you're going to tell me about a meeting you believe occurred, correct?
A. I'm going to tell you about a meeting Juan Rivera informed me of that occurred.
Q. Okay. Do you know what year that meeting was?
A. It was right at the time -- the day before we were reassigned from 543 to the academy. Is that Unit 041? The police academy
Q. Okay.
A. So the day before that.
Q. Okay. Juan Rivera told you about a meeting the day before that or he told you the meeting happened the day before?
A. The meeting occurred the day before.
Q. Okay. So when did Juan Rivera tell you about the meeting, the same day or was it later?
A. It was -- it was the next day, I

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believe. It was within a couple of days of the meeting.
Q. Okay.
A. The day of, the day after.
Q. Okay.
A. Shortly after the meeting occurred.
Q. Okay. And what did Ron -- Juan Rivera tell you about this meeting?
A. Juan Rivera stated that in the meeting when we were being reassigned from 543, removed from the Brass Tax investigation, that a meeting was called and present in the meeting was Beatrice Cuello, James Jackson, Nick Roti or Roti. I'm sorry, Nick Roti, James O'Grady, Juan Rivera, and I don't recall if he mentioned anyone else or not.
Q. I thought you previously testified that Juan Rivera was not in this meeting.
MR. SMITH: Objection, it assumes it's the same meeting.
THE WITNESS: That's not the same meeting. This is the meeting on -- are you talk -- this is not the Ernie Brown meeting.
BY MR. KING:

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Q. Right. I'm talking about the -- at one such meeting, as you allege in Paragraph 38, that's the meeting we're talking about now, correct?
A. Yeah.
Q. Okay.
A. It's -- I believe -- I believe 38 is referencing a meeting that happened in regards to us being removed from Operation Brass Tax, at which point Beatrice Cuello wanted us returned to Unit 189.
Q. And you found out about the content of this meeting from Juan Rivera, correct?
A. That is correct.
Q. Tell me everything you recall -- strike that.
Did Juan Rivera tell you about this meeting in person or in a telephone call?
A. In person.
Q. And was Officer Echeverria also there?
A. Yes.
Q. Was anyone else present?
A. No.
Q. Okay. And tell me what Juan Rivera

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said, what you said, what Officer Echeverria said in that conversation.
A. I believe that 38 is referring to the meeting that occurred the day before we were removed from Operation Brass Tax. So if, in fact, that is the one that we're referencing, he stated shortly after, within the next day or so, that in that meeting -- the individuals that I named -- do you want me to repeat them? No, you're good? Beatrice Cuello, okay.
Beatrice Cuello wanted us removed from 543. And usually you return to your unit of assignment and she was requesting that we go back to work for O'Grady and Nick Roti. At which point Juan Rivera stated that O'Grady said in the meeting that I'm not taking those F-ing IAD rats back; and furthermore, God help them if they need help on the street, he's not -- it's not going to come. She's going to -- I'll bounce her to the 3rd District on midnights and him, I don't remember if it was the 14th or 13th District on midnights. We're not taking -- under no circumstances are they coming back here. And then --

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Q. You mentioned in your description of the meeting, you made a comment that normally you'd go back to your unit, that -- that's your understanding. You weren't relating what Chief Rivera told you about the meeting, correct?
A. No, no. He said, normally you would just go back, but they don't want you back.
Q. Okay.
A. They're not going to take you back because --
Q. I understand. Chief Rivera told you that?
A. Yes.
Q. So Paragraphs 38 and 39 are both what was -- Paragraph 39 is part of what was said in the meeting, correct?
A. I didn't even read that far. But yes.
Q. What else -- other than what you've testified to, what else did Juan Rivera tell you was said in the meeting?
A. He said that not only did -- not only did they not want to take us back because we assisted on a confidential investigation against other officers, but he'd like to see us fired,

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that our careers were over.
Q. Rivera said -- who said that they'd like to see you fired?
A. O'Grady.
Q. Okay.
A. And then --
Q. Do you recall anything else that Rivera said in the meeting?
A. Yes. At this time, Nick Roti is now the chief and Ernie Brown is no longer the chief.
Q. Chief of Organized Crime?
A. Of Organized Crime, correct. And that we would never, ever work in Organized Crime again or any task force or anything. It will never happen.
Q. Did Rivera tell you that or did Rivera say that someone said that in the meeting?
A. Rivera said that Nick -- Chief Nick Roti said that. And he said, that's a big problem because if you are to go to any task force after this, Nick Roti is the one who has to sign off on it. But because you assisted --
Q. I understand. I'm just asking you

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about what Rivera said to you.
A. Rivera is telling me this. But because you guys assisted with this, they don't want you in their unit.
Q. Okay.
A. Juan Rivera also said that it's really -- your careers are over.
Q. Rivera said that, he didn't -- someone said that in the meeting?
A. No. Rivera was -- it was Rivera's opinion that our careers were over.
Q. Okay. Do you recall anything else that was said in the meeting with you, Officer Echeverria and Juan Rivera?
A. Yes. I recall that he said that his hands were tied because Nick Roti is in bed with the superintendent, that's his drinking buddy. And whatever he says, Gary McCarthy -- no, that was a different time. I'm sorry. That was a later time. Please disregard that, because this is later. It wasn't that time. This time was just about the meeting from 543.
Q. Right.
A. No, he said that he was limited in how

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he could help us and that our careers were over.
Q. Okay.
A. That was it, basically.
Q. Okay. And you don't recall anything else being said?
A. Not.
Q. You don't have to.
A. Not at this time.
Q. Okay.
A. I don't -- I don't know if I will later, but I don't now right at this moment.
Q. Did Rivera tell you at that point that the two of you were going to be sent back to patrol, meaning you and Officer Echeverria?
A. Earlier that day, that same day on the -- we heard when we reported to the academy -- no. To answer your question, at that moment in time in that same conversation, no.
Q. Okay. Let's -- I think this is going to get to what you are going to testify about. If you look at Paragraph 45 of the Amended Complaint, you allege that Chief Kirby caused the two of you to be removed from your detail in 543 Detached Services.

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Can you explain the basis of that allegation, why you believe Defendant Kirby caused you to be removed?
A. Yes. On that date in question, which was late May of 2011, the person that we were to report to in 543 was Lieutenant Liz Glatz. She went on furlough and was in Ireland. She was the only person within the unit that knew what our true assignment was.
Q. Okay.
A. Okay. I don't know --
Q. To the best of your knowledge, she was the only person in the Detached Services who knew what your true assignment was?
A. To the best of my knowledge.
Q. Okay.
A. Okay. So on the date in question, the acting commanding officer in her place while she is gone is a Sergeant Jill Stevens.
Q. Okay.
A. She calls my partner Echeverria and states that --
Q. And just to stop you for a moment. This was a conversation between Jill Stevens --

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A. And Echeverria.
Q. -- and Echeverria? You were not part of the conversation?
A. I was not part of it. She called him on the phone.
Q. And what's your understanding of what was said in that conversation?
A. What my understanding was is that Jill Stevens related to Officer Echeverria that she needed a specific form and she gave the name of the form, I don't recall what the name was, completed -- completed listing what our exact assignment was, the nature of our investigation, who we reported directly to. And Danny related back -- Officer Echeverria related back to Sergeant Jill Stevens that he would call her back.
Q. Go ahead.
A. Do you know the form I'm talking about?
Q. Go ahead. I do.
A. That she --
Q. Okay. So is it your testimony that your understanding is that after Jill Stevens requested whatever she requested, did --

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Echeverria was -- the only thing he said is that he'd called her back or did he say something else?
A. He said, can I call you back with that information. I don't know if she was asking if the form had been completed or informing him it needed to be completed or asking him to get the form completed by the supervisor. I do know that she was told that he would call her back and she was okay with that.
Q. Okay.
A. Is my understanding.
Q. It's based on what Officer Echeverria has told you?
A. Yes.
Q. Okay. Based on that understanding, you would agree that Sergeant Stevens asked for certain information in that phone call and Officer Echeverria did not provide that information in that phone call?
A. He told her he did not have that information but he would get that information for her and call her back.
MR. KING: Okay. Could you read my

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question back?
(Whereupon, the record was read as requested.)
BY MR. KING:
Q. Is that correct?
A. He was unable to provide the information she requested. So no, he did not provide it.
Q. Okay. Well, he knew information about what he was working on and who he was working with, he certainly knew information about the assignment. Your understanding is that he did not provide that to Sergeant Stevens, correct?
A. She did not request that. She requested that form be completed with the information.
Q. Okay. And what happened next that leads to your allegation in Paragraph 45 that Debra Kirby caused you to be removed from Detached Services?
A. What happens next is Danny immediately calls Chief Juan Rivera and states, Jill Stevens is requesting this information on a form that I am unfamiliar with. How do you want us to

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proceed with this?
Q. Yes.
A. Chief Juan Rivera instructed, gave Officer Echeverria a direct order and said, under no circumstances are you to tell Jill Stevens that you received this information from me because you will jeopardize, which was ironic, the confidentiality of the investigation, which --
Q. Now, let me just stop you and ask you. You said Officer Echeverria calls Juan Rivera --
A. That is correct.
Q. -- and Rivera tells him some things. Are you part of that conversation or no?
A. I am relating what Officer Echeverria stated to me.
Q. Okay.
A. I was not part of the conversation.
Q. Okay. So what else did Officer Echeverria tell you about that conversation with Juan Rivera?
A. He stated that Juan Rivera said, I want you to tell her the forms are already taken care of on your behalf and that under no

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circumstances are you to tell her that you spoke with me. Because then she will know that you are working with IAD and it will be confirmed. You are to tell her the forms are completed. And should she have any questions, she -- she would need to contact Debra Kirby, who will provide any answers to questions she has.

Q. Okay.

A. Officer Echeverria said okay, and followed his instructions.

Q. Okay. So it's your understanding that Officer Echeverria then calls Jill Stevens back, is that correct?

A. That is correct.

Q. And you're also not part of that conversation?

A. No, sir, I am not.

Q. And you learned from Officer Echeverria what's said in that conversation between himself and Jill Stevens?

A. That's correct.

Q. And what does Officer Echeverria tell you about what was said in that conversation with Jill Stevens?

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A. He states that when he called Officer Stevens back, he said words to the effect of, please don't take this as any disrespect, but I was told to tell you that -- by my chief that those forms are completed on our behalf and that should you have any further questions, you would need to contact -- or need further information, that your source of information should come directly from Debra Kirby and that you should contact her and she should be able to answer any questions that you have.

Jill Stevens then said, what chief was that. And Danny again said, I apologize, you know, but I cannot give you that information, I am not at liberty to say. And she said, so you're telling me you are refusing to answer my question. Officer Echeverria said, it's not that I'm refusing, I've been given a direct order not to disclose that information. Words to that effect.

Q. Okay.

A. At which time Jill Stevens says, well, then I will let her, referring to Beatrice Cuello, know. She said I will let her --

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Q. Did she say her or did she say Beatrice Cuello?

A. She said, I will let her -- I believe she said, I will let her. Because in the initial conversation, she had stated that per Beatrice Cuello, these forms needed to be completed.

Q. Okay. So to the best of your knowledge, it was Echeverria's understanding that Beatrice Cuello had asked Jill Stevens to call him and request this information; is that correct?

A. Yes, yes.

Q. Okay.

A. So when --

Q. And do you know -- do you have any knowledge of the circumstances as to why Beatrice Cuello would have called and asked Jill Stevens to contact Officer Echeverria and get information about his assignment?

A. We have information -- I have information as to why and then further information later as to why.

But the information immediately stated

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by Jill Stevens is that the interim superintendent would be leaving and the new superintendent would be coming in and they needed to have these forms completed.

Q. Okay. And to your understanding, was that said in the first conversation --

A. Yes.

Q. -- between Officer Echeverria and Jill Stevens?

A. Yes.

Q. Okay. So he understood that she was calling at the direction of Beatrice Cuello to get some information that the new superintender needed, correct?

A. To the best of my knowledge, that is correct.

Q. Okay. And now going back to the last conversation you testified about, that Officer Echeverria had with Jill Stevens or the second conversation. Other than what you've already testified to, are you aware of anything else that was said in that conversation?

A. She said, well, then I will let her know that you are refusing to provide the

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information and hung up on him.
Q. Okay. And what, if anything, happened next that leads you to allege that Debra Kirby caused you to be removed from Detached Services?
A. Multiple things happened that led me to believe that. One, I received a call, I personally received a call from Sergeant Tom Chester shortly after this saying, what the hell is going on, what happened with Jill Stevens. I relayed the same information to him that we just discussed.
Q. Yes.
A. Do I need to repeat it?
Q. No.
A. Okay. At which point he said, Juan Rivera had absolutely no right to put Officer Echeverria in that position. He should have made that call to Debra Kirby himself and had Kirby call. He said, they're in an uproar, they're trying to throw you out of 543 over this. He said, and I've got to get ahold of Juan Rivera, Juan to straighten this out.
Q. Okay.

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A. He said, you should have never been put in that position, never.
Q. Okay.
A. Okay.
Q. Do you recall anything else being said in that conversation with you and Tom Chester?
A. I don't know if it was that first conversation, because I talked to him twice that day or the next conversation.
Q. Let's stick with the first one. Other than what you just testified to, can you recall anything else said in the first conversation?
A. I know that he said he was going to call Chief Rivera to try to straighten this out, that this was a big mess, that Beatrice Cuello was very upset.
And, again, I don't -- I don't know if in this first conversation he stated that Beatrice Cuello did call Debra Kirby and she denied having any knowledge of this investigation or that was a conversation -- because I was just hit with a ton of bricks.
Q. I understand.
A. And so I'm not -- you know, everything

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is unravelling at a fast face.
Q. Right.
A. So I -- you know, a lot of calls are going on, so I don't know if it's this one or the next one.
Q. Do you believe you had two conversations that -- with Tom Chester about this subject?
A. I don't know if they were on the same day or the next day.
Q. Okay.
A. But I had multiple conversation with him about this.
Q. And it's your testimony that in one of those conversations, Tom Chester told you what about Debra Kirby?
A. Tom -- in one of the conversations with Tom Chester, he told me that Debra Kirby had called and -- I mean, that Debra Kirby had been contacted and denied having knowledge, I was also informed by Juan Rivera of the same information.
Q. Juan Rivera told you that Debbie -- Deb Kirby had been contacted and denied having

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knowledge of your involvement in Operation Brass Tax, is that your testimony?
A. That's a polite way to put what he said.
Q. Tell me what he said.
A. Are you sure you want me to quote him?
Q. Yeah. Well, before you do that. In the multiple conversations you had with Tom Chester on this subject, other than what you've already testified to, can you recall anything else that was said between you and Tor Chester?
A. In the immediately -- following the events of Jill Stevens, not immediately afterward, no.
Q. Okay. Did you, around the same time you were having these conversations with Tom Chester, have a conversation with Juan Rivera about this subject?
A. We had -- at the same time I had immediately tried to call Juan Rivera, and he was not picking the phone up.
Q. Okay. Did you eventually speak with him?

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A. Yes. The next -- early the next morning.
Q. Okay. And was that a telephone conversation?
A. The first time, yes; the next time in person.
Q. Was the telephone conversation just between you and Juan Rivera?
A. It was between -- one conversation was between Danny, but we passed the phone back and forth.
Q. Okay.
A. So it was the same conversation --
Q. Okay.
A. -- with me and I don't know if it was from -- Danny called him or I called him, but we both spoke on the phone.
Q. Sure. There was one telephone conversation, you both spoke at times on the phone and then you had a meeting with Rivera about it; is that correct?
A. The same day. We were at the academy that day in the morning and we -- yes.
Q. Tell me about the telephone

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conversation that day you had with Juan Rivera. What do you recall you saying to him or him saying to you in the phone conversation.
A. Well, when I -- are you talking about the day I tried to call him -- okay.
Q. You told me that the day you were talking to Tom Chester --
A. Yeah, he didn't pick up. So then --
Q. -- he didn't pick up, you spoke to him on the phone the following morning.
A. Okay, the next morning.
Q. I'm asking you about that telephone conversation that morning.
A. That morning -- okay. So I informed him that we were at the academy, the night before we had received a call, I received a message that's from James Jackson that said, this is Deputy Superintendent Jimmy Jackson.
Q. You received a voicemail message?
A. A voicemail message.
Q. Okay. Tell me about what was left on the voicemail.
A. Okay. I received a voicemail message from Deputy Superintendent, I believe was his

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title, Jimmy Jackson. He said, Officer Spalding, this is Deputy Superintendent Jimmy Jackson with the Chicago Police Department, effective immediately today, you are no longer assigned to the FBI and you are being reassigned to Chicago Police Department. You are to report at 0700 to Beatrice Cuello at Unit 543 in uniform effective tomorrow morning.
Q. Okay.
A. The next morning --
Q. Did the message say you were no longer assigned to the FBI --
A. Correct.
Q. -- or no longer assigned to Detached Services?
A. You are no longer assigned to the FBI.
Q. Do you still have that voicemail message?
A. I may.
Q. Okay.
A. I may.
Q. I ask you and your counsel not to delete it to the extent it can be transcribed, I think that's called for in the request for

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produce in the case. But you can go back and check if you have any.
A. I certainly will.
Q. Okay. So then the following morning, do you have the phone conversation with Rivera before you report to the police academy?
A. While I guess upon arrival of the police academy. Because on the way there, we then received a call from the secretary of Beatrice Cuello that said, do not report here at 0700, you and your partner are going to go to a one-day retraining to transition back in or whatever she said. A one-day training at the academy, so report to the academy at 0800 and then -- for a one-day training.
Q. Do you know that secretary's name?
A. I can't think of it right now, but I do know her name.
Q. Did you speak with her or did she also leave you a voicemail message?
A. I spoke with her.
Q. And to the best of your recollection, she said a one-day training?
A. She said, per Deputy Chief Cuello --

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Q. Okay.
A. -- you are not to report here today at 0700, but rather you will be going to a one-day training session at the academy starting 0800, so just go straight there.
Q. Okay. And at that point, you had not yet talked to Juan Rivera?
A. No.
Q. Okay. And do you talk to Juan Rivera before you get to the academy?
A. I talked to him -- I briefly walked into the academy and there was no training schedule for the day, at which point we walked outside and called Juan Rivera.
Q. Okay.
A. I was talking to him and --
Q. Okay. Tell me your best recollection of everything that was said in that conversation with Juan Rivera.
A. I know I said that -- or we were down at the academy, that we had received a message from Jimmy Jackson to report down there and that we were no longer assigned to 543. And he didn't seem to know what I was speaking about.

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I know that Danny had a much lengthier conversation with him --
Q. Okay.
A. -- in my presence. I was there. I was not the one on the phone.
Q. But initially you were the one on the phone with him?
A. Yeah, initially I was. I had talked --
Q. When you reported those circumstances, Juan Rivera did not seem to be aware of them, correct?
A. No, no.
Q. That's correct?
A. That's correct.
Q. Okay.
A. To the best of my recollection.
Q. Sure.
A. But then I believe his name was Lieutenant Pigott was coming out of the academy. And aggressively like and he was saying -- Danny was then on the phone with Juan.
Q. Right.
A. And he was saying, are you Spalding and Echeverria, and I said, yeah. He said, you know

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you're not fucking here for a one-day training. You know what the fuck you did, you fucked up. And that's when I'm no longer on the phone. He's screaming at us. And Danny is still continuing on the phone.
Q. And what's this individual's name, Tom --
A. Lieutenant Pigott, Pigott or something like --
Q. Okay.
A. I don't -- my interaction with him was very brief.
Q. Okay. Before we get to Lieutenant Pigott, while you have the receiver and you're on the phone with Juan Rivera, do you recall anything else discussed?
A. No.
Q. Okay.
A. I was briefed and then the lieutenant came out and Danny was --
Q. And what are you alleging that Lieutenant Pigott said to you?
A. He stated, are you Spalding and Echeverria, and I said, yes. And he said, you

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know damn -- you know damn well you're not here for a one-day training, you know what you did and you fucked up. And he said, you're not -- you, and he points at me, you're going to 3 on midnights and Echeverria is going to, I don't remember, I think it was 13 on midnights or something like that.
Q. Sure, sure.
A. And he said and -- he said and you knew that, you were informed of this. And I said, we did not know that and neither did our chief. And he said, I'll take your cell phones, I'll write -- and if you think you're going to make a fucking phone call to get out of this, I'll get a CR number on you. He said, you knew and your chief knows.
I said, no, he doesn't. He said, oh, he doesn't or your chief doesn't know? I said, no, he's on the phone right now. Do you want to talk to him? He's like, sure he's on the phone. And Danny goes, here you go, and handed him the cell phone. And then all you hear was yes, sir, yes, sir. I received an e-mail from Jimmy Jackson. I was unaware that you didn't know,

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sir. That's all we heard on that end of it. Then the phone was hung up and we were ordered to go in. And that was the end of the conversation with Juan.

Q. Okay. So the conversation ends and you go back in the police academy. Is it your understanding at that point that you're going back to patrol in these two districts that Lieutenant Pigott mentioned?

A. I had no understanding of anything that was happening.

Q. Okay.

A. So I understood nothing that was happening. We were let into the academy, we were put into an empty room why -- obviously now the lieutenant is now confused as to what is going on, Chief Rivera is confused as to what is going on.

Q. Okay.

A. It's nothing but mass confusion. I have no understanding of anything at that point.

Q. Okay. Did you have another conversation or a meeting with Juan Rivera that day?

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A. Yeah. We left as soon as we had a lunch break and we were right over to his office.

Q. Okay.

A. And that's the conversation I told you about earlier when he told us about the meeting that took place the day before where we couldn't go back to 189 like we normally would.

Q. Okay.

A. And all of that. And that day the --

Q. That's the meeting you testified to previously?

A. Yes.

Q. Okay.

A. And while that meeting --

Q. You and Officer Echeverria were never, in fact, sent back to patrol, correct?

A. No.

Q. Is that correct?

A. Yes.

Q. Thank you.

So you spent some time in the -- at the police academy. How long did you -- do you recall how long you reported to the police

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academy?

A. Well, yes.

Q. How long was that?

A. Several months.

Q. Okay.

A. To the best of my recollection.

Q. Ultimately, do you have any personal knowledge of whose decision it was to have you go report to the police academy?

A. Well, the voicemail that was left came from Jimmy Jackson.

Q. Okay.

A. So that's the person who informed me.

Q. Okay. And are you aware that it's police policy when an officer hasn't been in patrol for a certain extended period of time, that they're typically sent back to the police academy for some retraining before they go to patrol?

A. It's my understanding in our circumstances that that's not typical.

MR. KING: Could you read back my question?

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(Whereupon, the record was read as requested.)

BY MR. KING:

Q. Are you aware of that?

A. No.

Q. Okay. Ever heard of that, going back to the academy for some retraining before you go back to patrol, you never heard of that?

A. I've heard of it if you've been out injured or away out of service for a long period of time and haven't been actively working, like desk duty or on the street, but I have not heard of it where you were actively working on the street, and then sent for retraining. No, I never have heard of that.

Q. When you say you've heard of it, have you seen a policy on that or --

A. No.

Q. -- just kind of --

A. Just from personal knowledge --

Q. Yeah.

A. -- of people.

Q. Okay. And you testified that you, in fact, weren't sent back to patrol. In fact,

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after the police academy, you were moved to the Inspections Division, correct?
A. While we were -- that's not actually -- we were under the Inspection Division A&As but reported to the police academy for part of the time we were at the police academy, to answer that question.
Q. Okay. And the A&As is the attendance and assignments sheet, is that --
A. I think it's attendance and absence or maybe it's attendance and assignments.
Q. Okay. And do you recall who told you that you were going on the Inspections Division A&As?
A. Chief Skahill.
Q. Chief Skahill?
A. Yes.
Q. Okay. And was that in a meeting or a telephone conversation?
A. I think that it was in person.
Q. Okay.
A. Because we met with Chief Skahill multiple times when all this was going on. In fact, when that meeting was taking place with

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Jimmy Jackson and I couldn't get ahold of Juan Rivera, I went down to Chief Skahill's office with Officer Echeverria to inform her of what was going on immediately.
Q. Okay.
A. And so then the next day when we left Rivera's office, we went back to Chief Skahill's office, because she's the one who initially placed us on the assignment.
Q. Right. At that point, Chief Skahill was no longer in Internal Affairs, correct?
A. No. But Chief --
Q. Is that correct?
A. No. I mean, correct, she was not in Internal Affairs.
Q. Okay. So that day you said the two of you went to her office when you couldn't get ahold of Juan Rivera?
A. Correct.
Q. What do you recall being said in that meeting by you or by Officer Echeverria or Tina Skahill?
A. I walked in and I told her the events that had occurred.

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Q. Tell me what you recall telling her.
A. I told her that -- first, I said, you know, there's a big uproar and there's supposed to be a meeting going on right now. They're trying to kick us off of 543 and off of Operation Brass Tax. And she said, that can't happen, this is a very important investigation. The superintendent is directly involved with this as well as his command staff. This cannot happen. She said, what happened? And Danny explained the conversation with Jill Stevens briefly.
Q. Yes.
A. And she said, where is this meeting? I said, down there. Because we had just left 543 so we could speak with Beatrice Cuello. She said, wait here, I'm going down there right now. This cannot be allowed. We were about to break the case the next day and sign on a big witness, and she was aware of that.
Q. Okay.
A. She went down to the meeting, but she shortly returned. And she said, I went down there, I couldn't get into the meeting.

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Q. Okay.
A. She said, I am going to talk to Juan Rivera the second that meeting is over, go home. We're going to have to straighten this out.
Q. Okay.
A. These guys are going to have to straighten this out. This can't happen.
Q. Okay.
A. I will call you.
Q. Okay. Did Tina Skahill ever call you after that about this subject?
A. She met with us the next day.
Q. Okay. And it was just you and she and Officer Echeverria?
A. Yes.
Q. And in her office?
A. Correct.
Q. And what was said in that conversation?
A. She said that she had spoke to Juan Rivera and that -- she had mentioned -- she had mentioned Debra Kirby, but I don't remember exactly what it was about. I do remember she said that Juan was pissed off --
Q. Okay.

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A. -- about Debra Kirby denying everything and starting this whole issue.
Q. You recall Tina Skahill saying that in the meeting?
A. Yes. Our meeting.
Q. In your meeting?
A. Not the --
Q. I understand. In your meeting with Tina Skahill, you remember her saying something to the effect that Juan was pissed off?
A. That Juan had related to her that he was pissed.
Q. Okay.
A. Something to those --
Q. Sure.
A. It meant the same. Those are not her exact words, but that is the point she was getting across.
Q. Sure.
A. And that she was going to -- she said, I don't know why Juan doesn't just assign you to Confidentials. That is what he should be doing. He needs to just assign you to Confidentials.
He doesn't need anyone's permission, he

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doesn't even need the superintendent's. You know, he should assign you to Confidentials. If I were in IAD, that's exactly what I would do. None of this -- if I were still there, none of this would have happened.
Q. Sure.
A. And then she said, I need to have a talk with him and he needs to start doing what he's supposed to be doing. Go back to the academy and we'll see what we can do to -- I'll see what I can do to figure this out for you guys.
Q. So at that point, it's your understanding Skahill is directing you to go back to the academy while she tries to figure the situation out; is that fair to say?
A. That's fair.
Q. Okay. And do you have a subsequent conversation with Tina Skahill where she has figured it out or has any resolution for you?
A. There are -- as all of this is going on for the next months, we have conversations with Juan and Tina Skahill. Was it the next day, the same day, two hours later, five hours later, I

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can't tell you.
Q. Sure.
A. But I do have subsequent conversations with her.
Q. Okay.
A. She did tell us -- I'm sorry. In that first meeting, she said -- we told her that we were going back to patrol. She said, they can't do that.
Q. Right.
A. You'll get killed. That's officer safety. We have to address that immediately. You cannot take officers from this, have their identities compromised and then throw them back to the wolves. That was in the very first meeting.
Q. Sure.
A. She said we need to get this --
Q. Okay.
A. You need to go back to the academy. I do recall now that was said in the first meeting.
Q. Sure.
A. Later on she reiterated that in another

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conversation, we don't do our police officers like that.
Q. Sure.
A. You know, when you do something like this and you come forward, we want to encourage that, not discourage it. We can't let that happen. What does that say going forward to other officers. We can't compromise that.
Q. Okay. Let me try to shortcut this. You testified that at some point you're at the academy and you don't physically move to Inspections Division but you're put on Inspections A&A sheets, correct?
A. For part of the time.
Q. Okay. I'm trying to find out, how did you learn that you were going put -- going to be put on Inspections Division A&A sheets and that you were then going to be reassigned to the Inspections Division?
A. From Chief Tina Skahill.
Q. Okay.
A. We were told at one point when we reported to the academy one morning, we were told by a Sergeant Steve, I don't -- something

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with a W, Wosniak (phonetic) or something along those lines.
Q. Okay.
A. That we were not going to be reassigned to the patrol for officer safety.
Q. Okay.
A. That Tina Skahill had called Howard something Loading (phonetic) maybe --
Q. Okay.
A. -- of the academy and said that it was an officer safety concern and that he is not to put us on the street because it would be detrimental to us.
Q. Okay.
A. And she then -- the academy then, because she was no longer with IAD, fell under her rank.
Q. Yes.
A. So then she said that she would put us in Inspection Division on -- we were being moved to the Inspection Division on A&As, but they needed -- but we would report to the academy until we went on furlough for some -- to sit in on in-car camera training. Not that -- that we

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would be doing the training, not that we were receiving the training.
Q. You were told by Tina Skahill that you were first going to be put on Inspections --
A. Yeah.
Q. -- A&A sheets. And then before you actually physically moved to Inspections, you were to stay at the academy for a certain period of time to do some in-car camera training; is that fair?
A. No. Let me clarify just a little bit.
Q. Okay.
A. We were at the academy. At some point while we were there, we went to Inspections for a couple of days.
Q. Okay.
A. Okay. Maybe a week, two weeks, days. At which point the academy then needed -- they were short people to teach this class.
Q. Sure.
A. So I guess it would be fair to say we were then on the A&As at 126 and borrowed to the academy.
Q. Okay.

