

# **Exhibit 179**

UNITED STATES DISTRICT COURT  
DISTRICT OF MARYLAND  
Civil Action No. TDC-18-3821

-----)  
HISPANIC NATIONAL LAW ENFORCEMENT  
ASSOCIATION NCR,  
UNITED BLACK POLICE OFFICERS ASSOCIATION,  
MICHAEL ANIS, MICHAEL BROWN, THOMAS BOONE,  
DANITA INGRAM, PAUL MACK, JOSEPH PEREZ,  
TASHA OATIS, CLARENCE RUCKER, CHRIS SMITH,  
RICHARD TORRES, THOMAS WALL, and  
SONYA L. ZOLLICOFFER,

Plaintiffs,

vs.

PRINCE GEORGE'S COUNTY,  
HENRY P. STAWINSKI, III, Individually and  
in His Official Capacity as Chief of  
Police, MARK A. MACAW, Individually and in His  
Official Capacity as Deputy Chief  
Administrative Officer for Public Safety,  
CHRISTOPHER MURTHA, Individually and in  
His Official Capacity as Deputy Chief of  
Police, and MAJOR KATHLEEN MILLS, Individually  
and in Her Official Capacity as Commander,

Defendants.  
-----)

Videotaped Deposition of HENRY P. STAWINSKI, III  
Friday, July 31, 2020 - 9:26 a.m.

Reported By:

Debra Stevens, RPR-CRR

Job No. 28037

Page 2

1           **REMOTE VIDEOTAPED DEPOSITION OF**  
 2           **HENRY P. STAWINSKI, III, a Witness**  
 3           **herein, taken by Plaintiffs, on**  
 4           **Friday, July 31, 2020, at 9:26 a.m.**  
 5           **EDT, before Debra Stevens, a Certified**  
 6           **Realtime and Registered Professional**  
 7           **Reporter and Notary Public within and**  
 8           **for the State of New York.**  
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Page 3

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 24       Christian Ruiz, Videographer  
 25

Page 4

1  
 2           **EXAMINATIONS**  
 3   **WITNESS                      PAGE**  
 4   **HENRY STAWINSKI**  
 5       By Mr. Freedman           9  
 6       By Mr. Thompson           376  
 7  
 8           **EXHIBITS**  
 9   **EXHIBIT   DESCRIPTION           PAGE**  
 10   Exhibit 1   Duties and           17  
               Responsibilities of  
               Organizational  
               Components  
 11  
 12   Exhibit 2   Volume 1, Chapter 11,   30  
               "Discipline from the  
               General Orders"  
 13  
 14   Exhibit 3   Volume 1, Chapter 22,   34  
               "Internal  
               Investigative  
               Procedures"  
 15  
 16   Exhibit 4   Volume 1, Chapter 4,   45  
               "Complaints"  
 17  
 18   Exhibit 5   Volume 1, Chapter 14,   58  
               "Employee Early  
               Identification  
               System, EIS"  
 19  
 20   Exhibit 6   Volume 1, Chapter 12,   74  
               "Discrimination and  
               Sexual Harassment"  
 21  
 22   Exhibit 7   Letter from Carlos   114  
               Acosta to the  
               Department of Justice  
 23               (Continued)  
 24  
 25

Page 5

1  
 2           **EXHIBITS**  
 3   **EXHIBIT   DESCRIPTION           PAGE**  
 4   Exhibit 8   Email exchange with   151  
               Mr. Phillips  
 5  
 6   Exhibit 9   Email dated 5/16/17   173  
               from Mark Magaw  
 7   Exhibit 10   Email                   180  
 8   Exhibit 11   Email exchange       184  
 9   Exhibit 12   Letter to Jared       190  
               McCarthy  
 10  
 11   Exhibit 13   Email                   193  
 12  
 13   Exhibit 14   Letter dated 12/13/17   198  
 14  
 15   Exhibit 15   Document               206  
 16  
 17   Exhibit 16   Summation list of   208  
               lieutenants  
 18   Exhibit 17   Summation list of   211  
               captains  
 19  
 20   Exhibit 18   Email                   220  
 21  
 22   Exhibit 19   Email chain           227  
 23  
 24   Exhibit 20   Report of               273  
               Investigation for IAD  
               Case 2004-17  
 25  
 26   Exhibit 21   Report of               273  
               Investigation for IA  
               File 2014-100  
 27  
 28   Exhibit 22   Use of force report   275  
               for 1/1/15 incident  
               involving Officer  
               ██████████  
 29               (Continued)

1

2 EXHIBITS

3 EXHIBIT DESCRIPTION PAGE

4 Exhibit 23 Email dated 7/12/16 296  
to John McGroarty

5

6 Exhibit 24 Formal request to 302  
County Councilwoman  
Taveras

7

8 Exhibit 25 Email chain 304

9

10 Exhibit 26 Mr. Crowell's e-mail 311

11

12 Exhibit 27 Formal complaint 315  
6/8/17

13

14 Exhibit 28 Email chain 334

15

16 Exhibit 29 Email dated 6/12/17 341

17

18 INFORMATION/PRODUCTION REQUESTS

19 DESCRIPTION PAGE

20 Report of annual analysis of 50  
complaints and investigations

21

22 Files detailing the work that was 76  
done in review of the  
Discrimination and Sexual  
Harassment policy

23

24 Transition memo 230

25

Records of Captain Perez 338  
investigation

Disciplinary action 377  
recommendation dated April 9,  
2018

1

2 THE VIDEOGRAPHER: We are now on

3 the record. Today's date is July 31,

4 2020 and the time is 9:26 a.m. Eastern

5 Daylight Time. This is the video

6 deposition of Henry Stawinski in the

7 matter of Hispanic National Law

8 Enforcement Associate NCR, et al.,

9 versus Prince George's County, filed

10 in the United States District Court,

11 District of Maryland, Case No.

12 TDC-18-3821.

13 This deposition is taking place

14 via web videoconference with all

15 participants attending remotely due to

16 the COVID-19 pandemic. My name is

17 Christian Ruiz deChavez. I am the

18 videographer representing

19 TransPerfect.

20 Will counsel on the conference

21 please identify yourselves and state

22 whom you represent, beginning with the

23 questioning attorney.

24 MR. FREEDMAN: Thank you. This

25 is John Freedman, from Arnold &

1

2 Porter, for the Plaintiffs. I am

3 joined by my colleagues, Peter Grossi,

4 Adam Pergament and Mei-Wah Lee.

5 MR. THOMPSON: Craig Thompson

6 and Lauren Stocks-Smith on behalf of

7 Defendants.

8 THE VIDEOGRAPHER: Our court

9 reporter today is Debra Stevens

10 representing TransPerfect. The court

11 reporter will now swear in the

12 witness.

13 COURT REPORTER: Will counsel

14 please state for the record that they

15 stipulate to the validity of the

16 remote swearing-in procedure?

17 MR. FREEDMAN: John Freedman, on

18 behalf of Plaintiffs. We so

19 stipulate.

20 MR. THOMPSON: Craig Thompson

21 and Lauren Stocks-Smith, on behalf of

22 Defendant. We so stipulate.

23 COURT REPORTER: Sir, will you

24 state your full name?

25 THE WITNESS: Henry B. Stawinski

1 H. STAWINSKI

2 III.

3 Whereupon,

4 HENRY B. STAWINSKI,

5 having been first duly sworn/affirmed,

6 was examined and testified as follows:

7 EXAMINATION BY

8 MR. FREEDMAN:

9 Q. Good morning, Mr. Stawinski. I

10 am John Freedman, I represent the

11 Plaintiffs in this suit. Would you state

12 your residence address for the record?

13 [REDACTED]

14 [REDACTED]

15 Q. Have you had your deposition

16 taken before?

17 A. Yes, sir.

18 Q. Approximately how many times?

19 A. Approximately five.

20 Q. Do you understand that you are

21 under oath and you are required to answer

22 my questions truthfully?

23 A. Yes, sir, I do.

24 Q. If you do not understand my

25 questions, will you tell me so that I can

Page 10

1 H. STAWINSKI  
 2 try and rephrase?  
 3 A. Yes, sir.  
 4 Q. Are you on any medications or  
 5 experiencing any medical conditions that  
 6 would prevent you from giving your fullest  
 7 and most accurate testimony today?  
 8 A. No, sir, I am not.  
 9 Q. Under District of Maryland  
 10 Discovery Guideline 6.g, during breaks in  
 11 the taking of a deposition, no one should  
 12 discuss with the deponent the substance of  
 13 the prior testimony given by the deponent  
 14 during the deposition. That includes your  
 15 counsel or other lawyers for the county.  
 16 Do you understand that?  
 17 A. Yes, sir, I do.  
 18 Q. Before we went on the record,  
 19 counsel for Defendants opened the box of  
 20 documents, exhibits that we sent. We will  
 21 be going through those today. Had you  
 22 opened or seen any of the contents of  
 23 those envelopes before the deposition  
 24 started?  
 25 A. No, sir.

Page 12

1 H. STAWINSKI  
 2 regulations and procedures of the Prince  
 3 George's County Police Department?  
 4 A. Yes, sir.  
 5 Q. And the General Order Manual --  
 6 (Reporter interruption.)  
 7 Q. And the General Order Manual is  
 8 the primary manual of the Prince George's  
 9 County Police Department. Correct?  
 10 A. Yes.  
 11 Q. And all general orders are  
 12 established, revised and approved by  
 13 authority of the chief of police.  
 14 Correct?  
 15 A. Yes, counsel. They are as a  
 16 result of a process through which those  
 17 are crafted by the responsible command  
 18 officers in that component and then  
 19 reviewed through the chain of command and  
 20 then ultimately approved after that  
 21 process by the chief of police as the head  
 22 of the agency.  
 23 Q. Unless otherwise indicated, all  
 24 general orders apply to all department  
 25 employees. Correct?

Page 11

1 H. STAWINSKI  
 2 Q. You started as chief or acting  
 3 chief on December 11, 2015. Correct?  
 4 A. No, sir.  
 5 Q. When did you start as acting  
 6 chief of the Prince George's County Police  
 7 Department?  
 8 A. January 1st of 2016.  
 9 Q. And your last day as chief of  
 10 the Prince George's Police Department was  
 11 June 18, 2020. Correct?  
 12 A. My official retirement date was  
 13 June 30th, sir.  
 14 Q. Are you in any way still  
 15 providing services to the police  
 16 department or the county?  
 17 A. No, sir.  
 18 Q. Are you still being compensated  
 19 by the county?  
 20 A. No, sir.  
 21 Q. Are you currently employed?  
 22 A. No, sir.  
 23 Q. Are the Prince George's County  
 24 Police Department general orders written  
 25 directives that concern policy, rules,

Page 13

1 H. STAWINSKI  
 2 A. Broadly, yes. Again, that is  
 3 general. Those can be conditioned with  
 4 respect to specific operating procedures  
 5 or standard operating procedures in  
 6 different components. But broadly, yes,  
 7 sir.  
 8 Q. Unless otherwise indicated in  
 9 the face of the policy, the general order  
 10 applies to all department employees.  
 11 Correct?  
 12 A. Yes.  
 13 Q. Did anyone else from the county  
 14 government approve the general orders  
 15 besides the chief of police?  
 16 A. Well, they are vetted, again,  
 17 through a deliberative process where they  
 18 are crafted by members of the Planning and  
 19 Research division, as a group. Then they  
 20 are reviewed for legal sufficiency, and  
 21 then again there is a conversation that  
 22 occurs amongst the executive leadership of  
 23 the department to ensure the policy --  
 24 because it is difficult to craft a policy  
 25 that accommodates the realities. It can't

1 H. STAWINSKI  
 2 be too specific, it can't be overly broad.  
 3 Then based on that deliberative  
 4 process and input from multiple  
 5 individuals, the policy is arrived at. I  
 6 would make a practice of having a  
 7 conversation again with executive  
 8 leadership, and then ultimately as head of  
 9 agency the chief of police signs off on  
 10 that policy.  
 11 Q. Does anyone from the county  
 12 government outside the police department  
 13 approve the general orders?  
 14 A. They are regularly vetted  
 15 through a member of the county Office of  
 16 Law, who is assigned specifically to the  
 17 police department. So, there is a review  
 18 for legal sufficiency. I also made a  
 19 practice of having those policies reviewed  
 20 by the independent Inspector General of  
 21 the department, again as part of that  
 22 deliberative process.  
 23 Q. Who were the legal counsels that  
 24 you ran the policies by during your tenure  
 25 as chief?

1 H. STAWINSKI  
 2 A. Most recently, Jack Mitchell.  
 3 Then there were a number of other  
 4 individuals. I apologize, counsel, I  
 5 don't have the names off the top of my  
 6 head right now.  
 7 Q. Were you the final  
 8 decision-maker whether to approve the  
 9 policies?  
 10 A. As head of agency, the chief of  
 11 police has the final authority in signing  
 12 those policies into effect. However,  
 13 again, those policies were crafted as a  
 14 result of the deliberative process that I  
 15 just spoke of.  
 16 Q. Following that deliberative  
 17 policy, you gave the final approval to the  
 18 policies. Correct?  
 19 MR. THOMPSON: Objection. You  
 20 can answer.  
 21 A. As head of agency, the chief of  
 22 police has the authority to enact those  
 23 policies.  
 24 Q. If someone in the department  
 25 does not follow a general order, that can

1 H. STAWINSKI  
 2 be grounds for discipline. Correct?  
 3 A. Broadly, yes, but of course that  
 4 would be dependent upon the circumstances.  
 5 Q. As chief of police, you exercise  
 6 final department authority in all matter  
 7 of operations, policy and discipline.  
 8 Correct?  
 9 MR. THOMPSON: Objection to  
 10 form.  
 11 Q. You can answer.  
 12 A. The chief of police is, as you  
 13 suggest, the final authority. However,  
 14 all of those policies are administered and  
 15 enforced, and the consistency of them is  
 16 vetted through delegation through the  
 17 various components of the department and  
 18 through chain of command.  
 19 Q. But the chief of police is the  
 20 final authority on matters of operation,  
 21 policy and discipline. Correct?  
 22 MR. THOMPSON: Same objection.  
 23 A. The chief of police is the  
 24 appointing authority and has final  
 25 authority according to the organizational

1 H. STAWINSKI  
 2 structure. But again, that is  
 3 administered through the chain of command  
 4 and delegation of authority to various  
 5 components depending on what we are  
 6 talking about, counsel.  
 7 Q. As chief of police, one of your  
 8 responsibilities was to coordinate the  
 9 grievance procedure for the department.  
 10 Correct?  
 11 A. The grievance procedure?  
 12 Q. Yes, sir.  
 13 A. With respect to what are you  
 14 speaking, counsel?  
 15 MR. FREEDMAN: Christian, can we  
 16 publish Exhibit No. 2?  
 17 THE VIDEOGRAPHER: This will be  
 18 Exhibit 1, counsel?  
 19 MR. FREEDMAN: It is marked as  
 20 Tab 2 but it will be Exhibit 1 to the  
 21 deposition.  
 22 (So marked for identification as  
 23 Exhibit 1.)  
 24 Q. Sir, do you see what is marked  
 25 Exhibit 1 in front of you?

Page 18

1 H. STAWINSKI  
 2 A. I see a portion of a document  
 3 that says "Duties and Responsibilities of  
 4 Organizational Components."  
 5 Q. Great.  
 6 MR. FREEDMAN: If the witness  
 7 would scroll down to the bottom of the  
 8 first page.  
 9 THE VIDEOGRAPHER: On the top,  
 10 Mr. Stawinski, there is a box that  
 11 says you have control.  
 12 THE WITNESS: Thank you, sir.  
 13 Q. If you could scroll down to the  
 14 bottom of the first page, sir?  
 15 A. I am looking for the mechanism  
 16 by which I do that, counsel.  
 17 THE WITNESS: I have a mouse  
 18 icon. Is that what I am supposed to  
 19 use?  
 20 (Discussion held off the  
 21 record.)  
 22 Q. Do you see, sir, the bullet that  
 23 says, "In addition, the chief of police,"  
 24 and then it says "coordinates grievance  
 25 procedures for the department"?

Page 20

1 H. STAWINSKI  
 2 A. At the beginning of my  
 3 administration, I asked for a complete  
 4 review of the entire policy system, and I  
 5 was going to Major Alexander and Captain  
 6 Perez to lead that initiative. It was in  
 7 the fall of 2016 shortly after becoming  
 8 the chief. The point of that was to  
 9 ensure at the beginning of my  
 10 administration that each and every policy  
 11 was reviewed and was vetted.  
 12 These policies change over time  
 13 because of court decisions and changes in  
 14 the law. That process is a constant  
 15 evolution of policy, and I wanted to put  
 16 fresh eyes into that component and I  
 17 wanted to have all of those policies  
 18 reviewed so that we could be certain they  
 19 were contemporary.  
 20 Q. After the initial review of all  
 21 policies that you just described, did you  
 22 ever initiate or ask for a review of  
 23 the -- specifically ask for a review of  
 24 the discrimination and harassment policy?  
 25 A. No, counsel. I asked for a

Page 19

1 H. STAWINSKI  
 2 Do you see that?  
 3 A. I see it, counsel.  
 4 Q. Is that the responsibility of  
 5 the chief of police of the department?  
 6 A. To coordinate the procedures?  
 7 Yes.  
 8 Q. As chief of police you authorize  
 9 the transfer of personnel. Correct?  
 10 A. As a result of a deliberative  
 11 process involving leadership at various  
 12 levels, we arrive at a mechanism by which  
 13 individuals are transferred. But again,  
 14 as head of agency and appointing  
 15 authority, ultimately that resides with  
 16 the office of the chief and the chief is  
 17 responsible.  
 18 Q. During your tenure as chief, did  
 19 you ever initiate or otherwise ask for  
 20 review of any departmental policies or  
 21 procedures?  
 22 A. Yes.  
 23 Q. Did you ever initiate or ask for  
 24 review of the department's discrimination  
 25 or harassment policy?

Page 21

1 H. STAWINSKI  
 2 review of all policies. It would be  
 3 comprehensive of that particular policy.  
 4 Q. During your tenure as chief, did  
 5 you ever ask for review of whether  
 6 department policies or procedures were not  
 7 being followed?  
 8 A. The mechanism by which that  
 9 would occur would be through a couple  
 10 different things. Firstly, a review of  
 11 Internal Affairs cases, a review of EEOC  
 12 cases, the aggregate of this work; and  
 13 then finally, when we would receive  
 14 requests from elected officials, from the  
 15 media, from community members about  
 16 misconduct on the department, reviews  
 17 would be undertaken and information would  
 18 be provided based on that.  
 19 Q. During your tenure as chief, did  
 20 you ever initiate or ask for review of  
 21 whether the department's discrimination  
 22 and harassment policy was being followed?  
 23 A. That conversation occurred  
 24 between myself and the person to which I  
 25 delegated responsibility for that, which



1 H. STAWINSKI  
2 would be the deputy chief of the Bureau of  
3 Administration --

4 (Reporter interruption) --  
5 A. -- and Homeland Security. The  
6 incumbents included Deputy Chief Nader,  
7 Deputy Chief Grant, Deputy Chief Powell,  
8 Deputy Chief Harvin.

9 In addition, they relied upon  
10 the guidance of Ms. Jewel Graves, who was  
11 also a part of the formal EEO process  
12 within the Prince George's County Police  
13 Department.

14 So, to your question, counselor,  
15 my insights into those issues within the  
16 department, the validity of the policy and  
17 the consistency by which the department  
18 was being compliant with that policy was  
19 as a result of the perspective brought to  
20 me by the deputy chiefs to whom I had  
21 delegated responsibility for that.

22 In addition, we would regularly  
23 discuss these issues with the county  
24 Office of Law, through which our responses  
25 to concerns of an EEO nature, the Office

1 H. STAWINSKI  
2 of Law would ultimately respond on behalf  
3 of the police department. That is the  
4 county Office of Law. Coming back to our  
5 delegated attorney, most recently Jack  
6 Mitchell.

7 Q. Thank you, sir.  
8 My question was actually a  
9 little bit different. My question was, as  
10 chief, did you ever ask for or initiate a  
11 review whether the department's  
12 discrimination and harassment policy was  
13 being followed?

14 A. My response is that when issues  
15 of this nature were brought to my  
16 attention by one of the deputy chiefs who  
17 I enumerated, by assistant chief of  
18 police, by the Office of Law, then there  
19 was a conversation that ensued regarding  
20 the circumstances to determine whether or  
21 not we were operating outside of policy.  
22 And I relied upon the findings of the  
23 responsible deputy chief. So, we are  
24 vetting that policy constantly against  
25 concerns that arise.

1 H. STAWINSKI  
2 Q. Sir, if I understand your  
3 testimony, what you are saying is that on  
4 an ad hoc basis, as cases came up, you  
5 would have the deputy chief and Ms. Graves  
6 assess the situation but that you never  
7 asked for or requested a comprehensive  
8 view whether the department's  
9 discrimination and harassment policy was  
10 being followed. Correct?

11 MR. THOMPSON: Objection to  
12 form. Misstates the record. You can  
13 answer.

14 A. Okay. Counselor, in addition to  
15 the specifics that we are speaking of --  
16 and perhaps I am being inarticulate -- I  
17 did ask the responsible deputy chiefs at  
18 various points to give me a snapshot of  
19 EEO matters broadly. But, again, that was  
20 in conjunction with the comprehensive  
21 review of policies that I requested at the  
22 beginning of my administration. In those  
23 conversations, my questions would arise  
24 based on the circumstances of the cases.

25 I did look at the number of

1 H. STAWINSKI  
2 cases filed over time. I would have that  
3 aggregated and provided back to me by the  
4 responsible deputy chief, who would look  
5 across that census of cases. Again, the  
6 questions arise, obviously, is there a  
7 flaw within the policies? No member of  
8 that team that I just spoke of at any  
9 point suggested that there were flaws  
10 within the policies. And again, our  
11 efforts to make certain that those  
12 policies were enforced were  
13 substantially -- sorry -- were enhanced by  
14 my directive then to Deputy Chief Grant,  
15 the second incumbent that I spoke of, to  
16 have quarterly EEO reminders published.  
17 Then that was further reinforced through  
18 inservice training where two of the four  
19 years that I was chief we had specific EEO  
20 training.

21 So the policies were reviewed  
22 and found to be sufficient based on the  
23 commands that I delegated to Planning and  
24 Research. Those were reviewed as a result  
25 of extant complaints but they were also



1 H. STAWINSKI  
2 reviewed across the census of those  
3 complaints to see if there were flaws that  
4 could be identified.

5 And during my tenure, there were  
6 no instances where it was brought to my  
7 attention that the policies were thought  
8 to be deficient or were leading to some  
9 dissonance or the creation of a  
10 circumstance where people felt that they  
11 could act in a way that would be contrary  
12 to the expectations of the law.

13 Q. Did anyone ever reduce their  
14 review to writing for you and provide you  
15 a clean bill of health that says "all the  
16 department's policies on discrimination  
17 and harassment are good"?

18 MR. THOMPSON: Objection to  
19 form.

20 Q. You can answer. He just  
21 objected to form.

22 A. If the question is do I have a  
23 specific document from one of the people  
24 who I delegated responsibility for this  
25 stating just as you suggest, no. But the

1 H. STAWINSKI  
2 you asked for a review of the department's  
3 policies and procedures around  
4 discrimination and harassment.

5 A. Well, counsel, again --

6 Q. You didn't conduct such a  
7 review, did you?

8 MR. THOMPSON: Objection; asked  
9 and answered.

10 (Reporter interruption; record  
11 read.)

12 Q. You didn't ask for a specific  
13 review of the department's policies and  
14 procedures around discrimination and  
15 harassment other than the review of all  
16 policies at the beginning of your  
17 administration. Correct?

18 MR. THOMPSON: Objection. Asked  
19 and answered. You can answer.

20 THE WITNESS: Thank you.

21 A. Counsel, again, you went to some  
22 lengths to establish the general orders  
23 and their role in administering the  
24 department. And I asked for a  
25 comprehensive review of all policies. I

1 H. STAWINSKI  
2 conclusion that I drew from the various  
3 conversations that I was just alluding to  
4 was that the policies themselves were not  
5 deficient. And I have a great degree of  
6 confidence that one of the deputy chiefs  
7 or all the deputy chiefs, had they  
8 identified -- or the Office of Law.

[REDACTED]

20 So, as a result of that process,  
21 I did not have reason to conclude, but I  
22 did not have a specific document  
23 suggesting what you are asking, counsel.

24 Q. Because you never asked for a  
25 specific review -- my question is whether

1 H. STAWINSKI  
2 put two individuals in place to ensure  
3 that that work was done in 2016. That  
4 comprehensive review would include the  
5 policy that you are speaking of.

6 Q. Sir, can you find in the stock  
7 of envelopes envelope A?

8 A. Should I do that or should I  
9 work with counsel or someone?

10 Q. If there is someone there who  
11 can do it, that's great.

12 A. I just don't want to mess up  
13 your documents, counsel.

14 A, Mr. Freedman?

15 Q. Yes. The envelope marked A.

16 A. I believe we have the one marked  
17 A. And they are numbered.

18 Q. We can start with A3, but why  
19 don't you pull the stack of A's out?

20 A. We have them. I have A3 and I  
21 suppose those are Mr. Thompson's copies  
22 there.

23 Are all the copies we spoke of  
24 earlier, sir, contained in each of these  
25 packages?

Page 30

1 H. STAWINSKI  
 2 Q. There should be two copies of  
 3 each package.  
 4 A. That is what I am asking. Yes,  
 5 sir. So this would be A3.  
 6 MR. FREEDMAN: We'll mark this  
 7 Exhibit 2. For the court reporter and  
 8 videographer, this is the document  
 9 designated A3 but it will be  
 10 Exhibit 2.  
 11 (So marked for identification as  
 12 Exhibit 2.)  
 13 Q. Sir, if you could write on the  
 14 lower right-hand corner if you have a pen,  
 15 "Number 2"?  
 16 A. I don't have one, counsel, but I  
 17 think there might be one over here.  
 18 THE WITNESS: Here is Lauren. I  
 19 will remain on camera, Madam Reporter.  
 20 I'm sorry.  
 21 Thank you.  
 22 A. Two in the lower right-hand  
 23 corner, sir?  
 24 Q. Yes, please.  
 25 A. Okay. Done.

Page 32

1 H. STAWINSKI  
 2 Do you see that?  
 3 A. I do.  
 4 Q. Then it goes on to say, "Any  
 5 investigation or hearing arising from a  
 6 complaint must be conducted fairly and  
 7 openly, consistent with applicable  
 8 legislation."  
 9 Do you see that?  
 10 A. I see that.  
 11 Q. Then the policy goes on to  
 12 outline certain conduct that would warrant  
 13 discipline. Right?  
 14 A. Where are you at, counsel?  
 15 Q. I am just giving an overall  
 16 description of the policy.  
 17 MR. THOMPSON: I will object to  
 18 form.  
 19 A. What follows the preamble that  
 20 you just alluded to is definitions of  
 21 various kinds of conduct.  
 22 Q. Let me try it this way. What is  
 23 this policy? What does it do?  
 24 A. It establishes the rights of the  
 25 employee, each employee. It establishes

Page 31

1 H. STAWINSKI  
 2 Q. So, we have handed you Volume 1,  
 3 Chapter 11, "Discipline from the General  
 4 Orders." Do you see that?  
 5 A. I see that, sir.  
 6 Q. It has a date of June 2017. Do  
 7 you see that?  
 8 A. Yes, sir.  
 9 Q. You approved this policy.  
 10 Correct?  
 11 A. This is a product of the process  
 12 that I described to you with respect to my  
 13 assignment of Major Alexander, Captain  
 14 Perez, comprehensive review of the policy  
 15 of the Prince George's County Police  
 16 Department.  
 17 Q. And you gave final approval to  
 18 this policy, right?  
 19 A. As a result of the process that  
 20 I spoke of earlier, yes.  
 21 Q. This policy starts and states,  
 22 "The department has the responsibility to  
 23 identify and discipline employees whose  
 24 conduct discredits the department or  
 25 impairs its operations."

Page 33

1 H. STAWINSKI  
 2 the rights of the public. It speaks to an  
 3 investigation or hearing that may arise  
 4 from a complaint. And then it endeavors  
 5 to define the various types of conduct  
 6 that can be subject to discipline, and  
 7 then who would be responsible for that,  
 8 and then who may be a respondent to an  
 9 investigation or a hearing that may arise  
 10 from a complaint.  
 11 Q. Thank you, sir. You can set  
 12 that to the side.  
 13 If you could open envelope A4?  
 14 A. Okay. I will put those on that  
 15 side and these on this side. That seems  
 16 to work.  
 17 THE WITNESS: I will put these  
 18 envelopes over here, Lauren, and I  
 19 will provide you with this.  
 20 MR. FREEDMAN: What was  
 21 designated A4 is Exhibit 3.  
 22 Q. Sir, if you could write "Number  
 23 3" in the lower right-hand corner of the  
 24 first page?  
 25 A. Okay, sir.

Page 34

1 H. STAWINSKI  
 2 (So marked for identification as  
 3 Exhibit 3.)  
 4 MR. FREEDMAN: Craig, do you  
 5 have your copy?  
 6 MR. THOMPSON: I do, thank you.  
 7 Q. Sir, we handed you what has been  
 8 marked Exhibit 3, Volume 1, Chapter 22,  
 9 "Internal Investigative Procedures."  
 10 Do you see that?  
 11 A. I see that, sir.  
 12 Q. You see it has a date of  
 13 December 2016. Do you see that?  
 14 A. I do, yes.  
 15 Q. You approved this policy,  
 16 correct?  
 17 A. Yes.  
 18 Q. If you read the first sentence,  
 19 "It is the policy of Prince George's  
 20 Police Department to ensure that all  
 21 investigations arising from a complaint  
 22 are conducted fairly and openly in  
 23 accordance with the provision of the Law  
 24 Enforcement Officers' Bill of Rights  
 25 (LEOBR) and that the rights of the public

Page 36

1 H. STAWINSKI  
 2 paragraph, sir. Read it for the record.  
 3 A. "Internal investigation shall  
 4 be" --  
 5 (Reporter interruption.)  
 6 "Internal investigations shall  
 7 be handled confidentially. Investigative  
 8 information and evidence shall not be  
 9 disclosed unless authorized by law or by  
 10 the chief of police. Notwithstanding  
 11 other provisions of the General Order  
 12 Manual, this does not preclude the  
 13 established chain of command from  
 14 reviewing such material."  
 15 That is the paragraph.  
 16 Q. Sir, if you could turn to the  
 17 ninth page of the policy, the one bearing  
 18 Bates number 619, the next-to-last page?  
 19 MR. THOMPSON: Those numbers are  
 20 in the bottom right-hand corner.  
 21 A. Yes, sir. 619.  
 22 Q. Sir, do you see the section at  
 23 the top of the right-hand column says,  
 24 "Transmitting investigative reports"? Do  
 25 you see that?

Page 35

1 H. STAWINSKI  
 2 are preserved."  
 3 Do you see that?  
 4 A. I do.  
 5 Q. If you skip down two paragraphs,  
 6 to the fourth paragraph of the policy  
 7 portion of the document it says, "Internal  
 8 investigations shall be handled  
 9 confidentially."  
 10 Do you see that?  
 11 A. I do.  
 12 Q. Then it goes on to say,  
 13 "Investigative information and evidence  
 14 shall not be disclosed unless authorized  
 15 by law or by the chief of police."  
 16 Do you see that, sir?  
 17 A. Are you referring to the  
 18 sentence that precedes "Notwithstanding  
 19 other provisions of the General Order  
 20 Manual, this does not preclude the chain  
 21 of command from reviewing such material"?  
 22 Q. That is the sentence I was  
 23 referring to. Do you see what that says?  
 24 A. The one prior to that, counsel?  
 25 Q. Yes. The second sentence of the

Page 37

1 H. STAWINSKI  
 2 A. Yes, I do.  
 3 Q. And "It is the department's  
 4 policy that all investigative reports must  
 5 be forwarded to the chief of police except  
 6 as provided in the LEOBR."  
 7 Do you see that?  
 8 A. I do.  
 9 Q. And then the second paragraph of  
 10 that section says it is the policy of the  
 11 department that "if the chief of police  
 12 determines that substantive issues have  
 13 not been adequately or impartially  
 14 addressed, the chief of police shall  
 15 instruct IAD or the appropriate  
 16 commander/manager to continue the  
 17 investigation."  
 18 That is part of the policy of  
 19 the department, right?  
 20 A. This is the stated policy. But  
 21 again, the policies that we alluded to  
 22 earlier put myself in a position to  
 23 delegate. So with respect to these  
 24 particular issues, those responsibilities  
 25 are delegated to the assistant chief of

Page 38

1 H. STAWINSKI  
 2 police, along with responsibilities for  
 3 the finances of the department, to conduct  
 4 those comprehensive reviews. I  
 5 established a system under my  
 6 administration whereby the sorts of issues  
 7 that you are speaking hereto would be  
 8 handled by the assistant chief and would  
 9 have close scrutiny of all of those  
 10 policies on a regular basis. But if those  
 11 investigations were going to precipitate  
 12 the potential for a demotion or a  
 13 termination, then that became part of the  
 14 deliberative process that I established as  
 15 chief involving the executive leadership  
 16 of the police department.  
 17 What you are speaking to here is  
 18 responsibility I delegated primarily to  
 19 the assistant chief unless and until those  
 20 matters involved demotion or termination.  
 21 Q. And the assistant chief you are  
 22 referring to is Mr. Velez, right, Hector  
 23 Velez?  
 24 A. Hector Velez, yes.  
 25 Q. During your tenure as chief of

Page 40

1 H. STAWINSKI  
 2 or dismissal, and so he would take those  
 3 actions. And then, yes, as part of the  
 4 deliberative process I spoke of that I  
 5 participated in with the executive  
 6 leadership, there were instances where we  
 7 asked for the investigation to be  
 8 furthered.  
 9 Q. Which specific matters did you  
 10 refer back for further investigation?  
 11 A. Counsel, at this point I don't  
 12 remember right off the top of my head.  
 13 There were dozens of such instances over  
 14 the course of the last several years. If  
 15 you have a document that you would like me  
 16 to review or a specific set of facts you  
 17 would like me to review, I would be happy  
 18 to try and do that for you.  
 19 Q. Do you recall any specific  
 20 instances sitting here today?  
 21 A. There were questions of an  
 22 officer who had been charged with a false  
 23 statement. There were questions as to  
 24 whether or not his recorded testimony in  
 25 court were absolutely clear with respect

Page 39

1 H. STAWINSKI  
 2 police, did you or your designee ever  
 3 instruct IAD that substantive issues in an  
 4 investigation had not been adequately  
 5 addressed and instruct IAD to continue the  
 6 investigation?  
 7 A. Assistant Chief Velez would  
 8 brief me on his reviews of various  
 9 investigations, and there were instances  
 10 where the assistant chief referred it back  
 11 for further investigation.  
 12 As part of the deliberative  
 13 process involving cases that could  
 14 potentially lead to demotion or dismissal,  
 15 we did on several occasions refer back for  
 16 further investigation or further  
 17 clarification. And then the incumbent in  
 18 that position, either Major Mills or Major  
 19 McCreary most recently, would further that  
 20 investigation and come back and present  
 21 those answers.  
 22 Again, counsel, we are talking  
 23 about two separate issues here. The  
 24 assistant chief took responsibility for  
 25 the things that would not lead to demotion

Page 41

1 H. STAWINSKI  
 2 to a misrepresentation of fact.  
 3 There were instances where cases  
 4 were being advanced but the evidence was  
 5 circumstantial and so there was a desire  
 6 to see actual substantive evidence that  
 7 would demonstrate the culpability of the  
 8 individual. And there were instances  
 9 where we would refer back an investigation  
 10 such as the one I just described in that  
 11 particular instance.  
 12 Again, counsel, I apologize, I  
 13 don't remember the name of that officer  
 14 right now. We concluded that the case  
 15 would not move forward because there was  
 16 no direct evidence of wrongdoing. It was  
 17 all circumstantial evidence.  
 18 Those broadly occurred and there  
 19 were numerous cases in which we asked  
 20 those sorts of follow-up questions. But  
 21 again, I can't enumerate all those cases  
 22 for you over the last four years or the  
 23 multiple number of cases we reviewed.  
 24 Q. My question wasn't whether you  
 25 could enumerate them all. My question was

Page 42

1 H. STAWINSKI  
 2 whether you could enumerate one. Do you  
 3 recall the names of any specific officers  
 4 whose cases you sent back for further  
 5 investigation?  
 6 A. I enumerated to you the fact  
 7 pattern associated with two of those but I  
 8 don't know the officers' names right now.  
 9 Q. The first one, where of the  
 10 officer testified falsely in court, was  
 11 that Officer Thomas Denault?  
 12 A. No.  
 13 Q. Sitting here today, you don't  
 14 recall the names of any particular  
 15 officers whose cases you sent back for  
 16 further investigation. Correct?  
 17 A. No, I don't.  
 18 Q. How would the fact that you sent  
 19 a case back for further investigation be  
 20 documented?  
 21 A. Through the responsible  
 22 commander.  
 23 Q. Would it be documented in  
 24 writing?  
 25 A. You would have to --

Page 44

1 H. STAWINSKI  
 2 Affairs regarding a case that may lead to  
 3 dismissal or reduction in rank. So, all  
 4 of the deputy chiefs, myself, the  
 5 assistant chief, the inspector general  
 6 participated with the commander. The  
 7 facts pattern was presented to us and then  
 8 questions would arise.  
 9 If at the conclusion of those  
 10 deliberations we did not believe we had  
 11 enough information or we believed  
 12 something needed further investigation,  
 13 then we directed them immediately at that  
 14 point to go and find the answers to those  
 15 questions and then bring that back to the  
 16 group.  
 17 Q. To the extent that directive to  
 18 investigate further was put in writing, it  
 19 was not done so by the executive command  
 20 staff?  
 21 A. No. It would be the  
 22 responsibility of the commander of the  
 23 Internal Affairs division.  
 24 Q. Thank you, sir.  
 25 If you can open up envelope A2?

Page 43

1 H. STAWINSKI  
 2 respectfully, you would have to submit  
 3 that question to Major Mills or Major  
 4 McCreary. I believe that they did  
 5 document the request and then would come  
 6 back and brief us again on the findings of  
 7 that request for follow-up, which could  
 8 arise from myself, could arise from the  
 9 assistant chief, could arise from any of  
 10 the deputy chiefs or the inspector  
 11 general.  
 12 Q. Now you've confused me. How did  
 13 you communicate the fact that a case  
 14 needed to go back for further  
 15 investigation --  
 16 A. Directly to the --  
 17 (Reporter interruption.)  
 18 Q. I'm sorry, you've confused me.  
 19 How did you convey to IAD that a case  
 20 needed further investigation?  
 21 A. Counsel, this process didn't  
 22 occur piecemeal fashion. There was a  
 23 conversation amongst the executive  
 24 leadership of the department. It would be  
 25 a briefing from the commander of Internal

Page 45

1 H. STAWINSKI  
 2 MR. FREEDMAN: We'll mark  
 3 document A2 as Exhibit 4.  
 4 (So marked for identification as  
 5 Exhibit 4.)  
 6 MR. THOMPSON: I have it as  
 7 well.  
 8 Q. If you could, sir, mark the  
 9 lower right-hand corner "Number 4"?  
 10 A. Yes, sir.  
 11 Q. I have handed you what has been  
 12 marked Exhibit 4, Volume 1, Chapter 4,  
 13 "Complaints." Do you see that, sir?  
 14 A. I do.  
 15 Q. The date of the document is  
 16 December 2016. Do you see that?  
 17 A. Yes.  
 18 Q. Sir, if you could turn to  
 19 Section 7 of the document, which is the  
 20 fourth page of the policy, Bates number  
 21 ending 340.  
 22 A. Yes, sir.  
 23 Q. "It is part of the policy of the  
 24 department that use of force, abusive  
 25 language, harassment and criminal



Page 46

1 H. STAWINSKI  
 2 misconduct complaints must be investigated  
 3 by IAD; they may also investigate other  
 4 types of complaints."  
 5 Do you see that?  
 6 A. I do.  
 7 Q. During your tenure as chief,  
 8 there were use of force cases that IAD did  
 9 not investigate. Correct?  
 10 A. I am not aware of that, counsel.  
 11 Q. You are not aware of that?  
 12 A. No.  
 13 Q. During your tenure as chief,  
 14 there were harassment cases that IAD did  
 15 not investigate; correct?  
 16 A. I am not aware of that, counsel.  
 17 Q. Okay. During your tenure as  
 18 chief, there were criminal misconduct  
 19 cases that IAD did not investigate.  
 20 Correct?  
 21 A. Not that I am aware of, counsel.  
 22 Q. If you could turn to Section 10  
 23 on the next page, the fifth page of the  
 24 document, Bates 341, the section  
 25 "Bias-Based Profiling."

Page 48

1 H. STAWINSKI  
 2 Q. Yes. My questions are going to  
 3 be focused on Section 10, which is on  
 4 pages 5 and 6, the last and next-to-last  
 5 page of the document.  
 6 A. Yes. Okay.  
 7 Q. My specific question for you is,  
 8 if you look on page 6, the section  
 9 "Reporting Allegations of Profiling"?  
 10 A. Yes.  
 11 Q. It states, "The commander IAD  
 12 shall submit a monthly report to the chief  
 13 of police that summarizes all complaints  
 14 of profiling against departmental  
 15 employees received by that office." Then  
 16 it goes on to say, "In addition, the  
 17 commander IAD shall conduct an annual  
 18 analysis of complaints and investigations  
 19 and submit a report to the chief of  
 20 police."  
 21 That is part of the policy,  
 22 right?  
 23 A. Yes, sir.  
 24 Q. During your tenure as chief,  
 25 your IAD commander failed to send you the

Page 47

1 H. STAWINSKI  
 2 Do you see that, sir?  
 3 A. Can I pause for a second,  
 4 counsel, and just review the policy in its  
 5 entirety? Because again, we are talking  
 6 about one specific piece and the policy is  
 7 structured in such a way that all of those  
 8 pieces work in concert with one another.  
 9 Would that be okay?  
 10 Q. My question was pretty focused  
 11 on one particular part of this section.  
 12 A. I understand, counsel, but I  
 13 would appreciate the opportunity to look  
 14 at the policy because, again, it is a  
 15 comprehensive document and is intended to  
 16 work comprehensively.  
 17 Q. Go ahead, sir.  
 18 A. Thank you.  
 19 (Pause.)  
 20 (Discussion held off the  
 21 record.)  
 22 A. Okay, counsel. I just needed a  
 23 moment to refamiliarize myself with this.  
 24 Could you direct me back to the portion  
 25 you were asking about?

