

Capital Reporting Company
In the Matter of- USPS and PPOA 01-15-2014 Volume II

95

BEFORE THE BOARD OF INTEREST ARBITRATION

-----:
In the Matter of: :
 :
UNITED STATES POSTAL SERVICE :
 : Volume 2
and : (Pgs. 95 to 413)
 :
POSTAL POLICE OFFICERS :
ASSOCIATION :
-----:

Washington, D.C.
Wednesday, January 15, 2014

The following pages constitute the proceedings
held in the above-captioned matter at the
United States Postal Service, 475 L'Enfant Plaza,
Southwest, Washington, D.C. before Erick M.
Thacker, RPR, of Capital Reporting Company, a
Notary Public in and for the District of Columbia,
commencing at 9:39 a.m., when were present on
behalf of the respective parties:

Capital Reporting Company
In the Matter of- USPS and PPOA 01-15-2014 Volume II

<p style="text-align: right;">96</p> <p>1 A P P E A R A N C E S</p> <p>2 Before Arbitrators:</p> <p>3 James C. Oldham, Impartial Chair</p> <p>4 Robert A. Dufek, USPS Member</p> <p>5 James Bjork, PPOA Member</p> <p>6 On behalf of the PPOA:</p> <p>7 ARLUS J. STEPHENS, ESQUIRE</p> <p>8 DONNA MCKINNON, ESQUIRE</p> <p>9 MURPHY ANDERSON, PLLC</p> <p>10 1701 K Street, Northwest</p> <p>11 Suite 210</p> <p>12 Washington, D.C. 20006</p> <p>13 (202) 223-2620</p> <p>14 On behalf of the U.S. Postal Service:</p> <p>15 TERESA A. GONSALVES, ESQUIRE</p> <p>16 JULIENNE BRAMESCO, ESQUIRE</p> <p>17 United States Postal Service</p> <p>18 475 L'Enfant Plaza, Southwest</p> <p>19 Washington, D.C. 20260</p> <p>20 (202) 268-6704</p> <p>21</p> <p>22</p> <p>ALSO PRESENT:</p> <p>Chris Vitolo, PPOA</p> <p>Eric Freeman, PPOA</p> <p>Joshua Pierce, PPOA</p> <p>Mike Plaugher, PPOA</p> <p>Shawn Fletcher, PPOA</p> <p>Joe Alexandrovich, USPS</p> <p>Sonya J. Penn, USPS</p> <p>Katherine P. Sullivan, USPS</p> <p>Janet Peterson, USPS</p>	<p style="text-align: right;">98</p> <p>1 P R O C E E D I N G S</p> <p>2 ARBITRATOR OLDHAM: All right. Folks,</p> <p>3 I think we can get underway, and we've got nearly</p> <p>4 every seat occupied. This instruction is almost</p> <p>5 unnecessary, but cell phones, please turn them</p> <p>6 off. And I think we begin with, actually, the</p> <p>7 union to proceed.</p> <p>8 MR. STEPHENS: Okay. Our first witness</p> <p>9 will be Shawn Fletcher.</p> <p>10 ARBITRATOR OLDHAM: Mr. Fletcher, we're</p> <p>11 going to need to swear you in as a witness, if</p> <p>12 you would come and stand in front of the chair,</p> <p>13 and we'll have the court reporter swear you in.</p> <p>14 WHEREUPON,</p> <p>15 SHAWN FLETCHER</p> <p>16 called as a witness, and having been first duly</p> <p>17 sworn, was examined and testified as follows:</p> <p>18 THE WITNESS: I do.</p> <p>19 Good morning, everybody.</p> <p>20 MS. GONSALVES: Good morning.</p> <p>21</p> <p>22</p>
<p style="text-align: right;">97</p> <p>1 C O N T E N T S</p> <p>2 WITNESS: DIRECT CROSS REDIRECT</p> <p>3 SHAWN FLETCHER 99 138 156</p> <p>4 HUMPHREY RUTHERFORD 159 196 --</p> <p>5 MICHAEL PLAUGHER 222 245 --</p> <p>6 PETER FORD 253 271 --</p> <p>7 OCTAVIA JOHNSON 283 309 --</p> <p>8 JOSHUA PIERCE 317 347 --</p> <p>9 FRANK ALBERGO 351 358 --</p> <p>10 TAMMY MICHAELSON 362 367 --</p> <p>11 EUGENE MATTA 368 382 388</p> <p>12 WALTER JOHNSON 390 -- --</p> <p>13</p> <p>14</p> <p>15 (Exhibit books were tendered to the arbitrator.)</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p>	<p style="text-align: right;">99</p> <p>1 DIRECT EXAMINATION BY COUNSEL FOR</p> <p>2 THE</p> <p>3 UNION</p> <p>4 BY MR. STEPHENS</p> <p>5 Q Can you please state your name for the</p> <p>6 record?</p> <p>7 A Shawn Fletcher.</p> <p>8 Q And --</p> <p>9 ARBITRATOR OLDHAM: Spell Shawn for us.</p> <p>10 THE WITNESS: S-H-A-W-N.</p> <p>11 ARBITRATOR OLDHAM: Thank you.</p> <p>12 THE WITNESS: Sure.</p> <p>13 BY MR. STEPHENS</p> <p>14 Q And by whom are you employed?</p> <p>15 A The U.S. Postal Inspection Service.</p> <p>16 Q And what is your position?</p> <p>17 A Postal Police Officer.</p> <p>18 Q And what city are -- in what city are</p> <p>19 you employed?</p> <p>20 A Chicago.</p> <p>21 Q Officer Fletcher, when were you hired</p> <p>22 as a Postal Police Officer?</p> <p> A March of 2010.</p>

Capital Reporting Company
In the Matter of- USPS and PPOA 01-15-2014 Volume II

<p style="text-align: right;">100</p> <p>1 Q And when did you graduate from the 2 academy? 3 A May 7th of 2010. 4 Q And do you hold any office in the 5 Union? 6 A Yes. Yes. I am the central area 7 national representative for the PPOA. 8 Q In addition to serving as a Postal 9 Police Officer, do you perform any training 10 functions for the Inspection Service? 11 A I do. I hold an officer survival 12 certification as part of the threat management 13 discipline. 14 Q Okay. And can you explain, generally, 15 what does officer survival training entail? 16 A Yeah. Officer survival training pretty 17 much encompasses all of the -- the specific 18 skills of threat management to include firearms 19 and defensive tactics. It kind of rolls 20 everything into one. It focuses on some of the 21 things that we were taught in officer survival 22 and subsequently instructing, building entries</p>	<p style="text-align: right;">102</p> <p>1 department. 2 Q And what hours do inspectors typically 3 work? 4 A As far as I understand it, typically, 5 it's ten-hour days, you know, 8:00 to 6:00 or 6 something, you know, somewhere around -- in my 7 experience, that's what I've encountered. 8 Q It's usually in the -- it's usually 9 a day shift? 10 A Yes. 11 Q And besides Postal Police Officer and 12 besides inspectors, who else performs functions 13 for the Inspection Service? 14 A There is some support staff, and there 15 is also -- kind of classified at the low end is 16 contract security. 17 Q Okay. And in Chicago, roughly how many 18 contract security guards are there? 19 A I would say about a dozen. I only 20 encounter a few, you know, during the times that 21 I work, but to cover all the -- all the tours, 22 I'd say around a dozen.</p>
<p style="text-align: right;">101</p> <p>1 and clearances, vehicle stops, you know, 2 reviewing and enhancing searching and shield 3 ballistic -- use of the ballistic shield, active 4 shooter events. I'm trying to think. There's a 5 lot. 6 Q Let me ask you this -- 7 A Yeah. 8 Q -- from where did you receive your 9 certification to be an instructor? 10 A I received my certification at -- 11 there's a facility in Delaware. In Newcastle, 12 Delaware is where I received my certification. 13 Q Okay. And who do you train in officer 14 survival? 15 A I train PPOs and inspectors in officer 16 survival. 17 Q What is the Postal Inspection Service? 18 A The Postal Inspection Service is the 19 law enforcement branch of the Postal Service. 20 Q Okay. And what is an inspector? 21 A I would classify an inspector as 22 equivalent to a detective in a municipal</p>	<p style="text-align: right;">103</p> <p>1 Q And how many police officers are there 2 in Chicago? 3 A Eighteen. 4 Q When you first became a police officer, 5 where did you receive your academy training? 6 A At the Bolger Center in Potomac, 7 Maryland. 8 Q Is that a -- is that an academy run by 9 the Inspection Service? 10 A Yes. 11 Q And is it federally certified? 12 A Yes. It's accredited. 13 Q And besides police officers, who else 14 is trained at the academy? 15 A Inspectors are trained as well. 16 Q Okay. And what, generally speaking -- 17 we'll have more detailed testimony about this 18 later, but generally speaking, what subjects did 19 the academy cover with you? 20 A Legal principles, defensive tactics, 21 firearms, as I mentioned before, officer survival 22 and, you know, communicating, community policing,</p>

Capital Reporting Company
In the Matter of- USPS and PPOA 01-15-2014 Volume II

104	<p>1 things -- things of that nature. 2 Q And were you trained on how to -- how 3 to handle evidence? 4 A Yes. 5 Q And who provided the legal training? 6 A Legal training was provided by 7 Inspection Service counsel. 8 Q Okay. And you mentioned -- did you 9 mention community policing? 10 A Yes. 11 Q And can you explain just generally 12 speaking what is community policing? 13 A Community policing, as it was relevant 14 to our mission, was basically learning how to 15 engage other employees of the Postal Service, 16 customers, anybody else that might -- we might 17 come in contact with. 18 Q Now, besides the academy, what other 19 training have you received from the Inspection 20 Service? 21 A I receive -- I and other officers also 22 receive annual training twice a year for firearms</p>	106	<p>1 amount of force that it takes. 2 Q Okay. 3 A So that may entail shooting or killing 4 the shooter. 5 Q Okay. And you mentioned the -- I 6 believe you mentioned ballistic shield training. 7 A Yes, sir. 8 Q Okay. And can I ask you to -- the 9 document -- the book in front of you is a book of 10 exhibits. 11 A Yeah. 12 Q Can I direct your attention to the top 13 page? Do you recognize this? 14 A Yes. 15 Q What -- what is this? 16 MR. STEPHENS: This is Union Exhibit 17 No. 1. It's that right there. 18 ARBITRATOR OLDHAM: Oh, this one? 19 MR. STEPHENS: Yes, sir. 20 ARBITRATOR OLDHAM: Wrong book. Thank 21 you. 22</p>
105	<p>1 and defensive tactics and also for officer 2 survival. 3 ARBITRATOR OLDHAM: I didn't hear the 4 last part. 5 THE WITNESS: Officer survival. 6 ARBITRATOR OLDHAM: Thank you. 7 THE WITNESS: I'm sorry. 8 BY MR. STEPHENS 9 Q You mentioned active shooter training. 10 When did -- when did you most recently 11 receive active shooter training? 12 A Most -- my most recent active shooter 13 training was as part of my officer survival 14 certification. 15 Q Okay. And what is the objective of a 16 Postal Police Officer in an active shooter 17 situation today? 18 A Find the threat or the shooter and stop 19 the threat or the shooter. 20 Q And how are you to stop the -- the 21 threat of the shooter? 22 A By any means, as far as the correct</p>	107	<p>1 THE WITNESS: This is a ballistic 2 shield. 3 BY MR. STEPHENS 4 Q Is this the shield on which PPOs are 5 trained? 6 A Yes. 7 Q Okay. And is this the shield that 8 should be in every Postal Police Officer's -- 9 A This -- this should be a tool that's -- 10 that's constantly available, yes. 11 Q Constantly available? 12 A Yeah. 13 Q How many -- in Chicago -- and I'm done 14 with this exhibit for now. 15 A Yeah. 16 Q In Chicago, how many fixed posts are 17 Postal Police Officers responsible for guarding? 18 A Zero. 19 Q And in your time as a Postal Police 20 Officer, how many times have you sat to guard a 21 fixed post? 22 A Not once.</p>

Capital Reporting Company
In the Matter of- USPS and PPOA 01-15-2014 Volume II

108	<p>1 Q Okay. And I'd like to direct your 2 attention to -- it's the second -- going to be 3 the second document. It's actually -- it's about 4 four or five or six photographs that are 5 collectively Union Exhibit No. 2. The quality on 6 a couple is a little -- a little poor. 7 Do you recognize what these are 8 photographs of? 9 A Yes. 10 Q And what are these photographs of? 11 A These are locations that were or 12 currently are occupied by contract security. 13 Q Okay. In Chicago, are Postal Police 14 Officers assigned to mobile patrols while they 15 are on duty? 16 A Yes. 17 Q And what do you do during the 18 majority -- what do you do -- well, first of all, 19 which tour do you -- are you assigned to? 20 A I work kind of a hybrid tour. I work 21 the later half of tour three, which is beginning 22 at 6:00 p.m., into the first half of tour one,</p>	110	<p>1 based on -- on a -- on a need. So if there's 2 a -- you know, an increase in any sort of 3 activity for a certain area, then that's -- you 4 know, we'll kind of saturate that area. 5 Q Okay. We had discussed -- in our 6 preparations, you mentioned postal trucks and 7 terrorism concerns. Can you explain that to us? 8 A There -- yes. There have been some 9 concerns. A lot of the -- the vehicle lots for 10 the stations are either -- there's no -- there's 11 no sort of security there in an open lot, 12 basically. There's no locked gates or -- or 13 mechanisms to really secure them. 14 So there have been some concerns -- 15 because of the ease with which postal vehicles 16 can kind of move about, there were some concerns 17 that if any -- any of them were stolen or 18 otherwise compromised that they could be used to 19 facilitate an attack. 20 Q And in addition to being used for 21 elicited purposes, are -- is -- postal equipment, 22 postal trucks, are they sometimes subject to</p>
109	<p>1 which ends at 2:30 a.m. 2 Q Okay. And what do you do during the 3 majority of your tour? 4 A A lot -- a lot of time is spent 5 responding to burglary -- burglary alarms at 6 stations, patrols from station to station. In 7 the early part of my tour, I do encounter 8 carriers that are still out delivering mail. A 9 lot of times, some of the facilities that are 10 open all night, processing facilities, we respond 11 to, you know, any number of instances that might 12 include assaults, things of that nature. 13 Q So on your patrols, when you are 14 assigned a patrol, is that in -- I assume -- 15 well, let me ask you this: Who assigns you your 16 particular patrol route or area for a particular 17 day? 18 A The sergeant. 19 Q Okay. And to your knowledge, how does 20 the sergeant go about making the decision to 21 assign you to a particular area or route? 22 A As far as I understand it, it's largely</p>	111	<p>1 vandalism? 2 A Yes. 3 Q And do you perform any tasks in that 4 regard? 5 A Well, our presence, you know, is -- a 6 lot of times, with vandalism, a lot of that 7 occurs after the fact, but -- 8 Q And when you're in your mobile patrol, 9 are -- is your car a marked car or an unmarked 10 car? 11 A Yes. It's a marked patrol vehicle, 12 yes. 13 Q Okay. Is it identifiable, do you 14 believe, to the public as a police vehicle? 15 A Yes. 16 Q And when you are traveling on your 17 rounds, are you dressed in a police uniform? 18 A Yes. 19 Q Let me hand -- direct your attention to 20 the next exhibit in this book. It's Exhibit 3. 21 Do you recognize this document? 22 A Yes.</p>

Capital Reporting Company
In the Matter of- USPS and PPOA 01-15-2014 Volume II

112	<p>1 Q And what is this document? 2 A This was an area -- they call it an 3 area update, and it's basically a newsletter 4 for -- for our area. 5 Q Now, this -- there's a photograph on 6 the first page. Do you recognize the gentleman 7 on the left? 8 A Yes, I do. 9 Q Who is that? 10 A It's a fellow officer in my division, 11 Michael Kowal. 12 Q Okay. And this article discusses these 13 well-being visits run by the Inspection Service. 14 A Uh-huh. 15 Q Do police officers perform patrols in 16 high crime areas where letter carriers are 17 working? 18 A Absolutely. 19 Q And what are you doing -- what are you 20 and your fellow officers generally doing while 21 you're on these patrols? 22 A A lot of this entails, as I said</p>	114	<p>1 Q -- route? 2 A Absolutely. 3 Q Can you give us an example of those? 4 A Assaults and not necessarily targeted 5 shootings, but witnesses to shootings, in the 6 general area of shootings. Yeah, I mean, it's 7 dangerous. 8 Q And for how long have the police 9 officers in Chicago been doing these patrols? 10 A I would say approximately 11 two-and-a-half, three years. 12 Q And how on a -- how -- how is it 13 determined -- how is it determined which parts of 14 the area in Chicago you -- you do these patrols? 15 A Again, this is largely determined by 16 where there might be flare-ups. So wherever 17 there's been an increase in either criminal or 18 dangerous activity pertinent to the carriers, 19 that's where the majority of our patrols would 20 be. 21 Q Now, Officer Fletcher do you 22 investigate -- are you called upon to investigate</p>
113	<p>1 before, the presence. By being out there, you're 2 displaying that the carriers aren't alone, that 3 they're not -- and that they will be swiftly 4 protected in the event, you know, something 5 happens. You're engaging them, finding out if 6 they know -- if there's any, you know, imminent 7 threats from block to block or neighborhood to 8 neighborhood and basically gathering as much 9 information as you can while also providing a 10 deterrent effect. 11 Q Now, letter carriers are federal 12 employees, right? 13 A Yes. 14 Q And no one -- no one does any -- no one 15 touches or threatens federal employees on their 16 routes, do they? 17 A Well, I think that used to be the case. 18 I don't believe that to be the case anymore. 19 Q And is that true in Chicago? Are 20 letter carriers subject to dangers while they're 21 on their -- 22 A Yes.</p>	115	<p>1 assaults on letter carriers? 2 A Yes. 3 Q Let me turn your attention to -- well, 4 first of all -- I'm sorry. There's a document 5 that I missed. I wanted to first direct you to 6 the next document in your binder, which should be 7 Union Exhibit No. 4. 8 A Uh-huh. 9 Q Can you -- can you identify this 10 document? 11 A Yes. 12 Q What is this document? 13 A This was a document that was put out by 14 the Chicago performance district, and that was -- 15 this was presumably put in all the stations to 16 let them know that we were actually going to be 17 out there and provide a presence and a response 18 if necessary. 19 Q Moving on to the next document, this is 20 Union Exhibit No. 5. Turn your attention to that 21 document. You -- do you recognize this document? 22 A Yes.</p>

Capital Reporting Company
In the Matter of- USPS and PPOA 01-15-2014 Volume II

116	<p>1 Q And what is this document?</p> <p>2 A This is an incident report that I</p> <p>3 wrote.</p> <p>4 Q Okay. And what -- besides writing this</p> <p>5 report, what was your involvement -- tell us</p> <p>6 about what this incident was. What happened</p> <p>7 here?</p> <p>8 A This incident -- basically, when I</p> <p>9 started my watch this evening, I was informed</p> <p>10 that a carrier had been attacked. And there</p> <p>11 weren't many details at that point, but he was in</p> <p>12 the hospital. So I was dispatched to the</p> <p>13 hospital to interview the carrier, if possible,</p> <p>14 and gain as much detail as possible on -- on what</p> <p>15 happened.</p> <p>16 So I went there and spoke with the</p> <p>17 carrier, who was -- he had been severely beaten.</p> <p>18 He was definitely -- he was in a lot of pain and</p> <p>19 was kind of in and out of consciousness, but I</p> <p>20 took as much information as I could. He gave me</p> <p>21 a slight description, let me know that he had</p> <p>22 actually -- they were trying to get his wallet.</p>	118	<p>1 could get some information from the person that</p> <p>2 he spoke to. So we went out to the -- where the</p> <p>3 assault happened and spoke with the -- with the</p> <p>4 person that -- that he had encountered out there</p> <p>5 to get help.</p> <p>6 And then we searched the area. We</p> <p>7 found blood spatter up and down the sidewalk</p> <p>8 there. We kind of determined exactly where it</p> <p>9 happened. We found a bundle of mail as well,</p> <p>10 which we collected for evidence, and then that</p> <p>11 was about it.</p> <p>12 Q And do -- do police officers -- Postal</p> <p>13 Police Officers investigate assaults involving</p> <p>14 other postal employees?</p> <p>15 A Yes.</p> <p>16 Q Can I direct your attention to the next</p> <p>17 exhibit, Union Exhibit No. 6?</p> <p>18 Can you look at this document, please?</p> <p>19 A Yes.</p> <p>20 Q Do you recognize this document?</p> <p>21 A I do.</p> <p>22 Q What is this document?</p>
117	<p>1 It wasn't his impression that they were after the</p> <p>2 mail, but pretty much a robbery of him. He let</p> <p>3 me know that he bit one of the offenders, so</p> <p>4 there was an identifying mark and -- refresh my</p> <p>5 memory here. Yeah, I mean, it's -- I took as</p> <p>6 much information as I could regarding the</p> <p>7 situation.</p> <p>8 Q And when you were taking -- when you</p> <p>9 were interviewing him in the hospital, who else</p> <p>10 was with you?</p> <p>11 A At -- at a later time, an inspector</p> <p>12 arrived as well, who I passed all my notes on to,</p> <p>13 and he also attempted to interview the victim. I</p> <p>14 also met with the victim's wife when she arrived</p> <p>15 and informed her what's -- what the situation</p> <p>16 was.</p> <p>17 And after that was done, the inspector</p> <p>18 asked if I would accompany him to see if there</p> <p>19 were any witnesses. The carrier had mentioned</p> <p>20 that he had actually gone to a house not far from</p> <p>21 where he was beaten on his route there to call</p> <p>22 police. So there was the suspicion that maybe we</p>	119	<p>1 A This is an incident report that I</p> <p>2 was -- I did not write this report, but this was</p> <p>3 an incident that I was involved in.</p> <p>4 Q Now, in this incident --</p> <p>5 MS. GONSALVES: Before we go --</p> <p>6 MR. STEPHENS: Sure.</p> <p>7 MS. GONSALVES: -- too much further, I</p> <p>8 just wanted to note something for the record.</p> <p>9 The Postal Service responded to a number of</p> <p>10 information requests from the PPOA and provided</p> <p>11 incident -- incident reports, among other things,</p> <p>12 that were redacted really at great expense both</p> <p>13 in time and energy by the Inspection Service and</p> <p>14 specifically FOIA experts, Privacy Act experts.</p> <p>15 But I noticed that the versions of the</p> <p>16 documents that are here are not the versions that</p> <p>17 the Postal Service provided, so I just wanted to</p> <p>18 note that for the record. I have not had the</p> <p>19 opportunity to compare all of your redactions to</p> <p>20 the redactions that we provided.</p> <p>21 Have -- have you based your redactions</p> <p>22 on the Postal Service's redactions?</p>

Capital Reporting Company
In the Matter of- USPS and PPOA 01-15-2014 Volume II

120	<p>1 MR. STEPHENS: If I recall, we just got 2 those documents last week. 3 MS. GONSALVES: Because you requested 4 them about a week-and-a-half ago -- 5 MR. STEPHENS: That's not correct. 6 MS. GONSALVES: -- but -- okay. I 7 don't -- 8 MR. STEPHENS: We're making a point -- 9 MS. GONSALVES: I don't know the 10 timeline -- 11 MR. STEPHENS: -- to the arbitrator, 12 and maybe we should -- we should save it for a 13 later rebuttal -- 14 MS. GONSALVES: But what I'm -- 15 MR. STEPHENS: -- or something -- 16 MS. GONSALVES: What I'm just trying to 17 say is that I don't -- I'm just trying to 18 preserve any Privacy Act and FOIA related 19 concerns. These are not official documents that 20 were procured by the Postal Service, and since 21 they are property of the Postal Service, there is 22 an open question as to how the Union was able to</p>	122	<p>1 BY MR. STEPHENS 2 Q Officer Fletcher, going back to Union 3 Exhibit No. 6 -- 4 A Yes. 5 Q -- just briefly, what were the 6 circumstances that -- that were underlying 7 this -- this report? 8 A Our sergeant received a call that a 9 postal employee had been -- the call described 10 that he'd been stabbed at a processing facility 11 just adjacent to O'Hare Airport. Another officer 12 and myself were dispatched there, got there, 13 encountered Chicago Police, who had responded 14 just shortly before we got there. 15 And the victim -- it was conveyed to us 16 he wasn't seriously injured, but he was taken to 17 the hospital. So we began to investigate exactly 18 what had happened. We were instructed by our 19 sergeant to gather as much pertinent information 20 as possible. That included gathering witness 21 statements, if possible, and talking to the 22 supervisors and managers that were present during</p>
121	<p>1 obtain copies of these without the Postal Service 2 providing them. 3 MR. STEPHENS: I -- do you want to take 4 a break and go out and talk about this or -- I'm 5 not sure what you're -- 6 MS. GONSALVES: We could do that. I 7 was just trying to note it for the record 8 because -- 9 MR. STEPHENS: It's noted. 10 MS. GONSALVES: Okay. 11 MR. STEPHENS: We can discuss -- if 12 there's a reason to stop the proceedings -- and 13 you could have raised this yesterday or the day 14 before -- 15 MS. GONSALVES: Well, I got it -- I got 16 them late on -- 17 MR. STEPHENS: Monday, yeah. 18 MS. GONSALVES: Yeah. 19 ARBITRATOR OLDHAM: I think the point 20 has been put into the record, and we can go 21 forward. 22 MS. GONSALVES: Okay.</p>	123	<p>1 that tour. 2 Q And where was -- and how long did the 3 Chicago Police Department remain at the scene? 4 A Oh, they were -- as soon as we got 5 there, they passed us on just the -- the -- you 6 know, the general nature of what had happened, 7 and they left. 8 Q Okay. And did any inspectors respond 9 to the scene? 10 A No. 11 Q Okay. 12 A No. 13 Q And so you -- how much of the 14 investigation of this incident did Postal Police 15 Officers investigate? 16 A I would say a significant amount. 17 Q Officer Fletcher, what is a Terry stop? 18 A A Terry stop is, I would say, the -- 19 the technical term for an investigative stop. 20 Q Okay. And what -- what all does an 21 officer do in connection with a Terry stop? 22 A A Terry stop is either a stop of a</p>

Capital Reporting Company
In the Matter of- USPS and PPOA 01-15-2014 Volume II

124	<p>1 person or -- or a vehicle with people in it, more 2 or less to confirm or dispel a suspicion, whether 3 it's to determine -- you know based on the 4 reasons -- reasonable suspicion that a crime has 5 been committed, is being committed or will be 6 committed. 7 Q And what are you authorized to do 8 during a Terry stop? 9 A Oh, detain -- 10 Q What is it your understanding that 11 you're authorized to do during a Terry stop? 12 A Oh, detain and investigate. 13 Q And -- and how -- what types of 14 investigative tactics are you allowed to perform 15 during a Terry stop? 16 A Basically, a patdown of one's person or 17 of the inside of a vehicle, like I said, to 18 confirm or dispel any suspicions and for weapons. 19 Q And are you trained in how to effect an 20 arrest of a person? 21 A Yes. 22 Q And are you trained in helping make the</p>	126	<p>1 an issue where a bank of mailboxes -- these were 2 specifically drive-up mailboxes -- were becoming 3 so full on weekends, specifically holiday 4 weekends where you might have a Monday off, that 5 somebody was going and just reaching in to the 6 drive up portion of the box and pulling mail out 7 and -- and basically taking mail. 8 So we were notified by a witness that 9 lived across the street that this was happening. 10 So on subsequent long weekends, I would be 11 dispatched to perform surveillance to see if, you 12 know, the offender might come back. 13 Q And what was the -- what did -- what 14 were -- who were you working with in performing 15 that surveillance? 16 A That was specifically myself alone 17 or -- and I had a partner on -- at certain times. 18 Q And was someone coordinating the 19 surveillance? 20 A That was just my sergeant. 21 Q Okay. Are police officers in Chicago 22 called on ever to investigate missing persons?</p>
125	<p>1 decision to -- let me ask -- step back. 2 Are there policies in place on when to 3 perform an arrest? 4 A Yes. 5 Q Okay. Are you trained on those? 6 A Yes. 7 Q Okay. Direct your attention to Union 8 Exhibit No. 8. Do you recognize this document? 9 A I to. 10 Q And what is this document? 11 A This is a photo of myself and another 12 officer engaged in -- this was actually part of 13 our officer survival training for 2012, I 14 believe. Yeah. And this is us performing an 15 arrest. 16 Q Okay. Now, are -- are officers in 17 Chicago called on to perform surveillance in the 18 course of their police duties? 19 A Yes. 20 Q Can you give me an example of that? 21 A Yeah. I was ordered to perform 22 surveillance on a number of occasions. There was</p>	127	<p>1 A Yes. 2 Q Direct your attention to Union Exhibit 3 No. 7. Do you recognize this document? 4 A I do. 5 Q What is this document? 6 A This is an incident report that I 7 wrote. 8 Q What were the circumstances that led to 9 this report? 10 A This -- we got a call that a carrier 11 had apparently gone missing. A customer had 12 called and said that she hadn't received her mail 13 that day. She called the station. It was found 14 not long after that that the carrier's vehicle 15 was actually still in the vehicle lot filled with 16 mail, but this was -- you know, this was after 17 six o'clock. 18 So myself and another officer were 19 dispatched to the station. On route, we 20 received -- her -- her residence was on the way 21 to the station, so we were able to obtain her 22 address and check at her house to see if maybe</p>