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A. We were borrowed again.
Q. And you actually had physically been at 126 and then -- for a few days, at least?
A. I believe so.
Q. And then Tina Skahill asked you to go back to the academy to do this work?
A. That is --
Q. Correct?
A. That is correct.
Q. And is it your understanding that Tina Skahill was the one who made the decision to move you to the Inspections Division?
A. Yes. Because she said we should be put in Confidentials but Juan wasn't doing that, so this is what --
Q. Okay.
A. -- she could do.
Q. Okay. Are you okay for a little while longer?
A. I'm okay. That's what matters.
(Whereupon, a discussion was had off the record.)
BY MR. KING:
Q. When you were told I guess by Tina

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Skahill that you were going to be moved over to Inspections, did she tell you what you were going to be doing at Inspections or why you were being moved there?
A. For officer safety.
Q. Okay.
A. As we couldn't be just thrown back out there like that.
Q. Okay. Did you have an understanding that -- were you still working on the Watts investigation at that point?
A. No.
Q. It had kind of ended?
A. It -- yes. But it had ended at the time for reasons unbeknownst to us beyond the misunderstanding, we later found out there was bigger situation with it.
Q. We'll probably come back to that.
A. You ain't going to want to.
Q. No, I will.
So you went to Inspections ultimately and you were working for Lieutenant Pascua, correct?
A. Yes, that's correct.

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Q. Okay. When you were there for a few days and then went back to the academy those few days, were you interacting with Lieutenant Pascua?
A. Minimum.
Q. Okay. Let's go to Paragraph 56 of the Amended Complaint of Deposition Exhibit No. 1.
You indicate that you and your partner were detailed to 126 Inspections until March, 2012. Do you know when you were first referred to or detailed to Inspections?
I'll tell you, our records indicate it was in May of 2011. So you would have been in Inspections from some point in May, 2011 until March, 2012. Does that sound correct?
A. I was going to guess the end of May or beginning of June. I thought it was right around Memorial Day.
Q. Okay.
A. Was that about right when you guys have it?
Q. I think that's right.
A. That was going to be my guess.
Q. Okay. So you allege -- well, strike

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that.
For part of the time you were in Inspections you were, for lack of a better term, reporting to Lieutenant Pascua and then that changed at some point and you were reporting to Lieutenant Sadowski, correct?
A. Yes.
Q. Do you recall how long you were reporting to Lieutenant Sadowski?
A. We were there until March. I would say the greater portion of it or at least half of the time.
Q. At least half of the time you think you were reporting to Lieutenant Sadowski?
A. I think -- I think.
Q. Okay.
A. Reporting is a vague term.
Q. Sure, okay. But at some point you were told either your reporting or your working relationship was moving from Pascua to Sadowski, correct?
A. Correct.
Q. Okay. And you think that was approximately half way through your time in the

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Inspections Division, correct?
A. That's a guestimation.
Q. Okay. Obviously you allege that in Paragraph 56 that you were subjected to harassment and hostility from Lieutenant Pascua. In Paragraph 37 you alleged that she called you, rat, I guess, motherfuckers, didn't want you in the unit.
That allegation in Paragraph 57, was that her allegedly referring to you as that, was that the first thing that happened that you consider harassment or retaliation by Lieutenant Pascua?
A. No.
Q. Okay. What was the first thing that you consider retaliation by Lieutenant Pascua?
A. I think -- I think that the first retaliation, I wasn't even there for.
Q. Okay.
A. It was witnessed by my partner, which was indirectly Lieutenant -- it was Lieutenant Pascua but -- and a Sergeant Jan Barney.
Q. What was that incident?
A. It was where they -- Jan Barney was the

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one talking but stated that they knew that the only way -- the reason I was in Narcotics is blonde hair blue eyed female, I fucked my way in there.
Q. And Officer Echeverria told you that he had heard that being said?
A. Yeah. They said it to him. That Jan Barney was doing the talking.
Q. Okay.
A. And he responded.
Q. And what did he say?
A. You don't got to be jealous, they sell blond wigs. Because he tried to make light of the subject.
Q. Okay. Sure. Was there anything more to that incident that you consider either harassment or retaliation by Lieutenant Pascua?
A. Not to that incident.
Q. Okay. What was the next incident that you would consider retaliation by Lieutenant Pascua?
A. We were put in desks and not given any assignments. Just empty cubicles. Just like an empty wall cubical with no computer, no

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anything, to sit there and do nothing. And I mean absolutely just sit there, okay.
Q. Okay.
A. And I was --
Q. Lieutenant Pascua would tell you to sit there?
A. Well, she was our person we reported to so yeah.
Q. She wasn't giving you any assignments to do?
A. None, nothing, zero.
Q. Okay.
A. And then --
Q. Let me just stop you now. Did you have an understanding when you started in Inspections of what your job duties or responsibilities would be working in Inspections?
A. Well, I figured work. I would do some type of work.
Q. My question is did you have an understanding of what kind of work that would be that you'd be doing in Inspections?
A. I understood that Inspection did investigations into -- like audits into

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overtime. Not criminal stuff but like infractions or --
Q. Sure.
A. You don't have plates or something, officers don't.
Q. You do a lot of -- you do auditing, right?
A. I do?
Q. In Inspections.
A. In Inspections, they do, yes.
Q. Okay.
A. Like into investigations that needed auditing. Like there may be some overtime fraud here, so they have to look for that.
Q. Sure.
A. But they also do the field work where they go out and look for infractions. And I just understood that that was the work that they did.
Q. Okay.
A. And, again, no understanding through any of this time what was going on and what I would be doing.
Q. Nobody told you at any point what kind

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of work you would be doing in Inspections?
A. No.
Q. Okay. Did you or Officer Echeverria at some point when you were detailed to Inspections, do any auditing work, sitting in the office, going through records, that sort of auditing work? Did you do that?
A. One time.
Q. One time?
A. We were given one assignment.
Q. Okay. And were you given that assignment by Lieutenant Pascua?
A. I remember working with a Sergeant John Stahl on it. And he's the one that gave it to me, so I don't know where ultimately it came from, whether it was Sadowski or Pascua. It was all lieutenants and then Sergeant John Stahl. So I recall working with him, I don't recall who it was for.
Q. Okay. And did you do any of the what you believed that Inspections also did field work. Were you asked to do any field work while you were in Inspections?
A. One time I went with for -- both Danny

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and I went with to a fire drill at one district. I don't recall.
Q. Okay.
A. That was about an hour in the morning. And another occasion I went to -- they had me go to the Organized Crime building --
Q. Okay.
A. -- to -- for some -- for some equipment inventory from a TRU Unit -- the TRU Unit that had disbanded. And there were something -- it was something involved with the TRU Unit. I know that it was another location. It might have been the old 7th District, I don't know.
Q. Okay.
A. Again, in almost a year, that was it.
Q. Okay.
A. That I can recall.
Q. Okay. And during that time when you were detailed to Inspections, you started working on the Watts investigation again, correct?
A. In October.
Q. In October of what?
A. Of twenty -- we were there until March

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of 2012. Is that what we said?
Q. Yes.
A. Then it was October, 2011.
Q. Okay. And once you started working on the Watts investigation again in October, 2011, would you say for the remainder of the time that you were detailed to Inspections, at least on paper, you were spending most of your time working on the Watts investigation?
A. No.
Q. Okay.
A. That's not accurate.
Q. Okay. How much of your time was spent on Watts and how much of your time was being over at Inspections?
A. From October until maybe the beginning of December, it was divided.
Q. Okay.
A. Then we were the -- I believe -- or maybe until -- yeah, somewhere around December maybe. And then the Operation Brass Tax concluded I think in the beginning of February and then we were back to sitting at the desk.
Q. Okay. During the period when you were

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at -- when you started working on the Watts investigation again when you were in Inspections, do you think you were still under Lieutenant Pascua when that started up again or were you under Lieutenant Sadowski?
A. I believe it was Sadowski at that point.
Q. Okay.
A. Somewhere in that -- during that time it shifted, right around that time maybe.
Q. Okay. And on days that you were going to spend not at Inspections but working on the Watts investigation, were you supposed to tell anyone in Inspections where you were going, what you were going to be working on?
A. No. We had -- again, we were under Juan Rivera because he is -- they shifted everything and now Inspection fell under Juan Rivera. They shifted it.
Q. Okay.
A. And he instructed us that we only report directly to him.
Q. Okay. So if you were still reporting to Lieutenant Pascua and on a particular day you

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were going to work on the Watts investigation, you just go work on the Watts investigation, you wouldn't tell Lieutenant Pascua, hey, we're not coming in today, we're going to be working on Watts; is that correct?
A. That was confusing in the beginning. Because Juan Rivera, on the day that he had contacted -- I'm going to tell you. On the day that the investigation was reinitiated --
Q. Yes.
A. -- he directly called me and said, effective tomorrow, I want you to report at 0900 to the FBI building. You are going to brief the FBI agents about the case for the last several years and bring them up to speed.
Q. Okay.
A. And then I specifically asked Juan Rivera, will you be notifying the personnel over here? Because by this time --
Q. Okay.
A. -- they were gone for the day. So who was going to notify them? Do I go directly there? And he said, I am the chief. If I tell you and give you a direct order, that is not for

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you to worry about.
Q. Okay. I'm not talking specifically about the first day you go to the FBI and brief them. My question is while you were working in Inspections under Lieutenant Pascua and the Watts investigation had started up again, you testified you spent some of your time on Watts, some of your time in Inspections.
My question is on the days that you were going to work on Watts, did you tell Lieutenant Pascua what you were doing or did you just go work on Watts?
A. No. I did not just go work on Watts. Whoever I was working under, was notified that we would be working on Watts, whether that was Pascua or Sadowski, and I don't recall which one it was at the time.
Q. Okay.
A. And the communication was usually done through Officer Echeverria.
Q. Okay. Are you aware of either yourself or Officer Echeverria ever telling Lieutenant Pascua personally, we are not coming into Inspections, we're working on Watts? Are you

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aware of that ever happening?
A. No.
Q. Okay. Similarly, are you aware of either yourself or Officer Echeverria ever telling Lieutenant Sadowski in those situations that you were not coming in to Inspections, you were going to be off working on Watts?
A. I recall that when we were told that we would be needed to work on Operation Brass Tax, that we would inform them that that was going to happen. Like on these days, we are going to be working on those -- like this week, we'll be working on this day, this day and this day prior to it happening.
MR. KING: Okay. Can you read back my question?
(Whereupon, the record was read as requested.)
THE WITNESS: Yes, they were told when we would be working on the Watts case.
BY MR. KING:
Q. I'm asking about Lieutenant Sadowski. You or Officer Echeverria would tell him?
A. Yes.

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Q. Okay. He had started talking about some incidents you felt was retaliation from Lieutenant Pascua. Other than what you've testified to already, what was the next incident, if any?
A. In the empty cubical that I was sitting in, she came up to the corner of it. You know how the cubical comes to the corner, and she stood over it and she told me, if you want to work with Juan Rivera and the rest of those fucking rats, you should be sitting across the hall. I don't want you over here in this fucking unit. Words to that effect.
Q. Was anyone else present?
A. No.
Q. Okay. Do you recall anything else she said or you said in that incident?
A. Not in that incident I didn't -- no.
Q. Okay. So she said that and you just didn't respond?
A. No.
Q. Okay. What was the next incident, if any, where you felt that Lieutenant Pascua was retaliating or harassing you?

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A. Well, I was escorted to the bathroom either by her or Jan Barney every time I would get up to use the bathroom. There are cubicles in close proximity also and I had to sit right there in earshot of her saying comments about me as if I'm not there to the other command staff. Like I'm an attorney, I know how to put a case on a motherfucker and things like that, you know. And -- Narcotics officers.
So we're the only Narcotics officers up there, obviously it's referring to myself and my partner.
Q. Let me back up just to maybe move this along. Paragraph 57, you allege that Lieutenant Pascua called the Plaintiffs rat motherfuckers and told them that she did not want them in the unit.
Is that what you just testified to at the cubical or when did this occur?
A. That incident occurred after a meeting, a meeting within the unit that was prompted by Danny and I going to Commander Adrienne Stanley to report the harassment of retaliation of Pascua against us.

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Q. Okay. So before -- well, let me ask you this. Strike that.
With respect to the allegation in Paragraph 57 of her calling you rat motherfuckers, did you hear that directly or how did you learn about that?
A. I was sitting in the cubical and she said it as she walked by going to her desk.
Q. Tell me exactly what you recall her saying.
A. Are you talking -- you're talking about --
Q. Paragraph 57.
A. 57.
Q. Is it your testimony that you heard her saying that as she was walking by?
A. Yes, she did say that when she was walking by.
Q. Okay. What exactly did you hear her say?
A. That -- just that, that we were rat motherfuckers and she didn't want us in the unit.
Q. Okay. Did she say --

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A. Are you talking --
Q. Did she say Spalding and Echeverria, did she --
A. Narcotics officers.
Q. -- just say rat motherfuckers? What did she say?
A. She said, I don't want those rat motherfuckers in the unit. And then she further stated, I'm an attorney, I know how to put a case on those Narcotics officers. I know how to build a case, not put a case on. I know how to build a case on those Narcotics officers.
Q. Okay.
A. And that comment was made on several occasions.
Q. Okay. But on the one occasion we're talking about, you're saying she made both the rat motherfuckers reference and said something about building a case; is that correct?
A. Yes. But that building a case was said a couple times.
Q. Okay. On this same time when she walked passed -- strike that.
On this occasion where she walked

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passed and you heard her make reference to the, I'm a lawyer, I know how to put on a case, was that the first time that she said something along those lines and then there were subsequent times where she said something about being a lawyer and knowing how to put on a case?
A. Yes. And the correct word was build a case. She didn't say put on a case.
Q. I'm sorry.
A. I don't want to confuse that, because that's a pretty different meaning.
Q. My question is was that the first time --
A. That I --
Q. -- when she walked by your cubical that you ever heard her make reference to building a case?
A. Yes.
Q. Okay. You indicated that -- well, strike that.
Directing your attention to Paragraph 60 of the Amended Complaint. Is that a reference to that same incident where she walked by your cubical?

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A. No. This one is the -- this one is when we came out of the meeting with the team after we went to the commander.
Q. Okay. Let's talk about when you went to the commander. That was you and --
A. Officer Echeverria.
Q. -- and Commander Stanley?
A. Yes.
Q. And before we get to that, when you first moved over to Inspections, Commander Stanley was out on medical leave, correct?
A. Yes, that's correct. She was gone.
Q. Do you recall approximately how long you were in Inspections before she returned from medical leave?
A. No. But I do know that it was -- she was back before October --
Q. Okay.
A. -- of 2011, because she was there for when we started that FBI case again. And I think she had been back for a little while before that. So maybe a month or so maybe.
Q. Okay. When do you recall going to Commander Stanley to complain about anything?

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A. Well, it would have to be in August or September of 2011, if she was back at that time. And that was prompted by Lieutenant Sadowski stating that we should address the issue of the harassment and retaliation from Lieutenant Pascua with Adrienne Stanley. He approached us and said, I've witnessed it and it's going to continue. I see what she does. And I said, well, why don't you talk to Adrienne Stanley? He said, you need to go and address that issue with her.
Q. Okay. Let's talk now about that conversation with Lieutenant Sadowski. Is that a conversation that you and he had or is it the three of you, you and Echeverria?
A. The three of us.
Q. Okay. And where does this conversation take place?
A. In front of his desk in Unit 126.
Q. And what's your best recollection of everything Lieutenant Sadowski says and everything that the two of you say in that conversation?
A. In that morning, we would come in

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earlier than everyone else and of course we would, you know, say good morning to him and he would be at his desk. And he said that he, you know, was aware of, you know, what's going on and that he witnesses it. He knows I was very distraught going there and I was -- it was very difficult and it was very apparent. It was a very hostile work environment and these are open cubicles. So he's aware of it. He told me that.

Q. Okay.

A. He said, so the only way it will stop is you need to go report that to the commander.

Q. Okay.

A. And he said, I've witnessed it but it won't stop.

Q. Okay. Do you recall you or Officer Echeverria saying anything else or Lieutenant Sadowski saying anything else?

A. I recall I asked him since he's a lieutenant, why couldn't he initiate a CR number or talk to the commander about it.

Q. Okay.

A. And he said, no, no, it's got to come

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from you guys. Which I don't understand, but we followed his advice.

Q. Okay. So you then go -- I'm sorry. Is there anything else you recall being discussed in that conversation?

A. No, just that we would go see the commander then.

Q. Okay. And the two of you then did go see the commander?

A. Yes, we did.

Q. Okay. And was that a meeting in the commander's office?

A. Yes.

Q. And the commander and you and Officer Echeverria were present, correct?

A. Yes.

Q. Okay. And was it that same day as the conversation with Sadowski or shortly after?

A. Shortly after.

Q. Okay. What do you recall being said in that meeting?

A. I know that we walked in and we told her that we wanted to talk to her and address some issues. And Danny had started saying that,

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you know, that we are being harassed by Deborah Pascua and that it's a hostile work environment and this is, you know, negatively affecting us and we want -- and we were requesting her to initiate a CR number. And Adrienne Stanley stated -- you know, and to investigate what we were saying. She said, I'm not trying to hear that, I don't want to hear any of this. I don't want to know.

And Danny said, whether you want to know or not, you're our commander and we are requesting you to take action on this. And she said, I refuse. You will never get a CR number from me on one of my own. If you want that, and she points over to the IAD side, because it's one side and the other side, you go over there with Juan and those people and maybe they'll give you a fucking CR -- I'm sorry, she didn't swear.

Q. Okay.

A. They'll give you a CR number.

Q. Okay. Do you recall anything else being said in that meeting?

A. She said, we're done, I don't want to

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hear any more. And we left.

Q. Okay. And at some point after that meeting, your assignment was essentially changed from Lieutenant Pascua to Lieutenant Sadowski, correct?

A. Yeah.

Q. Okay. And to the best of your knowledge, a commander would have made that decision, Commander Stanley, correct?

A. Yeah, I --

Q. If you know.

A. I don't know who made it.

Q. Okay. Other than what you've already testified to, was there anything else that happened that you believe was retaliation or harassment by Lieutenant Pascua?

A. Yes. Things got so bad in Unit 126. The commander's office is in the middle and there's cubicles here and cubicles on the other side, just a couple. But Deborah Pascua sits here and my cubical is right here.

Q. Right.

A. So I'm in earshot of hearing this all the time. So I move to the other side in the

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back of a vacant desk. There's two desks here, two desks here, two desks here.
Q. Sure.
A. These people -- it was a Sandra, I don't remember her last -- Espinoza, Aileen Robinson, they worked for a different department, and then a vacant desk. So I just became -- I was so distraught, I would just come in and sit there. After a few days of that, you know, I began talking to Aileen Robinson and, you know, like good morning, how are you. And, you know, just average small talk that should happen in an office environment.
Q. Sure.
A. Well, that didn't last too long because a brief time later, a week, two weeks, something like that, when I came in in the morning because we come in before most everyone, Aileen approached me, Robinson, A-I-L-E-E-N, Robinson. And she said, I just want you to know that when you left yesterday, officer George Flores approached me and the women over here are my coworkers and told us that we should not be talking to you, that you are IAD rats, you are

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here to fuck us over, you're here to put it -- develop cases against us, don't talk to us, ignore, ignore us, you know. And he said, I know this to be a fact because Lieutenant Pascua told me herself.
Q. So Aileen Robinson is telling you about something that George Flores told her and George Flores allegedly told her that Lieutenant Pascua --
A. It's coming from Lieutenant Pascua.
Q. Okay.
A. And Lieutenant Pascua and George Flores are very close friends.
Q. Okay.
A. And she just said, I'm just telling you this because I think you should know what's going on behind your back.
Q. Okay. Other than that incident, is there anything else that happened that you believe was harassment or retaliation by Lieutenant Pascua, other than what you've already testified to?
A. There was one time that a secretary who retired from there, her name was Jo, J-O, I

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don't know her last name. She was Commander Stanley's secretary. She had mentioned in front of Danny and I she had said that she knows that I have a hard time up there and the treatment that I'm getting and how bad it is for me and that she sees it, as well.
And it was a conversation that I left crying from because I was hearing all the -- again, you know, I sit at a desk and I don't even talk to anyone and this is just continuing. And you go and you're subjected to that all day long, it's just very difficult.
Q. Okay.
A. And it doesn't take much. But if you say -- and in Unit 126, there's under 20 people. So if you say a few negative things, we're not -- we're --
Q. Do you recall that secretary Jo saying anything else to you in that incident?
A. It wasn't a real short conversation, it just went into how bad things were for me there and that, you know, she felt really bad for me and then she retired.
Q. Okay. Other than what you've testified

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to, was there anything else that -- any other incidents where you believe were evidence of Lieutenant Pascua retaliating against you or harassing you?
A. Yes, there is one more incident that is pretty important.
Q. Okay.
A. The first day that I had to go brief at the FBI under the direct order of Juan Rivera, and he told me it's directly under my command, you are to go there. I was harassed so bad and they would follow me to the bathroom, they were just doing everything. I remember the Jill Stevens incident, and I just didn't trust the communication gap. So even though I didn't have to go into Unit 126, I went in before.
There was a sign-in sheet and I signed in. Lieutenant Pascua was there. I walked up to her and said, I don't know if you have been informed by Chief Rivera. I want to make sure everyone here is aware, there's no miscommunication. I've been given a direct order by Chief Rivera to go and report to the FBI building today and that is where I'm going

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to be working. Nobody was in yet. She was the only -- she's the lieutenant.
Q. Okay.
A. Please make sure that if any further notification is -- or the commander has been notified, if she has any questions, to call Juan Rivera.
Well, when I'm in that meeting, and I went with Sergeant Tom Chester --
Q. Okay, all right. I'm confused. You signed in at Inspections and saw Lieutenant Pascua before you went --
A. And I didn't have to do that.
Q. -- before you went to the meeting at the FBI?
A. Yes.
Q. And when you told her what you were doing and that this was per Chief Rivera, did Lieutenant Pascua say anything to you at that point in time?
A. Fine.
Q. Fine, okay.
A. And I said, please make sure that the commander is informed when she comes in in case

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Juan Rivera did not -- it was a precaution on my end I did not need to take. I did not have to do that. In case Chief Rivera --
Q. Okay.
A. -- did not get ahold of her, I knew that they would be like where the hell is she, who gave you permission or whatever. I came in early --
Q. Sure, I understand.
A. -- and went there first and then went to the FBI building. While I was there, I was with -- I was sitting here, Tom Chester was sitting here. We both reported as we were directed to.
Q. Yes.
A. My phone keeps buzzing, buzzing, buzzing. I finally look at it and it's the commander. And I pick it up and she is absolutely livid and screaming at me.
Q. This is Commander Stanley?
A. Yes.
Q. And what did Commander Stanley say to you on the phone?
A. She said, Officer Spalding, you are to

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report back here to Unit 126. This is not how we do things. It's not the wild west, a rogue police officer, you just do whatever the hell you want. I've already talked to Eddie Walsh about getting you thrown out of here, getting you dumped out of this unit. Who gave you permission to go over there? And I explained to her that it was a direct order from the chief, I even came in. And she said, that's not how we do things here. I don't know what I'm supposed to do.
Q. Sure.
A. It's before anyone else is in. She's screaming at me so bad that I hand my phone to Tom Chester and I said, you're a white shirt, I'm following your direct orders, I want you to handle this.
Q. Okay.
A. He walked out of the conference room, had a conversation with her. And then afterwards, I said, you're going to go back up there with me and we're going to straighten this out. And she said that Deborah Pascua while on the phone -- I said, I notified Lieutenant

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Pascua. And she said, Lieutenant Pascua said you just came in here for a brief minute and you told her you were just going out. Like she didn't accurately repeat that I had a direct order. She made it -- from that phone call, it was not correctly relayed. It was relayed in a negative manner to the point --
Q. It's your impression from the phone call with Commander Stanley that she did not know that you had received an order from Chief Rivera to report to the FBI, is that fair?
A. Well, that -- maybe that she did not receive the order for it or that even if I did, that I was supposed to clear it with someone in 126, which I did. I took extra precautions to do that.
Q. I understand.
A. So I don't know what else I could have done.
Q. Okay.
A. So whether she was informed or not, I cannot say.
Q. Okay.
A. But I know that she was angry that I

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didn't receive permission. And I did notify --
Q. Lieutenant Pascua?
A. -- Lieutenant Pascua.
Q. Okay. I know you said there was one more incident. Was that the only -- other than what you've already testified to, was there any other incident where you believe Lieutenant Pascua retaliated or harassed you?
A. Not that I can recall at this time.
Q. Okay. Are you also claiming that Commander Stanley engaged in some retaliation against you?
A. Yes.
Q. What's the basis of that allegation?
A. Well, the first time would be to fail to initiate a CR investigation when I tell you that I'm being harassed and retaliated against.
Q. Okay.
A. Failing to take action and telling me you don't want to hear about that, allowing it to continue, basically. To a certain extent, I'm entitled to a CR number.
Q. Okay. Other than Commander Stanley not acting on a CR number, is there anything else

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that you're alleging was a retaliation by Commander Stanley?
A. Well, hostile I would say is that phone call. Even if you thought that I failed to report to someone, you don't call screaming and swearing at an officer like that that's -- you know, like that. Even after the circumstances were explained, she was very hostile towards me and I'm put in a catch-22.
Q. You say after the circumstances were explained. Are you saying she was hostile to you on the telephone after the circumstances were explained to her?
A. Yes. And after I returned to the unit, as well.
Q. Okay. What -- you said you passed the phone to Tom Chester, correct?
A. Yes.
Q. Okay. After Tom -- it's your testimony Tom Chester gives you the phone back and Commander Stanley is hostile to you, is that your testimony?
A. She told me I needed to leave the FBI building and come in, period, disregarding what

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Juan Rivera said. That is what she said in a hostile manner.
Q. Okay. Commander Stanley said that after or before you passed the phone to Tom Chester, if you can recall?
A. See, I don't recall if it was after or before.
Q. Okay.
A. But I thought it was after.
Q. All right. You also testified when you returned to Inspection, she was hostile. Can you explain that?
A. She was very angry and -- yes. She was very angry. The way you talk to someone. I mean, Tom Chester said to me, I do not want to go up there and deal with this, I don't want to get involved. I said, that's too bad. Because as, you know -- he did. He said, oh, but I don't want to because of how irate she was.
Q. So Tom Chester went with you back to the unit, right?
A. He said, first we're going to stop -- first, we're going to go over to Juan Rivera's office and let him know about what is going on.

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And we stopped there first.
Q. Okay. And what did you tell Juan Rivera?
A. Exactly the events that I just related to you about the meeting.
Q. Okay.
A. And he said, that's fucking ridiculous. He said, Adrienne Stanley doesn't want you in the unit, they don't want you there and she's looking for any reason to throw you out.
Q. Okay.
A. Absolutely any reason. They're not comfortable with you being over there because you worked with IAD on these confidential case
Q. Juan Rivera said --
A. Yes.
Q. -- that because you worked at IAD on these confidential cases, is that your testimony?
A. Because you worked with IAD on these confidential, with. Because we never worked f IAD.
Q. I understand.
A. There's a difference. Yes, he did.

