

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

MARCUS WIGGINS, )  
Plaintiff, )  
vs. ) No. 93 C 0199  
JON BURGE, et al., )  
Defendants. )

Deposition of PETER F. DIGNAN, pursuant to notice and pursuant to the Federal Rules of Civil Procedure for the United States District Courts pertaining to the taking of depositions, taken before Camella T. Fagan, C.S.R., R.P.R., Notary Public within and for the County of Cook and State of Illinois, at 1180 North Milwaukee Avenue, in the City of Chicago, Cook County, Illinois, commencing at 11:00 o'clock a.m. on the 8th day of August, 1996.

BREHON REPORTING (708) 788-9040

There were present during the taking of this deposition the following counsel:

MR. G. FLINT TAYLOR,  
(Peoples Law Office  
1180 North Milwaukee Avenue  
Chicago, Illinois 60622)  
On behalf of the Plaintiff;

MS. MARGARET A. CAREY,  
(Assistant Corporation Counsel  
30 North LaSalle Street  
Suite 900  
Chicago, Illinois 60602)  
On behalf of Defendants  
Leroy Martin and the  
City of Chicago;

MS. EILEEN E. ROSEN,  
(Assistant Corporation Counsel  
30 North LaSalle Street  
Suite 900  
Chicago, Illinois 60602)  
On behalf of Defendants Anthony  
Maslanka, John Paladino, Kenneth  
Boudreau, Michael Kill, Fred  
Bonke, and James O'Brien.

BREHON REPORTING (708) 788-9040

I N D E X

<u>WITNESS:</u>	<u>PAGE</u>
Peter F. Dignan	
Examination by Mr. Taylor:	4

E X H I B I T S

No. 1	100
No. 2	104
No. 3	113
No. 4	115
No. 4	121
No. 5A	124
No. 5B	126
No. 6	128
No. 7	167
No. 8	165
No. 8A	51
No. 9	178
No. 10	220
Paladino Nos. 5A - 5D	

C E R T I F I E D Q U E S T I O N S

None

BREHON REPORTING (708) 788-9040

(Witness sworn.)

PETER F. DIGNAN,  
called as a witness herein, having been first duly sworn, was examined and testified as follows:

EXAMINATION

BY MR. TAYLOR:

Q State your name and spell your last name for the record, please.

A Peter F. Dignan, D-i-g-n-a-n.

Q Present occupation, please?

A Police officer.

Q Where are you located or assigned?

A I'm assigned to the Chicago Police Department, Intelligence Section.

Q That's at 35th and Normal?

A No, it's not.

Q Where is it located now?

A I think it's 943 West Maxwell.

Q How long have you been a Chicago police officer?

A I'm in my 28th year.

Q Your rank at the present time?

A Sergeant.

Q So you've been a police officer since

BREHON REPORTING (708) 788-9040

1 after the changeover?

2 A I suppose.

3 Q And the changeover was at the very  
4 beginning of 1980?

5 A I think so.

6 Q And at that changeover, at the time of  
7 the changeover, who was the commanding officer -- who  
8 became the commanding officer of Area 2 Violent  
9 Crimes?

10 A Lieutenant John Griffith.

11 Q Was Burge a sergeant or a lieutenant  
12 at that time?

13 A I think Jon was a lieutenant.

14 Q Was he at Area 2 during the time of  
15 the changeover?

16 A I'm not sure. I don't think I was  
17 there during -- when it was being changed over.

18 Q Where were you?

19 A I was assigned to Detective Division  
20 Headquarters.

21 Q How long were you assigned there?

22 A About five months. Five, six months.

23 Q That was in 1980?

24 A I'm sorry. I can't be specific.

BREHON REPORTING (708) 788-9040

1 You're going back way too far for me to remember  
2 events on days. I don't think I was present during  
3 the changeover.

4 Q Why were you assigned downtown?

5 A I was assigned downtown because the  
6 fellow who was doing the homicide analysis had a  
7 coronary bypass and they needed someone to review the  
8 homicide files.

9 Q So you did a homicide file review for  
10 them?

11 A Yeah. Homicide review.

12 Q Who did you work with on that?

13 A I worked directly for the chief, Bill  
14 Hanhardt.

15 Q Other than this six months when you  
16 worked directly for Commander Hanhardt or Captain  
17 Hanhardt, did you ever work with him at any other  
18 time?