Page 49

1 H. STAWINSKI  
 2 monthly reports on bias-based profiling.  
 3 Correct?  
 4 MR. THOMPSON: Objection to  
 5 form.  
 6 A. Again, counsel, those were  
 7 responsibilities that I delegated to the  
 8 assistant chief of police with oversight  
 9 of the Internal Affairs function. So I  
 10 think that question would be best  
 11 addressed to the assistant chief.  
 12 Q. Do you know whether the IAD  
 13 commander prepared the monthly reports on  
 14 bias-based profiling?  
 15 A. Again, I delegated those  
 16 responsibilities to the assistant chief of  
 17 police.  
 18 Q. Same question with regard to the  
 19 annual reports. Do you know during your  
 20 tenure as chief whether your IAD commander  
 21 prepared the annual analysis of complaints  
 22 and investigations?  
 23 A. I am aware that the foundation  
 24 of that, which was reported to the MPTC by  
 25 Maryland law, because I was briefed when

Page 50

1 H. STAWINSKI  
 2 those reports were registered with the  
 3 state, this would arise with respect to  
 4 that report. And I am aware that those  
 5 reports were made.  
 6 MR. FREEDMAN: Counsel, we  
 7 haven't gotten any such report in  
 8 discovery and the witness's answer is  
 9 inconsistent with discovery responses  
 10 we have received. We would ask for  
 11 production of those materials.  
 12 MR. THOMPSON: We will take that  
 13 under advisement. If we can make a  
 14 running list and if you can send --  
 15 assuming other requests come up, send  
 16 us a letter to confirm what it is we  
 17 are being asked to do.  
 18 Q. Sir, during your tenure as  
 19 chief, no officer was terminated for  
 20 engaging in bias-based profiling.  
 21 Correct?  
 22 A. Not to the best of my  
 23 recollection at this point, no.  
 24 Q. During your tenure as chief, no  
 25 officer was disciplined for engaging in

Page 52

1 H. STAWINSKI  
 2 Q. It is part of the policy of the  
 3 department that "the department will not  
 4 tolerate any retaliatory acts against  
 5 complainants or witnesses."  
 6 Do you see that?  
 7 A. I do.  
 8 Q. While you were chief, did the  
 9 county ever conduct an audit, assessment  
 10 or review to determine whether retaliatory  
 11 acts against complainants or witnesses,  
 12 which it does not tolerate, occurred?  
 13 A. Where those concerns would  
 14 arise, they would be dealt with in a  
 15 specific context. Now, again, the  
 16 assistant chief would have responsibility  
 17 for handling those when they were  
 18 presented through the chain of command to  
 19 him. I am not aware of an instance that  
 20 retaliation was determined to be occurring  
 21 as I sit here today.  
 22 Q. My question was a little bit  
 23 different, sir. My question was whether,  
 24 during your tenure as chief, the county  
 25 ever conducted an audit, an assessment or

Page 51

1 H. STAWINSKI  
 2 bias-based profiling. Correct?  
 3 A. Not that I recall, counsel.  
 4 Q. During your tenure as chief, no  
 5 charge of bias-based profiling was  
 6 sustained against any officer of the  
 7 department. Correct?  
 8 A. I think the best avenue to  
 9 answer that question would be to refer to  
 10 the assistant chief and to the records of  
 11 our Internal Affairs division. My  
 12 recollection, as I sit here now is, not.  
 13 But again, I delegated those  
 14 responsibilities to the assistant chief  
 15 unless and until a case arose where that  
 16 would lead to dismissal or demotion, and I  
 17 don't recall an instance before us where  
 18 that was the foundation of the case  
 19 against an officer.  
 20 Q. Sir, I am going to move to a  
 21 different part of the document. If you  
 22 could move back the page before page 5 of  
 23 the policy, Section 9, "Retaliatory Acts  
 24 Against Complainants Prohibited"?  
 25 A. Yes.

Page 53

1 H. STAWINSKI  
 2 review to determine whether there was  
 3 retaliation going on in the department.  
 4 A. Counsel, again, I don't know how  
 5 we would endeavor to audit for retaliation  
 6 without looking at allegations of  
 7 retaliation. Just functionally, I am not  
 8 clear. And maybe I don't understand your  
 9 question.  
 10 Q. During your tenure as chief,  
 11 there was no systematic review to see if  
 12 there was retaliation occurring within the  
 13 department; correct?  
 14 MR. THOMPSON: Objection to form  
 15 and foundation.  
 16 A. Counsel, if there were inquiries  
 17 made with respect to retaliation, they  
 18 would be inquiries based on an allegation  
 19 or the conclusion that retaliation was a  
 20 potential or had occurred. A review of  
 21 cases for retaliation, I don't -- I am not  
 22 really clear on how you would set out to  
 23 do such a thing.  
 24 Q. I see. During your tenure as  
 25 chief, was any supervisor, commander or



1 H. STAWINSKI  
 2 manager ever terminated for failure to  
 3 enforce the policy and prohibition  
 4 regarding retaliatory acts?  
 5 A. Not to my recollection, no.  
 6 Q. During your tenure as chief, did  
 7 any supervisor, commander or manager ever  
 8 lose their command for failure to enforce  
 9 the policy regarding retaliatory acts?  
 10 A. No.  
 11 Q. During your tenure as chief, was  
 12 any supervisor, commander or manager ever  
 13 disciplined for failing to enforce the  
 14 policy regarding retaliatory acts?  
 15 A. Not to my recollection. But  
 16 again, my focus was on those cases that  
 17 would lead to dismissal or demotion. And  
 18 again, for a more comprehensive response,  
 19 I would direct you to the assistant chief  
 20 and the commander of IAD and our records.  
 21 Q. During your tenure as chief, was  
 22 any supervisor, commander or manager ever  
 23 investigated for failing to enforce the  
 24 policy regarding retaliation?  
 25 A. Again, counsel, I would refer

1 H. STAWINSKI  
 2 you to the assistant chief and commander  
 3 of IAD. If it did not lead to a finding  
 4 that could lead to demotion or  
 5 termination, that did not come to my  
 6 attention. And I do not recall the  
 7 assistant chief, because this is a serious  
 8 matter and would have been taken very  
 9 seriously, briefing me on an instance  
 10 where that appeared to be the case.  
 11 Q. You don't recall Chief Velez  
 12 bringing any investigations concerning  
 13 retaliation to your attention?  
 14 A. Assistant Chief Flood and I  
 15 discussed cases where people suggested  
 16 retaliation, and some of those cases are  
 17 associated with the proceeding that we are  
 18 engaged in now. But I don't recall an  
 19 investigation, I don't recall a finding, I  
 20 don't recall the specifics of what you are  
 21 speaking of right now.  
 22 But again, that is where the  
 23 assistant chief would be engaged to come  
 24 to a conclusion as to whether or not those  
 25 allegations were founded and then would

1 H. STAWINSKI  
 2 initiate or protract an investigation that  
 3 had been initiated based on his findings.  
 4 Q. During your tenure as chief, was  
 5 any officer ever disciplined for engaging  
 6 in retaliatory action against complainants  
 7 or witnesses?  
 8 A. Again, counsel, unless it arose  
 9 to the level of demotion or termination,  
 10 those would reside with the assistant  
 11 chief. I would delegate those  
 12 responsibilities to the assistant chief in  
 13 order to have proper oversight.  
 14 Q. Going back to the language of  
 15 the policy, the sentence just after the  
 16 one we were looking at earlier says, "Once  
 17 a formal complaint is filed against an  
 18 officer, the officer shall have no contact  
 19 with the complainant or witnesses, nor  
 20 will the officer cause anyone else to  
 21 initiate contact on their behalf.  
 22 Exceptions to this directive shall only be  
 23 granted by the commander IAD."  
 24 That is part of the department's  
 25 policy, right?

1 H. STAWINSKI  
 2 A. That is what you read with  
 3 respect to Subsection 9.  
 4 Q. And it is part of the  
 5 department's policy?  
 6 A. That's the policy that you read.  
 7 Yes, sir.  
 8 Q. During your tenure, was any  
 9 supervisor, commander or manager ever  
 10 terminated for failure to enforce the  
 11 no-contact policy?  
 12 A. No.  
 13 Q. During your tenure, did any  
 14 supervisor, commander or manager ever lose  
 15 their command for failure to enforce the  
 16 no-contact policy?  
 17 A. No.  
 18 Q. During your tenure, was any  
 19 supervisor, commander or manager ever  
 20 disciplined for failure to enforce the  
 21 no-contact policy?  
 22 A. Again, I would refer you back to  
 23 the assistant chief and the records of our  
 24 Internal Affairs division for discipline  
 25 that may not have arisen to dismissal or

Page 58

1 H. STAWINSKI  
 2 demotion.  
 3 Q. You are not aware of any  
 4 discipline for that?  
 5 A. I am not aware of a case where  
 6 that issue was raised, counsel.  
 7 Q. During your tenure, was any  
 8 supervisor, commander or manager ever  
 9 investigated for failure to enforce the  
 10 no-contact policy?  
 11 A. To my recollection, no. But  
 12 again, I would refer you to the assistant  
 13 chief and the records of the Internal  
 14 Affairs division for a more comprehensive  
 15 answer.  
 16 Q. During your tenure, was any  
 17 officer ever disciplined for violating the  
 18 no-contact policy?  
 19 A. No, not that I recall.  
 20 Q. You can set aside Exhibit 4. If  
 21 you open envelope A5, which we will mark  
 22 as Exhibit 5?  
 23 (So marked for identification as  
 24 Exhibit 5.)  
 25 A. Number 5, counsel?

Page 60

1 H. STAWINSKI  
 2 complaints, use of force incidents,  
 3 shootings, transfers, departmental  
 4 accidents, et cetera, involving department  
 5 employees?  
 6 MR. THOMPSON: Objection.  
 7 A. Sorry. Transfers?  
 8 Q. Yes, that is what I read.  
 9 A. Where is that included here? I  
 10 am not seeing that.  
 11 Q. The second paragraph of the  
 12 policy, first sentence.  
 13 A. Yes, okay. There it is. I was  
 14 at the wrong part.  
 15 Q. My question was whether what I  
 16 just described is the purpose of this  
 17 system?  
 18 A. Broadly, yes.  
 19 Q. Is the Early Identification  
 20 System also known as the Early Warning  
 21 System within the department?  
 22 A. I don't know. I have always  
 23 referred to it as the Early Identification  
 24 System.  
 25 Q. You would agree that the system

Page 59

1 H. STAWINSKI  
 2 Q. Yes, if you could mark it  
 3 "Number 5"?  
 4 A. Yes, sir.  
 5 Q. Excellent. Thank you, sir.  
 6 MR. FREEDMAN: Craig, you have  
 7 it?  
 8 MR. THOMPSON: Yes, sir.  
 9 Q. I have handed you what we have  
 10 marked Exhibit 5, Volume 1, Chapter 14,  
 11 "Employee Early Identification System,  
 12 EIS."  
 13 Do you see that?  
 14 A. Yes.  
 15 Q. It is dated December 2016. Do  
 16 you see that?  
 17 A. I see.  
 18 Q. And you approved this policy.  
 19 Correct?  
 20 A. Yes, as a result of the  
 21 deliberative process I spoke of earlier.  
 22 Q. You would agree, the purpose of  
 23 the Early Identification System is to  
 24 provide a systematic -- sorry. Systemic  
 25 review of significant events such as

Page 61

1 H. STAWINSKI  
 2 is an integral part of the department's  
 3 police community relations strategy,  
 4 right?  
 5 A. Well, all of these policies are  
 6 an integral part of our relationship with  
 7 the community because they demonstrate our  
 8 commitment to transparency and integrity.  
 9 So, this is one of all of those  
 10 components, counsel.  
 11 Q. Now, in terms of the reports  
 12 generated, there is a monthly Early  
 13 Identification System report and a  
 14 quarterly Early Identification System  
 15 report. Correct?  
 16 A. Correct.  
 17 Q. And the monthly report is to be  
 18 generated for officers who have been  
 19 subject to two or more complaints for use  
 20 of force incidents or a combination of one  
 21 complaint and one use of force incident  
 22 during a 60-day period. Correct?  
 23 A. I think the language you are  
 24 referring to is the monthly report lists  
 25 "officers who have been the subject of two

Page 62

1 H. STAWINSKI  
 2 or more complaints or use of force  
 3 incidents and/or a combination of one  
 4 complaint and one use of force incident  
 5 during a 60-day period."  
 6 Q. As chief, you received the  
 7 monthly Early Warning System reports,  
 8 right?  
 9 A. I did not.  
 10 Q. Did somebody in the executive  
 11 command receive the Early Identification  
 12 System reports?  
 13 A. This is part of the assistant  
 14 chief's responsibilities in oversight of  
 15 the Internal Affairs component. But  
 16 beyond that, counsel, these were provided  
 17 to the district and division commanders  
 18 who were charged with following up with  
 19 the affected individual. An interview  
 20 would be conducted based on the early  
 21 identification, to use that term, and then  
 22 the commander's responsibility was to  
 23 inquire into the particulars of the  
 24 various incidents and determine whether or  
 25 not there was a need for retraining,

Page 64

1 H. STAWINSKI  
 2 interview as well as the participants and  
 3 results? That's part of the policy?  
 4 A. Which part of the policy are you  
 5 referring to, counsel?  
 6 Q. I am just describing the  
 7 commander and manager's obligations, which  
 8 are on -- the part I was referring to is  
 9 the second page of the policy, 608. In  
 10 the right column, the first full paragraph  
 11 says, "Regardless of which form of  
 12 intervention is taken, commanders/managers  
 13 must respond back to the chief of police  
 14 in writing indicating the date and time of  
 15 the interview as well as the participants  
 16 and the results.  
 17 "Commanders/managers will  
 18 include their assessment and any  
 19 intervention action taken. If no  
 20 intervention is taken, the  
 21 commander/manager must articulate the  
 22 specific reasons for not taking actions."  
 23 Do you see that?  
 24 A. If you would allow me to pause a  
 25 second and review the preamble to the part

Page 63

1 H. STAWINSKI  
 2 whether or not there was a need for  
 3 potential disciplinary action because of  
 4 misconduct not identified as a result of  
 5 the system, whether or not there was a  
 6 need for a conversation with our  
 7 Psychological Services division.  
 8 I briefly looked at this. If  
 9 you have specific questions I would be  
 10 happy to try to answer them. But again,  
 11 all of the potential outcomes of the Early  
 12 Identification System are enumerated in  
 13 this document. And then we move to the  
 14 second portion that you referred to which  
 15 details the quarterly reports as opposed  
 16 to the monthly reports.  
 17 Q. Okay. Just -- thank you, sir.  
 18 That is a helpful summary. A couple of  
 19 follow-up questions:  
 20 In addition to receiving the  
 21 report and following up with the  
 22 individual officer, the commander or  
 23 manager is also supposed to respond back  
 24 to the chief of police in writing with the  
 25 details, the date and time of the

Page 65

1 H. STAWINSKI  
 2 you are talking about?  
 3 Q. Sure. Should we go off the  
 4 record while you do that?  
 5 THE VIDEOGRAPHER: Off the video  
 6 record, counsel?  
 7 MR. FREEDMAN: We can go off  
 8 video. That is fine.  
 9 THE VIDEOGRAPHER: Going off the  
 10 record. The time is 10:32 a.m.  
 11 Eastern Standard Time.  
 12 (Recess.)  
 13 THE VIDEOGRAPHER: We are going  
 14 back on the record. The time is  
 15 10:34 a.m. Eastern Daylight Time.  
 16 Please proceed.  
 17 BY MR. FREEDMAN:  
 18 Q. Sir, my question to you is, did  
 19 you receive the reports from your  
 20 commanders and managers following up on  
 21 the EIS reports?  
 22 A. No. Those would be referred to  
 23 the Internal Affairs Department which  
 24 generated the early identification alert.  
 25 And then the policy I was looking for

1 H. STAWINSKI

2 here, to make a more comprehensive answer  
3 for you, is the employee identified in a  
4 quarterly report would be required to  
5 attend a formal review with their  
6 commanders or managers, again where that  
7 authority was delegated to.

8 The gray area that you see here  
9 was an effort to improve the policy in  
10 December of 2016 because managers had not  
11 been enumerated previously.

12 "The employee identified in a  
13 quarterly report will be required to  
14 attend a formal interview with their  
15 commander/manager." Again, the gray  
16 indicates that that is an improvement to  
17 the policy. "The employee will be advised  
18 that they were listed on the Early  
19 Identification System report," under the  
20 circumstances that we discussed earlier.  
21 And then the purpose of the interview.

22 The section that you are  
23 referring to, "Must respond back to the  
24 chief of police in writing indicating the  
25 date and time of the interview as well as

1 H. STAWINSKI

2 Q. The commanders and managers were  
3 not responding back to you or your  
4 executive command following the meetings  
5 with individual officers. Correct?

6 A. I am sorry, Counsel. I was  
7 distracted by the policy. Would you  
8 repeat that?

9 Q. Yes. My question was, the  
10 commanders and managers were not reporting  
11 back to you or your executive command  
12 staff in writing following their meetings  
13 with the officers at issue. Correct?

14 A. No. Responsibility for that was  
15 delegated down the chain of command.

16 Q. It was delegated outside the  
17 executive command?

18 A. It was delegated to, again --  
19 oversight of this was to the assistant  
20 chief of police and then to the Internal  
21 Affairs component, which manages the Early  
22 Identification System.

23 Q. Sir, let me -- so our record is  
24 clear, you personally didn't receive  
25 reports from your commanders and managers

1 H. STAWINSKI

2 the participants and the results." The  
3 policy goes on to say,  
4 "Commanders/managers may find that the  
5 above average number of complaints and  
6 uses of force do not indicate abusive  
7 behavior by the employees and they,  
8 commander/manager, may informally monitor  
9 that employee's performance."

10 So, counsel, to your question,  
11 those documents were referred back to the  
12 Internal Affairs component, which  
13 precipitates the EIS warning -- sorry.  
14 "EIS flag" is the language. My mistake.  
15 I think I picked up on your word.

16 Then, of course, all of this is  
17 occurring through the process of  
18 delegation whereby I would not informally  
19 or formally interview any of these  
20 individuals. It would be the  
21 responsibility of the commander or  
22 manager. And then the assistant chief had  
23 oversight of ensuring that this process  
24 was being managed in accordance with this  
25 policy.

1 H. STAWINSKI

2 following their sections with individual  
3 officers. Correct?

4 A. Correct. I personally did not  
5 review those documents. Correct.

6 Q. Did Assistant Chief Velez  
7 receive reports from commanders/managers  
8 following their interviews with individual  
9 officers?

10 A. I would refer you to Assistant  
11 Chief Velez. He may or may not have  
12 chosen to, depending upon the  
13 circumstances.

14 Q. He may or may not have received  
15 documents or may or may not have reviewed  
16 them?

17 A. He may or may not have reviewed  
18 documents.

19 Q. Do you know whether he even  
20 received reports from commanders or  
21 managers?

22 A. Again, I would refer you to  
23 Assistant Chief Velez, sir.

24 Q. Thank you. That is helpful for  
25 clarifying.

Page 70

1 H. STAWINSKI  
 2 Have you seen the EIS reports?  
 3 A. I have. Examples of EIS  
 4 reports, yes.  
 5 Q. Two questions: One is, the  
 6 policy says it is supposed to generate a  
 7 hit -- it is supposed to generate a report  
 8 if there are incidents within a 60-day  
 9 window. That's the policy. We went over  
 10 that language earlier. Do you recall  
 11 that?  
 12 A. I recall reading that policy,  
 13 yes.  
 14 Q. So, the reports that we have  
 15 been provided in discovery only cover an  
 16 officer if there is two incidents within a  
 17 calendar month. Do you have any reason to  
 18 think that EIS reports were being  
 19 generated if there were two incidents  
 20 within a 60-day window?  
 21 MR. THOMPSON: Objection to form  
 22 and foundation.  
 23 A. I am not clear with respect to  
 24 your question. There is two mechanisms  
 25 here that we discussed. The first is this

Page 72

1 H. STAWINSKI  
 2 correct that the IAD commander is in  
 3 charge of preparing the monthly reports?  
 4 A. They also delegated that, but it  
 5 sits within that component.  
 6 Q. And IAD command is also  
 7 responsible for the monthly reports.  
 8 Correct?  
 9 A. Yes.  
 10 Q. Now, when Commander Mills took  
 11 over as IAD commander, are you aware that  
 12 she stopped generating the quarterly  
 13 reports?  
 14 A. No, sir.  
 15 Q. There are no quarterly reports  
 16 in the third or fourth quarter of 2016  
 17 after she took over. Were you aware of  
 18 that?  
 19 A. No, sir.  
 20 Q. And there are no quarterly  
 21 reports for most of 2017. Were you aware  
 22 of that?  
 23 A. No, sir.  
 24 Q. Do you know whether Major Mills  
 25 was ever reprimanded for failure to

Page 71

1 H. STAWINSKI  
 2 monthly report and the parameters outlined  
 3 here. Then there is the quarterly report.  
 4 Am I misunderstanding?  
 5 Q. I am focusing on the monthly  
 6 report.  
 7 A. Okay.  
 8 Q. I want to know, for the monthly  
 9 reports, the policy says two incidents in  
 10 60 days, there is supposed to be a report.  
 11 The reports we received from the  
 12 department don't reflect that. They  
 13 reflect that if there are two incidents in  
 14 one calendar month there is a report.  
 15 A. I can't speak to that, counsel.  
 16 I am sorry.  
 17 Q. Who for the department would be  
 18 able to speak to that?  
 19 A. The assistant chief to whom I  
 20 delegated responsibility for the Internal  
 21 Affairs component.  
 22 Q. Similarly, with regard to the  
 23 quarterly reports -- let me take a step  
 24 back.  
 25 For the monthly reports, am I

Page 73

1 H. STAWINSKI  
 2 generate the quarterly reports?  
 3 A. I did not know that the  
 4 quarterly reports had not been submitted,  
 5 so no, I didn't know if she was  
 6 reprimanded for something I wasn't aware  
 7 of.  
 8 You again -- sorry, counsel and  
 9 Madam Reporter. Again, these are issues I  
 10 had delegated to the assistant chief for  
 11 more direct oversight than I felt had  
 12 occurred previously when all these things  
 13 flowed into the chief's hands directly.  
 14 So I think to properly answer  
 15 your questions and to offer a rationale  
 16 for what you suggest, those questions  
 17 would be referred to the assistant chief  
 18 and then the responsible commander,  
 19 whether that was, during my tenure, Major  
 20 Grant, Major Mills or Major McCreary.  
 21 Q. My question wasn't about Major  
 22 Grant and Major McCreary. They seemed to  
 23 have understood their obligations with  
 24 regard to the quarterly report. My  
 25 question was focused on Major Mills, who



Page 74

1 H. STAWINSKI  
 2 seems not to have understood that that was  
 3 one of her responsibilities.  
 4 A. I can't speak to that, counsel.  
 5 I apologize.  
 6 MR. THOMPSON: There is no  
 7 question on the record. I object to  
 8 the editorial comment. There is no  
 9 question on the record.  
 10 Q. Sir, you can put that aside.  
 11 A. Okay.  
 12 MR. FREEDMAN: Let's open up  
 13 envelope A1, which we'll mark  
 14 Exhibit 6.  
 15 (So marked for identification as  
 16 Exhibit 6.)  
 17 THE WITNESS: For the reporter,  
 18 I have 6.  
 19 MR. THOMPSON: Which is this?  
 20 Sorry?  
 21 MR. FREEDMAN: Exhibit 6 is  
 22 Volume 1, Chapter 12, "Discrimination  
 23 and Sexual Harassment."  
 24 MR. THOMPSON: Thank you.  
 25 Q. Sir, I have handed you Volume 1,

Page 76

1 H. STAWINSKI  
 2 the file. Those files detail the work  
 3 that was done in review of the policy. So  
 4 in that file you will find prior policies,  
 5 and that comes back to our governing  
 6 legislation and reference portion so that  
 7 we understand how and why policies evolved  
 8 over time, what was or was not  
 9 contemplated in those court decisions we  
 10 talked about before.  
 11 In that file, you will find a  
 12 sign-off sheet that I would sign off and  
 13 date after all of the deliberative process  
 14 we discussed occurred. So, with respect  
 15 to specifically when that was signed,  
 16 that's where I would refer to. But the  
 17 date here is the date of effect. So, if  
 18 there is additional, then I would refer  
 19 you to that document as opposed to the  
 20 preamble of the policy.  
 21 Q. Thank you, sir. That is  
 22 extremely helpful.  
 23 MR. FREEDMAN: Counsel, I would  
 24 note for the record we have not been,  
 25 to my knowledge -- the files just

Page 75

1 H. STAWINSKI  
 2 Chapter 12, "Discrimination and Sexual  
 3 Harassment," which is dated November 2016.  
 4 Do you see that?  
 5 A. I do.  
 6 Q. Do you know, in November 2016,  
 7 how long Commander Alexander had been in  
 8 PRD?  
 9 A. I believe the transfer occurred  
 10 in October of 2016.  
 11 Q. What about Assistant Commander  
 12 Perez? How long had he been in PRD?  
 13 A. I think likewise, counsel,  
 14 October of 2016.  
 15 Q. You reviewed and approved this  
 16 policy. Correct?  
 17 A. So again, counsel, the chief of  
 18 police has the authority to enact these  
 19 policies. This policy was reviewed by  
 20 those components in the process I  
 21 described earlier and then was enacted by  
 22 me in November of 2016.  
 23 But I would ask this. The dates  
 24 of effect I will not challenge, but there  
 25 is a specific document contained within

Page 77

1 H. STAWINSKI  
 2 referred it to have not been produced  
 3 to us. We will put that on the list.  
 4 MR. THOMPSON: Thank you.  
 5 A. Those are importance files I  
 6 think for this process.  
 7 Q. Thank you, sir. I appreciate  
 8 you advising us of that.  
 9 So, what is the purpose of this  
 10 policy?  
 11 A. Again, all these policies work  
 12 in concert with one another. The specific  
 13 chapter here deals with discrimination and  
 14 sexual harassment.  
 15 Q. And part of what this policy  
 16 does is it assigns and gives authority to  
 17 the EEO coordinator and assistant EEO  
 18 coordinator. Correct?  
 19 A. Again, it is part of the process  
 20 of the delegation that we have discussed.  
 21 This language, exactly as you say, assigns  
 22 the Deputy Chief, Bureau of Administration  
 23 of Homeland Security; again Deputy Chief  
 24 Nader, Deputy Chief Grant, Deputy Chief  
 25 Powell, or Deputy Chief Harvin as the case

Page 78

1 H. STAWINSKI  
 2 may be, as the EEO coordinator, again a  
 3 member of the executive command staff.  
 4 Only one person during my tenure served as  
 5 the assistant, and that would be  
 6 Ms. Graves from the Police Personnel  
 7 division.  
 8 Q. Thank you, sir.  
 9 You supervised the deputy chief  
 10 wearing their EEO coordinator hat,  
 11 correct?  
 12 A. Myself and the assistant chief,  
 13 yes.  
 14 Q. You also supervised Ms. Graves,  
 15 correct?  
 16 A. No. Ms. Graves is supervised by  
 17 the deputy chief.  
 18 Q. I see. Thank you. But you and  
 19 Chief Velez supervised the deputy chief?  
 20 A. Again, through the chain of  
 21 command, yes. Myself and the assistant  
 22 chief offer direction and receive  
 23 briefings from the deputy chiefs across a  
 24 great deal of matters. This is one of  
 25 them.

Page 80

1 H. STAWINSKI  
 2 our posture should be.  
 3 I relied on their findings as  
 4 they conducted these investigations, and  
 5 those investigations included  
 6 consultations with Ms. Graves and  
 7 personnel, with the Office of Law and in  
 8 some cases with the Office of Human  
 9 Resources management representing the  
 10 entire county.  
 11 Q. Thank you for the explanation.  
 12 Would you have to run those  
 13 kinds of decisions by anybody in the  
 14 county executive's office, Mr. Magaw,  
 15 Mr. Baker or Ms. Alsobrooks?  
 16 MR. THOMPSON: Objection to form  
 17 and foundation.  
 18 A. Counsel, the Office of Law sits  
 19 within the office of the county executive.  
 20 These responses were prepared by the  
 21 deputy chief who led that investigation,  
 22 by Ms. Graves, who participated, and by  
 23 the designee to the department from the  
 24 Office of Law. Those responses were then  
 25 forwarded to the Office of Law, who would

Page 79

1 H. STAWINSKI  
 2 Q. When the deputy chief made  
 3 decisions on behalf of the department, did  
 4 they have to -- in the EEO area, would  
 5 they have to run decisions like that by  
 6 you?  
 7 A. Counsel, when we would delegate  
 8 authority to responsible deputy chiefs, we  
 9 gave them latitude to make decisions. If  
 10 there were decisions with respect to the  
 11 department's posture that we would -- we  
 12 would be conveying to the Office of Law or  
 13 be representing, then I would get a  
 14 briefing with respect to those positions.  
 15 And then, on various occasions, there  
 16 would be decisions to be made with respect  
 17 to whether or not we would engage in  
 18 mediation or whether or not we believed  
 19 that the Complaint was substantive and so,  
 20 therefore, we would refuse mediation.  
 21 Those briefings occurred and I  
 22 would rely upon the investigation of the  
 23 appropriate deputy chief, again receiving  
 24 counsel from Ms. Graves, all four of them,  
 25 or from the Department of Law as to what

Page 81

1 H. STAWINSKI  
 2 reduce them to writing and make a response  
 3 to the EEOC.  
 4 Once this was within the office  
 5 of the county executive, I am not certain  
 6 what, at this point, the incumbent being  
 7 Rhonda Weaver would be. But if those  
 8 sorts of notifications were made, then it  
 9 would be from the head of the Office of  
 10 Law, so my opposite number, if you will,  
 11 in a different component of county  
 12 government, to the deputy chief  
 13 administrative officers, to the chief  
 14 administrative officers of county  
 15 executive.  
 16 I would refer you to the Office  
 17 of Law for the answer to that question.  
 18 Q. Do you know which individuals in  
 19 the Office of Law interfaced with the  
 20 department on these issues?  
 21 A. Again I will point back to Jack  
 22 Mitchell, most recent incumbent. There  
 23 were various times when staffing was short  
 24 and so we would have a different contact  
 25 within the Office of Law. But Jack



Page 82

1 H. STAWINSKI  
 2 Mitchell has been sitting within the  
 3 department now for a couple years, and so  
 4 most of my relevant conversations around  
 5 these sorts of matters and other sorts of  
 6 matters where I sought legal counsel  
 7 involved Jack Mitchell.  
 8 Q. Just so I am clear, Mitchell is  
 9 housed within the police department or  
 10 housed within the county department of  
 11 law?  
 12 A. I understand, Counselor. It is  
 13 a little confusing.  
 14 He is an employee of the county  
 15 Office of Law, who is seconded to the  
 16 police department. We are one of the few  
 17 agencies who have a representative from  
 18 Office of Law whose primary responsibility  
 19 lies within our agency. That is where the  
 20 process, who is our representative was a  
 21 little confusing at various points because  
 22 of staffing shortages within Office of  
 23 Law.  
 24 Steven Widig, going back several  
 25 years, was also a member -- sorry. Strike

Page 84

1 H. STAWINSKI  
 2 discrimination or sexual harassment  
 3 regardless of a formal or informal  
 4 complaint."  
 5 It goes on to say,  
 6 "Commanders/managers shall be responsible  
 7 for ensuring their commands are free from  
 8 sexual harassment and discrimination and  
 9 that supervisors strictly enforce the  
 10 sexual harassment and discrimination  
 11 policy promptly and appropriately."  
 12 That is part of the policy,  
 13 right?  
 14 A. The portions that you read,  
 15 again, arising from --  
 16 (Reporter interruption.)  
 17 A. The portions that you read are  
 18 arising from the laws cited here under  
 19 procedures. This is again, counsel, where  
 20 we stipulate the delegation of authority  
 21 for these things. Again, that is where  
 22 prior to this we spoke in the document  
 23 about the responsibilities of Internal  
 24 Affairs.  
 25 That is why I say all of the

Page 83

1 H. STAWINSKI  
 2 that.  
 3 Steven Widig previously had been  
 4 assigned several years ago but Jack  
 5 Mitchell is the current incumbent. All  
 6 are of them are employed by the Office of  
 7 Law. They are independent of the police  
 8 department but we have them as a resource  
 9 to us particularly as opposed to them  
 10 serving a general purpose across county  
 11 government.  
 12 Q. Thank you for the explanation.  
 13 That is very helpful.  
 14 So, under this policy,  
 15 commanders -- and I am reading language  
 16 now from the second page of the policy,  
 17 Bates number 596, the column at the  
 18 bottom.  
 19 Part of the policy is  
 20 "Supervisors shall ensure the workplace is  
 21 an environment free from discrimination  
 22 and sexual harassment. They shall take  
 23 prompt and appropriate corrective action  
 24 when they observe or are made aware of  
 25 conduct that may be interpreted as

Page 85

1 H. STAWINSKI  
 2 policies work in conjunction with one  
 3 another. It is not exclusively Internal  
 4 Affairs' responsibility to ensure this.  
 5 My desire was to see this was uniformly  
 6 applied. This policy reflects that but  
 7 this policy, of course, dates back to our  
 8 work with the Department of Justice under  
 9 the consent decree and memorandum of  
 10 agreement.  
 11 So, it is important that all  
 12 leadership is responsible for this. In  
 13 addition to this, these policies don't  
 14 simply exist on paper. We would publish  
 15 quarterly reminders with respect to the  
 16 EEOC issues. That was a task I delegated  
 17 to the deputy chief responsible for EEO,  
 18 and Ms. Graves carried that out.  
 19 Beyond that, there was training  
 20 provided for this in our in-service  
 21 training. I believe we had a specific  
 22 EEOC block in 2016, we had a specific EEOC  
 23 block in 2018. This year we had, in  
 24 addition to our responsibilities for  
 25 supervisor and administrator school, which

1 H. STAWINSKI  
2 is a requirement once a person is promoted  
3 to sergeant lieutenant, then there is an  
4 EEOC block there which governs -- sorry.  
5 Strike that -- which explains to the new  
6 incumbent their responsibilities. This is  
7 also reinforced by some of the training  
8 that occurs with respect to mandatory  
9 intervention.

10 Then there is another piece, the  
11 supervisor school that we voluntarily  
12 implemented in the spring of this year,  
13 there is a specific block on EEOC there.  
14 So, the policy is again, where I am saying  
15 all these things work in concert with one  
16 another to ensure we have a comprehensive  
17 view. Then the principal responsibility,  
18 to conclude here, rests with the  
19 responsible district or division  
20 commander, so my expectations are that  
21 they would be made aware of these  
22 concerns, would be looking proactively to  
23 prevent them using any or all of the tools  
24 I just enumerated.

25 Q. Sir, I understand the tools you

1 H. STAWINSKI  
2 enumerated, the training and notice  
3 posting.

4 During your time as chief, you  
5 didn't order any audits, assessments or  
6 surveys whether your commanders were  
7 keeping their commands free from  
8 discrimination and harassment, right?

9 A. So, I took the opportunity to  
10 delegate that specifically to Deputy Chief  
11 Grant. And that continued. Part of that  
12 was with respect to the quarterly  
13 publishing of EEOC. That was something I  
14 believe the Deputy Chief Grant --  
15 (Reporter interruption.)

16 A. The responsibility for  
17 publishing those quarterly reminders,  
18 Deputy Chief Grant, to my recollection,  
19 delegated that to Ms. Graves. And I  
20 believe the subsequent incumbents did  
21 likewise.

22 Q. My question was actually a  
23 little different. My question was  
24 actually, did you, during your tenure as  
25 chief, survey the department to see

1 H. STAWINSKI  
2 whether commanders and managers were  
3 keeping their commands free from  
4 discrimination or harassment.

5 A. Again, I'm sorry, Counsel. I  
6 was leading to that. I was trying to  
7 establish the foundation through which we  
8 could ensure the department as a whole was  
9 cognizant of these issues and the efforts  
10 we took to ensure the information was  
11 available to people and the expectations  
12 of all portions of the department were  
13 clear from the operational level to the  
14 command level.

15 Then, again, I alluded earlier  
16 to this process whereby the specific  
17 instances of concern were brought to my  
18 attention by the responsible deputy chief,  
19 the assistant chief as well. Then through  
20 that, I would ask for a comprehensive list  
21 of all the complaints. We would talk  
22 about those complaints.

23 Again, at no point was I made  
24 aware of concerns that our policies were  
25 ineffective, that we were falling short on

1 H. STAWINSKI  
2 our obligations to provide training so  
3 that the policies were clear; that it was  
4 made clear that this is an important  
5 policy to the department and to the  
6 county.

█ [REDACTED]  
█ [REDACTED]  
█ [REDACTED]  
█ [REDACTED]  
█ [REDACTED]  
█ [REDACTED]

14 Q. You didn't specifically ask, you  
15 didn't poll the department to see whether  
16 people thought, whether officers or  
17 employees thought commands were free from  
18 discrimination or harassment, right?

19 A. I relied on the deputy chief,  
20 who, as you pointed out, is enumerated in  
21 this policy as having responsibility for  
22 that, to do that function. Then again I  
23 also looked into the specifics again to  
24 that process, without reiterating it, that  
25 I just spoke of again.

Page 90

1 H. STAWINSKI  
 2 Q. To your knowledge, did any of  
 3 your deputy chiefs with responsibility  
 4 over the EEO function call or survey the  
 5 department to see if officers or employees  
 6 felt that their commands were free from  
 7 discrimination and harassment?  
 8 A. I know that each of the deputy  
 9 chiefs had a different approach to this,  
 10 and I would refer you to them for the  
 11 answer to that question.  
 12 Q. During your time as chief, you  
 13 didn't relieve any commander of their  
 14 command because they failed to keep their  
 15 environment free from discrimination or  
 16 harassment, correct?  
 17 MR. THOMPSON: Objection to  
 18 form.  
 19 A. I think -- could you reframe  
 20 that, counsel? I am aware of an instance  
 21 that was brought to me where a commander  
 22 had engaged in that behavior, and that was  
 23 demonstrated through an investigation and  
 24 there was evidence that would warrant the  
 25 action you are speaking of.

Page 92

1 H. STAWINSKI  
 2 Q. Okay.  
 3 (Reporter interruption.)  
 4 THE VIDEOGRAPHER: Going off the  
 5 record, the time is 11:02 a.m. Eastern  
 6 Daylight Time.  
 7 (Recess.)  
 8 THE VIDEOGRAPHER: We are going  
 9 back on the record. The time is  
 10 11:18 a.m. Eastern Daylight Time.  
 11 BY MR. FREEDMAN:  
 12 Q. Sir, welcome back. During the  
 13 break, did you have any discussions with  
 14 anybody about the substance of your  
 15 deposition?  
 16 A. Not the substance. Mr. Thompson  
 17 did advise me to slow down my responses  
 18 for Madam Reporter.  
 19 Q. Did you discuss anything else?  
 20 A. No. The weather.  
 21 Q. Has it stopped raining up there?  
 22 A. It has.  
 23 Q. When we broke, we were talking  
 24 about commanders keeping their commands  
 25 free from harassment and discrimination.

Page 91

1 H. STAWINSKI  
 2 Q. Tell me about that commander.  
 3 Who is that commander?  
 4 A. No. I am saying -- again, if I  
 5 am not clear, specifically for Madam  
 6 Reporter, I am not aware of a circumstance  
 7 that you are suggesting that someone was  
 8 responsible for that sort of behavior and  
 9 that sort of action would be warranted. I  
 10 moved, to the best of my recollection,  
 11 three commanders from their duties for  
 12 different reasons but this was not one of  
 13 them.  
 14 Q. Just to make sure the record is  
 15 clear, you never removed a commander for  
 16 failing to ensure their command was free  
 17 from discrimination or harassment. Right?  
 18 MR. THOMPSON: Same objection.  
 19 A. Counsel, if I understand what  
 20 you are asking me, you are establishing  
 21 the foundation that a commander did so and  
 22 that we failed to act. I am responding  
 23 that I am not aware of an instance where a  
 24 commander failed to do so that would  
 25 warrant that sort of action.

Page 93

1 H. STAWINSKI  
 2 A. Yes, sir.  
 3 Q. During your time as chief, no  
 4 commanders or supervisors were  
 5 investigated because it was alleged they  
 6 failed to keep their commands free from  
 7 discrimination or harassment. Correct?  
 8 MR. THOMPSON: Objection to  
 9 form.  
 10 A. I do not recall an allegation  
 11 that a commander had failed to keep their  
 12 command free of discrimination or  
 13 harassment.  
 14 Q. During your time as chief, were  
 15 any commanders or supervisors disciplined  
 16 for failing to report use of  
 17 discriminatory language or engaging in  
 18 racist conduct?  
 19 A. The question is were they  
 20 disciplined for failing to report that?  
 21 Q. Right. Failing to report people  
 22 in their commands using discriminatory  
 23 language or engaging in racist conduct?  
 24 A. And the question is were they  
 25 disciplined for that?

Page 94

1 H. STAWINSKI  
 2 Q. Whether anybody was disciplined  
 3 for that.  
 4 A. Not to my recollection.  
 5 Q. During your time as chief, no  
 6 white officer was ever terminated for use  
 7 of discriminatory language or engaging in  
 8 racist conduct. Correct?  
 9 A. I am sorry. Repeat that?  
 10 Q. During your time as chief, no  
 11 white officer was terminated for use of  
 12 discriminatory language or engaging in  
 13 racist conduct?  
 14 A. Sorry, counsel. The problem is  
 15 the audio is sort of tweaking and your  
 16 words are distorted, so I am not clear.  
 17 Q. During your time as chief --  
 18 A. Okay. During my time as chief?  
 19 Q. -- no white office was  
 20 terminated for use of discriminatory  
 21 language or engaging in racist conduct.  
 22 Correct?  
 23 A. Correct.  
 24 Q. During your time as chief, no  
 25 commanders or supervisors were terminated

Page 96

1 H. STAWINSKI  
 2 was allowed to retire from my position as  
 3 chief of police.  
 4 Q. You were asked to resign.  
 5 Correct?  
 6 A. No, sir. I was -- I was able to  
 7 retire from my position as the chief of  
 8 police.  
 9 Q. On June 18th, a report came out  
 10 detailing how you failed to keep the  
 11 department free from discrimination and  
 12 harassment, and less than six hours later  
 13 your resignation was announced. Correct?  
 14 MR. THOMPSON: Objection to form  
 15 and foundation.  
 16 A. Are you talking about the report  
 17 that you published as a result of this  
 18 litigation?  
 19 Q. The report. Yes.  
 20 A. The report that you published as  
 21 a result of the litigation?  
 22 Q. The report that was filed in  
 23 court. Yes.  
 24 A. No. Again, counselor, I am not  
 25 being contentious with you. I am just

Page 95

1 H. STAWINSKI  
 2 because they failed to keep their commands  
 3 free from discrimination or harassment.  
 4 Correct?  
 5 A. No persons of any description,  
 6 Counselor.  
 7 Q. Were terminated for failing to  
 8 keep their commands free from harassment  
 9 and discrimination. Correct?  
 10 MR. THOMPSON: Objection to  
 11 form.  
 12 A. Counsel, maybe I am  
 13 misunderstanding. I am not aware of a set  
 14 of circumstances where it was  
 15 substantiated that something of that  
 16 nature had occurred that would necessitate  
 17 the penalty that you are asking about.  
 18 Q. During your tenure, no one was  
 19 terminated because they failed to keep  
 20 their commands free from discrimination or  
 21 harassment except for you, right? That is  
 22 why you were terminated, because you  
 23 failed to keep the department free from  
 24 discrimination and harassment. Correct?  
 25 A. I was not terminated, sir. I

Page 97

1 H. STAWINSKI  
 2 making sure there is not multiple  
 3 documents we are talking about. Was this  
 4 the report that was produced as a result  
 5 of litigation by the Plaintiffs?  
 6 Q. Yes.  
 7 A. Okay. So, that was discussed in  
 8 what I would describe as a virtual press  
 9 conference, and then there were questions  
 10 arising from that. But what occurred was  
 11 that Mr. Bob Ross, Prince George's County  
 12 NAACP, Mr. Ross and I have had a robust  
 13 dialogue over the last four years during  
 14 my tenure as chief. After every critical  
 15 incident I would have a contact with  
 16 Mr. Ross. He brought a number of issues  
 17 to me with respect to policing within the  
 18 department within all of Prince George's  
 19 County, municipal department, so on and so  
 20 forth.  
 21 The concern that arose, counsel,  
 22 to your question, is at the end of that  
 23 conference, he said that he was going to  
 24 an NAACP board meeting and for the first  
 25 time called for my dismissal.