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Q. Okay.
A. And he says -- again, dismissed it and said, just go back over there it will be fine. But I knew from the phone conversation --
Q. Okay.
A. -- it's not going to be fine because --
Q. Did you go back to the commander with Tom Chester?
A. I don't recall if we walked in there together. I think he did walk across the hall, but when I -- because they're just like right by each other, the offices. We went to Rivera's and then I do think he walked across the hall. And when we approached her office --
Q. Yes.
A. -- she didn't want anything to do with me. She didn't want to talk to me at all. She was so mad, she just walked out of her office and said she was going across the hall to deal with it, referring to Juan Rivera's office.
Q. You thought --
A. And then I think Tom Chester went back across the hall, too, I just went back to the cubical.

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Q. Okay.
A. It was very stressful.
Q. Okay. Other than what you've already testified to, is there any other incidents of alleged retaliation by Commander Stanley against you or Officer Echeverria?
A. No, not at this time.
Q. When you talked about the meeting with Rivera and you and Tom Chester, was Officer Echeverria also in that meeting?
A. He was off that day.
Q. Okay. So when you were presenting on the Operation Brass Tax case that day at the FBI, Officer Echeverria was not with you?
A. No.
Q. Okay. If I could direct your attention to Paragraph 68 of the Complaint. You allege, among other things, that Chief Roti had ordered that you not be allowed back in the Narcotics unit or any other bureau of Organized Crime. You've already testified to that conversation, correct?
A. Correct.
Q. Okay. Did you or Officer Echeverria

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ever personally ask Chief Roti if you could come back to Narcotics?
A. I attempted to, yes.
Q. What do you mean you attempted to?
A. Officer Echeverria called his office to make an appointment with him to talk about it, because we are getting all of this information from Juan Rivera directly but we're starting to question Juan Rivera because he's not doing what he's supposed to.
So we want to hear from our chief himself that we can't come back. I want to hear him tell me that.
Q. And did you ever have a meeting with Chief Roti?
A. No.
Q. Okay. But as you testified, you were starting to question whether things that Rivera was telling you about not being able to go back to Narcotics, were true?
A. I was questioning everything. Because absolutely everybody -- my head was spinning. Everybody was all over the map and nobody was doing what they were supposed to do.

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Q. Okay.
A. So that -- yes. Because Juan Rivera was not putting us in confidential, forcing us to stay in 126, which was still under his command and allowing us -- refusing to get a CR number.
Q. Okay.
A. I don't know what's up and what's down.
Q. I understand.
When Officer Echeverria made an attempt to meet with Chief Roti, was there just no response or --
A. No, there was a response. Officer Echeverria called his office. The phone was answered by Sue Blauer (phonetic), his secretary. At which point she stated, you need to be a member of Organized Crime to get a meeting with Chief Nick Roti. And he said, I am. She said, no, you need to be assigned to the unit. He said, I am. And she said, what's your name. And he said, Officer Daniel Echeverria, I'd like to schedule a meeting.
And she said, well, what is it about. He said, it's of a confidential matter that I

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need to discuss directly with the chief. And she said, you need to tell me what that's about. And then she basically said, you know what, that is never going to happen, and hung up on Danny.
Q. Okay.
A. Now, we know that Chief Roti got the message.
MR. KING: I move to strike. It's not responsive to any question.
BY MR. KING:
Q. Well, let's go there. You testified that Chief Roti got the message that you and Echeverria were trying to have a meeting with him. Is that your testimony?
A. Yes.
Q. How do you know he got that message?
A. Juan Rivera.
Q. Okay. What did Juan tell you about that?
A. Juan Rivera saw us in the hallway and he said, what the -- we were both walking together. What -- he starts telling me, what the fuck is wrong with you, why the fuck did you call Nick Roti. I said, I didn't call anyone.

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Danny said, that was me, boss, I did that. He said, why in the fuck did you call Nick Roti.
He said, he called over here and told me, don't you fucking ever have either one of those motherfuckers call my office again. You tell those motherfucking Spalding and Echeverria I've got nothing to say to them, they will never work here, that's it.
Now, Juan Rivera knew this shortly after the phone call happened. There is no way possible he could have quoted what happened --
Q. Okay.
A. -- if Nick Roti did not relay that information.
Q. Okay. Did you or Officer Echeverria ever attempt to speak directly with Commander O'Grady about returning to Narcotics?
A. After the higher ranking official told us never to contact that unit and we couldn't come back, we would be going down. Absolutely not.
MR. KING: Okay. Do you guys want to take a short lunch or do you want to --
THE WITNESS: I'm good.

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BY MR. KING:
Q. You're good?
A. I'd rather get this over with. It's up to you guys. Let's push through it.
MR. KING: How do you feel?
MS. COURT REPORTER: I'm fine. Whatever you want to do.
MR. KING: We'll push through all the way to the end. Well, let's keep going for a while.
MR. SMITH: Well, let's just go for a little while and we can revisit this in a half hour or so?
MR. KING: Yeah, that's fine.
BY MR. KING:
Q. If I can direct your attention to Paragraph 64 of the Amended Complaint.
You indicate that Lieutenant Sadowski --
A. 64, 6-4?
Q. 64. You indicate that Lieutenant Sadowski joined what you refer to as the campaign by repeatedly attempting to lodge false allegations of wrongdoing against Plaintiffs.

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Do you see that?
A. Yes, I do.
Q. Okay. So that was after you were reassigned to be under Lieutenant Sadowski, correct?
A. Correct.
Q. Okay. And what are you referring to when you say, he attempted to lodge false allegations against you?
A. Well, there are a couple of incidents. One of the incidents being that when we would be working later than our regular time, we would call him and tell him that we were working overtime with Operation Brass Tax and then we would call him and tell him when we had completed that.
So we were about to leave, be done for the day at headquarters with Operation Brass Tax and Officer Echeverria called Lieutenant Sadowski to tell him that we were leaving. When we went to get on the elevators to go, the doors open up and Juan Rivera and Commander Klimess (phonetic) were there.
Q. Okay.

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A. We were on, you know, the fifth floor where we all, you know, worked out of. And he said, oh, just the two I'm looking for. Come into my -- Chief Rivera said, just the two I'm looking for, come into my office. I need you to bring me up to speed, brief me on where we are with Operation Brass Tax because we, referring to himself and Klimess, Commander Klimess, have to go in to McCarthy's office and brief him.
Q. Okay.
A. That delayed us an extra hour and a half, approximately. So then we said, okay, boss, well, here's our overtime sheets. Who's going to sign those now? Because we --
Q. Right --
A. -- we signed them out when we were leaving at -- we signed it for like 6:00 and now we're there until 7:30.
Q. Sure, sure.
A. He said, give them to me, I'll sign them and he signed them. We said, do we need to call Lieutenant Sadowski back. And he said, I'm the fucking chief.
Q. Okay.

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A. I signed it, it's done.
Well, fast forward, now Lieutenant Sadowski says he wants to file a complaint against us for falsifying our overtime because Danny had called him and said we were leaving and then we didn't.
Q. Okay.
A. So we explained the situation to him, Danny explained the situation to him over the phone while I was in the car. I heard Danny explain exactly the incident that I just explained to you.
Q. Okay. So Danny has a conversation with him when you all are driving back to Inspections?
A. This is on another day. This is fast forward.
Q. Okay.
A. Because it takes about a few weeks or longer for the slips to go through however long.
Q. Okay.
A. So this is another day he contacts Danny. So we thought the explanation would satisfy the situation --

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Q. Okay.
A. -- at which point it doesn't.
Q. Okay. Let me --
(Whereupon, Spalding Deposition Exhibit No. 3 was marked for identification.)
BY MR. KING:
Q. Ms. Spalding, I'm showing you another document that's marked Deposition Exhibit No. 3, I believe. And it appears to be a counseling session report. The first page is Officer Echeverria's name, the second page is your name and it's a counseling by Lieutenant Sadowski. Have you seen this document before?
A. No. I have not seen this at all.
Q. Okay. This indicates anyway under the section statement of performance concern and he writes, above is being counseled for two separate incidents. The second incident states, failed to notify a supervisor assigned to 126 when above worked overtime on 21, November, 2011. Is that the overtime incident that you were just testifying about?
MR. SMITH: I object to the

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characterization as second incident. I'm sorry, I see the first sentence above this. I withdraw the objection.
THE WITNESS: Yes.
BY MR. KING:
Q. Yes?
A. Yes.
Q. Okay. So Lieutenant Sadowski had a meeting with you and Officer Echeverria about this overtime incident, correct?
A. No, incorrect.
Q. Okay. Never had a meeting?
A. No. He told us we were going to have a meeting for this counseling report. And the reason I never saw it is when I -- he told us we needed to come --
Q. Right.
A. -- we needed to come and you'll see that this -- there is no signature on here. We would have to sign this.
Q. I understand. My only question is --
A. Okay.
Q. -- did you have a meeting --
A. No.

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Q. -- with Lieutenant Sadowski about this overtime issue?
A. No. No, I did not. I was not -- I never met with him.
Q. Okay. And -- okay.
And do you know what the first incident is referencing, failed to notify a supervisor assigned to Unit 126 about the status of eligibility for OPY, Operation Project Youth?
A. I have no idea what that even is.
Q. Okay. Do you have any recollection of OPY, Operation Project Youth?
A. I don't know what that even is.
Q. Okay. Do you have any recollection of being asked to participate in OPY, Operation Project Youth?
A. I was never asked to participate in it. I don't even know what it is.
Q. Okay. Do you ever recall being asked to participate in a police initiative where you would go to one of the schools?
A. No.
Q. Okay. And Lieutenant Sadowski, to the best of your recollection, never had a

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conversation with you about failing to notify a supervisor about the status of your eligibility for OPY?
A. With me?
Q. Yes.
A. Lieutenant Sadowski had this conversation with me?
Q. Yes. I'm asking you, yes.
A. No, not that I recall at all. No.
Q. Okay. And if you look at the third page of this exhibit. Are these the overtime slips that you were testifying about that were signed by Juan Rivera?
A. These would not be the ones because -- they can't be because of -- to 1830, yes, they would be the ones because it says Juan Rivera down there, doesn't it, at the bottom?
Q. It appears to.
A. If that's his signature. I can't see. I can't read it, either, any of this.
Q. Okay.
A. And it's signed seven days later, isn't it, by Juan -- is that Juan Rivera?
Q. Let me just -- have you seen this

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document before?
A. No.
Q. Okay.
A. I'm -- no, I haven't. But --
Q. That's fine.
A. But it is signed by Juan Rivera.
Q. Correct.
A. So it would have to be the incident date.
Q. Okay. You don't have any reason to doubt that --
A. No.
Q. -- this relates to the incident that you were testifying about where Rivera signed the overtimes?
A. I have no reason to doubt it.
Q. Okay. And Lieutenant Sadowski never sat down and had what you understood to be a counseling with you?
A. No.
Q. Okay.
A. Never.
Q. And then I assume you --
MR. SMITH: I'm just going to object to

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the vagueness of counseling with you.
THE WITNESS: I could tell you why.
BY MR. KING:
Q. I was asking you if you felt that there was any retaliation by Lieutenant Sadowski, you mentioned this overtime incident.
A. Uh-huh.
Q. Other than that, are you alleging that there are any other incidents where Lieutenant Sadowski retaliated against you or harassed you?
A. The overtime incident where he was calling us in for the meeting, to go into -- for our counseling meeting that never happened between him and I.
Q. Okay.
A. Okay. And then there was another incident --
Q. Let me just stop you for a second. So you understood you were going to be called in for a counseling meeting with Lieutenant Sadowski but that, in fact, never happened?
A. He talked to me on the phone and yes, he said you're going to come in and you're going to come in at this time in the morning. And we,

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you know -- but no, the meeting with me and Sadowski never happened.
Q. Okay. Do you know if there was a meeting between Echeverria and Sadowski --
A. Yes.
Q. -- about the overtime?
A. Yes.
Q. Okay. And you weren't present for that?
A. I was on my way up when Juan Rivera stopped me and said, what the hell are you doing here.
Q. I see.
A. You're supposed to be on the street.
Q. Okay, that's fine.
And I'm sorry, you were testifying to any other incidents of alleged retaliation by Lieutenant Sadowski.
A. There was another time on a day we were not working Operation Brass Tax, you can ask me when, I don't recall when exactly it was. It was in the middle of sometime when he became our lieutenant --
Q. Sure.

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A. -- and before we left the unit. That he was talking about an incident that happened and he was going over it with Danny and I. And I said, wait a minute, on what date? And I don't recall the incident. But I said, lieutenant, I don't even know what you're talking about and I wasn't even at work that day. And he said, it doesn't matter, partners go down in pairs. You're getting written up for it, too.
Q. Okay. Do you recall what the incident was that you were getting written up for?
A. No, because I had no idea. And then I couldn't recall. I'm like, what is he talking about. And so then I asked him the date. And said, I wasn't here that day, that's why I have no knowledge of what you're talking about.
Q. But did Lieutenant Sadowski tell you what the incident was?
A. At the time he did, I don't recall what it is now.
Q. You don't recall what it was?
A. Yes. He did state it at the time.
Q. Okay.

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A. I don't recall because I wasn't even there.
Q. Sure. So you were upset that --
A. How am I going to --
Q. -- he was faulting you for some incident on a day when you weren't even at work?
A. Correct.
Q. Okay. Other than what you already testified to, is there anything else that happened that you believe is retaliation or harassment by Lieutenant Sadowski?
A. Not that I recall at this time.
Q. Okay. And would I be correct that everything that you're alleging was retaliation by Lieutenant Pascua, Lieutenant Sadowski or Commander Stanley occurred during the time that you were assigned to the Inspection Division?
A. Correct.
Q. Okay. Did you ever complain to Tina Skahill about anything that you believed was -- that you were being retaliated against or harassed?
A. I did -- we did tell her like when we were being thrown out of 543, as we discussed --

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Q. Okay.
A. -- and, you know, how we were being thrown out and that we were going to go back to the district.
Q. Other than what you've already testified to, did you ever complain to Tina Skahill about any alleged retaliation or harassment?
A. During the course of Operation Brass Tax, of course with the permission of Juan Rivera, he was well informed of it, we would continue to keep her up on date when we would see her -- up to date on Operation Brass Tax.
Q. Okay.
A. And during the course of those conversations, I would say, you know, this -- you know, like I would mention things that had happened. And she said she would talk to Juan because Juan needed to just assign us to Confidentials and then everybody in IAD Confidentials does the same work as us and the harassment would stop.
And she said she didn't understand why Juan wasn't doing that, but she would talk to

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him. She offered to talk to Juan multiple times on our behalf --
Q. Okay.
A. -- about that.
Q. Okay. And all of these occasions where you were just testifying about were when Juan Rivera was the chief and Tina Skahill was no longer the chief, correct?
A. Correct.
Q. Okay. You never specifically asked Tina Skahill to pull a CR number for you, did you?
A. No, because she wasn't -- no. We weren't reporting directly to her anymore, so we would ask Juan.
Q. Okay. Do you have any recollection of ever discussing with Tina Skahill any alleged retaliation that you believe was happening in Inspections at the hands of Lieutenant Pascua or Sadowski or Commander Stanley?
A. You mean while it was under her authority?
Q. At any time.
A. No.

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Q. Okay. And after the Inspections Division, your next detail was Fugitive Apprehension, correct?
A. Correct.
Q. Okay. And are you alleging that there was anything retaliatory about your move to Fugitive Apprehension?
A. No.
Q. Okay. In fact, you applied to get into that unit, correct?
A. In fact, Danny and I went and had a conversation with Chief Tom Byrne. He was our former boss when we were in the 1st District and he had -- he knew that we were really good officers and he had, in fact, asked us to come to Fugitives while we were in Operation Brass Tax and I had told Juan Rivera I wanted off and I wanted to go, but we were denied.
Q. Okay.
A. And during the course of the conversations with Juan when all of this was happening, he said, my hands are tied, I can't help you, maybe you can go back and talk to Tom Byrne, maybe he can help you.

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Q. Okay.
A. So we did.
Q. So let me stop you.
So when you testified that you were, at certain points, trying to get out -- or at a certain point trying to get out of Operation Brass Tax and you told that to Juan Rivera, you were trying to move to Fugitive Apprehension; is that correct?
A. Well, at -- no, not at all times. At one point, I didn't care where he put me, I just wanted off. And at one point he said, I could put you in Confidentials -- I'll move you, I'll move you to Confidentials or I'll move you back to the academy. And I said, I'll gladly go to Confidentials and it never happened. So we didn't know where it would be.
Q. Okay. So prior -- is it your testimony that prior to you and Officer Echeverria putting in applications to go to Fugitive Apprehension, you had a conversation with Chief Tom Byrne about Fugitive Apprehension?
A. It was a conversation in passing.
Q. Okay.

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A. Where he said, you know, you guys being inside is a really big waste of talent and you guys should go work with me. We knew that wasn't going to happen because we weren't --
Q. When he's saying, you guys should come work for me, is he referring to Fugitive Apprehension?
A. That's how I took it.
Q. Okay. And when did this conversation take place in relation to when you submitted an application to go to Fugitive Apprehension?
A. It had to be at least a year or so before.
Q. Okay. Thank you.
(Whereupon, Spalding Deposition Exhibit No. 4 was marked for identification.)
BY MR. KING:
Q. Ms. Spalding, I'm showing you another document that's been marked Deposition Exhit No. 4, which is an e-mail -- or a couple of e-mails. At the top, an e-mail from Officer Echeverria to Juan Rivera. Have you ever see this e-mail before?

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A. No.
Q. Okay. Were you aware that Juan Rivera was providing you information and suggesting that you apply to the Fugitive Apprehension unit?
A. What -- again, I will state that what he said was it would be our best bet to go and see if Tom Byrne could help us get into there. Because Nick Roti was the one that would have to sign off on any of the other units and it was impossible.
Q. Okay. There are three different e-mails reprinted on Exhibit 4. Is it your testimony you've never seen any of them?
A. I did not see the actual e-mail.
Q. Okay.
A. But I do know that -- hold on, there's more down here. Hold on a second. This was -- no, I never saw these documents before.
Q. Okay, that's fine.
You were aware, obviously, that you and Officer Echeverria decided to submit applications for the Fugitive Apprehension unit, correct?

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A. Okay. This is referring to a night task force that is going to start that was not up and running at the time. But yes, for Fugitive Apprehension unit, the task force, yes.
Q. Okay. You're saying what this is referring to but you've never seen the e-mail?
A. No, I haven't seen the actual e-mails. No, I have not.
Q. Okay.
A. I have not seen these e-mails. It's the first time I'm seeing them.
Q. Okay. At some point, you and Officer Echeverria --
A. I must be failing to understand.
Q. -- decided to apply for a reassignment to Unit 606 Fugitive Apprehension, correct?
A. Correct.
Q. Okay. And in connection with that application, you asked both Chief Rivera and Tina Skahill to provide letters of recommendation for the two of you, correct?
A. Correct.
Q. And both of them did, correct?
A. Correct.

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Q. Okay. And you were reassigned to Fugitive Apprehension, by my records, effective on or about March 18, 2012. Does that sound correct?
A. Yes.
Q. Okay. If I could now direct your attention back to Exhibit 1, the Amended Complaint, Paragraph 73.
You allege that on March 20th, you are detailed to Fugitive Apprehension Unit 606. And you allege, within that unit, Plaintiffs were assigned to the United States Marshal's Task Force. Do you see that?
A. I see that.
Q. Is that your understanding that when you first joined Fugitive Apprehension, that you were a part of the United States Marshal's Task Force, yes or no?
A. United States Marshal's Task Force, no.
Q. Okay. Is it your understanding at any time since you've been detailed to Fugitive Apprehension, that you've been a member of the United States Marshal's Task Force?

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A. Since we were in Fugitives?
Q. Yes.
A. No.
Q. And in order to do that, you'd need to be deputized --
A. Correct.
Q. -- by the U.S. Marshals, correct?
A. Correct.
Q. Okay. And when you first went to Fugitive Apprehension, your first immediate supervisor was Sergeant Barnes, correct?
A. Correct.
Q. Looking at Paragraph 75 of the Amended Complaint. You allege upon information and belief on or around the day of your initial detail, it says to the U.S. Marshal's Task Force, Defendant O'Grady went out of his way to personally inform Plaintiffs' new supervisors that they were rats and should be treated accordingly.
Do you have any personal knowledge of Defendant O'Grady telling anyone in Fugitive Apprehension that you were rats and should be treated accordingly?

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A. Yes.
Q. And what's the basis of that knowledge?
A. On the first day that Officer Echeverria and I reported to the unit, we met with Salemme and Cesario, at which point, you know, they asked us if we had come -- you know, where our background, if we worked -- you know, worked with IAD before, things like that.
Q. Okay.
A. And were we assigned. And I said, at no time were we assigned to IAD. And then when we left the office after the brief meeting, he walked us over to the two secretaries, Jan Hannah and Colleen Dugan, and he said, you'll talk to them about getting, you know, your radios, your equipment, whatever.
Q. Sure.
A. And they walked away. At which point, they stated, oh --
Q. Who is they?
A. Jan Hannah and Colleen Dugan.
Q. Are both of them talking or one of them?
A. At one point, each one of them talked.

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Q. Okay. What did you hear Jan Hannah and Colleen Dugan, the secretaries, say?
A. Jan Hannah said, oh, so you guys are the IAD rats that we heard about and Colleen said -- echoed the same thing.
Q. Okay.
A. Within ten minutes of being in the unit.
Q. Okay. And that's the basis for your allegation in Paragraph 75 of the Amended Complaint?
A. That was my second heads-up that something was going on. The first time, there was --
Q. Okay. My question is you allege on the information and belief that O'Grady personally informed your new supervisors that you were rats and should be treated accordingly. One basis for that is what you testified to that Jan Hannah and Colleen Dugan said. Is there any other basis for your allegation in Paragraph 75?
A. Yes.
Q. And what is that?
A. Prior to -- on the day that we were

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notified that we were going to Fugitive Apprehension, we had to contact them to find out when do we start and general information, where do we report. And the secretary Maureen, something with an S, answered the phone. She used to be -- work down in Narcotics at the 24-hour desk, so I was familiar with who she was. And she said, okay, Officer Spalding, so you and your partner -- and she said, so you're coming from Unit -- so you're assigned to 126.
And I said, no, actually we're assigned to Unit 189 Narcotics. She said, oh, that explains why Commander O'Grady is up here for the last couple of hours so upset. He's probably mad that we're taking two of his officers away. That was my first heads-up that things weren't going to go so well.
Q. Okay.
A. That's probably why he's upset.
Q. Did Maureen S. say anything else in that conversation?
A. After that, I can't recall what she said because I was just so shaken to the core.
Q. Okay. You don't have any personal

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knowledge, do you, of Defendant O'Grady saying anything about you to anyone in the Fugitive Apprehension unit, do you?
A. Yes.
Q. Is that based on what you already testified to?
A. No.
Q. Okay. What is that based on?
A. That's based on July of 2011 when I was called in to Lieutenant Cesario's office in the presence of Sergeant Mills and was told that --
Q. Okay. Before we -- I don't mean to interrupt you. But before we get to the July, 2011 meeting.
A. Okay.
Q. Prior to that, did you have any personal knowledge that Commander O'Grady spoke negatively about you or Officer Echeverria to anyone in the Fugitive Apprehension unit?
MR. SMITH: Objection, vague as to meaning of personal knowledge.
Go ahead.
THE WITNESS: I'm confused now.

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BY MR. KING:
Q. Do you have any knowledge based on anything other than what you've already testified to --
A. Prior to.
Q. -- that prior to this July, 2011 meeting, Commander O'Grady spoke to anyone in the Fugitive Apprehension unit negatively about you or Officer Echeverria?
A. Not that I can recall at this time.
Q. Okay. And you have no personal knowledge that -- prior to you starting in Fugitive Apprehension, you have no personal knowledge of Commander O'Grady speaking to Sergeant Barnes about anything, correct?
A. Prior to me starting?
Q. Yes.
A. No.
Q. And likewise, you have no personal knowledge of Defendant O'Grady speaking to Commander Salemme or Lieutenant Cesario in a negative manner about you or Officer Echeverria, do you?
A. Other than the indication from Maureen

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saying that O'Grady was up there very upset with the commanders over us coming there, no.
Q. Okay. You were testifying about Paragraph 75, what you base your belief on that O'Grady had informed new supervisors that you were rats and should be treated accordingly.
Have you testified about everything that allegation in Paragraph 75 was based on?
A. I believe so.
Q. Okay. In the next paragraph, you indicate that your first sergeant in Fugitive Apprehension, Sergeant Barnes thereafter informed your new team that you were rats, that you were not to be trusted or backed up by the team; is that correct?
A. Correct.
Q. And what's the basis for that allegation?
A. Team members informing us of that.
Q. Okay. And when did they inform you of that?
A. Shortly after our assignment to work with them.
Q. And what team members informed you of

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that?
A. Robert Walker and Loren, L-O-R-E-N, Guishnere, G-U-I-S-H-N-E-R-E, I believe.
Q. And was Guishnere and Walker on your team under Sergeant Barnes?
A. Yes.
Q. Okay. And were both you -- strike that.
Was this in a single conversation with both Walker and Guishnere or were these separate conversations?
A. Separate.
Q. And were you present for both of those conversations?
A. Yes.
Q. Was Officer Echeverria present for both of those conversations?
A. Yes.
Q. Who told you this first?
A. Walker.
Q. In person or on the phone?
A. In person.
Q. What did Walker say to you and what did you or Officer Echeverria say to Walker?

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A. He said, after working with you guys for a while, I just think it's fair that you know what's going on. He said, you know, we heard about you prior to you getting here. The sergeant told us that, you know, you're coming from IAD and that we shouldn't be working with you or back you up, you know, that I just think you should know. I base my judgment on the individuals and you guys are good cops and maybe you should address this issue with the sergeant and see if, you know, you can resolve the issues.
Q. Do you recall Robert Walker saying anything else in that conversation?
A. I mean, the conversation wasn't just that simple. I mean, of course we were floored. And I think he said that he had mentioned, and I don't recall his exact wording, that Sergeant Barnes was very good friends with Jim O'Grady. I believe he mentioned that he was good friends with the boss. I don't know who told us that it was -- actually, that he was friends with, you know, O'Grady and that it had come from the Narcotic Division is what he said.

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Q. Okay. Do you recall Walker saying anything else?
A. No.
Q. Okay. And was the conversation with Loren Guishnere in person?
A. Yes.
Q. And is that a male or female?
A. It's a male.
Q. Okay. What do you recall Mr. Guishnere saying to you and you and Officer Echeverria saying in the conversation that you say supports your allegation in Paragraph 76?
A. Guishnere stated that they were instructed not to work with us and the same -- basically the same information that Walker -- you know, that we're from IAD, not to work with us and -- or back us up. And Guishnere said, you know, that he personally cannot treat an officer in a negative manner, unless he has his own specific personal reasons to do so.
Q. Okay. Other than that, do you remember Officer Guishnere saying anything else?
A. Since then, Guishnere has had multiple conversations with my partner directly regarding

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the same situation.
Q. Okay. Have you personally had any other conversations with Guishnere about this situation?
A. You know, it may have come up in passing, but not a direct, you know, conversation like that.
Q. Okay. If I could direct your attention to Paragraph 77 in the Complaint. You allege that at one point Sergeant Barnes removed the Plaintiffs from a high profile case to which they had been assigned because they were rats. Plaintiff would not be allowed to work on the case. Can you explain what that incident was about?
A. Yes. I had been given a high profile homicide case that was all over the media. And I was working with my partner Echeverria, Kevin Williams and Larry Odem, O-D-E-M, and we had been working together on cases. And on this particular day, it was Officer Echeverria, myself, and I believe Larry Odem was there. I don't believe Kevin Williams was present for this.

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We -- I got the assignment, we hurried up, we pulled out all the information, made contact with a possible witness and we're en route to handle this when Sergeant Barnes had called and said that he was taking the case away from me.
Every one of the cases that I had prior to that had been like turnstile jumpers for CTA or something like that in --
Q. So you were en route to working on the case --
A. Yes.
Q. -- and Sergeant Barnes calls you and says he's taking the case away from you?
A. Correct.
Q. Okay. Did he say anything else other than he's taking the case away from you?
A. No. I know I told him that we were already en route and we had already worked it up. And, you know, he said, it's being reassigned to somebody else, and then I received turnstile jumpers and things like that.
Q. Do you recall him saying anything else in that conversation?