19 A No. I don't think I ever really knew  
20 the chief up until that time.

21 Q Do you know why you were selected to  
22 do this?

23 A I haven't got the vaguest idea. .

24 Q Do you know who selected you?

BREHON REPORTING (708) 788-9040

1 A I know who asked me.

2 Q Who was that?

3 A Sergeant Mike Caccitoli.

4 Q Was he at Area 2?

5 A At one time he was.

6 Q Was he at the time he asked you?

7 A No.

8 Q Where was he?

9 A I believe he also worked in some  
10 capacity at police headquarters, and I can't recall  
11 his capacity.

12 Q All right. Now, in any of your  
13 experiences as a police officer, have you ever used  
14 the term nigger?

15 A Yes.

16 Q How frequently have you used it?

17 A You got to be kidding me. I have no  
18 idea.

19 Q Would you say more than ten times?

20 A Yes.

21 Q More than a hundred times?

22 A Probably.

23 Q More than two hundred times?

24 A I have no idea. I don't keep count on

BREHON REPORTING (708) 788-9040

1 the words I use and how many times I use them.

2 Q Did you ever use the term bitches and  
3 whores?

4 A Have I used those words?

5 Q On duty.

6 A At one time or another I probably  
7 have.

8 Q How about kikes and polacks?

9 A I've used the word polacks. Kikes,  
10 no. I don't use that word.

11 Q Have you ever heard Jon Burge use the  
12 term nigger in your presence?

13 A Yes.

14 Q How frequently?

15 A Not too often.

16 Q Where?

17 A Where?

18 Q Yeah.

19 A It would be hard to say.

20 Q Did you hear him use it during  
21 interrogations?

22 A No.

23 Q Did you hear him use it when you were  
24 socializing with him at the bars and restaurants that

BREHON REPORTING (708) 788-9040

1 you mentioned?

2 A Yes.

3 Q In what context would he use it?

4 A He might be telling a joke.

5 Q Any other way that he would use it  
6 other than in a joke?

7 A No, not really.

8 Q How would you use the term? What  
9 context?

10 A Maybe in a joke, maybe out of anger I  
11 might say it to someone.

12 Q Say it to a person you were  
13 questioning out of anger?

14 A Yeah, um-hum. Not -- yeah, or someone  
15 I might be trying to arrest.

16 Q Do you remember any specific occasions  
17 that you used the term nigger to an arrestee or a  
18 person you were questioning out of anger?

19 MS. CAREY: I object to the form of the  
20 question.

21 You can answer.

22 THE WITNESS: It would be hard to remember. I  
23 don't remember any specific cases, but I'm sure I  
24 have.

BREHON REPORTING (708) 788-9040

1 BY MR. TAYLOR:

2 Q Were there other detectives present  
3 when you used the term?

4 A Might have been. I don't know.

5 Q Would you say that you used the term  
6 nigger more frequently, less frequently, or about the  
7 same as other detectives you worked with while you  
8 were on the job?

9 MS. CAREY: I'm going to object to form and  
10 foundation. Unless he was present at every  
11 interrogation, how could he -- if that's where it's  
12 occurring, if it occurs, how can he possibly answer  
13 the question?

14 If you know, you can answer.

15 THE WITNESS: Would you repeat that question?

16 (Record read.)

17 I can't answer that question.

18 BY MR. TAYLOR:

19 Q Were there some detectives that used  
20 the term more frequently than others?

21 MS. CAREY: Same objection.

22 You can answer if you know.

23 BY MR. TAYLOR:

24 Q In your presence.

BREHON REPORTING (708) 788-9040

1 A No.

2 Q Did you ever hear Paladino use the  
3 term?

4 A I don't think I've ever heard John say  
5 that word.

6 Q Do you know Maslanka?

7 A Yes.

8 Q Was he at Area 2 while you were there?

9 A Yes.

10 Q Did you ever work with him?

11 A Yes.

12 Q Was he ever your partner?

13 A Yes.

14 Q For how long was he your partner?

15 A Maybe a month or two.

16 Q What year was that?

17 A Maybe 19 -- I think maybe 1982.

18 Q Was this before or after the Andrew  
19 Wilson arrest?

20 A After.

21 Q And did you work on the Mission Team  
22 with him?

23 A No.

24 Q This was under Burge's command as the

BREHON REPORTING (708) 788-9040

1 commander of the Violent Crimes Unit?