Capital Reporting Company
In the Matter of- USPS and PPOA 01-15-2014 Volume II

<p style="text-align: right;">128</p> <p>1 she was there for some reason or another, and she 2 wasn't. And when we got to the station, we met 3 with an inspector that had responded as well. 4 We tried a number of different phone 5 numbers and emergency contacts, trying to find 6 out where she was with no luck. They were either 7 disconnected or we couldn't get through. And we 8 liaised with Chicago Police to see if she was 9 picked up by them for some reason or there had 10 been some kind of occurrence. 11 And then kind of the last straw was -- 12 the inspector instructed us to go to her -- her 13 mother's house to see if -- you know, physically 14 see if, you know, she was there. And before we 15 could do that, she -- she actually came back. 16 And it turned out she was -- she had been -- she 17 took her personal vehicle to run an errand and -- 18 and was arrested. So that's where she was all 19 day. 20 Q Are officers in Chicago called on to 21 investigate mailbox -- collection box explosions? 22 A Yes.</p>	<p style="text-align: right;">130</p> <p>1 Q Do you have any responsibilities at 2 O'Hare Airport? 3 A Yes. 4 Q And generally speaking, what are your 5 responsibilities at -- at and around the airport? 6 A At and around the airport, we go there 7 either specifically for a response or to engage 8 in what you might call community policing at the 9 airport, let the employees there know that we're 10 in the area and we're available to respond or 11 help with anything. 12 Q And do police officers have any 13 responsibilities with respect to international 14 mail? 15 A Yes. 16 Q And what are those responsibilities? 17 A There was -- there was an initiative 18 put in place in our division that was 19 specifically aimed at what I would consider 20 counterterrorism. There was international mail 21 that wasn't properly being sealed, so there 22 was -- I don't know the specifics of it, but</p>
<p style="text-align: right;">129</p> <p>1 Q And what role do you play in 2 investigating those? 3 A Documenting the scene, either through 4 note-taking or photographing, collecting 5 evidence, recovering mail, exchanging notes with 6 local police that had responded. 7 Q Are you trained in performing all those 8 functions? 9 A Yes. 10 Q Are police officers in Chicago called 11 on to investigate reports of suspicious packages? 12 A Yes. 13 Q And generally speaking, what are you 14 called on to perform in those situations? 15 A The overall feeling is -- is to keep 16 people away from any sort of suspicious package 17 and call the relevant party to come and 18 investigate that. 19 Q And are some of those responsibilities 20 regarding -- start over. Regarding suspicious -- 21 well, let me just start the question over. 22 A Certainly.</p>	<p style="text-align: right;">131</p> <p>1 there was some concern that on round trips back 2 into the States that explosive devices could be 3 planted within those bags if they weren't sealed 4 correctly. So it was our job to make sure that 5 these bags were sealed correctly upon outgoing 6 from O'Hare. 7 Q Okay. And what is the International 8 Service Center? 9 A That is a component of the O'Hare 10 facility. 11 Q Okay. What are your responsibilities 12 with respect to that? 13 A That is the same -- the same facility 14 as -- as where the international mail comes in 15 that we were checking. 16 Q Okay. Do you consider the job of 17 Postal Police Officer to be a dangerous job? 18 A Yes. 19 Q And have you been subject to an assault 20 in your job? 21 A I have. 22 Q And can you tell us what that was?</p>

Capital Reporting Company
In the Matter of- USPS and PPOA 01-15-2014 Volume II

132	<p>1 A Yeah. I was on patrol one evening, and 2 I encountered what turned out to be a drunk 3 driver on a scooter, moped, if you will, and he 4 didn't -- I really don't -- I really couldn't say 5 what his -- what his reasoning was, but he kicked 6 my car. And so I performed an investigative stop 7 on him and got his identification and was 8 actually on the phone waiting to get further 9 instruction, and he tried to leave the scene. 10 And it appeared to me that -- it was 11 actually really clear to me that he was -- he was 12 drunk. And so I stopped him from putting his 13 keys back into his scooter, and he elbowed me in 14 the face. So I tried to detain him at that 15 point, and he got away. But I had his 16 identification, his home address, so coordinating 17 with the responding inspector and Chicago Police, 18 we went to his residence and arrested him there. 19 Q When you were hired as a Postal Police 20 Officer, was it explained to you that you would 21 be held to a different standard of conduct than 22 other employees of the post office?</p>	134	<p>1 redacted some information here, but the -- the 2 person identified here, Cynthia, is she a police 3 officer? 4 A Yes. 5 Q Now, can you walk us through these Form 6 50s to explain what your understanding is that 7 they -- that they show? 8 MS. GONSALVES: Mr. Stephens, I just -- 9 objection. If you can just lay a little bit more 10 of a foundation -- 11 MR. STEPHENS: Sure. 12 MS. GONSALVES: -- as to how he knows 13 Cynthia, how he's familiar with these -- 14 MR. STEPHENS: Very fair. 15 MS. GONSALVES: -- personnel firms. 16 BY MR. STEPHENS 17 Q How -- how do you know this person? 18 A This person, Cynthia, she's a fellow 19 officer in my division. 20 Q And did she give you these documents? 21 A Yes. 22 Q And did she explain these documents to</p>
133	<p>1 A Yes. 2 Q And what was said to you at that time 3 or how was that described to you? 4 A Oh, it -- in no uncertain terms, it was 5 that we were held -- we would be held to a higher 6 standard. 7 Q And what was that standard, generally 8 speaking? 9 A Just enhanced ethical and moral 10 responsibilities. 11 Q Let me hand you or direct your 12 attention to a document, Union Exhibit No. 9. 13 Do you recognize this document? 14 A Yes. 15 Q What is this document? 16 A This is a PS Form 50. 17 Q What is a PS Form 50 for the benefit of 18 those of us who don't work for the post office? 19 A This form generally follows an action 20 where you've either changed crafts or you've been 21 hired in a different discipline, if you will. 22 Q Now, we haven't listed the -- we've</p>	135	<p>1 you? 2 A Yes. 3 MR. STEPHENS: All right. I understand 4 there's a small element of hearsay here, but 5 rather than her to fly out to D.C., we were 6 hoping to put it through him. 7 MS. GONSALVES: As long as he's 8 knowledgeable about them and -- 9 MR. STEPHENS: Sure. 10 BY MR. STEPHENS 11 Q Shawn, can you explain these 12 documents -- Officer Fletcher, can you explain 13 these documents for us? 14 A Yes. These documents basically notate 15 any sort of salary increase or decrease based 16 upon what the exact change is within the 17 profession. 18 Q So how -- what -- what are we seeing 19 here on this first page? 20 A This first page is -- this would be 21 Cynthia's last -- this would be her last Form 50 22 as a -- what her position was at that time, which</p>

Capital Reporting Company
In the Matter of- USPS and PPOA 01-15-2014 Volume II

<p style="text-align: right;">136</p> <p>1 was mail processing.</p> <p>2 Q Okay. And at that time, what was her</p> <p>3 base salary?</p> <p>4 A It was 36,481.</p> <p>5 Q What does the next page show?</p> <p>6 A The next page would show her initial</p> <p>7 move to being a Postal Police Officer.</p> <p>8 Q And -- and what year is this? Can we</p> <p>9 see?</p> <p>10 A This is -- this is effective 2002.</p> <p>11 Q Okay. And what -- what did her salary</p> <p>12 become at that point?</p> <p>13 A Her salary was 39,089.</p> <p>14 Q Okay. What does the next document</p> <p>15 show?</p> <p>16 A The next document shows -- this is --</p> <p>17 this -- I think this is her last Form 50 as a</p> <p>18 Postal Police Officer prior to being excised.</p> <p>19 Q Okay. So -- and at that time, what was</p> <p>20 her salary?</p> <p>21 A 45,682.</p> <p>22 Q What does the document next show?</p>	<p style="text-align: right;">138</p> <p>1 Officer Fletcher, that's all the</p> <p>2 questions I have for you. Thank you.</p> <p>3 THE WITNESS: You're very welcome.</p> <p>4 MS. GONSALVES: The Postal Service</p> <p>5 would like to take a break at this point. Our</p> <p>6 breakout room is on another floor.</p> <p>7 ARBITRATOR OLDHAM: So how long do we</p> <p>8 need? Fifteen minutes?</p> <p>9 MS. GONSALVES: Fifteen minutes or so.</p> <p>10 ARBITRATOR OLDHAM: Let's try that.</p> <p>11 (Brief recess.)</p> <p>12 ARBITRATOR OLDHAM: All right, Teresa.</p> <p>13 CROSS-EXAMINATION BY COUNSEL FOR</p> <p>14 THE</p> <p>15 POSTAL SERVICE</p> <p>16 BY MS. GONSALVES</p> <p>17 Q So, Mr. Fletcher, good morning.</p> <p>18 A Good morning.</p> <p>19 Q In preparing for this interest</p> <p>20 arbitration, I assume that you took a look at the</p> <p>21 records that you had access to and pulled out the</p> <p>22 records that indicated the instances in which you</p> <p>had done certain duties, such as responding to</p>
<p style="text-align: right;">137</p> <p>1 A The next documents shows -- this is</p> <p>2 effective 2006 -- her move to being custodian.</p> <p>3 Q How much was her salary when she was</p> <p>4 bumped down to being a custodian?</p> <p>5 A 46,086.</p> <p>6 Q So her last day as police officer, she</p> <p>7 was making 45,006, and her first day as a</p> <p>8 custodian, she was making 46,000?</p> <p>9 A Correct.</p> <p>10 MR. STEPHENS: Okay. I'd like to -- so</p> <p>11 as far as the documents go, we would, I guess, at</p> <p>12 this point, move the documents in, unless there's</p> <p>13 objection.</p> <p>14 MS. GONSALVES: The panel can take them</p> <p>15 for what they're worth. We don't have the person</p> <p>16 testifying.</p> <p>17 ARBITRATOR OLDHAM: Fine. And we can</p> <p>18 do that every time if we need to. My attitude is</p> <p>19 that unless someone objects, we'll just</p> <p>20 automatically consider the exhibits to be</p> <p>21 incorporated and accepted.</p> <p>22 MR. STEPHENS: Okay. Thank you.</p>	<p style="text-align: right;">139</p> <p>1 missing person assaults, things like that; is</p> <p>2 that correct?</p> <p>3 A I'm not sure I understand what you mean</p> <p>4 by --</p> <p>5 Q Did you review the incident reports</p> <p>6 with your name on them in preparing for this</p> <p>7 interest --</p> <p>8 A Oh, certainly.</p> <p>9 Q -- arbitration?</p> <p>10 A Of course.</p> <p>11 Q And you pulled out ones that you</p> <p>12 thought would be helpful to the Postal Police's</p> <p>13 case in this action?</p> <p>14 A I provided the incident report numbers,</p> <p>15 yes.</p> <p>16 Q Okay. The ones that you thought would</p> <p>17 be helpful?</p> <p>18 A Yeah. Oh, yeah.</p> <p>19 Q Okay. And the incident reports that</p> <p>20 you pulled out -- and you've been with -- a</p> <p>21 Postal Police Officer now since -- I think you</p> <p>22 testified 2010?</p>

Capital Reporting Company
In the Matter of- USPS and PPOA 01-15-2014 Volume II

<p style="text-align: right;">140</p> <p>1 A Correct.</p> <p>2 Q And you pulled out a total of three</p> <p>3 incident reports, correct?</p> <p>4 A That's -- yes.</p> <p>5 Q Okay. And so those represent -- those</p> <p>6 instances where you thought you've performed</p> <p>7 duties that would be helpful to the Postal</p> <p>8 Police's case here?</p> <p>9 A Yes.</p> <p>10 Q So over a two-year period?</p> <p>11 A (Nodding.)</p> <p>12 Q Okay. So one instance every roughly</p> <p>13 six months?</p> <p>14 A If that's --</p> <p>15 Q If you average them out.</p> <p>16 A Yeah. I mean, this is -- I wouldn't</p> <p>17 classify this as exhaustive.</p> <p>18 Q But you did review the records and pull</p> <p>19 out what you thought would be helpful?</p> <p>20 A Sure.</p> <p>21 Q Okay. I want to take a look at the</p> <p>22 Chicago program that you testified about.</p>	<p style="text-align: right;">142</p> <p>1 wrong. Today, the well-being visits are quite</p> <p>2 different than they were when it started in 2011;</p> <p>3 is that correct?</p> <p>4 A It is my understanding that they really</p> <p>5 haven't changed at all.</p> <p>6 Q So let me give you an example. Today,</p> <p>7 when a well-being visit is done, a Postal Police</p> <p>8 Officer is instructed not to go out of his way to</p> <p>9 find someone on their route, rather, that if they</p> <p>10 encounter anything from going from Postal</p> <p>11 Facility A to Postal Facility B, that they're</p> <p>12 allowed to stop and inquire about a carrier's</p> <p>13 well-being, correct?</p> <p>14 A I'm not familiar with that.</p> <p>15 Q Okay. Okay. You testified that Postal</p> <p>16 Police Officers are held to a higher standard of</p> <p>17 conduct in performing their duties; is that</p> <p>18 correct?</p> <p>19 A Yes.</p> <p>20 Q I would like you to take a look at</p> <p>21 Joint Exhibit 1, which hopefully is in front of</p> <p>22 you, which is the now expired but most recent</p>
<p style="text-align: right;">141</p> <p>1 A Yes.</p> <p>2 Q That -- the well-being visits program</p> <p>3 was to insure the safety and security of letter</p> <p>4 carriers, correct?</p> <p>5 A That's my understanding of it, yes.</p> <p>6 Q Okay. And that started in 2011, right?</p> <p>7 A I can't remember if it was 2010 or</p> <p>8 2011. It was approximately around -- it was</p> <p>9 either late 2010 --</p> <p>10 Q I think the articles will --</p> <p>11 A Okay.</p> <p>12 Q -- speak for themselves on that, but --</p> <p>13 A Yeah. It was -- this was -- it was</p> <p>14 before the article was out. I know that.</p> <p>15 Q Okay. The -- and when these well-being</p> <p>16 visits started, you were instructed to document</p> <p>17 anything unusual or anything suspicious that you</p> <p>18 encountered when you were conducting these</p> <p>19 well-being visits, correct?</p> <p>20 A That was what the -- yeah, that's the</p> <p>21 protocol that was in the division, yes.</p> <p>22 Q Okay. Correct -- correct me if I'm</p>	<p style="text-align: right;">143</p> <p>1 collective bargaining agreement between the</p> <p>2 Postal Service and the Letter Carriers -- and the</p> <p>3 Postal Police. Excuse me.</p> <p>4 A I don't think I have that.</p> <p>5 Q You don't have a copy of that?</p> <p>6 ARBITRATOR DUFEK: It's right there.</p> <p>7 MS. GONSALVES: I think it's -- the</p> <p>8 witness copy should be --</p> <p>9 THE WITNESS: Oh, thank you.</p> <p>10 BY MS. GONSALVES</p> <p>11 Q And could you please turn to 6.02 on</p> <p>12 page 9?</p> <p>13 A Yes.</p> <p>14 Q Do you see that? Do you see a section</p> <p>15 called "PPO Conduct"?</p> <p>16 A Yes.</p> <p>17 Q And do you see language in that section</p> <p>18 that talks about requiring the highest standards</p> <p>19 of conduct, honesty and integrity from PPOs?</p> <p>20 A Yes.</p> <p>21 Q Are you aware that the parties agreed</p> <p>22 to this, since it's in the collective bargaining</p>

Capital Reporting Company
In the Matter of- USPS and PPOA 01-15-2014 Volume II

<p style="text-align: right;">144</p> <p>1 agreement?</p> <p>2 A Yes.</p> <p>3 Q Are you aware that since 1972, when</p> <p>4 language first appeared in the collective</p> <p>5 bargaining agreement, the Postal Police have</p> <p>6 never made a demand during bargaining to remove</p> <p>7 this provision from the contract?</p> <p>8 A I wasn't aware previously of that, no.</p> <p>9 Q Okay. I would like to just turn to</p> <p>10 postal employees generally. They're also held to</p> <p>11 a very high standard of conduct, aren't they?</p> <p>12 A I wouldn't classify it as high as ours,</p> <p>13 no.</p> <p>14 Q Okay. Well, let's take a look at what</p> <p>15 the standard of conduct is. And I'm sorry.</p> <p>16 Since we don't have binders put together of cross</p> <p>17 exhibits, since I'm not sure what cross exhibits</p> <p>18 we're going to use -- do you have one? Okay. We</p> <p>19 do not have --</p> <p>20 MS. GONSALVES: Just let me -- can you</p> <p>21 distribute these? Basically, Tab C in our</p> <p>22 binders are going to be our cross exhibits.</p>	<p style="text-align: right;">146</p> <p>1 on --</p> <p>2 A I don't think I have that page.</p> <p>3 ARBITRATOR OLDHAM: We have 665. We</p> <p>4 have page 676 and 675.</p> <p>5 THE WITNESS: Right.</p> <p>6 BY MS. GONSALVES</p> <p>7 Q Yeah. Page 677 --</p> <p>8 A Okay.</p> <p>9 Q -- Section 665.16. Are you familiar</p> <p>10 with the Employee and Labor Relations Manual of</p> <p>11 the Postal Service?</p> <p>12 A Just -- not -- not especially.</p> <p>13 Q Yeah, I guess my general question here</p> <p>14 is -- is -- I asked you earlier, aren't all</p> <p>15 postal employees held to a higher standard, and</p> <p>16 I'm now directing your attention to Section</p> <p>17 665.16, which talks about behavior and personal</p> <p>18 habits.</p> <p>19 And doesn't that provision also require</p> <p>20 that Postal Service's -- Postal Service employees</p> <p>21 be honest, reliable, trustworthy, courteous and</p> <p>22 of good character and reputation?</p>
<p style="text-align: right;">145</p> <p>1 We'll start with Exhibit No. 1. We don't have a</p> <p>2 Tab 1, because, apparently, we've run out of</p> <p>3 ones. So this document behind Tab C will be</p> <p>4 document one. If you could give one to the</p> <p>5 witness, Mark, that would be helpful.</p> <p>6 THE WITNESS: Thank you.</p> <p>7 MS. GONSALVES: I'd like you to turn to</p> <p>8 the second page. I guess it's the --</p> <p>9 MR. ALEXANDROVICH: We've got no -- no</p> <p>10 copies.</p> <p>11 MS. GONSALVES: You've got no exhibits?</p> <p>12 MR. ALEXANDROVICH: They've got the --</p> <p>13 MS. GONSALVES: No, they only get</p> <p>14 one copy, right. Oh, nobody has the exhibits?</p> <p>15 Sorry.</p> <p>16 BY MS. GONSALVES</p> <p>17 Q You've got the second page, right?</p> <p>18 A I have one page. It's double-sided.</p> <p>19 Q Yeah, double-sided. So if you could</p> <p>20 flip it over --</p> <p>21 A 676 or 677?</p> <p>22 Q 675.16. And you'll see there a section</p>	<p style="text-align: right;">147</p> <p>1 A Yes.</p> <p>2 Q Okay. And doesn't it go further to say</p> <p>3 that -- that the federal standards of ethical</p> <p>4 conduct govern off-duty behavior?</p> <p>5 A Yes.</p> <p>6 Q Okay. And that employees can't engage</p> <p>7 in criminal dishonest, notoriously disgraceful,</p> <p>8 immoral or other conduct prejudicial to the</p> <p>9 Postal Service, correct?</p> <p>10 A It does say that.</p> <p>11 Q Okay.</p> <p>12 ARBITRATOR OLDHAM: Teresa, you</p> <p>13 probably said this, but just once more for my</p> <p>14 benefit, what is this page an extract from?</p> <p>15 MS. GONSALVES: This is an extract of</p> <p>16 what we call the ELM, the E-L-M. That's the</p> <p>17 initials. But it's the Employment and Labor</p> <p>18 Relations Manual.</p> <p>19 ARBITRATOR OLDHAM: Thank you.</p> <p>20 MS. GONSALVES: And this is the most</p> <p>21 recent version of the ELM, but this language has</p> <p>22 been in the ELM for quite a while. It also -- it</p>

Capital Reporting Company
In the Matter of- USPS and PPOA 01-15-2014 Volume II

148	<p>1 covers all postal employees. 2 BY MS. GONSALVES 3 Q Okay. I'd like to turn to Cynthia D., 4 Union Exhibit 9. Ms. Cynthia D. came on at the 5 Postal Service approximately ten years before you 6 did, right? 7 A That is -- yeah, about ten years. 8 Q So -- so you weren't actually present 9 and you didn't know her at the time that most of 10 these personnel actions took place? 11 A That's correct. 12 Q Okay. Are you familiar with something 13 called the repromotion rule? 14 A I'm not familiar with that. 15 Q Okay. I'd like you to just take a look 16 at the bottom of the final page -- oh, it's not 17 quite the final page. It's the last Form 50 in 18 the exhibit. 19 A Okay. 20 Q And if you look under the notes -- it's 21 one page. You'll see a note there. Do you see 22 that, the last Form 50?</p>	150	<p>1 this particular PPO lost her position -- you are 2 aware she lost her position? 3 A Yes. 4 Q Because she was working at a mail 5 facility and it was eliminated. 6 So when she lost her position, she was 7 reslotted, and the reslotting rules dictate the 8 pay rate at which she's slotted in? 9 A Okay. 10 Q Okay. So -- and then, the re- -- 11 MR. STEPHENS: Objection. Are you 12 asking him -- are you testifying, or is he 13 testifying? He said he doesn't know anything 14 about the rule, so maybe we can reserve this 15 for -- for your case and we can have someone to 16 explain the rule. 17 MS. GONSALVES: Okay. We can do that 18 as well. 19 MR. STEPHENS: I'd rather the witness 20 testify. I don't want to cross-examine you on 21 this. 22</p>
149	<p>1 A Is this -- 2 ARBITRATOR OLDHAM: This is the one 3 dated March 31st -- 4 THE WITNESS: -- 3/31? 5 ARBITRATOR OLDHAM: -- 2007? 6 THE WITNESS: Yeah. 7 BY MS. GONSALVES 8 Q Correct. 9 A Yeah. 10 Q Okay. And do you see the note at the 11 bottom which says, in all caps, repromotion rules 12 apply, reassigned from finance number 13 blanketly-blank? 14 A Yes. 15 Q You do see that? 16 A Yeah. 17 Q Okay. Now, are you aware that when an 18 employee is assigned to a lower level position 19 that that employee must be slotted in pursuant to 20 the slotting rules? 21 A I'm not aware of that, no. 22 Q Okay. So you're not aware that when</p>	151	<p>1 BY MS. GONSALVES 2 Q Okay. I would like to just take a 3 quick look at what's now -- we've handed out 4 as -- behind Tab C-2, which is another extract 5 from the same manual that we discussed that 6 applies to all postal employees, and it is in -- 7 although you can't tell from this sheet, it's 8 Section 422.123.A -- 9 A Okay. 10 Q -- and then four under repromotion. 11 And you do see that there is a specific provision 12 there on -- 13 MR. STEPHENS: Objection. 14 BY MS. GONSALVES 15 Q -- repromotion? 16 MR. STEPHENS: This is -- objection. 17 This is -- 18 MS. GONSALVES: Do you have a problem 19 with this exhibit coming in, Mr. Stephens? 20 MR. STEPHENS: I don't know what it is. 21 It's a one page from something. I don't know 22 what it's from.</p>

Capital Reporting Company
In the Matter of- USPS and PPOA 01-15-2014 Volume II

152	<p>1 ARBITRATOR OLDHAM: She just said it's 2 from the -- 3 MS. GONSALVES: The ELM 36 -- 4 ARBITRATOR OLDHAM: -- ELM. 5 MS. GONSALVES: -- if you look at the 6 bottom, which is the most recent version of the 7 ELM. 8 MR. STEPHENS: I object to it. I 9 object to it on the basis that there's no 10 surrounding documents. 11 MS. GONSALVES: Well, this is available 12 publicly. You can do a search for the ELM. 13 It'll pop up. It's -- it's something that 14 governs all postal employees, including 15 everybody -- 16 MR. STEPHENS: I've -- 17 MS. GONSALVES: -- pretty much 18 everybody in this room. 19 MR. STEPHENS: I've noted my objection. 20 I object to -- you've introduced a single piece 21 of paper to a witness who says he doesn't know 22 anything about it.</p>	154	<p>1 at least two incidences involving letter 2 carriers. 3 A Correct. 4 Q Do -- letter carriers aren't armed, are 5 they? 6 A Well, I wouldn't -- they carry dog 7 spray, but I wouldn't classify them as armed. 8 Q Okay. But they're not armed with 9 weapons like -- 10 A No. 11 Q -- PPOs are? And letter carriers have 12 to go into these dangerous neighborhoods every 13 day, correct? 14 A Yes. 15 Q Okay. And letter carriers aren't in 16 their vehicles all the time -- well, most letter 17 carriers, especially in city areas, aren't in 18 their vehicles when they deliver mail, correct? 19 A That's correct. 20 Q And letter carriers don't have 21 partners, do they? 22 A In my experience, on occasion, they do.</p>
153	<p>1 ARBITRATOR OLDHAM: Well, we have -- we 2 have already become acquainted with this larger 3 document by Exhibit C-1, which is another single 4 page from it, and -- 5 MR. STEPHENS: Very true. 6 ARBITRATOR OLDHAM: -- I think we're 7 going to accept it. 8 BY MS. GONSALVES 9 Q Okay. Now, you testified that -- that 10 being a -- a PPO is a dangerous job, correct? 11 A Yes. 12 Q Okay. And you testified that PPOs 13 drive around in clearly designated vehicles -- 14 A Yes. 15 Q -- correct? 16 And that PPOs wear uniforms -- 17 A Yes. 18 Q -- that -- that show that they're PPOs? 19 A Uh-huh. 20 Q And they carry weapons, correct? 21 A Uh-huh. 22 Q Okay. And you've also testified about</p>	155	<p>1 Q Okay. But for the most part -- 2 A Traditionally, no. 3 Q -- in your experience, they don't have 4 partners? 5 And for the most part, you do have a 6 partner when you patrol, correct? 7 A No, that's not correct. I would say, 8 the vast majority of the time, I'm by myself. 9 Q Okay. So when these incidence reports 10 talk about reporting officer and assisting 11 officer -- 12 A Right. 13 Q -- is that a partner? 14 A Yeah. But it's not in the traditional 15 sense, where you're partners for the whole time, 16 you know. You're a partner for -- during that 17 incident. You know, you may not be together, you 18 know, but you meet together to get to the 19 incident. 20 Q I didn't understand what you're saying. 21 Are you -- 22 A Okay.</p>

Capital Reporting Company
In the Matter of- USPS and PPOA 01-15-2014 Volume II

156	<p>1 Q -- saying that when you're -- when 2 you -- when you get into your vehicle, you're 3 saying that you don't have a partner with you? 4 A That's right. 5 Q Sometimes you do; sometimes you don't? 6 A Sometimes I do, but most of the time, I 7 don't. 8 Q Okay. All right. Thank you very much. 9 I appreciate it. 10 A Certainly. You're welcome. 11 ARBITRATOR OLDHAM: That's the end of 12 cross? 13 MS. GONSALVES: Yes. Sorry. 14 ARBITRATOR OLDHAM: Any redirect? 15 MR. STEPHENS: Yes, sir. Just a couple 16 questions. 17 REDIRECT EXAMINATION BY COUNSEL FOR 18 THE 19 UNION 20 BY MR. STEPHENS 21 Q Officer Fletcher, let me ask you 22 a question regarding letter carriers. A Yes.</p>	158	<p>1 incident reports involving assaults besides the 2 ones we've talked about today? 3 A Yes. 4 Q Okay. Have you written other incident 5 reports about serious matters besides the ones 6 we've talked about today? 7 A Yes. 8 MR. STEPHENS: No further questions. 9 ARBITRATOR OLDHAM: Thank you very 10 much. 11 MR. STEPHENS: Thank you. 12 THE WITNESS: You're welcome. 13 (Witness excused.) 14 MR. STEPHENS: I'd like to call our 15 next witness. It will be Officer Humphrey 16 Rutherford. 17 ARBITRATOR OLDHAM: Mr. Rutherford, if 18 you would stand and be sworn in. 19 WHEREUPON, 20 HUMPHREY RUTHERFORD 21 called as a witness, and having been first duly 22 sworn, was examined and testified as follows:</p>
157	<p>1 Q If there was an active shooter in the 2 general mail facility in Chicago, how many letter 3 carriers would be advancing on the -- on the 4 shooter? 5 A I would say zero. 6 Q And how many other postal employees 7 besides the Postal Police Officers would be 8 advancing on the shooter with an object of 9 eliminating the shooter? 10 A I would say zero. 11 Q Would there be any lawyers from the 12 post office advancing on the shooter? 13 A Not likely. 14 ARBITRATOR OLDHAM: Some would say 15 unfortunately. 16 BY MR. STEPHENS 17 Q I want to ask you a question about 18 these incident reports. 19 Are these the only incident reports 20 you've written in your time as an officer? 21 A No. 22 Q Are there -- have you written other</p>	159	<p>1 THE WITNESS: I do. 2 DIRECT EXAMINATION BY COUNSEL FOR 3 THE 4 UNION 5 BY MR. STEPHENS 6 Q Can you please state your name for the 7 record, please? 8 A My name is Humphrey Rutherford. 9 Q And by what agency are you currently 10 employed? 11 A With the USPS Postal Inspection 12 Service. 13 Q Amd what position are you -- what is 14 your position? 15 A I'm a Postal Police Officer. 16 Q And, Officer Rutherford, what city -- 17 what city are you employed? 18 A I'm in Washington, D.C. 19 Q And when were you hired as a Postal 20 Police Officer? 21 A April 1996. 22 Q And prior to becoming a Postal Police Officer, did you hold any other position with the</p>