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A. Not in that conversation.
Q. Okay. So you're en route to work on the case that you worked up. Do you continue on to do that?
A. No.
Q. Do you stop and get out of the car or what happens?
A. We pick up the next file and start working on that one.
Q. So you stopped working on the case that you --
A. I was ordered to.
Q. Okay. And was that just you and Officer Echeverria in the car? I'm sorry.
A. It was Larry Odem, as well.
Q. Right. Was Kevin Williams also in the car?
A. I don't believe Kevin Williams was in the car at the time this happened.
Q. Okay. If I can direct your attention to Paragraph 78 of the Complaint. You allege that when you tried to talk to Sergeant Barnes, he repeatedly referenced that you had brought down a sergeant, referring to Watts; is that

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correct?
A. Correct.
Q. How many times did Sergeant Barnes reference to you that you had brought down a sergeant?
A. Multiple times.
Q. Okay. Any recollection of when the first time was?
A. This is during one conversation, I believe. You're saying -- you are referring to the time that I tried to talk to --
Q. I'm referring to whatever you're referring to in Paragraph 78.
A. Okay. This was after I was informed, we, my partner and I, were informed by Robert Walker of the situation. He had said, why don't you try to talk to Sergeant Barnes.
Q. Okay.
A. So I was working with Kevin Williams that day and Sergeant Barnes had come in. And he was being -- he was -- he just -- he was really being -- I don't even know the right word, other than very aggressively hostile towards me.

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First when he came in, they had just come in from apprehending someone for I believe homicide. And Guishnere had -- it was actually his case and everybody was out on it but not myself, Danny or Kevin. And he told me, well, we just got this guy, you're going to get on the computer and you're going to write up, start the arrest report. I can't start the arrest report, I wasn't even on scene. I'm not the arresting officer. So he said, you're going to start it.
So I called Guishnere and I said, Guish, how do you want me to do your report. And he said, absolutely not, you can't. Don't do it, you'll ruin the whole case. I said, yeah, I'm confused. Can I start something else for you. So Barnes became very upset that I wouldn't go ahead and start this arrest report. I'm not even on the scene, I don't even know where you guys were.
Q. Sure.
A. That's not even -- I can't. It's illegal.
Q. Sure.
A. So he sits down next to me right here,

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he leans all the way over in my ear and puts the radio down and turns it up. He says, you fucking hear that? Do you hear that? That's the 3rd fucking District. Do you now how fast I could fucking have you back there? Do you want to go back to that fucking district? Do you want to go back to the district? He was being so aggressive that a female detective turned around and said, Sergeant Barnes, I don't like the way you're talking to her. This is inappropriate and this is hostile. You need to stop immediately.
Q. And who was the female detective?
A. I don't know who she was.
Q. Okay.
A. But I would know her if I saw her again.
Q. Okay.
A. It was upstairs in Area South on 111th and Ellis.
Q. Okay.
A. 711 East 111th Street.
Q. Other than what you've already testified to, did Sergeant Barnes do or say

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anything else to you in that incident?
A. Yes.
Q. What did he do or say?
A. After that incident, he walked away and he sat down at this desk. And I figured, this is escalating, maybe I should try to talk to him and see if we could quash this. I mean, we're in Fugitives, we're working with really good officers on this team. I'm so tired of this, I'm desperate to make it work. We did what I think is the right thing with Watts. So I approached --
Q. What did Sergeant Barnes say or do?
A. I approached Sergeant Watts and asked -- Sergeant Barnes and asked him if I could speak to him and he said, okay. We started talking and I said, you know, it's my understanding that, you know, you have some preconceived ideas about my partner and I and that maybe you're concerned about our reasons for being here. And these are issues that I would -- if you have concerns about, I would like to attempt to address and rectify so that we don't have any future problems.

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Q. Okay.
A. And so Sergeant Barnes said, we're going to go, you know, talk and he led me to this back like storage room area, I don't know what it was, up in the Detective Division.
And I basically, without naming who, I told him what information I had heard. And, you know, he said, you know, I know that, you know, you worked for IAD, you brought a sergeant down. And I said -- he said, you're going to deny you worked for IAD?
I said, well, there's a difference between working for IAD or working on, you know, a case that IAD is involved in, a Narcotics case, you know, with wrongful stuff. I said does -- yes, does IAD become involved, you know, once you learn of some kind of allegations and stuff, absolutely. What are you supposed to do, you know, but it happens.
And he's like, so you like to bring sergeants down, huh? You like to have sergeants arrested? And he's like, you like to do that stuff? And I'm like nobody, you know --
Q. Just tell me what he said and what you

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said.
A. -- likes to do that. And he's like, well, you know what the problem is, the team doesn't -- the team doesn't like you. They're not going to back you up, they don't trust you. I said, they don't? They don't trust us? And why is that? Because my understanding is they're being ordered by you. They don't have a problem with us. He said, yes, they do.
I said, well, do you think it's possible we could have a team meeting to clarify? Let's put all the cards on the table, we'll answer any questions. I don't want any problems. And he said -- again, he would continue to bring up, you like to bring sergeants down, you like to put sergeants in prison, over and over again.
Q. Okay.
A. And then he said, well, you know what, you're not -- you're not social, you don't even -- you don't socialize with the guys. I said, I didn't know socializing with the guys was part of my job requirement.
And he's like, well, you know, and

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they're not going to back you up. You're not safe out here. He said, to be honest with you, I'd hate to one of these days have to be the one to knock on your door and tell your daughter you're coming home in a box. That's how serious it is.
He said, if you want to address the issue, I'll tell you what, the next time we have a -- I call a team meeting, feel free to stand up and address the issues, but I'm not going to do it.
Q. Okay.
A. So I said, okay. On that particular day, I said, okay.
Q. Okay.
A. During the course of that meeting, Officer Echeverria and Williams walked in.
Q. Okay. During the course of the meeting you were just testifying to that you were having with Barnes, Officer Echeverria and Kevin Williams walk in?
A. Yes.
Q. Are they part of the conversation?
A. They come in and they say, what's going

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on, you know. And I said, well, Danny, maybe you should have a seat because Sergeant Barnes says this is an issue with both of us, it concerns both of us.
Q. Does Officer Echeverria sit down?
A. He walks in to sit down and Sergeant Barnes says, no, Danny, you get to play with her all day. I'll send her back when I'm finished.
Q. Okay.
A. And tells Danny to leave the room.
Q. Okay.
A. And Kevin Williams walked out, as well.
Q. Okay. Other than what you just testified to you saying and then Barnes saying, Officer Echeverria was not present for the rest of the conversation with Barnes, correct?
A. Correct.
Q. Okay. Am I correct that the conversation that you just testified to with Sergeant Barnes is what you're referring to in Paragraphs 78 and 79 of the Complaint?
A. Correct.
Q. Okay. Other than what you've already testified to, is there any other alleged

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retaliation or harassment by Sergeant Barnes that you're alleging?
A. From these paragraphs, no.
Q. Other than anything you've already testified to, is there anything else that you're alleging is retaliation or harassment by Sergeant Barnes?
A. Yes.
Q. What else?
A. After that -- after that meeting with Sergeant Barnes, a few days later, he calls a team meeting. During that meeting, Officer Echeverria stood up and said, I'd like to address an issue. You know, does anybody here seem to have a problem with my partner and I? There's -- we're seeming to receive information that people are questioning our intentions here and whether we could be trusted. And it seems to be we've been -- you know, my partner has been informed that, you know, it's a problem, the team has a problem working with us. Does anyone have a problem working with either my partner or I? And everyone said, no, we don't have a problem.

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And Sergeant Barnes said, you know, no, you're misunderstanding. I said, I'm not misunderstanding anything. Yesterday or two days ago you stated that the team has a problem working with us and that that's not safe -- and that we're not safe out here.
And he tried to backpedal. And then he's like, well, you said somebody told you that I said this. Who told you? I said, I'm not going to divulge that information. I want to know who told you that. I said, Sergeant -- Robert Walker stood up and said, I told her Serge, I'm the one that told her because that's what happened.
Q. Okay.
A. Ever then after that --
Q. Do you recall anything else being said in that conversation about this subject?
A. No. That meeting -- Sergeant Barnes was very mad and that meeting was over very quick after that.
Q. Okay. Other than what you already testified to, is there anything else that you consider retaliation by Sergeant Barnes?

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A. Yes.
Q. What else?
A. Shortly after that, my partner and I were called into a meeting with Sergeant Barnes, Salemme and Cesario, at which point we were removed from Sergeant Barnes' team.
Q. Okay. Let me stop you there.
MR. KING: I've got to eat.
MR. SMITH: Okay.
MR. KING: Can we do a short maybe 30 minutes?
MR. SMITH: Sounds good.
(Whereupon, a short break for lunch was taken.)
BY MR. KING:
Q. Officer Spalding, if I could direct your attention back to the Amended Complaint in Paragraphs 33 and 34. In Paragraph 33, you make the allegation that Defendant O'Grady began a campaign of harassment, and then the next paragraph you talked about the situation where he refused to sign the confidential informant, correct?
A. Correct.

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Q. Okay. My question is am I correct, that this confidential informant incident on or about August 17, 2010 was the first incident of alleged retaliation that you're claiming by either the City of Chicago or any of the Defendants in this case?
A. That I'm aware of.
Q. Okay. That's the first incident? You're not aware of any other incident?
A. With O'Grady, that's the first incident.
Q. Okay. And my question was, am I correct that this first incident with O'Grady on or about August 17th is the first incident of alleged retaliation that you're claiming in this lawsuit either by the City of Chicago or any of the Defendants -- individual Defendants in the case?
MR. SMITH: I'm going to object, legal conclusion.
BY MR. KING:
Q. Can you answer the question?
A. August of 2010. No, I don't think that would be the first with the whole City of

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Chicago. Because there's incidents that happened before O'Grady. I mean, just -- correct.
Q. Plaintiff Spalding, you allege that Commander O'Grady began a campaign of harassment and retaliation against you in August 2010. Isn't it correct that you're not alleging that there was any retaliation against you or your partner, Officer Echeverria, prior to Defendant O'Grady as you allege beginning that campaign of harassment, you're not alleging that there was any other retaliation against you for your participation in Operation Brass Tax prior to August, 2010?
MR. SMITH: I'm going to the object to the form of the question, a legal conclusion.
Go ahead.
THE WITNESS: We were there in 2008, and that's two years later. That is the first incident that alerted me to -- I'm sorry, I have to look at this, because you're asking me in a two years' time span. Do have the timeline?
BY MR. KING:
Q. You can't ask questions. I'm sorry.

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Okay.
A. Well --
Q. My question is I am correct, aren't I, that the first incident of alleged retaliation that you're claiming in this lawsuit against you or your partner, Officer Echeverria, which you allege was retaliation for your reporting or your work on Operation Brass Tax, was the August 17, 2010 incident where you allege that O'Grady wouldn't approve your confidential informant, correct?
A. To the best of my recollection at this time, I believe you are correct.
Q. Okay. Ms. Spalding, you also testified earlier about an incident where you came to understand that Deb Kirby had denied knowing about your involvement in Operation Brass Tax. Do you recall that testimony?
A. Yes, sir.
Q. Okay. Other than that allegation that in connection with that incident, Deb Kirby denied -- allegedly denied knowing about your involvement in Operation Brass Tax, are you alleging that there was any other retaliation by

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Deb Kirby based on your involvement with Operation Brass Tax?
A. Yes.
Q. Okay. What else did Deb Kirby do that you're alleging was retaliation?
A. We were informed by Chief Juan Rivera that after the incident occurred, that Deb Kirby admitted to him that she -- you know, that she had denied knowing it and that these two are going to have to be the fall guys now because it's -- I'm not going to go back.
Q. I understand that. And that relates to Debbie -- Deb Kirby allegedly denying the knowledge that you were involved in Operation Brass Tax.
Other than that subject, Deb Kirby allegedly denying knowing that you were involved in that Operation Brass Tax, are you alleging that there was any other retaliation by Deb Kirby?
A. No.
Q. Okay. Am I correct that Lieutenant Pascua never disciplined you in any fashion?
A. Not that I'm aware of.

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Q. Okay. And you're also not aware of Lieutenant Sadowski ever disciplining you in any fashion, correct?
A. I was aware that he stated that we were going to have a meeting for it, which never occurred between himself and I.
Q. Okay. So to the best of your knowledge, Plaintiff Spalding, you're not aware of Lieutenant Sadowski ever disciplining you in any fashion, correct?
A. Other than stating that he was going to, what he did with that, to my knowledge, I don't know.
Q. Okay. Now, if I can direct your attention back to the Amended Complaint, Exhibit 1, and Paragraph 80 of the Complaint.
As alleged in Paragraph 80, who ordered you to meet with Salemme, Cesario and Barne
A. Sergeant Barnes informed us that.
Q. And did he inform you the same day of the meeting?
A. No.
Q. What did Sergeant Barnes inform you about that meeting?

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A. Nothing, other than a few days prior, he stated on this date that we were to meet him, the commander and the lieutenant in the unit for a meeting.
Q. Okay.
A. That's all he said.
Q. Okay. And this meeting did take place?
A. Yes, sir.
Q. And were you, Officer Echeverria, Lieutenant Cesario, Sergeant Barnes and Commander Salemme present?
A. Yes.
Q. Okay. What do you recall being said in that meeting by you or by any of the participants in the meeting?
A. Well, I know that we were called in and we sat down. And at first, Lieutenant Cesario attempted to challenge our -- attempted to cite our performance as a reason that he was going to be kicking us off of the day team, which is a CPD/marshal's team where CPD officers are deputized.
Q. Right. But you and Officer Echeverria were not deputized?

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A. No, not at that time. No, we were not. Absolutely not.
Q. Okay. So Cesario indicated that he was moving you from Barnes' team, day team, correct?
A. Correct.
Q. And you said he attempted to cite your performance. By that, he mentioned your arrest activity, correct?
A. Well, that's what he said.
Q. Okay.
A. We challenged that.
Q. Okay.
A. And then Commander --
Q. Tell me what you specifically recall Cesario saying and --
A. He pushed a paper and said, look at this, these -- activity report. And it was based -- activity is --
Q. I just want to know what was said in meeting, I don't want to know anything else. Okay. He had some Activity Reports in the meeting, correct?
A. Correct.

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Q. Okay. What did he say about the activity report?
A. You know, this is your activity and what do you think of that. And I said, well, activity is -- in a Detective Division, which falls under the Detective Division, the Fugitive Apprehension is based on your assignments. So your assignments are assigned to you. So your activity can be only what your assignments are.
Q. Okay.
A. So we can't -- if we don't get the assignments, there -- we have to be assigned the cases.
Q. Okay.
A. So then -- continue.
Q. Sure.
A. So then Commander Salemme stated, did you or did you not ever work for IAD. You work for IAD? And, you know, at that point we said, at no time were we ever assigned to IAD; but did we work investigations with IAD, yes.
Q. Okay.
A. Regarding internal corruption, yes. But those are two very different subjects. He

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said, you should have known better. If you want to go against other sworn personnel, you should have known this shit was going to happen to you. You brought this baggage here with you. I didn't give it to you, you came here with it.
Q. Okay. Commander Salemme said that?
A. Yeah, Commander Salemme said that.
Q. Do you recall anything else said in this meeting by any participants?
A. Yes. Sergeant -- I mean, Lieutenant Cesario said that he was taking us -- we were being removed from Sergeant Barnes' day team. And he said, you want to go against officers, you want to do this type of activity, you are going to be put on the night team way up north. He stated, you will no longer work south, you will no longer work days, you will no longer have a take home car and if I can help it, you will never be deputized.
Q. Okay.
A. And he said to me, you will never have any of these things as long as you are here. And then lieutenant -- the commander said, you're still in the unit for now because we

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couldn't get you out just yet. Meaning to me --
Q. Commander Salemme said that?
A. Yes, Commander Salemme said that.
Q. Okay. Do you recall anything else that was said in the meeting?
A. There was so much said. It was a -- it was a fairly long meeting. They continued -- I mean, the questioning about our involvement with IAD and our working with IAD and what we had done with them, was fairly extensive by the commander and Cesario, the questionings into --
Q. Other than what you've already testified to, do you specifically remember anything else said in the meeting?
A. I remember that, you know -- I remember that I asked -- I openly said, so if we had never been assigned to work this case with IAD, if we had never been involved with any of this, would any of this be happening at all right now. And I was told by Lieutenant Cesario, no.
Q. Okay.
A. Okay. I was also -- I then also said, you know, is it possible that I can go anywhere else and work days, anywhere else. And he said,

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for you, never. You'll never see days again.
Q. Okay. You inquired about working days. Did Officer Echeverria say anything about wanting to work days?
A. Well, he -- yes. He stated, you know, we're not asking to be moved to another shift or the other side of the City, you know. We don't want this. And Lieutenant Cesario said, well, I'm the one that makes these decisions and you're going.
Q. Okay. Other than what you've already testified to, do you recall anything else that was said by anyone in that meeting?
A. You know, there was so much said, I don't recall specifics. There were -- there are additional specifics, but I can't recall what they are right now.
Q. Okay. Isn't it true that in that meeting, somebody mentioned the fact that your boyfriend, Anthony Hernandez, had had a confrontation with Sergeant Barnes?
A. Yes, yes.
Q. Okay. Who brought that up?
A. It is true. Now, I'm not sure if -- I

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believe, I believe that -- I don't know if it was Barnes or -- I believe it was Cesario that brought that up. I believe that Lieutenant --
Q. What do you recall Lieutenant Cesario saying about that subject?
A. I do recall Lieutenant Cesario saying that in addition to that --
Q. He said in addition to your activity, right?
A. Yes.
Q. Okay.
A. In addition to, meaning referring to everything that I have previously stated --
Q. Okay.
A. In addition to that, you know, Officer Hernandez -- he said, are you dating Officer Hernandez. And I said what does that have to do with any of this. I don't understand that. And he said, well, Officer Hernandez came over to Barnes and talked -- had a confrontation with him.
Q. Okay.
A. I don't know if he said confrontation or communication with him. I may not be using

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the word --
Q. Okay.
A. He may not have used the word confrontation.
Q. He may have, he may not have?
A. Yeah. He came over to talk to Sergeant Barnes regarding some other -- the rumors of sergeants, the rumors of the sergeants, me being IAD, taking down the sergeants, you know, those rumors. Because now that you say that, it reminds me that Sergeant Barnes, when we had our meeting when I asked him about can we clear the air with any of your concerns --
Q. Yes.
A. -- he had also brought up Sergeant Jay Padar from Narcotics and an allegation against him and said I was responsible for that.
Q. Okay.
A. And I stated that I was not responsible for that. And then --
Q. Okay. Let's go back to the meeting that you're testifying about. Cesario brings up the fact that there was a confrontation or communication between Anthony Hernandez and

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Sergeant Barnes?
A. Yes, yes.
Q. What else is said about that?
A. He said that because of that, because of -- Sergeant Barnes said that he didn't like the way that he approached him and that he had -- I said, approached him? Because I actually now -- now that you bring this up --
Q. Please only tell me what was said in the meeting.
A. Okay. I'm sorry.
Q. Do you recall anything else?
A. Sergeant Barnes said -- Sergeant Barnes said that it was -- maybe Sergeant Barnes said it was a confrontation or something along the lines of he didn't like the way he was approached. And I said, well, when I --
Q. When Sergeant Barnes said he didn't like the way he was approached, he meant by Anthony Hernandez?
A. Anthony Hernandez.
Q. Correct?
A. Yes, he did.
Q. Okay.

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A. And I said, when I talked to yesterday after the conversation with Anthony Hernandez, you guys exchanged phone numbers, you were talking fine. That's not the impression you gave me yesterday. It was just a conversation. And he said, well, you know, he came up behind me and it startled me. And, you know, Loren Guishnere is a witness to that.
Q. Okay. Let's just talk about the meeting.
A. That's what he said. That's the meeting.
Q. No. Loren Guishnere is not in the meeting we're testifying about.
A. Sergeant Barnes said Loren Guishnere is a witness to the conversation between --
Q. Sorry.
A. -- me and Hernandez. It was not --
Q. Okay.
A. You know, it was a little more than friendly. That was said in the meeting.
Q. Okay. Other than what you've testified to, do you recall anything else said in the meeting about --

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A. Yes.
Q. -- the confrontation between Anthony Hernandez and Sergeant Barnes?
A. Yes.
Q. What else was said?
A. Then I said, so if you are unhappy with the actions of another officer, why don't you take disciplinary action against that officer and speak to his supervisors? I don't see -- I don't control a conversation between another officer, especially when their offices are right next door to each other and they cross paths, if they happen to have a conversation --
Q. Okay.
A. -- and they work, the computers are next to each other.
Q. Please just tell me what was said in the meeting.
A. I said, I don't control that and I don't feel that I should be accountable for some other officer's actions, that he should be -- if he has done something wrong, you should be initiating disciplinary action against him for that. I said that in the meeting.

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Q. Okay. Do you recall that you apologized in the meeting for Officer Hernandez' actions?
A. I told him I wasn't responsible for that. And Sergeant Barnes said, well, for a minute there I thought you might have told him to do that. And I told him I'm sorry that you feel that way.
Q. Okay.
A. And -- something else in the meeting.
Q. Do you recall anything else said in the meeting?
A. Yes, I do.
Q. Okay.
A. Sergeant Barnes stated before we left, he said, you know what, he said, give me a call, we can talk about this.
Q. Okay. And other than what you've already testified to, do you recall anything else said in that meeting?
A. I believe that Danny and I -- the meeting was concluded with us being told, you know, when we were going to start nights and of that information was provided to us.

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Q. Okay.
A. And then Danny and I exited the meeting, and Danny was not comfortable with the way it was left. He said, do you know what, I have something else to say.
Q. Okay.
A. And we walked back into the room.
Q. Okay. And after you walked back in the room, what do you recall being said?
A. I remember Danny stating, you know what, this is not right, this is all because of retaliation for something and we did the right thing and we wouldn't be getting kicked off by Commander -- Lieutenant Cesario's own words, we wouldn't be getting kicked off if we didn't do this investigation and it wasn't right and we didn't want this to happen and we were not requesting this and --
Q. Okay. Do you recall anything else being said in that second part of the meeting?
A. No. We exited -- we exited the office and then Barnes follows us out and says, can I talk to you.
Q. Okay. Did Barnes talk to you?

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A. Yes, he did talk to Danny and I.
Q. Okay. And where did this conversation take place?
A. In the hallway in the building.
Q. Okay. And what do you recall said by any of the participants in that conversation?
A. Sergeant Barnes said, do you know what, why don't you call me, we'll see what we can do about this. I said, for what, you already did it? You went up there and made me guilty for whatever you felt, you know, and it's already done. There's -- you know, fix what? It should have never happened.
Q. Okay. Do you recall anything else being said in that conversation?
A. No, I don't.
Q. Okay. Did you ever have any further conversations with Sergeant Barnes about that subject of you been moved off of his team onto another team?
A. No, I don't think so.
Q. Okay. Now, at the time Fugitive Apprehension was starting a new third watch, correct?

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A. Correct.
Q. Okay. And that third watch had to obviously be staffed with officers, correct?
A. Correct.
Q. And at that time, when you were moved to the third watch, you had only been in Fugitive Apprehension for -- do you know how long?
A. Well, March to June.
Q. Okay. So a couple months?
A. Correct.
Q. A few months, okay. And there were other officers that were moved from the second watch to the third watch, also, correct?
A. I don't know about that.
Q. Okay. But on the third watch, you were still in Fugitive Apprehension, you were just working on the North Side and different hours instead of the South Side, correct?
A. It's not just that, no.
Q. Okay. At the time were you reassigned to the third watch on the North Side, you were living on the South Side, correct?
A. Extreme South Side.

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Q. Okay. And Officer Echeverria was living on the North Side, correct?
A. Yes.
Q. Okay. What was his address at the time?
A. I don't know his exact address, but I think it's 56 something North Mulligan.
Q. Okay. And your assignments out of the third watch on the North Side were typically chasing fugitives on the North Side, would that be fair to say?
A. It would be looking for offenders on the North Side.
Q. Okay.
(Whereupon, Spalding Deposition Exhibit No. 5 was marked for identification.)
BY MR. KING:
Q. Officer Spalding, I'm showing you another document that's been marked as Deposition Exhibit No. 5. I'll ask you if you've seen it before. But it appears to be some arrest records for yourself between March 22, 2012 and June, 21, 2012. Take a lo

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at the first and the second pages. Do you think you've ever seen this document before?
A. I know I have never seen it before.
Q. Okay. Do you know one way or another whether this was the document that Lieutenant -- Lieutenant Cesario had with him in the meeting that you were just testifying to that took place on or about June 20, 2012?
A. No. I -- it could be.
Q. It could be, okay.
A. It might not be.
Q. That's good enough.
And as you sit here today, do you have any reason to believe this report is inaccurate in terms of your arrest activity between March 22, 2012 and June 21, 2012?
A. I would have absolutely no way to know if this is accurate or not.
Q. Okay. Now, when you were told that you were moving to the night team on the North Side, in that meeting, were you told that you were -- that you'd be assigned to Sergeant Mills or when did you learn you'd be assigned to Sergeant Mills?

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A. I don't know if it was in that meeting or afterwards. I'm sorry, should I continue?
Q. Sure.
A. Yes, as a matter of fact, it was in that meeting, now that you say that.
Q. Okay.
A. Because Commander Salemme said, we're going to put you on Sergeant Mills' team. He came from IAD, maybe he can help you learn how to deal with that baggage you brought with yourselves since you came from IAD, as well.
Q. Okay. And when you first reported to the third watch working for Sergeant Mills, do you recall having an initial meeting, initial conversation with Sergeant Mills?
A. Yes.
Q. And where did that take place?
A. Outside the Fugitive unit in the hallway.
Q. Okay. And were you and Officer Echeverria present?
A. Yes.
Q. And just Sergeant Mills?
A. Correct.

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Q. And what do you recall being said in that initial conversation with Sergeant Mills?
A. Following the advice of Juan Rivera, we decided to talk to Mills about the way that we were moved and the reasons why we were moved from Sergeant Barnes' team and explain the situation to him. As I said, we were told that, you know, maybe he would, you know -- we wanted -- we are tired of the trouble, we wanted upfront here's the deal, this is what's going on, we don't know what you were being told.
Q. Sure.
A. I said, you know, we don't know what you were told --
Q. Sure.
A. -- but this is what happened on our side and, you know. He said, you know, fair enough. He said he was going to actually give Juan Rivera a call and talk to him about us.
Q. Okay. Do you recall him saying something along the lines of, you'd get a fresh start with him, he wasn't going to hold anything against you from the past?
A. I remember him saying that he was going

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to contact Juan Rivera and then -- I don't know if it was in that meeting or after he called Juan that he did say something along those lines.
Q. Okay.
A. But he did say it.
Q. Okay.
A. If it was at that time or a couple days later, I'm not.
Q. Okay. Between the time you were told you were going from Barnes' team to Mills' team, did you contact Juan Rivera?
A. Yes.
Q. Okay. And was that one conversation before you reported to Mills or do you think multiple conversations?
A. I know Officer Echeverria had called him.
Q. Okay.
A. And then I know that he called Officer Echeverria back. I also know that I contacted him. He said he was going into a meeting and that he would call me back.
Q. Okay.