Page 98

1 H. STAWINSKI  
 2 The impact of that was such that  
 3 people whom I had a relationship with like  
 4 Mr. Ross were no longer listening. He did  
 5 not call me, as would be customary. He  
 6 did not send me any messages. Mr. Ross  
 7 was not listening to my account of that  
 8 any longer.  
 9 My view was that the department  
 10 and the community are integral to the  
 11 success of one another and because someone  
 12 who I had a long and, again, robust  
 13 dialogue with around a host of issues was  
 14 not seeking my input or response to the  
 15 report that you published, I felt that it  
 16 was time for me to retire.  
 17 Again, the voice is a very  
 18 important concept here because I was  
 19 not -- my opinions or my perspective on  
 20 that wasn't being sought by Mr. Ross, who  
 21 I respect greatly. I felt that the best  
 22 way for the department to proceed would be  
 23 to have a new voice, and that is why I  
 24 chose to retire.  
 25 Q. I see. So, let's walk through

Page 100

1 H. STAWINSKI  
 2 A. It is bad, counsel. This is the  
 3 problem I was having before. Also, your  
 4 video is jumping around quite a bit. I  
 5 don't know if it can be fixed. I am just  
 6 asking you to patient with me because I am  
 7 trying to follow your line of questioning.  
 8 Q. When had you discussed leaving  
 9 the department with Ms. Alsobrooks?  
 10 A. So, at the beginning of her  
 11 administration, this lawsuit was filed.  
 12 And because she was a new county executive  
 13 and because I knew that this was an issue  
 14 of concern, I contacted her and I said, "I  
 15 am prepared to retire based on this  
 16 because I understand this is the beginning  
 17 of your administration."  
 18 And she chose not to accept my  
 19 retirement. Instead, she supported my  
 20 remaining as the chief of police. But the  
 21 circumstances of this most recent press  
 22 conference with Mr. Ross -- again, someone  
 23 with whom I had a long relationship, not  
 24 seeking my response to the report that you  
 25 filed, led me to conclude, in addition

Page 99

1 H. STAWINSKI  
 2 that day. What time did you learn the  
 3 report had been released?  
 4 A. That, I don't recall. It was  
 5 before noon.  
 6 Q. Were you listening in on the  
 7 press conference?  
 8 A. We were.  
 9 Q. Prior to June 18th, had  
 10 Ms. Alsobrooks, had she ever asked for  
 11 your resignation?  
 12 A. Counsel, again, no one asked for  
 13 my resignation. The county executive and  
 14 I had no direct conversations prior to my  
 15 choosing to retire.  
 16 Q. Your position is Ms. Alsobrooks  
 17 did not ask you to resign?  
 18 A. The county executive and I had  
 19 no direct conversations regarding this.  
 20 Q. County Executive Alsobrooks  
 21 discussed --  
 22 (Reporter interruption.)  
 23 Q. Ms. Alsobrooks, had you ever  
 24 discussed you leaving the department prior  
 25 to June 18, 2020?

Page 101

1 H. STAWINSKI  
 2 to -- again, let's not be insensitive to  
 3 the tenor of the nation right now around  
 4 issues of police misconduct --  
 5 THE WITNESS: Ms. Reporter, can  
 6 you hear me?  
 7 Sorry if this is screwing up the  
 8 record.  
 9 A. Again, in that context, I chose  
 10 to retire so that a new voice would be  
 11 entering into the conversation. So, as  
 12 these concerns are advanced by your report  
 13 and other factors, people who again had  
 14 relationships with me, and who had  
 15 dialogue with me and who worked with me to  
 16 resolve a host of issues across our  
 17 community, could not then go ahead without  
 18 the opportunity for dialogue. A new voice  
 19 was needed, in my opinion, for the  
 20 betterment of the institution and for the  
 21 continued health of our community. And I  
 22 chose to step away at that point for those  
 23 reasons.  
 24 Q. I see. Did you review the  
 25 report?



1 H. STAWINSKI

2 A. On the day in question, counsel,  
3 again, I don't recall exactly when I  
4 became aware of all this. It was in the  
5 morning, I think before noon. I did get a  
6 copy on my iPhone, iPad, one of the two.  
7 One of those devices. And I scrolled  
8 through it. But respectfully, I don't  
9 recall that process taking more than 10 or  
10 15 minutes just trying to assess what was  
11 in there. It was pretty dense. It wasn't  
12 a substantive review, no.

13 Q. What was your reaction?

14 A. I saw a lot of the same concerns  
15 that had been raised in numerous prior  
16 conversations, and that really was part of  
17 what propelled me to retire, because  
18 again, we were dealing substantively with  
19 the same issues, and yet people who I have  
20 relationship with who I would expect to  
21 have dialogue with were now asking me to  
22 step away without asking me questions  
23 about them.

24 Again, at some point you cannot,  
25 as a leader, continue to pursue your

1 H. STAWINSKI

2 at a more leisurely pace.

3 A. I have. But again, not a  
4 substantive page by page reading of it,  
5 counsel, no.

6 Q. Did the report cause you to be  
7 disappointed in anyone?

8 A. I don't have any conclusions  
9 based on your report, counsel.

10 Q. Was there information in the  
11 report you didn't know?

12 A. Again, counsel, my review of  
13 this was cursory. I don't recall anything  
14 of the nature you are describing. But  
15 again, the report was published, I  
16 reviewed it contemporary to that. But at  
17 that point I chose to step away so the  
18 sort of detailed review that you would  
19 expect if I were to be retained and to be  
20 in a position to have to provide answers  
21 back to the county executive or some other  
22 responsible party, that didn't take place.  
23 At that point I had retired.

24 Q. Did you think anything in the  
25 report was unfair?

1 H. STAWINSKI

2 personal ends. You, as a responsible  
3 leader, must look at the welfare of the  
4 overall enterprise. And my greatest  
5 investment with respect to my position was  
6 the relationship with the department, with  
7 the community. And because I was not  
8 being listened to any longer in my view,  
9 or my views on these things were not being  
10 sought by people again who were prominent,  
11 who I had great respect for and who I had  
12 resolved issues with, I chose to step  
13 away.

14 Q. Did the report, your review of  
15 the report, have you had more time to  
16 spend with the report since that day?

17 A. As a part of my conversations  
18 with counsel, portions of that report have  
19 been advanced to me --

20 Q. I don't know want to know about  
21 your conversations with counsel.

22 A. Sorry?

23 Q. I don't want to know about your  
24 conversations with Counsel. I just want  
25 to know if you had a chance to review it

1 H. STAWINSKI

2 A. Again, Counselor, I didn't  
3 review it in sufficient depth to draw any  
4 such conclusions.

5 Q. Did you discuss the report with  
6 anyone prior to announcing your  
7 retirement?

8 A. Briefly, Mr. Magaw and I had a  
9 conversation and he said, "Well, what's in  
10 there?" I said, "Look, I have just gone  
11 through it," again, that brief review that  
12 I talked about, and I didn't see anything  
13 in there that had not been raised as an  
14 issue previously.

15 Q. What time did you talk to  
16 Mr. Magaw?

17 A. So that would have been sometime  
18 after noon. But again, Counselor, it was  
19 an interesting day. I didn't keep records  
20 of this.

21 So, aware, to your point, again  
22 before noon. That conversation would have  
23 happened in the early afternoon.

24 Q. Besides Mr. Magaw, did you  
25 discuss the report with anyone else before

Page 106

1 H. STAWINSKI  
 2 announcing your leaving the department?  
 3 A. No.  
 4 Q. Tell me about the discussion  
 5 with Mr. Magaw. What specifically did you  
 6 discuss?  
 7 A. The foundation of it was the  
 8 fact that Mr. Ross was not seeking my  
 9 perspective on your report, and my  
 10 concerns for the county executive, for the  
 11 administration, for the department and the  
 12 community. So, that was the conversation  
 13 where, again, "Perhaps it's time for me to  
 14 step away."  
 15 Then the question I just  
 16 discussed with you arose, "What is in  
 17 there?" "Based on this very brief review,  
 18 I am not seeing anything that wasn't  
 19 raised before."  
 20 The difference wasn't the  
 21 report. It was the reception of the  
 22 report by Mr. Ross. That was what the  
 23 foundation of my decision was.  
 24 Q. Did you discuss the report with  
 25 anyone inside the department?

Page 108

1 H. STAWINSKI  
 2 I know it was characterized as a  
 3 resignation. I retired. But it's -- it  
 4 is a distinction without a difference  
 5 probably.  
 6 Q. Did you speak with anyone else  
 7 in the county executive's office before it  
 8 was announced that you were leaving the  
 9 department?  
 10 A. Again, Counselor, I am not  
 11 exactly sure when it was announced because  
 12 I was not in that process. Mr. Magaw had  
 13 had conversations and that was where -- to  
 14 my prior comment, before you asked me this  
 15 particular question, people were being  
 16 made aware of it through media outlets. I  
 17 regretted that because my phone started  
 18 receiving a lot of text messages and calls  
 19 and so forth. So, no, I didn't have  
 20 opportunity to talk to anybody else in the  
 21 county executive's office before that was  
 22 a public matter.  
 23 Q. Just to be clear, is it your  
 24 testimony that Ms. Alsobrooks did not  
 25 request your resignation?

Page 107

1 H. STAWINSKI  
 2 A. No. I don't recall so, no.  
 3 Q. Did you discuss your leaving the  
 4 department with anyone in the department?  
 5 A. No. Tragically, most people  
 6 found out about it on the news which is  
 7 something that I regret. I had made my  
 8 desire known. I had spoken to Mr. Magaw.  
 9 And the process by which I would retire  
 10 was being initiated. Somewhere in that  
 11 process it came to the attention of our  
 12 media folks and they put something out  
 13 before I was able to go back.  
 14 Counselor, let me be clear.  
 15 This may help clarify. When Mr. Magaw and  
 16 I had a conversation, I left headquarters  
 17 and went over to what I refer to as the  
 18 fifth floor, county executive's suite of  
 19 offices. So I was in his office with him  
 20 for that conversation, and then the  
 21 decision and then -- again, he moved  
 22 beyond that, made conversations with other  
 23 people. And before I was able to return,  
 24 it was in the media that I had chosen to  
 25 retire.

Page 109

1 H. STAWINSKI  
 2 A. Ms. Alsobrooks did not request  
 3 my resignation.  
 4 Q. I am going to switch gears.  
 5 When did you first find out that  
 6 HNLEA and UBPOA had filed a complaint with  
 7 the Department of Justice?  
 8 A. In clarifying, I lost the  
 9 question. Could you restate?  
 10 Q. When did you first find out a  
 11 complaint had been filed with Department  
 12 of Justice?  
 13 A. Judge Acosta -- then Inspector  
 14 General Acosta contacted me in the  
 15 evening. I don't remember the specific  
 16 date, but he had had a conversation with  
 17 then Captain Perez and it was in the wake  
 18 of a meeting I had had with Mr. Acosta,  
 19 the assistant chief, Hector Velez, Major  
 20 Mills and then Captain Perez around some  
 21 concerns in the Internal Affairs  
 22 component.  
 23 I had no knowledge of it prior  
 24 to that. Mr. Acosta informed me that then  
 25 Captain Perez had made him aware of this



Page 110

1 H. STAWINSKI  
 2 but that it spanned back to the beginning  
 3 of my administration. I think I was in  
 4 office for something like 90 days when the  
 5 Complaint was filed.  
 6 Q. Just so I am clear, did you  
 7 learn about it during the meeting with  
 8 Captain Perez, the face-to-face meeting,  
 9 or in the call with Carlos Acosta after  
 10 the meeting?  
 11 A. No. My recollection is clear.  
 12 I received that notification from  
 13 Mr. Acosta via telephone call after the  
 14 meeting.  
 15 Q. So the same day as the meeting,  
 16 or was it later?  
 17 A. I believe it was late in the  
 18 evening or night following that meeting.  
 19 Then my response to that was to direct  
 20 Mr. Acosta to draft a letter to the  
 21 Department of Justice immediately and hand  
 22 carry it to them the following day. So,  
 23 the date of that letter -- again,  
 24 Counselor, I apologize; I don't have the  
 25 date of that in my head right here.

Page 112

1 H. STAWINSKI  
 2 MR. FREEDMAN: I will slow down,  
 3 Madam Reporter. I am trying to  
 4 remember what Mr. Thompson told me, to  
 5 slow down.  
 6 A. The point of this was that we  
 7 were going to embrace the reforms that I  
 8 had a key part of leading during the  
 9 consent decree and MOA. And Mr. Acosta,  
 10 as fully independent Inspector General --  
 11 and again, that comes back to the  
 12 contractual agreement between the  
 13 inspector general and the chief of  
 14 police -- was in the spirit of ensuring  
 15 that we had independent oversight of every  
 16 aspect of the department.  
 17 And we went back to DOJ -- this  
 18 is a couple years after they concluded the  
 19 MOA and consent decree. I introduced  
 20 Mr. Acosta to them and I said, "You have  
 21 absolute authority to contact this  
 22 gentleman directly if you have concerns or  
 23 if concerns are brought to you about the  
 24 department. You don't need to notify the  
 25 chief -- " and that was his direction to

Page 111

1 H. STAWINSKI  
 2 The date of that letter is the  
 3 day immediately following the meeting  
 4 where I learned that from Mr. Acosta via a  
 5 telephone call. And I had directed him to  
 6 draft a letter as the independent  
 7 Inspector General, hand carry it to  
 8 Department of Justice for two purposes.  
 9 One, I am not familiar with this. If you  
 10 have questions or you would like to have  
 11 any information, then please merely  
 12 request what you are seeking and we will  
 13 provide it to you. Secondly, if you could  
 14 provide me some information as to what is  
 15 contained in that complaint, because I had  
 16 had no information about the complaint.  
 17 For context, I would like to  
 18 offer this as well. When Mr. Magaw --  
 19 sorry -- then Chief Magaw appointed  
 20 Mr. Acosta as our first fully independent  
 21 Inspector General, I took him to a meeting  
 22 with Civil Rights division of the  
 23 Department of Justice in person. And it  
 24 was in the wake of the DOJ consent decree  
 25 and memorandum of agreement.

Page 113

1 H. STAWINSKI  
 2 me. "But likewise, if there are concerns  
 3 that you have, we are an open book. We  
 4 are prepared to provide you with any  
 5 information that you would like at any  
 6 time."  
 7 Then the letter that I sent --  
 8 and this is now years later -- in my view  
 9 substantiated our representations at that  
 10 time. Subsequently, when the Department  
 11 of Justice asked us for information, I was  
 12 adamant that all information they  
 13 requested be provided, and that all  
 14 information that they requested be  
 15 provided without redaction, which  
 16 necessitated a letter between the  
 17 Department of Justice and the Office of  
 18 Law component that I spoke of earlier.  
 19 So, all of the information that  
 20 we provided in response to the DOJ  
 21 subsequent inquiries late in '17 and early  
 22 in '18, to the best of my recollection  
 23 right now, were of the manner that I just  
 24 described.  
 25 Q. So, just to orient us in time,

Page 114

1 H. STAWINSKI  
 2 why don't you open up envelope F.  
 3 A. Okay.  
 4 MR. FREEDMAN: We will mark the  
 5 contents of the envelope Exhibit 7.  
 6 (Reporter interruption.)  
 7 (Discussion held off the  
 8 record.)  
 9 (So marked for identification as  
 10 Exhibit 7.)  
 11 THE WITNESS: Counselor, so I am  
 12 clear -- I apologize to raise this  
 13 now, but I have 2, 3, 4, 5, 6, and  
 14 this is 7. I don't have 1. I haven't  
 15 marked anything for you Number 1 per  
 16 your request with other documents.  
 17 MR. FREEDMAN: 1 was an  
 18 electronic document and you don't have  
 19 a physical document with you.  
 20 A. I have this document and I have  
 21 marked it 7 as you have asked.  
 22 Q. My question for you is, is this  
 23 a letter from Carlos Acosta to the  
 24 Department of Justice that you were  
 25 referring to?

Page 116

1 H. STAWINSKI  
 2 purposes of the record, immediately  
 3 notified myself and then the direction I  
 4 spoke of earlier.  
 5 The rest is in the document. I  
 6 just wanted to make sure I was responsive  
 7 to the question.  
 8 Q. Thank you, sir. I was giving  
 9 this to you to help orient you in time.  
 10 A. Thank you. October 24th,  
 11 October 25th. Those are the dates  
 12 according to the record here.  
 13 Q. I want to move back earlier in  
 14 the day or earlier in the week from  
 15 October 25th to the actual meeting. So,  
 16 what was the purpose -- I think you went  
 17 through who was there, but just so the  
 18 record is clear, it was you, Commander  
 19 Mills, Chief Velez, Mr. Acosta and Captain  
 20 Perez. Correct?  
 21 A. Yes.  
 22 Q. What was the purpose of the  
 23 meeting?  
 24 A. I convened the meeting because  
 25 recently, very recently, in fact, within

Page 115

1 H. STAWINSKI  
 2 A. That would have been on  
 3 October 24th. Based on the date of this  
 4 letter -- again, going back to my prior  
 5 testimony, not to belabor the point, yes.  
 6 Q. This is the letter you were  
 7 referring to dated October 25th. Do you  
 8 see that?  
 9 A. I see that, yes.  
 10 Q. Mr. Acosta was referring to a  
 11 conversation he had the night before with  
 12 Captain Perez and that would make that  
 13 conversation October 24th?  
 14 A. In the evening.  
 15 Counsel, again, to clarify your  
 16 prior question again for the record, was  
 17 it during the meeting or was it after --  
 18 and again, this language reflects that  
 19 "yesterday evening I was made aware during  
 20 a telephone conversation with Captain Joe  
 21 Perez that this department's Black and  
 22 Hispanic Police Officers Association filed  
 23 a pattern and practice complaint against  
 24 this agency with the United States  
 25 Department of Justice." EI, again for the

Page 117

1 H. STAWINSKI  
 2 the last several days, it had been brought  
 3 to my attention that there was tension  
 4 within the Internal Affairs component  
 5 between Captain Perez and Major Mills.  
 6 And the tenor of those conversations  
 7 between both of them, both parties  
 8 equally, was such that there was concern  
 9 within that component.  
 10 And, of course, with respect to  
 11 the department, there simply aren't any  
 12 secrets. So it got to the internal order  
 13 of police, the union, that there was  
 14 discord. Again, very recently that  
 15 discord had erupted. Because it came to  
 16 my attention, I wanted to take quick  
 17 action to resolve it.  
 18 So, I asked all of those parties  
 19 to be present so that I could have a  
 20 conversation directly with the individuals  
 21 that were identified through the  
 22 conversations that I just spoke of and  
 23 attempt to intervene and resolve those  
 24 matters.  
 25 Q. Thank you. So, did you hear

Page 118

1 H. STAWINSKI  
 2 about the discord from Major Mills  
 3 directly?  
 4 A. She did not bring it to me as an  
 5 issue that I needed to address, no.  
 6 Q. Who did?  
 7 A. The principal method that I  
 8 recall was when I got a call from the  
 9 union expressing concern about the rank  
 10 and file's perception of the Internal  
 11 Affairs component based on the conduct of  
 12 the captain and the major.  
 13 Q. You are referring to -- I may  
 14 mispronounce the name. Mr. Deletchea?  
 15 A. Yes, sir.  
 16 MR. FREEDMAN: We will spell  
 17 that for you on break, Deb.  
 18 THE WITNESS: D-E-L-E-T-C-H-E-A.  
 19 MR. FREEDMAN: I think that's  
 20 right.  
 21 Q. Had you heard about the issues  
 22 within Internal Affairs from anyone else?  
 23 A. Counselor, as I sit here, my  
 24 recollection and what precipitated that  
 25 meeting was the call from the union

Page 120

1 H. STAWINSKI  
 2 determine what the actual discord was.  
 3 The rumors were everywhere about the  
 4 relationship between the two of them, but  
 5 the substance again was not to be given  
 6 credibility.  
 7 The point of having a meeting  
 8 with the principals was to hear from them  
 9 directly what are the issues.  
 10 Q. Had you decided going into that  
 11 meeting that one of them would need to go?  
 12 A. Absolutely not. I was going to  
 13 try and find out what the issues were from  
 14 the principals.  
 15 Q. So there hadn't been a decision  
 16 made going into that meeting to transfer  
 17 Captain Perez?  
 18 A. I am sorry, counsel. Are you  
 19 associating his transfer with this  
 20 meeting?  
 21 Q. That's my question, is whether  
 22 there had already been a decision going  
 23 into that meeting to transfer him?  
 24 A. Oh. Then yes is the answer to  
 25 that.

Page 119

1 H. STAWINSKI  
 2 president and the concerns that had been  
 3 raised to him by the rank and file.  
 4 Q. Did you have any understanding  
 5 what the issues were that they were having  
 6 going into the meeting?  
 7 A. Just that there was discord.  
 8 Again, the discord was very recent. It  
 9 had erupted, again, within the last week  
 10 or so, and that was what was spilling out  
 11 into the larger department and that was  
 12 what precipitated the meeting.  
 13 Again, for context, when I  
 14 became aware of an issue, I always moved  
 15 to gather information and then always  
 16 moved to try to bring resolution. I  
 17 wasn't one of those individuals who, we've  
 18 got a problem, we'll just see what  
 19 happens. So, that meeting occurred  
 20 quickly after I became aware of this  
 21 discord.  
 22 Q. So, what information did you  
 23 gather prior to the meeting about the  
 24 nature of the discord?  
 25 A. Well, the meeting was to

Page 121

1 H. STAWINSKI  
 2 Q. Is it your testimony Major Mills  
 3 never came to you and said she wanted  
 4 Captain Perez out of Internal Affairs?  
 5 A. I don't recall a specific  
 6 conversation that she wanted Captain Perez  
 7 out of Internal Affairs. I recall, in the  
 8 deliberative process of giving people new  
 9 assignments, that her practice, her stated  
 10 desire was that when people were promoted,  
 11 that they were moved out to a new  
 12 responsibility. And I think that she was  
 13 consistent with the application of that  
 14 principle.  
 15 But the transfer -- again, to be  
 16 clear, there had been a great deal of  
 17 deliberation for some months prior to  
 18 these events regarding the new assignment  
 19 for Captain Perez. Those two things are  
 20 not associate in any way.  
 21 Q. Except for the timing, right?  
 22 A. Again, Counselor, I believe we  
 23 submitted documents that clearly reflect  
 24 that that transfer had been arrived upon  
 25 prior to this meeting.

1 H. STAWINSKI  
 2 Q. You appointed Commander Mills to  
 3 be commander of Internal Affairs, right?  
 4 A. I did.  
 5 Q. And her command experience prior  
 6 to that appointment was in District 3.  
 7 Right?  
 8 A. Sorry, counsel. I apologize for  
 9 this and Madam Reporter as well. Again,  
 10 let me quality that.  
 11 It wasn't by fiat. It wasn't my  
 12 decision solely. The decision to place  
 13 Major Mills into Internal Affairs was as a  
 14 result of a deliberative process, again,  
 15 where we were looking across the entire  
 16 exercise, looking at individuals and their  
 17 experience and most recent assignments and  
 18 then placing people for the betterment of  
 19 the agency in new and different  
 20 assignments for their development, for  
 21 development of the divisions and  
 22 districts. And those were the factors  
 23 that played into our decisions to place  
 24 people.  
 25 Q. My question was, prior to going

1 H. STAWINSKI  
 2 within an institution such as ours is the  
 3 desire to disadvantage people because of  
 4 their talent. How that expresses itself  
 5 is someone is placed in a position but  
 6 because they are talented in one aspect,  
 7 they sort of get put into a box, and so  
 8 they remain in that position or in that  
 9 track through subsequent promotions.  
 10 Now, the effect that this has is  
 11 that it doesn't allow that individual to  
 12 develop. There is a particular concern of  
 13 balancing operational experience with what  
 14 we refer to as administrative experience  
 15 or investigative experience. Both those  
 16 categories, please, take them to be  
 17 similar.  
 18 So, the lifeblood of the Prince  
 19 George's County Police Department is  
 20 uniform patrol. We are, always have been,  
 21 primarily a uniformed service. Two-thirds  
 22 of us have always been there and that is  
 23 our principal responsibility. That  
 24 service, the context of that service  
 25 informs all of the components that are not

1 H. STAWINSKI  
 2 to Internal Affairs, her prior command  
 3 experience was in District 3, in the  
 4 Bureau of Patrol. Correct?  
 5 A. My recollection, yes.  
 6 Q. And she did have -- she had five  
 7 months' prior experience in Internal  
 8 Affairs. Right?  
 9 A. That sounds correct, counsel.  
 10 If you want to refer me to a document, I  
 11 would be happy to look at it. That  
 12 approximates my recollection.  
 13 Q. Prior to taking command at  
 14 Internal Affairs, her experience in  
 15 Internal Affairs was from January 2014 to  
 16 May 2014. Right?  
 17 A. Again, counsel, if you have a  
 18 document for me? That roughly sounds  
 19 correct, but I don't have it in front of  
 20 me.  
 21 Q. And you knew that -- you said  
 22 that she had a position that when people  
 23 were promoted they should be moved out of  
 24 their positions? Just explain that to me.  
 25 A. So again, one of the challenges

1 H. STAWINSKI  
 2 on the front line, not part of that  
 3 uniformed service.  
 4 So there was a desire on my  
 5 part, and Major Mills shared that -- this  
 6 wasn't a conversation, just something  
 7 philosophically we agreed upon -- that  
 8 when someone was promoted they should move  
 9 across those various disciplines to round  
 10 them out and give them more experience.  
 11 You are never aware of what the needs of  
 12 the department will be in the future but  
 13 you are always in need of people who have  
 14 well-rounded resumés and experience so  
 15 that should a position open up, someone  
 16 decides to leave the department and seek  
 17 another opportunity, you have a number of  
 18 people who can step into that and not lose  
 19 the momentum while they are sort of  
 20 reinventing something that they have no  
 21 point of reference for.  
 22 So the experience that you speak  
 23 to is part of what put us in a position as  
 24 a group to place her there, because she  
 25 had familiarity with it, but she also had

Page 126

1 H. STAWINSKI  
 2 operational experience that provides  
 3 context for what the Internal Affairs  
 4 component would be dealing with.  
 5 Q. At the time of this meeting, you  
 6 were aware Captain Perez had seven years'  
 7 experience in Internal Affairs, right?  
 8 A. Again, Counselor, at the rank of  
 9 sergeant, at the rank of lieutenant. And  
 10 so there was not that opportunity to  
 11 associate themselves with other components  
 12 within the department. So, again, I am  
 13 not looking at it as a "who has been here  
 14 longer."  
 15 My point of that meeting was not  
 16 about who is more tenured with respect to  
 17 Internal Affairs issues. It was to  
 18 determine what was the cause of the  
 19 discord between two individuals.  
 20 Q. You are aware Captain Perez had  
 21 seven years of experience, going into that  
 22 meeting, in Internal Affairs, right?  
 23 A. I am aware of that but that was  
 24 nothing to do with why we were having a  
 25 meeting.

Page 128

1 H. STAWINSKI  
 2 experience than Captain Perez?  
 3 A. I did not know that because I  
 4 did not contemplate that because that was  
 5 not the purpose of the meeting.  
 6 Q. Did you know going into that  
 7 meeting that Major Mills had been  
 8 investigating how she might be able to  
 9 suspend Captain Perez for insubordination?  
 10 A. No.  
 11 Q. You were aware that in Internal  
 12 Affairs Captain Perez supervised  
 13 approximately 35 people. Correct?  
 14 A. That seems consistent with my  
 15 expectations, yes.  
 16 Q. And in Planning and Research,  
 17 where he was transferred to, he supervised  
 18 two people. Correct?  
 19 A. Let's take a step back, counsel.  
 20 These --  
 21 Q. I would like you to answer my  
 22 question. I don't know that we need to  
 23 step back.  
 24 A. Then I was inartful in my  
 25 response. No one directly supervises 35

Page 127

1 H. STAWINSKI  
 2 Q. And he was one of the most  
 3 experienced investigators in Internal  
 4 Affairs at that point. Correct?  
 5 MR. THOMPSON: Objection to  
 6 form.  
 7 A. I don't have the resumés of all  
 8 the people associated with the Internal  
 9 Affairs component in front of me. Again,  
 10 that is not what the meeting was about.  
 11 Q. Do you know anyone, going into  
 12 that meeting, who had more experience in  
 13 Internal Affairs than Captain Perez?  
 14 MR. THOMPSON: Same objection.  
 15 A. The issues you are raising have  
 16 nothing to do with why we were having the  
 17 meeting, so no, I didn't contemplate any  
 18 of that.  
 19 Q. I am not asking whether you  
 20 contemplated it. I am asking whether you  
 21 know whether anybody in Internal Affairs  
 22 had more experience than Captain Perez at  
 23 the time you went into the meeting. It is  
 24 a pretty simple question.  
 25 Were you aware anyone had more

Page 129

1 H. STAWINSKI  
 2 people. So he may have, as a result of  
 3 his position within that chain of command,  
 4 had oversight. But in terms of direct  
 5 supervision, I don't know that he directly  
 6 supervised 35 individuals through the  
 7 chain of command.  
 8 Q. In Planning and Research, how  
 9 many people did he supervise through the  
 10 chain of command?  
 11 A. I don't know. I think there was  
 12 three or four people assigned to that  
 13 component at that point.  
 14 Q. In Research and Planning,  
 15 Captain Perez would report to William  
 16 Alexander, right?  
 17 A. After the transfer.  
 18 Q. At the time you transferred  
 19 Captain Perez to work for Major Alexander,  
 20 you were aware that Captain Perez had  
 21 filed a complaint against Major Alexander  
 22 with respect to --  
 23 (Reporter interruption.)  
 24 The question was, you were aware  
 25 at the time he was transferred to work for



Page 130

1 H. STAWINSKI  
 2 Major Alexander, Captain Perez had filed a  
 3 complaint against Major Alexander with the  
 4 inspector general?  
 5 A. I need to clarify. Are you  
 6 talking about within the period of time  
 7 where my concerns led to the meeting?  
 8 Q. No. I am asking historically  
 9 whether you were aware that Captain Perez  
 10 had filed a complaint against Major  
 11 Alexander with the inspector general,  
 12 whether that is --  
 13 MR. THOMPSON: Objection to form  
 14 and foundation.  
 15 A. Counsel, I am sorry. I am  
 16 confused. Again, I am saying this with  
 17 all due respect. It is part to do with  
 18 this process and with the video.  
 19 Are you asking me if I was aware  
 20 that Captain Perez had filed a complaint  
 21 against Major Alexander with Mr. Acosta  
 22 with respect to the meeting that we were  
 23 talking about?  
 24 Q. No. Historically.  
 25 A. Can you help me --

Page 132

1 H. STAWINSKI  
 2 A. Now we are back to meeting with  
 3 the five people that we discussed?  
 4 Q. Yes.  
 5 A. Okay. So again, my intent in  
 6 having that meeting was to ascertain what  
 7 the source of the conflict was between the  
 8 two individuals. I began the meeting  
 9 again, out of respect for rank with Major  
 10 Mills and I asked what was the foundation  
 11 of this. Her account broadly was that he  
 12 was not being responsive to requests that  
 13 she was making within the course of her  
 14 duties, there was conflicts about how  
 15 cases were being handled, but that  
 16 again -- this had not historically been a  
 17 problem. It had developed relatively  
 18 recently.  
 19 So she provided that account,  
 20 and again, out of respect for rank, I went  
 21 to the captain and said, "That is her side  
 22 of things. I need to hear from you, what  
 23 is your side of things?"  
 24 He said, "I don't understand the  
 25 question." I went to some lengths to say,

Page 131

1 H. STAWINSKI  
 2 Q. With regard to encouraging  
 3 overtime fraud in Internal Affairs.  
 4 A. Let me try to help the process  
 5 this way. When you say "historically,"  
 6 can you give me a sense of what that  
 7 means?  
 8 Q. 2015, Perez filed a complaint  
 9 with the inspector general --  
 10 A. No, sir.  
 11 Q. -- alleging --  
 12 A. You are talking about a year  
 13 prior to what we are talking about, in  
 14 '15. This is in '16. So no, I am not  
 15 familiar with that.  
 16 Q. Okay.  
 17 A. There was confusion over the  
 18 meeting that I was focused on. I  
 19 apologize for the confusion.  
 20 Q. Major Alexander was aware of  
 21 that complaint, wasn't he?  
 22 A. I don't know. You'd have to ask  
 23 Major Alexander.  
 24 Q. At that meeting, tell me what  
 25 was discussed. Tell me what you recall.

Page 133

1 H. STAWINSKI  
 2 "Look, I just want to understand what the  
 3 issues here are between you."  
 4 At that point he said he had  
 5 filed an EEOC complaint -- had filed an  
 6 EEOC complaint and that he did not want to  
 7 discuss it because of the pendency of that  
 8 complaint.  
 9 At that point, I didn't have any  
 10 options. I said to the two of them,  
 11 "Please excuse yourselves" and asked them  
 12 to wait in the office of the chief  
 13 reception area. And I talked to Assistant  
 14 Chief Velez and Mr. Carlos Acosta and  
 15 said, "Look, I wanted to resolve this but  
 16 now we have been informed there is an EEOC  
 17 complaint on record and I am uncomfortable  
 18 continuing with this process until we find  
 19 out what is contained in that, and I don't  
 20 want it to appear we are trying to subvert  
 21 that process."  
 22 Mr. Acosta and assistant chief  
 23 both agreed that would be the prudent  
 24 course of action to take. And then the  
 25 assistant chief asked me, "Well, now that

1 H. STAWINSKI

2 we have this, what is your desire with  
3 respect to the transfer?"

4 And I said, "Well, this was to  
5 resolve an issue that had evolved  
6 relatively recently, so we proceed with  
7 the transfer as we have discussed for,  
8 again, some time now."

9 There was a subsequent  
10 notification to Captain Perez by the  
11 assistant chief about the transfer. That  
12 is my recollection. If that is not the  
13 case, you will have to refer that back to  
14 the assistant chief as to how that  
15 happened.

16 And then there was, in that  
17 process, apparently the assistant chief  
18 volunteered a conversation that he had had  
19 with a Sonya, at that point Lancaster,  
20 concerning the captain's representations.  
21 But if you want to get into that, I will  
22 defer to you, Counselor. That is to do  
23 with a conversation the assistant chief  
24 had with people.

25 Q. Okay. Just to unpack that a

1 H. STAWINSKI

2 little bit, when Captain Perez stated that  
3 he had an EEO issue, did he identify who  
4 the respondents were?

5 A. No, sir. He said he filed an  
6 EEOC complaint and was not forthcoming  
7 with additional information.

8 Q. Okay.

9 He didn't say that he had named  
10 you as a respondent?

11 A. He said that he had filed an  
12 EEOC complaint, and he was not forthcoming  
13 with additional information.

14 Q. Did you say that you were going  
15 to follow up with Captain Shepper, the  
16 head of SIRT at that point?

17 A. No. That had not occurred at  
18 that point. Taking that action had not  
19 occurred to me at that point.

20 Q. Upon learning that there was an  
21 EEOC complaint filed, did you or anyone  
22 else in the department take steps to  
23 preserve evidence that might be relevant  
24 to that complaint?

25 A. That would fall back to, at that

1 H. STAWINSKI

2 point, Deputy Chief Grant. I think Deputy  
3 Chief Nader had departed at that point.  
4 So when the filing was presented to us, we  
5 would take that action. But I would refer  
6 you to the deputy chief. Again, I  
7 apologize for this. I am not certain if  
8 Deputy Chief Nader had departed at that  
9 point or not.

10 Q. I think the record is it was  
11 Deputy Chief Grant at that point.

12 A. Okay, fair enough.

13 Q. Did anyone communicate the need  
14 to preserve documents now that you were  
15 aware that a complaint had been filed?

16 A. Well, we weren't certain what  
17 the substance of the complaint was so we  
18 were looking for information and again  
19 waiting for the notice so that we could be  
20 responsive to it. I assumed that all  
21 documents are subject to that but there  
22 was no way to specify what we should be  
23 concerned about.

24 Q. Was there any effort to preserve  
25 emails, for example?

1 H. STAWINSKI

2 A. Counsel, there was no way to  
3 know -- there was no -- let me think this  
4 through for a second.

5 You are asking me if we were  
6 going to go and make sure something wasn't  
7 lost, but we don't know what the EEOC  
8 complaint is about. Nothing is going to  
9 go anywhere anyway, but it wasn't until we  
10 had the substance of the complaint that we  
11 would be able to say, okay, things to do  
12 with this or that are the subject of the  
13 complaint. So we were without the  
14 information to take the step you are  
15 suggesting.

16 Q. Did anyone instruct Allen Lee or  
17 anyone else in the IT department to stop  
18 auto deletion of emails or text messages?

19 A. Not as a result of that meeting,  
20 counsel. Again, we weren't expecting any  
21 of those things to take place. We were  
22 told that an EEOC complaint had been  
23 filed, and that was the extent of the  
24 information we had to act upon.

25 Q. Were any steps taken to preserve

1 H. STAWINSKI

2 text messages at that point?

3 A. Again, counsel, we had no  
4 information which to take those actions  
5 on.

6 Q. You mentioned that you had Chief  
7 Velez reach out to Captain Perez to inform  
8 him of the transfer. Do you know how long  
9 after your meeting that that communication  
10 took place?

11 A. You would have to ask the  
12 assistant chief. He departed my office.  
13 I am certain that those conversations  
14 occurred subsequent to our conversation  
15 about his question, but I don't know the  
16 exact time.

17 Q. We already talked about the  
18 communication about the Department of  
19 Justice complaint and Mr. Acosta's letter.  
20 What was your next contact with the effort  
21 to contact Justice Department about the  
22 complaint?

23 A. That was an ongoing process,  
24 counsel. I was asking the inspector  
25 general to keep tabs with DOJ so we could

1 H. STAWINSKI

2 follow up on this. They were not  
3 responding -- I am not fussing with DOJ,  
4 but we weren't getting feedback from them  
5 with respect to this.

6 Then, at some point -- I know  
7 there is a document that we have where I  
8 asked him again to, in writing, approach  
9 them because we were not receiving either  
10 request for information, which we were  
11 willing to provide, or any details with  
12 respect to what it is we should be looking  
13 into.

14 Q. You are referring to a letter  
15 that was sent the following May perhaps?

16 A. Yes. That's the letter I am  
17 talking about. But again, that wasn't --  
18 we didn't drop this one and then ignore  
19 it. I was asking Carlos, and he had  
20 called down there several times -- again,  
21 you are going to have to address those  
22 questions to Judge Acosta. Because we  
23 weren't getting anything, I asked him to  
24 send a subsequent letter.

25 Q. In mid-December 2016, you asked

1 H. STAWINSKI

2 Mr. Acosta to contact the U.S. Attorney  
3 for Maryland and the Civil Rights division  
4 to see if you could find out more  
5 information about the Complaint. Does  
6 that sound right?

7 A. The U.S. Attorney for Maryland?

8 Q. For Maryland.

9 A. Well, we wanted to know what the  
10 Complaint was so that we could act upon  
11 it. We were trying to get information so  
12 that if something was occurring we could  
13 take action or be responsive to that  
14 Complaint. But we didn't have any  
15 information. So, I was, again via these  
16 correspondence, trying to get information  
17 that would allow us to take this issue  
18 seriously and to take action.

19 Q. I see your letter to the Justice  
20 Department. Did you ask Captain Perez to  
21 provide a copy of the Complaint?

22 A. I asked Captain Perez what the  
23 substance of that Complaint was. There  
24 was a subsequent interaction -- you will  
25 forgive me, I don't have the dates. I was

1 H. STAWINSKI

2 reached out to -- let me take a step back.

3 Yes. We wanted to know what the  
4 information was. That information was not  
5 forthcoming. Then at some point in the  
6 future we were contacted by one of the  
7 local radio shows. They wanted to do an  
8 interview with me with respect to the  
9 Complaint because it had become public at  
10 that point. I still did not have  
11 information with respect to the substance  
12 of the Complaint.

13 But I subsequently learned that  
14 Mr. Perez and Mr. Boone were going to be  
15 part of this conversation. And there is  
16 correspondence that I had, requests for  
17 information. The correspondence I get  
18 back from Mr. Perez was, "Substantively it  
19 is a DOJ complaint. We are not at liberty  
20 to discuss this with you, and so we can't  
21 provide information. That was frustrating  
22 to me because they were prepared to have a  
23 public conversation on his radio show  
24 about these same issues. I was at a loss  
25 because now we are taking something I have

Page 142

1 H. STAWINSKI  
 2 no information or insight into and making  
 3 a public conversation about it.  
 4 I don't remember the exact date  
 5 of that. But yes, I did get  
 6 correspondence back when we asked for that  
 7 information. I don't recall if it was  
 8 addressed to me or if it was addressed to  
 9 Mr. Acosta, essentially saying, "We are  
 10 not prepared to share this information  
 11 with you."  
 12 Q. You were continuing to have  
 13 dialogue with HNLEA and UBPOA during this  
 14 time frame, right?  
 15 A. Counsel, that was one of the  
 16 most disappointing aspects of this. The  
 17 Complaint, as we learned, was filed when I  
 18 was 90 days in office. We had had a  
 19 series of meetings throughout the entire  
 20 year, and I was not provided with any  
 21 insight into this until this meeting,  
 22 again precipitated by a conflict between  
 23 Captain Perez and Major Mills.  
 24 Then, as a result of that  
 25 meeting, finding out that Captain Perez

Page 144

1 H. STAWINSKI  
 2 Q. It was to discuss Officer  
 3 Torres's issues with Sergeant Bunce.  
 4 A. Okay, you have helped me with  
 5 that. Again, Deputy Chief Patel was part  
 6 of that meeting.  
 7 Q. Do you recall anything else  
 8 being discussed at that meeting other than  
 9 Torres's situation with Bunce?  
 10 A. That was a meeting that was  
 11 important to me. I had had conversations  
 12 with Mr. Perez and Mr. Boone. I remember,  
 13 I think, on one occasion Mr. Mack was also  
 14 a part of these conversations -- where,  
 15 broadly, their concerns, legitimate  
 16 concerns involving the posture of the  
 17 department and the culture of the  
 18 department around these issues of race and  
 19 opportunity.  
 20 So what I had advanced was a  
 21 notion whereby we would collaborate. And  
 22 I wanted to take an approach which would  
 23 allow us to deal with specific instances,  
 24 right? I had been a party to  
 25 conversations under Chief Magaw's

Page 143

1 H. STAWINSKI  
 2 stated he had filed an EEOC Complaint and  
 3 then subsequently revealed to the  
 4 inspector general that he filed a DOJ  
 5 Complaint. But many conversations had  
 6 happened in the intervening time and I had  
 7 no knowledge of that.  
 8 Q. So, following that meeting, you  
 9 had a meeting with HNLEA and UBPOA on  
 10 January 4, 2017. Do you recall that?  
 11 MR. THOMPSON: I will object to  
 12 form and foundation as to these  
 13 meetings within the organization.  
 14 You may answer.  
 15 A. Do you have a document I can  
 16 refer to?  
 17 Q. I can tell you who was there.  
 18 A. Please.  
 19 Q. It was you, Chief Velez, Captain  
 20 Perez, Sergeant Boone and Captain Melville  
 21 Powell.  
 22 A. Was Deputy Chief Patel part of  
 23 that meeting as well?  
 24 Q. Not according to notes.  
 25 A. Then I --

Page 145

1 H. STAWINSKI  
 2 administration where the conversations  
 3 were not specific. They were  
 4 generalities. They lacked, in my view,  
 5 substance in terms of where the bad actor  
 6 might be or who was the affected party.  
 7 Not exclusively, but my view was that  
 8 there an opportunity for us to  
 9 collaborate.  
 10 So I asked them to bring  
 11 specific instances and specific officers  
 12 and do it in such a fashion that -- "tell  
 13 me now what your concerns are around which  
 14 circumstance and then give us the time to  
 15 go and inquire and talk to the responsible  
 16 commanders, gather the documentation so  
 17 that we can be responsive to that  
 18 concern."  
 19 They had been approached, I  
 20 suppose, by Mr. Torres to represent him in  
 21 this matter, and that's what precipitated  
 22 the meeting where I had laid forth a model  
 23 whereby these concerns could be resolved..  
 24 So, the reason Deputy Chief  
 25 Patel and Powell are important to this

Page 146

1 H. STAWINSKI  
 2 meeting is because what I had said to  
 3 Mr. Perez and Mr. Boone was that I was  
 4 prepared to bring responsible commanders  
 5 to the table and to provide insights into  
 6 why these actions are taken.  
 7 So, we had that conversation.  
 8 Again, they are representing Mr. Torres in  
 9 this matter. At the end of that  
 10 conversation, the conclusion was -- and I  
 11 believed at this point that they had  
 12 agreed -- that what was discussed was  
 13 substantive and that the basis for his  
 14 pending transfer was not based on  
 15 discrimination but, rather, based on  
 16 performance. And that is where Powell  
 17 plays a key role in this conversation.  
 18 So, that was the substance of  
 19 that meeting that you are discussing.  
 20 Q. The day after that meeting, do  
 21 you remember that you were forwarded  
 22 pictures of a training dummy that had been  
 23 dressed up in an afro wig and dressed as a  
 24 black person?  
 25 MR. THOMPSON: Objection to form

Page 148

1 H. STAWINSKI  
 2 Q. On February 14, 2017, you were  
 3 contacted by Charles Phillips from the  
 4 Department of Justice. Do you recall  
 5 that?  
 6 A. The community relations service.  
 7 Yes.  
 8 Q. You are aware Mr. Phillips is a  
 9 conciliation specialist in the Department  
 10 of Justice?  
 11 A. Within the communication  
 12 relations service, yes. I wasn't aware of  
 13 that -- sorry. I wasn't aware of that  
 14 prior. I did not have a relationship with  
 15 Mr. Phillips prior to his contacting me.  
 16 Q. You had worked with his office  
 17 before, though, right?  
 18 A. We had in terms of a training  
 19 video that CRS had approached the  
 20 department to do around issues of LBGQTQ  
 21 rights. But not with him and not within  
 22 the context of this issue.  
 23 Q. Now, between the last contact  
 24 you had with Justice Department,  
 25 Mr. Acosta's call in December 2016, are

Page 147

1 H. STAWINSKI  
 2 and foundation.  
 3 THE WITNESS: Madam Reporter,  
 4 are you okay?  
 5 COURT REPORTER: Go ahead.  
 6 A. I am not certain, counsel. I  
 7 remember being forwarded those  
 8 photographs. Let's put that on the  
 9 record. I am not certain it was part and  
 10 parcel of this particular meeting. It may  
 11 be. That's the only proviso I will place  
 12 on that. I am aware of the photos and I  
 13 did receive the photos. Yes.  
 14 Q. Then about a month later you  
 15 were also sent pictures of the vandalized  
 16 color guard locker in the special  
 17 operations division? Do you recall  
 18 receiving those?  
 19 A. I do.  
 20 MR. THOMPSON: Objection to form  
 21 and foundation.  
 22 Q. That was on about February 7,  
 23 2017? Does that sound right?  
 24 A. Approximately. But I remember  
 25 the pictures that you are speaking of.