Capital Reporting Company
In the Matter of- USPS and PPOA 01-15-2014 Volume II

<p style="text-align: right;">160</p> <p>1 post office? 2 A Yes, I did. 3 Q And what was that position? 4 A I started out as a letter carrier and 5 became an supervisor, and then I transitioned 6 over to the Postal Police. 7 Q After you graduated from the police 8 academy, which I'll ask you about in a second, 9 did you receive a raise at that time? 10 A Yes, I did. 11 Q And approximately how much was your 12 raise? 13 A About that time, I can recall it being 14 around 4,500. 15 Q Okay. Was that per year? 16 A No, just that time when I transitioned 17 from the carrier side or the postal side to the 18 Inspection Service side. 19 Q I'm sorry. I asked you a bad question. 20 It was a \$4,500 per year raise. 21 A Oh, yes. I'm sorry. 22 Q I'm sorry. And where did you do your</p>	<p style="text-align: right;">162</p> <p>1 A Yes, I am. 2 Q And for what years were you teaching 3 those? 4 A From 1998 till about 2010. 5 Q Okay. And whom did you instruct on 6 those topics? 7 A Postal Police Officers and Postal 8 Inspectors. 9 Q Okay. So the Postal Inspectors would 10 take their training from you on those topics? 11 A Yes, they would. 12 Q And how did you come to be a -- for 13 example, a firearms instructor? 14 A I was approached by another instructor 15 who was recruiting for anybody who was interested 16 in becoming a firearms instructor. So I didn't 17 see anything wrong with it. 18 Q And had you exhibited any proficiency 19 in firearms? 20 A Yes. 21 Q And are you -- are you required to 22 maintain a qualification on firearms?</p>
<p style="text-align: right;">161</p> <p>1 police academy training? 2 A I did it down in Glynco, Georgia, at 3 the Federal Law Enforcement Training Center. 4 Q Is that sometimes referred to as FLETC? 5 A Yes, it is. 6 ARBITRATOR OLDHAM: Sorry. I beg your 7 pardon? 8 MR. STEPHENS: FLETC. 9 ARBITRATOR OLDHAM: Is that an acronym? 10 MR. STEPHENS: Yes. F-L-E-T-C. 11 ARBITRATOR OLDHAM: Thank you. 12 BY MR. STEPHENS 13 Q Officer Fletcher -- Officer Fletcher -- 14 sorry. Officer Rutherford, in addition to work 15 as a police officer, have you also served as a 16 training instructor for the Inspection Service? 17 A Yes, I did. 18 Q And what subjects were you an 19 instructor for? 20 A Firearms and defensive tactics. 21 Q Okay. And for what -- were you 22 certified as an instructor on those topics?</p>	<p style="text-align: right;">163</p> <p>1 A Yes, we are. 2 Q Are inspectors required to maintain a 3 qualification on firearms? 4 A Yes, they are. 5 Q And what happens if an Inspection 6 Service employee who is required to maintain that 7 qualification fails to maintain it? 8 A We take that weapon away from the 9 individual that day. 10 Q And do you hold any office in the 11 Union? 12 A Yes, I do. 13 Q And what office is that? 14 A I am sergeant of arms. 15 COURT REPORTER: I'm going to need to 16 ask you to speak -- keep your voice up. 17 THE WITNESS: I'm sorry. I'm sergeant 18 of arms. 19 BY MR. STEPHENS 20 Q And, Officer Rutherford, do you carry a 21 badge, an identifying law enforcement badge? 22 A Yes, I do.</p>

Capital Reporting Company
In the Matter of- USPS and PPOA 01-15-2014 Volume II

164	<p>1 Q Can we see the badge? 2 A Yes. 3 Q And how often are you required to carry 4 that badge? 5 A Every time I leave the house. 6 Q Okay. When you -- you said you 7 received your training as FLETC. 8 What other federal police officers were 9 training during your time at FLETC? 10 A We had all kind of uniformed divisions, 11 starting with Border Patrol, Secret Service, 12 Capitol Police, Park Police, FBI Police. There 13 were countless other agencies that were there 14 with us at the same time. 15 Q And how many Postal Police Officers 16 were in your class at FLETC? 17 A There was about 30 of us in my class. 18 Q Okay. And to your knowledge, how many 19 of them have left to go to other law enforcement 20 agencies? 21 A A great number has left to go to other 22 agencies.</p>	166	<p>1 MS. GONSALVES: Mr. Stephens, before 2 you go there, I don't think we had testimony as 3 to what year Mr. Walker left the FBI -- I mean, 4 left the Postal Police. 5 MR. STEPHENS: Great question. 6 BY MR. STEPHENS 7 Q What year did Officer Walker leave; do 8 you remember? 9 A In our last conversation, seven years 10 ago. 11 MR. STEPHENS: Okay. Now, if everyone 12 will indulge the slightest amount of hearsay, 13 since Officer Walker is unable to testify, we 14 will have testimony on the documents in Union 10 15 -- 16 MS. GONSALVES: Mr. Stephens, the only 17 objection and the primary objection that -- that 18 I have to these hearsay documents is that, as you 19 can see from the previous witness, it's very 20 difficult to do an effective cross-examination 21 without having a witness who's familiar with, for 22 example, the FBI here to testify about it. So</p>
165	<p>1 Q And to the extent you know, why -- 2 why -- why have people left the post office? 3 A Salary increases, better training, more 4 respect. 5 Q Was one of those Postal Police Officers 6 named Jeffrey Walker? 7 A That's correct. 8 Q And was -- where was Officer Walker 9 employed as a Postal Police Officer? 10 A We worked side by side. He was on my 11 tour and he was in our division. 12 Q Okay. And what agency did he go to? 13 A He went to the FBI. 14 Q And what position is he working for at 15 the FBI? 16 A He is an officer with the FBI. 17 Q Is he a uniformed officer? 18 A Yes, he is. 19 Q Uniformed police officer? 20 A Yes, he is. 21 Q Direct your attention to Union Exhibit 22 No. 10.</p>	167	<p>1 it's difficult. 2 I need to get in documents. If you're 3 going to object every time I try to get in a 4 document, that's going to cause problems. So 5 that's the extent of the problem here. I'm okay 6 with this coming in, but with that comes an 7 obligation for you to let me get documents in, 8 too, that would -- 9 MR. STEPHENS: I have no objection 10 to -- 11 MS. GONSALVES: -- perhaps respond to 12 this. 13 MR. STEPHENS: -- documents coming in 14 the record. I'm all about -- 15 MS. GONSALVES: Okay. 16 MR. STEPHENS: My objections were not 17 to the documents. They were to the questions. 18 MS. GONSALVES: Okay. I think we have 19 an understanding. 20 ARBITRATOR OLDHAM: Proceed. 21 BY MR. STEPHENS 22 Q Officer Rutherford, the -- I see.</p>

Capital Reporting Company
In the Matter of- USPS and PPOA 01-15-2014 Volume II

168	<p>1 Did Officer Walker provide to you the 2 document that's Union Exhibit No. 10? 3 A Hold on a second. He didn't actually 4 provide it to me. Him and I talked on the 5 telephone, and he walked me through to get it off 6 the Internet. 7 Q Okay. 8 A We went to the Justice Department 9 website. 10 Q Okay. And what is the -- the -- 11 Officer Walker's current grade and step? 12 A When him and I talked, he was Grade 8, 13 Step 10. 14 Q Okay. And is he a supervisor? 15 A No, he's not. 16 Q Okay. 17 MS. GONSALVES: Mr. Stephens -- 18 MR. STEPHENS: Yes. 19 MS. GONSALVES: -- could you please at 20 least put in the record at what time this 21 conversation took place? 22 MR. STEPHENS: Of course.</p>	170	<p>1 A She is also a former PPO who I used to 2 work beside and also trained -- 3 Q Okay. 4 A -- side by side. 5 Q And did Officer Jones also leave the 6 post office to go to another uniformed police 7 division? 8 A Yes, she did, too. 9 Q And what agency did Officer Jones go? 10 A She is with the Mint Police Department, 11 which I believe is the Treasury. 12 MS. GONSALVES: And what year was that, 13 Mr. Stephens? Could you establish what year that 14 was? 15 BY MR. STEPHENS 16 Q Why don't you give us some more 17 background as far as what year Officer Jones left 18 the post office to go to the Mint Police? 19 A It was about the spring 2010. 20 Q Spring 2010. Now, can you tell us what 21 is Union Exhibit No. 11? 22 A This is a job description for them as</p>
169	<p>1 BY MR. STEPHENS 2 Q Why don't you give us some more 3 background on the -- 4 A This took place about two weeks ago 5 now. 6 Q Okay. 7 A We've been trying -- I had been trying 8 to get ahold of him for quite some time, and he 9 finally returned a phone call back on a Sunday 10 night, as a matter of fact. And then, when I 11 explained to him what was going on, he wasn't 12 able to get to where we would talk in person, so 13 we did everything by phone. 14 And so we talked over the phone on how 15 to get to the Justice Department to get the job 16 description, and then we also talked about how to 17 go to the Office of Personnel Management website 18 to get this pay scale. 19 Q Okay. Let me ask you about another 20 officer named Sharlene Jones. 21 A Yes. 22 Q And who is Ms. Jones?</p>	171	<p>1 far as their -- what their day-to-day operations 2 are as their police officers. 3 Q And how did you come to have knowledge 4 of Union Exhibit No. 11? 5 A Officer Jones provided me with this 6 information. 7 Q And can you tell us what is Union 8 Exhibit No. 12? 9 A That is the pay scale that she provided 10 me with as well. 11 Q Okay. Now, for Officer Walker and 12 Officer Jones, did they -- were they lateral 13 hires, to your knowledge, to these agencies? 14 A No. 15 Q Okay. What -- can you explain that? 16 A Each one that I spoke to at that time 17 said that they left because of the fact that they 18 were getting more money when they went to the 19 other agencies. 20 Q Okay. Did they have to go through a 21 separate round of police training to go over to 22 those agencies?</p>

Capital Reporting Company
In the Matter of- USPS and PPOA 01-15-2014 Volume II

172	<p>1 A No. They lateralled over because of 2 their certifications from -- from FLETC. 3 Q And I'm sorry. I didn't ask you about 4 Union Exhibit 12. 5 Did you receive this from Ms. Jones? 6 A Yes, I did. 7 Q And what is this? 8 A That is the pay scale for the Mint 9 Police Department. 10 Q Okay. And did Officer Jones confirm 11 what her grade and step is? 12 A She did, and as I recall, I think it 13 was like 8 -- 8, Step 7 or something to that 14 effect. I can't recall -- 15 Q Okay. 16 A -- right off the bat. 17 Q And just so I am clear, the second page 18 of this document, is that -- do you recognize 19 what this document is at the top? 20 A The TR pay scale? 21 Q But there's a heading at the top of 22 that document.</p>	174	<p>1 A Okay. 2 Q Does this document provide a fair 3 description of what your duties were as a Postal 4 Police Officer when you were hired in 1996? 5 A Yes, it does. 6 Q Okay. And when you first became a 7 Postal Police Officer in 1996, how many fixed 8 posts were there to which PPOs were assigned in 9 the Washington Division? 10 A In the Washington Division, we had 11 about 15 to 17 posts. 12 Q Okay. Now, today, how many PPO tours 13 in the Washington Division are spent guarding a 14 fixed post? 15 A Oh, there's zero. 16 Q Now, again, going back to 1996, what 17 percentage of Postal Police Officer duties 18 involve duties in the facility, including 19 guarding fixed posts? 20 A I would say 95 to 97 percent. 21 Q Okay. And in 1996, again, what 22 percentage of Postal Police Officer duties</p>
173	<p>1 A Which one did you say? 2 Q It's the second page of Union Exhibit 3 No. 12. 4 A Okay. Yes. It is a Washington, 5 Baltimore, Northern Virginia pay scale for the 6 Mint. 7 Q Okay. Thank you. Officer Rutherford, 8 I'd like to move you now to Union Exhibit No. 13. 9 A Yes. 10 Q Have you seen this document before? 11 A Yes, I have. 12 Q What is this document? 13 A This is the job description that I 14 first got when I became a Postal Police Officer. 15 Q Okay. At the bottom left, do you see a 16 document date? 17 A Yes, I do. 18 Q And what date is that? 19 A February 8, 1990. 20 Q Okay. And take a second to review this 21 document, and I'm going to ask you a question 22 about it.</p>	175	<p>1 involve mobile vehicular patrols? 2 A There's about three to seven percent. 3 Q Okay. Direct your attention now to the 4 next document, which is Union Exhibit No. 14. If 5 you can take a moment to review this, and I'll 6 have a question for you about the second page of 7 the document, the last paragraph. 8 Do you recognize this document? 9 A Yes, I do. 10 Q Now, there's a -- the last sentence -- 11 can I just direct your attention to the last 12 sentence of the document on page 2, beginning 13 with assigning officers? Do you see that? 14 A Yes, I do. 15 Q Does that -- to your knowledge, did 16 that accurately reflect -- reflect your 17 understanding of the expectations of Postal 18 Police Officers as of 1997? 19 A Yes, it does. 20 Q Okay. Now, are your office -- duties 21 as an officer today the same as they were back in 22 1996 or 1997?</p>

Capital Reporting Company
In the Matter of- USPS and PPOA 01-15-2014 Volume II

176	<p>1 A I'm sorry. I couldn't hear your 2 question. I'm sorry. 3 Q Let me ask it again. Are your duties 4 today as a police officer the same as they were 5 in 1996? 6 A No. 7 Q Okay. And when did they start to 8 change? 9 A They started to change about 2001 10 through 2004. 11 Q What generally speaking is your 12 understanding of what were the events that caused 13 those duties to change? 14 A The first event was 9/11, and then, 15 soon after, we had an anthrax scare at the 16 Curseen Morris location where I worked. 17 Q Okay. At some point, did the -- 18 were -- let me ask you a question -- what did 19 the -- what did -- what was the Inspection 20 Service's -- let me start over. 21 Following those incidents, what -- what 22 were -- what -- following those incidents, what</p>	178	<p>1 MR. STEPHENS: Of course. Of course. 2 MS. GONSALVES: Okay. 3 MR. STEPHENS: Absolutely. 4 MS. GONSALVES: Okay. 5 ARBITRATOR OLDHAM: Could you attach a 6 date to the anthrax incident? 7 THE WITNESS: That was -- that was also 8 in September 2001. 9 BY MR. STEPHENS 10 Q And can you explain what is community 11 policing in connection with the post office? 12 A When we finish roll call, we are given 13 instructions on what stations to visit to make 14 sure that we have a visible -- for the employees 15 that gather there and to make sure that they 16 understand that we're aware of them and we're 17 going to be there for them in case they need any 18 kind of protection or any -- any show of law 19 enforcement. 20 Q And what -- let me ask you -- before we 21 do that, let me ask you this: Those -- the fixed 22 posts that we made reference to, are -- did</p>
177	<p>1 changed for the Postal Police Officers in terms 2 of their duties? 3 A In the -- 9/11, it became, obviously, 4 that we needed to be visible. However, when the 5 anthrax came through, we had to make sure that we 6 stayed there to guard the facility so that no one 7 could walk in on it and become a liability to the 8 post office. However, soon after it was opened, 9 we got new cars, and we became the community 10 police. 11 Q Okay. Can you explain -- 12 MS. GONSALVES: Mr. Stephens -- 13 MR. STEPHENS: Yes. 14 MS. GONSALVES: -- I just want to make 15 sure that the -- the record's clear on what 16 we're -- what the witness is testifying about. 17 He's testifying about -- he's not testifying 18 about everything, right? He's just testifying 19 about what he knew about -- 20 MR. STEPHENS: Of course, yeah. 21 MS. GONSALVES: -- or his opinion about 22 what he knew about --</p>	179	<p>1 the -- did the post office in Washington hire 2 contract security guards? 3 A Yes, they did. 4 Q And roughly speaking, when were they 5 hired? 6 A Soon after we opened back up from the 7 anthrax scare. 8 Q Okay. And to your knowledge, what is 9 it that the contract security guards do? What is 10 their function for the post office? 11 A They now sit the posts that we used to 12 sit, and that's pretty much it. 13 Q Okay. Let me ask you about Union 14 Exhibit No. 15. 15 A Yes. 16 Q Do you recognize this document? 17 A Yes, I do. 18 Q And can you identify this document? 19 A This is a document verifying the 20 transition from sitting posts to be a roving 21 patrol and foot patrol and mobile patrol. 22 Q Okay. And what is the date on this</p>

Capital Reporting Company
In the Matter of- USPS and PPOA 01-15-2014 Volume II

180	<p>1 document?</p> <p>2 A It is March 18th, 2004.</p> <p>3 Q And did the Union receive a copy of</p> <p>4 this document?</p> <p>5 A Yes, we did.</p> <p>6 Q Now, if I could direct your attention</p> <p>7 to the second page of the document.</p> <p>8 A Okay.</p> <p>9 Q I'd like you to read into the record</p> <p>10 the -- the second paragraph.</p> <p>11 A The second paragraph states, To provide</p> <p>12 the most effective security coverages for the</p> <p>13 Postal Service, we are in the process of</p> <p>14 conducting a nation -- nationwide assessment of</p> <p>15 the security force sites. We have utilized this</p> <p>16 information to establish security force</p> <p>17 transformation strategies aimed at an effective</p> <p>18 redeployment of armed security forces resources</p> <p>19 and to refocus the role of the PPOs. The</p> <p>20 ultimate objective of this strategy is to insure</p> <p>21 we have armed security coverage at facilities</p> <p>22 where there is a clear and definable need and</p>	182	<p>1 record.</p> <p>2 Regarding Union Exhibit 16, do you</p> <p>3 remember whether a letter similar to this one was</p> <p>4 circulated in the Washington Division?</p> <p>5 A Yes.</p> <p>6 Q Okay. Officer Rutherford, do you</p> <p>7 currently perform mobile patrols?</p> <p>8 A Yes, we do.</p> <p>9 Q Okay. And when did that start?</p> <p>10 A That started soon after we came back</p> <p>11 from the anthrax scare and we got the new</p> <p>12 vehicles, which was also marked so we could be</p> <p>13 seen and noticed whenever we were out doing</p> <p>14 patrols.</p> <p>15 Q Now, today, in the Washington Division,</p> <p>16 how much time is -- do Postal Police Officer</p> <p>17 spend doing mobile patrols?</p> <p>18 A Now -- about 95 to 97 percent now.</p> <p>19 MS. GONSALVES: Objection. I just want</p> <p>20 to -- if we could find out the extent to his</p> <p>21 knowledge. I mean, does he supervise? How does</p> <p>22 he have knowledge of this percentage?</p>
181	<p>1 utilize contract securities where feasible in</p> <p>2 order to facilitate a more effective and</p> <p>3 efficient use of security force resources. Our</p> <p>4 four-year strategy is to reduce the number of</p> <p>5 authorized armed security forces positions to</p> <p>6 850.</p> <p>7 Q Okay. And the security force, is that</p> <p>8 a -- can you explain what security force means to</p> <p>9 you? Does security force have a -- have a post</p> <p>10 office meaning, to your knowledge?</p> <p>11 A Not to me, no.</p> <p>12 Q Okay. All right. Okay. I'd also like</p> <p>13 to enter -- ask you about the next document,</p> <p>14 which is Union Exhibit 16.</p> <p>15 A Yes.</p> <p>16 Q Do you recognize this document?</p> <p>17 A Yes, I do.</p> <p>18 Q And did the Union receive a copy of</p> <p>19 this document?</p> <p>20 A Yes, sir.</p> <p>21 Q Okay. I'd also like to move this --</p> <p>22 well, we're just getting this in -- in the</p>	183	<p>1 MR. STEPHENS: Sure.</p> <p>2 BY MR. STEPHENS</p> <p>3 Q How would you -- how would you come</p> <p>4 about your -- the percentages you're -- you're</p> <p>5 coming to?</p> <p>6 A A lot of the times, I do them, and</p> <p>7 other times, I'm acting supervisor, making sure</p> <p>8 that it gets done.</p> <p>9 Q So are you aware of what other officers</p> <p>10 in the division are doing, to some extent?</p> <p>11 A Yes, we are.</p> <p>12 Q Okay. Officer Rutherford, I'd turn</p> <p>13 your exhibit -- attention to the next document,</p> <p>14 which is Union Exhibit 17.</p> <p>15 A Okay.</p> <p>16 Q Do you recognize this document?</p> <p>17 A Yes I do.</p> <p>18 Q And what are these photographs of?</p> <p>19 A These are photographs of the car that</p> <p>20 we use to do mobile patrols.</p> <p>21 Q Is this a car that you have taken on</p> <p>22 mobile patrols?</p>

Capital Reporting Company
In the Matter of- USPS and PPOA 01-15-2014 Volume II

<p style="text-align: right;">184</p> <p>1 A Yes, it is. And when I say these are 2 the cars that we use, I actually mean that we -- 3 in the Washington Division, this is the car where 4 I am now. 5 Q Okay. And while you're on your 6 patrols, your mobile patrols, have you been 7 identified by the general public as a police 8 officer? 9 A Yes, I have. 10 Q And have you been hailed by the general 11 public as -- as a police officer? 12 A Yes I have. 13 Q As a -- as a consequence on the mobile 14 patrols, do you have interactions with other law 15 enforcement agencies in -- in the D.C. area? 16 A Yes. 17 Q Do you have interactions with the 18 Metropolitan Police Department? 19 A Yes, we do. 20 Q Do you have interactions with the 21 county police departments in the surrounding 22 Maryland and Virginia counties?</p>	<p style="text-align: right;">186</p> <p>1 responsibilities in a felony vehicle stop? 2 A It is to make sure that we stop that 3 individual from committing any more crimes and 4 try and make sure to arrest or detain them so 5 that the local authorities can also give a hand, 6 too. 7 Q While -- while you're on your patrols, 8 are you called on to respond to alarms? 9 A Yes, we are. 10 Q And what are you asked to do when 11 you -- when you reach the scene of a -- of a -- 12 of a -- say, a burglary alarm? 13 A When we get those alarms, we go there 14 with the full intent of making sure that it is 15 something that is real or is false. When we get 16 there, we always make an observation of what we 17 see before we even approach the building. 18 If we see the building is secure, we 19 approach it cautiously, but if we see the 20 building seems like it has been broken into, we 21 also will call backup, and then we would also try 22 to go in and clear the building, meaning that we</p>
<p style="text-align: right;">185</p> <p>1 A Yes, we do. 2 Q And can you tell us what is a felony 3 vehicle stop? 4 A A felony vehicle stop is information 5 that we have gotten pertaining to an individual 6 or a car that has done something, and we are 7 tailing it. At that point, we don't tackle that 8 situation by ourselves. We also tackle that with 9 help and backup. 10 Q And how do you know -- how you are able 11 to identify whether a vehicle is -- has a felony 12 in the vehicle? 13 A That information provided to us through 14 radio communications. 15 Q Okay. And where are those -- where -- 16 for Postal Police Officers, where -- where do 17 their radio communications come from? 18 A They come from the National Law 19 Enforcement Communication Center. We have two in 20 the country, one in -- out in Dulles, Virginia, 21 and the second one is in Dallas, Texas. 22 Q Okay. And what are your</p>	<p style="text-align: right;">187</p> <p>1 would search every part of that building to make 2 sure that the person who caused that damage is 3 not there or still there. 4 Q And have you received training on how 5 to clear a building? 6 A Yes we have. 7 Q And where is that training provided? 8 A I got that training from when I came on 9 to the post office after I finished at FLETC. 10 Q And is there also in-service training 11 on how to clear a building? 12 A Yes, there is. 13 Q Sometimes, when you respond to a 14 burglary alarm, for example, is it a false alarm? 15 A Yes, it is. 16 Q Is that relatively frequently? 17 A Yes, it is. 18 Q Is it sometimes not a false alarm? 19 A Oh, definitely. 20 Q Okay. And since your -- you've been 21 working as a police officer in the Washington 22 area, do you hazard to guess as to the number of</p>

Capital Reporting Company
In the Matter of- USPS and PPOA 01-15-2014 Volume II

<p style="text-align: right;">188</p> <p>1 alarm responses you've been called to respond to? 2 A Hundreds. 3 Q Okay. 4 A Hundreds. 5 Q And when you respond to the -- to the 6 scene of these alarms -- let's assume there's an 7 example where the building is not secure. 8 There's -- you find an open door. 9 Do you prepare a report based on what 10 you found at the scene? 11 A Yes, we do. 12 Q Okay. And are you trained on how to 13 perform -- how to create that report? 14 A Yes, we are. 15 Q Okay. Are Postal Police Officers 16 called on to investigate robberies -- 17 A Yes. 18 Q -- in the Washington Division? 19 A Yes, we are. 20 Q Okay. And what do you do when you 21 reach the scene of a -- of a -- of a robbery? 22 A Once we got that call and we reach the</p>	<p style="text-align: right;">190</p> <p>1 A No, it's not. 2 Q -- robbery incident you've responded 3 to? 4 A No, it's not. 5 Q Okay. Were you -- what were you called 6 on -- for example, in this document, what were 7 you called on to perform? What duties did you 8 perform? 9 A Well, a truck driver that makes their 10 rounds in the evening had just stopped at the 11 Riverdale main post office. We got the call that 12 the robber had -- I mean, that the robbery had 13 taken place, so we were dispatched there. And me 14 being the lead officer, I cleared the way so that 15 the other officers can follow behind me. 16 And when we got there, it was the same 17 as the previous robberies. The driver comes out 18 with the bag in his hand. The person walk up on 19 the driver and just says, give me the bag. They 20 display a gun or any other kind of weapon to make 21 that robbery -- to make that truck driver give it 22 up. So when we get there, that's the kind of</p>
<p style="text-align: right;">189</p> <p>1 scene, the first thing we do is we cordon it off 2 or we tape it off to make sure that that 3 particular area doesn't get contaminated by 4 anybody else that might wander into the scene. 5 Then we make sure that the individuals that are 6 involved are separated, and we get different 7 reports from each one. And then we stay there 8 and we make sure that everything is okay until 9 the Postal Inspectors get there. 10 Q Okay. So you take statements from the 11 individuals who are separated? 12 A Yes, we do. 13 Q Okay. And we have an exhibit here. 14 It's Union Exhibit 18. Can you take a look at 15 this document, please? 16 A Yes. 17 Q Do you recognize this document? 18 A Yes, I do. 19 Q Does this concern a robbery of a postal 20 employee? 21 A Yes, it does. 22 Q Is this the only incident --</p>	<p style="text-align: right;">191</p> <p>1 information that we get from them. 2 And then, this particular situation, 3 that robber jumped over the fence, so we also saw 4 where there were just certain type of disruptions 5 that took place that we probably could use as 6 evidence, basically by taking photos or making 7 notations on what we did see. 8 Q And did you, in fact, take photos? 9 A Yes, we did. 10 Q And did you take statements from the 11 witnesses? 12 A Yes, we did. 13 Q And at some point, did you turn those 14 documents over to a Postal Inspector? 15 A Yes, we sure did. 16 Q And is this a representative example of 17 the types of robberies you've had to investigate? 18 A Yes, it is. 19 Q PPOs -- let me ask you this: Talking 20 about active shooters, there was a recent event 21 here in Washington at the Navy Yard where there 22 was an active shooter, correct?</p>

Capital Reporting Company
In the Matter of- USPS and PPOA 01-15-2014 Volume II

192	<p>1 A Yes.</p> <p>2 Q Were Postal Police Officers asked to do 3 anything with respect to the Navy Yard shooting?</p> <p>4 A Yes, we were. There is a post office 5 that is in the same location where that shooting 6 took place, and to make sure that the employees 7 at that particular post office felt safe, we were 8 dispatched there. And since it happened in the 9 early hours or, like, noon hours, which is before 10 my tour, they had already dispatched an officer 11 to that location.</p> <p>12 Soon after we came on tour, then they 13 dispatched two officers from my tour, me being 14 one of them and another officer to that same 15 location, so those employees will still feel safe 16 with our presence there.</p> <p>17 Q At the time when the officers -- the 18 initial officers were deployed, had the Navy Yard 19 shooter been detained, to your knowledge?</p> <p>20 A No. And, in fact, they thought it was 21 more than one, because we still hadn't gotten all 22 the information at that time as well.</p>	194	<p>1 D.C., Postal Police or the Metropolitan Police?</p> <p>2 A Metropolitan Police.</p> <p>3 Q And is that true today?</p> <p>4 A No.</p> <p>5 Q Direct your attention to the next 6 document here, Union Exhibit 19.</p> <p>7 Do you recognize this document?</p> <p>8 A Yes, I do.</p> <p>9 Q What is this document?</p> <p>10 A This is a document of the -- I mean -- 11 yeah, well, the uniformed division honor guards, 12 and on that particular day, Postmaster General 13 Patrick Donahoe was being sworn in. So when we 14 arrived there to get ready, he came in to thank 15 us for coming. And he also requested we took a 16 photo with them, so we stepped out into the 17 hallway, and we surrounded him and took that 18 photo.</p> <p>19 Q And how long have you been a member of 20 the Postal Police Officer honor guard?</p> <p>21 A Three years.</p> <p>22 Q Now, I want to turn your attention to</p>
193	<p>1 Q In the event of an active shooter, what 2 are -- how are you trained as a police officer to 3 respond? What is the -- what is the law 4 enforcement method that's -- you're taught in how 5 to respond to an active shooter in the building?</p> <p>6 A We're trained, if there's an active 7 shooter, that when you get to scene and you've 8 got those people that are with you, to -- to go 9 and approach that individual that's doing the 10 shooting, we are to focus on the sound we are 11 hearing, where the weapon is being fired from.</p> <p>12 And even though there are people 13 running in toward us and there may be injured 14 folks laying on the ground, we are focused to 15 keep going to where the sound is, ignore 16 everything else, and when we finally locate that 17 individual that is still shooting, who is still 18 actively shooting, then it is our job to take 19 that individual out.</p> <p>20 Q Okay. Now, before 9/11, were -- did -- 21 in the Washington Division, who handled most 22 police tasks at and around postal facilities in</p>	195	<p>1 Union Exhibit No. 20 and in particular to the -- 2 excuse me -- the second page of the document, 3 specifically the -- the duties and 4 responsibilities. Do you see that?</p> <p>5 A Yes, I do.</p> <p>6 Q Is it your understanding this is the 7 current job description for a Postal Police 8 Officer?</p> <p>9 A Yes, it is.</p> <p>10 Q And to your knowledge, is this 11 different in any respect from the 1990 job 12 description that we discussed earlier?</p> <p>13 A There's many differences.</p> <p>14 Q Well, let me ask you this: Is this 15 document the same as the previous document?</p> <p>16 A Oh, this is the same as the previous 17 document.</p> <p>18 Q And does this document accurately 19 represent the duties performed by Postal Police 20 Officers today?</p> <p>21 A No, it does not.</p> <p>22 MR. STEPHENS: I have no further</p>