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A. But then he failed to do so. So I then called Tom Chester and said, this is what's going on, you know. I mean, this retaliation that isn't supposed to be happening that we were guaranteed by Tom Byrne would not happen in his unit because it won't -- he wouldn't tolerate it, is happening. And Tom Chester said, I will reach out to Chief Rivera and get him to call you.
Q. Okay.
A. Juan's a good guy, but he doesn't always do what he's supposed to do. And then Chief Rivera called me back after Tom Chester reached out to him.
Q. Okay. So you had a phone conversation with Chief Rivera before you met Sergeant Mills?
A. Yes, I did.
Q. And what was said during that conversation?
A. During the conversation -- now, I don't -- I don't know if it was -- I don't know if -- the conversation was that -- and now I don't know if he had this conversation with

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Danny and he was on speakerphone or I was on the phone with him by myself.
Q. Okay.
A. Okay. He said that Sergeant Mills, you know, he knows him personally and that he made him meritorious sergeant. And he said that just go to him and let him know what's going on.
Q. Okay.
A. And that was basically it. He said --
Q. Did he tell you that Sergeant Mills had worked for him, Juan Rivera in IAD?
A. Yes. And that's why he meritoriously promoted him from there. I'm sorry, yes.
Q. So he had a positive impression of Sergeant Mills, is that fair to say?
MR. SMITH: Objection.
THE WITNESS: I don't know. Because he said we'll see -- after you reach out to him, we'll see what kind of individual he is or where his loyalties lie now. That's what Juan Rivera said, we'll see where his loyalties lie now.
BY MR. KING:
Q. Okay.
A. And then he also said, what they're

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doing in Fugitive Apprehension is building -- this is how they build a case against you. He said, so what I'm going to tell you to do is document and record every incident that happens and I will take it to the next level, obviously, if it's necessary.
Q. Okay. Do you recall anything else being said in that conversation with Juan Rivera?
A. I think that's the majority of the ground that was covered.
Q. Okay. You can't recall anything else? I'm not suggesting there was anything else.
A. I mean, I think that covers the gist of the conversation.
Q. Okay.
A. I could be forgetting something.
Q. Okay.
A. There's a lot of stuff to remember.
Q. Okay. So you have an initial meeting with Sergeant Mills that goes okay, as far as you're concerned?
A. Yeah.
Q. You indicate you have a subsequent

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meeting. He said something along the lines of you've got a fresh start with me, correct?
A. Between one of those two times --
Q. Sure, one of those two times.
A. -- that conversation happened.
Q. Okay. My understanding is that you allege in the Complaint that after you filed your lawsuit and you and Officer Echeverria spoke to the media, that Sergeant Mills retaliated against you. My question is, is it your claim that Sergeant Mills engaged in any retaliation against you or Officer Echeverria before you filed your lawsuit?
A. No. Not -- no.
Q. After you filed your lawsuit, is it your allegation that Sergeant Mills engaged in some retaliation against you?
A. Yes.
Q. And what retaliation are you alleging that Sergeant Mills engaged in?
A. Well, after the lawsuit was filed, it was a whole different atmosphere when you return back to work and a whole different attitude with Sergeant Mills. You absolutely could feel the

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tension.
You -- Sergeant Mills, I pulled him to the side as soon as we came to work the next day. And I said, obviously you're aware of the situation and obviously no, I couldn't tell you ahead of time that this was going to happen. And, you know, I'm curious as to how this is going to, you know, affect us working here. And he said, it is what it is.
You know, at some point he informed me that, you know, Juan Rivera and him were in the Marines together. I believe he said the Marines. It was the military.
Q. Okay.
A. And that him and Salemme have been friends forever, they go golfing all the time and that they've been friends for over 20 years and the ties to these individuals run deep.
Q. Okay. Are you testifying to what Sergeant Mills said in that first post-lawsuit conversation?
A. Yes.
Q. Okay. Do you recall anything else said in that conversation?

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A. I know he said it is what it is. He said, you know -- I said, well, can you tell me, you know, how you were notified or what the team thinks about this.
And he said, well, you know, I was notified by the commander that you guys were going to have a news conference and so I told all the members of the team to come in, watch the conference, we were going to see what's on the news and see what happens and then we had a team meeting about it.
Q. Okay. So you had a team meeting --
A. Mills is telling me that they had a team meeting about it.
Q. Okay. I see, okay.
A. That night after the media aired.
Q. And this post-lawsuit conversation you're testifying to, was Officer Echeverria also part of that conversation?
A. Yes.
Q. Okay. It's just the two of you and Sergeant Mills?
A. Yes.
Q. Okay. Other than what you've already

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testified to, do you remember anything else being said in that conversation?
A. Yes.
Q. What else?
A. He said -- I said, what happened during the team meeting. He said, well, some people hate you, you know, some people don't really give a shit. And he even said, one person said Danny should have gotten a haircut before going on TV.
He said, but different people have different amounts of time on the job. People with more time, they're not really too concerned about it.
Q. Sure.
A. But our team is a young team, a lot of people with not a lot of time and they hate you and maybe they don't even know why they hate you.
Q. Okay.
A. He said, but, you know, it is what it is. I said, well, it's not easy, it was something that was a very last resort where we tried to resolve it internally. And he said,

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I'm sure it's not easy. He said -- I said, it's nothing we wanted to do. It's not a place we wanted to be. And we just wanted to come to work and do our job and be left alone.
And he said, I understand that. I'm sure it's not easy. I can't think that anybody that would go to this extreme, it would be easy for.
Q. Sure.
A. He said, I'm sure it's very difficult and, you know. So that's what happened and, you know, that's it. And that was the five minutes after we walked in, the day after we hit the media.
Q. Okay. And what retaliation are you claiming that Sergeant Mills engaged in?
A. Well, as time went on, Sergeant Mills went from being -- from stating that -- at one point he said, it's evident to me that they do treat you differently and that they are working against you and retaliating against you. At one point, he was completely on our side and --
Q. When did Sergeant Mills --
A. I'm explaining that.

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Q. -- say that to you?
A. When did he make that comment?
Q. Yes.
A. Sergeant Mills made that comment in about July when I was banned from the building by Commander O'Grady.
Q. Okay. We'll come back to that.
Okay. I'm sorry for interrupting you. My question was what retaliation are you claiming that Sergeant Mills engaged in.
A. Okay. He did a 360 from the way he used to be. From the way that he would talk to us, from the way that he would just throw the keys down, from the point that he would send us, you know, text messages not to come in until the end of the tour. At one point I went into the unit to use the bathroom and he said, you know, I told you don't come in from off the street until the end of the tour, you know, you've got to be out on the street.
I became so intimidated that every time I was going to walk in there, I was going to be yelled at like I was called into the principal's office, that I started going to the McDonalds on

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the West Side to use the bathroom rather than walking into the facilities and being screamed at for just wanting to use the bathroom.
Q. Okay.
A. Okay. So that's just part of it. He would send us out and switch our hours when we needed to, to go work days, you know, whatever.
And there was a time that I had to get this guy, I don't recall his name. It was around Valentine's Day. But his previous record, he had to be tased multiple times, it was a chase, a foot pursuit, battery to PO or some kind of, you know, incident where it took multiple officers to take him down and everything. So now I've got to go get this guy for battery or something, a domestic battery and --
Q. So Sergeant Mills gave you an assignment to go and get this guy that you're testifying?
A. I don't know that Sergeant Mills gave me the assignment, it came in an e-mail from the unit.
Q. Okay.

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A. So I don't know who assigned it. So we switched our hours to go -- the victim was cooperating, telling us where he was during the day. So we switched our hours.
Q. Sure.
A. Okay. We came in during the day to help other team members during the day, the day before. When we went to go leave that night, we said in the presence of everyone, are you going to be here for our case tomorrow morning. Yes.
Q. Okay.
A. We're going to have the backup we need. Because this guy, obviously, is violent.
Q. And who do you recall being present when you --
A. We --
Q. -- stated that you said in the presence of everyone, you said, are you guys going to be there tomorrow morning, who was present?
A. Officer Chris Dingle, D-I-N-G-L-E.
Q. Yes.
A. Officer Roxanne Blarcheck (phonetic), I don't know how you spell Blarcheck.
Q. Okay.

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A. A female detective, I don't know her name. She works up there --
Q. Okay.
A. -- in the financial crimes.
Q. Okay.
A. Officer Echeverria.
Q. Okay.
A. Myself and I don't know if -- I want to say Sergeant Mills was there, as well.
Q. Okay. But you're not sure?
A. No, I'm not 100 percent sure right now.
Q. Okay. So you indicate, you asked people that are going to be there to back you up. What happens next?
A. Well, Sergeant Mills told me that Chris Dingle and Roxanne were going to be coming in the next day.
Q. Okay.
A. So we arrive on the scene and they're not there.
Q. Okay.
A. Nobody is there to back us up. Now, I know that I either spoke or had a text message

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with Sergeant Mills. I believe I talked to him during that day where, you know, he said it's just going to be the two of you, you know, be careful with this guy.
Q. Okay.
A. But nobody else is coming. I believe at some point that I may have received a text either that day -- we worked multiple days on the same offender, but at some point of working on this offender of, you know, be careful, but it's just the two of us against this person.
Q. Okay. But you don't know why Dingle and Roxanne didn't show up, do you?
A. No.
Q. Okay.
A. But when the sergeant tells you that you're going to switch your hours and you're going to have backup --
Q. I understand, I understand.
But you testified you were expecting that Dingle and Roxanne would be there to back you up. Am I correct that you do not know why Dingle and Roxanne weren't there to back you up, correct?

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A. I know there were no officers there to back me up --
Q. Can you answer my question?
A. I don't know why.
Q. Okay, thank you.
Okay. Other than what you've already testified to, is there anything else that Sergeant Mills did that you believe was retaliation against you?
A. There's a very long list. I'm going to have trouble remembering every absolutely incident -- every single incident.
Q. Well, do your best.
A. I'm going to do my best.
Q. Okay.
A. The lawsuit became a topic of conversation almost on a daily basis. Comments would be made to me like, what are you going to do when you lose this lawsuit, what the fuck do you think is going to happen to you then? I don't even know why you're still in this unit. Why are you still in the unit?
What do you think is going to happen if you get in a police involved shooting? He,

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pointing at Lieutenant Cesario's office, is going to be the one that handles that for you. How do you think that's going to go for you? It's not going to go fucking well.
He said, the people on the team don't want to work with you, they don't trust you. For all we know, you could still be working IAD investigating them. They don't want to work with you guys after all of this came out.
Q. Okay.
A. He said, I'm not here to -- I requested, well, then maybe we can have a meeting. As a supervisor, is there anything you can do to intervene on our behalf? How would you suggest that we handle this? And he said, I'm not here to be your social mediator. That's your problem, not mine.
Q. Okay.
A. How --
Q. Statements along the lines that you just testified to, did Sergeant Mills make them once or approximately how many times?
A. It continued from the time that we filed the lawsuit until I went on the medical

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and did not return back to work.
Q. Okay.
A. And it progressively became worse.
Q. Okay.
A. To the point that I couldn't go back to work.
Q. Okay. Have you testified to everything that you believe Sergeant Mills did that was retaliation against you?
A. No.
Q. What else?
A. We would work what's called VRI, which is overtime, and that is seniority based. Usually everything that is done in Fugitive Apprehension is based on your seniority number of years on the job, not your time in the unit.
Q. Okay. Who told you that overtime would be based on your seniority on the job?
A. Sergeant Mills.
Q. Okay.
A. And it's -- it's definite --
Q. Okay.
A. And it's a fact. Because everybody would apply and they would take the people by

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the top of seniority.
Q. Okay. Among those who apply, it's your testimony that they would take them by seniority?
A. Yes, that's correct.
Q. Okay. And if two people were needed for overtime and you didn't get your application for overtime in before two other people did, then you wouldn't get overtime, right?
A. No. There was -- you would have to submit your applications to the secretary, one of the secretaries, usually Jan Hannah.
Q. Okay.
A. And as long as you got it to her by a specific date, it had to be in by that date. It didn't mean if he turned -- someone turned theirs in three days ahead of me, that they got it. It wasn't by the date, it was by the deadline.
Q. Sure, sure. How many times when you were working on the third watch in Fugitive Apprehension are you alleging that you put in overtime requests on the time and individuals with less seniority than you got the overtime

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and you didn't?
A. I'm not --
Q. How many times did that happen, if at all?
A. I'm not alleging that at all.
Q. Okay, fair enough.
Okay. You were testifying something about VRI?
A. Yes.
Q. What was the point of that?
A. So we were -- we were working that one day on VRI, which was around March or April. It ended up being the last day that I would -- maybe the beginning of March. It would end up being the last day that I would put in for VRI, because Sergeant Mills was very, very hard, very retaliatory that day.
Q. Can you explain what VRI is?
A. Violent reduction initiative.
Q. Okay.
A. And it's funded by the U.S. Marshals for people who are assigned to the U.S. Marshals Apprehension unit to work on their days off.
Q. So you're saying at times you put in to

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work on your days off?
A. Correct.
Q. Okay. And who would control whether you got to do that?
A. Well, it was the U.S. Marshal's program.
Q. Okay.
A. So they would control it, I suppose.
Q. Okay. So you'd put in your request for VRI to the U.S. Marshals?
A. No. To the secretary.
Q. The secretary?
A. Jan Hannah.
Q. Okay. The secretary in Fugitive Apprehension?
A. Correct.
Q. Okay. And are you alleging that somehow Sergeant Mills retaliated against you in connection with VRI?
A. What I'm saying is he happened to be my sergeant on that day we were working VRI. He put in to work on his day off, as well.
Q. Okay. I see.
A. And while we were working for the VRI

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program on our day off, Sergeant Mills was working on his day off and was our supervisor.
Q. I see.
A. It was on a Sunday.
Q. Okay.
A. After we worked this overtime, okay, we had -- we had been assigned to work in a South Side district with Kevin Williams, Larry Odem, multiple people. And you got assigned wherever you got assigned and we were under Sergeant Mills for that day.
Q. Sure.
A. And on previous occasions, Sergeant Mills had said, you know, this is federally allocated money and we're in Fugitives. So all of our cases are Fugitive Apprehension related.
Q. Okay.
A. It's not like we're coming over from Bomb and Arson where we can't work our cases. If you have a fugitive that wants to turn themselves in or somebody that you can pick up on your regular case, we would get a list of other cases. He said, we're going to get him because you're getting paid time and a half on

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federal money and it's still a -- it falls under the Marshal's guidelines.
So if it wasn't on your assignment list but it was an assignment --
Q. Is he telling you this on the day that you're working the Sunday, the VRI --
A. Yes.
Q. -- where you're under his supervision?
A. No. He told us this previously --
Q. Previously?
A. -- when we were under his supervision.
Q. Okay.
A. And subsequently after that, it had -- that is -- he instructed us that and he never instructed us that it ever change.
Q. Okay. On this Sunday when you're working under his supervision, are you alleging that there was some sort of retaliation?
A. Yes.
Q. What was the retaliation?
A. Okay. When we first arrived to work, one of Danny Echeverria's wanted subjects, who was going to turn themselves in the night before, had called and said I couldn't make it

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but you can come pick me up now. We were reporting to work in the 11th District out of the 11th District that day, and this person was right down the street in the 11th District.
Q. Okay.
A. So based on the fact that Sergeant Mills had told us that while we're working this program, that as long as it is a Fugitive Apprehension case, you can work it.
Q. Okay.
A. Because it's still fugitives.
Q. Okay.
A. So we went in to -- we went to pick the offender up who said, come and get me. I'm wanted, come and get me. Processed that offender, we sent Sergeant Mills that information.
Q. Okay.
A. And then we proceeded to our area that we were assigned to for that day, which was the 4th District.
Q. Okay.
A. Sergeant Mills lost his mind.
Q. Okay.

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A. Called screaming, yelling, what the fuck are you doing over there in this 11th District. You're supposed to be in the 4th District. You're misappropriating federal funds, blah, blah, blah, blah. I said, Serge --
Q. This is a telephone conversation?
A. Yes.
Q. Okay.
A. I said, Serge, I said, you are the one who directed us to do this previously.
Q. Okay.
A. Everybody -- everyone does this.
Q. Okay.
A. No, you know, and I -- he started to just really yell. And I said, well, you know what, this is Danny's case, I think you'll need to talk to Danny.
Q. Okay.
A. And then he talked to Danny and, you know, I can hear from Danny's end of the conversation, it was the same thing, it was no better.
Q. Okay.
A. Danny hung up the phone, we got in the

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car. He said, I don't know what he's losing his mind about. He's absolutely -- Danny said, he's hostile, and I don't -- we're doing our job, we made the arrest.
Q. Sure.
A. So we went up there, we went to do our sheet to go look for people. After our tour was over, Sergeant Mills sent us a text telling us to report back to him in the 11th District, which we normally would anyway. But then he called us in to the secretary's office and shut the door.
Q. Okay.
A. I believe it was the secretary's office in the Fugitive Apprehension unit in the 11th District.
Q. Okay.
A. And, you know, in one of those offices. And he just said that, you know, I don't know what the hell you think you're doing, you guy just go out there and do whatever you the fu you want to do.
And Danny says, well, wait a minute. You've got all these other officers here that

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are doing exactly the same different -- as the same thing, why is our arrests treated differently than anybody else's. Don't worry about what I do with other people. Because Danny specifically named officers. Well, what about this officer, and what about this officer. How dare you bring up other officers.

Danny said, I'm not bringing them up, I'm questioning why you are treating us differently than you'd treat these officers.

Q. Do you recall which officers Officer Echeverria brought up in the meeting?

A. I recall that it was -- his name will come to me. Lopez, Joe Lopez.

Q. Okay.

A. And I don't know if it's -- I can't recall the other ones.

Q. Okay.

A. Okay. So --

Q. Do you think he brought up other officers' names and you can't recall or the only one you recall is Joe Lopez?

A. Well, the only one I recall is Joe -- I remember him specifically saying Joe Lopez.

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Q. Okay.

A. Okay.

Q. What else is said in this meeting with Sergeant Mills?

A. Well, Sergeant Mills once again reiterates the whole thing about, I don't know why the fuck they left you in this unit, you shouldn't have been left here, you know.

He told me, in fact, Chris Dingle dropped paper on you this morning. And I said, dropped paper on me this morning? Meaning did a report. He said because of your comments about Barnes. I said, what comments are you referring to? He said, I don't know, you tell me. And I said, do you want to know what the conversation was? And he said, yeah, why don't you tell me.

I said at 6:00 when we start, we're sitting here at our desk, Danny is sitting here. There's about five of us. Chris Dingle sitting there next to whoever. Oh, this is another time. He says, Chris Dingle even dropped paper on you. I don't know if it was that day.

Q. Okay.

A. Yeah, I don't know if it was that day

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that he dropped the paper or it was the day before or another day.

But he said that Chris -- he told me that Chris Dingle dropped paper on me because another sergeant walked in, Sergeant Mason walked and said to Chris Dingle, hey, have you seen your sergeant today yet, you're working for Sergeant Barnes. And he said, no, I haven't -- not today, do you want me to call him. And Mason said, well, it's 6:30, he's sleeping off somewhere, he'll get here when he gets here.

Okay. So little bit -- this is what happened in this meeting. I'm telling Sergeant Mills this.

Q. You're telling Sergeant Mills about this?

A. Yes.

Q. Okay.

A. So then I said, then -- all I said to Chris was, well, that was the one good thing about working on Barnes' team is that, you know, you get your cases, you know, you go work your cases, you're treated like an adult. You go out, you work it, you know, Sergeant Barnes is

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not hovering over you every minute, what are you doing. That was my comment, along those lines.

Q. Sure.

A. That wasn't my exact wording.

Q. Sure.

A. So how in the hell are you going to drop paper on me for a negative comment? And Danny says, drop paper on her? If anything, why don't you drop paper on Sergeant Barnes for not being here when he's being paid by the Fugitive Apprehension U.S. Marshals or Sergeant Mason for not reporting him?

Q. Okay. But to your understanding, Chris Dingle is the one that dropped paper on you?

A. That's what he told me.

Q. Back to your conversation with Sergeant Mills. Do you recall anything else being said in that conversation?

A. Yeah. He continued to say that people don't want you in the car, we don't know if you're -- you know, they think that you're recording them. For all we know, you could still be -- how do we know you're not working with IAD? You could be working with them and

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recording us now. I said --
Q. Okay.
A. -- I could be, you know. Okay, you know, you could be. But if I was, I couldn't tell you that anyway. But you could be. For all I know, you are.
Q. Okay.
A. But who cares. I mean, what does that have to do with anything, you know?
Q. Do you recall anything else being said in that conversation?
A. Yeah. He said we weren't going to be backed up and the team doesn't like us and he doesn't know why we're there, he doesn't know why we leave, he doesn't know how we're going to have a career when this is over.
He said, do you know what the fuck is going to happen to you when this is over? I said, I know what's not going to happen. You're not going to continue to retaliate against me.
Q. Okay.
A. And then I said, you have kept us here an hour and a half past the time I'm supposed to get off. Unless you're going to pay me, I'm

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leaving.
Q. Okay. And did you leave?
A. He said, okay, I'm done here. I'm not going to stop you.
Q. Okay.
A. And I left.
Q. Okay. And I think you were testifying that this was shortly before you went out on medical leave, that incident?
A. Yeah. It was somewhere shortly before that.
Q. Okay.
A. You know, within a month or two or sooner.
Q. Okay. Do you recall how soon that was before you went out on medical leave?
A. I could tell you that incident happened -- after that incident happened, about a week later, IAD supervisor Mike Barz and -- Sergeant Mike Barz and Sergeant -- and Sergeant Moscolino, I don't know his first name. Robert Moscolino, came up to the unit.
Q. Okay.
A. I had received a -- no. I walked into

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the unit.
Q. Let me just stop you for a second. I know you're about to testify about another incident. My question is other than what you've testified to so far, is there anything else that you are claiming that was retaliation against you by Sergeant Mills?
A. Yes.
Q. What else?
A. I after -- and every one of these are going to intertwine into another incident, another incident, so you --
Q. Okay.
A. Okay. So in July the day that Commander O'Grady banned me from coming into the building after Lieutenant Cesario had that meeting with me and Mills present, I went outside and I was so distraught and so shaken up that I called Sergeant Mills and said, can you meet, I need to talk to you. So we went -- he told us to meet him in the parking lot over at Fugitives up on the roof.
So Danny, Sergeant Mills and I got out of our vehicle. It was summertime and we were

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out there. And I said to Sergeant Mills, you know, what just happened in there? I mean, I don't understand that. How can you ban an officer in good standing out of a building that they're assigned to? I don't understand how you can do that.
He said, you know, I don't know, I don't know what the fuck is wrong with that lieutenant or the commander. I was here when O'Grady called in to Commander Salemme, he said, and then Commander Salemme came in and told Cesario, I want you to talk to her, have a meeting with her. You're to tell her she's to stay the fuck out of that building, we're banning her from the building, blah, blah, blah, blah, blah.
Q. You're telling me that Sergeant Mills told you he heard what O'Grady said to Salemme and then Salemme said to Cesario, is that what you're saying?
A. No. I'm telling -- he said he was at work when Commander O'Grady called Salemme and then Salemme came into -- and then Salemme went to Cesario and said -- you've got to remember,

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it's one big office and then there's a door.
Q. I understand.
A. And then Salemme said -- he told -- he instructed Cesario to have a meeting with me and ban me from the building.
He said, after that, I went to Lieutenant Cesario and I said, listen, Lieutenant, I don't think you can legally ban her from that building. I said, I thought I questioned on my level, he said, and they put me in a compromising position. Because at this point, I've got nothing I can do if this ends up in a federal lawsuit except testify and tell the truth that that's what the fuck they did.
But I'm going to tell you this much. You need to be very concerned. Commander O'Grady hates you so much that if he could pop you off, meaning shoot you, across the parking lot while you're walking to or from your car to work, he's going to take that shot. So I advise you, you need to wear your vest.
Q. Sergeant Mills told you this?
A. Sergeant Mills told me that.
Q. Okay.

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A. I was so distraught and so upset. I took time off until I went on vacation, however many days that was. And I told Sergeant Mills, how can you stand here and tell me, knowing all of this, and you don't initiate any action against these supervisors for doing this. How can you stand here and tell me this?
You are mandated to get a CR number. You come from IAD, you know this. You're supposed to take some kind of action on my behalf.
Q. Okay.
A. And he said, you know what, just put your time due slips in, don't worry about all of this. By the time you get back from furlough, maybe things will resolve themselves. He would not take any supervisor action to protect me at all. Nothing. You're going to stand on the rooftop and tell me that that's what you're going to do?
Q. And this rooftop conversation was shortly before you went on furlough and then medical leave, correct?
A. No. This was in July before I filed

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the lawsuit.
Q. Okay.
A. The day that Commander O'Grady banned me from the building, whatever day that was, July or whatever, 2011.
Q. Let's -- why don't we look at Paragraph 90 of the Amended Complaint. You allege that Defendant Commander O'Grady banned you from the Chicago Police Headquarters at Homan Square where you were assigned a locker.
How did you come to know that O'Grady so-called banned you from that facility?
A. Sergeant Mills told me and Lieutenant Cesario told me in that meeting that we just discussed.
Q. Okay. I'm sorry, just so I'm clear. There was a meeting with just you and Mills and Cesario?
A. Correct.
Q. And was the only subject of that meeting this allege ban of you -- how did that meeting -- how were you told to meet with them about that subject?
A. Sergeant Mills called me and he said,

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hey, where are you at. I said, Danny and I are in the car. We already left to get our subjects, our offenders.
Q. Okay.
A. He said, well, can you come back in, the lieutenant wants to meet with you.
Q. Okay.
A. So I told Danny in the car, here we go again. But when I walked in that day, I sent Danny a text. I said, something's in the air. Because when I walked in, the commander and the lieutenant were standing there waiting for me and they were just -- the lieutenant's veins were popping in his neck. And the way they looked at me, and the way they glared at me and the tension in the air, I became extremely nervous --
Q. Okay.
A. -- because this is going on constantly, so I know that something is going to happen. It's just walking in behind enemy lines. So I text Danny. Now Mills calls me in and says, the lieutenant wants to talk to me. So now I'm extremely nervous because I know that --

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Q. Okay.
A. -- something terribly negative is going to happen.
Q. And at that point, you don't know what the meeting is about?
A. I have no idea. But all kinds of things are happening that shouldn't be happening.
Q. Okay. Did you call Officer Echeverria?
A. I asked if I could -- we were together. We both walked in.
Q. Okay.
A. And I said, can I have a witness in this meeting and they said, no, you can't. Only Lieutenant Cesario can.
Q. Okay. So who's in the meeting?
A. Lieutenant Cesario, Sergeant Mills and me.
Q. And what is said in this meeting that you're basing your allegation in Paragraph 90?
A. Lieutenant Cesario said, what did you do before work today. Could you be a little more specific? Like what did you do before work. Did you go over to Homan Square. I said,

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yes, I did. What are you -- what the -- what are you doing in that building? I said, I'm assigned to that building, I don't understand where this is coming from.
Q. Okay.
A. Did you see Commander O'Grady in there? No, I never saw Commander O'Grady in there.
Q. Okay.
A. You know, he said, well -- he said, Commander O'Grady doesn't want you in that building.
Q. Okay.
A. He doesn't want you going in that facility. I said, it's a facility that has a gym that is open to all officers in good standing. Anybody can go in there, use the washroom, you know, park your car there. I'm assigned there anyway, you know.
Q. And when you say you're assigned there, you had a locker there, correct?
A. At one point I had a locker there, I don't know if I still had the locker.
Q. Okay.
A. I could still have a locker there now,

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for all I know, you know.
Q. Okay.
A. Yes. But you're assigned to 189, detailed to Fugitives.
Q. Okay.
A. So instead of assignment, detailed. And so --
Q. In your detail to Fugitive Apprehension, you weren't -- your work location was not Homan Square, correct?
A. No. We moved out of Homan. It was at Homan Square for part of the time up on the fifth floor.
Q. Okay.
A. And then we moved out and we had just moved into the 11th District.
Q. Okay. So at the time that you had this meeting with Cesario and Mills, your work location was no longer Homan Square, correct?
A. Correct.
Q. Okay. What else, other than what you've testified to, do you recall being said in this meeting with Cesario and Mills?
A. He said, I strongly -- Lieutenant

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Cesario said, I strongly encourage you for your own benefit that you do not go back into that building. You be advised that you are banned from that building.
Q. Okay. Do you recall anything else being said in that meeting?
A. It was a little bit longer meeting than that so I'm sure that there was more that I just can't recall at this moment.
Q. Okay. If you look at your Complaint, Paragraph 89, you say, on August 17th, Sergeant Watts and Officer Mohammed pled guilty. And then in Paragraph 90, you say around the same time, Defendant O'Grady banned you from Homan Square.
Do you have a recollection of whether this alleged banning was after August 17, 2012?
A. No. I thought it was closer to July.
Q. Okay. Are you sure of when it was?
A. No.
Q. It could have been July, it could have been August?
A. Yeah. I'm basing it on the fact that I took time off until I went on vacation. And I

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always took vacation in July, so I could be wrong.
Q. Okay.
A. But I don't have those records.
Q. Okay. And after that Homan Square incident, is it your testimony that you shortly thereafter took vacation or furlough and then went right into medical leave?
A. No.
Q. Okay.
A. I took time off using my comp time.
Q. Okay.
A. And I went on my assigned scheduled furlough that I picked the previous November.
Q. Okay.
A. I believe that it was -- that's when the incident occurred.
Q. Okay.
A. To the best of my recollection.
Q. Okay. I think where we were in this whole thing, I was asking you if there was anything else that Sergeant Mills did that you believe was retaliatory.
You've told me about a lot of things.