Page 149

1 H. STAWINSKI  
 2 you aware, between Mr. Acosta's calls and  
 3 the contact with Mr. Phillips, of any  
 4 other contacts between the Prince George's  
 5 County Police Department and the  
 6 Department of Justice about the Complaint?  
 7 A. Can you rephrase that? Because  
 8 I am not clear on one point. I need your  
 9 help.  
 10 Q. I am asking -- we talked maybe  
 11 10 or 15 minutes ago with Mr. Acosta  
 12 calling the Department of Justice and the  
 13 U.S. Attorney office in Maryland in mid  
 14 December.  
 15 A. Okay.  
 16 Q. I am asking, between that point  
 17 in time and Mr. Phillips contacting you,  
 18 whether you are aware of any other  
 19 contacts between your department and the  
 20 Department of Justice about the Complaint.  
 21 A. No. But I think it's important  
 22 to note that the correspondence I received  
 23 from CRS was, as I recall, precipitated by  
 24 a conversation again coming back to  
 25 Mr. Ross and my relationship with him. It



Page 150

1 H. STAWINSKI  
 2 wasn't DOJ reaching out to offer CRS  
 3 because of the Complaint. It was a  
 4 parallel initiative, and it really had  
 5 more to do with Bob Ross, NAACP, and CRS  
 6 being a mechanism whereby they sought to  
 7 resolve issues between the Laurel City  
 8 Police Department and the community of  
 9 Laurel City.  
 10 So, it wasn't explained to me,  
 11 it wasn't my belief now -- it's not my  
 12 belief now that Mr. Phillips reaching out  
 13 was associated with the Complaint or with  
 14 the Civil Division, where Ms. Gupta was  
 15 working and this Complaint was being  
 16 handled.  
 17 Q. I think at this point in time  
 18 Ms. Gupta is gone, but that is neither  
 19 here nor there.  
 20 A. The Civil Division and CRS are  
 21 two different things. That is my main  
 22 point, counsel.  
 23 Q. So, following -- you know, it  
 24 might be easier if you have the email. If  
 25 you could open up envelope G?

Page 152

1 H. STAWINSKI  
 2 this.  
 3 (Pause.)  
 4 A. Counsel, I have read it again.  
 5 And again, the initial correspondence from  
 6 Mr. Phillips restates what I said prior to  
 7 you providing me with this document.  
 8 Q. Sure. I just want to move  
 9 forward in time. I agree with what your  
 10 assessment is.  
 11 If you look at the second email  
 12 in the chain on the first page, the  
 13 March 3rd email from Mr. Phillips?  
 14 A. Yes.  
 15 Q. So, first substantive paragraph  
 16 says, "Though I fielded several calls from  
 17 Mr. Ross and the other parties since I met  
 18 with you, because of your request that I  
 19 not share with them that the three of us  
 20 met, I have had to cryptically convey to  
 21 them the status of any further action on  
 22 the case."  
 23 I want to kind of pause there.  
 24 Did you have a meeting with Mr. Phillips?  
 25 A. Yes.

Page 151

1 H. STAWINSKI  
 2 MR. FREEDMAN: We'll mark that  
 3 Exhibit 8.  
 4 (So marked for identification as  
 5 Exhibit 8.)  
 6 (Discussion held off the  
 7 record.)  
 8 A. Sorry, counsel. You wanted this  
 9 Number 8?  
 10 Q. If you can mark it Number 8,  
 11 please, sir?  
 12 A. Yes.  
 13 MR. FREEDMAN: Craig is off  
 14 camera. I want to be sure he has his.  
 15 MR. THOMPSON: Go ahead.  
 16 Q. This is your email exchange with  
 17 Mr. Phillips. Do you see that?  
 18 A. Okay. Can I have just a second  
 19 here, counsel, please.  
 20 MR. THOMPSON: John, what letter  
 21 is this? Sorry?  
 22 MR. FREEDMAN: Letter G,  
 23 Exhibit 8.  
 24 MR. THOMPSON: Thank you.  
 25 THE WITNESS: Let me finish

Page 153

1 H. STAWINSKI  
 2 Q. Who attended?  
 3 A. Myself, I believe Mr. Acosta,  
 4 and I think that may be everybody but my  
 5 recollection is not clear.  
 6 Q. And what was discussed?  
 7 A. So, I was interested in finding  
 8 out from Ms. Phillips what his view was  
 9 with respect to CRS. Again, this is  
 10 framed not as an overture from DOJ to  
 11 resolve the Complaint but a separate  
 12 initiative precipitated by -- we talked  
 13 with this earlier -- my relationship with  
 14 Mr. Ross and other events.  
 15 I needed to hear from  
 16 Mr. Phillips what he was proposing in  
 17 terms of this. I was also interested in  
 18 knowing if there was an opportunity for us  
 19 to get disclosure with respect to the  
 20 issues at stake.  
 21 But I also have to be cognizant  
 22 of the fact that now the department,  
 23 myself as the head of the department, are  
 24 engaged in conversations with DOJ. It is  
 25 a separate component from DOJ, it is not

Page 154

1 H. STAWINSKI  
 2 to do with this Complaint, but publicly  
 3 that might become conflated so that there  
 4 is a public discourse about DOJ and the  
 5 police department that is not accurate.  
 6 So that is why I asked him to keep that  
 7 meeting confidential.  
 8 Beyond that, I was not going to,  
 9 as the chief, engage in any follow-up with  
 10 DOJ without first consulting with the  
 11 elected leadership of the county. And the  
 12 process that you are pointing to here in  
 13 the time was the opportunity for me to  
 14 engage with the deputy chief  
 15 administrative officer, Mr. Magaw, for  
 16 Mr. Magaw to have conversations with  
 17 leaderships within the county about  
 18 whether or not this would be a prudent  
 19 course for us to embark upon. And that's  
 20 the substance of -- that's the substance  
 21 of what occurred.  
 22 My goal in having the meeting,  
 23 to come back sort of to a more pointed  
 24 response, was to find out from  
 25 Mr. Phillips what his recommendation from

Page 156

1 H. STAWINSKI  
 2 tremendous resource. I actually referred  
 3 the City of Hyattsville to Mr. Phillips  
 4 recently within the last several months on  
 5 a separate issue because I felt it would  
 6 more closely suit the needs of that  
 7 community in similar fashion to the work  
 8 CRS had done in the City of Laurel.  
 9 But Mr. Phillips was forthcoming  
 10 in that meeting to say that they had not  
 11 as CRS yet embarked upon a mediation of  
 12 the type being proposed here internal to a  
 13 police department. And that even wasn't  
 14 the biggest issue, although I wasn't -- I  
 15 wasn't convinced that we should be -- the  
 16 test case for an internal mediation.  
 17 The largest hurdle was a legal  
 18 hurdle where the Fraternal Order of Police  
 19 Lodge 89 by collective bargaining  
 20 agreement is the sole and exclusive  
 21 bargaining agent of the membership of the  
 22 Prince George's Police Department. What I  
 23 was concerned about was that, as part of  
 24 the CRS process, we would have to sign an  
 25 agreement to mediate.

Page 155

1 H. STAWINSKI  
 2 CRS was in terms of a road forward and  
 3 what would be expected if we were to do  
 4 that.  
 5 So, it was more of a technical  
 6 conversation. What would the process look  
 7 like so I could be articulate to it to  
 8 elected leadership, but not the substance  
 9 of -- I wasn't there to ask him, "What is  
 10 the issue?" I was trying to get that  
 11 information from the Civil Division, where  
 12 the Complaint lay.  
 13 Q. Your department never  
 14 participated in this  
 15 conciliation/remediation process beyond  
 16 this initial meeting. Correct?  
 17 A. Well, the conclusion was that we  
 18 were not able to.  
 19 Q. Who reached that conclusion?  
 20 A. It was a collaborative decision.  
 21 Mr. Acosta, Mr. Magaw, myself. I am not  
 22 certain that there were conversations with  
 23 members of the Office of Law as well.  
 24 There were two challenges.  
 25 Mr. Phillips -- he was a

Page 157

1 H. STAWINSKI  
 2 And I believe that is mentioned  
 3 here. Maybe not. And that would  
 4 contravene the CBA because I am not in a  
 5 position to mediate with groups without  
 6 including the FOP, without perhaps  
 7 incurring an unfair labor practice.  
 8 Q. So, the department, your  
 9 department concluded it would not  
 10 participate in this mediation process.  
 11 Correct?  
 12 A. Again, because of the existence  
 13 of the collective bargaining agreement  
 14 which stipulates the FOP to be the sole  
 15 and exclusive bargaining agent and part of  
 16 this process would be potentially us  
 17 arriving at a mediated outcome where  
 18 decisions would be made that would not  
 19 include the FOP.  
 20 Q. Are you aware that HNLEA and  
 21 UBPOA representatives met with County  
 22 Executive Rushern Baker on March 16, 2017,  
 23 to discuss their concerns?  
 24 A. Yes. I understood there was a  
 25 meeting with the county executive,

1 H. STAWINSKI  
 2 counsel. I don't specifically recall that  
 3 date but if that is what the record  
 4 reflects.  
 5 Q. You are aware following that  
 6 meeting County Executive Baker directed  
 7 Mr. Magaw to facilitate meetings between  
 8 you and HNLEA and UBPOA representatives,  
 9 right?  
 10 A. I would refer you back to  
 11 Mr. Baker. I know I subsequently met with  
 12 Mr. Magaw, Mr. Perez and Mr. Boone, but I  
 13 don't know what the county executive's  
 14 role in that was.  
 15 Q. You had several meetings  
 16 following the mid-March time frame.  
 17 Correct?  
 18 A. We had several meetings across  
 19 this entire time span.  
 20 Q. One meeting was, according to  
 21 the records, on March 28, 2017. Do you  
 22 recall that meeting, the end of March?  
 23 A. I don't recall it by date. If  
 24 you can tell me what the topics were that  
 25 we discussed to refresh my recollection, I

1 H. STAWINSKI  
 2 aware of what the issues in the DOJ  
 3 complaint were? Is that your answer?  
 4 A. We were never provided with the  
 5 DOJ complaint.  
 6 Q. You were never provided with the  
 7 DOJ complaint?  
 8 A. Not by Mr. Perez or Mr. Boone.  
 9 Q. Well, let's short circuit this.  
 10 Tell me what substantive issues you recall  
 11 coming up in the meetings that you had  
 12 with Boone and Perez.  
 13 MR. THOMPSON: Objection to form  
 14 and foundation.  
 15 A. Counsel, I do have some notes in  
 16 the record where I attempt to enumerate  
 17 the names -- again, let's go back to the  
 18 process if you don't mind for just a  
 19 moment.  
 20 I had asked them to provide me  
 21 with names and circumstances that would  
 22 allow me to conduct inquiries, find out  
 23 what the facts are, because again, they  
 24 are receiving one account from an  
 25 individual or group of individuals and I

1 H. STAWINSKI  
 2 would appreciate it.  
 3 Q. Do you recall a discussion of  
 4 Sergeant Darin Rush's conduct?  
 5 A. That was a topic that came up  
 6 more than once, but again not with respect  
 7 to that date.  
 8 Q. Do you recall another meeting  
 9 about two weeks after that, April 11,  
 10 2017, to discuss concerns that had been  
 11 raised with the Department of Justice?  
 12 A. With whom?  
 13 Q. With the same individuals.  
 14 A. No. I don't recall a meeting  
 15 around the DOJ complaint specifically. In  
 16 fact, we were still trying to get  
 17 information about the DOJ complaint.  
 18 Q. But a meeting about the issues  
 19 discussed in the DOJ complaint? Do you  
 20 recall a meeting in mid April?  
 21 A. Respectfully, I was never made  
 22 aware of what the issues in the DOJ  
 23 complaint were, so I don't know if those  
 24 two things were of a piece or not.  
 25 Q. Sorry. You were never made

1 H. STAWINSKI  
 2 wanted the opportunity -- again coming  
 3 back to something -- let's go back to the  
 4 policies over here that we discussed  
 5 earlier.  
 6 You know, the point of these  
 7 policies is to involve the broader command  
 8 staff in these issues and try to resolve  
 9 them at the lowest level of supervision.  
 10 That is enumerated in some of the  
 11 documents we talked about earlier, the  
 12 discrimination and sexual harassment  
 13 policy, internal investigative procedures  
 14 policy and so forth.  
 15 So, I wanted the opportunity to  
 16 have that conversation, to familiarize  
 17 command with issues that were arising and  
 18 again come back and have conversations in  
 19 a participative way with Mr. Perez and  
 20 Mr. Boone about what we found.  
 21 Now, coming back to,  
 22 tangentially this issue of mediation, what  
 23 I had said and staked out was a very clear  
 24 path forward. The meeting you alluded to  
 25 with Mr. Magaw, Mr. Boone and Mr. Perez,

Page 162

1 H. STAWINSKI  
 2 the substance of that meeting was about  
 3 the frequency of our conversations, and  
 4 the understanding I had was that they had  
 5 expressed a concern that we weren't  
 6 meeting on a monthly basis.  
 7 What I had said was, "I am  
 8 prepared to meet with you as regularly as  
 9 you would like. I would like the  
 10 opportunity to know in advance what we are  
 11 going to talk about so I can do some  
 12 research for you and provide you with  
 13 information and answers that are  
 14 responsive to those concerns. And then  
 15 beyond that, I don't want to wait 30 days  
 16 or 40 days to have a meeting about  
 17 something."  
 18 It is in keeping with prior  
 19 comments, by serendipity, that I made when  
 20 I became aware of the issues of discord  
 21 between Major Mills and Captain Perez.  
 22 Within several days, I had scheduled that  
 23 meeting because I wanted to resolve those  
 24 issues quickly and be responsive to them.  
 25 So to come full circle, there

Page 164

1 H. STAWINSKI  
 2 issues you remember them raising with you.  
 3 A. The Torres meeting was the one I  
 4 would point to as my overture to them in  
 5 terms of a method for carrying out these  
 6 conversations and providing information to  
 7 them. But again, the specific instances  
 8 that they brought to me after we were able  
 9 to involve command and to have the  
 10 investigations, inquiries into the  
 11 circumstances, at the conclusion of that I  
 12 would ask them, "Okay, are you satisfied  
 13 with that?"  
 14 I want to be clear at no point  
 15 did I say this is over and can't be raised  
 16 again. But in every instance where they  
 17 brought a specific concern at the end of  
 18 that, I said, "Does that address your  
 19 concerns?" And in every instance it was,  
 20 "Well, it is not what we thought it was  
 21 and we are satisfied with that resolution  
 22 for now" and Mr. Acosta would document  
 23 that in his notes. Mr. Acosta and the  
 24 assistant chief were in these meetings  
 25 with me.

Page 163

1 H. STAWINSKI  
 2 was not -- strike that.  
 3 We did not have a meeting about  
 4 the DOJ complaint. I had asked for  
 5 concerns, specific concerns. It was not  
 6 related to me that they were in the DOJ  
 7 complaint or not in the DOJ complaint. My  
 8 only recollection of that was a couple  
 9 emails associated with pictures that you  
 10 described earlier where they said "This is  
 11 included in that" but it was not my belief  
 12 that that was the body of it.  
 13 And then my notes reflected some  
 14 names that would be helpful to your  
 15 question about what particularly we  
 16 discussed on what date. And again, I  
 17 apologize to you. I don't have a  
 18 recollection of the dates being, in my  
 19 mind here is what we talked about, the  
 20 topics.  
 21 Q. I apologize. I am trying to  
 22 make this easier for you because I don't  
 23 want to go meeting by meeting if you don't  
 24 have recollection of what was discussed at  
 25 particular meetings. I want to get what

Page 165

1 H. STAWINSKI  
 2 We were providing information  
 3 and being responsive. But there wasn't an  
 4 instance -- now, they did always say, and  
 5 I always granted them absolute leeway to  
 6 bring issues back if they had additional  
 7 information. But they always appeared to  
 8 be satisfied with the resolutions that we  
 9 gave them in terms of our response.  
 10 Now, we are in '17. This also  
 11 occurred in meetings prior to us becoming  
 12 aware of the DOJ complaint, my effort to  
 13 provide them with substantive information  
 14 and be responsive. Again, I can't do that  
 15 exclusively. That is where these policies  
 16 that we talked about earlier come in and  
 17 the responsibility of command and  
 18 supervision in that process.  
 19 Q. So, let me ask you about some  
 20 things that are in the notes. We can do  
 21 that. Do you remember [REDACTED]  
 22 case coming up?  
 23 A. I remember the name coming up.  
 24 Q. Do you remember a discussion  
 25 about an investigator in Internal Affairs

Page 166

1 H. STAWINSKI  
 2 named Kyle Bodenhorn coming up?  
 3 A. I am familiar with the name.  
 4 Q. Do you remember that the  
 5 complaint was that Officer Bodenhorn had  
 6 been threatening black officers who were  
 7 subject to investigation with termination?  
 8 A. I don't remember that  
 9 specifically, no.  
 10 Q. Do you remember committing that  
 11 you would do something with Investigator  
 12 Bodenhorn?  
 13 A. I wouldn't commit to that if we  
 14 weren't able to substantiate that that was  
 15 the case. The conversations we were  
 16 having would be about [REDACTED] If you can  
 17 familiarize me with that fact pattern  
 18 again, because we had a lot of  
 19 conversations, it would be perhaps  
 20 helpful.  
 21 Q. I am actually more interested in  
 22 Mr. Bodenhorn.  
 23 A. My response, then, is that  
 24 whatever the concern was that was raised,  
 25 my efforts through the assistant chief,

Page 168

1 H. STAWINSKI  
 2 Q. Do you remember several months  
 3 after that meeting having Officer  
 4 Bodenhorn transferred out of Internal  
 5 Affairs?  
 6 A. Again, counsel, I believe that  
 7 was the eventual outcome. But I am not,  
 8 without conferring with the commander of  
 9 Internal Affairs, able to say to you right  
 10 now that there is a nexus between the two  
 11 things. I don't know that the conduct was  
 12 substantiated and was the foundation of  
 13 the transfer or if the transfer was for  
 14 other reasons, such as promotion, and we  
 15 talked about that earlier.  
 16 Q. Do you know how many black  
 17 officers you terminated where Kyle  
 18 Bodenhorn was the investigator?  
 19 MR. THOMPSON: Object to form  
 20 and foundation.  
 21 A. I don't.  
 22 Q. Did you or the department ever  
 23 go back to look at the investigations  
 24 Officer Bodenhorn had handled to confirm  
 25 that they had been handled fairly and

Page 167

1 H. STAWINSKI  
 2 through the inspector general, would be to  
 3 take those concerns to the appropriate  
 4 command officer and determine whether or  
 5 not there was substance to them. Again,  
 6 that information was brought back to  
 7 Mr. Perez and Mr. Boone as this process of  
 8 meetings continued. And when those  
 9 concerns were raised, we would be  
 10 responsive to it.  
 11 Again, I would always ask at the  
 12 end of a conversation "Does that resolve  
 13 your concerns at this moment," always  
 14 providing the proviso they can raise the  
 15 concerns again. That was always how we  
 16 proceeded until they got to a point where  
 17 they were -- they were satisfied with that  
 18 response.  
 19 Q. Do you remember a concern being  
 20 raised that Kyle Bodenhorn was doing bad  
 21 investigations and was biased?  
 22 A. Again, I don't remember that  
 23 specifically but I am certain that that  
 24 was passed on for inquiry, again by the  
 25 process that I just described.

Page 169

1 H. STAWINSKI  
 2 openly as required by department policy??  
 3 A. So, again, where those concerns  
 4 were raised as part of this process, that  
 5 was passed through to the responsible  
 6 commander, and it was never brought back  
 7 to me that Investigator Bodenhorn was --  
 8 those allegations against Investigator  
 9 Bodenhorn were substantiated.  
 10 Q. Do you remember, during the  
 11 course of these meetings, [REDACTED]'s  
 12 case came up?  
 13 A. Yes.  
 14 Q. And do you recall -- and it came  
 15 up at more than one of these meetings,  
 16 right?  
 17 A. Yes. I think that's fair to  
 18 say.  
 19 Q. Do you remember Sergeant Mack  
 20 saying something that every black  
 21 officer's case that includes money is sent  
 22 to the State Attorney's Office?  
 23 A. I don't recall that directly,  
 24 no.  
 25 Q. Now, when you were deputy chief



1 H. STAWINSKI  
 2 of the Bureau of Patrol --  
 3 MR. THOMPSON: John, if you are  
 4 shifting to something else, I think it  
 5 is a good time for a break. When you  
 6 went back to his role as deputy chief  
 7 I thought you were changing gears a  
 8 bit.  
 9 MR. FREEDMAN: Let me finish  
 10 this out, Craig.  
 11 MR. THOMPSON: Understood.  
 12 Q. I am just asking about your  
 13 relationship with [REDACTED]. He was  
 14 your executive officer when you were  
 15 deputy chief of Bureau Patrol. Correct?  
 16 A. He was the operations  
 17 commander..  
 18 Q. Were you close with him?  
 19 A. We had a professional  
 20 relationship.  
 21 Q. Were you friends?  
 22 A. I wouldn't characterize it as a  
 23 friendship. It was a professional  
 24 relationship.  
 25 Q. Did you consider him to be your

1 H. STAWINSKI  
 2 other members of his office and the  
 3 Internal Affairs division. But he  
 4 conducted an independent investigation in  
 5 that. And then full circle, to be  
 6 responsive to that, I did take the [REDACTED]  
 7 case to the State Attorney's Office and to  
 8 the state prosecutor.  
 9 MR. FREEDMAN: We can take a  
 10 break. You want to break for lunch?  
 11 MR. THOMPSON: Yes.  
 12 THE VIDEOGRAPHER: We are going  
 13 off the record. The time is  
 14 12:46 p.m. Eastern Daylight Time.  
 15 (Recess.)  
 16 THE VIDEOGRAPHER: Going back on  
 17 the record. The time is 1:35 p.m.  
 18 Eastern Daylight Time. Please  
 19 proceed.  
 20 BY MR. FREEDMAN:  
 21 Q. Good afternoon, Mr. Stawinski.  
 22 A. Good afternoon.  
 23 Q. During the lunch break, did you  
 24 have any substantive conversations  
 25 concerning your testimony with anyone?

1 H. STAWINSKI  
 2 protege?  
 3 A. No. That is a very dangerous  
 4 concept, counsel. I wouldn't put myself  
 5 in a position to have anyone perceived to  
 6 be a protege because it leads to this  
 7 conclusion that somehow someone is  
 8 advantaged.  
 9 Q. Do you recall telling the HNLEA  
 10 and UBPOA representatives that you  
 11 couldn't discuss the [REDACTED] matter because  
 12 it was so open?  
 13 A. Let me go back for a second and  
 14 then I will concur with Mr. Thompson. I  
 15 likewise would appreciate a break.  
 16 I don't recall specifically what  
 17 you are saying with respect to Mack's  
 18 comments. What I can say is that the  
 19 concerns around [REDACTED] evolved. They  
 20 began anonymously. The allegations  
 21 changed over time. That's where I put  
 22 that in the hands of the independent  
 23 Inspector General.  
 24 Mr. Acosta led that effort. He  
 25 delegated certain responsibilities to

1 H. STAWINSKI  
 2 A. No, sir.  
 3 MR. FREEDMAN: We have handed  
 4 you Document I, which we will mark as  
 5 Exhibit 9, I believe.  
 6 (So marked for identification as  
 7 Exhibit 9.)  
 8 Q. Mr. Stawinski, this is an email  
 9 to you on May 16, 2017 from Mark Magaw  
 10 copying Mr. Acosta, forwarding an email  
 11 from the HNLEA president, copying various  
 12 officers of UBPOA and HNLEA. Do you see  
 13 that?  
 14 A. Yes. I am sorry. I was going  
 15 backwards with the way it's copied. Yes,  
 16 I see the email heading you are referring  
 17 to, sir.  
 18 Q. Do you see that HNLEA president,  
 19 Mr. Perez, writes to Mr. Magaw, "Thank you  
 20 for taking the time to speak with me the  
 21 other day. Attached please find the  
 22 amended DOJ Complaint we sent to DOJ"?  
 23 Do you see that?  
 24 A. Yes.  
 25 Q. And then Mr. Magaw forwards it

Page 174

1 H. STAWINSKI  
 2 to you, right?  
 3 A. Yes.  
 4 Q. And the attachment to the email  
 5 is two letters, an October 31, 2016 letter  
 6 from HNLEA and UBPOA and an April 12, 2017  
 7 letter. You see that?  
 8 A. I see that.  
 9 Q. Upon receiving this email, did  
 10 you discuss the HNLEA or UBPOA complaints  
 11 with anyone?  
 12 MR. THOMPSON: Objection to form  
 13 and foundation.  
 14 A. Counsel, I am not understanding  
 15 your question.  
 16 Q. Well, you have an email saying  
 17 attached please find the DOJ Complaint.  
 18 My question is simply, when you received  
 19 this email, did you discuss receipt of the  
 20 DOJ Complaint with anyone?  
 21 A. Oh, I see what you are saying,  
 22 counsel. I apologize.  
 23 Well, we received -- I  
 24 received -- and I can only speak for  
 25 myself -- the two sort of letters that

Page 176

1 H. STAWINSKI  
 2 Q. You didn't ask Mr. Magaw to go  
 3 back and get the rest of the Complaint?  
 4 A. No. I asked him when he  
 5 forwarded this to me to send me the rest  
 6 of it because it didn't come through and  
 7 he stated that this was all he got.  
 8 Q. So, my question was simply who  
 9 you discussed receipt of this email with,  
 10 and you have answered in part it was  
 11 Mr. Magaw. Did you talk about this with  
 12 anyone else?  
 13 A. Well, we are talking about May  
 14 of 2017, so the conversations that we have  
 15 already had concerning overtures to DOJ,  
 16 prior conversations with Mr. Phillips and  
 17 all those sorts of things are already on  
 18 the record.  
 19 Q. Let me ask this way. Upon  
 20 receiving this Complaint, what is  
 21 characterized as a Complaint on its  
 22 face -- reading the first letter of the  
 23 attachment, it says, "We are submitting  
 24 this formal Complaint."  
 25 Did you or anyone else in the

Page 175

1 H. STAWINSKI  
 2 speak in broad terms about these concerns.  
 3 The first, October 31, 2016, I  
 4 recall -- "in 1997 HNLEA filed a complaint  
 5 with the Department of Justice Civil  
 6 Rights division regarding these issues.  
 7 December 2010, raised concerns under the  
 8 new administration in order to --  
 9 (Reporter interruption.)  
 10 "Again raised concerns with the  
 11 DOJ. Under the new police administration  
 12 we were targeted for discrimination and  
 13 retaliation. In order to give the Prince  
 14 George's administration an opportunity to  
 15 address concerns...we decided not to  
 16 vigorously pursue the inquiry to DOJ."  
 17 Then the second letter they are  
 18 asking to discuss these concerns. Yes,  
 19 October 12, 2017. This speaks to our  
 20 prior conversation with Mr. Phillips that  
 21 we have covered.  
 22 So, yes, counsel. But we did  
 23 not -- I did not receive the attached  
 24 Complaint. I received these two letters  
 25 from Mr. Magaw.

Page 177

1 H. STAWINSKI  
 2 department take steps to preserve evidence  
 3 that might be relevant to the Complaint?  
 4 A. Let me refamiliarize myself in  
 5 more detail with this correspondence,  
 6 please.  
 7 Q. Do you want to go off?  
 8 A. Yes, sir, because it is three or  
 9 four pages. Please. Thank you.  
 10 THE VIDEOGRAPHER: We are going  
 11 off the record. The time is 1:41 p.m.  
 12 Eastern Daylight Time.  
 13 (Brief recess.)  
 14 THE VIDEOGRAPHER: We are going  
 15 back on the record. The time is  
 16 1:45 p.m. Eastern Daylight Time.  
 17 Please proceed.  
 18 MR. FREEDMAN: Deb, would you  
 19 read the question, please.  
 20 (Record read.)  
 21 MR. THOMPSON: Objection to form  
 22 and foundation.  
 23 A. So, counsel, my response is that  
 24 in review of this document, I had grave  
 25 concerns and I took those concerns

1 H. STAWINSKI

2 seriously. I had asked questions of my  
3 staff with respect to the assertions in  
4 here. For instance, the passage "a lack  
5 of key minorities in key decision-making  
6 positions" that didn't comport with the  
7 reality within the department.

8 With respect to your question  
9 about documents, again "Please see  
10 attached documentation." "Attached please  
11 find my last email communication."

12 Then, in a subsequent letter, it  
13 speaks to the same thing. "Attached is  
14 the original Complaint," which again we  
15 don't have, and the list of names, as well  
16 as additional Complaint consent forms.

17 So without specific  
18 information -- and again, I agree that  
19 there are assertions here that are very  
20 troubling but they are overly broad, and  
21 essentially what I would have to say is  
22 all documents across the entirety of the  
23 department are now subject to this, and I  
24 didn't think that that was feasible.

25 Q. You had a meeting eight days

1 H. STAWINSKI

2 after getting this. On May 24th, you had  
3 another meeting with UBPOA and HNLEA  
4 leadership, right?

5 A. With Mr. Perez and Mr. Boone?

6 Q. Yes.

7 A. Okay.

8 Q. And the other attendees were  
9 Mr. Velez, Mr. Acosta and Ms. Rafterry?

10 A. I think keeping with the format  
11 so that we had access to the responsible  
12 leadership to address Mr. Perez and  
13 Mr. Boone's concerns.

14 Q. Do you remember anything coming  
15 up at that meeting?

16 MR. THOMPSON: Objection to  
17 form.

18 A. I remember having the meeting  
19 with the individuals involved but I don't  
20 have specific recollection based on the  
21 date of what you may be asking me.

22 Q. Was May 24, 2017 the last  
23 meeting you had with both UBPOA and HNLEA  
24 leadership together?

25 A. I don't recall, counsel. I did

1 H. STAWINSKI

2 not conclude our series of meetings. They  
3 no longer scheduled meetings after some  
4 point, but I don't recall if this was the  
5 last meeting.

6 Q. I want to move forward to the  
7 summer.

8 MR. THOMPSON: Did you say  
9 summer, counsel?

10 MR. FREEDMAN: Summer. Yes.

11 Q. Could you open envelope C1?

12 A. That a small one or large one,  
13 counsel?

14 Q. I am not sure if the C's are  
15 together in one envelope. It should be  
16 pretty small.

17 A. C1, counsel?

18 Q. Yes, C1.

19 A. I am reading the document,  
20 counsel. Is this --

21 MR. FREEDMAN: We'll mark this  
22 Number 10.

23 (So marked for identification as  
24 Exhibit 10.)

25 A. I have marked it Number 10.

1 H. STAWINSKI

2 Q. I wanted to --

3 A. Would you give me a moment to  
4 read this real quick?

5 MR. THOMPSON: We are finished  
6 with Exhibit 9, John? Is that right?

7 MR. FREEDMAN: Yes.

8 THE WITNESS: This should just  
9 take a moment, ladies and gentlemen.  
10 I don't think we have to stop because  
11 it doesn't look like it is more than  
12 this page.

13 (Pause.)

14 A. Counsel, I am prepared. Thank  
15 you.

16 Q. I am going to focus on  
17 Mr. Deletchea's email at the bottom of the  
18 first page, the one that is July 27, 2017.  
19 Do you see that?

20 A. Yes. Sorry. I was looking in  
21 the body of it. Yes, I see that.

22 Q. Have you seen this email before?

23 A. It was a police only email, so I  
24 don't have a specific recollection of it,  
25 but I am not going to say I haven't. I

<p style="text-align: right;">Page 182</p> <p>1 H. STAWINSKI 2 don't have a specific recollection of it. 3 Q. Would you have gotten an email 4 that went to police only? 5 A. Absolutely, sir. 6 Q. Do you remember reviewing this 7 email before it went out? 8 A. So, I didn't review 9 correspondence from the FOP before it 10 going anywhere. 11 Q. Okay. I am going to focus on 12 the second paragraph here. Mr. Deletchea 13 writes, "One way members can protect 14 themselves from unscrupulous attorneys is 15 to have their files expunged" and it goes 16 on to explain the parameters. 17 Do you see that? 18 A. I see that. 19 Q. The next paragraph says, "FOP 89 20 has worked with IAD to create a new county 21 Form 5274, which will also be available on 22 the shared drive." 23 Do you see that? 24 A. I do. I see it. 25 Q. Then it goes on to say, "This</p>	<p style="text-align: right;">Page 183</p> <p>1 H. STAWINSKI 2 form is a standard form each member should 3 fill out and send to IAD to have any cases 4 expunged where permitted by statute." 5 Do you see the letter says that? 6 A. I see this, yes. 7 Q. Did it ever occur to you, when 8 this email went out, to say, "Hold on. 9 There is a Department of Justice Complaint 10 pending. Is it really a good idea to be 11 encouraging officers to be seeking 12 expungement of their files?" 13 MR. THOMPSON: Objection to form 14 and foundation. 15 A. Counsel, again, this is 16 generated from the president of our police 17 union, the sole and exclusive bargaining 18 agent of the membership. As the chief, I 19 am not in a position to direct the actions 20 of the union. And then again, I will 21 point to the fact that it's bounded by 22 Maryland law. 23 So, at this point, we still 24 don't know what the specifics of the DOJ 25 Complaint are, and this is a procedure</p>
<p style="text-align: right;">Page 184</p> <p>1 H. STAWINSKI 2 codified within Maryland law. So, your 3 concern as raised to me was not -- was not 4 raised within my mind contemporaneous to 5 this. 6 Q. Okay. That is fair enough. 7 Now, I mentioned earlier the 8 last paragraph of Mr. Deletchea's letter 9 says, "FOP has worked with IAD on this 10 process." Do you see that? 11 A. I do. 12 Q. Could you open up envelope C2? 13 A. Yes, sir. I have it, counsel. 14 MR. FREEDMAN: We'll mark this 15 Exhibit 11. 16 (So marked for identification as 17 Exhibit 11.) 18 THE WITNESS: Yes, sir. 19 Q. My first question is, have you 20 seen this email exchange before? 21 A. May I have a moment? 22 Q. Sure. 23 (Pause.) 24 A. We have the FOP legal counsel, 25 we have the FOP president...</p>	<p style="text-align: right;">Page 185</p> <p>1 H. STAWINSKI 2 Okay, counsel. I am with you 3 now. 4 Q. Have you seen this email before? 5 A. No, sir. 6 Q. Major Mills writes one sentence 7 in her email I want to focus on. This is 8 about the expungement process, right? 9 A. The one in Maryland law. 10 Q. This would be for 11 Mr. Deletchea's email to the whole 12 force -- 13 A. You broke up on me again, 14 counsel. 15 Q. The date of this email from 16 Major Mills, July 20th, a week before 17 Mr. Deletchea's email to the whole force, 18 Exhibit 10? 19 A. Okay. So, I think I am 20 following. Yes. 21 Q. And the subject is "Expungement 22 request." Do you see that? 23 A. I do. 24 Q. That is the subject of the 25 email. They are talking about the</p>

Page 186

1 H. STAWINSKI  
 2 expungement program?  
 3 A. The program according to state  
 4 law.  
 5 Q. Right.  
 6 A. That we talked about before.  
 7 The statute in the prior email.  
 8 Q. So my question is, Major Mills  
 9 writes, "I cannot always set your people  
 10 free but I can certainly cross the aisle.  
 11 I look out for them whenever I can."  
 12 Do you see that?  
 13 A. I see that.  
 14 Q. Was crossing the aisle and  
 15 "looking out for Deletchea's people  
 16 whenever I can" criteria you were looking  
 17 for when you selected Major Mills to be  
 18 your IAD commander?  
 19 MR. THOMPSON: Objection to form  
 20 and foundation.  
 21 A. Counsel, I don't know how to  
 22 take the language you have offered me and  
 23 put it in the context of her selection.  
 24 Can you help me?  
 25 Q. Would you want, in your IAD

Page 188

1 H. STAWINSKI  
 2 form.  
 3 A. Counselor, again, the Fraternal  
 4 Order of Police is the sole and exclusive  
 5 bargaining agent of the membership of the  
 6 Prince George's County Police Department.  
 7 This process of expungement is governed by  
 8 Maryland law, and their responsibility is  
 9 to ensure that the membership has the  
 10 benefit of the force of law.  
 11 So, with respect to who may have  
 12 elected to participate with respect to  
 13 their franchise under the law, I don't  
 14 know. And I will refer you back to  
 15 Exhibit 10, where Deputy Chief Patel at  
 16 that point is corresponding back, and  
 17 Major Mills' opinion at that point is she  
 18 is not certain anybody is going to care if  
 19 they have the opportunity to do this or  
 20 not.  
 21 (Reporter interruption.)  
 22 THE WITNESS: The language is  
 23 from Major Mills. Exhibit 10, "I am  
 24 on the fence as to guessing whether or  
 25 not anyone is going to care with

Page 187

1 H. STAWINSKI  
 2 commander, someone who would cross the  
 3 aisle whenever she could?  
 4 MR. THOMPSON: Same objection.  
 5 A. Let me answer this way. I don't  
 6 know what the intent of this language is  
 7 or what is being concluded based on the  
 8 language. But I will refer you back down  
 9 to the bottom and the fact that the  
 10 president of the FOP is an ordained  
 11 minister. I know Major Mills to be a  
 12 woman of faith and there seems to be some  
 13 element with respect to their shared faith  
 14 or their shared religiosity.  
 15 Beyond that, I would have to  
 16 address you to Major Mills and President  
 17 /TA /HREFFP /KWRA to understand. But your  
 18 question is this language that would  
 19 somehow comport to some sort of standard  
 20 in selection for that role, I still don't  
 21 quite understand that piece.  
 22 Q. Do you know how many files the  
 23 department purged following  
 24 Mr. Deletchea's email?  
 25 MR. THOMPSON: Objection to

Page 189

1 H. STAWINSKI  
 2 respect to the expungement process."  
 3 Q. Do you know how many days after  
 4 sending that email Major Mills personally  
 5 participated in the expungement of Darin  
 6 Rush's files?  
 7 A. No, sir.  
 8 Q. And my question before that one  
 9 was whether you knew how many files were  
 10 expunged as a result of this process? It  
 11 was in the thousands, right?  
 12 A. Again, I don't know, counsel.  
 13 Q. Let's move forward. Could you  
 14 open up Exhibit D1? We'll mark that --  
 15 A. Counsel, with respect to that,  
 16 though --  
 17 Q. I am done with my questions on  
 18 this.  
 19 A. Okay, but you -- okay. Well,  
 20 there appears to be a tracking mechanism  
 21 enumerated here but I don't have anything  
 22 further.  
 23 What would you like me to open  
 24 now?  
 25 Q. Envelope D1.



Page 190

1 H. STAWINSKI  
 2 A. Okay.  
 3 MR. FREEDMAN: We'll mark that  
 4 Exhibit 12, please.  
 5 A. Is that a big one?  
 6 Q. Should be pretty small.  
 7 (Discussion held off the  
 8 record.)  
 9 (So marked for identification as  
 10 Exhibit 12.)  
 11 A. Number 12.  
 12 Q. My first question is, do you  
 13 recognize this document?  
 14 A. No. It's addressed to Jared  
 15 McCarthy. I think I mentioned referring  
 16 some matters to him previously in my  
 17 deposition. He would be the county  
 18 attorney. It wasn't addressed to me.  
 19 May I read it?  
 20 Q. Yes, why don't you go ahead.  
 21 (Pause.)  
 22 A. Okay.  
 23 Q. Do you recall this letter being  
 24 forwarded to you?  
 25 A. I believe I have seen this

Page 192

1 H. STAWINSKI  
 2 county attorney. And we were at that  
 3 point following the advice of our counsel  
 4 with respect to how to proceed. On this  
 5 date, of course, in the following two  
 6 paragraphs, "We have not reached any  
 7 conclusions about the subject matter of  
 8 this investigation but desire more  
 9 information."  
 10 So at that point there is a  
 11 reference to Ms. Salazar being a point of  
 12 contact to begin that, and then that's the  
 13 conclusion of the correspondence. The  
 14 appropriate response for us was to follow  
 15 direction of counsel, and I don't -- I did  
 16 not do anything independent of conferring  
 17 with counsel with respect to how to  
 18 proceed in this matter.  
 19 Q. Which counsel were you  
 20 conferring with on this matter?  
 21 A. The county Office of Law, at  
 22 that point, Acting County Attorney  
 23 McCarthy. But there were other members of  
 24 the Office of Law who were working through  
 25 this.