2 A Yes.

3 Q Why were you his partner for just one  
4 month?

5 A If I remember correctly, Tony had just  
6 became a -- was a new detective, newly assigned to  
7 Area 2, and I was assigned to be like a field  
8 training officer. We shared the same duties and all  
9 this sort of stuff.

10 Our paperwork was a little different  
11 than the Patrol Division, and if Tony were to have a  
12 problem, I was just to give him some direction.

13 Q Did you ever hear him use the word  
14 nigger in your presence?

15 A I can't be sure.

16 Q You may have, but you can't be sure?

17 MS. CAREY: Object to the form.

18 THE WITNESS: I'm not going to give an opinion  
19 if I can't remember specifically because I'm not  
20 going to characterize him as using a word that I'm  
21 not sure that he's ever used.

22 BY MR. TAYLOR:

23 Q How about Sergeant Byrne? Did he ever  
24 use the term nigger in your presence while on duty?

BREHON REPORTING (708) 788-9040

1 A Yes.

2 Q Did he use it during interrogations  
3 that he and you were present at?

4 A Not during interrogations.

5 Q When did he use the term?

6 A Normally during general conversation  
7 or in a joke.

8 Q Did you ever hear him use the term in  
9 the presence of a suspect or an arrestee?

10 A I'm not sure.

11 Q In these over 100 times that you used  
12 the term, that you've estimated you've used the term,  
13 on how many of those occasions did you use it in  
14 addressing a suspect or an arrestee?

15 MS. CAREY: I'm going to object to the form of  
16 the question.

17 You can answer.

18 THE WITNESS: I'm not sure I've ever used it  
19 during interrogations or after a person was arrested.  
20 I might use it just in general day-to-day  
21 conversation or as a joke.

22 It's not a term that is uncommon to  
23 me. I've heard black officers use it as much as  
24 white officers. Sometimes more. It's a common word.

BREHON REPORTING (708) 788-9040

1 BY MR. TAYLOR:

2 Q Um-hum. Previously you testified you  
3 used it in anger with arrestees and suspects, but you  
4 can't remember a specific occasion where you did  
5 that?

6 A Not offhand.

7 Q Did you ever use it in dealing with  
8 Gregory Banks when you arrested and questioned him?

9 A I don't think so. No.

10 Q Did you ever say to him, we've got  
11 something for niggers?

12 A No. I wouldn't do that with a  
13 prisoner.

14 Q Did Sergeant Byrne say that in your  
15 presence?

16 A No. We're pretty -- I would not use  
17 that during the interrogation of a prisoner.

18 Q Why not?

19 A Why not?

20 Q Um-hum.

21 A Why would you jeopardize a case over  
22 something stupid?

23 Q Using that term would be stupid?

24 A In my view it would be.

BREHON REPORTING (708) 788-9040

1 Q Why would it jeopardize a case if you  
2 called a suspect a nigger?

3 A Because if I used the word, I wouldn't  
4 lie about it, and if I used the word I would have to  
5 testify in court that I did say it and I wouldn't say  
6 it. So I'm telling you I never used it and I won't  
7 use it during the interrogation of a prisoner.

8 Q So you only used it when you were  
9 angry to an arrestee or a suspect outside the  
10 confines of questioning him; is that right?

11 MS. CAREY: I'll object to the form of the  
12 question.

13 You can answer.

14 THE WITNESS: In certain cases over the years  
15 I'm sure I have. If you want me to give a specific  
16 answer, I can't.

17 BY MR. TAYLOR:

18 Q So you drew the line when you were  
19 questioning someone to get a statement because you  
20 knew you would have to testify in court that you used  
21 that term?

22 A I would have to testify under oath and  
23 I will not lie under oath.

24 Q And you never have lied under oath?

BREHON REPORTING (708) 788-9040

1 A No.

2 Q Now, while you were at Area 2 Homicide  
3 during the '70s and up until 1980, did you ever hear  
4 of any occasion where an Area 2 detective was alleged  
5 to have used excessive force against a suspect?

6 A When was this?

7 Q In the '70s while you were at  
8 Homicide.

9 A Have I ever heard of any cases?

10 Q Um-hum.

11 A Not particularly. No.

12 Q Have you ever heard that Burge or  
13 anybody working with him had ever used any kind of  
14 electric shock devices against anyone during the  
15 '70s?