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Is there anything else that you're alleging that Sergeant Mills did that was retaliatory?
A. There were things that occurred on a daily basis almost and I just at this point can't recall anything further specific at this time.
Q. Okay. After you found out that Commander O'Grady didn't want you in Homan Square, did you make any further attempts to go in the Homan Square building before you went out on medical leave?
A. I only went there one other time when I was told, given an instruction by Sergeant Mills that I had to go in there because we were issued new stars or badges or something.
Q. Sure.
A. And that's where we had to go pick them up. And I even told them, Sergeant Mills that I did not want to go into that building without a supervisor escorting me.
Q. Okay.
A. Because Commander O'Grady had made comments to other officers I would be arrested.
Q. Okay.

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A. So I was afraid.
Q. Did you, in fact, go to Homan Square on that occasion?
A. On the day that Sergeant Mills said, you guys need to go there now and pick it up, I did follow his order.
Q. Okay. And you didn't have any problem that day when you went there and picked up your star or whatever you needed to pick up?
A. No. Because everybody was gone. We went there at night when it was closed up.
Q. Okay.
(Whereupon, Spalding Deposition Exhibit No. 6 was marked for identification.)
BY MR. KING:
Q. Officer Spalding, I'm showing you what's been marked as Deposition Exhibit No. 6 and ask you to take a look at these. And we can actually just take this page by page.
So if you take a look at the first page of Exhibit 6, which indicates it's a Portfolio Report. The subject is you, Shannon Spalding, created by Thomas Mills. Have you ever seen

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this first page of Exhibit 6 before?
A. No.
Q. Okay. In the report, Sergeant Mills indicates that he checked the activity of the team and the involved member had low arrest numbers for the time period of January 13, 2001 to February 13, 2001. The involved member worked 14 days and had only 2 arrests.
As you sit here, do you know if that was correct in terms of your arrest activity during that period?
A. I have no idea to know if it's correct.
Q. Okay. But you don't recall ever seeing -- well, strike that.
Sergeant Mills goes on to say that he will provide the involved member with his activity report. Do you -- did Sergeant Mills regularly provide you with Activity Reports?
A. After we started -- after we filed the lawsuit, he began to retaliate against us with activity.
MR. KING: Okay. I move to strike that response as nonresponsive.

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BY MR. KING:
Q. Did Sergeant Mills regularly provide you with Activity Reports on your activity?
A. Not regularly, no.
Q. Okay. If you take a look at the second page of Exhibit 6. It indicates, again, it's a Portfolio Report created by Sergeant Mills and you are the subject. Do you recall ever seeing this document?
A. I never saw any of these documents before.
Q. Okay. Well, he writes that he spoke with the involved member on March 19, 2013 about spending excessive time in the Unit 606. I believe you testified to this, perhaps.
Do you recall that Sergeant Mills would tell you that he felt that you were spending excessive time in the unit and should be out on the streets?
A. I recall that he did not word it that way. I recall him saying that we should not be in the building, that we, specifically us, should not be in the building and that we should not come in until 11:30.

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Q. Okay.
A. And that was his conversation.
Q. Okay. As you sit here, do you know whether, in fact, he spoke to you on March 19, 2013 about spending excessive time in the unit?
A. I know that -- I can't say that it was March 19th, but I can say that one day we left and we did return a couple of hours later because my partner, Officer Echeverria, who had recently been hospitalized and everything, was feeling really ill and wasn't going to be able to remain on the street.
Q. Okay.
A. But before we could even get a chance to tell him why we were back in the unit, he became very irate and exploded verbally at us screaming at us what were we doing back in the unit and why aren't we out on the street.
Q. Okay.
A. And at that point, Danny decided not to tell him anything. And I let him finish his rant and then said that he was sick and couldn't continue to work.
Q. Okay. And as far as you know, that

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incident may or may not have been on what's documented in this Portfolio Report?
A. It was close to that time.
Q. Okay.
A. It is more than likely this incident.
Q. Okay. If you look at the third page, it indicates another Portfolio Report on -- the subject is you, created by Sergeant Mills.
This is the incident that you previously testified to, correct? That you made an arrest in the 11th District when you were not assigned to the 11th District, correct?
A. This is on the VRI program that I was telling you about, yes.
Q. Okay. The next page, another Portfolio Report dated March 24, 2013 says, the involved member failed to make any arrests from the dates of 19 March 2013 until 23 March 2013.
As you sit here, do you know whether that's, in fact, correct or not?
A. I don't know if those -- if that information is correct or not.
Q. Okay.

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(Whereupon, Spalding Deposition Exhibit No. 7 was marked for identification.)
BY MR. KING:
Q. Officer Spalding, I'm showing you another group of documents that's marked as Deposition Exhibit No. 7. And I'll just try to identify them and I'll ask you if you've ever seen these reports before.
They appear to be Officer Activity Reports for you, Shannon Spalding, between 6/20/2012 and 4/30/2013. Do you recall seeing these documents before or Activity Reports like this?
A. I have seen Activity Reports, but I don't know if they were exactly these same reports.
Q. Okay.
A. Where are you seeing the dates? Okay.
Q. And the arrest totals that are listed in Deposition Exhibit 7, you have no basis for knowing whether they're correct or incorrect? Let me strike that. That's a bad question.
Do you know whether the arrest activity

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that's reflected in Deposition 7 is correct or incorrect?
A. I have no way of knowing that.
Q. Okay.
(Whereupon, Spalding Deposition Exhibit No. 8 was marked for identification.)
BY MR. KING:
Q. Officer Spalding, I'm showing you another document that's been marked Deposition Exhibit No. 8, which indicates anyway that it is a report listing of arrests for Shannon Spalding for January 1, 2013 until the end of the year, December 31, 2013.
Are you able to tell me whether or not these arrest reports are correct or incorrect?
A. I have no idea. I've never even seen this report before.
Q. Okay. You've never seen this report?
A. No.
Q. Okay. That's fine.
If you'll direct your attention to Paragraph 104 of the Complaint, Deposition Exhibit No. 1, and Paragraph 105 and 106. My

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question is this is the incident that you previously testified to, correct?
A. Correct.
Q. Okay. You mentioned something about secretly recording conversations. Was there some point when you were secretly recording --
MR. SMITH: Objection to the form of the question.
MR. KING: Okay. I don't need -- I don't need to allude to the prior question. I'll just ask you.
BY MR. KING:
Q. Was there any point where you were secretly recording any conversations that you were having with Sergeant Mills?
A. No.
Q. Okay. Is it your understanding that at some point Sergeant Mills was under the impression that you were recording conversations with him?
A. I don't know what Sergeant Mills' impression was of anything.
Q. Okay. You never had a -- strike that.
Did you ever have a conversation with

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anyone about the subject of you recording conversations with Sergeant Mills or Sergeant Mills' belief that you were recording conversations with him?
A. Only in regards to a CR number with IAD.
Q. Okay. Who --
A. It was more -- yeah, a discussion. I wouldn't say a discussion.
Q. Okay. Who did you have a discussion with that related to either recording conversations with Sergeant Mills or his belief that you were recording conversations?
A. I didn't have a discussion, I was working in -- I reported to work, along with Officer Echeverria, shortly before I went on the medical.
Q. Okay.
A. And Sergeant Mills stated that two people of the team, Sergeant Steve -- or I'm sorry, Detective Steve Becker and that Roxanne Blarcheck would be in the unit late and that him and the rest of the team were going north. And that he -- and ironically after telling us to be

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out on the street more, instructed Danny and I to stay inside the building.
Q. Okay.
A. Okay. So we followed his instructions and we didn't leave.
Q. Okay.
A. Shortly after Sergeant Mills left, Sergeant Mike Barz and Sergeant Robert Moscolino from IAD confidential section, approached me. Now, Sergeant Mike Barz was a sergeant involved with Operation Brass Tax with the Ronald Watts situation.
Q. Yes.
A. So at first when I saw them, I thought that he was coming to talk to us with something with the operation --
Q. Sure.
A. -- because that has happened in the past.
Q. Okay.
A. So when he approached me, he said to me -- I said, oh, hey, you know, Serge, what's going on. Do you need to talk to us about the Watts case? And he said, no. If I told you

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that you were under arrest right now, are you going to come with me peacefully or not.
Q. Sergeant Barz said this?
A. Yes. Yes, he did.
Q. Okay. And then what else was said?
A. I said, no. He said, okay, then we're going to fucking do this here. And he said, get up. And him and the other sergeant escorted me into a room and shut the door and put me between some desks, one sat here, one stood there and I was between two desks like this.
And he said, we have criminal federal allegations that you are illegally recording. And he said, these are allegations that you're going to be arrested and charged for and will lose your job over. This is serious.
Q. Okay. Did they say anything else in this meeting?
A. They said a whole lot for whole long -- a long time.
Q. Okay. Did they indicate who you were alleged to be recording?
A. Yes.
Q. Who?

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A. Sergeant Mills.
Q. Okay. What else was said in this conversation?
A. He said to me that -- I said, well, what are the charges? He said, you're not allowed to know that at this time. I can't know specifically what the charges are? He said, no, not at this time, you cannot.
Q. By the way, was Officer Echeverria present?
A. No, no.
Q. Okay. That's my only question.
A. Okay.
Q. Okay. What else was said in the meeting?
A. I was going to tell you. Sorry.
As I was walking in the meeting, I was able to get a text off that said, they're arresting me, call our attorney.
Q. Okay.
A. To Danny Echeverria, okay.
Q. Okay.
A. But he was not in the room at any time.
Q. Okay. What else was -- other than what you've already testified to, what else was said in this meeting?
A. He said -- I said, I need to know specifically what are you asking me. He said, that you were recording conversations. I said, well, there's different versions of recording. Are you referring to recording as writing down and documenting or are you referring to like tape-recording, video recording. He said, let's just say using your cell phone or using a recording device.
Q. Okay.
A. I said, no, you know, I have no idea what are you talking about.
Q. Okay.
A. They continued to question me. And then he said, I'll tell you what, he said, give us your phone right now, which by the way they had out of my reach, and we'll go through it. We'll go through it right now. He goes, I'll tell you what, I have an affidavit here for your phone. I said, an affidavit? You better get a fucking search warrant.
Q. Okay.

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A. Because now I'm in a corner. You've got me trapped like a rat.
Q. Okay.
A. And you're alleging all of this stuff. And I said, you want this phone? I said if I walk out of this room without giving you this phone, you will swear there's something incriminating on it and I got rid of it.
So I'll tell you what, you can have this phone, but I want you to call my lawyer or let me call my lawyer. And as soon as my lawyer gets here, you can go through the phone with his permission.
Q. Okay.
A. And he said, okay. He said, all right. Let me ask you something --
Q. So he -- so Barz and Moscolino did not go through your phone, correct?
A. No.
Q. Is that correct?
A. It is correct, they did not go through the phone.
Q. Okay. They asked you if you were using any kind of recording device to record Officer

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Mills. What was your answer to that?
A. No.
Q. Okay. What else was said in the meeting?
A. He said -- okay. He said, we have a Complaint here. He said, do you have any knowledge of anybody that would be dropping paper on you. And I immediately thought about that whole last day that we walked -- worked VRI and Mills saying, the people don't want to work with you, they're dropping paper on you, in fact, even Chris Dingle dropped paper on you.
So I said, well, Sergeant Mills had mentioned last, and at the time, I knew the date, I was able to say the date off the top of my head, on such and such a date, it was a Sunday we were working, Sergeant Mills had told me that people were dropping paper on me.
He said, Sergeant Mills fucking told you that? And I said, yeah. He said, why in the fuck would Sergeant Mills give you a heads-up and tell you that. I said, what are you talking about? Like I said -- he said, why would he tell you something like that? I said,

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you'll have to go ask Sergeant Mills. And he said, well -- he said, okay, with that being said --
Q. Okay. Did you ever learn in that meeting or any time after that, who had accused you of secretly using a recording device with Sergeant Mills?
A. Yes.
Q. Who did?
A. He said, with that being said, I will now tell you Colleen Dugan along with -- no, I think he just mentioned Colleen at the time, has filed a CR number against you --
Q. Okay.
A. -- stating that on Monday, on such and such a date on a Monday, she observed you in the hallway with a recording device that she believed could possibly be your cell phone and she heard a man's voice coming from the cell phone that she believed to be Sergeant Mills.
Q. Okay.
A. And she believed that it was a recorded conversation. And I said, that's what you're detaining me here for? And he said, yes. I

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said that fucking might have been -- I could have been listening to a saved voicemail, I could have had Sergeant Mills on speakerphone.
Q. Sure.
A. You don't even know that it was Sergeant fucking Mills. I said, are you kidding me? You've got criminals like the rest of Ronald Watts' team still out there not under arrest for the crimes they've committed, and you have this completely false made-up allegation that you're going to detain me for and go to prison for?
Q. Okay.
A. Okay. And then he said -- I said, did you approach Sergeant Mills with this?
Q. Yes.
A. And he said, yes, Sergeant Mills is the victim. I said, the victim? So you've already made a final conclusion on this and you haven't even done the investigation, so I'm already guilty? And he said, well, of course, he's the victim, so I did approach him.
Q. Okay.
A. And he said -- I said, you know what,

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this is further fucking retaliation. Because Sergeant Mills just told me in that VRI meeting that people think that we might still be working for IAD. And now you two IAD bosses come up here and you pull me in here in front of all these coworkers and you're detaining me in here and you're just going to solidify their thoughts.
Q. What coworkers were in the office when Sergeant Barz and Sergeant Moscolino came and took you in the room and interrogated you?
A. Multiple members of the Bomb and Arson team.
Q. Okay.
A. Steve Becker, Roxanne Blarcheck was there. She walked out, she walked in. I don't know if she was there at the exact moment, because I was paying attention to them.
Q. That's fine.
A. Officer Echeverria. And I don't know the names of the people from Bomb and Arson, b they were there, as well.
Q. So Sergeant Barnes informed you that he had shared this with Sergeant Mills?

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A. Yes.
Q. That there had been a Complaint that you were secretly using a recording device recording conversations with him; is that fair?
A. He said that he approached him because he was the victim.
Q. Okay.
A. And I said, well --
Q. Other than what you've already testified to, do you recall anything else being said in that meeting?
A. Yes.
Q. Okay. What else?
A. I said, well, that's great. I said, I have a rough enough time with this sergeant already, okay, ever since this lawsuit was filed. I said, and now you're going to go to him and state this false allegation and make my work situation 100 times worse.
You guys worked with me on this operation, you were supposed to help me and protect me and instead you're make it 100 times worse. And I said, now, what was Sergeant Mills' reaction? He said, Sergeant Mills stated

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at no time did he have any knowledge nor did he believe that you have ever recorded him at any time.
Q. Okay.
A. He said that was Sergeant Mills' response. So I didn't make your sergeant think worse of you.
The conversation continued and I told him, this is just further retaliation. This -- you guys are coming after me. You know, this is a fishing expedition because my conversation with the VRI. And I wouldn't elaborate on anything. This is a fishing expedition because I have a lawsuit filed and people are trying to find out if I have recordings that are going to surface in the lawsuit or not. I said, that's all that this is.
Q. Okay.
A. At some point in between this conversation, my lawyer Dan Herbert at the time called Mike Barz on his cell phone.
Q. Okay.
A. And said, I understand you have her. And I could hear both sides of the -- because

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I'm so close.
Q. Okay.
A. And he said, yeah, he said, we are holding her, we do have her. I'm questioning her regarding these federal charges that I have.
Q. Yes.
A. Mike Barz then continued and said, hey, listen, listen -- in front of me. He said listen, Dan, where are you at, you out of town? You're in Washington? We're going to see you for the game on Saturday or whatever? Okay, I'll see you then. This is my attorney talking to the guy that's detaining me, okay.
Q. Okay.
A. So now I said -- he said, okay, he said, listen, buddy, do my a favor, don't make this part of the retaliation in the lawsuit and I'll make these charges disappear.
Q. Who said that?
A. Mike Barz said that.
Q. Okay.
A. To Dan Herbert.
Q. Okay.
A. And you're laughing.

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Q. I'm sorry. Go ahead.
A. Like it's a joke, like something like that is funny.
Q. I'm sorry. I apologize. I was not laughing at you.
A. Yeah, you were.
And then Mike Barz handed me the phone. And my attorney said, don't say another word to them. I said you're about 45 minutes too late. I want to get the fuck out of here, they're not letting me leave.
Q. Okay.
A. So when he hung up, I said, am I free to go now? And Mike Barz said, no, not yet. Sit down.
Q. Okay.
A. He said, look, I'm sorry I came at you the wrong way. I said, you're right. This could be perceived as retaliation.
He said, you know what, I came here as your friend. My intention was to give you a heads-up and let you know that I know that these are false allegations and let you know that these are not going to go anywhere. We know

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that these are falls allegations. I came here so that you would not be concerned about these because we know that they're going nowhere, we know they're false.

Q. Okay.

A. And he said and if you're having such a hard time with everything, I'll tell you what, isn't there a way to expedite this whole situation and make it easier on you? I said, I have no idea. Do you know of a way to expedite a federal lawsuit? He said -- I said, oh, you mean drop the lawsuit? And he said, if it makes it easier.

I said, I can't and I fucking won't. Am I free to leave now? He said, no. He said, do you have Sergeant Mills' phone number? And I said, yeah. He said, call him. I said, no, you call him. He said, give me his phone number. He said, you are distraught and psychologically not fit to go out for duty. He said, you are too distraught, you are too historical and --

Q. Sergeant Barz said this?

A. Yes. He said -- I said, I wasn't before you guys came and did all this to me for

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the last hour and something.

Q. Okay.

A. And he said, listen, this is going to disappear. There's going to be no criminal charges, we're going to make this disappear, okay. He called Sergeant Mills and he said, I am -- Sergeant Mills I want to inform you that Officer Spalding is not fit for duty, she's too distraught over this situation and I am sending her home. She is not fit to work the streets.

Q. Okay. Was that the last day that you actually worked --

A. No.

Q. -- in Fugitive Apprehension?

A. No. I worked I believe two more days.

Q. Okay.

A. But I changed my duty hours to days and I went to FOP the next day to inform them that I was detained, wasn't read my rights --

Q. Okay.

A. -- wasn't given the charges and wasn't free to leave even after my attorney called and when I requested my attorney to be called. And I talked to a lawyer there at the time named

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McCarthy. He said, you have a great case. He said, they should not have done that to you. That was an arrest and it was completely illegal. However, the problem is the people that would discipline him and make sure that this is corrected is Juan Rivera and you're suing Juan Rivera.

He said, in your best interest and for safety reasons, you do have a benefit called medical. And in your extreme situation, you can go on medical because of the stress. It's a stress leave. And I was unfamiliar with that. Because I told him, I'm now to the point that I can't even get in a car without shaking. I don't know what's going to happen next.

How can I go chase wanted offenders in that condition? I'm jeopardizing my partner's safety and I'm mentally not able to do this anymore. And he said, for your own good, I advise you not to. I came, we worked days, like the next day on that Sunday. It was like a Thursday. Friday I went to FOP. I worked days on Saturday. Sunday Danny started furlough. I put in time, too for two weeks. Half way

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through that, I went to a therapist. I was just so distraught and everything --

Q. Okay.

A. -- and then I went on the medical.

Q. Okay. So after the incident with Sergeant Barz, you worked -- well, the following day, you went to FOP?

A. Yes.

Q. And you worked days?

A. Yes, so I could go to FOP.

Q. And you're saying there was one more day that --

A. I believe there was like one more day.

Q. Okay. So after the incident with -- well, after the incident with Sergeant Barz, did you ever have a conversation with Sergeant Mills about that incident?

A. No, I never had a conversation with Sergeant Mills about it.

Q. Okay. And at the time of that incident with Sergeant Barz, you had been reassigned from nights to days at that point, correct?

A. But I never got to work days because of the incidents that occurred. I never ever

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worked one day on days.
Q. Okay. But you had requested you and your partner to go back to days in Fugitive Apprehension and you were ultimately sent back to days with Sergeant Stack, correct?
A. Yes.
Q. Okay. But you actually never reported for duty on days with Sergeant Stack, correct?
A. Correct.
Q. Okay.
MR. ECHEVERRIA: Do you want to take a break?
MR. SMITH: Why don't we take a break.
MR. KING: Yeah, why don't we take a break.
(Whereupon, a short break was taken.)
BY MR. KING:
Q. Officer Spalding, am I correct that your allegations that Sergeant Barnes and Sergeant Mills engaged in some retaliation against you was all within the time period that you were assigned to Fugitive Apprehension?
A. Correct.

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Q. And since you never reported to work with Sergeant Stack, I assume you're not alleging that Sergeant Stack retaliated against you in any fashion?
A. Correct.
Q. When you were in Fugitive Apprehension, did you have any understanding of what the process was for officers such as yourself to get recommended for the U.S. Marshal's Task Force?
A. Prior to going to Fugitive Apprehension, we met with Chief Tom Barnes, as I stated earlier. During that time, we met with him to tell him what we were involved with with Operation Brass Tax since it had concluded.
Because we wanted to lay all of the cards on the table and let him know that we're looking to go to a unit where there will be no further retaliation and nothing else like this will happen anymore.
Q. Okay. Did he tell you about this process, is my question?
A. Yes, yes.
Q. Okay. And what did he say about it?
A. What he said to us is, you two are

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great officers, you worked for me before. He said, I am about to start a night team; however, with your experience, your resource and your talents, I believe that it would be a waste to put you on the night team. I think you're better suited for the day team to work in fugitives with the U.S. Marshals on one of the teams. Right now, I don't have any openings to have you deputized.
Q. Okay.
A. However, when the openings come up, I will get you -- you will be deputized. He said, I'm not saying that you're better than the officers that will go on -- that will go on night, it's just at this point in your career, it's going to be a completely different concept. For you, it would be a glorified tact team and it would be a big step back in your career.
Q. Okay. Let me ask it this way. Did you understand that in order to be deputized for the U.S. Marshals Task Force, your sergeant had to recommend you for deputization?
A. No. I -- later on being -- after I have gotten -- at the time with Tom Barnes -- it

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wasn't explained that way.
Q. Okay.
A. He said, I will -- you guys -- I will have you guys -- him, being the chief, I think he could recommend it.
Q. Okay.
A. But after being in Fugitives, on the night team, I did learn from Jan Hannah that when they picked the people to be deputized on that night team, that they did ask the sergeants; however, when I did ask Sergeant Mills about that --
Q. Yes.
A. -- he said that sergeants don't have anything to do with that.
Q. Okay. Sergeant Mills told you sergeants don't have anything to do with recommending who gets deputized for the U.S. Marshal's Task Force?
A. Yeah. He said with him -- that's what he said when we first got to the night team. But Jan Hannah told me later that that's not accurate.
Q. Okay. To the best of your knowledge,

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did Sergeant Barnes or Sergeant Mills ever recommend you and Officer Echeverria for the U.S. Marshal's Task Force?
A. Well, I -- I don't -- I didn't even -- when I was in Sergeant Barnes' team, I didn't even have that information or know what it was, so I would have no knowledge.
Q. Right.
A. And when I asked Sergeant Mills, he said that he -- it wasn't done that way, so I didn't even know.
Q. Okay. I assume that's a no?
A. No.
Q. To the best of your knowledge --
A. No.
Q. -- you're not aware of Sergeant Barnes or Sergeant mills recommending you for the U.S. Marshal's Task Force, correct?
A. That's correct.
Q. Okay. And -- strike that.
So we've gotten to the point where you go out on medical leave and you have talked about certain people you complained to about certain things.

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My question is, did you ever make any Complaint in writing to anyone that you believed you were retaliated against for working on Operation Brass Tax?
A. That's not -- you usually talk to a supervisor. No.
MR. KING: Okay. Can you read back the question.
(Whereupon, the record was read as requested.)
THE WITNESS: I don't believe I did.
BY MR. KING:
Q. Okay. Are you aware that your attorney at the time Patrick Walsh made a Complaint on your and Officer Echeverria's behalf that did result in a CR number being issued?
A. No.
MR. SMITH: I'm going to object to the form of the question, it assumes facts not in evidence.
MR. KING: Well, let's see if we can put it into evidence.
MR. SMITH: Complaints that are Civil lawsuits, generate CRs automatically.

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THE WITNESS: Can you say that again? I'm misunderstanding what you said. Am I what?
MR. KING: You can read back the question to her.
THE WITNESS: Please.
(Whereupon, the record was read as requested.)
THE WITNESS: No. As a -- he filed a CR number?
(Whereupon, Spalding Deposition Exhibit No. 9 was marked for identification.)
BY MR. KING:
Q. Let me show you Deposition Exhibit No. 9 and ask you to take a look at that document. It's a Summary Report Digest of the Chicago Police Department. Have you ever seen this document before?
A. No, I've never seen this. Is this what my attorney filed?
Q. If you look in the allegation section on the first page, it says, the Complainant Attorney Patrick Walsh alleged that at an unknown date, time and location, Chicago Police

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Officers you and Dan Echeverria were subjected to retaliation from unknown Chicago Police Officers because of their cooperation in an FBI investigation that resulted in the arrest and prosecution of Chicago Police Officers.
Is it your testimony that you're not aware of your attorney --
MR. SMITH: I'll object. This is misleading as to the process of how these claims are initiated.
MR. KING: Okay.
MR. SMITH: I'm going to ask for my client to have a minute to read -- review the materials.
MR. KING: Sure.
THE WITNESS: I can't even see the materials. Can I talk to you for a minute?
MR. SMITH: Can we take a break now or do you want her to finish answering this question?
MR. KING: And I don't want to ask an unfair question. I'm not trying to do that. Let me try to ask a better question.
THE WITNESS: Well, if you could read

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this whole thing. My eyes are so blurry from all this crying. If you want to read that to me, then I can answer your question.
BY MR. KING:
Q. Let me ask it this way. Are you aware that at some point after you filed your lawsuit, there was a CR number that was opened relating to your allegations of retaliation?
A. No. This is the first I'm hearing of it.
Q. Okay. Do you -- so you don't recall having to make a decision at some point if you wanted to pursue the CR or you just pursued your lawsuit?
A. No, never.
Q. Okay. Fair enough.
(Whereupon, Spalding Deposition Exhibit No. 10 was marked for identification.)
BY MR. KING:
Q. Officer Spalding, are you familiar with the Independent Police Review Authority?
A. I know who they are.
Q. Okay. And is it your understanding

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that they investigate complaints of misconduct by police officers?
A. Yes.
Q. Okay. And when did you -- have you known that your whole career essentially that who IPRA is and that they investigate complaints?
A. I don't know that I've known that my whole career. I don't think IPRA has been in existence my whole career. I don't know much about them. You know, I've only had to deal with IAD.
Q. Okay. So I'm assuming you never made a -- you or as far as you know, Officer Echeverria never made a Complaint to the Independent Police Review Authority about any of the retaliation that you allege you were subjected to?
A. No, I never did.
Q. Okay.
A. Not that I'm aware of.
Q. And as far as you know, Officer Echeverria did not, either, correct?
A. No. He didn't, either, as far as I

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know.
Q. Let me show you another document that's been marked as Deposition Exhibit No. 10 and ask you to take a look at that.
Take a look at this first page of Exhibit 10 and just let me know if you've ever seen this e-mail before.
A. No.
Q. Okay. And as of April 13, 2008, you were still working in Narcotics, correct?
A. As of -- yes.
Q. And are you familiar with Kevin Navarro?
A. Yes.
Q. Who was Kevin Navarro?
A. He was a lieutenant in Narcotics.
Q. Okay. And to the best of your knowledge, was he your lieutenant as of April 13, 2008?
A. Yes, I believe he was.
Q. And was your sergeant at that time Kevin Johnson?
A. In April?
Q. In April of 2008.