Page 191

1 H. STAWINSKI  
 2 letter subsequent to receiving it --  
 3 subsequent to the Office of Law receiving  
 4 it and I have familiarized myself with the  
 5 language in it now.  
 6 Q. This letter is discussing that  
 7 "Department of Justice has authorized an  
 8 investigation of the PGPD's employment  
 9 practices to determine whether it has  
 10 engaged in a pattern or practice of  
 11 discrimination against Hispanics and  
 12 African Americans with respect to their  
 13 employment in sworn positions."  
 14 Do you see that?  
 15 A. Second paragraph?  
 16 Q. Yes, at the end.  
 17 A. Yes.  
 18 Q. Upon receiving this letter, did  
 19 you or the department do anything to stop  
 20 the ongoing purge of IAD files?  
 21 MR. THOMPSON: Objection to  
 22 form, foundation.  
 23 A. So, at this point, counsel,  
 24 again, we are referring to a document that  
 25 Department of Justice has issued to the

Page 193

1 H. STAWINSKI  
 2 Again, the Office of Law is  
 3 representing the county, the department.  
 4 It is not myself and the DOJ involved in  
 5 this conversation. All of that goes  
 6 through the county Office of Law.  
 7 Q. Did the department issue a hold  
 8 notice upon receipt of this letter?  
 9 A. I remember there being a  
 10 preservation order associated with things  
 11 that came from the Office of Law as this  
 12 process moved forward. But again, at that  
 13 point we are relying on our counsel to  
 14 guide us on appropriate actions to take  
 15 and when to take them.  
 16 Q. Was there discussion -- I  
 17 withdraw that.  
 18 Why don't you open envelope D2?  
 19 MR. FREEDMAN: We'll mark that  
 20 Exhibit 13.  
 21 (So marked for identification as  
 22 Exhibit 13.)  
 23 A. 13? Okay. It's there.  
 24 Q. I want to focus on the part of  
 25 your email -- this is a response to an

1 H. STAWINSKI  
 2 email that you sent from Craig Howard but  
 3 it looks like it went to a far wider  
 4 audience.  
 5 A. May I have a moment, counsel?  
 6 Q. Sure. Why don't we go off while  
 7 you review this?  
 8 MR. THOMPSON: This is one page.  
 9 I don't think we need to go off.  
 10 (Pause.)  
 11 A. Okay, counsel.  
 12 Q. Do you recall sending the  
 13 underlying email out?  
 14 A. I do.  
 15 Q. And what was the purpose of that  
 16 email?  
 17 A. Throughout my administration,  
 18 when we would have critical incidents,  
 19 issues of concern or things that I felt  
 20 the department should hear from me, I made  
 21 a practice of drafting a "To all the men  
 22 and women of the Prince George's County  
 23 Police Department" email. This is one of  
 24 those.  
 25 Q. According to this email, you

1 H. STAWINSKI  
 2 suggest to be introductory letters which  
 3 make specific references to additional  
 4 documentation. And those, in my view, did  
 5 not constitute the Complaint but, rather,  
 6 an introduction to the Complaint, asking  
 7 for investigation.  
 8 I have never seen to this date  
 9 the Complaint and all of the associated  
 10 documentation that is referenced in the  
 11 letters that were sent to Chief Magaw and  
 12 then forwarded to me.  
 13 Q. I want to talk about the next  
 14 paragraph. There is some discussion in  
 15 the first sentence about a panel for  
 16 promotion, discipline and practices. Do  
 17 you see that?  
 18 A. "First on April 17, 2017"?  
 19 Q. I think it is April 7, 2017.  
 20 A. That paragraph, though?  
 21 Q. Yes, that's right.  
 22 A. Okay. I am with you.  
 23 Q. You write, "As of today it has  
 24 met eight times," right?  
 25 A. I do.

1 H. STAWINSKI  
 2 were notified of the letter that an  
 3 investigation had been opened by  
 4 Department of Justice on September 30,  
 5 2017. That is the end of the first  
 6 paragraph, right?  
 7 A. That is what it says, yes. That  
 8 is correct.  
 9 Q. Going down to the third  
 10 paragraph, you recount the history of what  
 11 you knew about the Complaint, right?  
 12 A. Those are the pieces we have  
 13 discussed earlier in my deposition, yes,  
 14 counsel.  
 15 Q. And you write about, just after  
 16 halfway down that paragraph, "As of  
 17 today's date, neither I nor the department  
 18 has ever been provided with the  
 19 Complaint."  
 20 A. Correct.  
 21 Q. Now, as we discussed earlier, on  
 22 May 16th, Mr. Magaw had actually provided  
 23 you with what HNLEA and UBPOA had sent to  
 24 the Department of Justice, right?  
 25 A. Counsel, they sent two what I

1 H. STAWINSKI  
 2 Q. Are you referring to the panel  
 3 that was co-chaired by Mr. Acosta and  
 4 Jerry Moore?  
 5 A. You are again breaking up,  
 6 counsel. If it is the panel co-chaired by  
 7 Mr. Acosta and Mr. Moore, then yes.  
 8 Q. Now, was the purpose of the  
 9 panel to ensure that the department's  
 10 practices were fair?  
 11 A. The purpose of the panel was to  
 12 have completely independent eyes looking  
 13 at circumstances brought before it. And  
 14 it was an ongoing process that did not  
 15 result -- in here you reference "met eight  
 16 times."  
 17 There wasn't an intent to have,  
 18 after each meeting, actions taken. The  
 19 point was to have all those associated  
 20 members absorb all this information, draw  
 21 conclusions based on the aggregate of the  
 22 testimony, and then write specific  
 23 recommendations back to me at the  
 24 conclusion of their work that would either  
 25 affirm or rebut assertions made, review of

1 H. STAWINSKI  
 2 policies, whatever the case may be, and  
 3 then offer their view as an independent  
 4 body as to how to move forward.  
 5 Q. One of the subject matter areas  
 6 the panel looked into was promotions,  
 7 right?  
 8 A. Again, promotions, discipline  
 9 and practices.  
 10 Q. Could you open envelope D3,  
 11 please?  
 12 A. The number for this, please?  
 13 Q. 14, please.  
 14 (So marked for identification as  
 15 Exhibit 14.)  
 16 A. Yes.  
 17 Q. 14 is a December 13, 2017,  
 18 letter from Department of Justice to  
 19 Andrew Murray, Deputy County Attorney. My  
 20 first question is whether you have seen  
 21 this before.  
 22 A. May I have a moment, counsel?  
 23 Q. Sure.  
 24 A. September 17, December 17.  
 25 (Pause.)

1 H. STAWINSKI  
 2 chair of the panel but I was unable to do  
 3 so.  
 4 Q. Why were you unable to do so?  
 5 A. Well, in my view, the chair of  
 6 this panel needed to be completely  
 7 independent in a manner that the public  
 8 could accept as not being in any way  
 9 biased. For Mr. Acosta, that refers back  
 10 to the contract between the inspector  
 11 general and chief of police which makes  
 12 them fully independent of action by the  
 13 chief absent a felony or treason.  
 14 Beyond that, one individual came  
 15 to mind. It would be Dale Crowell, chair  
 16 of the Citizens Complaint Oversight Panel.  
 17 The Citizens Complaint Oversight  
 18 Panel, also referred to as CCOP, was  
 19 established in county code in 1992, vested  
 20 with the authority to review internal  
 21 investigations for concurrence,  
 22 non-concurrence.  
 23 Mr. Crowell, as chair of that  
 24 panel, had familiarity with the operations  
 25 of the department and our practices and

1 H. STAWINSKI  
 2 A. Okay, counsel.  
 3 Q. This is a formal document  
 4 request -- my question was, have you seen  
 5 this before?  
 6 A. Again, I believe that during the  
 7 pendency of these matters I have seen this  
 8 document. I don't have a specific  
 9 recollection of reading it, but I believe  
 10 I have seen it, yes.  
 11 Q. After receiving this letter were  
 12 there any more meetings, public meetings  
 13 of the quality for promotions, discipline  
 14 and practices panel?  
 15 A. I don't know. I would have to  
 16 refer to Mr. Acosta's records of the panel  
 17 as I sit here.  
 18 Q. Mr. Acosta was appointed to the  
 19 bench on January 26, 2018, about a month  
 20 after this letter. Does that sound  
 21 familiar?  
 22 A. That does sound familiar, yes.  
 23 Q. You never replaced him as chair  
 24 of the panel, right?  
 25 A. I attempted to replace him as

1 H. STAWINSKI  
 2 procedures but also had the independence  
 3 that I sought. It would have been a  
 4 simple thing to just name a chairman in  
 5 the absence but I didn't feel other  
 6 individuals met that metric.  
 7 My decision, after Mr. Crowell  
 8 declined the invitation, was to wait until  
 9 the appointment of a new inspector  
 10 general.  
 11 Unfortunately, the events that  
 12 we are discussing evolved further during  
 13 that time. And when Mr. Turner, the  
 14 current inspector general was appointed,  
 15 because of the ongoing litigation and the  
 16 issues associated with it, a decision was  
 17 made not to reinvigorate the panel but to  
 18 wait until these issues were concluded and  
 19 then bring it back after that.  
 20 Q. Just to be clear, Mr. Turner was  
 21 appointed in February 2018, right?  
 22 A. No, I don't think so.  
 23 Q. Mr. Acosta left in January 2018,  
 24 Mr. Turner was appointed in February 2018.  
 25 Right?

Page 202

1 H. STAWINSKI  
 2 A. No. He wasn't appointed the  
 3 next month. He was appointed almost a  
 4 year later.  
 5 Q. Okay.  
 6 A. That was the challenge.  
 7 Q. After Judge Acosta left the  
 8 department, the panel never met again.  
 9 Right?  
 10 A. After Mr. Acosta was placed on  
 11 the bench by the governor, the panel was  
 12 not active because we didn't have an  
 13 appropriate chair. That is where I sought  
 14 to have the sitting chair of the Citizens  
 15 Complaint Oversight Panel I described  
 16 earlier fulfill that role. He declined  
 17 that role because of the responsibilities  
 18 associated with his personal business as  
 19 well as the demands of the CCOP. And then  
 20 I made a decision, again, to turn towards  
 21 my new inspector general when the process  
 22 of identifying that person was more  
 23 lengthy than I had hoped.  
 24 Q. I want to circle back and talk  
 25 about some of the issues the panel

Page 204

1 H. STAWINSKI  
 2 did not get briefings back from Mr. Acosta  
 3 about the substance of that.  
 4 The point was, let this panel  
 5 function over the period of time necessary  
 6 to address the topic areas that you have  
 7 just enumerated and then come back to me,  
 8 not with conversations but with a written  
 9 document that we could draw conclusions  
 10 from and then take action upon.  
 11 Q. Just so I understand, your  
 12 testimony is you were not getting reports  
 13 on what was being discussed in the panel?  
 14 A. Again, briefings of a general  
 15 nature about the topics and about the work  
 16 as Mr. Acosta felt it was progressing.  
 17 But in terms of -- to go back to prior  
 18 testimony, the specific case of this  
 19 officer, the specific allegation, the  
 20 specific circumstances of a promotional  
 21 process, no.  
 22 Q. You didn't have your  
 23 subordinates in the department send up the  
 24 information that they were providing to  
 25 the panel?

Page 203

1 H. STAWINSKI  
 2 discussed. One of them was promotions.  
 3 You are aware that the Fairness Panel  
 4 heard from a number of witnesses about the  
 5 promotions process, right?  
 6 A. Counsel, let me perhaps save you  
 7 some time. Once I initiated this panel, I  
 8 deliberately did not engage in ongoing  
 9 conversations about the substance of the  
 10 work, findings of the work. I did not  
 11 want, at some point should the panel  
 12 itself call into question, be accused of  
 13 meddling or shaping the panel.  
 14 That is why it was in the hands  
 15 of a fully independent Inspector General.  
 16 And it was constituted of people from  
 17 academia, elected officials within the  
 18 county, the head of the Human Rights  
 19 Commission for Prince George's County.  
 20 Mr. Acosta would brief me  
 21 infrequently as to upcoming meetings to  
 22 let me know that it was occurring, that he  
 23 felt the work was proceeding and was  
 24 beneficial, and then gave me a broad sense  
 25 of what topics we were discussing. But I

Page 205

1 H. STAWINSKI  
 2 A. No. That would have been  
 3 contrary to the purpose.  
 4 Q. You weren't getting information  
 5 from any panelists, say Ms. Elsie Jacobs,  
 6 she never told you what was going on in  
 7 the panel?  
 8 A. No.  
 9 Q. Let me try it this way. During  
 10 the time -- putting aside the panel --  
 11 we'll put the panel aside.  
 12 During the time you were chief,  
 13 you would get reports on the racial and  
 14 demographic composition of the force.  
 15 Right?  
 16 A. From the deputy chief of  
 17 administration, if that is the documents  
 18 you are speaking of.  
 19 Q. Yes. Just trying to establish,  
 20 you did get reports on demographics of the  
 21 department?  
 22 A. Yes, on an as-needed basis.  
 23 Q. Say during your tenure, like the  
 24 midpoint of your tenure, the end of 2017,  
 25 the force was about 43 percent black,

Page 206

1 H. STAWINSKI  
 2 45 percent white, about 8 and a half  
 3 percent Hispanic and just over 3 percent  
 4 Asian. Does that sound about right?  
 5 A. Again, counsel, you are talking  
 6 about a few years ago. But the  
 7 department, during my administration, was  
 8 always slightly more than a majority  
 9 minority. So, those numbers in the  
 10 aggregate reflect that.  
 11 Q. Can you open envelope L2?  
 12 A. That one is not here.  
 13 (Discussion held off the  
 14 record.)  
 15 MR. FREEDMAN: If you could mark  
 16 that, sir, as Exhibit 15?  
 17 (So marked for identification as  
 18 Exhibit 15.)  
 19 A. Yes, sir.  
 20 Q. This is certain information that  
 21 was provided to the panel and subsequently  
 22 to the Department of Justice about the  
 23 composition of the force December 31,  
 24 2015, sir, when you were assuming office?  
 25 A. Before becoming chief. Well,

Page 208

1 H. STAWINSKI  
 2 50 percent.  
 3 Q. But blacks and Hispanics were  
 4 far less percent of, say, lieutenants,  
 5 right?  
 6 A. I don't see that here, counsel.  
 7 Q. Why don't you open up envelope  
 8 E2.  
 9 A. I think that will be a big  
 10 envelope.  
 11 MR. THOMPSON: Remind me of the  
 12 number for this document.  
 13 MR. FREEDMAN: E2.  
 14 THE WITNESS: This is 15. You  
 15 are taking me to 16, counsel?  
 16 MR. FREEDMAN: I am taking you  
 17 actually to mid '17. But in terms of  
 18 exhibits, yes, you are right. 16.  
 19 THE WITNESS: Trying to keep us  
 20 on track. That's all.  
 21 (So marked for identification as  
 22 Exhibit 16.)  
 23 (Discussion held off the  
 24 record.)  
 25 THE WITNESS: For the record, I

Page 207

1 H. STAWINSKI  
 2 one day, correct?  
 3 Q. Yes, just before you became  
 4 chief.  
 5 A. Okay.  
 6 Q. If you see on the first page  
 7 there is summary that says at the top, A,  
 8 Asians, 3.62 percent. B, meaning black,  
 9 42.33 percent. H, meaning Hispanic,  
 10 8.39 percent. W, being white,  
 11 45.47 percent. And NA, meaning not  
 12 available, .18 percent. You see that?  
 13 A. I do.  
 14 Q. So, blacks and Hispanics  
 15 together are just barely a majority when  
 16 you were taking office. Right?  
 17 MR. THOMPSON: Objection to  
 18 form.  
 19 Q. It is just over 50 percent?  
 20 A. Are you only including African  
 21 American and Latinos or are you --  
 22 Q. Yes, I am just asking those two  
 23 together are just over 50 percent?  
 24 A. Okay. Those two don't represent  
 25 everybody but those two are just over

Page 209

1 H. STAWINSKI  
 2 have marked Number 16.  
 3 Q. This was a page produced to  
 4 Department of Justice from a longer  
 5 roster. I am just giving you the numbers  
 6 on the sum of the lieutenants. There is  
 7 lists of lieutenants and midway across the  
 8 page is a summation of lieutenants. Do  
 9 you see that?  
 10 A. Are you talking about the middle  
 11 bit?  
 12 Q. Yes.  
 13 A. This goes by racial description?  
 14 Q. Yes. That is the sum of  
 15 lieutenants.  
 16 A. Okay. So, I am with you.  
 17 Q. So, my question was, if you look  
 18 at the black -- you go across to black,  
 19 there are 23.1 percent of the lieutenants  
 20 are black. Do you see that?  
 21 A. Okay. Hold on a second because  
 22 it looks like the spreadsheet splits. So  
 23 the first half appears to be racial and  
 24 then sex. Then the same information  
 25 appears to be on the right, aggregated.



Page 210

1 H. STAWINSKI  
 2 Is that what I am looking at?  
 3 Q. Yes. If you could look at the  
 4 disaggregated information on the right?  
 5 A. The aggregated information --  
 6 all those things together on the right?  
 7 Is that what we are looking at?  
 8 Q. I think the technical word is  
 9 "disaggregated," but if you could just  
 10 look at the black column?  
 11 A. I think I am there.  
 12 Q. You see it is 23.1 percent --  
 13 A. I see.  
 14 Q. -- of lieutenants are black?  
 15 A. I see this.  
 16 Q. And then the Hispanics,  
 17 4.4 percent of the lieutenants are  
 18 Hispanic. Do you see that?  
 19 A. Okay, I do.  
 20 Q. Then 78.3 percent of the  
 21 lieutenants are white. Do you see that?  
 22 A. Yes, I see that.  
 23 Q. And the same percentages are  
 24 basically the same for captains as of this  
 25 time, right?

Page 212

1 H. STAWINSKI  
 2 Q. And 74.2 percent white?  
 3 A. I see this.  
 4 Q. Now, as of the time you left the  
 5 department, is it correct that the number  
 6 of the white percentage of captains had  
 7 increased to 74 percent?  
 8 A. I don't know if that is true or  
 9 not, counsel. I departed suddenly and had  
 10 not received a briefing contemporaneous to  
 11 my departure.  
 12 Q. Okay. If you don't know, you  
 13 don't know. We can move on. Let me try  
 14 this way.  
 15 The panel heard a lot of  
 16 evidence on this. We have a lot of  
 17 evidence in the case on what the panel  
 18 heard and deliberated. You weren't  
 19 getting briefed on the panel so I won't  
 20 ask you about the panel.  
 21 A. Okay.  
 22 Q. But taking a step back, are you  
 23 aware of any data or analysis that  
 24 suggests that black officers who took the  
 25 department's promotional tests for

Page 211

1 H. STAWINSKI  
 2 A. Not based on anything I have in  
 3 front of me.  
 4 Q. Could you open envelope E3?  
 5 A. Okay. Two pages?  
 6 Q. Yes, it is two pages. Three  
 7 pages total?  
 8 A. 17, counsel?  
 9 Q. Yes, sir.  
 10 (So marked for identification as  
 11 Exhibit 17.)  
 12 A. Okay, Number 17.  
 13 Q. This is a list -- this is a  
 14 roster from December 15, 2017, provided by  
 15 the department, your department to the  
 16 Department of Justice. If you could go to  
 17 the summation line on the third page of  
 18 the document?  
 19 A. I am with you now.  
 20 Q. You will see for captains, as of  
 21 the end of 2017, it is 22.6 percent black.  
 22 Do you see that?  
 23 A. I do.  
 24 Q. And 3.2 percent Hispanic?  
 25 A. I do.

Page 213

1 H. STAWINSKI  
 2 sergeant, lieutenant or captain, are less  
 3 intelligent than the white officers who  
 4 took the same tests?  
 5 A. No.  
 6 Q. Do you personally believe that  
 7 black officers are less intelligent than  
 8 white officers?  
 9 A. Absolutely not.  
 10 Q. Do you personally believe  
 11 Hispanic officers are less intelligent  
 12 than white officers?  
 13 A. Absolutely not.  
 14 Q. Do you have data or analysis to  
 15 suggest that black officers are less  
 16 motivated when they participate in the  
 17 promotional process?  
 18 A. Could you reframe that question?  
 19 I am not sure I followed you.  
 20 Q. I am asking whether you got any  
 21 data, analysis, evidence that suggests  
 22 black officers are less motivated when  
 23 they participate in the promotion process?  
 24 A. Are you asking if I had some  
 25 sort of analysis done to assess the

Page 214

1 H. STAWINSKI  
 2 motivation of individuals?  
 3 Q. Yes.  
 4 A. I am not sure how you would do  
 5 that, but I don't -- I don't have any  
 6 reason to believe that anybody was more or  
 7 less motivated for any reason, racial,  
 8 sexual or anything.  
 9 Q. Do you personally believe black  
 10 officers are less motivated than white  
 11 officers?  
 12 A. I do not, but I don't -- sorry,  
 13 counsel.  
 14 I don't view these issues  
 15 through the lens of race.  
 16 Q. Do you personally believe  
 17 Hispanic officers are less motivated than  
 18 white officers?  
 19 A. Again, counsel, I don't make  
 20 assertions or draw conclusions about  
 21 groups of people with respect to the  
 22 qualities that you are discussing based on  
 23 race, sex, sexual orientation or any of  
 24 those qualities.  
 25 Q. Do you believe that the black

Page 216

1 H. STAWINSKI  
 2 the process. So, our police personnel  
 3 division coordinates that with the Office  
 4 of Human Resources Management, which is a  
 5 countywide agency. Again, it has an  
 6 independent director, who is my peer in  
 7 county government. Then that is sourced  
 8 out to an independent contractor. Most  
 9 recently, that was Fields & Associates. I  
 10 know because when Mr. Boone, particularly,  
 11 Mr. Perez also raised these concerns at  
 12 the beginning of my administration.  
 13 I went to Stephanie Maxwell,  
 14 then director of HR and said these are the  
 15 sorts of questions I am being confronted  
 16 with and I need to understand what may be  
 17 playing into this and talk about what a  
 18 potential resolution might be.  
 19 Ms. Maxwell informed me that we  
 20 contract that out. This has lineage going  
 21 back decades to the Master Patrol Program  
 22 and an effort by the county at that point  
 23 to ensure equity in promotional process,  
 24 that the contract or the vendor -- there  
 25 is a series of disclosures and then a

Page 215

1 H. STAWINSKI  
 2 officers who participated in the  
 3 department's promotional process were not  
 4 trained as well through the academy before  
 5 they entered the promotion process?  
 6 A. The process would suggest that  
 7 everyone receives equal training and is  
 8 trained as an audience to all members  
 9 simultaneously, so I don't think you could  
 10 demonstrate that. So, no.  
 11 Q. I take it from that, do you  
 12 personally believe black officers are not  
 13 trained as well as white officers?  
 14 A. All officers are trained equally  
 15 and together. They receive the same  
 16 training.  
 17 Q. Do you know of any data or  
 18 analysis that suggests there is any factor  
 19 other than the promotional process itself  
 20 that results in black and Hispanic  
 21 officers scoring lower on average than on  
 22 promotional tests than white officers?  
 23 A. For that information I would  
 24 have to refer you to the individuals who  
 25 are responsible for the administration of

Page 217

1 H. STAWINSKI  
 2 vetting process to ensure that the test  
 3 is, quote, "validated" was the term that I  
 4 was given.  
 5 So, with respect to the data you  
 6 are asking for, I would have to refer to  
 7 you the Office of Human Resources  
 8 Management and to the vendor who has  
 9 validation for the test that would, I  
 10 think, would be more responsive to your  
 11 questions around this dynamic.  
 12 Q. I am going to switch gears a  
 13 little bit from promotions to special  
 14 unit. Do you need a break?  
 15 A. Yes, please. That would be  
 16 great.  
 17 MR. FREEDMAN: Why don't we take  
 18 ten.  
 19 THE WITNESS: Sure. Thanks,  
 20 counsel.  
 21 THE VIDEOGRAPHER: We are going  
 22 off the record. The time is 2:38 p.m.  
 23 Eastern Daylight Time.  
 24 (Recess.)  
 25 THE VIDEOGRAPHER: Going back on

1 H. STAWINSKI  
 2 the record, the time is 2:55 p.m.  
 3 Eastern Daylight Time. Please  
 4 proceed.  
 5 BY MR. FREEDMAN:  
 6 Q. Mr. Stawinski, during the break  
 7 did you have any substantive conversations  
 8 about your testimony?  
 9 A. No, sir.  
 10 Q. I want to move to the other  
 11 subject matter covered by the panel, again  
 12 recognizing you were not following it.  
 13 Are you aware that during your  
 14 tenure as chief, the department used a  
 15 system known as IAPro to track  
 16 investigations, the findings made by  
 17 investigators and the punishments imposed?  
 18 A. Yes.  
 19 Q. Are you aware that at the  
 20 Fairness Panel meetings in July 2017 there  
 21 was discussion that the IAPro system  
 22 should be used to generate statistics on  
 23 the disciplinary cases and the punishments  
 24 imposed?  
 25 A. There were a number of

1 H. STAWINSKI  
 2 ensuring that this new involved form of  
 3 software tracking would do the sort of  
 4 statistical analysis that I think is  
 5 important but that IAPro, for a host of  
 6 reasons, apparently was not able to  
 7 perform for us.  
 8 Q. Are you aware that there was  
 9 discussion on the panel or with the panel  
 10 about tracking punishment, investigations,  
 11 discipline by race?  
 12 A. No.  
 13 Q. Are you aware that Commander  
 14 Mills, Major Mills, when the question was  
 15 put to her, said she didn't want to  
 16 analyze disciplinary data by race?  
 17 A. I would direct you back to Major  
 18 Mills.  
 19 Q. Would you open envelope M.  
 20 A. Number 18, counsel? Correct?  
 21 Q. Yes, 18.  
 22 (So marked for identification as  
 23 Exhibit 18.)  
 24 A. Number 18. And if I may have a  
 25 moment, please?

1 H. STAWINSKI  
 2 conversations associated with IAPro that  
 3 led me to conclude that system was  
 4 insufficient for our purposes as a  
 5 department. I believe, counsel, most of  
 6 those conversations stemmed from concerns  
 7 in my interactions with the executive  
 8 command staff and our work to make sure  
 9 that all components of the department are  
 10 functioning efficiently, which led to me  
 11 phasing out IAPro in the midpoint of 2019,  
 12 so just over a year ago and replacing a  
 13 Blue Team.  
 14 With respect to what the panel  
 15 knew about that, I refer you back to my  
 16 prior testimony. I did receive subsequent  
 17 briefings from Mr. Acosta. The point of  
 18 the panel was to let it operate  
 19 independently and then come back to me  
 20 with recommendations in writing.  
 21 Q. What is the relationship between  
 22 Blue Team and IAPro?  
 23 A. Blue Team is a far better tool.  
 24 I believe I mentioned his name before,  
 25 Mr. Lee, Major McCreary were invested in

1 H. STAWINSKI  
 2 (Pause.)  
 3 A. Let me read from back to front.  
 4 That appears to be the way it would go.  
 5 (Pause.)  
 6 I have read it pretty quickly  
 7 just for the sake of your time. But I am  
 8 prepared, I think.  
 9 Q. Thank you. The first question  
 10 is, we have seen Major Mills ran this by,  
 11 this email and her response, by Assistant  
 12 Chief Velez before she sent it back to  
 13 Lieutenant Ghattas. Did you review her  
 14 email before it went out?  
 15 A. This is the first time I have  
 16 seen this email, counsel.  
 17 Q. Do you recall discussing these  
 18 topics with her or Assistant Chief Velez?  
 19 A. I remember this one piece about  
 20 who should make presentation to the panel.  
 21 Again, that is in keeping with my prior  
 22 testimony about dates, times, those sorts  
 23 of things.  
 24 Beyond that, this is the most  
 25 substantive reading of any of these issues

Page 222

1 H. STAWINSKI  
 2 that I have undertaken ever.  
 3 Q. I just want to ask about one  
 4 follow-up point, which is point 10. Point  
 5 10. I will just start. After you read  
 6 through what the question from Ghattas is  
 7 and then the response.  
 8 Point 10 --  
 9 MR. THOMPSON: Counsel, we are  
 10 looking at Bates 161482?  
 11 MR. FREEDMAN: That's right.  
 12 Point 10.  
 13 Q. He writes, "Major Brock believes  
 14 that we need to track race and sex to  
 15 discipline so we can make sure it is being  
 16 fairly imposed and not to scrub that data  
 17 from the like discipline. If we can ever  
 18 get IAPro set up correctly, we would be  
 19 able to do it both ways very easily. In  
 20 order to do that, we need to have a  
 21 properly trained IAPro staff and more time  
 22 to implement that."  
 23 The part I want to ask about is  
 24 Major Mills' response on point 10, the  
 25 page before, Bates 181.

Page 224

1 H. STAWINSKI  
 2 A. So, there is a couple things  
 3 based on the text that you read to me, so  
 4 that I am limiting my answer to your  
 5 concerns.  
 6 Major Brock, in the initial  
 7 piece, number 10 on 482 last three digits,  
 8 "Make sure it is being fairly imposed and  
 9 not to scrub that data from the like  
 10 discipline." There are two different  
 11 things going on here. The discipline  
 12 reports that we were publishing as a  
 13 result of my responsiveness to Mr. Boone  
 14 and his concern that people were aware  
 15 that things were being addressed, and then  
 16 legally we were not able to include that  
 17 data. In fact, we had real challenges  
 18 publishing what we did publish because of  
 19 laws within the State of Maryland.  
 20 It goes on to say, "...if we  
 21 ever get IAPro set up correctly." It  
 22 speaks to what I testified prior to seeing  
 23 the document. That turned out to be a  
 24 greater challenge than anticipated. My  
 25 understanding is during the pendency of

Page 223

1 H. STAWINSKI  
 2 MR. THOMPSON: I think it is  
 3 161481.  
 4 A. I think I am following you,  
 5 counsel.  
 6 Q. Point 10.  
 7 A. Okay.  
 8 Q. Major Mills' response is, "We do  
 9 not currently track this through IAPro,  
 10 however it has been discussed. I believe  
 11 this is a slippery slope as it may present  
 12 a tendency to try to make things fair  
 13 based on race and sex when in actuality it  
 14 needs to be on a case-by-case basis and  
 15 never focus on what an officer of one  
 16 race/sex got for a punishment as opposed  
 17 to another. The cases are never the exact  
 18 same," and then she goes on.  
 19 The point I wanted to ask about,  
 20 she says it has been discussed. Do you  
 21 remember participating in discussions  
 22 about this topic, whether --  
 23 A. I remember -- sorry.  
 24 Q. The topic being whether they can  
 25 track IAPro data by race.

Page 225

1 H. STAWINSKI  
 2 the IAPro program, it was never  
 3 functioning the way it ought to function,  
 4 which is why ultimately and without  
 5 belaboring the point I moved to this Blue  
 6 Team.  
 7 With respect to Major Mills'  
 8 response, again, if we go back to one of  
 9 your prior exhibits here about discipline,  
 10 we see the range of disciplines and the  
 11 reason that was structured such is that --  
 12 I'm referring to Exhibit 2 for you -- is  
 13 that the circumstances are different. And  
 14 there is, I think, differences that occur  
 15 that aren't based on race but that are  
 16 based on the faction and circumstances of  
 17 that investigation and the conduct that  
 18 the discipline is endeavoring to address.  
 19 So, my conversations were in the  
 20 vein of the ones that I discussed with you  
 21 at the beginning of my response, and that  
 22 is, I think, where you were, unless I  
 23 missed something.  
 24 Q. That's fine.  
 25 A. Okay. There is a lot here.

1 H. STAWINSKI  
 2 Q. Are you aware that to respond to  
 3 the questions coming up in the Fairness  
 4 Panel about this, Major Mills, Captain  
 5 Watkins and Lieutenant Ghattas had some  
 6 data prepared?  
 7 A. I believe that information came  
 8 to me as a result of this process,  
 9 counsel, but contemporary to that, what I  
 10 said to Mr. Acosta was, "You are at  
 11 liberty --" and I couldn't stop him anyway  
 12 since he was an independent Inspector  
 13 General -- "to gather whatever information  
 14 you want from whatever quarter to be  
 15 responsive so that the independent members  
 16 of that panel -- you enumerated one, the  
 17 citizen member, but elected officials,  
 18 academics have access to whatever it is so  
 19 that they can be satisfied with the  
 20 answers and craft good responses from it.  
 21 Q. Could you open up envelope N,  
 22 please.  
 23 MR. FREEDMAN: If you could mark  
 24 this as -- I think we are up to 19.  
 25 THE WITNESS: Yes, sir.

1 H. STAWINSKI  
 2 counsel.  
 3 Q. Do you recall hearing that the  
 4 panel was discussing whether particular  
 5 IAD -- had discussion about whether  
 6 particular IAD investigators were biased  
 7 and making decisions on whether or not a  
 8 charge would be sustained based on the  
 9 race of the officer?  
 10 A. Again, counsel, I deliberately  
 11 did not engage in conversations about the  
 12 substance of the work of the panel so that  
 13 it could be fully independent and so that  
 14 in a proceeding such as this, it wouldn't  
 15 be suggested that I was trying to  
 16 intervene or in any way shape that panel.  
 17 So, no.  
 18 Q. When Mr. Acosta left, did you  
 19 get a download from him or Mr. Moore as to  
 20 where the panel was or what they had done  
 21 to date?  
 22 A. I asked Mr. Acosta to prepare  
 23 some transition documents, one of them was  
 24 with respect to the panel. Others were  
 25 with respect to his duties as inspector

1 H. STAWINSKI  
 2 (So marked for identification as  
 3 Exhibit 19.)  
 4 A. Okay.  
 5 Q. The top email here is Mr. Acosta  
 6 forwarding to you and Major Mills  
 7 statistics -- the email is entitled  
 8 "Statistics," forwarding an email that he  
 9 had sent to the panel members. Do you see  
 10 that?  
 11 A. In August, yes.  
 12 Q. And he is forwarding it to  
 13 beginning of September. Do you see that?  
 14 A. The date -- I am assuming it is  
 15 2017, counsel.  
 16 Q. That is our understanding, sir.  
 17 A. Based on what I have.  
 18 Q. Do you have any understanding  
 19 why he is sending this email to you?  
 20 A. No, sir. I don't recall this  
 21 document and I don't know why he would  
 22 forward it to me.  
 23 Q. Have you seen the attachment,  
 24 the data there before?  
 25 A. I don't recall this document,

1 H. STAWINSKI  
 2 general so they could be passed along. I  
 3 didn't ask for a download on this for the  
 4 same reasons that I chose not to engage in  
 5 a meeting-by-meeting analysis of it  
 6 because, again, what I was looking for was  
 7 for the panel to go out and do that work.  
 8 Again, this is exemplary of  
 9 exactly what I am speaking of. They are  
 10 able to access anything that they need and  
 11 anything they would like to see as far as  
 12 their work. But in terms of what you  
 13 refer to as a download, did I ask him to  
 14 brief me on everything the panel was  
 15 doing? Again, for the same reason I  
 16 explained before, no.  
 17 Q. The transition document you  
 18 described, did Mr. Acosta actually prepare  
 19 that concerning the panel?  
 20 A. My understanding is he did. And  
 21 I believe Mr. Turner and he had some  
 22 conversations about it after Mr. Turner  
 23 was appointed.  
 24 Q. Did you ever receive a copy of  
 25 that transition memo?



1 H. STAWINSKI  
 2 A. No, again for the same reasons.  
 3 MR. FREEDMAN: Craig, I note I  
 4 am not aware of anything that  
 5 resembles what the witness is  
 6 describing so we'll put this on the  
 7 follow-up list.  
 8 MR. THOMPSON: Okay.  
 9 Q. Did you ever hear concerns from  
 10 the Citizen Complaint and Oversight Panel  
 11 that IAD investigators were biased in  
 12 making decisions as to whether or not a  
 13 charge would be sustained based on the  
 14 race of the accused?  
 15 A. Are you asking me the Citizens  
 16 Complaint Oversight Panel?  
 17 Q. Yes.  
 18 A. The independent body?  
 19 Q. Yes.  
 20 A. No. Mr. Crowell and I -- I  
 21 would make a point of meeting with CCOP  
 22 about once a year, again, for the same  
 23 reason as not to appear to be trying to  
 24 intervene in their work and Mr. Cowell  
 25 never addressed those concerns to me.

1 H. STAWINSKI  
 2 engage myself in that manner so the panel  
 3 could do its work independent of the chief  
 4 and draw its conclusion and submit to me  
 5 findings based on their collaboration, as  
 6 opposed to now it's this and this meeting  
 7 is this and this meeting is this.  
 8 All these things are  
 9 interconnected and should lead to a  
 10 conclusion. That is where the data comes  
 11 from and analysis by the group. Out of  
 12 that would come some recommendation that  
 13 is I could point back to the independent  
 14 panel and say well, this comes from a  
 15 collaborative process that stretches over  
 16 whatever amount of time and it is based on  
 17 this and that is where your co-chairs come  
 18 in because they were the ones who could  
 19 speak to what they used to formulate that  
 20 opinion.  
 21 Q. But no opinion or findings were  
 22 ever issued. Right?  
 23 A. No. Again, we covered that.  
 24 Mr. Acosta was appointed to the bench. I  
 25 asked Mr. Crowell, who again I am

1 H. STAWINSKI  
 2 In fact, at one point he  
 3 mentioned he felt the substance of the  
 4 investigations had improved under Major  
 5 Mills' leadership and that the product was  
 6 improved.  
 7 I also engaged Mr. Crowell to  
 8 take the CCOP and do some other work for  
 9 me with respect to recruitment and  
 10 background but that is probably a separate  
 11 issue for you.  
 12 Q. So, moving back to the Fairness  
 13 Panel, did you ever get any information  
 14 that the panel had heard -- had raised  
 15 questions about whether particular AID  
 16 investigators were delaying investigations  
 17 of particular officers so that the statute  
 18 of limitations would expire under LEOBR?  
 19 A. Counsel, again I had general  
 20 conversations more, again, as demonstrated  
 21 in this document about who can testify.  
 22 Mr. Acosta knew that he had access and  
 23 portfolio to any information he sought.  
 24 Again, my answer is going to remain the  
 25 same. I deliberately made a choice not to

1 H. STAWINSKI  
 2 mentioning because you raised the CCOP or  
 3 Citizens Complaint Oversight Panel. And  
 4 then it was a longer period of time before  
 5 we were able to appoint Mr. Turner. There  
 6 were issues associated with finding that  
 7 candidate.  
 8 Q. During your tenure as chief, did  
 9 the department ever use IAPro to analyze  
 10 punishments handed out to officers  
 11 according to race?  
 12 A. I don't know what the origin of  
 13 this document is, so up until today I am  
 14 not aware of it. Again, my testimony  
 15 prior to this was that IAPro was not  
 16 sufficiently a nimble tool for doing that  
 17 work, so I don't know.  
 18 Q. During your tenure as chief, the  
 19 department never used IAPro to analyze  
 20 whether minority officers were more likely  
 21 to have charges sustained against them  
 22 than white officers. Correct?  
 23 A. Counsel, I would direct you to  
 24 the commander of Internal Affairs,  
 25 particularly the assistant chief to see

1 H. STAWINSKI

2 what they might have tried to do to make  
3 IAPro a better tool for us before the  
4 conclusion was drawn that it was  
5 ineffective and needed to be replaced.

6 Again, that goes back to June of  
7 2019, July 2019, when we replaced it with  
8 Blue Team. I am not aware of what they  
9 may have done or attempted to do. But I  
10 no he that when efforts were made they  
11 fell short of expectations, which led to  
12 the conclusion that it needs to be  
13 replaced. This comports roughly with this  
14 period of time in 2017 because it is never  
15 a simple thing to get a tool like this for  
16 a police department. So, we were delayed  
17 in identifying and implementing that tool  
18 as I suggested in 2019.

19 Q. When the department implemented  
20 Bluetooth --

21 A. No.

22 Q. Sorry. Blue --

23 A. Team.

24 Q. Blue Team. When the department  
25 implemented Blue Team, did it ever use

1 H. STAWINSKI

2 Blue Team to analyze punishments handed  
3 out to officers according to race?

4 A. So these were efforts that were  
5 being contemplated. But again, during the  
6 pendency of this, we were looking to be  
7 responsive to all form and manner of  
8 requests. So, the preferred method of  
9 doing that was to provide you actual  
10 documents from actual files as opposed to  
11 relying on the newly implemented computer  
12 system.

13 Q. During your tenure as chief, is  
14 it correct that the department never used  
15 either IAPro or Blue Team to analyze  
16 whether particular investigators were more  
17 likely to sustain charges against minority  
18 officers than white officers?

19 A. Now we are talking about  
20 investigator conduct. Again, counselor, I  
21 will have to refer you to the assistant  
22 chief and commander of Internal Affairs.

23 Q. Let me try it this way. Are you  
24 aware of any data or analysis that  
25 suggests that minority officers are

1 H. STAWINSKI

2 properly more likely than white officers  
3 to be charged with an offense that would  
4 properly subject them to discipline?

5 MR. THOMPSON: Objection to  
6 form.

7 A. I didn't follow you. Sorry,  
8 counsel.

9 Q. Are you aware of any data or  
10 analysis that suggests minority officers  
11 are more likely than white officers to be  
12 charged with an offense that would  
13 properly subject them to discipline?

14 A. Again, I am not following you.  
15 Are you saying "properly"?

16 Q. I am saying are you aware of  
17 any -- let's take out the "properly." Are  
18 you aware of any data or analysis that  
19 suggests minority officers in the  
20 department are more likely than white  
21 officers to be charged with an offense  
22 that subjects them to discipline?

23 A. I believe that assertion is made  
24 in your report that we discussed earlier.

25 Q. Prior to seeing the report, are

1 H. STAWINSKI

2 you aware of any analysis the department  
3 did on that issue?

4 A. No.

5 Q. A similar question. Other than  
6 the report, are you aware of any data or  
7 analysis that suggests minority officers  
8 are more likely than white officers to  
9 have charges against them processed  
10 through a formal disciplinary process  
11 rather than treated as an inquiry?

12 A. Counsel, the focus of our  
13 investigative process was not on the  
14 incidents of misconduct or charges or  
15 discipline by race but, rather, based on  
16 the conduct itself. We weren't  
17 associating a degree of misconduct based  
18 on race or sex or sexual orientation.

19 Again, I am not familiar with  
20 that, but if those documents are in your  
21 possession, I would refer you to assistant  
22 chief and commander of Internal Affairs,  
23 whomever was the incumbent. I think Major  
24 McCreary was doing some work with this in  
25 the last year or so. But again, I am not

Page 238

1 H. STAWINSKI  
 2 familiar with that document.  
 3 Q. Did you ever ask the assistant  
 4 chief, Mr. Velez, or anyone else to  
 5 conduct such an analysis?  
 6 A. No.  
 7 Q. Are you aware of any data or  
 8 analysis that suggests minority officers  
 9 are more likely to have charges sustained  
 10 against them than white officers?  
 11 A. Again, counsel, we weren't  
 12 looking at this through the lens of race  
 13 but as conduct. It again goes back to my  
 14 referral to Exhibit 2. The range of  
 15 discipline, it's all founded on the  
 16 conduct and this like discipline system  
 17 that we had so that like offenses would be  
 18 punished in like fashion. As imperfect as  
 19 it may be, that was our method.  
 20 Q. Are you aware of any data or  
 21 analysis that suggests minority officers  
 22 are more likely than white officers to be  
 23 suspended?  
 24 A. Again, counsel, we are in the  
 25 same position.

Page 240

1 H. STAWINSKI  
 2 with respect to demotion or dismissal,  
 3 where the conversation wasn't about where  
 4 are we at with demotions and dismissal.  
 5 It was about what is the conduct? What  
 6 does the like discipline record look like?  
 7 Is that like discipline record apt to  
 8 these circumstances? Because that was a  
 9 further point of analysis that we needed  
 10 to undertake. And then, did we arrive at  
 11 the right conclusion to recommend to the  
 12 trial board?  
 13 Under LEOBR, I don't have the  
 14 authority to dismiss somebody based on  
 15 investigative finding. They have due  
 16 process under LEOBR, so we were initiating  
 17 that due process system by virtue of our  
 18 deliberative process.  
 19 Q. Can you offer any reason why  
 20 minority officers would be more likely  
 21 than white officers to commit a particular  
 22 type of offense?  
 23 MR. THOMPSON: Objection to form  
 24 and foundation.  
 25 A. Counsel, again, I am not sure I

Page 239

1 H. STAWINSKI  
 2 Q. Are you aware of any data or  
 3 analysis that suggests minority officers  
 4 are more likely than white officers to be  
 5 terminated?  
 6 A. Again, no.  
 7 Q. Can you offer any reason why  
 8 minority officers would be more likely  
 9 than white officers to be charged with an  
 10 offense?  
 11 MR. THOMPSON: Objection to form  
 12 and foundation.  
 13 A. Again, counsel, I don't have  
 14 anything in front of me. I know there is  
 15 assertions to that effect in your report.  
 16 But again, we are not looking at this  
 17 through the lens of race within the Prince  
 18 George's Police Department. I don't  
 19 associate misconduct, I don't expect  
 20 misconduct from people based on any  
 21 indicator or description. So, that is  
 22 individual conduct, and we would attempt  
 23 to come to a fair resolution of that.  
 24 Going back to those cases where,  
 25 again, I can probably be more helpful,

Page 241

1 H. STAWINSKI  
 2 understand what you are asking me. If  
 3 it's a race-based question about  
 4 misconduct, is that what you are asking?  
 5 Q. Yes.  
 6 A. So, it sort of goes back to the  
 7 questions that we had around testing. I  
 8 don't have any expectations of people  
 9 based on race.  
 10 Q. Can you offer any reason why  
 11 minority officers would be more likely  
 12 than white officers to have charges  
 13 sustained against them?  
 14 MR. THOMPSON: Objection to form  
 15 and foundation.  
 16 A. Counsel, again, I don't have any  
 17 documentation in front of me that reflects  
 18 any of these outcomes. I believe that  
 19 those assertions are made in your report,  
 20 but again, I think I am being asked to  
 21 respond to something that I am not in a  
 22 position to look at data and say...  
 23 Beyond that --  
 24 Q. Sitting here today, you can't  
 25 explain that?