16 A Only what I've -- heard from who?

17 Q While you were working as a detective  
18 during the '70s, did you ever hear from anyone on the  
19 job, did you ever hear of any allegations at that  
20 time that electric shock had been used against any  
21 suspect in custody?

22 A I heard allegations were made against  
23 Jon and other people. Yes.

24 Q Did you hear them at that time; in

BREHON REPORTING (708) 788-9040

1 other words, in the '70s while you were a homicide  
2 detective, or have you heard them subsequently?

3 A I would say subsequent.

4 Q When is the first time you heard about  
5 those allegations?

6 A Just a few years ago.

7 Q Prior to a few years ago, had you ever  
8 heard while you were on the job or in the taverns  
9 that there had been any allegations of unnecessary  
10 use of force by Jon Burge or any men working with  
11 him?

12 A Not that I can recollect offhand. No.

13 Q Were you aware of whether there was  
14 any electric shock device in Area 2 during the '70s  
15 or early '80s?

16 MS. CAREY: I'll object to the form and  
17 foundation.

18 You can answer.

19 THE WITNESS: No. I was not aware of any kind  
20 of device.

21 BY MR. TAYLOR:

22 Q While you were in Area 2 Violent  
23 Crimes, other than the month that you were partners  
24 with Maslanka, did you have any other regular

1 partners?

2 A Yes.

3 Q Who were they?

4 A Oh, man. Bob Dwyer, Charlie Grunhard.

5 I can't remember all of them.

6 Q Was John Yucaitis your partner?

7 A John Yucaitis.

8 Q How frequently was he your partner?

9 How long?

10 A About as frequently as Bob and  
11 Charlie. We all worked the same watch. We would all  
12 work with each on a nightly basis.

13 Q What watch was that?

14 A Midnights. First watch.

15 Q So that was a different watch than  
16 Maslanka and Paladino were on?

17 A Yes.

18 Q Was Byrne the supervising sergeant on  
19 midnights?

20 A We had a couple. Jack was one of  
21 them.

22 Q Who were the others?

23 A Sergeant Bill Dooley, Sergeant Al

24 Palmer.

1 Q Is that Alvin Palmer?

2 A Yes.

3 Q Is he black?

4 A Yes, he is.

5 Q Now, are you familiar with a suspect  
6 that you questioned in September of 1982 by the name  
7 of Lee Holmes?

8 A I recall the name.

9 Q Do you recall it in connection with  
10 the Gregory Banks decision?

11 MS. CAREY: I'm going to object to the form of  
12 the question.

13 You can answer.

14 THE WITNESS: No.

15 BY MR. TAYLOR:

16 Q Did you, in fact, along with Sergeant  
17 Byrne, participate in the interrogation of Lee Holmes  
18 in September of 1982?

19 A I don't remember the case.

20 Q Why do you remember the name?

21 A I just remember the name. I don't  
22 remember the circumstances.

23 Q Were you present for or did you  
24 participate in placing a plastic bag or a typewriter

1 cover over Lee Holmes' head in September of 1982?