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A. Do your records reflect that? I'm not sure who was my sergeant at that time.
Q. Okay. But it may have been Kevin Johnson?
A. It could have been, yes.
Q. Okay. If you would -- if you look at the first line of the e-mail, Page 1 of Exhibit 10, it says, from Kevin Navarro to Nick Roti. It says, boss, here are the personnel assessments. Sergeants were done by me and their personnel were done by them. Do you see that?
A. Yes.
Q. Okay. And then if you turn to Page 149 -- at the bottom right, it's Page 1495, which says, Lieutenant Kevin Navarro at the top and then Sergeant Kevin Johnson underneath that. Do you see that?
A. I do.
Q. Okay. And if you turn to the next page, you're identified on the next page correct?
A. Correct.
Q. Okay. And have you ever seen these

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pages, 1495 and 1496 before?
A. I've never seen any of these pages.
Q. Okay. And during the time that you were under Sergeant Kevin Johnson, were these the individuals that were also under Sergeant Johnson, as far as you know?
A. Yes.
Q. Officer -- those listed on Page 1495?
A. Yes.
Q. Yes?
A. Uh-huh.
Q. Okay, thank you.
And do you have any knowledge or information that as of April 13, 2008 Kevin Navarro was aware of your work with the FBI on the Watts investigation?
A. You know, I don't know who knew what at what point.
Q. Do you have any basis for believing Kevin Navarro was aware of that as of April 13, 2008?
A. I have no proof of that.
Q. Do you have any basis for believing that as of April, 2008, Kevin Johnson was aware

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of your work on the Watts investigation?
A. No. I don't know what Kevin Johnson may or may not have known, but he was working in the FBI building.
Q. Okay.
A. So it's possible, I don't know.
Q. Okay. Do you have any personal knowledge of whether Kevin Johnson was aware of as of April, 2008 that you were working on the Watts investigation?
A. No personal knowledge.
Q. Okay. You don't have any knowledge? You don't have any knowledge that he was aware of that, correct?
A. Correct.
Q. Okay. If you look at the first page, the e-mail from Kevin Navarro to Nick Roti, the second paragraph starts to talk about a robbery and battery of you, P.O. Spalding. Is that what you previously testified to, that incident?
A. No.
Q. Okay. Do you recall what that incident was about?
A. Yes. I was robbed and -- oh, with --

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yes, with the -- did we talk about that, with Bates, where I was told to go out and make the drug buy when I didn't feel comfortable?
Q. Well, why don't you tell me what this --
A. Okay.
Q. -- your understanding of the incident was when you were robbed and --
A. I was working under Bates, Tyron Bates.
Q. Okay.
A. And I don't know and I don't recall if we did discuss this today already. But we were going to make a narcotics purchase on the West Side. We went over this, correct? And I explained that I wasn't comfortable going back to the situation because my identity had already been revealed?
Q. Yes.
A. Yes, this is the same subject that we talked about.
Q. Okay. This is the same subject we talked about?
A. Yes.
Q. And obviously by the date of this

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e-mail, that incident occurred sometime prior to April 13, 2008, would you agree?
A. I believe it was in February.
Q. Okay. Of 2008?
A. Yes.
Q. Okay. That's fine.
And later on in the e-mail, Kevin Navarro writes, I'm definitely going to have a team meeting because there's animosity over this incident, a split among team members including P.O. Spalding going around the unit bad mouthing the team for not backing her up. I don't know if you'd agree to bad mouthing, but would you agree that you were expressing concern about the team not backing you up in that situation?
A. I was asked by multiple supervisors about the incident, and I did express the -- I did tell them the incident that did happen and they expressed more concern than I did --
Q. Okay.
A. -- for the incident and related back to me that they were trying to cover that up.
Q. Okay. Did you express concern in connection with that incident about team members

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not being there to back you up?
A. Yes.
Q. Okay. And then Kevin Navarro goes on to write, quote, I talked to her personally on the phone with her from Peoria and asked the question specifically about backup and she told me she had no problems. Do you believe that's correct?
A. What I do know is that the conversations took place when Kevin Navarro -- prior to his phone call. I don't believe he was informed immediately of the situation.
Q. Okay.
A. I think it was a day or the next day.
Q. Okay.
A. And so these conversations took place immediately after the incident.
Q. I understand. I'm just asking if you remember a phone conversation with Kevin Navarro.
A. I do remember Kevin Navarro calling.
Q. Do you recall that you told him you weren't concerned about the team members not backing you up or do you not recall that?

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A. I don't recall telling him that I wasn't concerned. I remember telling him that I was okay.
Q. Okay. That's fine, that's fine.
And Tyron Bates, I assume you don't have any knowledge that as of when that incident occurred, he had any knowledge of your working on the Watts investigation?
A. I have no knowledge of him having knowledge.
Q. Okay.
(Whereupon, Spalding Deposition Exhibit No. 11 was marked for identification.)
BY MR. KING:
Q. Officer Spalding, I'm showing you another document that's been marked Deposition Exhibit No. 11 and I will ask you to -- it's a lengthy document. But if you could tell me whether or not you believe you've seen this document before.
A. I don't think I've ever seen this document, the first page of it. I don't know. Hold on a second.

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Q. And we can just look at the first page.
A. Okay.
Q. It appears to be what's called a Summary Report Digest. It indicates in the allegation section that the allegation was that a complainant Michael Murphy had made some allegations relating to some actions by you and Officer Echeverria relating to a dog. Do you recall that incident?
A. Yes.
Q. Okay. And you are aware that as a result of that incident, there was a CR number and investigation was done, correct?
A. Yes.
Q. Okay. And do you recall that Joseph Stehlik with the Internal Affairs Division was the one who conducted that investigation?
A. I don't recall who conducted it.
Q. Okay. If you could turn -- strike that.
To the best of your recollection, you have not seen this document before?
A. Well, I was just looking at the front page and I don't ever recall seeing a Summary

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Report Digest.
Q. Okay. Do you ever recall seeing any report concerning the investigation of this incident?
A. Well, these are the investigator's log, so I wouldn't be privilege to this.
Q. Okay.
A. I wouldn't have any of this.
Q. Okay.
A. This is not what we would see.
Q. I understand. I'm just checking.
Just let me know if you think you've seen any of these documents before.
A. Well, I know that I would -- I know that I saw a CR number for that.
Q. Okay.
A. But I don't -- it's not the same as this, I don't believe. But I did see CR documents for that.
Q. Okay. And if you turn to the page at the bottom, it's Number 923. And do you see that?
A. Yes.
Q. It says findings on this page. And it

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indicates with respect to you, the accused, Shannon Spalding, that allegation that's written here anyway is sustained a violation of Rule 4 and sustained a violation of Rule 2. Do you remember learning at some point that the violations against you, in what I'll refer to as the dog incident, had been sustained?
A. Yes.
Q. Okay. And if you turn to the next page, it indicates that the violations or the allegations against Officer Echeverria were likewise sustained. You learned of that, as well, correct?
A. Yes.
Q. And if you turn to the following page, which is the recommendation page, you learned that at least -- did you learn at some point that at least the recommendation was a suspension for you and for Officer Echeverria?
Did you recall learning that a suspension had been recommended for the both of you?
A. I recalled them sustaining that, sustaining it. I don't recall -- I know that we

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filed a grievance on it, so I know it was sustained.
Q. Okay.
A. But I don't recall the specific --
Q. You don't recall knowing --
A. Yes.
Q. -- what the recommended penalty would be?
A. Time. Yeah, exactly. But it says it right here.
Q. Sure, okay. And ultimately is it your understanding that those findings were changed to not sustained?
A. Yeah. We filed a grievance with FOP.
Q. Okay. So my question is --
A. Yes.
Q. -- ultimately, did you learn that these -- these findings were changed or overruled such that they were not sustained?
A. Correct. Ultimately.
Q. Okay. And do you have any knowledge of what happened to cause the findings to be changed from sustained to not sustained?
A. Yeah. We went to FOP and I remember

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that we were upset and we wanted to file a grievance --
Q. Sure.
A. -- because it was sustained. And now that -- I mean, I'm looking at this and four days when you've never -- you know, usually it doesn't --
Q. That's fine.
A. -- start out at four days. So we filed -- when we went to file the grievance --
Q. Yes.
A. -- we were informed by Kathy, who works at FOP, she said, well, this --
Q. I'm sorry. Go ahead.
A. We were informed by Kathy at some point when we were talking to FOP about filing the grievance, that this CR number was made by -- was called in as a favor to the complainant's mother, who actually worked either for Nick Roti or O'Grady as their secretary or something for years. So that is the kid's mother. And so they called it in and then they took the CR number and we were told by --
MR. KING: Okay. I'm just going to

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move to strike that entire answer as nonresponsive to my question.
THE WITNESS: Okay.
MR. SMITH: Not that striking testimony in a deposition has any meaning at all. It's part of her answer. If you don't want her to answer your question about what they did and why they did it --
MR. KING: Okay.
MR. SMITH: -- she could continue. If you want to withdraw the question, then withdraw the question and ask another one.
MR. KING: That's a good idea. I'll withdraw the question and I'm moving to strike her answer.
MR. SMITH: Again, that has no meaning in a deposition.
MR. KING: I appreciate the Civil Procedure lesson. I'll ask -- I'll rephrase my question.
BY MR. KING:
Q. Are you aware of whether someone intervened on your behalf to change the finding of sustained to not sustained? Do you have any

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knowledge of that?
A. I understand that when you file a grievance, that there will be a hearing and that somebody will review it and make a decision on that. That is my understanding.
Q. Do you know in this particular case how the initial finding of sustained came to be changed to unsustained?
A. I was never told by FOP.
Q. Okay. So you don't know?
A. No.
Q. Okay. If I could turn your attention to Paragraph 116 of the Amended Complaint of Exhibit 1. Paragraph 116 indicates that the allegation is that the Defendants -- let me strike that.
Paragraph 116 alleges that as described in the preceding paragraphs, Defendants acting in concert with known and unknown conspirators, reached an understanding to deprive Plaintiffs of their Constitutional rights.
What Defendants are you alleging reached an understanding, I guess, to retaliate against you?

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A. The Defendants named in the lawsuit.
Q. Okay. So it's your allegation that all of the Defendants named in the lawsuit reached an understanding to deprive you of your rights, is that your testimony?
A. I'm not sure I understand the question.
Q. Okay. Well, you testified that all of the Defendants named in the case --
A. The Defendants named in the case.
Q. The Defendants named in the case you're alleging reached an understanding to deprive you of your rights. I assume that means to retaliate against you, correct?
A. All the Defendants listed did engage in retaliation at some point.
Q. Okay. You've testified as to all of the Defendants engaging in some sort of retaliation against you. Is it also your testimony that they all reached some understanding to engage in this retaliation or they -- or they just, on their own, engaged in retaliation, if you know?
A. I don't -- well, like Nick Roti and the people from Organized Crime, obviously were

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aware of each other's actions, you know.
Q. Okay.
A. And Lieutenant Cesario, Barnes, Mills, Salemme from 606, they have at different moments been witnesses or there when things have taken place.
Q. Okay. So is it your testimony that your allegation that the Defendants reached an understanding to retaliate against you, that's based on your allegation that certain Defendants knew about the alleged retaliation of other Defendants, is that fair to say?
A. Yes, they knew about it and failed to stop it or report it or engaged in it.
Q. Okay. Is it your position in the case that the Defendants that retaliated against you, did they retaliate against you because you spoke to the FBI specifically or simply because you reported illegal activity on behalf of -- illegal activity by Watts and others?
MR. SMITH: I'm going to object, it's a compound question as to all the Defendants and then --

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BY MR. KING:
Q. My question is, is it your belief that they retaliated against you because you went to the FBI or simply because you had, quote-unquote, ratted on fellow police officers?
A. I believe that they retaliated against my partner and myself because we went to an outside agency to report criminal conduct within the department that wasn't being addressed by the department and we broke the code of silence and reported supervisors within the department to outside agencies so --
Q. Okay. And were you finished with your answer?
A. I could be.
Q. Okay. You mentioned this code of silence. As you understand the code of silence, it's that you're -- I guess tell me what's your understanding of what that means, the code of silence?
A. Well, I'm sure it's not the first time that you've heard of the code of silence. But even when you're in the academy, they tell you the fastest way to ruin your career is go

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against another police officer. So you know that from the minute you walk in, that is taboo within the department. Look the other way or whatever.
Q. Okay.
A. And if you don't, it will cost you your career, as we are examples of.
Q. Okay. So your understanding of the code of silence is that you're not supposed to report criminal or illegal activity by other officers; is that correct?
A. My understanding of it is it is not looked favorably by other officers or supervisors if you are going against other officers or reporting it. It's not -- it doesn't make you popular. It will damage you and make you an outsider.
Q. Okay. And that -- your understanding is the same whether they're -- you know, I'll strike that.
If I could turn your attention to Paragraph 120 of the Complaint. And just have you take a look at Paragraph 112(a). Are you aware of any authority, any particular authority

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that the Chicago City Council has delegated to the superintendent of police?
A. Personally?
Q. Yes.
A. No.
Q. Okay. Are you personally aware of any authority that the superintendent of police may have delegated to chiefs?
A. What do you mean by that? Like what, the authority he allows them to have in their position?
Q. My question is, are you aware of any authority that the superintendent of police, specific authority that a superintendent has delegated to chiefs?
A. I know the authority that the chiefs have under their position.
Q. Well, what's your understanding of the authority that the chiefs have?
A. What division are you talking about? Do I know what the superintendent personally assign to chiefs or authorize them to do personally, no.
Q. Either personally or based on

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documents, are you aware of specifically what authority the superintendent of police has delegated to individuals at the chief level?
A. I have not seen any documents from the superintendent to the chiefs.
Q. Okay. You -- there's an allegation in Paragraph 112(c) that -- strike that.
Is it your allegation in this case that the superintendent of police, whoever the superintendent was at any particular time, was personally involved in any retaliation against you?
A. Did the superintendent --
Q. Yes.
A. -- retaliate against me personally?
Q. Yes.
A. No.
Q. Or the same for Officer Echeverria, as far as you know?
A. As far as I know.
Q. Okay. And --
MR. KING: Can we take a quick a break?
MR. SMITH: Sure.

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(Whereupon, a discussion was had off the record.)
BY MR. KING:
Q. I don't think I asked this. Am I correct that the alleged retaliation that you say was engaged in by Commander Salemme and Lieutenant Cesario was all during the period that you were assigned the Fugitive Apprehension?
A. You're correct.
Q. And with respect to Nick Roti, other than your allegation that he did not allow you to come back to work in Narcotics, is that the extent of the alleged retaliation by Nick Roti?
A. No.
Q. Okay. How else did Nick Roti retaliate against you?
A. By allowing Commander O'Grady to continue his retaliation against me, you know.
Q. Okay. So other than not allowing you back in the unit and to your knowledge Roti allowing O'Grady to continue to retaliate, was that the extent of the retaliation that you're alleging by Nick Roti?

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A. No.
Q. Okay. What else?
A. After Echeverria tried to make attempts to make the phone call, his conversation with Juan Rivera telling us, you know, never to contact him, we're never going to be allowed in Organized Crime, we'll never go to any task force, that conversation.
Q. Okay.
A. Other than that --
Q. Maybe I'll ask it this way.
A. Other than that --
Q. Other than what you've already testified to, is there anything else that you're alleging is a retaliation by Nick Roti?
A. No.
Q. Okay. You testified that the superintendent you didn't believe was engaged in retaliation. Is it your position in this case that the superintendent of police is somehow responsible for the retaliation that you suffered?
A. The superintendent never engaged in retaliation against --

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Q. I understand.
A. -- my partner or I.
Q. And I'm asking is it your position that nevertheless -- and I'm not saying that it is. Is it your position that nevertheless the superintendent is somehow responsible for those under him who engaged in retaliation?
MR. SMITH: I object it calls for a legal conclusion.
THE WITNESS: I think that the superintendent is responsible for his chiefs underneath him and the actions that they do. And when there is retaliation to this extent and he was involved in the operation, that it -- you know with the -- all of -- all of this, that, you know, once he becomes aware of this, you know, it is his responsibility to address it.
BY MR. KING:
Q. Okay. And are you aware of any of the retaliation that the superintendent was actually aware of?
A. I'm sure he was made aware of the lawsuit.
Q. My question is, are you -- do you have any personal knowledge of the superintendent of police being aware of any of the alleged retaliation against you before you filed the lawsuit and it became public?
A. No.
Q. Okay. You talked about this code of silence. And my question to you is other than what you allege has happened to you and your partner, Dan Echeverria, are you aware of any other officers whom you believe have been retaliated against for violating this so-called code of silence?
A. Michael Spaargaren.
Q. Okay.
A. S-P-A-A-R-G-A-R-E-N.
Q. And what's your understanding of what Michael Spaargaren did? Is this what you previously testified to?
A. It's in addition to.
Q. Okay. What's your understanding of what Michael Spaargaren did to violate or breach the code of silence and what retaliation do you believe happened to him?
A. When we were in Public Housing South,

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at one point he was placed on Sergeant Ronald Watts' team. And he began to personally observe activity that he believed was not according to the rules and regulation of the police department and he started to question their conduct.
He had a -- he confronted Sergeant Watts about it, at which point Sergeant Watts then told him that -- Sergeant Watts threatened him and told him that he needs to keep his mouth shut and you know what, you'll be the one that I do the paper on. Don't -- you know, you're not going to question what I do. I'm the supervisor.
Q. Okay.
A. And they got into a verbal altercation over it, to the point that Michael Spaargaren then went to lieutenant -- the lieutenant of Public Housing at the time.
Q. Do you recall who that was?
A. Yes. It was Spratt, S-P-R-A-T-T. At which point the lieutenant told Michael Spaargaren that he better not go to IAD and report any of this, that basically he would be

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done and he better keep his mouth shut.
Q. Okay.
A. And at that point, Michael Spaargaren began to fear that he would get a false case put on him or false papers. So he turned in his papers -- he went down to headquarters to take a leave of absence in fear of what would happen.
Q. Okay. And what you just testified to that Lieutenant Spratt allegedly said to Michael Spaargaren, you got that from Michael Spaargaren, correct?
A. I got that from Michael Spaargaren. But also I heard them arguing upstairs.
Q. Okay.
A. I heard them screaming, so I could hear part of that argument and I heard Spratt yelling at him.
Q. I understand Michael feared that there might be some retaliation against him. He went on leave, I think you said?
A. Yeah.
Q. Okay. Are you aware of any actual retaliation that happened to Michael Spaargaren?
A. No. He left -- he left the job then.

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Q. Okay.
A. And then they changed the rules after about a year and a half or two years, and he came back.
Q. Okay. And he came back?
A. Yes.
Q. Okay. And since Michael Spaargaren has come back to work, are you aware of any retaliation that he suffered?
A. I'm not aware.
Q. Okay. Other than you and your partner and Michael Spaargaren, are you aware of any other officers who to your understanding breached this code of silence and suffered any retaliation?
A. You know, a couple officers, after I became public with this, did approach me and I don't -- I don't know their names now.
Q. Okay.
A. And did approach me with their situations, but I don't know their names.
Q. Okay. You don't know -- it's fair to say you don't know their names or the details of their situations?

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A. Well, I do know that like they told me their brief story.
Q. Okay.
A. And so I knew their incident. One person said that he had worked with Ronnie Watts and when he complained about him in the 2nd District, he was launched off. And I don't remember if he said he was put on midnights somewhere on foot patrol or something, but he had made it to traffic or something now. But, you know, situations like that.
Q. Okay.
A. But, you know, these officers would know me from media and come up to me.
Q. Sure.
A. And I don't know these officers. I don't remember their names.
Q. Other than what you've already testified to, are you aware of any other officers who to your knowledge breached the code of silence and suffered some kind of retaliation?
A. I could possibly be aware of incidents that I don't recall right now.

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Q. Okay. At any time that you were suffering alleged retaliation, am I correct that your pay was not cut, correct?
A. No. My salary?
Q. Was your salary ever cut?
A. No.
Q. And, in fact, did you receive any salary increases during the period of time that you allege you were suffering retaliation?
A. To be honest, I don't know. I have direct deposit, I never looked at my checks. If there was an increase, I didn't notice it.
Q. Okay. Do you know what your last salary was before your pay was stopped?
A. I don't even open up my W2s. I just bring them to the accountant.
Q. So you don't know?
A. No.
Q. Okay. And I assume also -- well, strike that.
And during the period that you allegedly suffered retaliation, none of your employment benefits were cut, correct?
A. Correct.

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Q. Okay. And are you alleging that you suffered any monetary losses as a result of the alleged retaliation?
A. Well, I did -- you know, the retaliation resulted in me not being able to come to work now, it's resulted in me applying for disability because of the post-traumatic stress disorder, it's resulted in the City doctor saying that me ever returning to legal work -- I mean, to law enforcement, is very unlikely. So it's negatively effected my income ultimately, yes.
Q. So at this point, the monetary loss that has been the result of the alleged retaliation, would you agree that it is the fact that you're no longer getting your full salary while you're on disability?
A. Or allowed to work overtime or have the chance to advance or any of that.
Q. Okay. And with respect to overtime, are you alleging that the retaliation impacted your ability to work overtime just in Fugitive Apprehension or in any other units?
A. Well, there --

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Q. Well, strike that. Let me ask you.
With respect to the -- your claim that the retaliation, are you alleging that that caused you to lose overtime opportunities?
A. The retaliation?
Q. Yes.
A. Yes.
Q. Okay. Do you have any knowledge as you sit here of how much overtime you claim that you've lost as a result of alleged retaliation?
A. I lost the possibility to working overtime. There was no overtime in the units I was put in like 126 or things like that. For us like to work later investigations or things like that, like that was limited.
Q. It was limited overtime opportunities?
A. Yeah, in some of the units. Like in 606, we weren't going to be working overtime unless we worked our days off.
Q. Okay.
A. So it was limited where you couldn't stay late. We couldn't stay late.
Q. Sure, okay.
Do you have any knowledge of in dollars

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how much overtime you may have lost or believe you lost as a result of the alleged retaliation?
A. I can't guess what I would have been -- worked or not worked.
Q. Sure, that's fair.
Is it true that when you were working on the third watch in Fugitive Apprehension, you -- did you ever have to also go to court during the days?
A. No.
Q. Okay. You've alluded to that you've seen some medical professionals in connection with I guess medical conditions that you're alleging were the result of the retaliation; is that correct?
A. I'm not alleging. They are a result of the retaliation.
Q. Okay. And can you tell me who each of those medical providers were?
A. The Therapist Deborah Weaver.
Q. Okay.
A. Psychiatrist Dr. Kaiser, Psychiatrist Nancy Landre.
Q. Okay. Anyone else?

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A. Yes. I saw a doctor at the University of Chicago for some stress-related testing for the physical effects. I don't remember his name. If you said the name --
Q. Is that Dr. Robert Sargis?
A. Yes.
Q. Okay.
A. If you say the names, I could tell you what they did.
Q. Okay. Do you recall anyone else who provided any treatment to you?
A. Dr. Jessica Dietheim from Rush.
Q. Okay.
A. And then I went to see a cardiologist at Rush, Dr. Jolly.
Q. Okay. Do you recall visiting at any time -- does the name Joleen Hartland or Genesis ring a bell to you?
A. Yes, I did. I did go see her at times for -- she's a therapist, as well.
Q. Okay.
A. I'm trying to think. There may be one other name that you have on the list that I can't --

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Q. Okay. I'll just ask you a few questions. Our records, and we've obtained records from all these providers, of course, indicate that your first visit with Deborah Weaver was on April 4, 2013. Do you have any reason to doubt that?
A. No.
Q. Okay. And we've seen records that indicate that you visited Joleen Hartland on May 11, 2013. Do you have any reason to doubt that?
A. No, no.
Q. Do you recall having just that one visit with Joleen Hartland or more than one?
A. No. I went to her multiple times, but I don't recall how many times.
Q. Okay. And do you have any reason to doubt that May 11, 2013 was the first time you visited her?
A. No.
Q. Okay. And our records indicate a visit to the doctor you mentioned, Jessica at Rush University Medical Center on June 5, 2013. Do you have any reason to question that?

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A. No.
Q. Do you know if you had the one visit with Dr. Jessica, I guess it's, Dietheim --
A. Yeah.
Q. -- or multiple visits?
A. One visit.
Q. Okay. And Dr. Robert Sargis at the U of C Medical Center, our records indicate you visited on December 5th of 2013. Any reason to doubt that?
A. No.
Q. Did you have one visit with Dr. Sargis or multiple?
A. I had one visit with Dr. Sargis and then one return visit, but that was for labs, for Dr. Sargis. And then two phone consultations over the phone with Dr. Sargis.
Q. Any reason to doubt that the one main visit with Dr. Sargis was on December 5, 2013?
A. No.
Q. Okay. And you mentioned Dr. David Kaiser.
A. Kaiser.
Q. Kaiser. Our records indicate that your first visit with him was on February 3, 2014. Do you have any reason to doubt that?

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A. No. For some strange reason, I remember that day.
Q. Okay. And Nancy Landre you testified to, you visited her on one occasion, correct?
A. Correct.
Q. Okay. And our records indicate that that evaluation was done on July 15, 2014. Does that sound correct?
A. That is correct.
Q. Okay. And the only other person I think you mentioned was a Dr. Jolly?
A. Yes. I went to see him once. He was a cardiologist. But I was having chest pains.
Q. Do you recall when you visited Dr. Jolly?
A. I was -- no, I don't.
Q. Okay. In the other visits we've talked about with medical professionals, the first one appears to be the visit with Deborah Weaver on April 4, 2013. Do you know if your visit to Dr. Jolly was after that date?
A. After that? You know what, I believe it was before that.

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Q. Okay.
A. I believe I was still working at the time in Fugitives, but I would have to check that date for you.
Q. Okay.
A. I believe I was working at Fugitives but --
Q. But you're not positive?
A. I can't be positive. I'd have to check for you.
Q. Okay. And you went to Dr. Jolly because you were having chest pains?
A. Yeah, I was having chest pains. It was from anxiety, but I didn't know they were increasing.
Q. Okay. And do you recall where Dr. Jolly's office is or what the address is?
A. Yeah. He's at Rush Professional Building.
Q. Okay.
A. And that's like 1340 West Harrison or something.
Q. Okay. Was he the one that referred you

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to Deborah Weaver?
A. Did he refer me to Deborah Weaver?
Q. Yes.
A. No. Jessica Dietheim said that I should see somebody.
Q. Okay. You don't know when you visited Dr. Jolly, whether it was before you went on medical leave or after?
A. I want to say it was before, but as I stated, I'm not 100 percent positive.
Q. Okay. And is he located in the same building as Jessica Dietheim at Rush?
A. I think they are in the same building.
Q. Okay. And did you have just one visit with Dr. Jolly or multiple?
A. No, just one.
Q. Okay. And you indicated that it was his diagnosis that you were having chest pains from stress?
A. It was his diagnosis that he believed that it was not a heart attack or heart related, but it was anxiety, stress related.
Q. Okay. Would I be correct to say that all of the medical professionals that you

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visited, all of the information that they received as to what was allegedly happening to you at work at the Chicago Police Department was provided to them by you?
THE WITNESS: Well, yeah.
MR. SMITH: Objection, foundation.
BY MR. KING:
Q. And that would have been both things that you told them verbally and in some cases you provided some documents to some of the medical professionals, correct?
A. Yes.
Q. Okay. And were you at some point diagnosed with any particular condition by any of the medical professionals that we've talked about?
A. Yes.
Q. And who diagnosed you with what?
A. Deborah Weaver with post-traumatic stress disorder; Dr. Kaiser post-traumatic stress disorder, anxiety disorder; the City of Chicago's Dr. Nancy Landre, post-traumatic stress disorder, anxiety, mood disorder.
Q. Anything else?

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A. Dr. Sargis said that my condition is stress-related and recommended that I see a psychiatrist.
Q. Okay. You referred to Nancy Landre as the City of Chicago's doctor. Who referred you to see Nancy Landre?
A. That came -- I don't -- I don't remember her name, but she is like a medical caseworker for the City.
Q. Okay.
A. And she notified me that an appointment was made on that date and that I needed to go there for an evaluation.
Q. Okay. And the person that sent you for the evaluation with Nancy Landre, do you recall were they with the pension board?
A. Yes, I think it was the case management for -- I don't know if they worked at the pension board or it's a company that -- it's somebody that the pension board uses.
Q. Okay.
A. Or I don't know if they are employed at the pension board.
Q. Okay. And you were -- other than what

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you've testified to, are there any other conditions that you've been diagnosed with that you're claiming is a result of the retaliation in this case?
A. No, not that I recall. No.
Q. Okay. Did any of the medical professionals you saw prescribe any medications for you?
A. Yes, they did.
Q. Okay. Who prescribed what medication for you?
A. I don't remember the names of the medication that Dr. Sargis -- it was anxiety medicine.
Q. Okay.
A. And I don't remember the names of the medicine that Jessica Dietheim prescribed, but it was also for anxiety.
Q. Okay.
A. And Dr. Kaiser has given me Clonazepar I know I'm going to get it wrong. It's tromp -- they're -- there's three different anxiety medicines.
Q. Okay. Have all of the medicines to

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your knowledge that have been prescribed to you anti-anxiety medications?
A. They are supposed to help alleviate the anxiety and post-traumatic stress disorder. So if they're classified as anti-anxiety or something else, but they're for that reason.
Q. Okay. So all the medications that you've been prescribed, it's your understanding that they were to help with the anxiety --
A. Related to the --
Q. -- related to the post-traumatic stress disorder?
A. Correct.
Q. Okay. And have you consistently taken all of the medications that have been prescribed for you by each of your doctors?
A. With Dr. Sargis he said to try it and see how it worked and then to see a psychiatrist. And the medicine he gave me, did not work. And I do take the medicine that I'm prescribed from my psychiatrist regularly, yes.
Q. And that's Deborah Weaver?
A. No. Dr. Kaiser.
Q. Dr. Kaiser, okay. So at this point,

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are you taking any medication?
A. Yes, I am on three medicines and I don't recall the names of all of them.
Q. Okay. And those are medications that Dr. Kaiser prescribed for you?
A. Yes.
Q. Okay.
(Whereupon, Spalding Deposition Exhibit No. 12 was marked for identification.)
BY MR. KING:
Q. Ms. Spalding, I'm showing you now what's been marked as Deposition Exhibit No. 12 and ask you to take a look at this and let me know if you've seen these documents before.
A. Well, of course I have.
Q. Okay. And what is Deposition Exhibit No. 12?
A. They are notes that I had made for myself.
Q. Okay.
MR. SMITH: Do you have another copy of that one?