Capital Reporting Company
In the Matter of- USPS and PPOA 01-15-2014 Volume II

196	<p>1 questions. Thank you.</p> <p>2 ARBITRATOR OLDHAM: I'm sorry. I just</p> <p>3 want to be sure that the conclusion, the last two</p> <p>4 questions you asked, does this document</p> <p>5 accurately describe the duties of the police</p> <p>6 officer today --</p> <p>7 MR. STEPHENS: Correct.</p> <p>8 ARBITRATOR OLDHAM: -- is that correct?</p> <p>9 And the answer was no, it does not?</p> <p>10 MR. STEPHENS: Correct. I guess I</p> <p>11 should ask him if that's correct.</p> <p>12 THE WITNESS: It is.</p> <p>13 CROSS-EXAMINATION BY COUNSEL FOR</p> <p>14 THE</p> <p>15 POSTAL SERVICE</p> <p>16 BY MS. GONSALVES</p> <p>17 Q Is it Mr. -- Officer Rutherford or</p> <p>18 Officer Weatherford?</p> <p>19 A Rutherford.</p> <p>20 Q Rutherford?</p> <p>21 A Yes.</p> <p>22 Q Okay. Officer Rutherford, that</p> <p>document you were just testifying about that,</p>	198	<p>1 second page of this document was what we found.</p> <p>2 If there's -- if there's an updated version --</p> <p>3 MS. GONSALVES: Okay.</p> <p>4 ARBITRATOR OLDHAM: So to make sure I</p> <p>5 understand, this is the most recent description</p> <p>6 that you --</p> <p>7 MR. STEPHENS: That is our</p> <p>8 understanding.</p> <p>9 ARBITRATOR OLDHAM: Even though the</p> <p>10 witness is testifying that it's outdated?</p> <p>11 MR. STEPHENS: That's correct.</p> <p>12 ARBITRATOR OLDHAM: Thank you.</p> <p>13 BY MS. GONSALVES</p> <p>14 Q Are you aware that a second page has</p> <p>15 been added to the position description for the</p> <p>16 Postal Police Officer job that lists key</p> <p>17 qualifications?</p> <p>18 A I am aware, but I'm not aware of the</p> <p>19 details of that particular page.</p> <p>20 Q Okay. And that it was added in 2010?</p> <p>21 A I wasn't aware at the time that it was</p> <p>22 added, no.</p>
197	<p>1 what is this document?</p> <p>2 A Which one?</p> <p>3 Q The one -- U-20.</p> <p>4 A It is a copy of what was the job</p> <p>5 description I got when I came on the police</p> <p>6 force.</p> <p>7 Q But at the top of that job description,</p> <p>8 doesn't it say, highlighted items, identify the</p> <p>9 requirements of the position, disregard the items</p> <p>10 not highlighted?</p> <p>11 Was this form highlighted?</p> <p>12 A I didn't get this form.</p> <p>13 Q So this is-- oh, which form -- which</p> <p>14 form are you looking at? Oh, first page.</p> <p>15 What was highlighted, or are you just</p> <p>16 talking about the second page?</p> <p>17 A I'm just talking about the second page.</p> <p>18 Q Okay.</p> <p>19 MR. STEPHENS: Yeah. I'll confess, we</p> <p>20 were trying to find the most current iteration we</p> <p>21 could find in the position description by the --</p> <p>22 from the post office, and this was the -- the</p>	199	<p>1 Q I'm a little bit confused about -- are</p> <p>2 you presently a PPO supervisor?</p> <p>3 A No, I'm not. I'm an officer, but at</p> <p>4 times -- there are occasions that I do act.</p> <p>5 Q In an acting capacity. Okay.</p> <p>6 A That's correct.</p> <p>7 Q Now, the Postal Service has been -- it</p> <p>8 seems fortunate -- to be able to retain you now</p> <p>9 for 18 years. That's correct, right?</p> <p>10 A For the Postal Inspection Service, yes.</p> <p>11 Q The Postal Inspection Service is part</p> <p>12 of the Postal Service, right?</p> <p>13 A That's true.</p> <p>14 Q Okay. And you haven't left for another</p> <p>15 position, have you?</p> <p>16 A No, I have not.</p> <p>17 Q Even though the FBI, you testified, may</p> <p>18 pay more?</p> <p>19 A That's correct.</p> <p>20 Q Okay. Just -- just to clarify one</p> <p>21 aspect of your testimony, you were talking about,</p> <p>22 like, alarms and burglaries. Those would be</p>

Capital Reporting Company
In the Matter of- USPS and PPOA 01-15-2014 Volume II

<p style="text-align: right;">200</p> <p>1 alarms at postal facilities, correct?</p> <p>2 A That's correct.</p> <p>3 Q And burglaries at postal facilities?</p> <p>4 A That's correct.</p> <p>5 Q And when you said that you're hailed by</p> <p>6 the general public in the street, you don't</p> <p>7 actually go out and crime fight in the streets,</p> <p>8 right? They're --</p> <p>9 A You mean if I'm hailed by someone else</p> <p>10 other than a postal employee?</p> <p>11 Q Yes.</p> <p>12 A Well, no. When they -- when they raise</p> <p>13 their hand at me when I'm on a patrol, I</p> <p>14 acknowledge them, and I stop to find out what's</p> <p>15 going on.</p> <p>16 Q Okay. Are you instructed not to assist</p> <p>17 on anything other than incidents relating to</p> <p>18 postal property, postal employees? Postal</p> <p>19 assets, I guess, is what they're technically</p> <p>20 called.</p> <p>21 A I've not been instructed not to.</p> <p>22 Q Are you familiar with the phrase "going</p>	<p style="text-align: right;">202</p> <p>1 MS. GONSALVES: Oh, I'm glad you don't</p> <p>2 know. It's when we were having that bout of</p> <p>3 shootings at various places. Luckily, it hasn't</p> <p>4 happened in a while.</p> <p>5 BY MS. GONSALVES</p> <p>6 Q All right. So I assume you're familiar</p> <p>7 with the documents you've been called to present</p> <p>8 today?</p> <p>9 A Yes.</p> <p>10 Q Okay. You've reviewed them? You've</p> <p>11 read them?</p> <p>12 A Yes. I've --</p> <p>13 Q Okay.</p> <p>14 A -- seen them.</p> <p>15 Q So let's turn to Union Exhibit No. 10.</p> <p>16 According to this document, the primary</p> <p>17 mission of the FBI is to prevent terrorist</p> <p>18 attacks, correct?</p> <p>19 A According to the document.</p> <p>20 Q Okay. And according to this document,</p> <p>21 there are significant training requirements to</p> <p>22 become an FBI Police Officer, correct?</p>
<p style="text-align: right;">201</p> <p>1 postal"?</p> <p>2 A Yes.</p> <p>3 Q I don't like that phrase very much, but</p> <p>4 if -- since you've been here for 16 years, if --</p> <p>5 if -- if there had been an active shooter in a</p> <p>6 postal facility and you were called to assist</p> <p>7 back in the year 2000, for example, you would</p> <p>8 have assisted, correct?</p> <p>9 A No.</p> <p>10 Q You're saying that if there had been a</p> <p>11 shooter at a postal facility where you were</p> <p>12 located and you were -- you knew about it, you</p> <p>13 would not have assisted in responding to that</p> <p>14 shooter?</p> <p>15 A In 2000?</p> <p>16 Q Correct.</p> <p>17 A No.</p> <p>18 ARBITRATOR OLDHAM: Wait. You are</p> <p>19 saying that you would not have responded?</p> <p>20 THE WITNESS: That's correct.</p> <p>21 ARBITRATOR OLDHAM: Thank you. And are</p> <p>22 we supposed to intuit what "going postal" means?</p>	<p style="text-align: right;">203</p> <p>1 A I would imagine. I'm not -- I mean, I</p> <p>2 don't -- I don't know.</p> <p>3 Q Okay. If you could turn to the second</p> <p>4 page of this document, at the very last</p> <p>5 paragraph, there's a paragraph there on training</p> <p>6 requirements, correct?</p> <p>7 A Yes, it is.</p> <p>8 Q And you see there that the police</p> <p>9 officers for the FBI have to complete a 12-week</p> <p>10 comprehensive training at FLETC, correct?</p> <p>11 A According to this document, yes.</p> <p>12 Q Okay. And that they also have to</p> <p>13 attend and complete the FBI Police Advanced</p> <p>14 Training Program at the FBI Training Academy in</p> <p>15 Quantico, correct?</p> <p>16 A That's what I see, yes.</p> <p>17 MS. GONSALVES: The font on this</p> <p>18 document came out microscopic, and I couldn't</p> <p>19 figure out a way to increase it. So I don't</p> <p>20 think I'm going to use that one, but I will use</p> <p>21 this one here. Okay.</p> <p>22 I'll just represent for the record that</p>

Capital Reporting Company
In the Matter of- USPS and PPOA 01-15-2014 Volume II

204	<p>1 Postal Service Exhibit C-3 is just taken directly 2 from the FBI's website, and this is the page that 3 specifically discusses the FBI Police. 4 BY MS. GONSALVES 5 Q And you'll see, halfway down the first 6 paragraph, Officer Rutherford, that, again, the 7 primary mission language is repeated. 8 "The primary mission of the FBI is to 9 deter terrorist attacks with a visible presence 10 of a well-trained, well-equipped professional 11 police force." 12 And then you'll see at the bottom of 13 that paragraph that there's a retention agreement 14 when you join the FBI that you must stay for a 15 minimum of two years. Do you see that? 16 A This paragraph? 17 Q No. I'm sorry. The first paragraph. 18 A Okay. Yes. Yes, I see it. 19 Q Okay. And then, under qualification 20 requirements, do you see that FBI Police Officers 21 have to have a top secret security clearance? 22 A Yes, I see that.</p>	206	<p>1 MS. GONSALVES: Okay. I'll just go 2 ahead and put this in the record. It's just 3 another page on the physical requirements of the 4 FBI Police. So this will be Postal Service 5 Exhibit C-4. 6 And if you could give it to the witness 7 first, Mark, that would be good, so he can start 8 looking at it. 9 THE WITNESS: Thank you. 10 BY MS. GONSALVES 11 Q So, basically, here what you see is 12 that police officer candidates for the FBI have 13 to pass several different physical requirements, 14 correct? That's in the first paragraph, last 15 sentence, before the bullets. 16 A Yes. 17 Q Okay. You testified about a -- a 18 former Postal Police Officer who left the Postal 19 Service and went to the FBI seven years ago, 20 correct? 21 A That's correct. 22 Q And your exhibit, the last -- the</p>
205	<p>1 Q And Postal Police Officers have what's 2 called a sensitive security clearance, correct? 3 A Actually, I thought it was secret. 4 Q Okay. We can clear that up later. 5 And then I -- also, in that same 6 paragraph that mentions the top secret security 7 clearance, it basically says that if you're an 8 FBI Police Officer without specialized work 9 experience that you have to have a bachelor's 10 degree in political science or a comparable 11 degree program, correct? 12 A Yes, I see that. 13 Q And you see that those incoming 14 officers come in at a GS Grade 5? 15 A Yes, I see that. 16 Q Okay. Okay. And then I'll just 17 represent for the record that the same training 18 requirements we looked up earlier are also 19 repeated on this -- on this page. 20 Are you aware of the physical 21 requirements of possessing an FBI Police job? 22 A No.</p>	207	<p>1 latter part of Exhibit U-10, I guess the third 2 page, that reflects the current pay schedules 3 purportedly, right, of the FBI Police Officers, 4 not -- not their -- not the pay schedules that 5 were applicable seven years ago, is that correct? 6 A That's correct. 7 Q Okay. And you also testified about a 8 postal -- you also testified about a postal 9 police officer, former one, who -- Sharlene 10 Jones, who went to the Mint, correct? 11 A Yes. 12 Q Okay. And are you aware -- turning to 13 Union Exhibit 12, if you look at the -- are 14 you -- I'm sorry. Union Exhibit 11. Excuse me. 15 Are you aware that the Mint police 16 officers are also required to have a lot of 17 training? 18 A I would imagine, but I'm not aware. 19 Q So if you -- if you -- let's see here. 20 Are you aware that they have to have 21 previous experience in law enforcement? 22 A No.</p>

Capital Reporting Company
In the Matter of- USPS and PPOA 01-15-2014 Volume II

208	<p>1 Q Okay. Okay. If you turn to the last 2 page of Union Exhibit 11, you see that they have 3 to complete the FLETC training in Georgia, 4 correct? 5 A Yes. 6 Q And then you see that they have to 7 complete a five-week approved field training, and 8 then you see that they have an annual refresher 9 training that's conducted at the field facility? 10 A Yes. 11 Q And then it says, during each fourth 12 year of service, each officer rotates through -- 13 again through the training program, correct? 14 A Down at FLETC or just in house? 15 Q It doesn't specify where -- oh, it does 16 say conducted at FLETC, yes. 17 A I am aware of that, yes. 18 Q Okay. Are you familiar with a magazine 19 called Police: The Law Enforcement Magazine? 20 A I may have. I -- not right offhand, 21 no. 22 Q Okay. Are you aware that the Mint</p>	210	<p>1 than Fort Knox" comes from the Mint Police? 2 A No, I didn't know that. 3 Q To your knowledge, does the Inspection 4 Service or the Postal Police have a cooperative 5 agreement with the D.C. Metropolitan Police? 6 A You mean in writing? 7 Q Yes. 8 A I'm not aware of that, but I'm sure 9 there's an understanding. Well, I take that 10 back. I know there was a law that was passed, so 11 I would say yes. 12 Q You think there's -- you knew that 13 there was not an agreement. 14 Did you know that the Mint Police had 15 an agreement with the Metropolitan Police 16 Department as to jurisdiction and carrying out 17 certain duties -- 18 A No, I didn't. 19 Q -- relating to certain territories? 20 A No. 21 MS. GONSALVES: This is also just -- I 22 didn't bring copies of this, but it's available</p>
209	<p>1 Police guard \$100 billion in gold, silver and 2 platinum bouillon? 3 A I was aware they did, but not the 4 amount. 5 Q How about holdings like -- did you know 6 that they protected the U.S. Constitution, 7 Lincoln's Gettysburg Address and, until 1978, the 8 crown jewels of King Stephen the Great of 9 Hungary? 10 A No. 11 Q All right. Well, let's go ahead and 12 pass this out. Now you will know. All right. 13 All right. This is Postal Service Exhibit C-5. 14 And just before we go too much further, 15 both the FBI and the Mint are headquartered here 16 in D.C., correct? 17 A That's correct. 18 Q Okay. So -- and the police 19 headquarters are also here in D.C., correct? 20 A I think -- yes, I think so. 21 Q Okay. So the last comment I'll ask you 22 is that -- did you know that "locked up tighter</p>	211	<p>1 on the Metropolitan Police Department webpage. 2 It's a cooperative agreement between the Mint 3 Police and the Metropolitan Police. 4 Okay. The final document that I'll 5 send out will be C-6. It's another document from 6 the U.S. Mint specifically about the U.S. Mint 7 Police. I think I just gave you my copy. 8 BY MS. GONSALVES 9 Q And do you see -- wait until Arbitrator 10 Bjork has his copy and Mr. Stephens. 11 Do you see in the second paragraph 12 where it says that the Mint police officers have 13 the primary responsibility for protecting life 14 and property, preventing, detecting and 15 investigating criminal acts and collecting and 16 preserving evidence, making arrests and enforcing 17 federal and local laws? 18 A Yes, I see that. 19 Q Okay. Great. All right. I want to 20 talk about the transformation that you talked 21 about in a series of documents and 22 correspondences dating back I believe to 1997 and</p>

Capital Reporting Company
In the Matter of- USPS and PPOA 01-15-2014 Volume II

<p style="text-align: right;">212</p> <p>1 extending to 2004. It begins at Union Exhibit 2 No. 14 through Union Exhibit 16. 3 And you already testified that you're 4 familiar with this documents, correct? 5 A Yes. 6 Q Now, you testified that there was a 7 change in the Postal Service in the wake of 8 9/11 and the anthrax attack, correct? 9 A Yes. 10 Q Is it possible that there was another 11 reason for the change that took place in the 12 duties of the Postal Police Officers? 13 A It's possible, but those were the main 14 ones that we can recall. 15 Q Well, if you turn to Union Exhibit 14, 16 second page, second paragraph, you'll see a 17 reference to something called the Hallcrest 18 Group. Are you familiar with the Hallcrest 19 report? 20 A Only from this letter. 21 Q Okay. So you're not aware that the 22 Hallcrest report basically said that we hadn't</p>	<p style="text-align: right;">214</p> <p>1 least describe it. 2 MS. GONSALVES: Okay. So let's go 3 ahead and call this Postal Service Exhibit 7. I 4 can make photocopies for everyone, or I can just 5 do the introduction, if you prefer. 6 It's the quote, unquote, Transformation 7 Plan, April 2002, of the Postal Service, and it 8 describes in excruciating the detail the kind of 9 transformation that needs to be -- that needs to 10 take place Postal Service-wide. I am going to 11 distribute this one, which is the Strategic 12 Transformation Plan, and it references the 2002 13 Transformation Plan. And it -- 14 ARBITRATOR OLDHAM: That's fine. And 15 we don't need to have things that we don't need, 16 so -- 17 MS. GONSALVES: No. Maybe we just 18 don't use that one. Yeah. Okay. So let's call 19 the next exhibit the Strategic Transformation 20 Plan, 2006 to 2010. This document is actually 21 dated September 2005. 22</p>
<p style="text-align: right;">213</p> <p>1 properly deployed our forces and that we should 2 use a greater number of contract security guards? 3 A No. 4 Q But that was before 9/11, right? 5 A Yes. 6 Q Okay. And are you familiar with the 7 Postal Service's financial condition and the 8 projections going forward beginning in the early 9 2000s? 10 A No. 11 Q So you aren't -- I don't -- 12 unfortunately, we don't have any more copies of 13 this, but this is the 2002 transformation plan of 14 the Postal Service. You've never seen this 15 document before? 16 A No. 17 Q Okay. 18 ARBITRATOR OLDHAM: Well -- 19 MS. GONSALVES: But what I'm getting at 20 is -- 21 ARBITRATOR OLDHAM: For the record, 22 since we will not be having copies, let's at</p>	<p style="text-align: right;">215</p> <p>1 BY MS. GONSALVES 2 Q And my question is -- and it's not 3 really based on the document, so -- or Mr. Wilson 4 can distribute those as we talk. 5 The transformation plan didn't affect 6 Postal Police Officers -- Postal Police Officers 7 exclusively, did it? 8 A I'm not aware. I don't know. 9 Q So do you know if it affected just the 10 Inspection Service? 11 A No. 12 Q Okay. So you also don't know that it 13 affected the entire Postal Service and that every 14 department in the Postal Service was asked to -- 15 MR. STEPHENS: Objection. He's 16 testified he doesn't know anything about it. 17 MS. GONSALVES: I know, but that's the 18 problem with having witnesses testifying to 19 things that they have no knowledge about. But 20 I'm trying to get the documents in. 21 So I can just make a proffer and 22 attorney presentation that this Transformation</p>

Capital Reporting Company
In the Matter of- USPS and PPOA 01-15-2014 Volume II

216	<p>1 Plan extended to all aspects of the Postal 2 Service. Every single department in the Postal 3 Service was asked to make significant cuts. One 4 way in which they -- 5 MR. STEPHENS: Objection. Objection. 6 You're going to put on a witness about this, 7 right? 8 MS. GONSALVES: Well, I wasn't planning 9 on it. I thought I'd be able to use your witness 10 to get it in. 11 MR. STEPHENS: He says he doesn't know 12 about it. 13 MS. GONSALVES: Well, the document 14 speaks for itself, so I'm just giving a proffer 15 as to what it says. 16 ARBITRATOR OLDHAM: Well, I have no 17 objection to taking this into the record. It's 18 certainly an official document, and it's -- 19 MS. GONSALVES: Okay. 20 ARBITRATOR OLDHAM: -- relevant, and it 21 will speak for itself. 22 MS. GONSALVES: Okay.</p>	218	<p>1 MS. GONSALVES: Yeah. We changed -- 2 MR. STEPHENS: Okay. 3 MS. GONSALVES: Not -- we're not going 4 to use the big book. 5 BY MS. GONSALVES 6 Q You testified that you've -- you've 7 given training in firearms, correct? 8 A Yes. 9 Q You turn in your firearm at the end of 10 each day, correct? 11 A Yes, I do. 12 MS. GONSALVES: Okay. I think that 13 is -- those are all the questions I have. 14 MR. STEPHENS: I have no redirect. 15 ARBITRATOR BJORK: I do have a 16 question. 17 Officer Rutherford, you stated you 18 spoke with Officers Jones and Walker -- 19 THE WITNESS: Yes, I did. 20 ARBITRATOR BJORK: -- at some point? 21 Did they ever explain to you how the 22 jobs with Mint and FBI Police, respectively,</p>
217	<p>1 BY MS. GONSALVES 2 Q So it is possible that the Strategic 3 Transformation Plan of the Postal Service as a 4 whole also played a role in the change that you 5 have testified took place beginning in the early 6 2000s? 7 A I don't know that. 8 Q I'm asking if it's possible. 9 MR. STEPHENS: Objection. 10 THE WITNESS: What's -- yes, it's 11 possible, but I don't know that. 12 ARBITRATOR OLDHAM: We understand it. 13 ARBITRATOR DUFEK: Yeah, we do. 14 MS. GONSALVES: Okay. 15 ARBITRATOR DUFEK: Enough's enough. 16 MR. STEPHENS: Teresa, can I just ask a 17 question? This was marked as eight; is that 18 right? 19 ARBITRATOR OLDHAM: Seven. 20 ARBITRATOR DUFEK: Seven. 21 MR. STEPHENS: Oh, this is going to be 22 seven?</p>	219	<p>1 compare to that of Postal Police regardless of 2 the training standards? 3 THE WITNESS: Generally speaking, they 4 just felt like they were more appreciated and 5 they were happy with the -- the increase that 6 they had retained over the time that they've been 7 there. 8 ARBITRATOR BJORK: And how did the 9 duties compare? 10 THE WITNESS: Pretty much the same as 11 what we do here. They have their own location 12 like we have ours. 13 ARBITRATOR BJORK: One last question. 14 Do -- did either one of them ever 15 express to you the amount of mobile duties they 16 do as compared to the PPOs? 17 THE WITNESS: Yes. They are -- they 18 are mobile as well. 19 ARBITRATOR BJORK: Okay. That's all. 20 MS. GONSALVES: I do have just one 21 follow-up question. 22</p>

Capital Reporting Company
In the Matter of- USPS and PPOA 01-15-2014 Volume II

<p style="text-align: right;">220</p> <p>1 BY MS. GONSALVES</p> <p>2 Q Where are they currently deployed,</p> <p>3 these officers?</p> <p>4 A Officer Walker is at Quantico. Jones</p> <p>5 is here in D.C. with the Mint.</p> <p>6 Q And they weren't able to come in and</p> <p>7 testify?</p> <p>8 A I know Walker was not. Jones, I hadn't</p> <p>9 got -- she didn't get back in time -- touch with</p> <p>10 me in time for this.</p> <p>11 MR. STEPHENS: We're going to have</p> <p>12 other officers from other agencies also testify.</p> <p>13 These two were unable to testify. The other</p> <p>14 officers from other agencies will testify later</p> <p>15 in the proceeding.</p> <p>16 MS. GONSALVES: There's just this</p> <p>17 overriding concern that we -- here we are in the</p> <p>18 epicenter of federal agencies and federal police</p> <p>19 forces and, you know, live testimony in person is</p> <p>20 definitely -- it's disadvantageous if you can't</p> <p>21 cross-examine someone about --</p> <p>22 MR. STEPHENS: I understand.</p>	<p style="text-align: right;">222</p> <p>1 WHEREUPON,</p> <p>2 MICHAEL PLAUGHER</p> <p>3 called as a witness, and having been first duly</p> <p>4 sworn, was examined and testified as follows:</p> <p>5 THE WITNESS: I do.</p> <p>6 DIRECT EXAMINATION BY COUNSEL FOR</p> <p>7 THE</p> <p>8 UNION</p> <p>9 BY MS. MCKINNON</p> <p>10 Q Can you please state your name for the</p> <p>11 record?</p> <p>12 A Michael Plaugher.</p> <p>13 ARBITRATOR OLDHAM: Spell the last</p> <p>14 name, please.</p> <p>15 THE WITNESS: P-L-A-U-G-H-E-R.</p> <p>16 BY MS. MCKINNON</p> <p>17 Q And where are you currently employed,</p> <p>18 Officer Plaugher?</p> <p>19 A Here at the headquarters building for</p> <p>20 the U.S. Postal Inspection Service.</p> <p>21 Q And what position are you in?</p> <p>22 A Postal Police Officer.</p> <p>23 Q Do you have a college degree?</p>
<p style="text-align: right;">221</p> <p>1 Unfortunately, it's difficult to get people to</p> <p>2 take a day off from work to come in to be</p> <p>3 cross-examined. So we were unable to get as many</p> <p>4 officers to testify, but we will have live</p> <p>5 testimony from -- from the two officers from</p> <p>6 other -- three -- I'm sorry -- I take that</p> <p>7 back -- three officers from other police</p> <p>8 agencies.</p> <p>9 ARBITRATOR OLDHAM: Thank you.</p> <p>10 THE WITNESS: Thank you.</p> <p>11 (Witness excused.)</p> <p>12 ARBITRATOR OLDHAM: All right. Let's</p> <p>13 go off the record for a moment.</p> <p>14 (Brief off-the-record discussion.)</p> <p>15 ARBITRATOR OLDHAM: Back on the record.</p> <p>16 Thank you.</p> <p>17 MS. MCKINNON: The Union calls as its</p> <p>18 next witness Officer Michael Plaugher.</p> <p>19 ARBITRATOR OLDHAM: Can you swear the</p> <p>20 witness in, please?</p> <p>21</p> <p>22</p>	<p style="text-align: right;">223</p> <p>1 A Yes, ma'am.</p> <p>2 Q What is the degree in?</p> <p>3 A Criminology.</p> <p>4 Q And from where did you receive your</p> <p>5 degree?</p> <p>6 A George Mason University.</p> <p>7 Q When were you hired on as a PPO?</p> <p>8 A I entered the academy June of 2010.</p> <p>9 Q And before you were hired in as a PPO,</p> <p>10 did you hold a position with the Postal Service?</p> <p>11 A I did.</p> <p>12 Q What was that position?</p> <p>13 A I was a maintenance technician.</p> <p>14 Q Did you receive a raise when you became</p> <p>15 a Postal Police Officer in 2010?</p> <p>16 A No, ma'am.</p> <p>17 Q Did you receive -- did you receive the</p> <p>18 same salary?</p> <p>19 A No, ma'am.</p> <p>20 Q Did you receive a pay cut?</p> <p>21 A Yes, ma'am.</p> <p>22 Q And can you please approximate that pay</p>

Capital Reporting Company
In the Matter of- USPS and PPOA 01-15-2014 Volume II

224	<p>1 cut?</p> <p>2 A Approximately 3,000, give or take.</p> <p>3 Q You received a pay cut to become a PPO.</p> <p>4 Why did you become a PPO, then?</p> <p>5 A I've always -- I've always had an</p> <p>6 interest in law enforcement, and it was the area</p> <p>7 I had my -- I obtained my degree in, and PPO</p> <p>8 seemed like a logical transition.</p> <p>9 Q Do you hold any union office?</p> <p>10 A Yes, ma'am.</p> <p>11 Q And what -- what is your office?</p> <p>12 A I'm the eastern area rep for the Postal</p> <p>13 Police Officer Association.</p> <p>14 Q And have you received any special</p> <p>15 recognition or accommodation from the Postal</p> <p>16 Inspection Service?</p> <p>17 A Yes, ma'am.</p> <p>18 Q When did you receive it?</p> <p>19 A 2012.</p> <p>20 Q Do PPOs receive any training?</p> <p>21 A Yes, ma'am.</p> <p>22 Q Where do they receive this training?</p>	226	<p>1 BY MS. MCKINNON</p> <p>2 Q Do you recognize this document?</p> <p>3 A Yes, ma'am.</p> <p>4 Q Can you please identify it?</p> <p>5 A It's the Postal Police Officer basic</p> <p>6 training.</p> <p>7 Q And is this a true and accurate copy of</p> <p>8 the training manual that you received during your</p> <p>9 training at the academy?</p> <p>10 A Yes, ma'am.</p> <p>11 Q And were you expected to study from</p> <p>12 this manual?</p> <p>13 A Yes, ma'am?</p> <p>14 Q And were you --</p> <p>15 MS. GONSALVES: One moment. This copy</p> <p>16 has handwriting all over it, and you asked if it</p> <p>17 was a true and accurate copy of what he's seen.</p> <p>18 BY MS. MCKINNON</p> <p>19 Q Is this a true and accurate copy of the</p> <p>20 training manual that you utilized during your --</p> <p>21 A No, ma'am. No, ma'am. It is a used</p> <p>22 version.</p>
225	<p>1 A Currently, we receive training at the</p> <p>2 Career Development Division in Potomac, Maryland.</p> <p>3 Q And is that -- is the -- is that</p> <p>4 accredited?</p> <p>5 A Yes, ma'am. My understanding is it a</p> <p>6 FLETA accredited facility.</p> <p>7 Q And you received this training in 2010?</p> <p>8 A Yes, ma'am.</p> <p>9 Q How long is Postal Police Officer</p> <p>10 training?</p> <p>11 A I attended eight weeks.</p> <p>12 Q Do inspectors also get trained at</p> <p>13 that -- at the academy?</p> <p>14 A Yes, ma'am.</p> <p>15 Q And how long is their training, to your</p> <p>16 knowledge?</p> <p>17 A My understanding is it's 12 weeks.</p> <p>18 Q I'd like to direct your attention to</p> <p>19 Union Exhibit 21, which is a separate binder.</p> <p>20 COURT REPORTER: I need to ask the</p> <p>21 witness to speak up. I'm sorry.</p> <p>22</p>	227	<p>1 Q All right. And then were you charged</p> <p>2 with knowing the contents of this manual?</p> <p>3 A Yes, ma'am.</p> <p>4 Q So let's just launch right into the</p> <p>5 nuts and bolts of your training.</p> <p>6 Were you expected to -- do you receive</p> <p>7 training in firearms?</p> <p>8 A Yes, ma'am.</p> <p>9 Q And were you required to demonstrate</p> <p>10 proficiency in the use of firearms?</p> <p>11 A Yes, ma'am.</p> <p>12 Q What firearms were you expected to</p> <p>13 demonstrate proficiency in?</p> <p>14 A We had to be proficient with</p> <p>15 the service weapon and also with the Remington</p> <p>16 870 shotgun, 12-gauge shotgun.</p> <p>17 Q Are you also trained in a weapon called</p> <p>18 the MP5?</p> <p>19 A Yes, ma'am. We had a day where we had</p> <p>20 an alternative weapons day, where we learned to</p> <p>21 utilize other weapons in case we were called</p> <p>22 upon. If a weapon was found in a mailbox, for</p>