2 MS. CAREY: I'm going to object to form and  
3 foundation.

4 You can answer.

5 THE WITNESS: I've never placed a plastic bag  
6 or -- what was the other thing?

7 BY MR. TAYLOR:

8 Q A typewriter cover.

9 A I've never seen a typewriter cover at  
10 Area 2 while I worked there.

11 Q So there never was one there?

12 A Have you ever seen our typewriters?

13 Q I've seen the product of them.

14 MS. CAREY: I'm going to object to the form --

15 THE WITNESS: Pretty good --

16 MS. CAREY: Wait, wait, wait. Is there a  
17 question pending here or what?

18 Unless there is a question pending,  
19 you do not have to respond.

20 BY MR. TAYLOR:

21 Q So you never saw a typewriter cover at  
22 Area 2 while you were there, correct?

23 A I can't remember ever seeing one of  
24 those things.

1 Q Ever see a plastic bag while you were  
2 there?

3 A Probably.

4 Q But you have no -- you deny that you  
5 have ever put a plastic bag on anybody's head, right?

6 MS. ROSEN: Objection. Asked and answered.

7 THE WITNESS: Absolutely.

8 BY MR. TAYLOR:

9 Q If someone had alleged that against  
10 you, would that be something you would remember?

11 MS. CAREY: I'm going to object to the form  
12 and foundation.

13 If you can answer that question, go  
14 ahead.

15 THE WITNESS: I would remember that the  
16 allegations were made, but I wouldn't remember who  
17 made them.

18 BY MR. TAYLOR:

19 Q Do you remember having those  
20 allegations made against you on more than one  
21 occasion?

22 MS. CAREY: Object to the foundation.

23 You can answer.

24 THE WITNESS: I can remember an allegation.

1 BY MR. TAYLOR:

2 Q More than one or just one?

3 A I'm not sure if it was one or two.

4 Q What ones? Do you remember who made  
5 them?

6 A No.

7 Q Do you remember when they were made?

8 A No.

9 Q Do you remember who else they were  
10 made against other than yourself?

11 A No, not specifically. No.

12 Q Do you remember whether you gave an  
13 OPS statement in the Lee Holmes case?

14 A Like I said, I remember the name, but  
15 I don't remember the case or the allegations.

16 Q Is there anything that would refresh  
17 your recollection?

18 A I suppose case reports or arrest  
19 reports or something like that. I'm not sure.

20 Q Okay. Now, Area 2 was located at 91st  
21 and Cottage Grove; is that right, in the '70s and  
22 early '80s?

23 A Yes.

24 Q Was the Violent Crimes Unit on the

1 second floor or the third floor?

2 A There was only two floors. Second  
3 floor.

4 Q Second floor. Was there a basement in  
5 that building?

6 A I don't know.

7 Q Had you ever been in the basement of  
8 that building?

9 MS. CAREY: I'll object to the form and  
10 foundation. He said he doesn't know if there was a  
11 basement.

12 You can answer the question.

13 THE WITNESS: I don't know if there is a  
14 basement there; therefore, I was never in a basement.

15 BY MR. TAYLOR:

16 Q When was Area 2, the building site,  
17 changed from 91st and Cottage to, I think, it was  
18 111th Street?

19 A Um-hum. Yes.

20 Q When did that occur?

21 A I don't know the specific date.

22 Q Did you work at Area 2 when the  
23 transfer happened?

24 A No.

1 Q Where were you at that time?

2 A I don't recall. I know I wasn't  
3 assigned there.

4 Q You weren't assigned to Area 2 when --

5 A Not at that time.

6 Q Was there a time in 1982 or 1983 where  
7 you were assigned other than to Area 2?

8 A I was at the Training Division for a  
9 period of time and I was detailed to the chief of  
10 detectives during a period of time, and the dates are  
11 kind of muddled in my mind.

12 Q Well, when were you at the Training  
13 Division?

14 A I don't recall the dates.

15 Q How long were you there for?

16 A About six or seven months.

17 Q Why were you assigned there?

18 A Training.

19 Q Were you being trained or training  
20 others?

21 A Training others.

22 Q What were you training them in?

23 A Homicide investigation, lineup  
24 procedures, interviews and interrogations, crime

1 Q Do you know where he kept it?  
 2 A He wore it.  
 3 Q Did he wear it while he was  
 4 questioning people?  
 5 A I don't know. I didn't work with him.  
 6 Q Do you know what shift he worked?  
 7 A Days.  
 8 Q Anyone else have a .44 Magnum that you  
 9 know of?  
 10 A No, not to my knowledge.  
 11 Q Anyone have a .45?  
 12 A A lot of guys had .45's.  
 13 Q You never did, though?  
 14 A Yeah. I own a .45.  
 15 Q What brand?  
 16 A It's a Colt.  
 17 Q Colt .45? Is it a revolver?  
 18 A It's a semiautomatic pistol.  
 19 Q How long have you had that?  
 20 A It's been quite a long time. It's  
 21 kind of like a collector's thing.  
 22 Q What color is it?  
 23 A Blue steel.  
 24 Q Do you have any other .45's?

BREHON REPORTING (708) 788-9040

1 A Um-hum. They're both blue steel.  
 2 Q Did you have those in the '80s?  
 3 A Yes.  
 4 Q Did Sergeant Byrne have a .45?  
 5 A I don't know if he did or not.  
 6 Q Did you ever see a silver .45 at Area  
 7 2?  
 8 A I know I've seen them. I don't know  
 9 if I've seen them at Area 2. I know I've seen them  
 10 on the job, but I don't know if I saw them at Area 2  
 11 or out on the street. I know I've seen them.  
 12 Q Now, going back to the Gregory Banks  
 13 interrogation now, did Banks ultimately give a  
 14 statement to you?  
 15 A Yes.  
 16 Q What time did he give that statement?  
 17 A I don't remember the time.  
 18 Q Was it during that same watch that you  
 19 started to question him, sometime after midnight?  
 20 MS. CAREY: I'm going to object to the  
 21 foundation. He just said he doesn't remember what  
 22 time.  
 23 If you know, you can answer.  
 24 THE WITNESS: I don't remember the time.