Page 242

1 H. STAWINSKI  
 2 A. I am not certain what you are  
 3 asking me to explain, counsel.  
 4 Q. Why the department's record  
 5 under your tenure as chief was that  
 6 minority officers were more likely than  
 7 white officers to have charges sustained  
 8 against them?  
 9 MR. THOMPSON: Same objection.  
 10 A. Again, counsel, I am not sure  
 11 what I am referring to so that I can  
 12 answer that question for you. There is  
 13 assertions, I believe, in your report that  
 14 say so, but the department does not concur  
 15 with that position. And again, we are not  
 16 looking at this through the lens of race  
 17 and discipline. We are looking at it in  
 18 terms of individual choice and conduct and  
 19 discipline. That comes back again to  
 20 Exhibit No. 2.  
 21 Q. You are saying the department  
 22 doesn't concur with the conclusions of the  
 23 report. How do you know that?  
 24 A. Well again, counsel, we covered  
 25 this earlier. I flipped through that

Page 244

1 H. STAWINSKI  
 2 oversight of the Internal Affairs  
 3 function.  
 4 Again in keeping with my prior  
 5 testimony over the fiscal affairs portion  
 6 as well so that where discipline, conduct  
 7 and frankly our financial responsibilities  
 8 were concerned I had real oversight by the  
 9 assistant chief of police.  
 10 Q. Can you offer any reason why  
 11 minority officers are more likely than  
 12 white officers to be terminated?  
 13 MR. THOMPSON: Objection to form  
 14 and foundation. Calls for  
 15 speculation.  
 16 A. Counsel, I don't think I have a  
 17 different answer for you than what we have  
 18 been discussing up to this point.  
 19 Q. So, after becoming chief --  
 20 A. Counsel, can I pause for a  
 21 second here? I'd appreciate if we could  
 22 take about ten minutes. We have been  
 23 going about another hour again.  
 24 MR. FREEDMAN: Certainly. That  
 25 is fine.

Page 243

1 H. STAWINSKI  
 2 report and I saw some assertions that were  
 3 made. They were similar to prior  
 4 assertions that had been made. I didn't  
 5 see anything that was radically departing  
 6 from prior conversations that we had had.  
 7 And so you are asking me to be responsive  
 8 to something, but it is based on your  
 9 report, and I am not aware that that's the  
 10 case.  
 11 And if that is so, then we have  
 12 to do the more difficult work of looking  
 13 at each of those investigations. So as  
 14 opposed to taking a data point and drawing  
 15 conclusions from it, the question is were  
 16 there procedurally proper decisions made.  
 17 And again, you are aggregating the work of  
 18 hundreds of people over a period of time.  
 19 That all passes through the chain of  
 20 command.  
 21 So, no investigator is empowered  
 22 to make that decision without review up  
 23 the chain command, then authorization, and  
 24 then my structural safeguard to all this  
 25 was to appoint the assistant chief with

Page 245

1 H. STAWINSKI  
 2 THE WITNESS: Thank you. I  
 3 appreciate that.  
 4 THE VIDEOGRAPHER: Going off the  
 5 record. The time is 3:24 p.m. Eastern  
 6 Daylight Time.  
 7 (Recess.)  
 8 THE VIDEOGRAPHER: Going back on  
 9 the record, the time is 3:34 p.m.  
 10 Eastern Daylight Time. Please  
 11 proceed.  
 12 BY MR. FREEDMAN:  
 13 Q. Chief, Mr. Stawinski, during the  
 14 break did you have any conversations about  
 15 the substance of your testimony?  
 16 A. Nothing about substance.  
 17 Q. Did the department take any  
 18 steps to conduct an analysis of disparate  
 19 punishment by race after this lawsuit was  
 20 filed in December of 2018?  
 21 MR. THOMPSON: Objection to  
 22 form.  
 23 A. At that point --  
 24 THE WITNESS: I'm sorry,  
 25 Mr. Thompson.

Page 246

1 H. STAWINSKI  
 2 MR. THOMPSON: Objection to  
 3 form.  
 4 A. My answer is no.  
 5 Q. Did the department take any  
 6 steps to conduct an analysis of disparate  
 7 punishment by race in conjunction with the  
 8 Department of Justice investigation?  
 9 A. What our focus at this point was  
 10 was to produce documents and to look at  
 11 our practices and procedures internally.  
 12 So again, we weren't looking at  
 13 aggregating data reflective of the work of  
 14 hundreds of individuals, various layers of  
 15 command and approval and draw conclusions  
 16 based on that. We were looking at these  
 17 cases and those practices to ensure that  
 18 they were fair and impartial, but focused  
 19 on the circumstance of those  
 20 investigations.  
 21 Again, I will briefly refer you  
 22 back to your Exhibit No. 2, which  
 23 enumerates the range of disciplinary  
 24 outcomes dependent upon conduct. So  
 25 again, the fact that one discipline varies

Page 248

1 H. STAWINSKI  
 2 recollection as to whether she was the  
 3 first sworn officer terminated after you  
 4 took over as chief?  
 5 A. So, if that be the case, then  
 6 yes. But again, when you are looking at  
 7 something in February of 2016, the  
 8 investigation, the events that led to that  
 9 investigation and then, if it is  
 10 termination, obviously in the initiation  
 11 of the LEOBR in process under law would  
 12 have spanned back into 2015. So it would  
 13 be my responsibility just to conclude that  
 14 process.  
 15 Q. Ms. Oatis is black, right?  
 16 A. Sorry?  
 17 Q. Ms. Oatis is black? She was a  
 18 black officer?  
 19 A. I believe so.  
 20 Q. Do you know who investigated  
 21 Ms. Oatis's case?  
 22 A. I don't.  
 23 Q. On the same day Ms. Oatis was  
 24 terminated, you also recommended  
 25 terminating Officer ██████████.

Page 247

1 H. STAWINSKI  
 2 slightly from another is to do with the  
 3 substance of that conduct. But we weren't  
 4 trying to suggest that if an officer of  
 5 this race, sex, sexual orientation or  
 6 whatever the case may be, then there has  
 7 to be a parallel to that because I don't  
 8 know how we would endeavor to do that  
 9 fairly based on this concept of sort of an  
 10 expectation of misconduct amongst race,  
 11 sex, sexual orientation.  
 12 So the focus of those inquiries  
 13 was on the impartiality and fairness of  
 14 the process as opposed to aggregated data,  
 15 which I don't think tells the story.  
 16 Q. After becoming chief, who was  
 17 the first sworn officer of the department  
 18 terminated?  
 19 A. I don't know. I don't recall.  
 20 Q. Was it possibly Officer  
 21 ██████████ or Officer Tasha Oatis?  
 22 A. Those are two officers, sir. I  
 23 don't recall.  
 24 Q. Officer Oatis was terminated on  
 25 February 6, 2016. Does that refresh your

Page 249

1 H. STAWINSKI  
 2 ██████████?  
 3 A. Again, counsel, I don't have a  
 4 recollection of that particularly.  
 5 Q. Do you recall recommending  
 6 Officer ██████████'s termination?  
 7 A. Was it the conclusion of the due  
 8 process rights afforded by LEOBR or was it  
 9 the initiation of the process?  
 10 Q. It was your prehearing board  
 11 recommendation.  
 12 A. Okay. So this speaks to the  
 13 process whereby we would review these  
 14 cases and look at them to determine  
 15 whether or not we felt the investigation  
 16 merited the findings of the investigators.  
 17 Again, the investigator investigates and  
 18 gathers information, that is reviewed  
 19 through the chain of command. There is  
 20 captains, there is majors.  
 21 If you are speaking that early  
 22 in my administration, I believe Deputy  
 23 Grant would have been responsible for  
 24 Internal Affairs at that point. And once  
 25 we conclude that is the case, then my



Page 250

1 H. STAWINSKI  
 2 view, coming back to how this process  
 3 would work, is that now that person --  
 4 there is sufficient reason to believe,  
 5 based on investigation and the various  
 6 levels of review, that those charges are  
 7 warranted. They have the opportunity to  
 8 present that case before their peers via  
 9 the trial board process.  
 10 So, in that process they have  
 11 certain rights and they are given certain  
 12 accommodations. For instance, they can  
 13 strike people from that trial board to  
 14 ensure they believe they are having a fair  
 15 hearing. And then finally, the decision  
 16 of that trial board, in my administration,  
 17 was what determined whether or not that  
 18 person would be dismissed or demoted.  
 19 Again, that is where I limited my work, as  
 20 opposed to some lesser form of discipline,  
 21 which would be the responsibility of the  
 22 assistant chief.  
 23 Q. Moving forward a little bit in  
 24 time, Officer ██████████ was  
 25 terminated in July 2016. Correct?

Page 252

1 H. STAWINSKI  
 2 recollection of that officer's race, but  
 3 if that is what the record reflects.  
 4 Q. Do you know who the  
 5 investigating officer was for ██████████  
 6 case?  
 7 A. Again, you are speaking of a  
 8 resignation so that wouldn't have come to  
 9 me.  
 10 Q. Then two months later, in  
 11 September, September 6, 2016, Officer  
 12 Michael Brown was terminated. Do you  
 13 recall that?  
 14 A. I do recall recommending Officer  
 15 Brown face a trial board.  
 16 Q. And Officer Brown is black.  
 17 Correct?  
 18 A. Yes.  
 19 Q. Do you know who investigated  
 20 Mr. Brown's case?  
 21 A. I don't.  
 22 Q. Do you remember our discussion  
 23 earlier today when we talked about  
 24 Sergeant Kyle Bodenhorn? Would it  
 25 surprise you that Officer Bodenhorn

Page 251

1 H. STAWINSKI  
 2 A. Again, counsel, I am just asking  
 3 a clarifying question. Was he terminated  
 4 or did we initiate the process?  
 5 Q. She was terminated on that date.  
 6 A. That process is probably going  
 7 to stretch back into 2015. I think  
 8 again -- please, I don't mean to muddy the  
 9 record -- that would be Major Grant as  
 10 leader of the Internal Affairs component  
 11 at that point.  
 12 Q. Ms. ██████████ is a black officer,  
 13 correct?  
 14 A. I don't have any knowledge of  
 15 that, counsel, based on the name.  
 16 Q. On the same day that  
 17 Ms. ██████████ was terminated, Officer  
 18 ██████████ resigned prior to  
 19 termination. Do you recall that?  
 20 A. I am more familiar with that  
 21 name but I don't -- if they resigned, then  
 22 that wouldn't be a matter that would come  
 23 before me.  
 24 Q. Officer ██████████ is black, right?  
 25 A. I don't have an independent

Page 253

1 H. STAWINSKI  
 2 investigated Officer Brown's case?  
 3 A. I have no reason to be surprised  
 4 by that.  
 5 Q. About six months later, Officer  
 6 ██████████ was terminated. Do you  
 7 recall that?  
 8 A. Again, counsel, is that  
 9 termination or is that recommendation of  
 10 the officer facing a trial board process?  
 11 Q. He is gone, terminated.  
 12 A. No. As a result of the finding  
 13 of a trial board?  
 14 Q. That is the date he left the  
 15 department.  
 16 A. I understand, counsel. I am  
 17 asking, is that termination based on the  
 18 findings of a trial board?  
 19 Q. I am the one who asks the  
 20 questions, sir.  
 21 Officer ██████████ was white,  
 22 correct?  
 23 A. I don't have an independent  
 24 recollection of Officer ██████████ race,  
 25 counsel.

1 H. STAWINSKI  
 2 Q. Officer ██████ was terminated  
 3 after he was criminally convicted. Do you  
 4 recall that?  
 5 A. That is why I was asking the  
 6 clarifying question earlier, counsel.  
 7 Q. Do you recall that he was  
 8 criminally convicted?  
 9 A. Again, I don't have an  
 10 independent recollection of Officer  
 11 ██████.  
 12 Q. Do you recall that he was  
 13 convicted of murder?  
 14 A. That refreshes my recollection.  
 15 Is this the case from Charles County?  
 16 Q. Yes, sir.  
 17 A. Then that helps. Thank you. I  
 18 remember him being terminated for a felony  
 19 conviction for murder.  
 20 Q. Do you recall how long his jail  
 21 sentence was?  
 22 A. No, I don't.  
 23 Q. Now, of the officers that we  
 24 talked about that had been terminated at  
 25 that point in your tenure -- Officer

1 H. STAWINSKI  
 2 terminated, there was a recommendation to  
 3 terminate Officer ██████. Do you  
 4 recall that?  
 5 A. Okay. Again, it's an important  
 6 point for me, counsel. Is it the  
 7 recommendation of the investigation, or  
 8 the finding of a trial board?  
 9 Q. This was the recommendation of  
 10 the investigator, the investigation.  
 11 A. Okay.  
 12 Q. Officer ██████ is black, right?  
 13 A. I don't know. I don't have an  
 14 independent recollection of Officer  
 15 ██████ race, counsel.  
 16 Q. He was also investigated by  
 17 Sergeant Bodenhorn. Did you know that?  
 18 A. No.  
 19 Q. Sergeant Bodenhorn recommended  
 20 his termination. You were aware of that?  
 21 A. Sergeant Bodenhorn would submit  
 22 that recommendation up the chain of  
 23 command for concurrence, and it would be  
 24 approved by the various levels of command.  
 25 And then once those responsible commanders

1 H. STAWINSKI  
 2 Oatis, Officer ██████ Officer ██████,  
 3 Officer Brown -- none of them had been  
 4 criminally convicted. Correct?  
 5 A. Again, my point of  
 6 clarification, counsel. My recollection  
 7 is that those officers were investigated,  
 8 there were substantive findings in those  
 9 investigations, the officers were afforded  
 10 the opportunity to present a defense at a  
 11 trial board according to Law Enforcement  
 12 Officers' Bill of Rights. Then the  
 13 finding of that trial board was guilty.  
 14 So if that be the case -- again,  
 15 I don't have independent recollection of  
 16 each of these cases, which is why I was  
 17 trying to ask some clarifying questions of  
 18 you, then that would arise after the  
 19 criminal portion of that. And I don't  
 20 recall criminal trials associated with  
 21 those.  
 22 Your comments refreshed my  
 23 recollection with respect to the ██████  
 24 case.  
 25 Q. Just after Officer ██████ was

1 H. STAWINSKI  
 2 were satisfied that the evidence  
 3 substantiated that charge, then, because  
 4 it deals with dismissal or demotion, it  
 5 would become part of the larger  
 6 deliberative process that I described  
 7 earlier involving all the deputy chiefs,  
 8 the inspector general and myself.  
 9 Q. May 2017, Officer ██████  
 10 and a student Officer ██████ were  
 11 terminated. Do you recall that?  
 12 A. These are student officers?  
 13 Q. The first one is a sworn  
 14 officer, the second was a student officer.  
 15 A. Are they involved in the -- I  
 16 don't recall a case involving two people  
 17 together.  
 18 Q. No. Just independently  
 19 terminated the same month.  
 20 A. Okay. So, the first would  
 21 differ radically from the second with  
 22 respect to the student officer. That  
 23 would be an individual who does not fall  
 24 under the parameters of the Law  
 25 Enforcement Officers' Bill of Rights.

1 H. STAWINSKI  
 2 Q. We can focus on Officer [REDACTED].  
 3 Officer [REDACTED] is black, right?  
 4 A. Counsel, I don't have an  
 5 independent recollection of Officer [REDACTED]  
 6 race.  
 7 Q. Do you know who investigated  
 8 Officer [REDACTED]?  
 9 A. I don't.  
 10 Q. In July 2017 Officer [REDACTED]  
 11 [REDACTED], who we talked about earlier, was  
 12 terminated. Do you recall that?  
 13 A. Again, is this as a result of  
 14 the trial board process?  
 15 Q. It's the day he is kicked out of  
 16 the department. Whether he availed  
 17 himself of a trial board or not I don't  
 18 know.  
 19 MR. THOMPSON: If that is a  
 20 question, object to form and  
 21 foundation.  
 22 Q. I am just clarifying my prior  
 23 standing question. Do you recall Officer  
 24 [REDACTED] being terminated from the  
 25 department?

1 H. STAWINSKI  
 2 chief of police if I don't feel that the  
 3 findings of the trial board are  
 4 appropriate. But I did not do so. My  
 5 practice, based on my experience as a  
 6 trial board chairman, was that that is a  
 7 lengthy and exhaustive process whereby the  
 8 respondent officer has an opportunity to  
 9 present a defense and facts in their  
 10 favor. That is weighed against the  
 11 investigation, a confidential  
 12 investigation where evidence is introduced  
 13 and facts are verified.  
 14 Then the conclusion of that  
 15 trial board, for me, I should not like to  
 16 insert myself and overrule that. And to  
 17 the best of my recollection, I never did.  
 18 That was because of my experience as a  
 19 trial board chairman and knowing the facts  
 20 and evidence and the exhaustive process by  
 21 which that process played out.  
 22 Q. Was that Chief Magaw's practice  
 23 to the extent you know?  
 24 A. I don't know.  
 25 Q. Back to [REDACTED] case.

1 H. STAWINSKI  
 2 A. I don't have a specific  
 3 independent recollection. I recognize  
 4 that name. But again, no one would be  
 5 terminated without being afforded their  
 6 rights under LEOBR. The recommendation to  
 7 terminate is substantively different than  
 8 a termination, which is a result of the  
 9 trial board process. That again is a  
 10 significant due process mechanism within  
 11 the law.  
 12 Q. As chief, do you have -- you  
 13 have the authority under the general  
 14 orders to overrule a trial board  
 15 determination as to punishment, right?  
 16 A. No. That doesn't reside in the  
 17 general orders. I believe that resides in  
 18 Maryland law under certain circumstances.  
 19 Q. Under certain circumstances you  
 20 have the authority to overturn, to revise  
 21 a trial board recommendation for  
 22 discipline?  
 23 A. I am uncomfortable with the  
 24 characterization of "revise," counsel. I  
 25 can make a different determination as the

1 H. STAWINSKI  
 2 You are aware [REDACTED] is black,  
 3 correct?  
 4 A. I don't have independent  
 5 recollection of [REDACTED] race,  
 6 counsel.  
 7 Q. Do you know who investigated  
 8 him?  
 9 A. I don't.  
 10 Q. Would it surprise you to hear it  
 11 is Sergeant Bodenhorn again who was the  
 12 investigator?  
 13 A. Again, counsel, I have no reason  
 14 to be surprised by that.  
 15 Q. And then three months later,  
 16 October 2017, Officer [REDACTED] was  
 17 terminated. Do you recall that?  
 18 A. I don't have an independent  
 19 recollection of it. And my question again  
 20 is, is that final action taken after a  
 21 trial board or is that recommendation for  
 22 sending the case to a trial board?  
 23 Q. These are the dates the officers  
 24 leave the department.  
 25 A. Okay. Again, let me just be

Page 262

1 H. STAWINSKI  
 2 clear, to help with the record. When an  
 3 independent trial board is convened, the  
 4 respondent officer has counsel. They  
 5 represent their side of that case. That  
 6 is found to be either credible or not  
 7 credible by the trial board process.  
 8 The trial board makes the  
 9 decision as to whether or not the evidence  
 10 in front of them is sufficient to convict.  
 11 Then they have a separate portion of the  
 12 process whereby they determine the  
 13 appropriate discipline.  
 14 I did not step over that  
 15 recommendation from a trial board. So if  
 16 that is the date of their departure it  
 17 would be, again, based on the  
 18 recommendation of the trial board.  
 19 Q. During your tenure, was any  
 20 Hispanic officer who ever went to the  
 21 trial board, were they ever acquitted?  
 22 A. I don't have a recollection of  
 23 that particularly, counsel.  
 24 Q. Do you know what the rate of  
 25 acquittal for black officers is in trial

Page 264

1 H. STAWINSKI  
 2 Officer [REDACTED]'s case?  
 3 A. I don't know.  
 4 Q. In March 2017, Officer [REDACTED]  
 5 [REDACTED], [REDACTED] and a probationary  
 6 Officer [REDACTED] were all  
 7 terminated. [REDACTED] is  
 8 [REDACTED].  
 9 Do you recall that? Any of  
 10 those?  
 11 A. I remember the Officer [REDACTED] a  
 12 that you are referring to because he was a  
 13 victim of a rather serious accident at an  
 14 earlier point in his career, and I  
 15 remember that termination being  
 16 particularly painful because of the  
 17 experiences that he had had earlier in his  
 18 career.  
 19 However, again this is based on  
 20 the findings of an independent trial  
 21 board. Again, counsel, for the record and  
 22 to be as helpful as possible, the  
 23 parameter of dismissal based on  
 24 probationary status are different than  
 25 those of sworn officers.

Page 263

1 H. STAWINSKI  
 2 boards relative to white officers?  
 3 A. No, counsel.  
 4 Q. Is that something the department  
 5 ever examined?  
 6 A. No, counsel.  
 7 Q. Moving forward in time,  
 8 December 2017, Officer [REDACTED] and  
 9 probationary Officer [REDACTED] were  
 10 terminated. Do you recall those separate  
 11 incidents, both December 17th?  
 12 A. Again, the reason I raise this  
 13 is because the probationary officers and  
 14 student officers fall under a different  
 15 provision of county law. Sworn police  
 16 officers are afforded the opportunity to  
 17 exercise their rights under LEOBR, so  
 18 there is a distinction between the process  
 19 for those two. I don't have independent  
 20 recollection of events you are speaking  
 21 of, however.  
 22 Q. Officer [REDACTED] is black, right?  
 23 You know that?  
 24 A. I don't know that, counsel.  
 25 Q. Do you know who investigated

Page 265

1 H. STAWINSKI  
 2 Q. Officer [REDACTED] is black, right?  
 3 A. That's correct.  
 4 Q. Officer [REDACTED] is Hispanic,  
 5 right?  
 6 A. I don't have an independent  
 7 recollection of that.  
 8 Q. Do you know who investigated  
 9 Officer [REDACTED]?  
 10 A. I don't.  
 11 Q. Do you know who investigated  
 12 Officer [REDACTED]?  
 13 A. Perhaps it would be helpful at  
 14 this point for me to explain that Internal  
 15 Affairs component has many ranking  
 16 investigators. Their work, independently  
 17 or collectively, is then prepared and  
 18 submitted to one of the captains for  
 19 review. It is submitted to the major for  
 20 review. And then the process that I  
 21 implemented, the conversation isn't around  
 22 who the investigator was or who drew this  
 23 conclusion or that conclusion. It is  
 24 presented, again, without respect to race  
 25 or any of those factors. It is an

1 H. STAWINSKI  
 2 examination of the facts and the findings.  
 3 So again, we weren't informed,  
 4 okay, this case was investigated by this  
 5 person and this and this. That wasn't the  
 6 point of the exercise. The point of the  
 7 exercise was to determine whether or not  
 8 the comprehensive investigation, the  
 9 comprehensive review of the investigation,  
 10 if it was insufficient, going back to your  
 11 prior line of questioning and we felt that  
 12 there were additional facts needed to be  
 13 obtained or questions needed to be asked,  
 14 we would send it back. We did that on a  
 15 number of occasions.  
 16 That was the point of review.  
 17 It wasn't okay, who is this investigator,  
 18 who is that investigator. That wasn't the  
 19 substance of our conversations and that  
 20 accounts for why I am not able to tell you  
 21 that I know which investigator did which  
 22 case.  
 23 Q. Following the terminations in  
 24 March 2018, is it correct there were no  
 25 terminations for about a year after that

1 H. STAWINSKI  
 2 is a sworn police officer subject to a  
 3 criminal prosecution and convicted.  
 4 Q. Do you remember what he was  
 5 convicted of?  
 6 A. Assault.  
 7 Q. Do you remember who he  
 8 assaulted?  
 9 A. I believe it was a woman who was  
 10 characterized as being homeless.  
 11 Q. And Officer Merkel is white,  
 12 correct?  
 13 A. Yes.  
 14 Q. And then no terminations of  
 15 sworn officers until earlier this year.  
 16 Before you resigned, which officers do you  
 17 recall terminating this year?  
 18 A. I am sorry, counsel. You broke  
 19 up on me again.  
 20 Q. Since the Merkel termination, do  
 21 you recall any other officers you have  
 22 terminated, that were terminated by the  
 23 department while you were chief?  
 24 A. No.  
 25 Q. In March this year --

1 H. STAWINSKI  
 2 period? Do you recall any terminations  
 3 for discipline between March 2018 and  
 4 April 2019?  
 5 A. No, counsel. Those unfortunate  
 6 events -- and they are unfortunate events  
 7 when someone loses their position as a  
 8 police officer -- don't occur along some  
 9 sort of a calendar. The fewer that we  
 10 have in my view, the better the department  
 11 is being administered.  
 12 Q. In April 2019, Officer George  
 13 Merkel was terminated. Do you recall  
 14 that?  
 15 A. I believe that would be a case  
 16 that was as a result of a criminal  
 17 conviction.  
 18 Q. That's correct.  
 19 Like Officer [REDACTED] Officer  
 20 Merkel was terminated after he was  
 21 criminally convicted?  
 22 A. Again, that would have garnered  
 23 more of my attention, because obviously  
 24 now I am responding to questions from the  
 25 public, from elected officials as to how

1 H. STAWINSKI  
 2 A. Oh, no, I apologize, counsel. I  
 3 apologize. There was another case arising  
 4 out of criminal misconduct where an  
 5 officer was terminated after a conviction.  
 6 I apologize. I am not placing the name  
 7 right now, but there was a subsequent  
 8 conviction of a criminal nature.  
 9 Q. You are referring to Officer  
 10 Adrian Crudup?  
 11 A. I believe that's correct.  
 12 Q. He is black as well, right?  
 13 A. Yes.  
 14 MR. THOMPSON: Did you say  
 15 "black as well"?  
 16 MR. FREEDMAN: I said he is  
 17 black, yes. You can strike the  
 18 "well." I am asking if he is black.  
 19 Q. Are you familiar with Officer  
 20 [REDACTED]?  
 21 A. No, I am not familiar with the  
 22 name, counsel.  
 23 Q. Do you know how many times  
 24 during your tenure at the department  
 25 Officer [REDACTED] was on the Early



1 H. STAWINSKI  
 2 Warning System report?  
 3 A. Are you referring to the Early  
 4 Identification System?  
 5 Q. Yes.  
 6 A. No, I don't know that, counsel.  
 7 Q. Remind me. Do you get DEIS  
 8 reports?  
 9 A. No. Let me go back here to your  
 10 Exhibit No. 5 just so we can speak from  
 11 the same page. Those are generated by the  
 12 Internal Affairs components. They are  
 13 transmitted to responsible commander or  
 14 director and then the process is initiated  
 15 by that commander or director.  
 16 Q. Do you know how many use of  
 17 force incidents Officer [REDACTED] had  
 18 while you were at the department?  
 19 A. I don't.  
 20 Q. Do you know how many use of  
 21 force incidents Officer [REDACTED] was  
 22 involved in that involved a white  
 23 civilian?  
 24 A. No, counsel.  
 25 Q. Under the general orders, use of

1 H. STAWINSKI  
 2 A. Supervisors should participate  
 3 in that review also.  
 4 Q. Officer [REDACTED], for most of  
 5 his career, has been stationed at District  
 6 3. Are you familiar with that district?  
 7 A. I am familiar with District 3.  
 8 Q. Are you familiar with Lieutenant  
 9 Scott Finn, F-I-N-N?  
 10 A. Yes.  
 11 Q. He is a lieutenant in District  
 12 3, correct?  
 13 A. He is, or I think was at that  
 14 point.  
 15 Q. He has had some serious  
 16 incidents with black civilians in his  
 17 past, right?  
 18 MR. THOMPSON: Objection to form  
 19 and foundation.  
 20 A. I have no independent  
 21 recollection of interactions that  
 22 Lieutenant Finn might have had with people  
 23 such as you describe, counsel.  
 24 Q. Why don't you open up envelope  
 25 O2 -- sorry. It is Q2. It is a thick

1 H. STAWINSKI  
 2 force is supposed to be investigated by  
 3 Internal Affairs, right?  
 4 A. Use of force complaints that are  
 5 found to be founded are submitted for  
 6 Internal Affairs investigation, yes.  
 7 Q. Do you know how many of Officer  
 8 [REDACTED] use of force incidents were  
 9 actually investigated by Internal Affairs?  
 10 A. I do not.  
 11 Q. Do you know how many of Officer  
 12 [REDACTED] use of force incidents were  
 13 reviewed only by the field command?  
 14 A. No, counsel.  
 15 Q. Now, when incidents are  
 16 reviewed -- strike that.  
 17 When use of force incidents are  
 18 reviewed by the field command, what level  
 19 of seniority in the command conducts the  
 20 review?  
 21 A. That responsibility rests with  
 22 the district or division commander.  
 23 Q. Is it just the commander or do  
 24 subordinate officers also participate in  
 25 the use of force review?

1 H. STAWINSKI  
 2 one.  
 3 A. What number, counsel?  
 4 MR. FREEDMAN: We are up to 20,  
 5 I believe.  
 6 (So marked for identification as  
 7 Exhibit 20.)  
 8 A. 20. Yes, sir.  
 9 Q. Exhibit 20 is a Report of  
 10 Investigation for IAD Case 2004-17, which  
 11 involved charges against [REDACTED] and  
 12 [REDACTED]. Are you familiar at all  
 13 with this case?  
 14 A. No, counsel, I am not. Did you  
 15 say 2004?  
 16 Q. Yes.  
 17 A. No. Sorry. 2004? No, I am not  
 18 familiar with this.  
 19 Q. Can you open envelope Q3?  
 20 A. 21, counsel?  
 21 Q. Yes. 21, sir.  
 22 (So marked for identification as  
 23 Exhibit 21.)  
 24 Q. Exhibit 21 is IA File -- Report  
 25 of Investigation from IA File 2014-100 in

1 H. STAWINSKI  
 2 which Lieutenant [REDACTED] is a  
 3 respondent. Are you familiar in any way  
 4 with this case?  
 5 A. No, counsel. July of 2014?  
 6 Q. Yes.  
 7 A. No, sir.  
 8 May I have a moment to  
 9 familiarize myself with some of this?  
 10 Q. If you haven't seen it I won't  
 11 ask you questions about it.  
 12 A. Okay. I apologize.  
 13 Q. Do you know how many of Officer  
 14 [REDACTED] use of force assessments  
 15 were done by Lieutenant Finn?  
 16 A. No, counsel. But again, if we  
 17 can refer back to the earlier Number 5,  
 18 under the Early Identification System, you  
 19 asked a question previously and I would  
 20 like to further qualify for the record.  
 21 The employees required to be present for  
 22 the interview are the employee, their  
 23 immediate supervisor, lieutenant, captain,  
 24 and the district division  
 25 commander/manager.

1 H. STAWINSKI  
 2 report. This isn't the use of force  
 3 review that is discussed in the prior  
 4 Early Identification System. So, that is  
 5 not what that is.  
 6 This is a document filled out by  
 7 the supervisors of an officer who is  
 8 involved in a use of force. All uses of  
 9 force are required to be documented.  
 10 Again, I am having some real  
 11 challenges with the format here, counsel.  
 12 But if we could go back to the bottom of  
 13 that page, please?  
 14 Q. Bottom of the second page?  
 15 A. The first, to begin with, and  
 16 then let's go to the next page. What I am  
 17 trying to do for you, sir, the initial  
 18 report that we have there is signed off on  
 19 by a Sergeant Davis. It is concurred with  
 20 by a Lieutenant Finn. Then it is signed  
 21 off on by a captain in concurrence, again  
 22 in accordance with that process that I  
 23 discussed. But I am not sure what that  
 24 name is.  
 25 Q. Could it be Captain Kathleen

1 H. STAWINSKI  
 2 Thank you for giving me the  
 3 latitude to clarify, counsel. It is  
 4 important. It's not one individual doing  
 5 this. It speaks to the process of review  
 6 which we undertake that involves multiple  
 7 perspectives.  
 8 MR. FREEDMAN: To that end,  
 9 we'll do an electronic exhibit. Can  
 10 we do Number 35, which will be marked  
 11 as Exhibit 22?  
 12 (So marked for identification as  
 13 Exhibit 22.)  
 14 A. I don't have that one, right?  
 15 Q. It will be up on your screen.  
 16 A. Thank you. Okay.  
 17 Q. Exhibit 22 is a use of force  
 18 report concerning an incident involving  
 19 Officer [REDACTED] on January 1, 2015.  
 20 My questions for you are, who are the --  
 21 who are the supervisors assessing this use  
 22 of force?  
 23 A. So, at the bottom, the use of  
 24 force report, which, just for the sake of  
 25 clarity -- this is the use of force

1 H. STAWINSKI  
 2 Mills?  
 3 A. Counsel, again, I can't -- I  
 4 can't read that clearly, but -- I can't  
 5 read it clearly. It may be.  
 6 Q. Was Captain Mills at District 3  
 7 in 2015?  
 8 A. Now you are going back. I  
 9 believe that Captain Mills was, along with  
 10 Major Crandall Weaver. Is that correct?  
 11 Q. I know that Major Weaver was at  
 12 District 3 at some point. I don't know  
 13 how they overlapped.  
 14 A. I believe that Captain Mills  
 15 served with either the individual who went  
 16 on to become Deputy Chief Nichols or with  
 17 Major Crandall Weaver. But I don't have a  
 18 recollection as we sit here about that.  
 19 If I am not mistaken, counsel, this dates  
 20 back to the first quarter of 2015.  
 21 Q. Yes, that's right.  
 22 A. Okay.  
 23 Q. Do you know how many of Officer  
 24 [REDACTED] use of force assessments  
 25 were signed off on by Captain Mills?

1 H. STAWINSKI  
 2 A. I don't.  
 3 Q. Do you know how many of Officer  
 4 [REDACTED] use of force assessments  
 5 were signed off on by Major Weaver?  
 6 A. I don't. Again, I am only  
 7 offering you Major Weaver based on my  
 8 recollection of the command at that point.  
 9 But no, I don't have a recollection of  
 10 either of those things, counsel.  
 11 Q. I was going to ask about Major  
 12 Weaver anyway so I am glad you anticipated  
 13 my question.  
 14 A. Okay.  
 15 Q. We can take the document down.  
 16 I want to ask you about some  
 17 more officers stationed in District 3 who  
 18 had use of force incidents. Are you  
 19 familiar with Officer Anthony Brook?  
 20 A. That name doesn't ring any  
 21 bells.  
 22 Q. Are you familiar with Officer  
 23 Jeremy Birch?  
 24 A. Birch is familiar, not for a  
 25 specific reason but I remember hearing the

1 H. STAWINSKI  
 2 the chief but it may have been prior to  
 3 that, when I was deputy chief.  
 4 Q. What do you recall the conduct  
 5 being?  
 6 A. I remember that [REDACTED] and  
 7 someone else had ended up in the District  
 8 of Columbia in their police car taking  
 9 some sort of an action. I am not  
 10 recalling specific details of that, but  
 11 there was a question about whether or not  
 12 they were using their emergency equipment  
 13 and what they were doing in DC in the  
 14 first place. I believe we referred that  
 15 for investigation but I don't recall -- I  
 16 believe it resulted in discipline, but I  
 17 don't recall the specific beyond that  
 18 right now.  
 19 Q. Are you aware of an officer  
 20 stationed in District 3 named Brandon  
 21 Farley?  
 22 A. No.  
 23 Q. Are you aware of an officer in  
 24 District 3 named [REDACTED]?  
 25 A. Yes, I am familiar with [REDACTED].

1 H. STAWINSKI  
 2 name.  
 3 Q. Are you familiar with Officer  
 4 Stephen Saraullo?  
 5 A. Again, I am familiar with the  
 6 name.  
 7 Q. You are familiar with the name?  
 8 A. The name, yes, counsel.  
 9 Q. Are you aware of any of the  
 10 investigations concerning Officer  
 11 Saraullo?  
 12 A. No.  
 13 Q. Are you familiar with Officer  
 14 Troy Sumner?  
 15 A. Again, it is a name that I am  
 16 familiar with, but not for a specific  
 17 reason.  
 18 Q. Are you familiar with Officer  
 19 [REDACTED]?  
 20 A. Officer [REDACTED]'s name was in  
 21 the prior report. Again, I have a  
 22 recollection of that officer's name.  
 23 There is also an event I recall with  
 24 respect to [REDACTED] and some conduct in a  
 25 vehicle that I addressed, I believe, as

1 H. STAWINSKI  
 2 [REDACTED] father was also in the  
 3 department so there is a nexus between the  
 4 two of them.  
 5 Q. Are you familiar with him from  
 6 any use of force or any investigation or  
 7 anything like that, or just because of his  
 8 family?  
 9 A. I believe there was an  
 10 investigation involving the Officer  
 11 [REDACTED] you are speaking of. His father  
 12 retired many years ago. But again, I am  
 13 not -- we reviewed a number of things over  
 14 a long period of time. And of course  
 15 these are only a small portion of the  
 16 chief's duties.  
 17 I remember there being an issue  
 18 with [REDACTED] but I don't recall the  
 19 specifics of that issue right now. But  
 20 the name under those circumstances I do  
 21 recall, yes.  
 22 Q. Are you familiar with an officer  
 23 stationed in District 3 named Michael  
 24 Morris?  
 25 A. Again, the name.

Page 282

1 H. STAWINSKI  
 2 Q. Are you familiar with an officer  
 3 in District 3 named James Robinson?  
 4 A. There is a couple of Robinsons  
 5 on the department. I don't have a  
 6 specific recollection of James. Ed  
 7 Robinson is the name I am thinking of. He  
 8 is a former homicide detective along with  
 9 myself and a current member of the  
 10 aviation unit. So, I am thinking of Ed.  
 11 I apologize, counsel. My mind is just  
 12 working here.  
 13 Q. It is quite all right.  
 14 With regard to the officers I  
 15 listed -- Officer Brook, Officer Birch,  
 16 Officer Saraullo, Officer Sumner, Officer  
 17 Robinson, Officer Morris, Officer [REDACTED],  
 18 Officer [REDACTED], Officer Farley -- do you  
 19 have any idea how frequently they appeared  
 20 on the EIS reports?  
 21 A. No. Again, that is a question  
 22 you would have to address -- we went  
 23 through this before -- the responsible  
 24 major at that period of time. But I don't  
 25 have independent recollection of that, no,

Page 284

1 H. STAWINSKI  
 2 of things that would come to my attention.  
 3 I don't remember the specific details of  
 4 them. If you can provide me with further  
 5 details I can try and provide you with  
 6 more information.  
 7 Q. I am just trying to determine  
 8 whether he is on your radar screen or not  
 9 on your radar screen. Sounds like he is.  
 10 Familiar with an officer named  
 11 [REDACTED]?  
 12 A. That is going to be the same  
 13 answer as with respect to the prior. I  
 14 recognize that name, and I believe there  
 15 were some investigations there but I don't  
 16 recall specific details.  
 17 Q. Are you familiar with an officer  
 18 named Grant Galing, G-A-L-I-N-G?  
 19 A. That one doesn't sound as  
 20 familiar, counsel, no.  
 21 Q. Are you familiar with an officer  
 22 named Christopher Malinowski,  
 23 M-A-L-I-N-O-W-S-K-I?  
 24 A. I am familiar with that name. I  
 25 will say that my attention was drawn to it

Page 283

1 H. STAWINSKI  
 2 sir.  
 3 Q. Same question: Do you have any  
 4 idea for any of those officers how many  
 5 use of force incidents they were involved  
 6 in during your tenure as chief?  
 7 A. No, sir.  
 8 Q. Do you have any idea how many of  
 9 those use of force incidents involved  
 10 white civilians?  
 11 A. I don't have any more detailed  
 12 information to offer you based on the fact  
 13 that I am not familiar with those  
 14 incidents in the first place or the volume  
 15 of those incidents.  
 16 Q. Let's talk about District 4. I  
 17 want to ask you about a couple of officers  
 18 stationed in District 4, similar questions  
 19 about your familiarity with any of their  
 20 use of force incidents. Are you familiar  
 21 with an Officer [REDACTED],  
 22 [REDACTED]?  
 23 A. I do recollect that [REDACTED] was  
 24 the subject of some concern and some  
 25 serious investigations. Again, the kinds

Page 285

1 H. STAWINSKI  
 2 when I would review rosters and so on and  
 3 so forth because of my heritage, but not  
 4 for a specific reason other than that.  
 5 Q. Are you familiar with an officer  
 6 named Anson Jones?  
 7 A. No.  
 8 Q. Are you familiar with an officer  
 9 named [REDACTED]?  
 10 A. That one is familiar. Again,  
 11 the subject of some investigation. Again,  
 12 these are the sorts of conversations that  
 13 I would largely have with the assistant  
 14 chief. So that name is somewhere in there  
 15 but I don't recall specifically why.  
 16 Q. Are you familiar with an officer  
 17 named Brenden Gatiaburu-Simmons,  
 18 B-R-E-N-D-E-N, last name  
 19 G-A-T-I-A-B-U-R-U, hyphen, S-I-M-M-O-N-S?  
 20 A. I am not familiar with that one,  
 21 counsel.  
 22 Q. Are you familiar with an officer  
 23 stationed in District 4 named Phillip  
 24 Martin?  
 25 A. No, no particular recollection.

1 H. STAWINSKI  
 2 Q. Of the supervisors in -- with  
 3 regard to all of those officers, do you  
 4 have any idea how often or how many EIS  
 5 reports they appeared on during your  
 6 tenure as chief?  
 7 A. Again, counsel, those reports  
 8 didn't come to me as the chief of police.  
 9 Those sort of answers, if there is a  
 10 specific desire to know, would reside with  
 11 the authority of the assistant chief.  
 12 Again, that work is done by the district  
 13 and division commanders.  
 14 Q. Do you have any idea how many  
 15 use of force incidents each of those  
 16 officers was involved in?  
 17 A. No, I don't.  
 18 Q. Or how many of the use of force  
 19 incidents involved white civilians as  
 20 opposed to minority civilians?  
 21 A. No, counsel.  
 22 Q. Do you recall who the commanders  
 23 or supervisors in District 4 were during  
 24 your tenure as chief?  
 25 A. So, Major Riley led District 4.

1 H. STAWINSKI  
 2 Q. Are you familiar with Lieutenant  
 3 Victor Dobro?  
 4 A. I know the name Dobro. I am  
 5 familiar with that name.  
 6 Q. He is also stationed in District  
 7 4?  
 8 A. Counsel, I have left the  
 9 department. I believe he was at one  
 10 point, to the best of my recollection.  
 11 Q. Do you know how many use of  
 12 force assessments he signed off on?  
 13 A. No.  
 14 Q. Let me turn to District 1. Are  
 15 you familiar with an officer named Kenneth  
 16 Tant, T-A-N-T?  
 17 A. No, counsel.  
 18 Q. Are you familiar with an officer  
 19 named Ian Webster?  
 20 A. No.  
 21 Q. Are you familiar with an officer  
 22 named Jonathan Eveler, E-V-E-L-E-R?  
 23 A. I remember the name Eveler being  
 24 part of a conversation but I don't recall  
 25 specifically what that was. The Eveler

1 H. STAWINSKI  
 2 Major Shaniqua Smith led District 4.  
 3 Major Zach O'Lehr(phonetic) led District  
 4 4.  
 5 Q. What about at the lieutenant  
 6 level? Are you familiar with Lieutenant  
 7 Kenneth Fox?  
 8 A. I know the name Ken Fox. But  
 9 let me offer you this, counsel. Again, as  
 10 the chief, I interest myself in the  
 11 appointment of the leadership. In terms  
 12 of the operational assignments for the  
 13 first-line supervisors and lieutenants and  
 14 so forth, that is, again, a decision made  
 15 by the district division commander and  
 16 then part of the process by which we  
 17 handle it at the deputy chief level when  
 18 it comes to placing those folks.  
 19 Where my involvement in that  
 20 process was focused was on majors and  
 21 captains.  
 22 Q. Do you know how many use of  
 23 force reports Lieutenant Ken Fox signed  
 24 off on?  
 25 A. I don't.