Capital Reporting Company
In the Matter of- USPS and PPOA 01-15-2014 Volume II

<p style="text-align: right;">228</p> <p>1 example, we'd have to make that weapon safe in 2 order to turn it in. 3 Also, the MP5 is the Inspection Service 4 semiautomatic submachine gun that they use. We 5 were required to know how to operate the -- 6 operate it enough to make the weapon safe in case 7 an inspector was shot in the course of his duty. 8 Q Are PPOs trained in legal issues? 9 A Yes, ma'am. 10 Q Does that entail Fourth Amendment 11 issues? 12 A Yes, ma'am. 13 Q Does that entail Terry stops? 14 A Yes, ma'am. 15 Q What is a Terry stop? 16 A A Terry stop is an investigative 17 detention. It's a stop we utilize to dispel any 18 suspicion we may have that a crime may have been 19 committed or was about to be committed. 20 Q And you were trained in how to effect 21 the steps of a Terry stop? 22 A Yes, ma'am.</p>	<p style="text-align: right;">230</p> <p>1 up. 2 THE WITNESS: Sorry. It's a -- it's 3 module we go through to receive training to 4 defend ourselves against an attack if we have to 5 detain an individual. They may -- we learn 6 strikes, kicks, blows, things like that. 7 BY MS. MCKINNON 8 Q And is this also known in the manual as 9 threat management training? 10 A Yes, ma'am. 11 Q Can you please briefly describe the 12 training that you received in use of force? 13 A We can effect the least amount of force 14 necessary to either detain the individual or 15 effect an arrest. 16 Q And does this module include officer 17 survival training? 18 A Yes, ma'am. 19 Q Does it include officer presence 20 training? 21 A Yes, ma'am. 22 Q Does it include handcuffing?</p>
<p style="text-align: right;">229</p> <p>1 Q Were you also trained in how to make 2 arrests? 3 A Yes, ma'am. 4 Q Were you trained in Miranda warnings? 5 A Yes, ma'am. 6 Q Were you trained in searches incident 7 to arrest? 8 A Yes, ma'am. 9 Q Were you trained in testifying in 10 court? 11 A Yes, ma'am. 12 Q Were you trained in the relevant laws 13 and regulations that you'd have to enforce as a 14 Postal Police Officer? 15 A Yes, ma'am. 16 Q What does defensive tactics and the use 17 of force block entail? Well, let's back up. 18 What are defensive tactics? 19 A Defensive tactics, they're a phase of 20 training we go through to defend ourself against 21 a -- an attack or -- 22 COURT REPORTER: You've got to speak</p>	<p style="text-align: right;">231</p> <p>1 A Yes, ma'am. 2 Q Does it include felony vehicle stops? 3 A Yes, ma'am. 4 Q Are you trained in how to clear 5 buildings? 6 A Yes, ma'am. 7 Q How are you trained to clear buildings? 8 A We are trained to clear a building 9 and -- and teams to clear slowly, to search each 10 and every area of the building. 11 Q Is it part of your training to assume 12 that someone is in the building? 13 A Absolutely. Absolutely. 14 Q What does the bloodborne pathogens 15 module entail? 16 A That's a module where the dangers of 17 the effects caused -- contained or contracted 18 infectious diseases by people we may have to come 19 in contact with. 20 Q Are Postal Police Officers offered 21 hepatitis vaccines by the Inspection Service? 22 A Yes, ma'am.</p>

Capital Reporting Company
In the Matter of- USPS and PPOA 01-15-2014 Volume II

<p style="text-align: right;">232</p> <p>1 Q And why is that?</p> <p>2 A Well, you want to be vaccinated against</p> <p>3 a potential disease.</p> <p>4 Q And when would you encounter this</p> <p>5 infectious disease?</p> <p>6 A Well, if you had to stop an individual</p> <p>7 or detain an individual, and he may have that</p> <p>8 disease and if he has a (inaudible) or something</p> <p>9 on his -- on his person, risk of -- risk of</p> <p>10 contracting that.</p> <p>11 Q Are you trained in communication</p> <p>12 skills?</p> <p>13 A Yes.</p> <p>14 Q Are you trained in crime prevention and</p> <p>15 community policing?</p> <p>16 A Yes, we were.</p> <p>17 Q Can you please briefly describe what</p> <p>18 that entails?</p> <p>19 A Crime prevention in and around our</p> <p>20 facilities. We look for potential security</p> <p>21 risks, and we try to take steps to -- to solve</p> <p>22 that. Community policing is just -- we make</p>	<p style="text-align: right;">234</p> <p>1 usually marked clearly as a police vehicle.</p> <p>2 Q And are you trained in evidence</p> <p>3 handling?</p> <p>4 A Yes, we were.</p> <p>5 Q And can you please briefly describe</p> <p>6 your training in evidence handling?</p> <p>7 A We were given example of a -- I believe</p> <p>8 Postal Form 715, and it's the evidence chain of</p> <p>9 custody, how you maintain the evidence, how you</p> <p>10 bag the evidence and different types of evidence</p> <p>11 that needed different handling when -- when</p> <p>12 evidence is put into a paper bag, per se.</p> <p>13 Q And what's the significance of</p> <p>14 maintaining a chain of custody?</p> <p>15 A Well, so that the -- if evidence is</p> <p>16 introduced into -- introduced, it can be</p> <p>17 irrefutable, basically. We know from when it was</p> <p>18 found to when it was introduced.</p> <p>19 Q Would you handle different types of</p> <p>20 evidence in different ways?</p> <p>21 A Certainly.</p> <p>22 Q For example, if you came across bodily</p>
<p style="text-align: right;">233</p> <p>1 contact with the employees and whatnot to let</p> <p>2 them know that we're here for them.</p> <p>3 Q Are you trained in report writing?</p> <p>4 A Yes.</p> <p>5 Q Can you briefly describe what that</p> <p>6 entails?</p> <p>7 A The reports -- we have a standard</p> <p>8 Inspection Service 5309 form that we write all of</p> <p>9 our incident reports on.</p> <p>10 Q And then -- and do they train you in</p> <p>11 how to write -- write a report?</p> <p>12 A Yes.</p> <p>13 Q Are you trained in radio and electronic</p> <p>14 equipment?</p> <p>15 A Yes, ma'am.</p> <p>16 Q Are you trained in the use of a law</p> <p>17 enforcement vehicle?</p> <p>18 A Yes.</p> <p>19 Q And how is a law enforcement vehicle</p> <p>20 different than a normal civilian vehicle?</p> <p>21 A A law enforcement vehicle typically</p> <p>22 has -- they have lights and sirens, and it's</p>	<p style="text-align: right;">235</p> <p>1 fluids, how would you handle that as opposed to a</p> <p>2 piece of paper?</p> <p>3 A A piece of paper, you can just place in</p> <p>4 an envelope, but one that contained bodily</p> <p>5 fluids, it would need to be placed into a safe --</p> <p>6 into a bag where it then could air dry or samples</p> <p>7 could be taken.</p> <p>8 Q Does a training module include training</p> <p>9 on protocol incidents?</p> <p>10 A Yes.</p> <p>11 Q Are PPOs trained in how to respond to</p> <p>12 medical emergencies?</p> <p>13 A Yes.</p> <p>14 Q And what exactly are you trained in?</p> <p>15 A We're trained to -- to respond to a</p> <p>16 medical emergency, and if the person is -- stop</p> <p>17 bleeding if they're bleeding, and if they're in</p> <p>18 need of -- need of first aid or CPR, to apply</p> <p>19 that.</p> <p>20 Q Are you also trained in hazardous</p> <p>21 materials?</p> <p>22 A Yes.</p>

Capital Reporting Company
In the Matter of- USPS and PPOA 01-15-2014 Volume II

<p style="text-align: right;">236</p> <p>1 Q Are you trained in how to respond to 2 alarms? 3 A Yes. 4 Q Are you trained in traffic accidents? 5 A I believe so. I don't remember. 6 Q Are you trained in crowd control? 7 A Yes. 8 Q And what does that training entail? 9 A If you -- excuse me. Crowd control, if 10 you would have a rowdy group, how to establish a 11 line and how to move them in a different 12 direction to disperse them. 13 Q What is CBRNE? 14 A That's an acronym. 15 Q And what does the acronym stand for? 16 A Chemical, biological, radiological and 17 explosive, I believe. 18 Q And -- and what is DMI? 19 A Dangerous mail investigations. 20 Q And -- and did you receive a course in 21 this at the academy? 22 A We received a brief class on it.</p>	<p style="text-align: right;">238</p> <p>1 there any other law enforcement officers present 2 besides Postal Police Officers? 3 A Yes, ma'am. Usually, we -- in 4 firearms, DT and OST training on site. 5 Q Have you received any training related 6 to active shooter situations? 7 A Yes, ma'am. 8 Q And are PPOs expected to respond to 9 active shooter situations? 10 A Yes, ma'am. 11 Q All right. Well, I'm going to now move 12 on to your tasks and responsibilities. 13 Are Postal Police Officer duties at 14 headquarters different than the other -- the 15 Postal Police Officers' duties at the other 16 postal facilities? 17 A My understanding is they are, yes. 18 Q And -- 19 A We -- go ahead. 20 Q Please elaborate. 21 A They -- we are more based here at the 22 facility, and my understanding is that the other</p>
<p style="text-align: right;">237</p> <p>1 Q Do PPOs receive any other additional 2 training at the academy that's not detailed in 3 the training manual? 4 A I'm not certain. 5 Q For example, do -- are scenarios or -- 6 or simulations involved -- 7 A Oh, absolutely, yeah. 8 Q -- as part of your training? 9 A Yeah. Each module typically deals in 10 scenarios where we've practiced what we've 11 learned and apply the decision-making skill to 12 each scenario. 13 Q In addition to your training at the 14 academy, do Postal Police Officers receive any 15 ongoing training? 16 A Yes, ma'am. 17 Q And what does that entail? 18 A We receive firearms training twice a 19 year, officer survival, defensive tactics twice a 20 year, first aid, CPR on a recurrent basis, and 21 AED training. 22 Q And during this ongoing training, are</p>	<p style="text-align: right;">239</p> <p>1 divisions, they -- they have mobile patrols. 2 Q And why would you be based here at the 3 facility as opposed to the -- the other Postal 4 Police Officers? 5 A I -- my understanding is because of 6 who's here and -- the postal executives are here, 7 postmaster general. Board of governors is here. 8 Q And how many individuals come in and 9 out of headquarters every day? 10 A Employees and visitors, I would 11 conservatively estimate 1,000, 2,000 people. 12 Q Do Postal Police Officer officers at 13 headquarters respond to and investigate medical 14 emergencies? 15 A Yes, we respond. 16 Q And you're trained in responding to 17 medical emergencies? 18 A Yes, ma'am. 19 Q And if you -- if I can direct your 20 attention to Union Exhibit No. 23, and that's in 21 the other binder. 22 Do you recognize this document?</p>

Capital Reporting Company
In the Matter of- USPS and PPOA 01-15-2014 Volume II

240	<p>1 A Yes, ma'am.</p> <p>2 Q Can you please identify it?</p> <p>3 A It's the Postal Inspection Service's</p> <p>4 automated defibrillation program protocol.</p> <p>5 Q And have you been trained in accordance</p> <p>6 with this document?</p> <p>7 A I believe I have, yes.</p> <p>8 Q Can you please briefly describe your</p> <p>9 AED training?</p> <p>10 A We -- we are trained in how to employ</p> <p>11 the AED and how to apply it to a victim and how</p> <p>12 to -- it will prompt you to apply CPR or give the</p> <p>13 patient a shock if need be.</p> <p>14 Q And according to your training, what</p> <p>15 does a emergency medical -- a medical emergency</p> <p>16 response entail?</p> <p>17 A Postal Police will be -- receive a</p> <p>18 notification that there's a medical emergency</p> <p>19 inside a facility. We will respond, respond and</p> <p>20 care for the -- the person until the D.C. Fire</p> <p>21 and Rescue arrives.</p> <p>22 Q And do you bring any medical supplies</p>	242	<p>1 A We received a call for a medical</p> <p>2 emergency, and Officer Crosby and myself and</p> <p>3 Officer Mitchell responded to -- to the scene,</p> <p>4 and we found a woman who had been -- she was</p> <p>5 laying on the floor of her cubicle. She was</p> <p>6 complaining of vertigo and lightheadedness, and</p> <p>7 Officer Crosby received consent to give her</p> <p>8 emergency oxygen. Officer Mitchell left to wait</p> <p>9 for -- wait for the fire and rescue. I relayed</p> <p>10 information by her desk phone to the control</p> <p>11 center.</p> <p>12 Q And is this type of incident typical of</p> <p>13 the duties performed by police officers at</p> <p>14 headquarters?</p> <p>15 A I would say so, yes.</p> <p>16 Q Do police officers at headquarters</p> <p>17 provide police support for special events here at</p> <p>18 headquarters?</p> <p>19 A Yes, we have.</p> <p>20 Q And can you please describe what that</p> <p>21 entails?</p> <p>22 A I mentioned the board of governors</p>
241	<p>1 with you?</p> <p>2 A Yes. We have a medical bag we bring</p> <p>3 that has bandages and whatnot in it, and, also,</p> <p>4 it has emergency oxygen for us to respond with</p> <p>5 the AED.</p> <p>6 Q And were you trained in how to</p> <p>7 administer oxygen to a person in need?</p> <p>8 A Yes, ma'am.</p> <p>9 Q May I please direct your attention to</p> <p>10 Union Exhibit No. 22? Do you recognize this</p> <p>11 document?</p> <p>12 A Yes, ma'am.</p> <p>13 Q Can you please identify it?</p> <p>14 A It's an incident report, 5309.</p> <p>15 Q And was this an incident to which you</p> <p>16 responded?</p> <p>17 A Yes, ma'am.</p> <p>18 Q Is this only incident that you ever</p> <p>19 responded to in your time at the Postal Service?</p> <p>20 A No, ma'am.</p> <p>21 Q Can you please describe what happened</p> <p>22 in this incident?</p>	243	<p>1 meets here. We've been -- we've been stationed</p> <p>2 outside of the board of governors meeting room to</p> <p>3 respond if something were to happen inside.</p> <p>4 When the postmaster general gives a</p> <p>5 speech or so in the Hall of Flags, we'll -- we'll</p> <p>6 be -- we'll be there as well.</p> <p>7 Q Are inspectors present as well?</p> <p>8 A Yes, ma'am.</p> <p>9 Q Do Postal Police Officers provide</p> <p>10 police support for protests that may occur at</p> <p>11 headquarters?</p> <p>12 A Yes, we are.</p> <p>13 Q Can you please describe an example?</p> <p>14 A In 2012, during the Occupy Washington</p> <p>15 events, there was a small protest out front, and</p> <p>16 the Postal Police handled that protest.</p> <p>17 Q And did any Postal Police officers</p> <p>18 interact with any of the protesters?</p> <p>19 A Yes. My understanding, an individual</p> <p>20 attempted to breach the line, and he was detained</p> <p>21 by two Postal Police Officers.</p> <p>22 Q And was he also arrested?</p>

Capital Reporting Company
In the Matter of- USPS and PPOA 01-15-2014 Volume II

244	<p>1 A That I don't know. 2 Q All right. Do PPOs at headquarters 3 investigate reports of suspicious persons? 4 A We have. 5 Q Do PPOs investigate alarms at 6 headquarters? 7 A We do. 8 Q And do PPOs investigate reported thefts 9 at headquarters? 10 A We have. 11 Q As a union official, did you attend 12 bargaining sessions between the Union and the 13 Postal Service? 14 A I did. 15 Q And what was the Postal Service's wage 16 proposal? 17 A My understanding, their last proposal 18 was for us to take a 5 percent pay cut. 19 Q And what did this 5 percent -- 20 5 percent pay cut mean to you? 21 A It was a tremendous blow to morale. 22 I -- when I graduated, I took an oath to protect</p>	246	<p>1 understanding was that the last offer on the 2 table was a 5 percent pay cut. 3 Q In the wage documents that you have -- 4 I mean -- sorry. The training documents that you 5 have presented -- 6 A Yes, ma'am. 7 Q -- they're dated 2010, right? 8 A Yes, ma'am. 9 Q Are you aware that a new training book 10 was put out in 2011? 11 A No, ma'am. 12 Q And when you testified that Postal 13 Inspectors also have training at Bolger, you're 14 not -- it is not your testimony that they're 15 actually in the same classrooms with the Postal 16 Police Officers during training? 17 A Not as students, no, ma'am. 18 ARBITRATOR OLDHAM: We've used that 19 word twice. Bolger? 20 MS. GONSALVES: Bolger. 21 ARBITRATOR OLDHAM: Bolger. 22 MS. GONSALVES: Yes. B-O-L- --</p>
245	<p>1 the agency, to protect its -- its -- its 2 infrastructure, its product, its customers, its 3 employees, all of you, and to hear that my -- 4 that that oath was worth less, it didn't sit 5 well. 6 MR. STEPHENS: Thank you for your time, 7 Officer Plaugher. 8 THE WITNESS: Sure. 9 CROSS-EXAMINATION BY COUNSEL FOR 10 THE 11 POSTAL SERVICE 12 BY MS. GONSALVES 13 Q Just to put that wage proposal into 14 context, are you aware that that same wage 15 proposal was made to all bargaining -- all unions 16 representing bargaining unit employees in this 17 round of collective bargaining? 18 A I was not, ma'am. 19 Q Okay. And are you aware that the 20 Postal Service modified that proposal after 21 impasse had been declared; we offered something 22 different? 23 A That's not my understanding. My</p>	247	<p>1 ARBITRATOR OLDHAM: As in the guy -- 2 MS. GONSALVES: -- G-E-R. 3 ARBITRATOR OLDHAM: -- from Boston? 4 ARBITRATOR DUFEK: B-O-L. No, that's 5 spelled differently. That's B-U-L. This is 6 B-O-L-G-E-R. 7 ARBITRATOR OLDHAM: Thank you. 8 BY MS. GONSALVES 9 Q And just as an example of the different 10 kind of curriculum that applies to Postal 11 Inspectors versus Postal Police Officers, are -- 12 how many -- are you aware of how many hours of 13 training Postal Police Officers have in evidence? 14 A It's in here, but I don't know it by 15 heart. 16 Q You don't know. Does one hour sound 17 about right? 18 A It's possible. I -- 19 Q Okay. 20 A -- don't know. 21 Q Postal Inspectors receive eight hours 22 of training in evidence, don't they?</p>

Capital Reporting Company
In the Matter of- USPS and PPOA 01-15-2014 Volume II

<p style="text-align: right;">248</p> <p>1 A I don't know.</p> <p>2 Q And this training, as a whole, you</p> <p>3 talked about you -- you have a law -- legal</p> <p>4 aspect to it that -- you talked about generally</p> <p>5 the -- the breadth of the training, but when you</p> <p>6 talk about the training specifically applied</p> <p>7 Postal Police Officers, the training focuses on</p> <p>8 laws and regulations that are specific to postal</p> <p>9 property and postal employees, correct?</p> <p>10 A Yes. It's possible. I don't know --</p> <p>11 Q Is it possible?</p> <p>12 A -- much about it.</p> <p>13 Q Okay. Well, let's take a look, then.</p> <p>14 I'll just refresh your recollection about it. If</p> <p>15 you turn to -- it's the first module in the</p> <p>16 separate book, and it's just -- this is just kind</p> <p>17 of an overview, I think --</p> <p>18 A Yes.</p> <p>19 Q -- of what the training's about. And</p> <p>20 if you look at page 1 --</p> <p>21 ARBITRATOR OLDHAM: This is page 1 of</p> <p>22 tab what?</p>	<p style="text-align: right;">250</p> <p>1 objectives.</p> <p>2 ARBITRATOR OLDHAM: Yes. It's the</p> <p>3 third page 1.</p> <p>4 MS. GONSALVES: Okay. The third page 1</p> <p>5 and just the first paragraph.</p> <p>6 MR. STEPHENS: Just so I know, Teresa,</p> <p>7 what's the top of the page you're looking at?</p> <p>8 MS. GONSALVES: Actually, I'm not sure</p> <p>9 if this is the right page. All right. Let's</p> <p>10 just -- let's just leave it. We can go into that</p> <p>11 later on with another witness.</p> <p>12 BY MS. GONSALVES</p> <p>13 Q You testified that you respond to</p> <p>14 medical emergencies from time to time, correct?</p> <p>15 A Yes, ma'am.</p> <p>16 Q Okay. And you used Union Exhibit 23,</p> <p>17 which talks about automated external</p> <p>18 defibrillation -- defibrillation?</p> <p>19 ARBITRATOR OLDHAM: That's misspelled</p> <p>20 either way.</p> <p>21 MS. GONSALVES: Well, that's lovely.</p> <p>22</p>
<p style="text-align: right;">249</p> <p>1 MS. GONSALVES: Tab 1. Page 1, Tab 1.</p> <p>2 MS. BRAMESCO: Book 2.</p> <p>3 MS. GONSALVES: I've got two different</p> <p>4 versions working here. I didn't want to print</p> <p>5 off the whole thing, didn't want to kill a tree,</p> <p>6 so...</p> <p>7 BY MS. GONSALVES</p> <p>8 Q Okay. If you just look at the very</p> <p>9 first paragraph --</p> <p>10 ARBITRATOR OLDHAM: Let's make sure</p> <p>11 we're on the same --</p> <p>12 MS. GONSALVES: Sorry. Let's make sure</p> <p>13 we're on the page 1. I think there's two page</p> <p>14 1s, so --</p> <p>15 ARBITRATOR OLDHAM: I see --</p> <p>16 MS. GONSALVES: There's an -- what is</p> <p>17 this even called? It's the second page 1.</p> <p>18 Maybe -- maybe there are three page 1s. That's</p> <p>19 what Joe's telling me here. And there's a</p> <p>20 commitment to diversity. There's a page 1 --</p> <p>21 ARBITRATOR OLDHAM: Oh, there it is.</p> <p>22 MS. GONSALVES: -- that says</p>	<p style="text-align: right;">251</p> <p>1 BY MS. GONSALVES</p> <p>2 Q My question is this: Are you required</p> <p>3 to maintain any sort of certification relating</p> <p>4 to, for example, CPR?</p> <p>5 A Yes, ma'am.</p> <p>6 Q As a -- you're saying that you're</p> <p>7 required to maintain a certification relating to</p> <p>8 CPR?</p> <p>9 A My understanding -- we receive that</p> <p>10 training every year is my understanding, that I'm</p> <p>11 required to take that training. It comes with a</p> <p>12 certification, so if I'm required to take it, my</p> <p>13 understanding is I'm required.</p> <p>14 Q What about AED?</p> <p>15 A Am I required? I receive that training</p> <p>16 every year.</p> <p>17 Q Okay. So you have a certification in</p> <p>18 all three, of CPR, AED and first aid?</p> <p>19 A I -- I believe I have them with me, if</p> <p>20 you want me to see. I don't know.</p> <p>21 MS. GONSALVES: All right. Okay. I</p> <p>22 think that's all of my questions. Thank you,</p>

Capital Reporting Company
In the Matter of- USPS and PPOA 01-15-2014 Volume II

252	1 Officer Walker. 2 THE WITNESS: Yes, ma'am. Thank you. 3 MS. MCKINNON: No redirect. 4 ARBITRATOR OLDHAM: Thank you, sir. 5 THE WITNESS: Yes, sir. 6 (Witness excused.) 7 MR. STEPHENS: What's your pleasure? 8 ARBITRATOR OLDHAM: We'll go off the 9 record now. 10 (Brief off-the-record discussion.) 11 ARBITRATOR OLDHAM: All right. 12 One o'clock. 13 (Whereupon, at 12:10 p.m., a 14 luncheon recess was taken.) 15 16 17 18 19 20 21 22	254	1 Q And in what city were you serving as 2 police captain? 3 A I was a manager of the Postal Police 4 Division in Washington. 5 Q And what year did you retire? 6 A I retired June 1st of 2013. 7 Q In what -- what year did you become a 8 Postal Police Officer? 9 A I was hired by the Postal Inspection 10 Service in April of 1998. 11 Q And where did you do your police 12 academy training? 13 A The Federal Law Enforcement Training 14 Center in Glynco, Georgia, commonly known as 15 FLETC. 16 Q And in what year did you become a 17 sergeant? 18 A Approximately 2005 to the best of my 19 recollection. 20 Q And in what year did you become a 21 captain? 22 A 2011.
253	1 AFTERNOON SESSION 2 (1:04 p.m.) 3 ARBITRATOR OLDHAM: Let's call our next 4 witness. 5 MR. STEPHENS: Okay. Please stand and 6 have the reporter swear you in. 7 WHEREUPON, 8 PETER FORD 9 called as a witness, and having been first duly 10 sworn, was examined and testified as follows: 11 THE WITNESS: I do. 12 DIRECT EXAMINATION BY COUNSEL FOR 13 THE 14 UNION 15 BY MR. STEPHENS 16 Q Could you please state your name for 17 the record? 18 A Peter Ford, F-O-R-D. 19 Q And are you currently employed? 20 A I am not. I'm retired. 21 Q And from what agency are you retired? 22 A I'm a retired captain from the U.S. Postal Police Division, Inspection Service.	255	1 Q And in addition to your duties as a 2 police officer, sergeant and captain, did you 3 also serve as a training instructor? 4 A I was a training instructor for the 5 division for Office of Safety and Survival, and I 6 was also one of the training instructors for CPR, 7 first aid and AED. 8 Q And who did you train? 9 A Postal Police and Postal Inspectors. 10 Q Captain Ford, when you were first 11 starting to work in -- in Boston, were there 12 fixed posts that Postal Police Officers were 13 responsible for -- 14 A Yes. Our -- 15 Q -- guarding? 16 A When I started in 1998, our primary 17 function was -- was utilizing -- was guarding 18 fixed posts, the entries and so forth to the 19 Postal Service. 20 Q At the time you retired, how many 21 Postal Police Officers -- Postal Police Officers 22 were assigned to guard fixed posts in Washington?

Capital Reporting Company
In the Matter of- USPS and PPOA 01-15-2014 Volume II

<p style="text-align: right;">256</p> <p>1 A Zero.</p> <p>2 Q And what percentage of Postal Police</p> <p>3 Officer duties were on mobile patrols?</p> <p>4 A At what -- at what point? When I</p> <p>5 retired?</p> <p>6 Q At the time you retired.</p> <p>7 A Approximately 90, 95 percent.</p> <p>8 95 percent, I would say.</p> <p>9 Q And how far outside of the city of</p> <p>10 Boston did mobile patrols go? Did you have --</p> <p>11 A We covered a geographical area of</p> <p>12 approximately 30 to 35 miles for our basic</p> <p>13 patrolling. What our basic patrolling entailed</p> <p>14 was, we were responsible as first responders to</p> <p>15 approximately 120 stations, 130 stations within a</p> <p>16 30-minute response time of our base in Boston for</p> <p>17 burglary response and so forth, and that -- that</p> <p>18 entailed about 35 -- a 35-mile radius of Boston.</p> <p>19 Q Were you sometimes called to go beyond</p> <p>20 the 35-mile radius?</p> <p>21 A Yes. If we had -- if there were</p> <p>22 functions going on in certain areas that were</p>	<p style="text-align: right;">258</p> <p>1 there and so forth.</p> <p>2 Q And what is the range of crime to which</p> <p>3 Postal Police Officers can be called on to be</p> <p>4 first responders?</p> <p>5 A Any type of criminal activity that --</p> <p>6 that can be imagined, as any police department</p> <p>7 would. We respond to burglaries. We respond to</p> <p>8 -- in response to incidents of assault. We</p> <p>9 respond to incidents of threats, petty larceny,</p> <p>10 petty -- petty or otherwise.</p> <p>11 Q Now, can a Postal Police Officer in</p> <p>12 Boston get called on to be first responders to</p> <p>13 homicides?</p> <p>14 A Yes, they can be.</p> <p>15 Q And did -- was there a homicide</p> <p>16 recently in the Boston Division to which --</p> <p>17 A There --</p> <p>18 Q -- Postal Police Officers --</p> <p>19 A There was. And to my knowledge, in the</p> <p>20 Dorchester section of Boston, which is of the</p> <p>21 more high crime areas of Boston, a letter carrier</p> <p>22 was recently -- there was an attempted robbery</p>
<p style="text-align: right;">257</p> <p>1 requested by postal management to have uniformed</p> <p>2 police officers there, we would go to Worcester.</p> <p>3 We would go as far as Portland, Maine. We did</p> <p>4 functions up in Portland, Maine for biohazard</p> <p>5 detection system drills and so forth. So we</p> <p>6 would go as far as New Hampshire, Maine and</p> <p>7 Central Massachusetts.</p> <p>8 Q Are Postal Police Officers -- are they</p> <p>9 called on to be first responders to crime scenes?</p> <p>10 A Yes, they are.</p> <p>11 Q And what are their duties on arriving</p> <p>12 at a crime scene?</p> <p>13 A Their initial responsibility on</p> <p>14 arriving at a crime scene is to contain the</p> <p>15 situation that's -- that's happening, if it's</p> <p>16 continuing -- continuing to happen. If there are</p> <p>17 victims, we are identifying victims. If there</p> <p>18 are witnesses, we're identifying any witnesses.</p> <p>19 They're to secure the area to make sure it</p> <p>20 doesn't -- no further contamination of the area,</p> <p>21 to identify any witnesses and any victims, to</p> <p>22 take statements and to interview people that were</p>	<p style="text-align: right;">259</p> <p>1 and a shooting of a letter carrier. And a Postal</p> <p>2 Police Officer -- the Postal Police Officer was</p> <p>3 the first person on the scene after the local</p> <p>4 police department.</p> <p>5 Q Are -- are Postal Police Officers</p> <p>6 trained to perform criminal background checks as</p> <p>7 part of an investigation?</p> <p>8 A Yes. All of our offices in Boston were</p> <p>9 certified for NCIC to do background checks,</p> <p>10 to gather any information from the Boston</p> <p>11 criminal justice system. They're all certified</p> <p>12 for that and maintain that certification on a</p> <p>13 annual basis.</p> <p>14 Q And what is NCIC?</p> <p>15 A National Crime Information Center.</p> <p>16 Q Okay. Do Postal Police Officer write</p> <p>17 citations in Boston?</p> <p>18 A Yes, they do. They're part of the</p> <p>19 federal magistrate program, Central Violations</p> <p>20 Bureau, to issue citations.</p> <p>21 Q And can you briefly explain the</p> <p>22 magistrate's program in Boston?</p>