BREHON REPORTING (708) 788-9040

1 BY MR. TAYLOR:  
 2 Q Was it sometime after midnight of the  
 3 same morning that you started to question him?  
 4 MS. CAREY: Same objection. Go ahead.  
 5 BY MR. TAYLOR:  
 6 Q Or was it a different day?  
 7 A It was after midnight, but I don't  
 8 know when.  
 9 Q Who, if anyone, else was present when  
 10 he gave the statement?  
 11 A It's been a long time. I know who I  
 12 was working with. I don't know if Detective Grunhard  
 13 was there or not. I don't remember.  
 14 Q Now, Banks alleged that you had placed  
 15 a plastic bag over his head; is that right?  
 16 A Yeah. He alleged that, I think.  
 17 Q He also alleged that prior to your  
 18 doing that you said, we got something for niggers,  
 19 right?  
 20 A I remember that being alleged.  
 21 Q And he also alleged that you and Byrne  
 22 kicked him and hit him with flashlights; is that  
 23 right, while in the interrogation room?  
 24 A Those might have been alleged. I'm

BREHON REPORTING (708) 788-9040

1 not 100 percent sure.  
 2 Q Now, back at that time in '83 or --  
 3 there was an OPS investigation into those  
 4 allegations; is that right?  
 5 A I believe so.  
 6 Q And you gave a statement to the OPS  
 7 with regard to those allegations, didn't you?  
 8 A If there was an investigation, I'm  
 9 sure I gave a statement.  
 10 Q I'm going to show you what I'm going  
 11 to mark as Dignan Exhibit Number 1.  
 12 (Exhibit marked and tendered to  
 13 witness.)  
 14 I'll ask you to take a look at that.  
 15 Is that your signature on the first page, a waiver of  
 16 counsel?  
 17 A Yes.  
 18 Q Is the second page the statement that  
 19 you gave with regard to the allegations that Gregory  
 20 Banks made against you concerning bagging and  
 21 beating?  
 22 MS. CAREY: I'll object to form and  
 23 foundation. Also, if you would give him a chance to  
 24 review it.

BREHON REPORTING (708) 788-9040

(Brief pause.)

THE WITNESS: What was the question?

BY MR. TAYLOR:

Q Is this the statement that you gave to OPS in December of 1984 pursuant to their investigation of the allegations Gregory Banks made against you?

A It must be. It's my signature.

Q That's your signature at the bottom?

A Um-hum.

Q And the OPS entered a not sustained finding originally in that case, didn't they?

MS. CAREY: Object to the form of the question.

BY MR. TAYLOR:

Q To your knowledge, were you informed that this case was not sustained, the allegations?

A I don't remember.

Q Did you ever have -- while you were at Area 2, did you ever have an excessive force allegation sustained against you?

A No.

Q Okay. Now, the OPS reopened the investigation with regard to Gregory Banks a few

years ago after a lawsuit was filed by him; isn't that right?

MS. CAREY: I'm going to object to form and foundation.

You can answer.

THE WITNESS: Yes.

BY MR. TAYLOR:

Q And you were called in to give another statement; isn't that right?

A Yes.

Q And you did come in with a lawyer and give a statement; is that right?

A Yes.

Q And you were feeling quite hostile towards that investigation, weren't you?

MS. CAREY: I'm going to object to the form of the question.

You can answer.

THE WITNESS: What makes you think that, that I was hostile? I don't think so.

BY MR. TAYLOR:

Q You weren't hostile?

A I don't think so.

Q You weren't upset?

A No.

Q You weren't upset that they brought you down for another statement almost ten years after the first statement that you gave?

A No. I don't think I was upset at all.

Q In the reinvestigation, the investigator recommended a sustained finding against you for the excessive use of force; isn't that right?

MS. CAREY: Object to form and foundation.

You can answer.

THE WITNESS: I don't know.

BY MR. TAYLOR:

Q You don't know?

A No, I don't.

Q Do you know what the recommendation, the original recommendation, from that reinvestigation was?