1 H. STAWINSKI  
 2 name, I recognize that.  
 3 Q. In a disciplinary context?  
 4 A. I don't recall, counsel.  
 5 Q. Are you familiar with an Officer  
 6 [REDACTED] ?  
 7 A. Yes, I have heard that name, and  
 8 I think associated with a disciplinary  
 9 issue.  
 10 Q. Do you recall what that issue  
 11 was?  
 12 A. No, counsel, I'm sorry.  
 13 Q. Same question with regard to the  
 14 officers I just mentioned -- Tant,  
 15 [REDACTED], Webster, Eveler. Do you know how  
 16 many times during your tenure as chief  
 17 they were on the EIS reports?  
 18 A. Again, counsel, the EIS reports  
 19 did not come to me as chief of police.  
 20 They went to district division commanders  
 21 to participate in the review process I  
 22 discussed, which involves multiple levels  
 23 of command. So, I would have no reason to  
 24 know that information based on what we  
 25 discussed previously.



Page 290

1 H. STAWINSKI  
 2 Q. Do you know how many use of  
 3 force incidents each of the officers had  
 4 during your tenure as chief of police?  
 5 A. Again, the same. No.  
 6 Q. Do you know how many of those  
 7 use of force incidents involved white  
 8 civilians as opposed to minority  
 9 civilians?  
 10 A. No, counsel. I would have no  
 11 reason to know that.  
 12 Q. In terms of supervisors in  
 13 District 1, who was the major during your  
 14 tenure?  
 15 A. Most recently, Rosa Guixens was  
 16 succeeded by -- well, Major Alexander in  
 17 the beginning. Major Guixens and then --  
 18 I don't know. I am blanking on the name  
 19 of the major. I apologize.  
 20 Q. Let me ask you about two  
 21 lieutenants there. Are you familiar with  
 22 Lieutenant Michael Soden?  
 23 A. Yes, I know that name.  
 24 Q. Do you know how many use of  
 25 force assessments Lieutenant Soden

Page 292

1 H. STAWINSKI  
 2 your operations commander comes in to  
 3 review those things.  
 4 Q. Who was the operations commander  
 5 during your tenure as chief?  
 6 A. Major Murtha. Then Major  
 7 Murtha.  
 8 Q. Let me ask you about one other  
 9 lieutenant in District 1. Are you  
 10 familiar with Lieutenant John Decker?  
 11 A. Yes.  
 12 Q. He is a longtime veteran of the  
 13 force, correct?  
 14 A. And survivor of a gunshot wound.  
 15 Q. Do you know how many use of  
 16 force assessments Lieutenant Decker has  
 17 conducted during your tenure as chief?  
 18 A. No. But again, you also,  
 19 counsel -- you are speaking of District 1,  
 20 District 3, District 4. And those are our  
 21 busiest police districts. There is a much  
 22 higher volume of activity in those  
 23 districts. Again, the fact that we have a  
 24 comprehensive reporting system so that we  
 25 can be familiar with the use of force,

Page 291

1 H. STAWINSKI  
 2 performed while he was stationed in  
 3 District 1?  
 4 A. No. But can I ask a clarifying  
 5 point, counsel?  
 6 Q. That's fine.  
 7 A. Again, you are speaking about  
 8 the use of force reporting, which is  
 9 separate and apart from the Early  
 10 Identification System process, yes?  
 11 Q. Yes.  
 12 A. Okay. So this is the policy  
 13 that lays forth that all use of force must  
 14 be documented, reviewed and then evidence  
 15 gathered, witnesses interviewed.  
 16 Again, you are asking me  
 17 questions about shift commanders. Shift  
 18 commanders are responsible for -- when I  
 19 was shift commander, 22 to 25 people. So  
 20 all the force associated with those would  
 21 be signed off on by that supervisor, but  
 22 it also would be signed off on by the  
 23 responsible captain, responsible major,  
 24 and those would be forwarded to the office  
 25 of the deputy chief. Then, that is where

Page 293

1 H. STAWINSKI  
 2 this all arises out of the DOJ piece.  
 3 The volume of it is important  
 4 and that is where you look to the chain of  
 5 command to ensure that the lieutenant's  
 6 findings, who sign-off -- and again, that  
 7 is the question you are asking me. They  
 8 are not of the final signatory. That has  
 9 to be concurred with with the command  
 10 officer at the captain level and the  
 11 command officer at the major level and  
 12 then that package is forwarded back over  
 13 to headquarters.  
 14 There is a specific provision,  
 15 if I can refer you back to your Exhibit  
 16 No. 5. We don't determine or draw  
 17 conclusions from volume alone. "After a  
 18 close review of the complaints --"  
 19 (Reporter interruption.)  
 20 "After a close review of the  
 21 complaints, use of force incidents and  
 22 related factors," which is the evidence  
 23 gathering we were discussing a moment ago,  
 24 counsel, "commanders/managers may find  
 25 that the above average number of

1 H. STAWINSKI

2 complaints and uses of force do not  
3 indicate abusive behavior by employees.  
4 In such cases, commanders/managers may  
5 have the employee's supervisor formally  
6 monitor the employee's performance for a  
7 period of time and suggest that the  
8 employees be aware of their own  
9 performance in the spirit of prevention of  
10 potential behavior concerns."

11 So, it's important to put this  
12 line of questions into context here at the  
13 end where, yes, there is a volume. But  
14 again, District 1, Hyattsville; District  
15 3, Palmer Park; District 4, Oxon Hill, you  
16 look at the crime rates there, you look at  
17 the volume calls for service there -- you  
18 look at that work versus a district that  
19 is outlying, say District 6, Beltsville or  
20 7, you will have a greater volume.

21 The responsibility laid out in  
22 policy is that the individuals that you  
23 are enumerating are responsible for  
24 accounting for all of those uses of force.  
25 And the document you showed me

1 H. STAWINSKI

2 Please proceed.

3 BY MR. FREEDMAN:

4 Q. Mr. Stawinski, during the break,  
5 did you have any substantive conversations  
6 about your testimony with anyone?

7 A. No substantive conversations,  
8 counsel.

9 Q. Could you open up envelope P1?

10 A. Okay.

11 (So marked for identification as  
12 Exhibit 23.)

13 Q. For the record, Exhibit 23 is a  
14 July 12, 2016 email from Mr. Stawinski to  
15 John McGroarty, M-C-G-R-O-A-R-T-Y,  
16 forwarding an email from Jimmy Tarlau,  
17 T-A-R-L-A-U.

18 A. Yes.

19 Q. Do you recall receiving this  
20 email?

21 A. I don't have specific  
22 recollection of it but Mr. Tarlau is an  
23 elected official and I cultivated a  
24 relationship -- some of that is contained  
25 in the body of this. I tried to foster an

1 H. STAWINSKI

2 electronically a moment ago lays forth a  
3 very comprehensive number of factors that  
4 have to be accounted for.

5 The lieutenant signing off on it  
6 is only the first step on that. It is the  
7 captain and major who are the responsible  
8 parties to ensure. And then again, going  
9 back to Exhibit No. 5, there are a number  
10 of things that I won't read for the  
11 benefit of Madam Court Reporter, but the  
12 commander and/or manager is given a host  
13 of options in order to remediate concerns  
14 if they are identified as a result of this  
15 process, which again arises out of the DOJ  
16 work that we did in 2005 through 2008.

17 MR. FREEDMAN: Why don't we go  
18 off for a short break?

19 THE VIDEOGRAPHER: We are going  
20 off the record. The time is 4:30 p.m.  
21 Eastern Daylight Time.

22 (Recess.)

23 THE VIDEOGRAPHER: We are going  
24 back on the record. The time is  
25 4:45 p.m. Eastern Daylight Time.

1 H. STAWINSKI

2 environment where they felt they could  
3 reach out to me.

4 This is relatively early in my  
5 administration, July 9, 2016.

6 Q. Mr. Tarlau was forwarding a  
7 complaint from a civilian. Correct?

8 A. He's got a piece of language  
9 there, an email from one of my  
10 constituents and he is asking me who I  
11 should direct it to.

12 Q. Who is Officer McGroarty?

13 A. He is not an officer. So, John  
14 McGroarty, I refer to him as my ombudsman.  
15 Mr. McGroarty has an awful lot of  
16 experience, particularly with his prior  
17 service with county counsel. So he was  
18 one of the mechanisms that I used.

19 So, John knows Jimmy Tarlau.

20 One of the things that I was doing was  
21 trying to make him a resource for elected  
22 leadership because of prior relationships.  
23 So, when I say "please look into this,"  
24 what I am asking him to do is have a  
25 conversation with Jimmy Tarlau and find

1 H. STAWINSKI

2 out more details so we can appropriately  
3 deal with the issues.

4 Q. Did you ever get a report back  
5 how this was dealt with?

6 A. No. But again, Mr. McGroarty  
7 and I had a relationship such that when I  
8 would pass something along for him for  
9 further follow up, if it was of concern,  
10 then it would go to the appropriate  
11 component. He resided essentially,  
12 quote-unquote, within Office of Bureau of  
13 Patrol. This is coming from Capitol  
14 Heights, so my belief would be that he  
15 would have that conversation with of the  
16 Bureau of Patrol for follow-up, if and  
17 based on his follow-up he found something  
18 of concern.

19 Q. Do you have any idea who  
20 actually looked into this issue?

21 A. Subsequent to me asking  
22 Mr. McGroarty to take responsibility for  
23 it?

24 Q. Yes.

25 A. No.

1 H. STAWINSKI

2 to be the best route to resolution -- in  
3 this case, Mr. McGroarty was well known  
4 with respect to our political officials.  
5 The point of this is for him to have a  
6 conversation with Jimmy, gather  
7 information and pass that to the  
8 appropriate place.

9 If there is an email chain you  
10 are referring to that I don't have direct  
11 recollection or knowledge of, that means  
12 that that work got done and it went from  
13 Mr. McGroarty to the responsible  
14 commander.

15 Again, Capitol Heights,  
16 sometimes the boundaries can be difficult,  
17 but if you are telling me that it went to  
18 Crandall Weaver's command, that would be  
19 Capitol Heights and that would be the  
20 appropriate place for it to go, again to  
21 find facts and establish what the concerns  
22 are.

23 Our goal was always to be  
24 responsive to these issues.

25 Q. Do you recall responding to

1 H. STAWINSKI

2 Q. Do you have any idea who he  
3 asked to look into it?

4 A. Subsequent to my asking  
5 Mr. McGroarty to look into it, no.

6 Q. What district is Capitol  
7 Heights?

8 A. Depends. Most likely, District  
9 3. Nyanga Avenue. We are going back in  
10 '16. Best of my recollection, we are  
11 talking about Major Weaver.

12 Q. This is just before Commander  
13 Mills was transferred from District 3 to  
14 Internal Affairs. The email chain shows  
15 that she directed Lieutenant Scott Finn to  
16 look into it. Did you have any  
17 understanding of what they found or what  
18 they did to look into the issue?

19 A. No. Counsel, again -- and  
20 please, just for the context of the  
21 conversation, I would receive dozens if  
22 not hundreds of emails, phone calls, text  
23 messages from a spectrum of our community.  
24 And so depending on where the  
25 relationships existed or what I believed

1 H. STAWINSKI

2 representative Tarlau directly, or did you  
3 have Mr. McGroarty do that?

4 A. No. Again, counsel, that is  
5 where -- if I received an email from this,  
6 again, Jimmy is asking me after that -- "I  
7 received an email and I was hoping you  
8 could tell me who I should send it to."

9 John is a good place because  
10 they can have a conversation. What I  
11 would expect from Mr. McGroarty and what  
12 he did on numerous occasions is contact  
13 Jimmy, "Hey, what else did you get?" Or  
14 "Is this it?"

15 Because what I am looking at  
16 this, I am just seeing a clip. I don't  
17 know that there was more or less to this,  
18 so that is where I would look for someone  
19 to gather additional information and make  
20 the referral. The email chain that you  
21 referred to, again, I am not familiar with  
22 it, but it would lead to conclude that  
23 John did that work for me.

24 Q. Can you open envelope P2? You  
25 can put Exhibit 23 to the side.

1 H. STAWINSKI  
 2 A. Number 24?  
 3 Q. Yes, 24, sir.  
 4 (So marked for identification as  
 5 Exhibit 24.)  
 6 A. May I have a moment, please.  
 7 Q. Sure. Why don't we go off --  
 8 A. It won't take me too long,  
 9 counsel.  
 10 Okay.  
 11 Q. Do you recall this incident?  
 12 A. I do have a recollection of  
 13 this, yes.  
 14 Q. This is again a member of the  
 15 community complaining to, in this case,  
 16 county councilwoman Taveras,  
 17 T-A-V-E-R-A-S?  
 18 A. Yes.  
 19 Q. Do you recall how this issue was  
 20 resolved?  
 21 A. There are two separate things  
 22 here. My recollection of this formal  
 23 request for me was to come and speak to a  
 24 group. In terms of the resolution of  
 25 this, it has arrived based on an email

1 H. STAWINSKI  
 2 Where are you at?  
 3 Q. Envelope P4.  
 4 A. Number 25, counsel?  
 5 Q. Yes, sir.  
 6 (So marked for identification as  
 7 Exhibit 25.)  
 8 (Pause.)  
 9 A. Counsel, I think I am familiar  
 10 enough with it for you at this point.  
 11 Q. Do you recall this exchange?  
 12 A. No. This is going back to sort  
 13 of day 20 for me as the chief of police.  
 14 I don't recall this particularly.  
 15 Q. This is a complaint that is  
 16 being passed along to you from  
 17 Ms. Alsobrooks's office at the time she  
 18 was the state's attorney. Correct?  
 19 A. Yes. There is a masthead here  
 20 that includes the county executive's  
 21 office, Ms. Alsobrooks's office. It looks  
 22 like leadership across the spectrum  
 23 received it on January 20th, 2:44 in the  
 24 morning.  
 25 Q. Do you know what was done to

1 H. STAWINSKI  
 2 chain in the hands of the responsible  
 3 commanders, and they would follow-up on  
 4 that to determine what was occurring based  
 5 on the complaint of Mr. Perry.  
 6 I do remember some conversations  
 7 regarding this, but I don't recall the  
 8 final outcome of this.  
 9 Q. Do you remember meeting with  
 10 Mr. Perry as requested?  
 11 A. No. We were unable to schedule  
 12 that. I think there was a conflict that  
 13 arose. I tried to. But it wasn't a  
 14 meeting about this. It was, I think, to  
 15 appear in front of the Race and Equity  
 16 Task Force to speak about policing matters  
 17 in general is my recollection.  
 18 Q. Do you recall who got back to  
 19 Councilwoman Taveras?  
 20 A. So, I can only conclude that  
 21 would be the district command, and that  
 22 would be Major Rosa Guixens at that point.  
 23 Q. Let's go to P4. We can skip P3.  
 24 If you can open envelope P4?  
 25 A. Sorry, counsel. I am lost.

1 H. STAWINSKI  
 2 investigate this incident?  
 3 A. Again, once you pass what Ola  
 4 Hill sent, that's where I was involved  
 5 with it at that point, on January 20th.  
 6 That is at 12:29. Then I immediately  
 7 forwarded it to Hector, in keeping with,  
 8 you know, the provision that he would be  
 9 involved in the Internal Affairs process  
 10 and initiating whatever would follow.  
 11 This appears to also have gone  
 12 to the District of Columbia government.  
 13 Q. Do you have any idea who the  
 14 officer involved in this incident is?  
 15 A. I have the name Benedict Arnold  
 16 but I don't think that's a name of an  
 17 officer.  
 18 Q. No, I don't think so either.  
 19 A. I'm looking again, counsel.  
 20 "Napoleon complex..."  
 21 I see car numbers but I don't  
 22 see anybody's name in here, counsel.  
 23 Q. I will represent to you IAD  
 24 determined that the officer that was  
 25 involved was [REDACTED]. Do you

1 H. STAWINSKI  
 2 recall that name from our discussion  
 3 earlier today?  
 4 A. I recall that conversation.  
 5 Q. You don't have a recollection of  
 6 Officer [REDACTED] Correct?  
 7 A. I don't, counsel.  
 8 Q. Are you aware that Officer  
 9 [REDACTED] had been the subject of multiple  
 10 complaints from black civilians?  
 11 A. No, counsel.  
 12 Q. Do you know how many black male  
 13 civilians accused Officer [REDACTED] of  
 14 touching their genitalia during stop and  
 15 frisks?  
 16 A. Well, I wasn't briefed on  
 17 accusations. I was briefed on serious  
 18 incidents that would extend into the  
 19 community or if a media inquiry came in  
 20 or, as you alluded to earlier, if we  
 21 reached out to elected officials.  
 22 But the question is, accusations  
 23 against this individual? No.  
 24 Q. Were you briefed on patterns of  
 25 alleged misconduct by your officers?

1 H. STAWINSKI  
 2 specific details associated with what you  
 3 are presenting as a series of -- sorry,  
 4 counsel. Can we just start again? I am  
 5 not certain where we are going.  
 6 Q. We can move on if it never came  
 7 to your attention that Officer [REDACTED]  
 8 was accused by eight black male civilians  
 9 of touching their genitalia during stops,  
 10 then that is something you don't know.  
 11 A. Okay. Then no.  
 12 Q. We can move on.  
 13 A. Okay. That is fair.  
 14 Q. Let's change gears.  
 15 We talked earlier --  
 16 (Audio interruption.)  
 17 Q. Who investigated the [REDACTED] a  
 18 matter?  
 19 MR. THOMPSON: Objection.  
 20 Foundation.  
 21 A. When you refer to the "[REDACTED]  
 22 matter," counsel, what are we talking  
 23 about?  
 24 Q. The ethics investigation into  
 25 Deputy Chief [REDACTED].

1 H. STAWINSKI  
 2 A. Broadly.  
 3 MR. THOMPSON: Objection to form  
 4 and foundation.  
 5 Q. Are you aware that Officer  
 6 [REDACTED] had eight separate black male  
 7 suspects whom he stopped, all of whom  
 8 accused him of touching their genitalia?  
 9 A. Is that related to Exhibit 25,  
 10 counsel? Because I don't think I saw  
 11 that.  
 12 Q. The same officer.  
 13 A. No. I am saying is that here,  
 14 or are we talking about something else?  
 15 Q. No. We are talking about the  
 16 officer.  
 17 A. Okay. Do you have something to  
 18 show me that would refresh my  
 19 recollection? Because I don't -- I am  
 20 asking if we are talking about this.  
 21 Apparently not.  
 22 Q. I am asking about the officer  
 23 involved, Officer [REDACTED], whose name is  
 24 not familiar to you, correct?  
 25 A. I recognize the name but not

1 H. STAWINSKI  
 2 A. Okay. Again --  
 3 Q. Involving the payments to  
 4 [REDACTED].  
 5 A. Okay. So, the responsibility  
 6 for that was handed to Mr. Acosta, now  
 7 Judge Acosta, our independent inspector  
 8 general. That was also referred out to  
 9 our State Attorney's Office and to the  
 10 state prosecutor for the State of  
 11 Maryland.  
 12 Q. Who actually conducted the  
 13 investigation?  
 14 A. Well, Judge Acosta oversaw the  
 15 investigation. I believe Major Burkes was  
 16 principally responsible within his office.  
 17 Beyond that, if they needed to gather data  
 18 or something that could go to Office of  
 19 Information Technology or a number of  
 20 different places.  
 21 Q. Do you know whether Major Burkes  
 22 enlisted the assistance of Todd Lightner  
 23 for the investigation?  
 24 A. So now that you say that, as a  
 25 result of these matters, it did come to my



Page 310

1 H. STAWINSKI  
 2 attention that I think then -- was it  
 3 Lieutenant Lightner? Sorry.  
 4 Q. I believe you are correct.  
 5 A. I believe it came to my  
 6 attention as a result of these matters,  
 7 not contemporaneous to the investigation,  
 8 that Lieutenant Lightner was given some  
 9 responsibility for Major Burkes.  
 10 Q. Their initial investigation,  
 11 Major Burkes and Lieutenant Lightner's  
 12 investigation, concluded that there was no  
 13 misconduct. Correct?  
 14 A. Counsel, I can take a point of  
 15 order. It is Mr. Acosta's investigation.  
 16 He is the one who is responsible for the  
 17 conclusions drawn. Whether he delegated  
 18 that to various and sundry members of the  
 19 department, again, comprehensive of all  
 20 our components.  
 21 Q. When this matter was initially  
 22 sent to the CCOP did they concur or not  
 23 concur with the investigative findings?  
 24 A. My recollection, after the  
 25 investigation was concluded, CCOP made a

Page 312

1 H. STAWINSKI  
 2 not including benefits, without producing  
 3 a valid work product. This level of  
 4 oversight as revealed by the investigation  
 5 appeared to be extremely lax, overly  
 6 informal and highly unprofessional in the  
 7 least.  
 8 "Additionally and more  
 9 concerning to the panel, Respondent [REDACTED]  
 10 appears to have acted in a manner which  
 11 was designed to obscure his actions from  
 12 scrutiny. Consequently, these actions as  
 13 developed and described in the  
 14 investigation make the panel believe that  
 15 the respondent acted in an inappropriate  
 16 manner and, if not handled appropriately,  
 17 could damage the department's reputation  
 18 both with its body of sworn officers and  
 19 civilian employees and with the general  
 20 public."  
 21 What was your reaction upon  
 22 getting this email?  
 23 A. I had some concerns about the  
 24 conclusions of the independent review of  
 25 two independent investigations by the

Page 311

1 H. STAWINSKI  
 2 recommendation that an additional charge  
 3 be sustained.  
 4 Q. Why don't you open up envelope  
 5 H?  
 6 A. I have lost track, counsel.  
 7 What number are we on?  
 8 Q. I believe we are on 26.  
 9 (So marked for identification as  
 10 Exhibit 26.)  
 11 A. There is 26, sir. If I may have  
 12 a moment, please?  
 13 (Pause.)  
 14 A. Okay, counsel. I think I am  
 15 sufficiently -- yes.  
 16 Q. Do you recall getting  
 17 Mr. Crowell's email that is in Exhibit 26?  
 18 A. Yes. I remember this  
 19 correspondence from Mr. Crowell.  
 20 Q. The CCOP's conclusion was,  
 21 reading at the last paragraph, "The CCOP  
 22 believes that Respondent [REDACTED] failed to  
 23 uphold his ethical duty to be a prudent  
 24 storer of the public trust by allowing  
 25 [REDACTED] to collect more than \$80,000 in pay,

Page 313

1 H. STAWINSKI  
 2 Citizens Complaint Oversight Panel.  
 3 Again, I relied on the findings of the  
 4 independent Inspector General's  
 5 investigation and the findings of the  
 6 State prosecutor.  
 7 Finally, you read it for me but  
 8 I will reiterate it for the court  
 9 reporter: "Without producing a valid work  
 10 product." I disagree with that  
 11 conclusion, and for that reason we did not  
 12 accede to their request.  
 13 Q. Mr. Crowell had to follow-up  
 14 with you several times to get a response  
 15 to the follow-up, right?  
 16 A. We had several conversations  
 17 over -- again, Mr. Crowell is someone who  
 18 I reached out to be the chairman of my  
 19 panel. So, we had a number of  
 20 conversations. Beyond that, counsel,  
 21 again, I know that in those conversations,  
 22 well, "Do you have this?" "Do you have  
 23 that?"  
 24 Again, we were working through  
 25 some issues with respect to the internal

1 H. STAWINSKI  
 2 process of the investigation. It wasn't a  
 3 deliberate delay. It was a process of  
 4 trying to get this done.  
 5 Q. He is writing to you at the end  
 6 of April. Do you remember how long it  
 7 took to actually have the matter  
 8 reinvestigated and concluded?  
 9 A. There wasn't a reinvestigation,  
 10 counsel. I relied on the finding of the  
 11 independent Inspector General and State  
 12 prosecutor.  
 13 Q. How long did it take that  
 14 process to conclude itself?  
 15 A. I don't recall off the top of my  
 16 head, counsel.  
 17 Q. At the end of process, Deputy  
 18 Chief [REDACTED] received a reprimand and \$400  
 19 in fines. Do you recall that?  
 20 A. I do.  
 21 Q. Now, after the [REDACTED]  
 22 investigation was completed, Lieutenant  
 23 Lightner was promoted, wasn't he?  
 24 A. As part of the competitive  
 25 process that we talked about earlier from

1 H. STAWINSKI  
 2 you are familiar that Deputy Chief [REDACTED]  
 3 filed a complaint against Perez and Boone.  
 4 A. Counsel, I am going to pause  
 5 here for a second. I seem to recall  
 6 Deputy [REDACTED] stating he was contemplating  
 7 this. I don't recall being briefed that  
 8 he had filed a formal complaint. The date  
 9 on this is 6/8 of '17. That precedes the  
 10 document that you gave me in Exhibit 26.  
 11 But I have not seen what you are showing  
 12 me on the screen, which I believe you said  
 13 was 27. I haven't seen this form.  
 14 Q. So you hadn't seen this form.  
 15 The Complaint, just to be clear, Dale  
 16 Crowell's email to you is April 30, 2017.  
 17 A. Exhibit 26, sir?  
 18 Q. Exhibit 26. The top email is  
 19 later but the underlying email from  
 20 Crowell is April 30, 2017.  
 21 A. Okay. So that is April, May,  
 22 June. A month or so prior to this  
 23 complaint?  
 24 Q. That's right.  
 25 A. Okay. Just making sure.

1 H. STAWINSKI  
 2 lieutenant to captain -- if lieutenant at  
 3 that point. I know at some point he  
 4 became a captain, yes.  
 5 Q. And after he completed the  
 6 investigation, he went to work for Deputy  
 7 Chief [REDACTED], correct?  
 8 A. He was subsequently assigned to  
 9 the Bureau of Patrol, yes.  
 10 Q. Following the CCOP communication  
 11 here of April 30, 2017, you are aware  
 12 Deputy Chief [REDACTED] filed a complaint  
 13 against Captain Perez and Sergeant Boone,  
 14 the heads of HNLEA and UBPOA. You are  
 15 familiar with that complaint, right?  
 16 A. No. Can you refresh my  
 17 recollection?  
 18 MR. FREEDMAN: Can we see  
 19 Document 41? This will be an  
 20 electronic one which we'll mark  
 21 Exhibit 27.  
 22 THE WITNESS: Okay.  
 23 (So marked for identification as  
 24 Exhibit 27.)  
 25 Q. My question is simply whether

1 H. STAWINSKI  
 2 Q. When [REDACTED] raised the  
 3 possibility that he was going to be filing  
 4 the complaint, what was that discussion?  
 5 Did you try to dissuade him in any  
 6 way from --  
 7 A. Counsel, you cannot attempt to  
 8 dissuade someone from filing a complaint.  
 9 That is covered in policy over here. I  
 10 wouldn't belabor the point out of respect  
 11 for your time, but it would be  
 12 inappropriate for any member of the  
 13 department to say "Don't file a  
 14 complaint." If you have a complaint, you  
 15 file a complaint.  
 16 Q. Now, was Deputy Chief [REDACTED]  
 17 ever investigated for filing this  
 18 complaint for engaging in retaliation?  
 19 A. Counsel, until you showed me  
 20 this document, I had never seen it and at  
 21 no point has anybody brought to me the  
 22 notion that this individual exercising his  
 23 franchise under the department to file a  
 24 complaint is an act of retaliation. So, I  
 25 have no insight into the line of

1 H. STAWINSKI  
 2 questioning you are advancing with me.  
 3 Q. So earlier in the month Sergeant  
 4 Boone had complained about the treatment  
 5 in this case, the treatment of Deputy  
 6 Chief [REDACTED] as discriminatory because  
 7 cases involving black officers accused of  
 8 comparable conduct involving money were  
 9 routinely referred to the State Attorney's  
 10 Office and Deputy Chief [REDACTED]'s case had  
 11 not at that point been referred to the  
 12 State Attorney's Office. Do you recall  
 13 that conversation?

14 A. What I recall is that Deputy  
 15 [REDACTED]'s investigation was referred to the  
 16 State Attorney's Office but I don't have  
 17 specific recall of the events you are  
 18 discussing with me.

19 Q. Do you recall when you referred  
 20 the matter to Deputy Chief [REDACTED] -- to  
 21 Ms. Alsobrooks's office?

22 A. No, counsel. But let me be  
 23 clear. There were a number of allegations  
 24 made. I believe it began with a series of  
 25 anonymous complaints. I had those

1 H. STAWINSKI  
 2 filed an EEOC charge. Correct?

3 A. Are you talking about the  
 4 meeting with Major Mills, the Assistant  
 5 Chief Hector Velez, Inspector General  
 6 Judge Acosta and myself?

7 Q. Yes.

8 A. Okay. During that meeting on  
 9 October 24th, Kevin Perez directly said he  
 10 had filed an EEOC complaint, in my  
 11 presence.

12 Q. We can take Exhibit 26 down.

13 A. I have 26 in front of me,  
 14 counsel.

15 MR. THOMPSON: 27.

16 MR. FREEDMAN: Sorry. 27.

17 THE WITNESS: I wanted to be  
 18 certain I hadn't messed up your  
 19 numbering.

20 Q. At some point in time did you  
 21 learn that you had been named as a  
 22 respondent in Captain Perez's EEOC charge?

23 A. I don't have a specific  
 24 recollection of when. I think the actual  
 25 charge came to us at some point later.

1 H. STAWINSKI  
 2 conversations with Mr. Acosta.  
 3 Mr. Acosta, again going back to our prior  
 4 conversation, endeavored to ascertain  
 5 whether or not those complaints had  
 6 validity. Some of them had to do with  
 7 timekeeping and things that were readily  
 8 available to the record.

9 So, initially those complaints  
 10 aren't substantiated by Mr. Acosta's  
 11 inquiries. Then a further complaint  
 12 occurs that I felt was necessary to take  
 13 more aggressive action on, and that's  
 14 where, again, we paused that piece --  
 15 again, the part where the Inspector  
 16 General was dealing with these anonymous  
 17 complaints -- and we took that to the  
 18 State Attorney's Office for outsourcing to  
 19 the State prosecutor. Then once that was  
 20 concluded, the Inspector General's  
 21 investigation was also part of what  
 22 informed this process.

23 Q. Now, as we discussed earlier,  
 24 you were aware as a result of your meeting  
 25 in October of 2016 that Captain Perez had

1 H. STAWINSKI  
 2 And I do remember being briefed that I was  
 3 in that -- in that document. Yes.

4 Q. And Major Mills was in that  
 5 document as well, right?

6 A. I believe so.

7 Q. And Major Alexander was in that  
 8 document as well. Correct?

9 A. I don't have a specific  
 10 recollection of that, counsel. If you  
 11 have a document I could review?

12 Q. When you learned of the EEOC  
 13 charge, did you instruct anyone not to  
 14 retaliate against Captain Perez?

15 A. Well, the policies of the  
 16 department make it clear that retaliation  
 17 is not to be undertaken. I could endeavor  
 18 to find that policy for you.

19 Q. I know what the policy says,  
 20 sir. I am asking whether you specifically  
 21 reminded people of the policy relative to  
 22 Captain Perez.

23 A. My expectation of the leadership  
 24 of the department is they would not need  
 25 to be reminded of something that sits in

Page 322

1 H. STAWINSKI  
 2 our policy system as an expectation of  
 3 them.  
 4 Q. When you learned that you were a  
 5 respondent in Captain Perez's EEOC charge,  
 6 did you recuse yourself from the  
 7 department's consideration of disputes or  
 8 issues involving Captain Perez?  
 9 A. I don't think I fully understand  
 10 what you are asking me.  
 11 Q. Captain Perez had filed a charge  
 12 against you. You understand that?  
 13 A. I was named in an EEOC complaint  
 14 that he filed if we are talking about the  
 15 same thing.  
 16 Q. Following the time that you  
 17 learned that you were named in the EEOC  
 18 complaint, did you recuse yourself from  
 19 consideration of matters, personnel  
 20 matters involving Captain Perez?  
 21 MR. THOMPSON: Objection to  
 22 form.  
 23 A. Can you help me understand what  
 24 you mean by "personnel matters," counsel?  
 25 Q. Sure. There are a variety of

Page 324

1 H. STAWINSKI  
 2 counsel?  
 3 Q. The Seat Pleasant charge. Did  
 4 you recuse yourself from that matter?  
 5 A. No.  
 6 Q. I want to focus on the days  
 7 following the period after the CCOP wrote  
 8 you on April 30th about [REDACTED]. You  
 9 said that the [REDACTED] investigation started  
 10 from anonymous complaints. Did you ever  
 11 have any idea or suspicion where those  
 12 complaints came from, who the anonymous  
 13 author was?  
 14 A. Counsel, I'm sorry. Can we go  
 15 back to the prior question and revisit it?  
 16 As I sit here and try to refresh my  
 17 recollection I am struggling because there  
 18 is a host of issues.  
 19 Can we go back to that question  
 20 and would you ask it again for me, please.  
 21 Q. If you want to amend your  
 22 answer, that is fine. I don't need to  
 23 restate the question?  
 24 A. For the record, I would like the  
 25 opportunity to revisit that question.

Page 323

1 H. STAWINSKI  
 2 disputes we will be talking about where  
 3 Captain Perez is complaining about his  
 4 treatment.  
 5 A. Okay.  
 6 Q. Did you participate in  
 7 consideration of those issues, or did you  
 8 recuse yourself from participation in  
 9 those issues?  
 10 MR. THOMPSON: Objection.  
 11 Foundation.  
 12 A. Counsel, I can't offer you a  
 13 better answer without knowing what you are  
 14 talking about with some specificity.  
 15 Q. Did Major Mills recuse herself  
 16 say from when investigative charges were  
 17 filed against Captain Perez?  
 18 MR. THOMPSON: Same objection.  
 19 A. I would ask you to refer that  
 20 question to Major Mills.  
 21 Q. Did you recuse yourself when  
 22 charges were filed against Captain Perez?  
 23 MR. THOMPSON: Same objection  
 24 and asked and answered.  
 25 A. What charges are we speaking of,

Page 325

1 H. STAWINSKI  
 2 Q. Go ahead, sir.  
 3 A. I am happy to do it according to  
 4 the process that you suggest, and I would  
 5 have to refresh my recollection on a  
 6 matter before I go any further with that.  
 7 But I would like to reserve the  
 8 opportunity to expand or to condition my  
 9 answer, please.  
 10 Q. You mean, just so I am clear,  
 11 you are not sure of your answer. You  
 12 would like the ability to refresh your  
 13 recollection outside the deposition and  
 14 come back and supplement? Is that what  
 15 you are suggesting?  
 16 A. I want to make certain that I am  
 17 answering you correctly and I want the  
 18 opportunity to, as you say, refresh my  
 19 recollection, and I will do that through  
 20 counsel.  
 21 MR. FREEDMAN: Craig, it is  
 22 totally fine if he wants to. We'll  
 23 leave that Q and A open and he can  
 24 supplement.  
 25 Q. I want to focus on the period --

1 H. STAWINSKI  
2 my question, I think, that was pending  
3 before that was, you had mentioned earlier  
4 that the [REDACTED] investigation had started  
5 with some anonymous complaints, whether  
6 you ever learned or suspected anyone of  
7 generating those complaints?

8 A. Counsel, may I ask the  
9 opportunity to pause for a moment so I can  
10 make a note contemporary to the last  
11 question?

12 Q. We can certainly go off.

13 A. Can we perhaps take a  
14 five-minute break so I can document this  
15 so I know specifically what it is that I  
16 can endeavor to refresh my recollection  
17 on, please.

18 MR. FREEDMAN: Yes. Let's go  
19 off.

20 THE VIDEOGRAPHER: We are going  
21 off the record. The time is 5:26 p.m.  
22 Eastern Daylight Time.

23 (Recess.)

24 THE VIDEOGRAPHER: We are going  
25 back on the record. The time is

1 H. STAWINSKI  
2 5:32 p.m. Eastern Daylight Time.

3 Please proceed.

4 BY MR. FREEDMAN:

5 Q. During the break, sir, did you  
6 have any substantive conversations about  
7 your testimony?

8 A. No. I was just capturing the  
9 substance of what I wanted to verify and  
10 refresh my recollection. I want to pause  
11 for a second to say thank you for giving  
12 me the opportunity to do that.

13 Q. Certainly, sir. On the topic,  
14 did you ever suggest to Major Mills that  
15 she should recuse herself from  
16 investigations concerning Captain Perez?

17 A. I did not.

18 Q. I want to focus on the time  
19 period May 2017, just after you got the  
20 communication from Dale Crowell about

21 [REDACTED].

22 A. Okay.

23 Q. My question was, my pending  
24 question was, during our earlier  
25 discussion about Deputy Chief [REDACTED] you

1 H. STAWINSKI  
2 had suggested that the -- you had  
3 testified that the initial complaints were  
4 anonymous complaints. My question to you  
5 was whether you ever learned who was  
6 behind the complaints or had a suspect or  
7 suspects in mind.

8 A. I wouldn't characterize someone  
9 filing a complaint as a "suspect." If I  
10 am misunderstanding, please correct me.

11 Q. Did you ever learn who filed the  
12 anonymous complaint?

13 A. Oh, no. I am sorry.

14 Q. Did you ever think you knew --  
15 did you ever form a belief as to who had  
16 sent in the anonymous complaint?

17 A. Counsel, we get a volume of  
18 anonymous complaints over time. Our goal  
19 was not to ascertain who the anonymous  
20 complainant was. It was to evaluate the  
21 complaint and take appropriate action on  
22 it.

23 Q. Did you ever have a theory as to  
24 who was behind the complaints accusing  
25 Deputy Chief [REDACTED]?

1 H. STAWINSKI

2 A. Counsel, it wouldn't be  
3 productive to try to ascertain who filed  
4 an anonymous complaint. The question is  
5 whether or not the complaint had substance  
6 that needed to be followed up on. That is  
7 where I asked the Inspector General to  
8 take that work because, again, under our  
9 structure he is completely independent and  
10 I wanted an independent voice managing  
11 that process.

12 Q. Following Mr. Crowell's email to  
13 you on April 30th, are you aware that  
14 within Internal Affairs there were efforts  
15 to -- efforts to make allegations against  
16 Captain Perez?

17 A. I am not clear. Are you talking  
18 about investigating allegations against  
19 Captain Perez?

20 Q. No. I am talking about  
21 allegations, like additional complaints  
22 against Captain Perez. Are you aware of  
23 anything coming out of the Internal  
24 Affairs following receipt of the Crowell  
25 letter?



Page 330

1 H. STAWINSKI  
 2 MR. THOMPSON: Objection to  
 3 form.  
 4 A. Again, counsel, are you asking  
 5 me whether or not other individuals filed  
 6 complaints against Captain Perez?  
 7 Q. Yes. Are you aware of any?  
 8 A. I know that there were  
 9 complaints filed against Captain Perez  
 10 from within the department and, I know,  
 11 from outside of the department. But I am  
 12 not quite sure I am understanding your  
 13 question.  
 14 Q. Let me give you some concrete  
 15 examples.  
 16 A. Please.  
 17 Q. On May 8, 2017, are you aware  
 18 that Lieutenant Ghattas, G-H-A-T-T-A-S,  
 19 sent a complaint to Major Mills about  
 20 Captain Perez's conduct?  
 21 A. Do you have that, that I could  
 22 refresh my recollection?  
 23 Q. I am just asking if that sounds  
 24 familiar.  
 25 A. I know there were some concerns

Page 332

1 H. STAWINSKI  
 2 complaint form is being filled out, or are  
 3 you talking about something else?  
 4 Q. I am talking about an email  
 5 complaint, not a -- not something using  
 6 the department form.  
 7 A. Okay. So, again, I am not  
 8 certain I can be responsive to that under  
 9 these circumstances because I am not sure  
 10 if we are talking about a complaint or if  
 11 we are talking about a correspondence  
 12 about some extant issue.  
 13 Q. So, my question was, for  
 14 example, on May 24, 2017, were you aware  
 15 that Lieutenant Ghattas sent Major Mills  
 16 an email describing the department's  
 17 discipline for social media, violations of  
 18 social media policy?  
 19 MR. THOMPSON: Objection to  
 20 form, the way the question was worded.  
 21 A. Counsel, I am going to step back  
 22 for a second. I didn't review Lieutenant  
 23 Ghattas's emails so I am not clear what  
 24 you are asking me. And if you have a  
 25 document that I can review for you, I'd be

Page 331

1 H. STAWINSKI  
 2 about conduct, and I don't know if they  
 3 precipitated a complaint. Again, if you  
 4 have a document I can review, I could give  
 5 a more comprehensive answer.  
 6 Q. I am just seeing if it rings a  
 7 bell. I have a couple you will get to  
 8 see. But if it doesn't sound familiar I  
 9 don't think we need to spend time on it.  
 10 Are you aware that on May 21,  
 11 2017, Lieutenant Black, Robert Black, also  
 12 sent a complaint to Major Mills about  
 13 Captain Perez's conduct?  
 14 A. That one does not sound  
 15 familiar.  
 16 Q. Are you aware that on May 24,  
 17 2017, Lieutenant Ghattas sent Major Mills  
 18 two emails about different grounds or  
 19 theories under which someone could be  
 20 terminated?  
 21 A. Counsel, maybe I should ask a  
 22 clarifying question at this point. When  
 23 you are saying "complaints," are you  
 24 talking about something like you showed me  
 25 via the electronic document where a

Page 333

1 H. STAWINSKI  
 2 happy to do it. But I am not clear about  
 3 what you are asking me in terms of an  
 4 email between a lieutenant and a major.  
 5 Have I misunderstood?  
 6 Q. I am just asking if you are  
 7 aware of these events. They are well  
 8 documented in the record. If you are not  
 9 aware of them, then I don't need to  
 10 educate you today as to what Major Mills  
 11 was doing with her subordinates.  
 12 Let me ask it this way.  
 13 May 30th, are you aware that IAD asked to  
 14 pull all of Captain Perez's emails for a  
 15 IAD review?  
 16 A. Okay. Is this a request to the  
 17 Office of Information Technology?  
 18 Q. I will let you see this one.  
 19 Why don't you pull out envelope T.  
 20 A. Okay. I am uncomfortable with  
 21 this, where I am not clear on what we are  
 22 looking at in the first instance. Are you  
 23 directing me to a document now?  
 24 Q. Yes. Could you open envelope T,  
 25 please.