Capital Reporting Company
In the Matter of- USPS and PPOA 01-15-2014 Volume II

260	<p>1 A Central Violations Bureau, not all 2 divisions have it. It's a division policy 3 whether they have it or not. We issue motor 4 vehicle violations. We issue criminal citations, 5 petty thefts and so forth, violations of postal 6 policies or rules and regulations on -- on 7 conduct. 8 We can -- we can mandate that people 9 either appear or court, or we can issue a 10 citation violation, which will have a fine 11 attached to it. And the individuals that we 12 issue the citations to have the option -- just 13 like any other individual would if you were given 14 a ticket, you can fight it in court or you can 15 pay the -- pay the collateral -- what we call the 16 collateral, which is not admitting guilt, but you 17 pay the fine. 18 Q In Boston, did those occur in U.S. 19 District Court or in state court? 20 A This was in U.S. District Court, 21 federal magistrate. 22 Q Would PPOs be asked to testify in</p>	262	<p>1 judge preside over these cases? 2 A Yes. 3 Q Would you describe the job of a Postal 4 Police Officer as a dangerous job? 5 A It's a very dangerous job. 6 Q Do you believe it's more dangerous than 7 being a letter carrier? 8 A Oh, extremely more dangerous than being 9 a letter carrier, what we -- what we encounter 10 there out on the street and so forth. One of the 11 things you have to understand, when you put that 12 uniform on and you put that badge on and that -- 13 that gun, people aren't looking that it says 14 Postal Police. They aren't looking that it says 15 post office. All the people that are out 16 there -- the bad guys are looking at it, seeing, 17 there's a cop, and he's my enemy. 18 So you're -- you're -- you're 19 presenting yourself out there as somebody who is 20 going to stop me, say, the bad guy, from doing 21 something, and I don't want that to happen. So 22 you're -- you're presenting yourself -- to me --</p>
261	<p>1 court? 2 A Yes, they would. If a PPO issued a 3 citation and the citation -- the person who the 4 citation was issued to requested a hearing with 5 the federal magistrate, the PPO was required to 6 go to court and give testimony. 7 Q And you had to testify? 8 A I've had to testify on a number of 9 occasions, yes. I was also the prosecutor. 10 Q And can you explain that? 11 A I was the -- we had trained prosecutors 12 for Central Violations that we would -- we would 13 present the case for the Postal Service, and we 14 were authorized to present petty offense cases 15 in -- in the court, in the criminal court. 16 We had all the sergeants, myself, a 17 captain. My three sergeants were authorized. 18 And we also had three other individual PPO 19 officers who went through the -- went through the 20 training and were authorized to present the case 21 in court. 22 Q And would a -- would a U.S. magistrate</p>	263	<p>1 to me, you're presenting yourself as a target on 2 a daily basis. 3 Q And does the post office hold Postal 4 Police Officers to a higher standard of conduct 5 than other postal employees? 6 A Absolutely. My interview, pre-hiring 7 interview in 1996, I want to say, because I 8 was -- I was hired in the process back then, one 9 of the first things that Captain Cosgo (phonetic) 10 at the time -- as he explained to me what the 11 functions of the Postal Police were, one of the 12 things he -- and he quoted it verbatim, and I'm 13 going to paraphrase it the best I know it -- that 14 you're now -- if you are hired, you're going to 15 become a police officer. You're going to be 16 working for the Postal Inspection Service that is 17 no longer the same as the post office. You will 18 be held to a higher standard of conduct than you 19 were in your prior job, and you'll have to 20 maintain that for your entire career. 21 Q Now, are -- are Postal Police Officers 22 required to obtain security clearances?</p>

Capital Reporting Company
In the Matter of- USPS and PPOA 01-15-2014 Volume II

264	<p>1 A Yes, they are. 2 Q Do you know if mail clerks are required 3 to obtain those? 4 A I -- when I was hired as a mail clerk, 5 I don't believe that I was. 6 Q And do Postal Police Officers undergo 7 background investigations upon their hire? 8 A Yes, they do. 9 Q Do Postal Police Officer have to clear 10 a credit history check? 11 A Yes, they do, and I believe that's part 12 of the security clearance. 13 Q And are Postal Police Officers subject 14 to random drug testing? 15 A Yes, they are. 16 Q And are -- are Postal Police Officers 17 considered emergency employees? 18 A Yes, they are. 19 Q What's your understanding of what is an 20 emergency employee? 21 A An emergency employee is a person who 22 is expected to and required to respond to any</p>	266	<p>1 Or let me ask a different way. 2 Were you required to maintain your 3 badge at all times? 4 A Yes. 5 Q Okay. Were there any other employees 6 of the post office that your aware of who were 7 considered emergency employees? 8 A No. Inspectors, of course. 9 Everybody -- everybody within the Inspection 10 Service, the law enforcement end of it, not the 11 support staff, but the actual law enforcement 12 officers, the uniformed Postal Police Officers 13 and Postal Inspectors. 14 Q What is the relationship -- would you 15 describe the relationship between the Postal 16 Inspectors and the Postal Police Officers? 17 A The best way -- the easiest way for me 18 to describe is it's the -- the same as any local 19 police department. You have your detective 20 branch, which are your inspectors, and you have 21 your uniformed branch, which are you immediate 22 first responders, which would be uniforms. Your</p>
265	<p>1 circumstance where a normal person, normal 2 individual would not be. Weather conditions, 3 Hurricane Sandy, Katrina, things like that where 4 other people couldn't get to work and so forth, 5 it was incumbent upon us because of the nature of 6 our job that we were to be able to respond. 7 In the Northeast, we have occasions to 8 have what they call Northeast snowstorms, which 9 totally lock everything up. We're still expected 10 to get in to get to work to protect the Postal 11 Service and whatever employees are in there. So 12 we're expected as emergency responders to get 13 in -- to be able to get in and get to work and to 14 do our job. 15 Q And how would you identify yourself to 16 a Massachusetts State Police officer as someone's 17 who's authorized to be on the roads, despite the 18 roads being closed in Massachusetts? 19 A By the presentation of my police badge 20 and credentials. 21 Q And when are you -- when were you 22 required to maintain possession of your badge?</p>	267	<p>1 uniforms are out there on the street on a 2 day-to-day basis, patrolling and so forth. 3 They're available immediately to respond if 4 something -- if something comes down. They do 5 the initial containment of an area or a crime 6 scene or so forth and respond. They do the 7 initial investigation that begins at that moment, 8 identifying witnesses, interviewing witnesses and 9 so forth. 10 And the inspectors are brought in 11 immediately -- in most cases, immediately or 12 shortly -- shortly thereafter, and they're the 13 detectives, and all the information is 14 transferred over to the inspectors and to the 15 detectives, and they take it from there. 16 Q And, Captain Ford, there's a -- the -- 17 that document, yes, sir. If I can direct your 18 attention to Union Exhibit No. 61, and if I can 19 ask you to read this document. 20 A Would you like me to read it out loud? 21 Q No, not necessary. Have you seen this 22 document before?</p>

Capital Reporting Company
In the Matter of- USPS and PPOA 01-15-2014 Volume II

268	<p>1 A I have.</p> <p>2 Q Okay.</p> <p>3 A I've reviewed this before.</p> <p>4 Q Okay. And does this look to you to be</p> <p>5 a -- is this -- are -- the duties that Postal</p> <p>6 Police Officers are called on to perform, are all</p> <p>7 those -- are -- let me ask -- let me ask a</p> <p>8 different way.</p> <p>9 Does this identify any -- any duties</p> <p>10 that -- beyond those that Postal Police Officers</p> <p>11 perform?</p> <p>12 ARBITRATOR OLDHAM: Why don't we</p> <p>13 identify the document, please?</p> <p>14 MR. STEPHENS: I'm sorry.</p> <p>15 BY MR. STEPHENS</p> <p>16 Q What is this document?</p> <p>17 A The document I'm looking at is an</p> <p>18 Amtrak document for the posting of a police</p> <p>19 officer job for the Amtrak Corporation, private</p> <p>20 railroad corporation police department. In my</p> <p>21 cursory review of the whole document and my prior</p> <p>22 knowledge of this document, to me, it is very,</p>	270	<p>1 And the managers and the postal</p> <p>2 managers in the postal facilities that we</p> <p>3 protected and that we responded to and so forth</p> <p>4 were very great with us. They really enjoyed us.</p> <p>5 They really loved having us there. They really</p> <p>6 felt safe when we're around. When we weren't</p> <p>7 around for them, they questioned why we weren't</p> <p>8 around, why we weren't there and so forth.</p> <p>9 When they needed us -- when the agency</p> <p>10 and the -- the corporation needed us to be police</p> <p>11 officers, we were considered police officers.</p> <p>12 When it came time for recognition, as far as</p> <p>13 remuneration for pay purposes and so forth, we</p> <p>14 were glorified security guards, plain and simple.</p> <p>15 MR. STEPHENS: And one second. Captain</p> <p>16 Ford, I have no further questions. Thank you.</p> <p>17 MS. GONSALVES: Mr. Stephens, is this</p> <p>18 the only witness who's going to testify as to</p> <p>19 Amtrak?</p> <p>20 MR. STEPHENS: No. We'll -- we'll have</p> <p>21 a retired Amtrak sergeant testify.</p> <p>22 MS. GONSALVES: Okay. So I'll save my</p>
269	<p>1 very -- almost identical to the responsibilities</p> <p>2 with the exception of -- their agency's slightly</p> <p>3 different in that they're railroad and we're</p> <p>4 postal -- as to what a Postal Police Officer</p> <p>5 does.</p> <p>6 Q Okay. And, Captain Ford, I -- in your</p> <p>7 experience as a Postal Police Officer captain, do</p> <p>8 you believe that the police officers working for</p> <p>9 the Inspection Service have received adequate</p> <p>10 recognition for the duties that they've</p> <p>11 performed?</p> <p>12 A Let me speak to my district personally</p> <p>13 in Boston, because I worked in a unique</p> <p>14 situation, a unique -- unique situation and</p> <p>15 unique area in Boston. I worked with very</p> <p>16 progressive inspectors in charge and so forth who</p> <p>17 were in Boston. And from -- from the day I</p> <p>18 started until the day I retired, yes, we worked</p> <p>19 hand in hand with the -- with the inspectors and</p> <p>20 so forth. And we were treated as police</p> <p>21 officers, and we were treated with dignity and</p> <p>22 respect.</p>	271	<p>1 objection --</p> <p>2 MR. STEPHENS: Yeah.</p> <p>3 MS. GONSALVES: -- and my Amtrak</p> <p>4 exhibit -- Amtrak exhibits until then.</p> <p>5 CROSS-EXAMINATION BY COUNSEL FOR</p> <p>6 THE</p> <p>7 POSTAL SERVICE</p> <p>8 BY MS. GONSALVES</p> <p>9 Q But I would like to -- Captain Ford, I</p> <p>10 would like to just take a look at the exhibit</p> <p>11 that you just testified about, Union Exhibit 61.</p> <p>12 A Uh-huh.</p> <p>13 Q Just under education at the bottom, it</p> <p>14 says must have a high school diploma or general</p> <p>15 educational development certificate.</p> <p>16 Postal Police Officers aren't required</p> <p>17 to have a high school diploma, are they?</p> <p>18 A Without looking at the document, I --</p> <p>19 I -- I would probably say that you're correct, my</p> <p>20 recollection of the documents of the police</p> <p>21 description -- of the job description. I've been</p> <p>22 away for -- for a while.</p> <p>Q Okay. I'd like to have you turn to the</p>

Capital Reporting Company
In the Matter of- USPS and PPOA 01-15-2014 Volume II

<p style="text-align: right;">272</p> <p>1 next page and look at the final three bullets 2 there. 3 A A certificate of successful completion 4 of a basic -- is that the one you -- 5 Q Yes. 6 A -- you're talking about? A certificate 7 of successful completion of a basic police 8 training program at a state authorized training 9 academy. Are you saying -- are you asking me -- 10 Q And that's not required of Postal 11 Police, correct? 12 A Well, it's required that the Postal 13 Police pass their FLETA approved -- their FLETA 14 approved -- approved police academy at CDU. They 15 can't become a police officer if they don't 16 pass -- if they don't pass the academy. 17 Q If I can just -- you're talking about 18 the training at Bolger, correct? 19 A The training at -- the training at the 20 Career Development Unit, yes -- 21 Q Right. 22 A -- the police -- the police academy</p>	<p style="text-align: right;">274</p> <p>1 when they're hired, either, correct? 2 A To the best of my knowledge, no. 3 Q And the third bullet there says an 4 associate degree or 60 credit hours from an 5 accredited college or university. And, of 6 course, they're not required have that, correct? 7 A No. 8 Q I just wanted to ask some clarifying 9 questions because it wasn't made clear in your 10 direct. You talked for a little while about 11 being a prosecutor, and I -- I wanted to know -- 12 when you -- when you testified about that, you 13 said we were authorized. You might be saying 14 that because you're now retired, but what was the 15 time period over which that was true? 16 A That I was -- that I was a 17 prosecutor -- 18 Q Right. 19 A -- for the Postal Police? From -- I 20 became -- probably, when I first became a 21 sergeant, 2005, I was certified as -- as one of 22 our local prosecutors --</p>
<p style="text-align: right;">273</p> <p>1 down there, yes. 2 Q If you take a look at the previous 3 page -- I'm sorry to make you flip back again. 4 A That's okay. 5 Q This says work experience. So this is 6 actually part of the work experience that's 7 required for the position, isn't it? 8 A Okay. Yes. 9 Q And are PPOs required to have that 10 experience prior to becoming Postal Police 11 Officers? 12 A Prior to -- to have police experience? 13 Q Right. 14 A No. 15 Q All right. 16 A To the best -- 17 Q And the next -- 18 A -- of my knowledge, no. 19 Q -- bullet says -- it's related -- it 20 says current related experience of police 21 officers, similar law enforcement experience. 22 And PPOs aren't required to have that</p>	<p style="text-align: right;">275</p> <p>1 Q Okay. 2 A -- and from 2005 on. 3 Q To your knowledge, were people doing -- 4 performing that duty before 2005 as well? 5 A Prosecuting in court? 6 Q Correct. 7 A Yes. Yes, we were. 8 Q Do you know how far back that went? 9 A I don't. 10 Q Would you say five years? Two years? 11 Could you not quantify at all? 12 A I couldn't quantify. 13 Q Okay. You also testified that the 14 Postal Police job is dangerous. 15 A Yes. 16 Q Would you say that that was the case 17 when you first became a Postal Police Officer in 18 1996? 19 A I think when I first -- it was 1998, 20 actually -- 21 Q 1998. Excuse me. 22 A -- that I became a police officer.</p>

Capital Reporting Company
In the Matter of- USPS and PPOA 01-15-2014 Volume II

276	<p>1 Yes, it was dangerous back then, but it became 2 inherently more dangerous as time went on, as 3 we've seen through advent of 9/11 and Columbine 4 and different -- different things like that, and 5 especially just prior to my retirement, the 6 marathon explosions in Boston. 7 Q It was very unfortunate. 8 A For any -- any man or woman who wears 9 that uniform out on the street, it has become 10 much more dangerous. 11 Q I lived out in that area for a while 12 myself, so -- what I'm really trying to get at 13 is, you testified about bad guys see a cop and 14 they treat them as the enemy. 15 That was the case also going back in 16 time, correct? 17 A That's -- historically, yes. 18 Q Okay. And then you -- you testified 19 about the higher standard of conduct, and I'm not 20 going to go into the same questions I went into 21 before that it's in the collective bargaining 22 agreement and things like that, but -- but you</p>	278	<p>1 Q Okay. 2 A -- always meant. 3 Q You are aware, aren't you, that it was 4 in -- it's been in the contract, in fact, for a 5 lot longer than that, right? 6 A It's been in the Postal Police 7 contract. I'm not sure -- 8 Q Yes. 9 A -- when it went into the Postal Police 10 contract. I'm not aware that it's in any other 11 contract. 12 Q Okay. And you are aware that the 13 Postal Police have never proposed eliminating 14 that language from the contract? 15 A I don't -- I am aware of that because 16 of my background with the Union years ago and so 17 forth, and I wouldn't see any reason why they 18 would want to eliminate it. 19 Q Same sort of question. You testified 20 about Postal Police officers being emergency 21 employees. Do you know -- has that been true 22 since you started as a Postal Police Officer,</p>
277	<p>1 talked about your 1996 hiring interview, so -- I 2 mean, 1980 -- '98. Excuse me. 3 A Well, I was hired in '98. I -- 4 Q Right. 5 A I believe my interviews began in '96. 6 Q Well, there you go. 7 A So probably two years -- 8 Q Okay. 9 A -- prior to that. 10 Q So you -- you believe it is the case 11 that Postal Police Officers have been held to a 12 higher standard of conduct for a while? 13 A That's been part of -- part of the 14 interview process when I started, and it's 15 been -- it's been there historically since there. 16 It was in the contract, I believe, back then. It 17 was in the contract in '98 when I got hired. 18 Q Right. And -- 19 A But they were held to a higher standard 20 than the standard of postal employees. That's 21 what that -- to me, that's what that has always 22 --</p>	279	<p>1 that they were -- 2 A As emergency responders? 3 Q (Nodding.) 4 A Oh, yes. 5 Q Okay. 6 A But it's been enhanced since I started 7 as -- as -- as a police officer, because when I 8 initially started, during severe weather 9 conditions and so forth, they weren't initially 10 required to respond, as were no -- if postal 11 employees -- if the postal -- if the Postal 12 Service declared an emergency in a certain area 13 or a state was in emergency and facilities were 14 closed because of weather, postal employees 15 and -- and support staff were not required to -- 16 I believe initially, when I started, it was -- it 17 was the same for Postal Police. 18 Now, it changed shortly thereafter, 19 because they were designated as emergency 20 responders, and it was incumbent upon us to get 21 there to protect to do -- to do our job. 22 However, there was a very liberal leave policy</p>

Capital Reporting Company
In the Matter of- USPS and PPOA 01-15-2014 Volume II

<p style="text-align: right;">280</p> <p>1 instituted at the time nationwide for that.</p> <p>2 Q And approximately what year would that</p> <p>3 have been?</p> <p>4 A Early 2000s, '1, '2, '3, '4, somewhere</p> <p>5 around there.</p> <p>6 Q And you testified that there are no</p> <p>7 longer fixed post duty assignments in -- in</p> <p>8 Boston, correct?</p> <p>9 A No, there were -- well, let me -- let</p> <p>10 me correct that. The only fixed duty assignment</p> <p>11 posts we have in Boston are staffed by ABM</p> <p>12 security guards, not staffed by police officers.</p> <p>13 The only time a police officer will staff any of</p> <p>14 those posts is to give a comfort break to the --</p> <p>15 to the security guard or a lunch break. We say</p> <p>16 required because the Postal Service deems that</p> <p>17 they save money by us doing that.</p> <p>18 Q What year would you say that took</p> <p>19 place, when the fixed posts ended?</p> <p>20 A During the transformation, I'd say</p> <p>21 somewhere between 2003, 2005, somewhere around</p> <p>22 there. It started the whole -- the whole period</p>	<p style="text-align: right;">282</p> <p>1 other question. You became a PPO in '98?</p> <p>2 THE WITNESS: 1998, yes.</p> <p>3 ARBITRATOR BJORK: What was your</p> <p>4 previous craft?</p> <p>5 THE WITNESS: I was a distribution --</p> <p>6 combination window distribution clerk in the</p> <p>7 Clinton post office, but at the time I became a</p> <p>8 Postal Police Officer, I believe I was on -- on</p> <p>9 an assignment as a supervisor, acting supervisor.</p> <p>10 ARBITRATOR BJORK: And did you -- did</p> <p>11 receive a raise in '98 when you became --</p> <p>12 THE WITNESS: I received a substantial</p> <p>13 raise in '98, to the best of my recollection.</p> <p>14 ARBITRATOR BJORK: Did you believe that</p> <p>15 that substantial raise was warranted based on the</p> <p>16 fact that you were held to those higher standards</p> <p>17 and considered an emergency responder?</p> <p>18 THE WITNESS: I -- exactly is what I --</p> <p>19 what I believe that to be, because of the nature</p> <p>20 of the job I was going into compared to the job</p> <p>21 that I was leaving.</p> <p>22 ARBITRATOR BJORK: All right. Thank</p>
<p style="text-align: right;">281</p> <p>1 back then. I'm not really sure.</p> <p>2 Q You testified about a recent letter</p> <p>3 carrier and attempted robbery that turned into</p> <p>4 a -- I guess a shooting; is that correct?</p> <p>5 A Yeah. My -- from my knowledge of it,</p> <p>6 this happened just recently, I want to say within</p> <p>7 the last six to eight weeks in the Dorchester</p> <p>8 section of Boston.</p> <p>9 Q Okay. So you didn't --</p> <p>10 A A carrier was shot.</p> <p>11 Q I think you answered my question. But</p> <p>12 you don't have any personal knowledge of that,</p> <p>13 then?</p> <p>14 A Other than what the responding officer</p> <p>15 told me, no.</p> <p>16 MS. GONSALVES: Okay. That's it.</p> <p>17 Thank you very much.</p> <p>18 MR. STEPHENS: Just one question.</p> <p>19 Captain Ford -- you know what? I'll let it go.</p> <p>20 Never mind. No further questions.</p> <p>21 THE WITNESS: Thank you.</p> <p>22 ARBITRATOR BJORK: I have -- I have one</p>	<p style="text-align: right;">283</p> <p>1 you.</p> <p>2 THE WITNESS: Anything else?</p> <p>3 (Witness excused.)</p> <p>4 MR. STEPHENS: Yeah. Can we take a</p> <p>5 short -- like a two or five-minute break?</p> <p>6 ARBITRATOR OLDHAM: Sure. Five</p> <p>7 minutes.</p> <p>8 (Brief recess.)</p> <p>9 WHEREUPON,</p> <p>10 OCTAVIA JOHNSON</p> <p>11 called as a witness, and having been first duly</p> <p>12 sworn, was examined and testified as follows:</p> <p>13 THE WITNESS: Yes, I do.</p> <p>14 DIRECT EXAMINATION BY COUNSEL FOR</p> <p>15 THE</p> <p>16 UNION</p> <p>17 BY MR. STEPHENS</p> <p>18 Q Can you please state your name for the</p> <p>19 record?</p> <p>20 A Octavia Johnson.</p> <p>21 Q And by what agency are you currently</p> <p>22 employed?</p> <p>23 A The United States Postal Inspection</p>

Capital Reporting Company
In the Matter of- USPS and PPOA 01-15-2014 Volume II

284	<p>1 Service.</p> <p>2 Q And in what position are you employed?</p> <p>3 A Postal Police Officer.</p> <p>4 Q And when were you hired as a Postal</p> <p>5 Police Officer?</p> <p>6 A March of 2010.</p> <p>7 Q And where did you do your police</p> <p>8 academy training?</p> <p>9 A At the Bolger Center -- Center in</p> <p>10 Maryland.</p> <p>11 Q And, Officer Johnson, do you have a</p> <p>12 military background?</p> <p>13 A Yes, I do.</p> <p>14 Q And what is your military service?</p> <p>15 A I served eight years in the United</p> <p>16 States Army Reserve, as well as a 14-month tour</p> <p>17 in Iraq.</p> <p>18 Q And what was your rank when you left</p> <p>19 the Reserves?</p> <p>20 A Sergeant.</p> <p>21 Q Officer Johnson, are you a high school</p> <p>22 graduate?</p>	286	<p>1 Police Officers in Miami guard any fixed posts?</p> <p>2 A No.</p> <p>3 Q Have you ever guarded a fixed post as a</p> <p>4 Postal Police Officer?</p> <p>5 A No.</p> <p>6 Q Where do you spend most of your</p> <p>7 workday?</p> <p>8 A I work tour two, which is 6:30 to</p> <p>9 three o'clock, roughly, and my entire workday is</p> <p>10 spent on mobile patrol.</p> <p>11 Q And I don't know if I asked this, but</p> <p>12 in what city are you in?</p> <p>13 A Miami Division.</p> <p>14 Q Okay. And how broad is the</p> <p>15 geographic -- how broad are your -- how --</p> <p>16 geographically, how far outside of Miami do you</p> <p>17 go in terms of doing patrols?</p> <p>18 A Currently, we basically cover the</p> <p>19 entire Miami-Dade County as well as parts of</p> <p>20 Broward. However, there have been such times</p> <p>21 when we've been asked to respond to maybe Key</p> <p>22 West or something a little bit further.</p>
285	<p>1 A Yes, I am.</p> <p>2 Q Are you currently pursuing any higher</p> <p>3 degree?</p> <p>4 A Yes. I will be completing my</p> <p>5 bachelor's this semester in criminal justice.</p> <p>6 Following that, I will be pursuing my master's in</p> <p>7 public administration.</p> <p>8 Q Now, Officer Johnson, are you aware of</p> <p>9 any police officers in the post -- working for</p> <p>10 the Inspection Service who do not have a high</p> <p>11 school degree or general equivalency?</p> <p>12 A No, I don't. Actually, one of the</p> <p>13 requirements for being a Postal Police Officer</p> <p>14 during the time that I was hired was that you had</p> <p>15 to be a postal employee for a year, and when I</p> <p>16 was hired as a postal employee, one of the</p> <p>17 requirements was that you had a high school</p> <p>18 diploma.</p> <p>19 Q So a high school diploma, to my</p> <p>20 knowledge, is required of all postal employees.</p> <p>21 A Yes.</p> <p>22 Q Officer Johnson, do you -- do Postal</p>	287	<p>1 Q Okay. Can you explain what is a --</p> <p>2 what is a community patrol?</p> <p>3 A Community patrol is -- basically, we're</p> <p>4 out in the community providing a police presence</p> <p>5 in an effort to basically deter crime. We</p> <p>6 have -- we develop relationships with the</p> <p>7 customers and the mail carriers, as well as other</p> <p>8 law enforcement agencies.</p> <p>9 Q Are postal employees subject to being</p> <p>10 victims of crime in -- in the Miami-Dade area, to</p> <p>11 your knowledge?</p> <p>12 A Yes.</p> <p>13 Q Are letter carriers sometimes subject</p> <p>14 to being robbed?</p> <p>15 A Yes.</p> <p>16 Q And what is typically stolen from</p> <p>17 letter carriers when they're robbed?</p> <p>18 A Typically, in the Miami area, we've</p> <p>19 been having -- the major -- one of the major</p> <p>20 issues have been the robbery of letter carriers</p> <p>21 for their arrow key. The arrow key, basically,</p> <p>22 is a universal key that would allow the</p>

Capital Reporting Company
In the Matter of- USPS and PPOA 01-15-2014 Volume II

288	<p>1 perpetrator access into cluster boxes. And if 2 they gain access to the cluster boxes, they are 3 able to go ahead and commit identity theft, steal 4 checks, things of that sort. 5 Q Can you explain what is a cluster box? 6 A A cluster box, it's basically a set of 7 boxes that utilizes one key. It may -- you 8 typically find them at apartments or maybe even 9 businesses that doesn't have door-to-door 10 delivery. 11 Q And when you're on these patrols, what 12 all -- what all do you do to aid the letter 13 carriers? 14 A Basically, while we're on patrol, we'll 15 stop by different stations at the request of 16 management, postal management. They may be 17 having an irate customer or dealing with an issue 18 with the employee. We -- when we're in the area, 19 our main concern is the carriers. The Miami-Dade 20 area has had an increase in robberies since 21 around 2010. During that time, we did have a 22 mail carrier, one that I worked with personally</p>	290	<p>1 ARBITRATOR DUFEK: Townhouse 2 developments. 3 THE WITNESS: Correct. 4 BY MR. STEPHENS 5 Q Officer Johnson, can I direct your 6 attention to the exhibit book that's in front of 7 you to Exhibit 45? 8 Are Postal Police Officer called on to 9 be first responders to letter carriers? 10 A Yes, we are. 11 Q Can you identify what Union Exhibit 45 12 is? 13 A This is an incident report that 14 occurred September of 2010. I was one of the 15 responding officers. 16 Q And can you tell us what was the 17 background of this report? 18 A This was a robbery of a letter carrier 19 in the Fort Lauderdale area. It's outside of 20 Miami-Dade. 21 Q And what were you -- what were you 22 called on to personally perform in -- in this</p>
289	<p>1 and was a personal friend of mine, he was killed. 2 And we responded to that as well, which was, in 3 turn one, of the reasons why we increased or 4 picked up more mobile patrols in that area. 5 ARBITRATOR OLDHAM: Let me just go back 6 to cluster boxes for one -- one question. 7 I take it that there's one key that the 8 carrier would have that would open all of the 9 cluster boxes -- 10 THE WITNESS: Correct. 11 ARBITRATOR OLDHAM: -- that he would 12 encounter, not a key per cluster box? 13 THE WITNESS: No. It opens the 14 entire -- 15 BY MR. STEPHENS 16 Q And those are found, for example -- in 17 what kind of buildings would we find cluster 18 boxes? 19 A Apartment buildings. Some businesses 20 may have them. Even newer residential areas, 21 instead of having mailboxes at each home, they'll 22 set up cluster boxes.</p>	291	<p>1 incident? 2 A Well, basically, we received radio 3 transmission that a robbery occurred in that 4 area. Myself, along with a few other officers 5 who responded, we met Postal Inspectors. We 6 basically made sure that the scene was secure, 7 that there weren't any injured victims. We spoke 8 with the letter carrier. We provided perimeter 9 security as well. We looked for witnesses, and 10 we spoke with the carriers, as well as any 11 witnesses, and we looked for a surveillance video 12 that would maybe provide some type of evidence to 13 the crime. 14 Q And is this a -- is this representative 15 of the type of carrier robberies you have to 16 respond to? 17 A Yes, it is. 18 Q Letter carriers, in addition to being 19 robbed with a gun, are -- is -- are items 20 sometimes stolen from them or from their 21 vehicles? 22 A Yes.</p>