MS. CAREY: Same objection.

THE WITNESS: I haven't the slightest idea.

BY MR. TAYLOR:

Q Have you been informed what the ultimate resolution of that complaint is?

MS. CAREY: Same objection.

BY MR. TAYLOR:

Q If there has been one.

A No, I have not.

Q Other than to give a statement, have you appeared at any proceeding with regard to the allegations that Gregory Banks made since the reinvestigation has been started?

A No.

Q All right. Let me show you what I'm going to mark as Dignan Exhibit Number 2.

(Exhibit marked and tendered to witness.)

Take a look through that. Take a look at your signature and review it, if you would.

A Review it without reading it?

Q Yes. At this point just look it over. You don't need to read it word for word.

MS. CAREY: Are you going to be asking him questions about it?

MR. TAYLOR: I want him to identify it first.

MS. CAREY: Well, I think he has to read it in order to identify it.

MR. TAYLOR: Well, read it if you want to. Go ahead.

MS. CAREY: I think you should read it before



1 A Yes.

2 Q And did he -- was he placed in the  
3 squad car that you were in?

4 A Yes.

5 Q Who else besides yourself and Cannon  
6 was in that car?

7 A Detective Yucaitis. I think Yucaitis  
8 was there. I'm not sure about John, if he was there  
9 or not.

10 Q Byrne?

11 A Byrne was there, Grunhard, and me. I  
12 don't think Yucaitis was there. I'm not sure who  
13 else was there.

14 Q So it was Byrne, Grunhard, and  
15 yourself in the car?

16 A Yeah, for sure. I seem to recollect  
17 someone else, but I can't be specific.

18 Q After you put him in the squad car,  
19 did you drive around looking for other witnesses or  
20 participants in the crime?

21 A I didn't put him in the squad car.

22 Q But after he was in the squad car.

23 A Yes. After he was in the squad car.

24 Q Were you driving?

1 A No.

2 Q Who was driving?

3 A I don't recall.

4 Q Who put him in the squad car?

5 A Detective Grunhard.

6 Q Did you go into the apartment where  
7 Cannon was arrested?

8 A Yes.

9 Q Did you participate in the search for  
10 him and find him in the closet?

11 A I was on one side of a bed and  
12 Detective Grunhard was on the other, and Charlie  
13 found him lying naked at the bottom of a closet or a  
14 large cabinet under some clothes.

15 Q Did you call him a nigger at any time?

16 A No.

17 Q Did you hear anyone else call him a  
18 nigger at any time during the arrest?

19 A No.

20 Q So for how long did you drive around  
21 with him looking for other suspects at other  
22 locations in the city?

23 A I don't recall the exact length of  
24 time, but I know we were looking for another suspect.

1 Q Did you find him?

2 A No.

3 Q Did you subsequently take Darrell  
4 Cannon somewhere other than on this search for other  
5 witnesses?

6 A Yes.

7 Q I mean, suspects. Where did you take  
8 him?

9 A Area 2.

10 Q Prior to taking him to Area 2, did you  
11 take him to an area, any kind of parking area or  
12 viaduct area?

13 A No.

14 Q Did you stop at any time prior to  
15 taking him to Area 2 and after picking him up?

16 A We checked out locations that he  
17 pointed out to us. Yeah, we did.

18 Q So you would stop when he pointed out  
19 a location and then go and look and then come back?

20 A Um-hum. Yes.

21 Q At any time did you take him to a  
22 place and beat him or electric shock him?

23 A No.

24 Q Did you use a cattle prod on him,

1 either on his testicles, his mouth, or any other  
2 area?

3 A No.

4 Q Did Sergeant Byrne or Grunhard or  
5 anyone else do that in your presence?

6 A Absolutely not.

7 Q Have you ever seen a cattle prod?

8 A No.

9 Q You don't know what they look like?

10 A I've heard -- I've been given  
11 descriptions of them over the years, but I've never  
12 seen one.

13 Q Was one ever used, to your knowledge,  
14 at Area 2?

15 A Absolutely not.

16 Q Was there any kind of box or any kind  
17 of electric shock-type equipment at Area 2 that you  
18 knew of?

19 MS. CAREY: Objection. Asked and answered.

20 You can answer it again.

21 THE WITNESS: No.

22 BY MR. TAYLOR:

23 Q Now, there was an OPS investigation  
24 into the Darrell Cannon case, wasn't there?