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MR. KING: I'm sorry, yes.
MR. SMITH: Thank you.
MR. KING: There you go. Yeah.
MR. SMITH: Thank you.
BY MR. KING:
Q. And they seem to be according to date or some dates beginning on November 1, 2012. Did you keep these on some kind of calendar?
A. On the Gmail calendar.
Q. Explain that to me.
A. You know how you can just go onto your phone calendar --
Q. Okay.
A. -- and type it in? That's what I would do. Or you could do it from your computer.
Q. Okay. And would you always do it on your phone or sometimes on the computer?
A. I would do it at different times.
Q. Okay. My question to you is did you always type this information in on the dates that's indicated or would you sometimes do it later and go back and type it in?
A. These notes would pretty much be taken like it would depend on the day. I might write

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them like at the end of the day or I might write them part way through the day or, you know, or maybe the next day.
Q. Okay.
A. But they were always done --
Q. Fairly soon after the day?
A. Yeah, so I wouldn't forget.
Q. Okay. And did you first keep any handwritten notes that you then used to type this in or no?
A. Yes, I did.
Q. Okay. Would that be true for all of the entries on this exhibit, that originally they were handwritten notes that you then typed in?
A. I have had handwritten notes that I kept before, yes.
Q. Do you still have any of those handwritten notes?
A. No, I don't.
Q. Okay. If I could direct your attention to the page that is numbered 656 at the bottom. If you look at the entry at 4:00 p.m. on March 21, 2013. And I'll just ask you, right in

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the middle of that entry, you write, quote, but I was just reminded again by Mills that the activity have is unacceptable and I was also informed that I should not be working cases other than the ones assigned to me. Do you see that?
A. This is on March 21st you're saying or March 22nd?
Q. Yeah.
A. Okay.
Q. It appears based on the document that on Thursday, March 21, 2013 at 4:00 p.m., you've typed in, among other things, that you were just informed by Mills that you should not be working cases other than the ones assigned to you. Do you see that?
A. Yes, I do.
Q. Okay. And do you have any reason to believe that Mills did not inform you of that on that date?
A. No, if I put it in there.
Q. Okay. And if you turn to the next page, the entry for Sunday March 24, 2013. Do you see that?

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A. Sunday, March 24th. Yes.
Q. And that, in fact, is the VRI incident that you previously testified to where Mills got upset because you made an arrest in the 11th District, correct?
A. Uh-huh.
Q. Is that a yes?
A. Yes, yes.
Q. Okay. If you turn now to the page marked 664, and your entries for Thursday, April 11, 2013. Do you see that?
A. Yes.
Q. Okay. And here you're talking about the situation with Mark Barz where you thought you were going to be arrested, correct?
A. Yes.
Q. And you write -- in part, you say, quote, I said now Mills will think I'm an idiot, how would you feel Barz if you were told a police officer who worked for you was recording you? Barz said, yeah, I know. I, meaning you, Shannon Spalding said, you mean to tell me it wouldn't negatively affect the work situation Barz. Barz says, yeah, I know, I understand how

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it would. Do you see that?
A. Uh-huh.
Q. Is that accurate -- is that a yes?
A. Yes.
Q. Does that accurately reflect a part of the discussion you had with Sergeant Barz?
A. Yes.
Q. Okay. So you were acknowledging that you could understand that it would negatively affect your working relationship with Sergeant Mills if he believed you were secretly recording him, correct?
A. Yes.
Q. Okay. If you turn to the page that's Numbered 667. Do you see your entry for Tuesday, April 16th at 2013, at 4:00 p.m. Do you see that?
A. Yes.
Q. Okay. And a few lines in, you say, quote, I'm not sure if Mills believes I have recorded him or if Mills his part of this make-up scheme. Do you see that?
A. Or his part in this make-up scheme. Yeah.

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Q. Okay. So would it be fair to say that as of that point, you weren't sure whether Mills believed you actually recording him, correct?
A. No, I have no idea what he believed.
Q. Okay.
A. Even though Mike Barz said that he didn't believe it.
Q. Okay. You typed in on April 16, 2013 that you weren't sure at that point if Mills believed that you recorded him; is that correct?
A. That's correct.
Q. Okay. So at that point, you didn't know whether Mills believed it, that you were recording him or not, correct?
A. Yeah. But I don't -- but I don't know about --
Q. I think you answered the question.
A. April 8, 2013, okay. Go ahead.
Q. Okay. On the page numbered 670, 6-7-0, on April 25, 2013 under the heading all day, one of the things that you indicated is that, quote, Dan and I told Mills that due to our situation, we were not comfortable going to the Marshal's training. Do you see that?

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A. I'm sorry, where are you at? The first one?
Q. Under all -- the second paragraph, I'm sorry, that says all day, which begins, Mills had informed and later on in that paragraph.
A. Yes, I see that.
Q. Okay. And so there was some Marshal training that you and Officer Echeverria declined to go to, correct?
A. At this point, yes.
Q. Okay. Do you have a recollection of what that Marshal's training was about?
A. No.
Q. Okay. That's fine.
A. I think I do recall.
Q. If you turn to Page 673.
A. Yes.
Q. Under Thursday, March 2, 2013, the second paragraph under all day. Well, one of the things you say is you're beyond sorry to see Tina Skahill leave. As far as your concerned, she's the only ethical boss in this God forsaken department. Do you recall typing that?
A. Where are you at, 673?

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Q. Yes.
A. Okay. Are you under the first paragraph?
Q. The second paragraph. It begins, I'm beyond sorry. We can strike that. I don't need to ask you about that.
In that paragraph, that second paragraph under May 2, 2013, you say, quote, Danny also said that unit launched four POs to the district. Ryan and Brian from Barnes' team and Williams and Odem from Mason's team. Wow the four clout heavy officers. Do you see that?
A. Yes.
Q. Okay. And then you say, and Williams and Odem are great officers, they're hardworking in the unit since day one, tons of activity, but they always treated the two of them like outcasts, never included them in team activities cases or overtime. The nicest guys ever. Do you recall that?
A. I do.
Q. Okay. And do you have any knowledge of these four officers, Ryan and Brian from Barnes team or Williams or Odem, ever breaching what

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you call the code of silence?
A. I know that Kevin Williams was suspicious to some people because his brother was chief of IAD for a while, so they wondered what his position was. But breaching the code of silence, I have no knowledge of them doing that.
Q. Okay. Do you have any knowledge of why these four officers were so called launched from the district?
A. No.
Q. Okay.
A. But I wasn't --
Q. Okay.
A. I wasn't even at work any longer.
Q. Okay.
A. I don't think.
Q. If you turn to the next page, 674, which is still under May 2, 2013. You say that you spoke with Guishnere who you've testified about previously, correct?
A. Yes.
Q. And you say that, Guishnere said that he would ask Barnes how come you and Danny

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didn't come back to Barnes' team, correct?
A. On the first paragraph?
Q. Yes.
A. Yes.
Q. Okay. Then you write that you told Gush that you wouldn't be mad if he said that to Barnes but just don't say that I wanted you to ask, correct?
A. Yeah, that's correct. Because I didn't want Barnes to think I was the one inquiring, because I wasn't.
Q. Okay. And was Guishnere on Barnes' team at that point?
A. He still is, as far as I know.
Q. Okay. And at this point, he was on Barnes' team, correct?
A. Yes.
Q. Okay. And then you write, quote, Gush is a great guy, that is why we should be back on that team. They are the only officers that treat me and Danny like officers with no retaliation, period. And they would back us up 100 percent. It's the safest place for us, that's why we were not put back there. You're

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referring to being put back on Barnes' team, correct?
A. I'm --
Q. Are you referring to being put back in Barnes' team --
A. No.
Q. -- in the sentence I just read?
A. No.
Q. All right. Let's break this down. You write, quote, Gush is a great guy, that is why we should be back on that team. Were you referring to Barnes' team?
A. I was referring to the officers that worked for Barnes, not Barnes. To clarify.
Q. Were you referring -- you said --
A. I wrote this from my personal notes.
Q. I understand.
A. And I was referring to myself saying that the guys were great and they were officers that would back us up. I was not referencing Barnes in any capacity.
Q. Okay. So when you wrote, Gush is a great guy, that is why we should be put back on that team, you weren't referring to the existing

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team under Sergeant Barnes?
A. Not under Sergeant Barnes. To work with the team, not the supervisor.
Q. So your desire was to work on a team with all of Sergeant Barnes' officers, but not under Sergeant Barnes?
A. I would have loved to work with those guys again, but not with Sergeant Barnes.
Q. Okay.
A. Correct.
Q. And when you say, it's the safest place for us, that's why we were not put back there, you were talking about Sergeant Barnes' team, correct?
A. I was talking about the officers from Sergeant Barnes' team.
Q. Okay.
A. And that was my personal opinion.
Q. Okay. But you indicated in here that you told Guishnere that you wouldn't be mad if he asked Sergeant Barnes how come you and Danny didn't come back to Sergeant Barnes' team, correct?
A. Correct.

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Q. Okay.
A. But you're taking one sentence out of context of an entire conversation. And these are summary notes.
Q. Okay.
MR. KING: I'm going to take a very short break.
MR. SMITH: Sure.
(Whereupon, a short break was taken.)
BY MR. KING:
Q. Officer Spalding, you testified that during the period that you felt you were being subjected to retaliation and you had a number of conversations with Juan Rivera, correct?
A. Yes.
Q. Okay. Do you recall whether you ever specifically asked Juan Rivera to open a CR investigation?
A. Multiple times.
Q. Okay. And -- okay. And do you recall what his responses would be to that inquiry?
A. Hang in there, it's going to get better.

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Q. Okay. Do you -- strike that.
A question about Lieutenant Pascua. Do you ever recall anyone suggesting to you that Lieutenant Pascua might have a problem with you because you were a female police officer?
A. No, that's inaccurate. They said she had a problem with anybody female.
Q. Okay. So someone told you that Lieutenant Pascua had a problem with females?
A. With -- in general.
Q. Okay. Who do you recall --
A. I don't recall.
Q. -- telling you that?
A. I don't recall at this moment, I don't.
Q. Is it your belief that any of the issues you had with Lieutenant Pascua was because you were a female?
A. No. I believe that they were because of the investigation.
Q. Okay. I think I've asked you with respect to each of the individual Defendants, but I will ask you an overall question. With -- with respect to each of the individual Defendants, Rivera, Kirby, O'Grady, Roti,

Sadowski, Pascua, Stanley, Barnes, Cesario, Salemme and Mills, other than what you've already testified to, is there -- are there any incidents of alleged retaliation that you're claiming in this lawsuit that were engaged in by any of those individual Defendants?

A. Like I stated throughout this deposition, there are so many incidents. But at this time to the best of my recollection, I have given you all the information.

Q. Okay.

MR. KING: I don't believe I have any further questions.

THE WITNESS: Are you kidding me? All right.

MR. SMITH: No questions. I think we will reserve.

FURTHER DEPONENT SAITH NOT.

(The deposition concluded at 6:43 p.m.)

CERTIFICATE OF OFFICER

I, SUSAN HASELKAMP, a Certified Shorthand Reporter of the State of Illinois, do hereby certify:

That previous to the commencement of the examination of the witness, the witness was duly sworn to testify the whole truth concerning the matters herein;

That the foregoing deposition transcript was reported stenographically by me, was thereafter reduced to typewriting under my personal direction and constitutes a true record of the testimony given and the proceedings had;

That the said deposition was taken before me at the time and place specified;

That I am not a relative or employee or attorney or counsel, nor a relative or employee of such attorney or counsel for any of the parties hereto, nor interested directly or indirectly in the outcome of this action.

IN WITNESS WHEREOF, I do hereunto set my hand at Chicago, Illinois, this 24th day of November, 2014.

Susan Haselkamp

Certified Shorthand Reporter
CSR Certificate No. 084-004022

I N D E X

WITNESS EXAMINATION
SHANNON MARIE SPALDING,
By Mr. King....3

E X H I B I T S

NUMBER MARKED FOR ID
Spalding Deposition Exhibit
1....19
2....103
3....199
4....212
5....260
6....307
7....312
8....313
9....339
10....341
11....350
12....386

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DEPOSITION ERRATA SHEET

Assignment No. 239697

Chicago Police Officers Shannon Spalding and Daniel Echeverria vs. City of Chicago, et al.

DECLARATION UNDER PENALTY OF PERJURY

I declare under penalty of perjury that I have read the entire transcript of my Deposition taken in the captioned matter or the same has been read to me, and the same is true and accurate, save and except for changes and/or corrections, if any, as indicated by me on the DEPOSITION ERRATA SHEET hereof, with the understanding that I offer these changes as if still under oath.

Signed on the _____ day of

_____, 2014.

_____

SHANNON MARIE SPALDING

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DEPOSITION ERRATA SHEET

Page No.____Line No.____Change to:_____

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Reason for change:_____

Page No.____Line No.____Change to:_____

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SIGNATURE:_____DATE:_____

SHANNON MARIE SPALDING

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

SHANNON SPALDING AND DANIEL ECHEVERRIA	)	
Plaintiff,	)	
v.	)	12-CV-8777
City of Chicago, et al.	)	Judge Fienerman
Defendants.	)	Magistrate Judge Sheila Finnegan

AFFIDAVIT OF PETE KOCONIS

I, PETE KOCONIS, being first duly sworn on oath, under penalties of perjury as provided by law, depose and state as follows:

1. I was a member of the Chicago Police Department for 38 years.
2. During the last month and a half of my career I was Special Assistant to the Superintendent.
3. I was assigned for 17 years to the Internal Affairs Department ("IAD") of the Chicago Police Department.
4. While assigned there, I assisted in writing General Orders and Operational Procedures on the disciplinary policies to be followed by sworn personnel, including members of IAD, Office of Professional Standards ("OPS"), now known as the Independent Review Police Authority ("IPRA").
5. Part of the General Orders I reviewed included the provision(s) that, whenever a sworn member becomes aware of corrupt or criminal misconduct which violates department procedure, that member is required

to notify his/her supervisor of the conduct before completion of their tour of duty.

6. When the supervisor is made aware of the misconduct, the supervisor is expected to initiate a Complaint Review ("CR") investigation. No "To/From" is required to be submitted by the officer reporting misconduct in order for a CR to be initiated.
7. The supervisor is then expected to forward the CR investigation to IAD, where it is determined which section will handle the complaint, such as IAD, the Independent Police Review Authority ("IPRA"), or at the Districts.
8. Once the reporting officer has made the supervising officer aware of misconduct or criminal allegations, the reporting officer has fulfilled his/her duties as outlined by the Department's General Orders, policies, and procedures. Further investigation or reports will be completed on a supervisor level.
9. Around the year 2005, while I was still working with the IAD section of the Chicago Police Department, I became aware that Lt. Thomas Tranckitello, who was part of the Confidential Section of IAD, had received complaints of Officer Ronald Watts ("Watts") of criminal nature, including- but not limited to- drug extortion, false arrest, and even suspected involvement in the homicide of a Chicago Police Officer.

10. On or around 2005, Lt. Tranckitello retired, and his replacement in the Confidential Section was Juan Rivera ("Rivera"). The files on Watts were passed to Rivera for further investigation and prosecution.
11. I voluntarily left IAD after I conducted an investigation that showed that an officer from the 21st District, Officer Dignan, perjured himself under oath and paid a confidential informant ("CI") with narcotics obtained during an unlawful arrest. Based on interviews, evidence including video, my recommendation was to fire Officer Dignan, separating him from the Chicago Police Department. However, I received a direct order from Assistant Deputy Superintendent Karen Rowen to reduce the recommended punishment to thirty (30) days. When I refused to do so, Karen Rowen overrode my decision, allowing Officer Dignan to remain on the job. I realized I could not work for a supervisor who permitted corruption to occur within the department unabated, and I requested to be reassigned to another division within the department.
12. Sometime on or about the year 2011, Officer Shannon Spalding ("Shannon") contacted me requesting a meeting, and that it was urgent.
13. During the meeting, Shannon informed me that she and Officer Danny Echeverria had been working on a Confidential joint-investigation with the FBI. During this time, the confidentiality of their identities had been breached, and the targets of the investigation, which included sworn members of the Chicago Police Department, were not only aware of their

identities and the nature of the investigation, but also began retaliating against both Shannon and Danny.

14. Both Officers expressed great concern for their safety and provided me with details regarding the hostile work environment, extreme retaliation, lack of back-up and other support from members of the department (including the identities of individuals involved in the retaliatory conduct). Shannon and Danny turned to me for advice, informing me that they had on multiple occasions spoken directly with Chief of IAD, Juan Rivera, and had requested CR investigations be initiated on their behalf, with negative results.

15. Officer Spalding informed me that Rivera refused to initiate any type of investigation or disciplinary proceedings on their behalf.

16. Under the Chicago Police Department's General Orders and procedures, it can be an offense for a supervisor to fail to initiate a CR investigation after learning of any violation of Department rules and regulations.

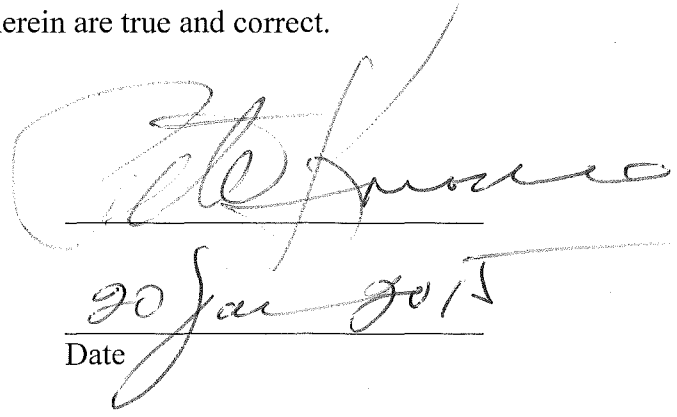
17. After Shannon and Danny informed me they had been removed from their detail of 543, I had a conversation with Deputy Superintendent Beatrice Cuello inquiring why either of these Officers would be removed from their assignments. During this conversation, Cuello stated to me that both officers were good officers and Cuello never had experienced any problems with them. However, during a meeting which included Deputy Chief James Jackson, Commander James O'Grady, and Chief Nicholas Rotti, James O'Grady and Nicholas Rotti stated that they refused to allow

either officer to return to their units of assignment within "189", due to the fact that Shannon and Danny were "IAD rats."

18. While visiting an acquaintance of mine, Lt. Paul Kusinkski, assigned to the tactical team in the 24th District, the conversation came up that Lt. Cesario and Lt. Kusinkski recently had a conversation during which Lt. Cesario stated something to the effect of: "I cannot believe they middled me into fucking with them, and now I'm involved in this federal lawsuit." He further stated, "Look at this shit, all because I fucked with Shannon and Danny because O'Grady and Salemme told me to."

FURTHER AFFIANT SAYETH NOT.

Under penalties as provided by law pursuant to 735 ILCS 5/1-109, I certify that the statements set forth herein are true and correct.



30 Jan 2017

Date

Chicago Police Department

General Order

COMPLAINT AND DISCIPLINARY PROCEDURES

ISSUE DATE:	14 May 2013	**EFFECTIVE DATE:**	14 May 2013
RESCINDS:	17 March 2013 Version		
INDEX CATEGORY:	Professionalism		

I. PURPOSE

This directive:

A. outlines the Complaint and Disciplinary process policy. Department members will refer to the Special Order titled "Complaint and Disciplinary Procedures" for procedural elements of the Complaint and Disciplinary process.

B. continues the use of the:

1. Automated Complaint System (ACS);
2. Automated Summary Punishment Action Request (SPAR) System;
3. Suspension Notification form (CPD-44.102);
4. Waiver of Counsel/Request to Secure Counsel form (CPD-44.106);
5. Investigator Unable to Contact Complainant/Witness (English/Spanish) (CPD-44.223);
6. Election/Rejection of Options to Suspension form (CPD-61.416);
7. Recorded Voice Transmissions Request form (OEMC-109).

C. introduces the use of the following revised forms:

1. Infraction Report [CPD-21.116 (Rev. 6/12)];
2. Request For Interview/Statement Report [CPD-44.103 (Rev. 2/12)];
3. Criminal Rights form [CPD-44.104 (Rev. 6/09)];
4. Administrative Proceedings Rights (Statutory) form [CPD-44.105 (Rev. 6/09)];
5. Investigator's Checklist form [CPD-44.108 (Rev. 06/12)];
6. Summary Report [CPD-44.112 (Rev. 06/12)];
7. Summary Report Digest [CPD-44.112-A (Rev. 06/12)];

8. Command Channel Review [CPD-44.113 (Rev. 06/12)];

9. Command Channel Review-Sustained Case [CPD-44.113-A (Rev. 06/12)];

10. Request For Time Extension [CPD-44.114 (Rev. 06/12)];

11. Notification of Charges/Allegations [CPD-44.115 (Rev. 6/09)];

12. Sworn Affidavit for Log Investigation form [CPD-44.126 (Rev. 7/09, English or Spanish)];

13. Request For Photographs [CPD-44.164 (Rev. 06/12)];

14. Request For Discipline Screening Program [CPD-44.210 (Rev. 06/12)];

15. Notification RE: Automated Complaint [CPD-44.217 (Rev. 06/12)];

16. Request For/Waiver of Police Board Review of Suspension [CPD-44.222 (Rev. 06/12)];

17. Request For Review of Recommendation For Suspension (For Suspensions of 16 to 30 Days) [CPD-44.246 (Rev. 06/12)];

18. Request For Review of Recommendation For Suspension (For Suspensions of 31 to 365 Days) [CPD-44.251 (Rev. 06/12)];

19. Notification of Duty Restrictions form [CPD-44.301 (Rev. 06/12)];

20. Log Investigation Voluntary Termination Letter [CPD-44.304 (Rev. 06/12, English and Spanish)].

D. discontinues the use of the following forms:

1. Period Report: Disciplinary Action/Minor Infractions (CPD-21.114);

2. Disciplinary Action/Minor Infraction Report (CPD-21.117-A and B);

3. Complaint Against Department Member (CPD-44.202);

4. Complaint Form Letter (CPD-44.224).

E. states Department policy relating to complaint and disciplinary procedures.

F. defines the terms associated with the ACS.

G. outlines the procedures and specific responsibilities related to this system.

II. POLICY

A. The Superintendent is charged with the responsibility and has the authority to maintain discipline within the Department. Accordingly, the Superintendent must ensure that internal investigations are conducted in accordance with the provisions outlined in this directive, in order to provide Department members with the fundamental principles of fairness and to ensure that members are afforded all their rights. These rights will also be understood to mean the provisions of the applicable agreement (contract) between the City of Chicago/Department of Police and the particular organization (union) representing the members.

B. All members will comply with Department Rules and Regulations, directives, and orders. Members who fail to comply hinder the effective performance of the Department's functions. This failure will be considered just cause for disciplinary action. Sworn members will be held strictly accountable for properly exercising the authority they have been given to protect the rights, lives, and property of all individuals. At the same time, Department members must be protected against false allegations of misconduct. This can only be accomplished through a consistently thorough investigative process. Prompt, thorough investigations will be conducted into allegations of misconduct to establish facts which can absolve the innocent and identify the guilty.

C. Certain rights afforded all Department members relative to the conduct of a disciplinary investigation are set forth in the directive entitled, "Department Member's Bill of Rights." Accordingly, members must cooperate with any ongoing investigation into allegations of misconduct. Members will be disciplined up to and including, separation from the Department for refusing to answer questions relating to their official actions or obligations which were assumed upon appointment to the Department.

III. DEFINITIONS

A. **Acknowledgment** - an electronic confirmation by a member using their Department logon username (PC Number) and password. **The electronic acknowledgment will have the full effect as that of the member's written signature.** In the event that an electronic acknowledgement is not available, a paper acknowledgement and written signature can be substituted.

B. **Automated Complaint System (ACS)** - the automation of the process for Log investigations.

C. **Letter of Declination** - a free and voluntary statement by a non-Department reporting party to withdraw a complaint against any member of the Department.

D. **Log Number** - a tracking number assigned to any incident brought to the attention of the Department, by a reporting party, involving a Department member that may be investigated.

Log Numbers may be further classified as:

1. **Complaint Register (CR) Number** - the conversion of a Log Number to a full disciplinary investigation. The sustained finding of a Complaint Register Number investigation is reported in a Department member's disciplinary history.

2. **EO** - the type given to an extraordinary incident (e.g., death in custody, suicide in custody, attempt suicide in custody).

3. **INFO** - the type given to an incident that has not been converted into a Complaint Register Number due to an un-signed Sworn Affidavit by a reporting party.

4. **NOTIFICATION -** the type given to an incident where a sworn Department member discharges a firearm (on or off duty) at a person and the person is not injured or killed, weapon discharge incidents involving the destruction of an animal, Oleoresin Capsicum (OC) discharges, field deployment of a Taser, use of chemical/smoke dispensing or distraction devices, or other miscellaneous incidents.

5. **U -** the type given to an incident when a sworn Department member discharges a firearm (on or off duty) and another person is injured or killed by one or more bullets fired by that member, or when a sworn Department member has suffered a self-inflicted gunshot wound.

E. **Reporting Party** - a person(s) (sworn or civilian) that brings an incident(s) involving a Department member(s), that may be investigated, to the attention of the Department.

F. **Shooting Member** - *A sworn Department member who has discharged a firearm (on or off duty).*

G. **Sworn Affidavit** - a sworn statement by a non-Department member, in writing, certifying that the statement is true and correct under penalties provided by law.

H. **Sworn Affidavit Override** - an action taken by the Chief Administrator, Independent Police Review Authority or the Bureau Chief, Bureau of Internal Affairs when the standards defined by the appropriate collective bargaining agreement have been met to continue the investigation without the sworn affidavit requirement when attempts to contact a reporting party are unsuccessful or the reporting party refuses to sign a Sworn Affidavit.

IV. EXCEPTIONS TO THE SWORN AFFIDAVIT REQUIREMENT

A signed sworn affidavit is required **except** for the following situations:

A. when criminal conduct is alleged;

B. when a violation of the Medical Policy is alleged;

C. when a residency violation is alleged;

D. when the reporting party is a Department or IPRA member; or

E. when there is a sworn affidavit override approved by either the Chief Administrator, Independent Police Review Authority, or the Bureau Chief, Bureau of Internal Affairs, as appropriate.

V. ADMONISHMENTS

A supervisor, commanding officer, or any member acting in such capacity, may immediately correct or admonish a subordinate if the nature or circumstances of an incident do not warrant a reprimand or formal disciplinary action. If immediate correction or admonishment is

not effective, (i.e., the conduct of the member indicates a repetitive pattern of irregularities) the procedures contained in the directive entitled "Summary Punishment" will be followed.

VI. DISCIPLINARY PROCESS

A. Alleged or suspected violations of Department Rules and Regulations, directives, or orders by any sworn or civilian member of the Chicago Police Department, with the exception of temporary Department employees, as designated by the Human Resources Division, (i.e., seasonal temporary and internship program employees) will be processed in accordance with the provisions of this directive.

B. The following directives set forth rights, responsibilities, and procedures for conducting investigations relative to disciplinary matters:

1. Department Member's Bill of Rights
2. Specific Responsibilities Regarding Misconduct
3. Conduct of Complaint Investigations
4. Special Situations Involving Misconduct
5. Complaint Summary Reporting and Review Procedures
6. Sustained Complaint Options
7. Summary Punishment

(Items indicated by *italics/double underline* have been added or revised)

Garry F. McCarthy
Superintendent of Police

08–118 MAV/MWK

PHONE BOOK:

1. **Independent Police Review Authority (IPRA)**
   PAX 0114

2. **Crime Prevention Information Center (CPIC)**
   PAX 0100 / 0254
   24 Hours

ADDENDA:

1. G08-01-01 - Department Member's Bill of Rights
2. G08-01-02 - Specific Responsibilities Regarding Allegations of Misconduct