Capital Reporting Company
In the Matter of- USPS and PPOA 01-15-2014 Volume II

292	<p>1 Q I'd direct your attention to union 2 exhibit number -- sorry. Hold on one second, 3 please -- Union Exhibit 51. I'm sorry. You can 4 take a few moments to look at this. 5 Do you recognize this document? 6 A Yes, I do. 7 Q What is this document? 8 A This is an incident report for mail 9 theft or more so the burglary that occurred in 10 the Liberty City area, which is one of our more 11 impoverished areas that has a lot of crime. 12 Q And were you the first responding -- 13 first responder to this? 14 A Yes, I was. I was the first on scene. 15 I met there with postal management. Postal 16 Inspectors arrived later. We interviewed the 17 carrier. While the inspectors were interviewing 18 the carrier, I searched for witnesses, as well as 19 surveillance video. I spoke with businesses in 20 the area to see maybe if they were a witness to 21 the crime. 22 Q And is this a representative example of</p>	294	<p>1 that time. There was someone installing 2 surveillance at her home. He was able to contact 3 her and get ahold -- and in turn, we were able to 4 speak with her and we were able to clear the 5 situation. 6 Q And let me also direct your attention 7 to Union Exhibit No. 48. 8 Do you recognize this document? 9 A Yes, I do. 10 Q And what is this document? 11 A This is an incident report of a 12 lascivious act that occurred in the Liberty City 13 area. I was the reporting -- reporting as well 14 as the responding officer. We received a phone 15 call about a suspicious vehicle following a mail 16 carrier. When I arrived on scene, I spoke with 17 the carrier, and she gave me a statement. She 18 basically stated that she was being followed, and 19 the person at that time exited the vehicle and 20 exposed himself to her. I was able to obtain a 21 brief description of the suspect. She did not 22 get a tag number, which, traditionally, you know,</p>
293	<p>1 the types of thefts that you have to investigate? 2 A Yes. 3 Q Are you called on as a Postal Police 4 Officer to respond to threats and assaults? 5 A Yes. 6 Q I'd direct your attention to Union 7 Exhibit No. 47. Do you recognize this document? 8 A Yes, I do. 9 Q And what is this document? 10 A This is an incident report for a 11 credible threat that one of our inspectors 12 received. He requested the assistance of Postal 13 Police. We went out to the post office to meet 14 with the letter carrier. We obtained her 15 statement. We briefed over our actions, what -- 16 what we were going to do and proceeded to the 17 residence of the perpetrator, which was one of 18 the customers. 19 Q And what did you do upon arriving at 20 the residence? 21 A Upon arriving, we attempted to make 22 contact with the resident. She wasn't there at</p>	295	<p>1 we ask them to at least get a tag number so that 2 we can at least try to identify the person. 3 We surveyed the area in search of the 4 suspect, but we were not unsuccessful. We stayed 5 -- we remained in the area until the carrier 6 basically finished the delivery, to provide her 7 some type of security. 8 Q And if she had been able to provide a 9 full tag number, would you have been able to 10 investigate the vehicle? 11 A Yes. We would have called and we would 12 have proceeded with a 1028, basically providing 13 us information about the owner of the vehicle, 14 provided that the tag is correct. 15 Q And on both of these last two 16 incidents -- and I should have asked you 17 before -- when -- at some point -- what's your 18 relationship with the inspector? At what point 19 does the inspector take over the case? 20 A Our relationship with the inspectors, 21 they're -- they're the investigative side of it. 22 As one of the witnesses mentioned earlier, we</p>

Capital Reporting Company
In the Matter of- USPS and PPOA 01-15-2014 Volume II

296	<p>1 operate just as a normal municipality will 2 operate. We're the responding officers. We 3 respond to what's going on right then and right 4 now. If something requires investigation, the 5 inspectors step in and they go ahead and take it 6 from there. Of course, at any given point during 7 anything we do, the inspectors are notified. 8 They are kept abreast of what's going on. 9 Q And this letter, a -- a suspicious 10 person type report, is that somewhat typical of 11 the type of things you're required to respond to? 12 A Yes. 13 Q Have you ever had to perform any 14 surveillance as a Postal Police Officer? 15 A Yes, I have. 16 Q And can you tell us about the type of 17 surveillance you've had to perform? 18 A We've performed -- one example would be 19 surveillance of blue collection boxes for fishing 20 devices. We had an issue at a few of the post 21 offices where the mail clerks, they would go out 22 and they pull the mail from the mailbox, and they</p>	298	<p>1 gain access on the runway where the planes are 2 usually. We have law enforcement status there. 3 Basically, we're required to provide any type of 4 law enforcement -- we're provided to be law 5 enforcement officers as well, you know. The 6 main -- the Miami-Dade police Department, they're 7 in charge of it, but they have called us -- 8 called on us to assist them in multiple raids on 9 the airport, as well as during times where the 10 President comes in. They requested our 11 assistance in providing perimeter security during 12 that time. 13 Q Now, on the -- it doesn't show up great 14 on this -- this photocopy, but do you see the 15 initials L-E-O? 16 A Yes. 17 Q What does -- what does LEO stand for? 18 A LEO stands for law enforcement officer. 19 Q And what are your police powers at the 20 airport? 21 A Our police powers at the airport are 22 the same as any police officer. Our main</p>
297	<p>1 would see what we identify -- what we call a 2 fishing device. Basically, it's the same way as 3 fishing. You throw something in, and you're 4 waiting on a bite. Well, in our terminology, 5 that means that something is placed inside the 6 mailbox through the chute, and the whole point of 7 that is to stop the mail from going all the way 8 down. And the perpetrator will come along and 9 collect that mail, and they will use it in 10 whatever form or fashion they see fit. 11 Q The example you gave, was that a blue 12 collection box that was actually right outside of 13 a post office building? 14 A Yes, it was. 15 Q Do Postal Police Officers do any 16 patrols at Miami International Airport? 17 A Yes, we do. 18 Q Direct your attention to Union Exhibit 19 55. Can you tell us what's identified in this 20 document? 21 A In this document, you have photocopies 22 of our airport ID badges, which is required to</p>	299	<p>1 objective there mainly is the mail. We have a 2 lot of mail theft occurring from the airline 3 employees. We've been doing a lot of 4 surveillance out there. Unfortunately, you know, 5 we've been successful in some areas, but it 6 doesn't just stop there. Being -- you know, by 7 us being there, we're required to respond to any 8 emergency type of situation, where they're in 9 breach of security, where they're in the 10 perimeter. We're -- we're expected to respond as 11 well. 12 Q Let me direct your attention to -- 13 well, let me back up for a second. 14 When you're on the tarmac at Miami 15 International Airport, what are you -- what are 16 you looking for? 17 A Again, our main objective at the 18 airport is mail. We look for -- we've had 19 several incidents of stolen mail, rifled mail. 20 And just the way the airline employees handle our 21 mail, we've had incidents where they leave the 22 mail in the rain or just a number of situations.</p>

Capital Reporting Company
In the Matter of- USPS and PPOA 01-15-2014 Volume II

300	<p>1 Q So you aren't just responding to calls; 2 you're actually doing -- checking visually what's 3 happening? 4 A Exactly. 5 Q Can I direct your attention to Union 6 Exhibit No. 49? Do you recognize this document? 7 A Yes, I do. 8 Q What is this document? 9 A This is an incident report for rifled 10 mail. 11 Q And what is rifled mail? 12 A Rifled mail is basically mail that has 13 been tampered with, possibly stolen. We received 14 a phone call from Swissport, which is the agency 15 that handles the majority of our mail. Upon 16 their sorting, they came upon a sack, and they 17 notified us and took pictures. Typically, when 18 we find rifled mail, we'll find parcels that have 19 been sliced open, possibly with a razor blade or 20 anything, and we'll find a lot of items missing. 21 Q And when you arrive at a scene like 22 this, how do you document the scene?</p>	302	<p>1 don't know the tarmacs? 2 A Just the road -- usually, in the area 3 where planes -- the taxiway, we'll find it there, 4 and, of course, that poses a danger for the 5 planes because we don't want that to get sucked 6 up into the engine or anything. But, basically, 7 again, recovered mail is any mail we find that's 8 in a location that it shouldn't be in. Mail in 9 the airport is only allowed to be in certain 10 areas, and oftentimes, we have found it in areas 11 that it shouldn't be in. 12 Q And the photographs that are attached 13 are the photographs that you took? 14 A Yes. 15 Q And is this a common thing that you run 16 into in your job? 17 A Yes, it is. 18 Q When you're at the airport -- let me 19 ask you this: What is MTE? What do those 20 initials mean to you? 21 A MTE stands for -- correct me if I'm 22 wrong -- mail transporting equipment.</p>
301	<p>1 A We take photos. We notify the 2 inspectors, and we remove the evidence and 3 forward it to the inspectors. 4 Q And the photographs that are attached, 5 are those photographs that you took? 6 A Yes, it is. 7 Q And is rifled mail a common thing that 8 you're called on to respond to? 9 A Yes. 10 Q Can I direct your attention to Union 11 Exhibit No. 53? Do you recognize this document? 12 A Yes, I do. 13 Q What is this document? 14 A It's an incident report for recovered 15 mail. 16 Q And what is recovered mail? 17 A Recovered mail is basically any mail 18 that we find in an area that it shouldn't be in. 19 And at this time, sometimes we find it in a 20 roadway, which poses, you know, a threat to the 21 airplane. 22 Q What is a roadway, for those of us who</p>	303	<p>1 Q Okay. And do people sometimes steal 2 the post office's own transportation equipment? 3 A Yes, they do. 4 Q And do you run into or do you 5 investigate thefts of MTE at the airport? 6 A Yes. 7 Q And who typically steals MTE? 8 A Usually, you'll have a lot of 9 businesses. We've had issues -- we had one cases 10 where we had a cart -- pallet company actually 11 selling our pallets. We had situation where we 12 had a scrap metal company take some of our larger 13 mail processing equipment and actually chop it up 14 and use it for scrap metal. We have other 15 businesses -- we've oftentimes had to go to 16 places like UPS, where they're misusing the 17 postal equipment for their business purposes, as 18 well as other businesses that have done the same 19 thing. 20 Q And do Postal Inspectors also look for 21 stolen MTE? 22 A They do, or they'll ask if we can --</p>

Capital Reporting Company
In the Matter of- USPS and PPOA 01-15-2014 Volume II

304	<p>1 they'll refer something to us.</p> <p>2 Q Do you know what the dollar amount of</p> <p>3 MTEs that the Postal Police Officers in Miami</p> <p>4 recovered last year?</p> <p>5 A I believe it was roughly 400,000.</p> <p>6 Q And you mentioned your -- the</p> <p>7 Miami-Dade Police. How -- how has that</p> <p>8 relationship with the Miami-Dade Police been</p> <p>9 created and maintained, to your knowledge?</p> <p>10 A We have an excellent relationship with</p> <p>11 the Miami-Dade Police Department, as well as with</p> <p>12 most -- well, as well as with all the police</p> <p>13 departments that we have come into contact with.</p> <p>14 It's very important and very critical that we</p> <p>15 maintain those relationships, because -- because</p> <p>16 we're so few in numbers, we have often had to</p> <p>17 call upon them for their assistance, as well as</p> <p>18 vice versa.</p> <p>19 And, again, just being in a uniform</p> <p>20 itself, it's a huge risk and a huge danger,</p> <p>21 because people aren't looking at what agency you</p> <p>22 work for. They're just looking at the uniform.</p>	306	<p>1 a prisoner transport. Did you conduct that</p> <p>2 prisoner transport?</p> <p>3 A Yes, I did.</p> <p>4 Q Are Postal Police Officers ever called</p> <p>5 on to assist in serving warrants?</p> <p>6 A Yes, we are.</p> <p>7 Q What types of warrants?</p> <p>8 A We usually do search warrants with the</p> <p>9 inspectors.</p> <p>10 Q Is that something that you are --</p> <p>11 something you're regularly called on to do?</p> <p>12 A Not too regular, but we have been</p> <p>13 called on, especially more recently. The</p> <p>14 inspectors, whenever possible, they try to</p> <p>15 implement us, because they realize how valuable</p> <p>16 we -- we can be and what critical role we play as</p> <p>17 far as the -- the search warrant.</p> <p>18 And the more recent one, which was this</p> <p>19 past Friday, we were involved in, we were --</p> <p>20 basically, we met up. We were briefed on the</p> <p>21 incident, what was going to happen, and we took</p> <p>22 our position providing perimeter security, and</p>
305	<p>1 So by us having that relationship with these</p> <p>2 other agencies while we're out there, we get</p> <p>3 called upon, therefore, for their assistance or</p> <p>4 even, you know, for their advice, you know,</p> <p>5 because sometimes we can't handle things in a</p> <p>6 federal manner, and we're able to call upon them</p> <p>7 so that they can prosecute on the state side,</p> <p>8 which they've been very helpful with that.</p> <p>9 Q Can I direct your attention to Union</p> <p>10 Exhibit No. 46? Do you recognize this document?</p> <p>11 A Yes, I do.</p> <p>12 Q And what is this document?</p> <p>13 A This is an incident report for a drug</p> <p>14 interdiction that -- it was a multiagency task</p> <p>15 force drug interdiction that we were involved</p> <p>16 with.</p> <p>17 Q What were the other agencies that were</p> <p>18 involved?</p> <p>19 A You had the DEA, the Broward Sheriff's</p> <p>20 Office and the Fort Lauderdale Police Department,</p> <p>21 as well as Biscayne Park Police Department.</p> <p>22 Q There's a reference here -- in here to</p>	307	<p>1 we -- basically anything else that the inspectors</p> <p>2 call upon us for, we're there to do.</p> <p>3 Q Are you called on to respond to calls</p> <p>4 of suspicious packages?</p> <p>5 A Yes, we are.</p> <p>6 Q And what do you do when you receive</p> <p>7 that call?</p> <p>8 A Usually, when we receive a phone call,</p> <p>9 we advise the person to isolate the package or to</p> <p>10 clear the area of any personnel. Depending on</p> <p>11 the situation, if it's a marijuana package or a</p> <p>12 drug package, we'll go ahead and respond and</p> <p>13 retrieve the package -- package. If it's</p> <p>14 something more hazmat in nature, we'll make sure</p> <p>15 we call the appropriate personnel to deal with</p> <p>16 that.</p> <p>17 Q Can I direct your attention to Union</p> <p>18 Exhibit No. 50? Do you recognize this document?</p> <p>19 A Yes, I do.</p> <p>20 Q What is this document?</p> <p>21 A This is an incident report for a</p> <p>22 suspicious parcel.</p>

Capital Reporting Company
In the Matter of- USPS and PPOA 01-15-2014 Volume II

308	<p>1 Q And did you respond to this?</p> <p>2 A Yes, I did.</p> <p>3 Q And the photograph on the second page,</p> <p>4 is that a photograph you took?</p> <p>5 A Yes, it is.</p> <p>6 Q And is this a somewhat representative</p> <p>7 example of the suspicious packages you have to</p> <p>8 respond to?</p> <p>9 A Yes.</p> <p>10 Q I'll direct your attention to Union</p> <p>11 Exhibit No. 52. Do you recognize this document?</p> <p>12 A Yes, I do.</p> <p>13 Q Is this an incident -- well, what is</p> <p>14 this document?</p> <p>15 A This is an incident report for two</p> <p>16 suspicious parcels out of one of our post</p> <p>17 offices. We received the phone call from the</p> <p>18 supervisor, and when we responded and we reviewed</p> <p>19 the packages, they were addressed to Secretary of</p> <p>20 State John Kerry, as well as Winnie Mandela,</p> <p>21 which is Nelson Mandela's wife, and it had</p> <p>22 threatening language on both sides of the</p>	310	<p>1 them up, I see one, two, three, four, five, six,</p> <p>2 seven, eight, nine -- around ten incident reports</p> <p>3 that you testified about?</p> <p>4 A Uh-huh.</p> <p>5 Q Are you the one who retrieved those</p> <p>6 reports?</p> <p>7 A No, I'm not.</p> <p>8 Q Okay. So how did you get those</p> <p>9 reports?</p> <p>10 A I'm -- I didn't take part as far as</p> <p>11 what reports were put in here. I'm -- these were</p> <p>12 the reports that were presented towards me, for</p> <p>13 me, and these are the ones that I can testify to.</p> <p>14 Q Okay. So you didn't play any role in</p> <p>15 putting together these incident reports?</p> <p>16 A No, I did not.</p> <p>17 Q Okay. You testified that there are no</p> <p>18 fixed posts right now in Miami?</p> <p>19 A Correct.</p> <p>20 Q Do Postal Police Officers relieve</p> <p>21 contract security?</p> <p>22 A We don't have contract security.</p>
309	<p>1 packages.</p> <p>2 Q And what did you do with the packages?</p> <p>3 A We removed the packages. We notified</p> <p>4 the inspectors. We removed the packages, and we</p> <p>5 forwarded it to the inspectors for further</p> <p>6 investigation.</p> <p>7 Q Did you take the photographs on the</p> <p>8 second page?</p> <p>9 A Yes, I did.</p> <p>10 MR. STEPHENS: Officer Johnson, thank</p> <p>11 you very much. I don't have any further</p> <p>12 questions.</p> <p>13 CROSS-EXAMINATION BY COUNSEL FOR</p> <p>14 THE</p> <p>15 POSTAL SERVICE</p> <p>16 BY MS. GONSALVES</p> <p>17 Q Hi, Officer Johnson.</p> <p>18 A Hi.</p> <p>19 Q So you've been with the -- you've been</p> <p>20 a PPO since 2010, correct?</p> <p>21 A Correct.</p> <p>22 Q I just want to talk a little bit about</p> <p>the incidents -- incident reports. If I count</p>	311	<p>1 Q There aren't any -- so it's pure PPO</p> <p>2 force there?</p> <p>3 A Yes.</p> <p>4 Q Okay. And when you talked about the</p> <p>5 mobile patrols, Miami-Dade, Broward, from time to</p> <p>6 time, Key West, that is -- generally, when you're</p> <p>7 talking about mobile patrols, you're talking</p> <p>8 about moving from one postal facility to another</p> <p>9 postal facility, correct?</p> <p>10 A Incorrect. Our main purpose is to</p> <p>11 observe the carriers, which is mainly why mobile</p> <p>12 patrols occur on my tour, because those are the</p> <p>13 hours that the carriers are actually delivering</p> <p>14 mail. Our concern is the carriers, because we</p> <p>15 have increase in robberies, and by us being</p> <p>16 there, we have been able to actually deter some</p> <p>17 of the robberies.</p> <p>18 Q So let's talk about that. I understand</p> <p>19 that Miami does participate in the wellness</p> <p>20 visits to carriers, correct?</p> <p>21 A I'm not sure. This is my first hearing</p> <p>22 of that.</p>

Capital Reporting Company
In the Matter of- USPS and PPOA 01-15-2014 Volume II

312	<p>1 Q You've never heard of the program about 2 carrier wellness? 3 A No. 4 Q Okay. So you're not aware -- so you're 5 not a supervisor, right? 6 A No, I'm not. 7 Q And you don't write postal policy for 8 Miami, do you? 9 A No, I do not. 10 Q Okay. So are you aware that there's a 11 restriction that when you're doing these carrier 12 visits that you may only do them in between two 13 postal facilities? 14 A No, I'm not. 15 Q Okay. I just wanted to clear up the 16 CBU, the cluster box units. 17 Is there one key, one universal key 18 that opens all cluster box units, or is there a 19 separate key for each unit of cluster boxes? 20 A No. There's one key. It's called an 21 arrow key, and if they have that arrow key 22 installed on that collection box, it will open</p>	314	<p>1 inspector was involved or the issue was -- was 2 transferred to an inspector, correct? 3 A Correct. 4 Q And you also noted that if it needs 5 further -- if it needs investigation, that is the 6 time at which the Inspection Service inspector 7 takes over, correct? 8 A Correct. 9 Q Okay. I've also noticed that in most 10 of the incident reports you testified about, 11 there were at least two PPOs at the scene, 12 correct? I know there was one where you were the 13 only one, but in most of them, there were at 14 least two, correct? 15 A It depends on the situation. If 16 there's a robbery, of course, you will find more 17 than one PPO, but if it's just a routine mail 18 recovery at the airport or a suspicious parcel, 19 no, it's typically one. 20 Q Okay. I don't want to walk through the 21 incident reports with you, but most of the ones 22 you testified about, that's what I'm trying to</p>
313	<p>1 the -- the whole unit itself, not each individual 2 apartment, but you have access, obviously, to 3 each apartment because that -- 4 Q But what I'm trying to get at -- what 5 I'm trying to clarify is that arrow key is just 6 for that one cluster box unit -- 7 A No. 8 Q -- that opens all the cluster boxes 9 within that unit? 10 A No, it's not. 11 Q So you're saying that if there's a unit 12 in one community, that same key will be used to 13 open up a cluster box unit in a different 14 community? 15 A Exactly. That's what I'm saying. 16 Q Okay. So a universal key is truly 17 universal? 18 A Yes. 19 Q I just wanted to make sure that was 20 clear, because -- I don't want to go through each 21 incident report, but I notice and you probably 22 did, too, that in most of these cases, an</p>	315	<p>1 talk about. 2 A Okay. 3 Q The ones you testified about, there 4 were at least two PPOs at the scene, correct? 5 A If that's what's on the document -- if 6 their name is there, then yes. 7 Q When you conduct what you call 8 surveillance -- we may have different definitions 9 of surveillance, but when -- in your -- under 10 your definition of surveillance, when you're 11 conducting surveillance, are you in uniform? 12 A Yes, we are. 13 Q Okay. 14 A In unmarked units. 15 Q And you are in marked units? 16 A Unmarked. 17 Q In unmarked units? 18 A Correct. 19 Q So you're in full uniform in an 20 unmarked unit? 21 A Correct. 22 Q So what kind of car would that be?</p>

Capital Reporting Company
In the Matter of- USPS and PPOA 01-15-2014 Volume II

<p style="text-align: right;">316</p> <p>1 A Whatever car we have available at that 2 moment. 3 Q Okay. Do you get that car from the 4 inspectors, or do you -- 5 A Yes. 6 MS. GONSALVES: Okay. That's all the 7 questions I have for you, Ms. Johnson -- 8 sergeant -- sorry -- Officer Johnson. 9 MR. STEPHENS: No questions. 10 THE WITNESS: Thank you. 11 ARBITRATOR DUFEK: I just want to thank 12 you for your service as well. 13 (Witness excused.). 14 MS. MCKINNON: The Union calls Officer 15 Joshua Pierce. 16 WHEREUPON, 17 JOSHUA PIERCE 18 called as a witness, and having been first duly 19 sworn, was examined and testified as follows: 20 THE WITNESS: I do. 21 22</p>	<p style="text-align: right;">318</p> <p>1 Q And have you received any honors or 2 commendations during your time as a Postal Police 3 Officer? 4 A Yes. 5 Q And what were they? 6 A I received a certificate from the Chief 7 Postal Inspector for my contributions to the 8 homicide task force. I received a letter from 9 the postmaster general also for the homicide task 10 force, and I received a -- an award for enforcing 11 the law on postal property. 12 Q And do you hold any union office? 13 A Yes. 14 Q In what -- what position? 15 A Southern area national rep. 16 Q And prior to becoming a Postal Police 17 officer, did you have any law enforcement 18 experience? 19 A I graduated the United States Army 20 Military Police School, and I was a military 21 police in the Army National Guard for three 22 years.</p>
<p style="text-align: right;">317</p> <p>1 DIRECT EXAMINATION BY COUNSEL FOR 2 THE 3 UNION 4 BY MS. MCKINNON. 5 Q Can you please state your name for the 6 record? 7 A Joshua Pierce. 8 Q And where are you currently employed? 9 A Memphis, with the Charlotte Inspection 10 Service Division. 11 Q And what position are you? 12 A U.S. Postal Police Officer. 13 Q And when were you hired in as a PPO? 14 A I was hired in March of 2010. I 15 graduated the academy in May of 2010. 16 Q And did you hold a position with the 17 Postal Service before you became a Postal Police 18 Officer? 19 A Yes, I did. 20 Q What position was that? 21 A I was a letter carrier. 22 Q And was this also in Memphis? 23 A No. It was in Wynne, Arkansas.</p>	<p style="text-align: right;">319</p> <p>1 Q Do PPOs work fixed posts in Memphis? 2 A No. 3 Q What were your duties regarding the 4 double homicide that you just recently 5 referenced? 6 A We were -- I believe the homicide 7 actually occurred on the 18th of September, if 8 I'm not mistaken. It was a couple of days later. 9 We were told to respond to Henning and -- and 10 basically insure that no one that wasn't law 11 enforcement crossed the tape that was set up on 12 the property, the -- you know, the law 13 enforcement tape where nobody can -- no one was 14 supposed to cross, and to insure that anything 15 that was located inside the building remained 16 inside the building in its proper place unless 17 the inspector in charge of the investigation 18 approved otherwise. 19 Q So you maintained the crime scene? 20 A Right. 21 Q And in what year did this double 22 homicide occur?</p>

Capital Reporting Company
In the Matter of- USPS and PPOA 01-15-2014 Volume II

320	<p>1 A This was 2010.</p> <p>2 Q In Memphis, have Postal Police Officers</p> <p>3 worked with inspectors when investigating crimes?</p> <p>4 A Yes.</p> <p>5 Q May I please direct your attention to</p> <p>6 Union Exhibit No. 24? Do you recognize this</p> <p>7 document?</p> <p>8 A Yes.</p> <p>9 Q And can you please identify it?</p> <p>10 A This is an incident report which I -- I</p> <p>11 wrote about a carrier robbery.</p> <p>12 Q And can you please describe the</p> <p>13 circumstances that led to this incident report?</p> <p>14 A Okay. This -- a call come in to the</p> <p>15 sergeant from a supervisor at one station. She</p> <p>16 reported that her carrier was attempting to</p> <p>17 deliver an Express Mail package. While on the</p> <p>18 porch and waiting for the occupants of the house</p> <p>19 to come to the door, an unknown subject</p> <p>20 approached the carrier and grabbed the package</p> <p>21 and ran to his vehicle. He got in his vehicle</p> <p>22 and left the scene.</p>	322	<p>1 Q And why didn't the MPD officer have</p> <p>2 authorization?</p> <p>3 A It was federal jurisdiction. The</p> <p>4 jurisdiction lied with the Inspection Service.</p> <p>5 Q And why did you bag and tag the letter?</p> <p>6 A I bagged and tagged the -- I bagged the</p> <p>7 letter to insure that any fingerprints or any --</p> <p>8 anything that was on the letter remained on the</p> <p>9 letter for, you know, proper evidence.</p> <p>10 Q And did you perform any duties with any</p> <p>11 inspectors?</p> <p>12 A Yes. While -- while we were out there,</p> <p>13 we went up and down the block, the street, and we</p> <p>14 interviewed the -- the neighbors to see if they</p> <p>15 witnessed anything, the crime, the person, if</p> <p>16 they knew the person, anything like that.</p> <p>17 Q And when you say "we," you mean</p> <p>18 yourself and --</p> <p>19 A Myself and the inspector, yes.</p> <p>20 Q Was there an incident involving a</p> <p>21 customer assaulting a postal employee?</p> <p>22 A Yes.</p>
321	<p>1 At that point, the package was still</p> <p>2 considered mail because it hadn't been signed</p> <p>3 for. Express Mail's required to be signed for.</p> <p>4 Sergeant Peters and myself responded to the scene</p> <p>5 and took statements, met with the Memphis police</p> <p>6 officer that was on the scene. Memphis Police</p> <p>7 actually attempted to take a letter that the</p> <p>8 assailant had given to the carrier before</p> <p>9 actually taking the package. He met him on his</p> <p>10 route before then. The Memphis police officer</p> <p>11 had possession of that letter. They were going</p> <p>12 to take it and I guess do forensics on it to</p> <p>13 determine if they could obtain any information on</p> <p>14 the person that, you know, committed the crime.</p> <p>15 Once I arrived on scene, I -- and I</p> <p>16 told the MPD officer that the letter was</p> <p>17 considered mail and that he did not have</p> <p>18 authorization to take the letter, I took the</p> <p>19 letter, and I bagged the letter and I tagged it,</p> <p>20 what we call bag and tag. We just put a tag on</p> <p>21 there stating that I -- I obtained the letter</p> <p>22 from the MPD officer.</p>	323	<p>1 Q Could you please briefly describe what</p> <p>2 happened?</p> <p>3 A There was an issue at one of the</p> <p>4 stations. A customer was unhappy with the</p> <p>5 service that he was being provided. The clerk</p> <p>6 called the supervisor to the front to -- to talk</p> <p>7 to the -- to the customer. They have -- in the</p> <p>8 post offices, they have what's called a Dutch</p> <p>9 door. Basically, it's -- the door is cut in half</p> <p>10 in two parts. They swing -- they open -- the</p> <p>11 whole door doesn't have to open by itself. So</p> <p>12 the supervisor went to the Dutch door and</p> <p>13 attempted to, I guess, satisfy the customer.</p> <p>14 Once the supervisor determined that he</p> <p>15 was going to be unable to satisfy the customer,</p> <p>16 he attempted to close the door. The customer</p> <p>17 pushed the door into the supervisor's face, and</p> <p>18 it cut his nose and bent his glasses. He then</p> <p>19 called -- you know, he got the door shut and</p> <p>20 called Postal Police. We responded. We took --</p> <p>21 we documented -- took photos of the supervisor's</p> <p>22 face and the damage that had been done, the</p>