1 H. STAWINSKI  
 2 A. Okay.  
 3 MR. FREEDMAN: We'll mark  
 4 envelope T as Exhibit 28.  
 5 (So marked for identification as  
 6 Exhibit 28.)  
 7 MR. THOMPSON: John, we do not  
 8 see a T.  
 9 MR. FREEDMAN: We can publish it  
 10 electronically if you don't have it.  
 11 Christian, can you post that?  
 12 THE VIDEOGRAPHER: Yes.  
 13 Q. Sir, were you aware that the  
 14 department, IAD, was reviewing all of  
 15 Captain Perez's emails?  
 16 A. Give me one second, counsel,  
 17 please. "You pulled an earlier report for  
 18 us on all Outlook use by Joe Perez." "IAD  
 19 is requesting another report from the end  
 20 date of the previous report through now.  
 21 A new request form is attached and it has  
 22 the specific date ranges."  
 23 Do you have this request form  
 24 that is attached, counsel?  
 25 Q. I don't believe it was produced

1 H. STAWINSKI  
 2 inappropriately.  
 3 Q. Tell me about this  
 4 investigation, because I have not heard  
 5 anything or seen any documents about that.  
 6 A. I am going to have to refer to  
 7 you the assistant chief and Major Mills.  
 8 My understanding, after this process had  
 9 been initiated, was that there were  
 10 concerns that files from various  
 11 investigations were being forwarded  
 12 outside of the department. And this  
 13 was -- this effort, reviewing this outlook  
 14 activity, was in aid of determining  
 15 whether or not that was true.  
 16 Q. And when did this review start?  
 17 A. Again, you are going to have to  
 18 go back to the assistant chief and Major  
 19 Mills. They initiated this based on one  
 20 of those complaints that, again, I was  
 21 being responsive to your earlier question  
 22 about. The details of that would have to  
 23 come from them.  
 24 Q. What did this review conclude?  
 25 A. You know, I don't have a

1 H. STAWINSKI  
 2 with the document.  
 3 A. Okay. Let me try to answer your  
 4 question. What is it?  
 5 Q. You were aware that the  
 6 department and IAD had requested a pull of  
 7 all of Captain Perez's emails?  
 8 A. So, I was briefed after this had  
 9 taken place. The decision was made by  
 10 Major Mills in consultation with the  
 11 assistant chief. When I was briefed on it  
 12 subsequent, it was explained to me that  
 13 there was some concern that privileged  
 14 information that the law prohibits  
 15 secondary dissemination of was being  
 16 disseminated. Earlier you asked me a line  
 17 of questions about complaints against  
 18 Captain Perez. My recollection at that  
 19 point, what I was responding to was,  
 20 concerns that information was being  
 21 mishandled.  
 22 My understanding is this was an  
 23 effort to understand whether or not  
 24 privileged information was being subject  
 25 to secondary dissemination

1 H. STAWINSKI  
 2 recollection of there being a finding that  
 3 that activity was ongoing. But at the  
 4 same time, I don't specifically recall  
 5 what the finding was and I would refer you  
 6 to the assistant chief and Major Mills.  
 7 Q. Did -- was the county -- was  
 8 the -- strike that.  
 9 Was there any legal review  
 10 authorizing this email surveillance?  
 11 A. Well --  
 12 MR. THOMPSON: Objection to form  
 13 and foundation.  
 14 A. Counsel, all of this is the  
 15 department's property so there is no  
 16 expectation of privacy. The  
 17 accountability via the form that I asked  
 18 you about, which is what I would expect to  
 19 occur -- there should be a form associated  
 20 with this that documents that for  
 21 investigative reasons -- and there is a  
 22 box, in my recollection, that enumerates  
 23 why we are doing this. It is not that we  
 24 need permission to do it, but we document  
 25 that so that if there are questions about

Page 338

1 H. STAWINSKI  
 2 what was precipitating that, we can  
 3 account for that in the record.  
 4 But again, these are all  
 5 department property. I don't have access  
 6 to my emails any longer since my  
 7 retirement from the department. They are  
 8 not my emails. They are all departmental.  
 9 Q. Was this an Internal Affairs  
 10 review, or is it being conducted elsewhere  
 11 in the department?  
 12 A. Again, I would have to refer you  
 13 to the assistant chief, who was working  
 14 through this issue. Again, you have  
 15 referred to a series of complaints and  
 16 concerns and emails. You would have to  
 17 refer those documents to me or take the  
 18 questions to the assistant chief for more  
 19 clarity on that. I am answering to the  
 20 best of my recollection right now based on  
 21 what I have in front of me.  
 22 MR. FREEDMAN: I will note for  
 23 the record that this email is what we  
 24 have on this investigation, so we will  
 25 be following up with you to find out

Page 340

1 H. STAWINSKI  
 2 misspoke. Not the report but the  
 3 form, my understanding is that that  
 4 was produced.  
 5 MR. FREEDMAN: We'll check but  
 6 it refers to earlier requests. This  
 7 is a new inquiry that we are just  
 8 finding out about, Craig. So we'll be  
 9 following up.  
 10 Q. Mr. Stawinski, while you were  
 11 chief, were you aware of the department  
 12 doing this kind of comprehensive review of  
 13 emails for any other officer?  
 14 MR. THOMPSON: Objection to  
 15 form.  
 16 A. Counsel, we wouldn't arbitrarily  
 17 engage in these kinds of reviews. They  
 18 would be precipitated by some cause for  
 19 concern. So again, I would refer your  
 20 question to the assistant chief. I am not  
 21 familiar with all of the inquiries that  
 22 were directed to Office of Information  
 23 Technology, and that is where my concern  
 24 expressed to you prior to that last  
 25 interaction was. I would be looking for

Page 339

1 H. STAWINSKI  
 2 what other records are extant.  
 3 MR. THOMPSON: My understanding  
 4 is that the report that was attached  
 5 was produced, but I understand your  
 6 request.  
 7 MR. FREEDMAN: It refers to an  
 8 earlier pull and it sounds like there  
 9 is a fair amount of paperwork  
 10 associated with this, so we will be  
 11 following up.  
 12 THE WITNESS: Counsel, if I may?  
 13 I apologize. Not to interrupt you,  
 14 but what I was referring to is not a  
 15 fair amount of paperwork. It's a form  
 16 that documents that access. Beyond  
 17 that, I am not sure what was produced  
 18 to counsel or to you. But I would be  
 19 looking for a specific form that  
 20 documents the request to Office of  
 21 Information Technology. I offered  
 22 that earlier in response to some of  
 23 your other questions as to where  
 24 various lines of inquiry may lead.  
 25 MR. THOMPSON: John, I think I

Page 341

1 H. STAWINSKI  
 2 the form that documents that because there  
 3 are a number of reasons why we go into the  
 4 record.  
 5 Q. We can pull Exhibit 28 down.  
 6 Sir, can you find the envelope  
 7 U?  
 8 (Discussion held off the  
 9 record.)  
 10 THE WITNESS: Counsel, I am  
 11 afraid we are also lacking U.  
 12 MR. FREEDMAN: Christian, can  
 13 you post U on the screen?  
 14 (So marked for identification as  
 15 Exhibit 29.)  
 16 Q. We have handed you or we are  
 17 marking as Exhibit 29 this email from you  
 18 to William Pallozzi on June 12, 2017,  
 19 forwarding an email to you from Major  
 20 Mills on May 24, 2017. Do you see that?  
 21 A. Can I have an opportunity to see  
 22 the rest of the document?  
 23 Q. Yes, go ahead.  
 24 A. Thank you.  
 25 (Pause.) Now on the dates. You

1 H. STAWINSKI  
2 can proceed. Thank you.  
3 An address, Chief Martin's home  
4 address. Eugene Grant, this is the Mayor.  
5 Mayor's phone number.  
6 THE WITNESS: Is there more  
7 below this, please? Okay.  
8 I think I saw earlier at the  
9 top Gilbert, Precious Monet is supposed to  
10 be a girlfriend?  
11 Okay. Go ahead. "Multiple pages  
12 of queries." Chief Cotillo, Seat  
13 Pleasant.  
14 Thanks. Who signs off on the  
15 bottom? Major Mills.  
16 If those are the two pages,  
17 counsel, I am prepared.  
18 Q. Do you recall this email chain?  
19 A. Hold on one second. "I have all  
20 the documentation from LinX to include a  
21 copy of the user terms and use of  
22 agreement and data access agreement.  
23 Several pages of notes from Detective  
24 Baxter, who initially spoke with Chief  
25 Martin."

1 H. STAWINSKI  
2 son. You are aware of that, right?  
3 A. Yes, I believe that to be the  
4 case.  
5 Q. Now, when you are forwarding  
6 this email to Superintendent Pallozzi, you  
7 reference a conversation. Tell me what  
8 you recall about that conversation.  
9 A. I am sorry.  
10 Q. Go back to the top of the email.  
11 Christian, can you scroll up or whoever  
12 has control?  
13 A. Oh, okay, sorry, I thought you  
14 were talking about something else in the  
15 body of the email.  
16 I called the superintendent  
17 directly because what occurred is that  
18 the -- all these databases are governed by  
19 law, and access is -- first of all, you  
20 have to be a sworn law enforcement  
21 officer. In ensuring the integrity of  
22 that system, you have to log in, you have  
23 to take responsibility for the queries  
24 that you make in that system. So  
25 violations or misuse of these systems are

1 H. STAWINSKI  
2 Counsel, is there something in  
3 here who Detective Baxter is in this?  
4 Q. Not that I'm aware of. This is  
5 what I have on this issue.  
6 A. Okay. I don't know if I missed  
7 something earlier. Let's proceed and see  
8 if it comes up.  
9 Q. Why don't we go back to the top.  
10 Who is William Pallozzi, P-A-L-L-O-Z-Z-I?  
11 A. William Pallozzi was the  
12 superintendent of the Maryland State  
13 Police.  
14 Q. You were forwarding him an email  
15 with the subject "Possible criminal  
16 misconduct." Do you see that?  
17 A. From Major Mills, yes.  
18 Q. And the subject of Major Mills'  
19 email is Jose Perez. Correct?  
20 A. Can you scroll down for me a  
21 second?  
22 Okay. So possible criminal  
23 misconduct. Yes, I see what you are  
24 speaking of.  
25 Q. And Jose Perez is Joe Perez's

1 H. STAWINSKI  
2 violations of law.  
3 I contacted the superintendent  
4 because my recollection is that Chief  
5 Martin contacted me and said during this  
6 audit -- that is why I was asking about  
7 Detective Baxter. I believe Detective  
8 Baxter is the one who has responsibility  
9 for administering NCIC, METERS, CJIS and  
10 LinX.  
11 Again, all law enforcement  
12 agents have an obligation to audit this  
13 access so that people aren't running, for  
14 instance, Michael Jordan's name or getting  
15 information inappropriately.  
16 Chief Martin contacted me and  
17 said that they felt that the queries were  
18 inappropriate. Again, it is a little  
19 difficult here but if you recall, looking  
20 further down, there was a name that was  
21 supposedly the girlfriend of Mr. Perez's  
22 son. And then the chief himself, the  
23 mayor of the town and a counsel member.  
24 In Chief Martin's view, that  
25 constituted an inappropriate use of these

1 H. STAWINSKI

2 criminal databases. So, yes, I said to  
3 the superintendent, look, Seat Pleasant  
4 brought this to me. We make a practice of  
5 conducting internal investigations for  
6 municipalities for a variety of reasons.  
7 However, this database is monitored by the  
8 state because it is a pass-through between  
9 the federal entities and state entities.  
10 I felt this inquiry was best handled at  
11 the state level.

12 So I contacted him. I said, "I  
13 don't know who you need to forward this  
14 to." Sort of like the Jimmy Tarlau  
15 example that we spoke about earlier. And  
16 then I forwarded him this, which is just  
17 the aggregation of Seat Pleasant's  
18 concern, so that he could pass it along to  
19 the appropriate people at the state to  
20 conduct their inquiry.

21 Q. Why is the Prince George's  
22 County Police Department in the middle of  
23 this? Why not just tell Chief Martin to  
24 send it directly to the State  
25 Superintendent of Police?

1 H. STAWINSKI

2 Q. Did you tell Pallozzi that Jose  
3 Perez's father was president of an  
4 organization that had filed a complaint  
5 with the Department of Justice against the  
6 Prince George's County Police Department?

7 A. Counsel, this was limited to my  
8 forwarding information to the state police  
9 around the results of an audit in Seat  
10 Pleasant and asking them, because it has  
11 nothing to do with the father at all -- it  
12 has exclusively to do with whether or not  
13 the son, Jose Perez, inappropriately  
14 accessed databases to get information  
15 about a girlfriend, a mayor, a police  
16 chief and a council person.

17 Q. Do you know whether running  
18 inquiries through LinX, actually what the  
19 subject of your email says -- do you know  
20 whether it actually constitutes criminal  
21 misconduct?

22 A. Again, the email is titled  
23 "Possible." We know that accessing these  
24 various databases, NCIC and so forth, if  
25 done for inappropriate reasons, can

1 H. STAWINSKI

2 A. Because we were routinely asked  
3 to provide investigations, to provide  
4 follow-up. We routinely had conversations  
5 with state police about a variety of  
6 issues. And part of it, counsel, frankly,  
7 is just what you are suggesting. It came  
8 to me. It had to do with these databases  
9 that are properly administered by the  
10 state, and so I don't believe Chief Martin  
11 was aware that the best resolution of this  
12 would be to send it to the state, but I  
13 was willing to do that on his behalf.

14 The superintendent and I had  
15 many, many conversations of a variety of  
16 issues, and so I agreed for Chief Martin  
17 to go ahead and move this piece forward  
18 for him.

19 Q. When you spoke with  
20 Superintendent Pallozzi, did you tell him  
21 that Jose Perez's father, Jose Perez, the  
22 subject of the email, had filed a  
23 discrimination charge against you?

24 A. No, counsel. That wasn't  
25 anything to do with this.

1 H. STAWINSKI

2 constitute criminal conduct. You are  
3 focusing on one but --

4 Q. I am asking about the databases  
5 actually accessed here and what your basis  
6 is for telling the superintendent of the  
7 Maryland State Police that it might  
8 constitute a criminal violation.

9 A. Again --

10 Q. Did you know that accessing LinX  
11 can be a crime?

12 A. Counsel, you are taking this to  
13 mean that I was getting into a  
14 comprehensive analysis of this, and all I  
15 was doing was serving as a pass-through  
16 because all of these databases are  
17 enumerated and that is best handled by the  
18 state. So all I was doing was passing  
19 that through to the superintendent of the  
20 state police to determine whether or not  
21 that was inappropriate.

22 Q. Let's talk about the other Seat  
23 Pleasant matter. Do you recall when Chief  
24 Martin and Mayor Grant filed their other  
25 complaint against Captain Perez?



1 H. STAWINSKI  
 2 A. Okay. I am sorry, counsel.  
 3 Other complaint? Refresh my recollection  
 4 about are there multiple complaints? What  
 5 are we talking about?  
 6 Q. This seems to be a complaint  
 7 about the Perez family. I am talking  
 8 about the other matter involving Seat  
 9 Pleasant, the unbecoming conduct  
 10 investigation of Captain Perez.  
 11 MR. THOMPSON: Objection to  
 12 form.  
 13 A. Again, this has nothing to do  
 14 with Captain Perez and Prince George's  
 15 County Police Department.  
 16 Q. I am switching gears. Let's  
 17 pull this document down.  
 18 A. Oh, okay. Is there another  
 19 document, Counsel, that we have moved  
 20 onto? I want to be clear, that document  
 21 and Captain Perez has nothing to do with  
 22 each other.  
 23 Q. Except it involves Captain  
 24 Perez's son, right, sir?  
 25 A. Again, look at the plain

1 H. STAWINSKI  
 2 A. I recall receiving a complaint  
 3 from the elected mayor of the town of Seat  
 4 Pleasant directly.  
 5 Q. He sent you a text message,  
 6 right?  
 7 A. Yes, counsel. And then  
 8 subsequently learned, after receiving that  
 9 text message, who the person, the subject,  
 10 was about.  
 11 Q. The complaint was about Captain  
 12 Perez, yes?  
 13 A. Yes, but it wasn't in the text  
 14 message. It was something we learned  
 15 subsequently.  
 16 Q. You actually kept that text  
 17 message and produced that text message in  
 18 this litigation, right?  
 19 A. Is that one of these exhibits  
 20 that I can refer to?  
 21 Q. No. I am just asking whether  
 22 you recall actually saving that particular  
 23 text message.  
 24 A. Well, counsel, I kept a lot of  
 25 messages. My recollection of that, since

1 H. STAWINSKI  
 2 language of the email. It speaks to an  
 3 independent audit conducted according to  
 4 the prescriptions of these databases. I  
 5 am merely passing that along to the state  
 6 police for them to inquire as to whether  
 7 or not that is inappropriate conduct, at  
 8 the request of a municipal police chief.  
 9 Q. An audit being conducted by  
 10 Major Mills, who was the subject of the  
 11 EEOC charge --  
 12 A. No. That audit wasn't conducted  
 13 by Major Mills.  
 14 Q. I guess the question is, did you  
 15 think at this point that maybe you and  
 16 Major Mills should be recusing yourself  
 17 from matters involving the Perez family?  
 18 A. Counsel -- I will pause a  
 19 second.  
 20 Again, Major Mills didn't  
 21 conduct that audit.  
 22 Q. All right. So, you are familiar  
 23 with a complaint that you received from  
 24 Mayor Grant about Captain Perez. Do you  
 25 recall that?

1 H. STAWINSKI  
 2 it is not before me, that I got a text  
 3 message from the mayor of Seat Pleasant.  
 4 Again, we talked about Jimmy Tarlau,  
 5 talked about Deni Taveras. This was not  
 6 an uncommon occurrence. The language was  
 7 particularly concerning because the mayor  
 8 had said he was beyond angry about a  
 9 confrontation involving one of my officers  
 10 and his chief of police. And he was  
 11 demanding immediate action.  
 12 I would like to be able to give  
 13 you that verbatim, but that is, in round  
 14 terms, what I received.  
 15 Q. So my question for you, sir, is,  
 16 we have that text message. We don't have  
 17 any of the other text messages. Was your  
 18 phone ever forensically imaged in  
 19 conjunction with this litigation or  
 20 Department of Justice investigation?  
 21 A. What I was referring to are your  
 22 exhibits with Tarlau and Taveras. Is that  
 23 what you are referring to?  
 24 Q. No. I am referring to the Grant  
 25 text message.

1 H. STAWINSKI  
 2 A. Sorry. What was your question  
 3 again?  
 4 Q. Has your phone ever been  
 5 forensically imaged in connection with  
 6 this litigation or the Department of  
 7 Justice investigation?  
 8 A. We provided complete access to  
 9 all these things. I am not sure what  
 10 "forensically imaged" means, but I am sure  
 11 the same process we alluded to earlier  
 12 with respect to the Outlook account is  
 13 exactly what occurred with respect to all  
 14 these pending matters.  
 15 Q. Your personal phone, your phone  
 16 that you use to text for business  
 17 purposes, was that -- were those text  
 18 messages captured for purposes of this  
 19 litigation?  
 20 A. To the best of my knowledge,  
 21 yes. Again, all records were made  
 22 available with respect to all of these  
 23 matters. So, what the mechanism was  
 24 whereby you collected that or someone  
 25 collected that, I am not familiar with

1 H. STAWINSKI  
 2 A. Again, it's an Internal Affairs  
 3 complaint at that point. I didn't see the  
 4 reason to hand it to the IG, who has  
 5 oversight of the Internal Affairs  
 6 component anyhow.  
 7 Q. Do you know how many  
 8 investigations the assigned investigator  
 9 had actually performed --  
 10 (Audio interruption.)  
 11 Q. Do you know how many  
 12 investigations, Internal investigations --  
 13 strike that.  
 14 Do you know how many Internal  
 15 Affairs investigations the assigned  
 16 Internal Affairs investigator had  
 17 performed before being assigned Mayor  
 18 Grant's complaint?  
 19 A. I don't know who that  
 20 investigator is and so I don't know how  
 21 many investigations they conducted either.  
 22 Q. Were you involved in evaluating  
 23 the discipline given in Captain Perez's  
 24 case?  
 25 A. There was concerns over the

1 H. STAWINSKI  
 2 that. But everything was made available.  
 3 Q. That is something else we can  
 4 follow up on with Mr. Thompson.  
 5 With regard to the investigation  
 6 of Mayor Grant's complaint --  
 7 A. Okay.  
 8 Q. Were you in any way involved in  
 9 the actual investigation?  
 10 A. No.  
 11 Q. Do you know who it was assigned  
 12 to to investigate?  
 13 A. I immediately handed that to the  
 14 assistant chief, because, again, you have  
 15 got a political -- an elected official  
 16 complaining about misconduct. That is  
 17 always very concerning. But in terms of  
 18 who that went to, I don't have a distinct  
 19 recollection of that, counsel. I am  
 20 sorry.  
 21 Q. Did you make a decision to keep  
 22 it internal -- were you involved in the  
 23 decision to keep it internal to the  
 24 department as opposed to giving it to  
 25 Mr. Acosta, the IG's office?

1 H. STAWINSKI  
 2 recommendation, and I remember providing  
 3 some guidance so that we could ensure  
 4 equity.  
 5 MR. FREEDMAN: Christian, can  
 6 you post Exhibit V?  
 7 (Reporter interruption.)  
 8 MR. FREEDMAN: Why don't we take  
 9 a break now?  
 10 THE VIDEOGRAPHER: Going off the  
 11 record. The time is 6:09 p.m. Eastern  
 12 Daylight Time.  
 13 (Recess.)  
 14 THE VIDEOGRAPHER: We are going  
 15 back on the record. The time is  
 16 6:23 p.m. Eastern Daylight Time.  
 17 Please proceed.  
 18 BY MR. FREEDMAN:  
 19 Q. With regard to Captain Perez's  
 20 discipline, did you have any role  
 21 following the administrative hearing board  
 22 recommendation?  
 23 A. I am sorry. Following the  
 24 administrative hearing board  
 25 recommendation?

Page 358

1 H. STAWINSKI  
 2 Q. Following the administrative  
 3 hearing board process, they had a  
 4 recommended discipline. Did you consider  
 5 ever modifying that?  
 6 A. No. I don't sit over trial  
 7 board findings. That was conducted by the  
 8 Baltimore County Police Department. They  
 9 submitted that, and their findings were  
 10 exactly as the discipline was imposed.  
 11 Q. Who made the decision that the  
 12 administrative hearing board would not be  
 13 handled within the county, by Prince  
 14 George's County, but would be sent to  
 15 Baltimore County?  
 16 A. Counsel, thank you for asking  
 17 that question. That comes back to  
 18 something Mr. Thompson was just alluding  
 19 to.  
 20 We did go to great lengths to  
 21 ensure that there wouldn't be a conflict  
 22 between Captain Perez's concerns as filed,  
 23 or then Captain Perez's concerns as filed  
 24 and the investigation and subsequent  
 25 discipline. It was a very challenging

Page 360

1 H. STAWINSKI  
 2 the administrative hearing board, should  
 3 they arise based on misconduct involving  
 4 the Plaintiffs, should be referred out,  
 5 for the reasons I just articulated. So  
 6 that was on the advice of legal counsel.  
 7 Q. So disciplinary matters  
 8 involving the Plaintiffs in this lawsuit  
 9 are being referred to an outside  
 10 department for hearing boards. Is that  
 11 what -- did I understand you correctly?  
 12 A. Subsequent to the initiation of  
 13 this, yes.  
 14 Q. Subsequent to -- subsequent to  
 15 the institution of this lawsuit --  
 16 A. Yes.  
 17 Q. -- administrative hearing boards  
 18 involving the named plaintiffs have been  
 19 referred to an outside department?  
 20 A. Yes. And the assistant chief  
 21 has been coordinating the placement of  
 22 those trial boards.  
 23 Q. Have they all gone to Baltimore  
 24 County?  
 25 A. No, I don't believe so.

Page 359

1 H. STAWINSKI  
 2 process for us. A lot of these, of  
 3 course, were introduced in the show cause  
 4 hearing with Circuit Court.  
 5 But the point was to ensure that  
 6 at the conclusion of this we could  
 7 demonstrate that it was completely  
 8 impartial. And bringing officers from a  
 9 different department completely into the  
 10 conversation eliminated the possibility of  
 11 any kind of bias towards Captain Perez  
 12 inside the department.  
 13 Q. Which other cases have been  
 14 referred outside of the department, to a  
 15 hearing board outside the department?  
 16 A. On the advice of counsel, cases  
 17 arising during --  
 18 MR. THOMPSON: I just want to  
 19 object to foundation for the record.  
 20 Sorry, Mr. Stawinski.  
 21 THE WITNESS: I apologize, I  
 22 spoke too soon, counsel.  
 23 A. During the pendency of these  
 24 matters, counsel, we were provided legal  
 25 guidance through our Office of Law that

Page 361

1 H. STAWINSKI  
 2 Q. What other departments have been  
 3 sent cases?  
 4 A. I believe Howard County. And  
 5 again, I am going to respectfully refer  
 6 you to the assistant chief. He has been  
 7 administering that process.  
 8 Q. Do you know who selected these  
 9 other departments?  
 10 A. Assistant Chief Velez  
 11 administered that process, counsel.  
 12 Q. Assistant Chief Velez was under  
 13 your direct command. Correct?  
 14 A. According to the structure, he  
 15 is the only person I directly supervise.  
 16 So, yes.  
 17 Q. I want to shift gears. You have  
 18 met with Sergeant, now Lieutenant Boone  
 19 many times. Correct?  
 20 A. A number of times.  
 21 Q. Are you aware that starting in  
 22 2016 at the start of your time as chief he  
 23 was working in the background  
 24 investigations unit?  
 25 A. His assignment at that point

Page 362

1 H. STAWINSKI  
 2 was, as I recall, the background  
 3 investigation unit.  
 4 Q. He was transferred to patrol in  
 5 October, 2018. Do you recall that?  
 6 A. I do recall that.  
 7 Q. Did you make the decision to  
 8 transfer Lieutenant Boone to patrol?  
 9 A. The supervisor's background  
 10 component, Lieutenant Sharmaine Harvin,  
 11 had been displeased with the quality of  
 12 then Sergeant Boone's work product and had  
 13 raised those concerns to the command of  
 14 the deputy chief of the Bureau of  
 15 Administration. Those concerns first  
 16 arrived with Deputy Chief Grant, who came  
 17 to me and the assistant chief and said  
 18 Sharmaine Harvin had some concerns about  
 19 whether or not that work was being done in  
 20 a manner that we would be satisfied with.  
 21 So at that point he had requested  
 22 permission to transfer then Sergeant Boone  
 23 to other duties.  
 24 I demurred and suggested that  
 25 the lieutenant continue to monitor that

Page 364

1 H. STAWINSKI  
 2 transferred immediately.  
 3 So in the process of promotions  
 4 and transfers, all of this work is done  
 5 collaboratively among the deputy chiefs,  
 6 assistant chiefs, myself. And the  
 7 decision was made at that point. There  
 8 were a number of people being transferred  
 9 from outside of operations, particularly  
 10 in patrol operations, and they were being  
 11 moved for similar reasons. So all of  
 12 those individuals were likewise  
 13 transferred to patrol.  
 14 Q. Who made the decision that Boone  
 15 would go to District 2?  
 16 A. So, the positions were in patrol  
 17 districts. I don't recall specifically a  
 18 conversation about District 2. If that is  
 19 the case, I would probably refer you back  
 20 to -- well, that is Deputy Chief Murtha in  
 21 terms of where the position within patrol  
 22 led.  
 23 Q. Where would Lieutenant Harvin's  
 24 concerns about Boone's performance be  
 25 documented?

Page 363

1 H. STAWINSKI  
 2 situation to attempt to work through some  
 3 sort of resolution. And he agreed to  
 4 oversee that process.  
 5 Chief Grant obviously left and  
 6 Chief Powell was named to replace him. It  
 7 was sometime after Deputy Chief Powell was  
 8 in office that he came to me with exactly  
 9 the same concerns. And I said Deputy  
 10 Chief Grant had brought this concern to me  
 11 from Lieutenant Harvin. What was done  
 12 with it subsequent to that?  
 13 He enumerated for myself and  
 14 assistant chief a number of actions,  
 15 remediation, documentation that had been  
 16 done. And the lieutenant's assessment was  
 17 that the conduct was still not  
 18 sufficiently -- sorry. The performance  
 19 was not in accordance with expectations.  
 20 So at that point, two deputy  
 21 chiefs and the lieutenant, decision was  
 22 made to transfer Sergeant Boone at that  
 23 point to other duties. So there was,  
 24 again, these processes taking place over a  
 25 long period of time. No one gets

Page 365

1 H. STAWINSKI  
 2 A. I would refer you to the record  
 3 and then specifically to Lieutenant  
 4 Harvin, sir.  
 5 Q. Do you mean Patrick McClam  
 6 asking you, at a departmental meeting in  
 7 2016, asking you about racism in the  
 8 department?  
 9 A. I don't have a specific  
 10 recollection of that conversation with  
 11 Patrick McClam.  
 12 Q. Do you remember him asking you  
 13 about how you would address racism in the  
 14 department?  
 15 A. Can you give me some more  
 16 context in this conversation? Because I  
 17 had a number of conversations with then --  
 18 he is now Lieutenant McClam. So, if you  
 19 can provide me some context into this I  
 20 would greatly appreciate it.  
 21 Q. A departmental meeting, July of  
 22 2016. A town meeting or a town hall that  
 23 you conducted with officers.  
 24 A. Okay, that helps to refresh my  
 25 recollection. So I don't remember it

Page 366

1 H. STAWINSKI  
 2 specifically being in the terms that you  
 3 are setting forth. But there were  
 4 concerns raised. And my response was that  
 5 my expectation, going back through a lot  
 6 of these exhibits we discussed earlier,  
 7 that all members of the institution would  
 8 accord themselves with our policies. And  
 9 again, it goes back to my work to ensure  
 10 that EEOC was promulgated, that was  
 11 trained and in service. Again, two of the  
 12 four years I was chief we had specific  
 13 EEOC training.  
 14 So in keeping with that, my  
 15 answer would have -- and I don't have a  
 16 specific recollection of this, counsel.  
 17 Again, forgive me. Would have been that  
 18 this is what I expect and that all those  
 19 things would be fairly and impartially  
 20 administered. And if there were specific  
 21 concerns that they would be brought to me,  
 22 to members of the leadership.  
 23 Again, that is where command is  
 24 so critical to this. The chief of police  
 25 in any institution is not going to go and

Page 368

1 H. STAWINSKI  
 2 Deputy Chief Grant with me in an attempt  
 3 to resolve those.  
 4 I did remember, coming back to  
 5 Mr. McClam, having a series of  
 6 conversations with him, at one point he  
 7 ended up in front of my house and I sat on  
 8 the front stoop and talked to Patrick for  
 9 some time. At that point he had some  
 10 concerns about his role as sergeant. I  
 11 addressed his concerns at that point as  
 12 well. I felt Patrick and I had a good  
 13 dialogue and he never expressed to me that  
 14 he was not satisfied with that  
 15 conversation.  
 16 Those conversations took place  
 17 over a long period of time.  
 18 Q. Did you ever have a conversation  
 19 with him about his promotion prospects in  
 20 front of the Hyattsville Justice Center?  
 21 A. Sorry. His promotion prospects?  
 22 Q. Yes.  
 23 A. I don't understand.  
 24 Q. Is it fair to say -- we covered  
 25 this at the beginning. As the chief of

Page 367

1 H. STAWINSKI  
 2 specifically investigate these things.  
 3 You are going to delegate that to the  
 4 chain of command, because if you don't,  
 5 then you are going to fail to establish  
 6 the proper culture within the department.  
 7 So, roundly, I assured him --  
 8 again, I don't remember the question being  
 9 framed in that specific context -- that  
 10 there are policies and procedures in  
 11 place. I did at that point contemplate  
 12 this review of policy that I have  
 13 discussed with you so we can make sure  
 14 they are all contemporary.  
 15 Then, following that and again  
 16 taking -- you brought now Lieutenant  
 17 Boone's concerns into the last question.  
 18 I took those things seriously. Lieutenant  
 19 Boone had a concern about the publishing  
 20 of the discipline. That is one of the  
 21 things that I did.  
 22 Lieutenant Boone had a specific  
 23 concern about the background investigation  
 24 process, which led me to set a meeting  
 25 again with head of OHRM. And I took

Page 369

1 H. STAWINSKI  
 2 police, you exercise final departmental  
 3 authority in all matters of operations,  
 4 policy and discipline?  
 5 A. Well, as the appointing  
 6 authority and head of agency, ultimately,  
 7 yes. But again, that is carried out  
 8 through delegation through the chain of  
 9 command. I mentioned a moment ago in your  
 10 question, technically, according to the  
 11 structure -- and it came up in a question  
 12 earlier about supervising a number of  
 13 people. I only supervise the rank  
 14 immediately below you. So technically I  
 15 supervise one person in a department  
 16 comprised of almost 2,000 people.  
 17 Q. As chief of the department, do  
 18 you believe that you set the tone of the  
 19 department?  
 20 A. Certainly. That was where,  
 21 coming back to one of our prior exchanges,  
 22 counsel, you asked me about the "To all  
 23 the women and men of the Prince George's  
 24 Police Department" email, I endeavored to  
 25 do that routinely and there are a series



Page 370

1 H. STAWINSKI  
 2 of those emails across a broad range of  
 3 subjects.  
 4 So, where I felt it was  
 5 appropriate to do as you suggest and set  
 6 the tone, in the email you offered to me  
 7 earlier that I believe I sent on to Craig  
 8 Howard -- because I maintained a  
 9 conversation with Craig after his  
 10 departure -- I did see that as my  
 11 responsibility and I endeavored to do it  
 12 in the manner I am describing.  
 13 Q. Did you authorize Lieutenant  
 14 Zollicoffer's transfer from IAD to patrol?  
 15 A. Lieutenant Zollicoffer was, I  
 16 felt, a very capable administrator. And  
 17 at one point there were some concerns over  
 18 whether or not the position that she was  
 19 promoted into -- and she earned that  
 20 promotion, again coming back to our  
 21 conversation about that process.  
 22 Lieutenant Zollicoffer earned  
 23 her promotion. Captain Perez earned his  
 24 promotion. Sergeant Boone, during the  
 25 pendency of some of these matters, all

Page 372

1 H. STAWINSKI  
 2 remember exactly which question, counsel.  
 3 Moving from an operational to an  
 4 administrative or investigative position  
 5 or vice versa.  
 6 I felt Lieutenant Zollicoffer  
 7 had potential, because of her performance  
 8 in the lieutenant's process -- again, that  
 9 sits completely aside from myself and the  
 10 leadership of the department and sits  
 11 clearly outside the police department for  
 12 the reasons articulated earlier -- she had  
 13 potential to be captain.  
 14 So, I felt that, and the  
 15 consensus of opinion was that in this new  
 16 role and greater responsibility she would  
 17 benefit from the move to an operational  
 18 theater, again my view being that she had  
 19 potential to become a captain and this  
 20 would prepare her for that role.  
 21 Q. Are you aware that she made  
 22 allegations that her transfer was  
 23 retaliatory, that she raised specific  
 24 complaints about Major Mills and was being  
 25 transferred out because of her complaints?

Page 371

1 H. STAWINSKI  
 2 earned their promotions. Advocated for  
 3 her promotion at the end of the Baker  
 4 administration. I believe that is  
 5 documented in some emails back and forth,  
 6 in addition to another person promoted,  
 7 Rachel Stallings.  
 8 The question is authorizing. I,  
 9 both with respect to Sergeant Boone and  
 10 subsequently Lieutenant Boone and  
 11 Lieutenant Zollicoffer, because of these  
 12 matters and the pendency of these matters,  
 13 I went to the Office of Law and sought  
 14 legal counsel regarding the potential  
 15 transfers. Again, in Lieutenant Boone's  
 16 case, it was based on the documentation  
 17 and the findings of Lieutenant Harvin as  
 18 immediate supervisor.  
 19 With respect to Lieutenant  
 20 Zollicoffer, it was a product of promotion  
 21 to a higher rank and greater authority.  
 22 So, where that transfer arises is the same  
 23 exact deliberative process we talked about  
 24 earlier about moving people. I alluded to  
 25 this in a prior answer as well. I can't

Page 373

1 H. STAWINSKI  
 2 A. Okay. So, counsel, there is a  
 3 couple of things here. I will begin with  
 4 this. Major Mills' practice was, upon  
 5 promotion, to transfer people out and to  
 6 bring new people into Internal Affairs,  
 7 and that comported with our view. Again,  
 8 I won't reiterate it, in interest of your  
 9 time, moving people to operational and  
 10 administrative functions and back and  
 11 forth because you don't know what the  
 12 challenges of the department will be in  
 13 future and you want well-rounded  
 14 individuals in the positions.  
 15 Initially, Lieutenant  
 16 Zollicoffer's concerns resided around  
 17 medication. When I first learned about  
 18 her concern over that transfer, it was  
 19 about whether or not she could work shift  
 20 work because she was being administered  
 21 medication as a follow-up to a health  
 22 condition.  
 23 Of course, when you have  
 24 correspondence that says, "I can't work  
 25 past 10 o'clock at night because of this

1 H. STAWINSKI

2 medication," now we have a separate issue  
3 and a demand of fitness for duty  
4 examination. There was the first set of  
5 issues.

6 The second set of issues, after  
7 that was resolved through the Medical  
8 Advisory Board that was referred to, was  
9 to do with body armor and again some  
10 health conditions. Out of respect for  
11 her, I won't go further into it.

12 (Reporter interruption.)

13 THE WITNESS: The first issue of  
14 medication, we reviewed that with  
15 medical advisory, consulted with OHRM  
16 on those issues as well, because  
17 again, that is the authority with  
18 respect to those matters in county  
19 government. OHRM, separate body from  
20 the police department.

21 And the patrol function, the  
22 body armor requirement is different  
23 from those in operational -- sorry --  
24 in investigative or administrative  
25 components. There were concerns

1 H. STAWINSKI

2 raised about that. We were able to  
3 remediate those concerns.

4 There was a third set of  
5 concerns raised that had to do with  
6 the placement. And there was options  
7 with respect to that placement and an  
8 event of some 20 years ago. I am not  
9 going to go further into that on the  
10 record unless it is necessary, out of  
11 respect for herself well.

12 Then after those three issues,  
13 counsel, there was something to do  
14 with whether or not that was a product  
15 of the relationship between Major  
16 Mills. But that is the order that I  
17 recall these issues appearing after  
18 her promotion and then the  
19 conversations about transfer.

20 And I will conclude here, we  
21 also went through a period of time  
22 where she was engaged -- again,  
23 appropriately, with the Fraternal  
24 Order of Police, the sole and  
25 exclusive bargaining agent for these

1 H. STAWINSKI

2 matters. And the union was in contact  
3 with me, and I was working with them  
4 to try and resolve these matters as  
5 they continued to evolve over time.

6 I think that is the fullness of  
7 my recollection on that matter.

8 MR. THOMPSON: Chris, where are  
9 we with time?

10 MR. FREEDMAN: I will ask my  
11 last question.

12 MR. THOMPSON: Let me ask Chris.  
13 Are we at 7 or past?

14 THE VIDEOGRAPHER: We are a  
15 little over 7.

16 MR. FREEDMAN: I already asked  
17 my last question.

18 Craig, did you want to fill out  
19 the record?

20 MR. THOMPSON: I do.

21 EXAMINATION BY

22 MR. THOMPSON:

23 Q. Mr. Stawinski, earlier today you  
24 expressed concern about the accuracy of  
25 one of your responses to Mr. Freedman's

1 H. STAWINSKI

2 questions and asked if you could reserve  
3 the right to amend said answer if your  
4 recollection could be refreshed. Do you  
5 recall that?

6 A. I do, counsel.

7 Q. Did you subsequently receive and  
8 review any document that refreshed your  
9 recollection?

10 A. I have the document in front of  
11 me, and I do.

12 Q. Has your recollection been  
13 refreshed?

14 A. It has.

15 Q. Would you like to amend your  
16 answer?

17 A. Yes. Again, I want to extend my  
18 thanks to counsel, Mr. Freedman, for  
19 giving me the opportunity to do this.

20 I was not absolutely certain in  
21 my recollection of that but you asked me a  
22 couple of questions and I would like to  
23 clarify for you, if I'd may.

24 MR. FREEDMAN: The one thing I  
25 would ask is if we can get production

Page 378

1 H. STAWINSKI  
 2 of the document being used to refresh  
 3 his recollection?  
 4 MR. THOMPSON: Absolutely.  
 5 THE WITNESS: For the record, so  
 6 it is captured somewhere, if you can  
 7 see this, this is the disciplinary  
 8 action recommendation dated April 9,  
 9 2018. When you get that, if there is  
 10 some concern, you can compare that.  
 11 That is the document that I wanted to  
 12 see.  
 13 You asked a question about the  
 14 investigation with respect to Captain  
 15 Perez. That was the responsibility of  
 16 Captain Art'z Watkins, No. 2544. That  
 17 is documented here.  
 18 With respect to your question  
 19 did I recuse myself, so I did. And  
 20 again, that's where I wanted the  
 21 opportunity to review this. I  
 22 remember during the deliberative  
 23 process I spoke about before in terms  
 24 of disciplinary actions that may lead  
 25 to dismissal or demotion, again, those

Page 380

1 H. STAWINSKI  
 2 will note on the record there are a  
 3 couple of outstanding document  
 4 questions that we will be following up  
 5 with counsel. With that, we are  
 6 adjourned.  
 7 THE VIDEOGRAPHER: This  
 8 concludes today's deposition given by  
 9 Henry Stawinski. Going off the  
 10 record, the time 6:46 p.m. Eastern  
 11 Daylight Time.  
 12 COURT REPORTER: Will counsel  
 13 please give me your transcript orders  
 14 for the record?  
 15 MR. FREEDMAN: I will defer to  
 16 Mei-Wah.  
 17 MS. LEE: Plaintiffs want a  
 18 rough draft delivered and regular  
 19 delivery for the final is perfectly  
 20 fine for us.  
 21 THE VIDEOGRAPHER: For video,  
 22 would you like it synced with the  
 23 transcript or just video?  
 24 MS. LEE: Synced would be great.  
 25 MR. THOMPSON: We would also

Page 379

1 H. STAWINSKI  
 2 are important conversations. They  
 3 involve all of those voices  
 4 deliberately so that no single  
 5 perspective prevails.  
 6 But I did recuse myself from  
 7 those conversations during that and  
 8 put the assistant chief, Hector Velez,  
 9 in a position to conduct that. And  
 10 Hector did.  
 11 Again, why I needed to see this  
 12 document to be absolutely certain  
 13 before I gave you that answer is that  
 14 I further, when this report was filed  
 15 by Captain Watkins, I referred this to  
 16 the assistant chief again because of  
 17 the pendency of these matters you  
 18 alluded to before. The assistant  
 19 chief is the one who signed off on  
 20 that document, again in keeping with  
 21 sending that trial board outside so if  
 22 questions did arise, I could  
 23 demonstrate my commitment to  
 24 transparency and impartiality.  
 25 MR. FREEDMAN: Thank you. I

Page 381

1 H. STAWINSKI  
 2 like the video synced with the  
 3 transcript. We would like a rough  
 4 tonight if possible, Deb, and a  
 5 regular for the delivery of the final.  
 6 (TIME NOTED: 6:46 p.m.)  
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ACKNOWLEDGMENT

STATE OF NEW YORK )
:ss
COUNTY OF NEW YORK )

I, HENRY P. STAWINSKI, III, hereby
certify that I have read the transcript
of my testimony taken under oath in my
deposition on July 31, 2020, that the
transcript is a true, complete and correct
record of my testimony, and that the
answers on the record as given by me are
true and correct.

HENRY P. STAWINSKI, III
Signed and subscribed to before me
This \_\_\_\_ day of \_\_\_\_\_, 2020.
Notary Public, State of New York

CERTIFICATION

I, DEBRA STEVENS, a Notary Public for
and within the State of New York, do
hereby certify:

That the witness whose testimony as
herein set forth, was duly sworn by me;
and that the within transcript is a true
record of the testimony given by said
witness.

I further certify that I am not
related to any of the parties to this
action by blood or marriage, and that I am
in no way interested in the outcome of
this matter.

IN WITNESS WHEREOF, I have hereunto
set my hand this 11th day of August, 2020.

DEBRA STEVENS, RPR-CRR

\*\*\*

\*\*\* ERRATA SHEET \*\*\*

TRANSPERFECT DEPOSITION SERVICES
216 E. 45th Street, Suite #903
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CASE: Hispanic National Law Enforcement
Associate v. Prince George's County

DATE: July 31, 2020

WITNESS: Henry P. Stawinski

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HENRY P. STAWINSKI, III

Subscribed and sworn to before me
this \_\_\_\_ day of \_\_\_\_\_, 20\_\_.

Notary Public