Capital Reporting Company
In the Matter of- USPS and PPOA 01-15-2014 Volume II

324	<p>1 injury that had been caused, and we -- 2 Q Did you -- oh, go ahead. 3 A We -- we -- when -- when the inspector 4 arrived, we -- the inspector and -- me and the 5 inspector went out to the -- to the address 6 that -- where the customer was supposed to be at, 7 was supposed to live at, and we was unable to 8 locate the person. They weren't home. 9 Q And why did you and the inspector go to 10 the person's -- 11 A We was -- went there with the intent to 12 make an arrest. 13 Q Do Postal Police Officers investigate 14 assaults? 15 A Yes. 16 Q Can I please direct your attention to 17 Union Exhibit No. 25? And do you recognize this 18 document? 19 A Yes. 20 Q And can you please identify it? 21 A This is an incident report to which I 22 wrote. It involved a -- an employee on employee</p>	326	<p>1 A Yes, I did. I talked to the -- to the 2 inspector. We were discussing whether or not to 3 actually make an arrest on the employee. I -- I 4 made a recommendation that an arrest not be made 5 because there was -- I didn't see any physical -- 6 physical injury to the complainant. I actually 7 took photos of -- of where she said she was 8 assaulted, and the inspector took my advice and 9 recommended that the postal management give any 10 discipline that's due and that they would send an 11 inspector over later on in the day to do a 12 detailed investigation. 13 Q Do you access any criminal information 14 databases in the course of your duties? 15 A Yes. I have -- I have access to what's 16 called PS Portal. It's NCIC records. You can 17 and access driver's license, vehicle tags, guns, 18 any -- any issues with guns. And I also have 19 access to the local warrant system, which is 20 called Shelby County WAW (phonetic), and I don't 21 know what WAW stands for, but it's -- that's 22 where all the warrants are at for Shelby County.</p>
325	<p>1 assault at the Memphis plant. 2 Q And how did you investigate this 3 incident? 4 A My partner and I arrived. This is -- 5 happened right after we got on duty. We arrived 6 over to the -- to the plant. We -- we took 7 statements from the person who made the complaint 8 and the person who the complaint was made 9 against. While I'm talking with the -- the 10 clerk, who is actually the person who made the 11 complaint, we discovered that there was a witness 12 that was present. 13 While -- while we were there, we went 14 ahead and located the witness and got a written 15 statement from him as well. Supposedly, the 16 clerk stated that, you know, the MVS truck driver 17 assaulted her by hitting her with his elbow. 18 Q What is an MVS truck driver? 19 A It's a motor vehicle services driver. 20 They drive the mail around and transport it. 21 Q And did you have any conversations with 22 any inspectors resulting from this?</p>	327	<p>1 Q And what's would situation would 2 require you to access these kinds of databases? 3 A Any situation which I have to meet 4 with -- well, I would say interview someone, 5 or if I make a traffic stop, anybody in which I 6 make contact with, want to verify who they are 7 and verify that they don't have any weapons. 8 Q And in the event of a vehicle stop that 9 turns up a warrant, what would be your response? 10 A The person would be placed under arrest 11 after verifying that the warrant was there. 12 Q So Postal Police Officers handle 13 warrants? 14 A Yes. 15 Q And can you please give an example? 16 A Well, there was a -- a case where the 17 Office of the Inspector General special agent 18 called upon the Memphis Postal Police to assist 19 in serving a warrant on an employee that was 20 unrelated to a -- to a postal -- it's a 21 \$5,000 bond amount. The manager of the plant 22 made contact with the person who had the warrant</p>

Capital Reporting Company
In the Matter of- USPS and PPOA 01-15-2014 Volume II

328	<p>1 and brought her to -- we have an office in the 2 plant. We brought her to the Postal Police 3 office. 4 The Postal Police sergeant notified her 5 that she had a -- a \$5,000 warrant and that she 6 was going to have to go to jail. The officer who 7 was with the sergeant placed the cuffs on the 8 individual and searched incident to arrest and 9 escorted her out of the building to an awaiting 10 MPD officer, who transported her to jail. 11 Q And what is a Terry stop? 12 A A Terry stop is -- it's a stop on a 13 vehicle or person. If it's on a person, you're 14 stopping them -- you know, you're searching 15 them -- are you talking about a Terry search or a 16 Terry -- Terry stop or -- 17 Q Either or both. 18 A If you're searching a person, you're 19 looking for weapons, looking for anything in 20 which a person would have on their person that 21 would cause you harm. On a vehicle, if you stop 22 them, it's because you feel -- you have</p>	330	<p>1 immediately recognized them, because he had just 2 come over to the -- to the night shift. He 3 immediately recognized them as two individuals 4 that he ordered to stay off the premises in the 5 past. 6 So he -- once he got there, you know, 7 we asked him for identification. We called 8 NLECC, which is the National Law -- Law 9 Enforcement Control Center, run a 1029 check. 10 This is before we had access to -- run a 1029 11 check through NCIC, which is a warrant check. It 12 turned out that he had no warrants through NCIC. 13 The -- my partner released the -- the 14 male subject. He had -- he actually had his 15 information. The female subject did not. We 16 verified her identity through her social security 17 number. My partner notified me that, you know, 18 she was acting very suspicious and that, you 19 know -- and I noticed that she had very bulky 20 coat on, so I conducted a -- a -- a patdown, 21 Terry -- Terry frisk of her. 22 Before I conducted the patdown, I asked</p>
329	<p>1 reasonable suspicion to believe that they have 2 committed a crime or they will commit a crime. 3 Q And do Postal Police Officers perform 4 Terry stops? 5 A Yes. 6 Q Can I please direct your attention to 7 Union Exhibit 27? Do you recognize this 8 document? 9 A Yes, I do. 10 Q And can you please identify it? 11 A It is an incident report that my 12 partner wrote. 13 Q Was this an incident that you 14 investigated? 15 A Yes. 16 Q And can you please describe the 17 circumstances that led to this incident report? 18 A My partner and I were on a station 19 patrol. While at the station, we noticed an 20 individual in the lobby of the station. There 21 was two individuals in the lobby. There was a 22 male and a female. We went inside. My partner</p>	331	<p>1 her if she had anything on her person that would 2 harm me, if she had any weapons. She said, no, 3 she didn't have any weapons. As I was conducting 4 the patdown, she did make mention that she had 5 a -- what I would call a crack pipe, straight 6 shooter, which would be a pipe that she would use 7 to smoke crack cocaine out of. 8 I continued to search. I located the 9 pipe in her pocket. I -- I retrieved the pipe. 10 I backed away from the subject, notified the 11 supervisor. The supervisor contacted Memphis 12 Police. My partner and I went ahead and made the 13 arrest and she was Mirandized, and when Memphis 14 Police got there, they -- they took over. They 15 took her, and she was charged under -- under 16 Tennessee code. 17 Q Who gave the Miranda warnings? 18 A I did. 19 Q Do Postal Police Officers write 20 citations? 21 A Yes. That's what I got an award for. 22 Q And do you have your own ticket book?</p>

Capital Reporting Company
In the Matter of- USPS and PPOA 01-15-2014 Volume II

332	<p>1 A Yes.</p> <p>2 Q Are you aware of whether the Postal</p> <p>3 Service believes that Postal Police Officers have</p> <p>4 to testify as part of their duties?</p> <p>5 A Whether the Postal Service believes?</p> <p>6 Q Postal Police Officers are --</p> <p>7 A Oh, yes. Yes, they are.</p> <p>8 Q And how do you know this?</p> <p>9 A There was some discipline that was</p> <p>10 given to an officer recently. He was given a --</p> <p>11 a letter of removal, and one of the -- one of the</p> <p>12 charges was that he was -- he had -- he showed a</p> <p>13 lack of candor. Basically, management was saying</p> <p>14 that he was lying to the OIG agents.</p> <p>15 In -- in the letter of removal, the</p> <p>16 captain stated that -- something to the effect of</p> <p>17 it is a requirement of Postal Police Officers to</p> <p>18 testify in court and your lack of candor has</p> <p>19 compromised your integrity and you no longer have</p> <p>20 integrity to testify in court.</p> <p>21 Q Do Postal Police Officers investigate</p> <p>22 reports of suspicious packages?</p>	334	<p>1 any -- anybody who witnessed it. That was</p> <p>2 compromised because all the witnesses were</p> <p>3 allowed to leave before Postal Police arrived.</p> <p>4 Q And in the -- what do you do with</p> <p>5 the -- the drugs once you secure the scene?</p> <p>6 A I took -- I took the drugs -- my</p> <p>7 partner and I took the drugs back to the Postal</p> <p>8 Police office. We have what's known as a</p> <p>9 CON-CON. Basically, it's a sealed container.</p> <p>10 It's a container that can be sealed for the</p> <p>11 transport of high value mail shipments. We put</p> <p>12 them in there and lock them up. We have a</p> <p>13 CON-CON at our Postal Police office that we put</p> <p>14 things such as drugs. You know, anything that's</p> <p>15 illegal that shouldn't be in the mail stream, we</p> <p>16 put it in there until the Postal Inspectors can</p> <p>17 arrive to pick it up.</p> <p>18 This particular CON-CON was sealed.</p> <p>19 There was a tag placed in the CON-CON with my</p> <p>20 name on it, that I was the person that picked it</p> <p>21 up and from who I picked it up, and --</p> <p>22 Q Is that for chain of custody purposes?</p>
333	<p>1 A Yes.</p> <p>2 Q Can I please direct your attention to</p> <p>3 Union No. 27?</p> <p>4 A Okay.</p> <p>5 Q Do you recognize this document?</p> <p>6 A Yes, I do.</p> <p>7 Q And can you please identify it?</p> <p>8 A It's an incident report that I wrote</p> <p>9 about a suspicious -- possibly illegal substance</p> <p>10 in the -- in the mail stream.</p> <p>11 Q And how did you investigate this?</p> <p>12 A Through a call to the Memphis bulk mail</p> <p>13 center or network distribution center. The</p> <p>14 supervisor on the tour prior to my tour at the --</p> <p>15 I'll call it the NDC -- reported to Postal Police</p> <p>16 that there was a package that contained four bags</p> <p>17 of marijuana. They stated it was 1-pound bags of</p> <p>18 marijuana.</p> <p>19 The Postal Police was ordered to</p> <p>20 respond to the NDC and take possession of -- of</p> <p>21 the substance and the package and interview</p> <p>22 witnesses and get any statements from -- from</p>	335	<p>1 A Yes. It was for chain of custody, yes.</p> <p>2 And so, you know, I notated the sealed number in</p> <p>3 my report as well.</p> <p>4 Q And did you take the pictures that</p> <p>5 are --</p> <p>6 A Yes, I took those pictures.</p> <p>7 Q Do Postal Police Officers investigate</p> <p>8 thefts?</p> <p>9 A Yes.</p> <p>10 Q May I please direct your attention to</p> <p>11 Union Exhibit No. 28?</p> <p>12 A Uh-huh.</p> <p>13 Q Do you recognize this document?</p> <p>14 A Yes, I do.</p> <p>15 Q And can you please identify it?</p> <p>16 A This is an incident report that I</p> <p>17 wrote. It had to do with an attempted vehicle</p> <p>18 break-in on a postal facility's customer parking</p> <p>19 lot.</p> <p>20 Q And what steps did you take to</p> <p>21 investigate this?</p> <p>22 A We responded to the scene. We got the</p>

Capital Reporting Company
In the Matter of- USPS and PPOA 01-15-2014 Volume II

336	<p>1 names of the people -- Memphis Police, obviously, 2 were closer. They -- this is one of the further 3 stations from the Postal Police office. Memphis 4 Police arrived on scene first. They had detained 5 the subjects. 6 Once we arrived, my partner went inside 7 to obtain witness statements from the witnesses 8 who saw the individuals attempting to get in the 9 vehicles. I stayed outside with the MPD officers 10 to get all of the information on the -- on the 11 suspects. 12 After it was determined that the 13 suspects would be charged with trespassing under 14 Tennessee code, they were transported to the 15 local precinct, Memphis precinct, by Memphis 16 Police. My partner and I followed, where I 17 issued both individuals United States District 18 Court violation notices, violating 39 CFR 232.1. 19 Q All right. And then may I also direct 20 your attention to Union Exhibit 29? 21 A Uh-huh. 22 Q And do you recognize this document?</p>	338	<p>1 inspectors responded, and, basically, they -- 2 they took over the investigation from there. 3 Q Do Postal Police Officers perform 4 surveillance in the course of their duties? 5 A Yes. 6 Q And can you please give an example? 7 A There was an -- there was -- say a year 8 or so ago, maybe a little longer, we had several 9 break-ins at -- at our Jetco facility, vehicle 10 break-ins, employee vehicles. This had been an 11 ongoing problem ever since I've become a Postal 12 Police Officer. The unions for these employees 13 were pressing the Postal Police to do something 14 about the issue. 15 So myself and a sergeant went out to 16 the facility and, you know, conducted 17 surveillance on the facility. The way it was 18 done, my sergeant drove an unmarked vehicle, and 19 I drove a marked unit. My marked unit was hidden 20 while the sergeant was parked in the open so that 21 he could watch the vehicles. 22 Q And what was the purpose of having a</p>
337	<p>1 A Yes. 2 Q And can you please identify it? 3 A It's an incident report that I wrote on 4 an individual -- two individuals who took mail 5 specifically -- I think it was priority parcels 6 out of a mail carrier's vehicle with her on the 7 other side of the -- this particular vehicle was 8 a Dodge Caravan. It had sliding doors on both 9 sides. 10 Q And how did you investigate this scene? 11 A We arrived to the scene. We met with 12 the carrier and the supervisor. I obtained a 13 written witness statement from the carrier. The 14 supervisor contacted the -- the local -- or 15 the -- the main carrier that was on route, gave 16 him a description of the vehicle. The vehicle 17 was located up the -- up the street, because the 18 carrier knew where the vehicle was supposed to 19 be -- was supposed to be. 20 We transported the carrier up to where 21 the vehicle was at. She positively identified 22 that vehicle as being the get-away vehicle. The</p>	339	<p>1 marked unit? 2 A The purpose of the marked unit was -- 3 in the event someone comes to actually vandalize 4 or break into a vehicle, the marked unit was 5 there to respond and, you know, pull the suspects 6 over, get their information, make an arrest, you 7 know, if -- if circumstances warranted. 8 Q And are the above incidents -- we 9 discussed only six incident reports. Have you 10 responded to more than six incidents -- 11 A Oh, man, yes. 12 Q -- in your time as a -- 13 A Yes. 14 Q -- police officer? 15 A Memphis is a very high crime area. 16 Q Are you aware of any difficulties in 17 Postal Police hiring in Memphis, Postal Police 18 Officer hiring in Memphis? 19 A You know, there's some issues with 20 the -- with the pay -- 21 MS. GONSALVES: There might have been 22 an objection on this one. You've got to lay more</p>

Capital Reporting Company
In the Matter of- USPS and PPOA 01-15-2014 Volume II

340	<p>1 of a foundation on that. 2 BY MS. MCKINNON 3 Q As a union representative, are you -- 4 do you -- 5 A Yes. I make -- 6 Q Are you -- 7 A I make contact -- as a union 8 representative, I make contact with several 9 people who are actually on the list to become 10 hired as Postal Police. You know, several of the 11 people who did not want the position did not want 12 the position because they would have to take a 13 pay cut to -- to come over -- 14 MS. GONSALVES: I'm going to object 15 again. There's no foundation for personal 16 knowledge here. How does he know? 17 BY MS. MCKINNON 18 Q Is this something that you perform 19 regularly in the course of your union duties, 20 your union representative duties? 21 A No, I don't -- I don't do it regularly. 22 I do it -- you know, when I'm provided with a</p>	342	<p>1 THE WITNESS: Yes. 2 MS. GONSALVES: -- is what you're 3 saying? 4 THE WITNESS: Uh-huh. 5 MS. GONSALVES: So you're also provided 6 with their contact information, even though 7 they're not employees? 8 THE WITNESS: Yes. 9 MS. GONSALVES: That's interesting. 10 Okay. 11 MS. MCKINNON: All right. Well, thank 12 you for your time, Officer Pierce. 13 ARBITRATOR OLDHAM: Hang on. I think 14 we need a stretch break. Let's take ten minutes. 15 (Brief recess.) 16 ARBITRATOR OLDHAM: Let's get going 17 again, please. 18 MS. GONSALVES: Do you want to do it 19 now or after -- 20 MR. STEPHENS: Sure. We can do it now. 21 So I guess an issue that Teresa and I would like 22 to raise with the panel -- and I see it as kind</p>
341	<p>1 list, I'll make contact with the people and ask 2 them, you know, what's your -- you know, are you 3 interested and are you still interested. They'll 4 say yes or no. If they're not, then I will 5 inquire as to why they're not. 6 Q Do you do this every single time when 7 you're provided with a list? 8 A Usually. 9 MS. GONSALVES: Provided with what 10 list? I don't understand. 11 THE WITNESS: There's a roster in each 12 city. Basically, Postal Police are offered a 13 test. If they pass a test, they're placed on the 14 roster, and, you know, we hire from that roster. 15 MS. GONSALVES: And you're given a copy 16 of the roster if you request it? 17 THE WITNESS: If I ask, yes. 18 MS. GONSALVES: A union request for 19 information? 20 THE WITNESS: Right. 21 MS. GONSALVES: And then you contact 22 the actual applicants --</p>	343	<p>1 of two -- two different issues. But with respect 2 to the incident reports, instead of having the 3 authentication of the various reports, my 4 understanding is that the post office would -- 5 you tell me, Teresa, what you -- 6 MS. GONSALVES: We're just trying to 7 save time by not going through all the reports. 8 So we'll stipulate as to the authenticity of 9 those reports. 10 MR. STEPHENS: Okay. And the other -- 11 I mean, I guess the purpose of the reports was 12 simply as an -- to illustrate testimony. The 13 reports actually aren't important in their own 14 right. It's really just as an aid to remind 15 people of things that they've done. 16 Obviously, everyone can simply testify 17 from memory and they really are testifying from 18 memory, but we are -- on our side, we are very 19 aware of Rule 403 and cumulative testimony, and 20 it's certainly, on our side of the table and I'm 21 sure on Teresa's side as well, not our intent at 22 all to bore the panel or to beat horses until</p>

Capital Reporting Company
In the Matter of- USPS and PPOA 01-15-2014 Volume II

344	<p>1 they're nice and -- nice and dead. 2 But on the other hand, we don't -- in 3 order to respond to the argument, one of the 4 principal arguments made by the Postal Service is 5 a -- kind of a factual challenge to the duties 6 and responsibilities on a day-to-day basis when 7 it comes to police officers. And we believe that 8 the response to individual testimony by an 9 individual incident by one officer in one 10 location is going to be met by the argument that 11 it is not at all representative of what police 12 officers actually do for the Postal Service. We 13 do not accept that argument, but we certainly 14 acknowledge their right to make the argument. 15 So we are at -- we're at a bit of a 16 dilemma. On the one hand, we have no interest in 17 boring anyone or of just going over -- many of 18 the officers who are here today are testifying in 19 response to the opening statement that the post 20 office presented, which was the -- part of the 21 opening statement we thought they would make, 22 that we're security guards. So the officers here</p>	346	<p>1 witness, but we don't need to have a full trip 2 through every incident -- 3 MR. STEPHENS: Understood. 4 ARBITRATOR OLDHAM: -- factually, 5 because it's going to be there in the exhibit as 6 we move forward. Perhaps that's how we'll 7 proceed. 8 MR. STEPHENS: But discussing the -- 9 taking a step back from all of the facts of the 10 incident, it still might be useful to discuss the 11 particular duties and tasks that were performed 12 to illustrate, generally speaking, what an 13 incident -- what the officers are doing. 14 ARBITRATOR OLDHAM: Yes. And we 15 have -- we pretty much have the list now, but you 16 can, if you wish, point out things, if this is 17 common in other geographic areas with -- with 18 other witnesses that you've brought here, and we 19 don't need to elaborate. 20 MR. STEPHENS: Understood. 21 ARBITRATOR OLDHAM: All right. 22 ARBITRATOR DUFEK: Perfect.</p>
345	<p>1 and more will testify to all the police functions 2 that they do on a day-to-day basis. 3 So I guess, in some ways, I'm looking 4 for direction from the panel about what we ought 5 to do in response to that, whether we should 6 continue to put on all these witnesses to testify 7 to their daily police duties or if we should do 8 something else. 9 ARBITRATOR OLDHAM: Well, we understand 10 entirely that you're wanting to give us what we 11 view as a full exposure to the spectrum of 12 activities that the PPO encounters and performs. 13 Fine. And that's what we understand has been 14 going on here, and I understand that there will 15 be a different point of view about how 16 representative these matters are, and we'll have 17 full cross-examination here of this witness. 18 Afterwards, if you could, I think, 19 streamline the process by simply, if you wish, 20 identifying and noting the exhibits and the type 21 of matter that it was and if it was one of just 22 not that one solo instance with the given</p>	347	<p>1 ARBITRATOR OLDHAM: Now, 2 cross-examination? 3 MS. GONSALVES: I think it will be 4 fairly short. 5 CROSS-EXAMINATION BY COUNSEL FOR 6 THE 7 POSTAL SERVICE 8 BY MS. GONSALVES 9 Q So, Officer Pierce, you've been with 10 the Postal Service -- well, you've been a Postal 11 Police Officer since March of 2010? 12 A Yes. 13 Q And when you came on, you agreed to the 14 terms and conditions of your position? 15 A Yes. 16 Q And you agreed to the salary that you 17 received at that time? 18 A Yes. I was -- do you mind if I 19 elaborate? 20 Q I don't mind if you elaborate. 21 A Okay. When I was hired on as a Postal 22 Police Officer, my job as a letter carrier was actually a part-time job. I was a part-time</p>

Capital Reporting Company
In the Matter of- USPS and PPOA 01-15-2014 Volume II

<p style="text-align: right;">348</p> <p>1 flexible. When I hired on as a Postal Police 2 Officer, I come into a full-time status. So I 3 actually was one of the few that received a raise 4 coming over to the Postal Police. 5 Q Got it. Thank you. And based upon 6 your testimony, it is not your position that your 7 duties have changed markedly since you came in in 8 March of 2010, correct? 9 A No, not too much. 10 Q And you wouldn't have any personal 11 knowledge of -- by personal knowledge, I mean you 12 don't have any experience with what the duties 13 were prior to that time, correct? 14 A No personal experience, no. 15 Q And I can say with respect all our 16 incident reports, you had a partner with you, 17 didn't you? 18 A Yes. And that's a local SOP. 19 Q A what? 20 A Local SOP. 21 Q Oh, standards -- standard operating -- 22 A Standard operating procedure.</p>	<p style="text-align: right;">350</p> <p>1 Q Okay. And let's see. When you talked 2 about investigating thefts, you talked about 3 witness statements that you took, correct? 4 A Yes. 5 Q Would it be correct to call that 6 preliminary fact-finding? 7 A I would say it was preliminary 8 investigation. That's what I would call it. 9 Q Okay. Are you familiar with the Postal 10 Service's term for that, the official term? 11 A I don't know if I'm familiar with the 12 Postal Service's term. I know what the term 13 "investigation" means. 14 Q Okay. But preliminary -- investigation 15 can have many different meanings, as you know. 16 But this is preliminary fact-finding. You're 17 gathering facts, correct? 18 A I'm gathering facts. 19 Q Yeah. 20 A That's right. 21 MS. GONSALVES: I think that is all. 22 Yeah. All right. That's all the questions I</p>
<p style="text-align: right;">349</p> <p>1 Q -- procedure? Okay. 2 And you testified about testimony, and 3 you talked about discipline that was imposed on 4 someone, some unidentified person? 5 A Right. 6 Q It wasn't you, was it? 7 A No. 8 Q Okay. 9 A No, it wasn't me. 10 Q Okay. So you don't have personal 11 knowledge of that? 12 A I do have personal knowledge because I 13 represented that person from a union standpoint. 14 Q As a union representative? 15 A As a union representative. 16 Q Union steward, your capacity -- 17 A Right. Yes. 18 Q -- as -- 19 A Yes. 20 Q Do you have a copy of the notice for 21 removal? 22 A I can obtain a copy sometime today.</p>	<p style="text-align: right;">351</p> <p>1 have for you. All right. Thank you. 2 THE WITNESS: I can get up now, right? 3 ARBITRATOR OLDHAM: Wait, wait. 4 MS. MCKINNON: No redirect. 5 MS. BRAMESCO: Now you can get up. 6 (Witness excused.) 7 MR. STEPHENS: Our next witness is... 8 WHEREUPON, 9 FRANK ALBERGO 10 called as a witness, and having been first duly 11 sworn, was examined and testified as follows: 12 THE WITNESS: Yes, absolutely. My 13 accent's a little different. 14 DIRECT EXAMINATION BY COUNSEL FOR 15 THE 16 UNION 17 BY MR. STEPHENS 18 Q Can you identify -- state your name for 19 the record, please? 20 A Frank Albergo. 21 Q And, Mr. Albergo, by what agency are 22 you employed? 23 A The United States Inspection Service.</p>

Capital Reporting Company
In the Matter of- USPS and PPOA 01-15-2014 Volume II

352	<p>1 Q And what is your position? 2 A Postal Police Officer. 3 Q And speaking of your accent, where is 4 your duty station? 5 A New York. I'm -- actually, well New 6 York Division is many different facilities, so 7 I'm in Brooklyn. 8 Q And Officer Albergo, what year were you 9 hired as a police officer? 10 A 2000. 11 Q And did you hold a job with the Postal 12 Service before becoming a police officer? 13 A Yeah. I was a letter carrier. 14 Q In what year did you become a letter 15 carrier? 16 A '94, I believe. 17 Q And Officer Albergo, are you a high 18 school graduate? 19 A Yes, I am. 20 Q Are you a college graduate? 21 A Yes, I am. I have an associate's in 22 applied science and a bachelor's in fine arts.</p>	354	<p>1 carrier, and now I make about \$5,000 less. 2 Q \$5,000 less than what? 3 A Than a carrier. I believe that's the 4 number. 5 Q At some point, did you seek to leave 6 the Postal Police to go to another federal law 7 enforcement agency? 8 A Yes. I went through the hiring process 9 for the FBI Police. I received a call that I 10 was -- this is their term -- approved for hire. 11 It was originally stipulated that I would be in 12 New York, and they said D.C. And my wife has a 13 Wall Street job, so I couldn't go, and I turned 14 them down. 15 Q And when you were -- when the uniformed 16 FBI Police hired you, did they state that you 17 would have to undergo any additional training 18 beyond the FLETC training that you had already 19 received? 20 A Actually, they did say it was an extra 21 five days of training, but they framed it in a 22 way that it was more orientation. It really</p>
353	<p>1 Q And who's your -- 2 A Magna cum laude. Very proud. 3 Q And, Officer Albergo, where did you do 4 your police academy training? 5 A At FLETC. 6 Q And how many Postal Police Officers 7 just from New York were in your class at FLETC? 8 A There were 21 or 22, I believe. 9 Q Now, in the years since then, how many 10 of those officers have left to go to work for 11 other law enforcement agencies? 12 A I believe ten. It may have been 11. 13 And -- but that number, 22, three failed out of 14 FLETC, so it was reduced about 18. So of the 18, 15 ten left for better pay. 16 Q When you became a police officer in 17 2000, was that considered a promotion? 18 A Yes. Actually, I was -- during the 19 interview process, I was told it was a promotion. 20 On my PS-50, which we all know about, it says, 21 explicitly, promotion. I was told there was a 22 raise, and there was, a \$2,900 raise from being a</p>	355	<p>1 wasn't about police work. It was more about FBI 2 policies within the 26 Federal Plaza or it would 3 be, I guess, Quantico. So it was five extra days 4 in addition to my FLETC training. 5 Q And at that time, did the FBI Police 6 pay more than the post office paid? 7 A Yes. It was -- it was somewhere 8 between 15- and \$20,000 more. 9 Q You said the letter carriers, you 10 understand -- how much more a year do you 11 understand they make? 12 A I think it's around 4,000 and change. 13 Q Okay. Are you called on to protect 14 letter carriers while they're on their routes? 15 A Yes. 16 Q Can you describe that for us? 17 A Well, it's interesting, actually. So 18 we are explicitly told that we are on patrol for 19 the carriers, but because of the technicality 20 from D.C., we have to stop into a post office. 21 And my captain said, you're not there to do a 22 security survey of the post office anymore. In</p>

Capital Reporting Company
In the Matter of- USPS and PPOA 01-15-2014 Volume II

356	<p>1 fact, you don't even need to fill out the 2 security survey. Just go to the supervisor, find 3 out if any carriers have been assaulted, harassed 4 followed, robbed, quickly get out of the post 5 office and go to any route that that carrier may 6 be on. If there hasn't been an assault -- I 7 mean, you know, it's Brooklyn, so obviously go to 8 Brownsville, Bushwick, you know, the high crime 9 area. 10 And they have -- NYPD has CompStat, 11 which is crime statistics, so sometimes we'll 12 refer -- I mean, we -- PPOs may not, but the 13 captain will refer to the CompStat and say we 14 want you to patrol in this area. But, remember, 15 you're stopping at a post office and then -- I 16 mean, they laugh about it, like, as if it's -- 17 you know, I mean, we have to fulfill this 18 technicality. 19 Q Now, in New York, what's -- what are 20 the -- what's the Postal Police Officer -- what's 21 the Postal Police division of the Inspection 22 Service's relationship with NYPD?</p>	358	<p>1 program? 2 A A reduction. There actually -- there 3 was a memo recently out that it's been working. 4 Recently -- I mean, I'm sure everyone knows -- we 5 got the Amazon contract, and so there's been an 6 increase in assaults and robberies of carriers, 7 because now they have electronics because of 8 Amazon. And, apparently, it's been working in 9 New York, police presence, community policing. 10 MR. STEPHENS: No further questions. 11 Thank you, sir. 12 CROSS-EXAMINATION BY COUNSEL FOR 13 THE 14 POSTAL SERVICE 15 BY MS. GONSALVES 16 Q The only question I had for you was the 17 FBI hiring, the -- the offer you got from the 18 FBI. 19 A Right. 20 Q What year was that in? 21 A I would say -- I'd have to ask my wife, 22 but it was probably 2003, 2004 before she put a kabosh on it.</p>
357	<p>1 A It's very good, actually. 2 Q And -- 3 A We back them up. They back us up. 4 Q And can you describe the New York 5 community-oriented policing program? 6 A Sure. Well, sometimes -- well, right 7 now, we're doing it with the sergeant. Now, are 8 you speaking about service talks, because 9 there's -- that's kind of a large umbrella. 10 So there's -- there's -- when we go out 11 on patrols, we'll stop in the post office, speak 12 to somebody quickly. We might give a service 13 talk. Then we'll go to -- out on the carrier 14 route, speak to the carrier, make sure 15 everything's okay. 16 We may speak to customers, but then 17 there's also where we go out with an inspector, 18 and there's robbery prevention, you know, stuff 19 like that, just policy, and we'll speak to the 20 entire post office. 21 Q And what has been the effect of this 22 program, the broader community-oriented policing</p>	359	<p>1 Q We have a tendency to do that. 2 And what about the policy of going out 3 to visit carriers and make stops at postal 4 facilities? When did that start? 5 A We've always done the patrols, which 6 were more station patrols, but the postal -- the 7 carrier patrols have been fairly -- about a year, 8 I'd say. 9 Q So you're saying that New York didn't 10 implement that until a year ago? 11 A Well, not at -- not as under the 12 umbrella of carrier patrol. I mean, if a carrier 13 got assaulted, we would go out and we would do a 14 carrier patrol. But now we're going out just 15 even if they haven't been assaulted. We go to 16 high crime areas to show presence. 17 Q I used to live in those high crime 18 areas when I was a teacher in New York City. 19 So do you have any documents about 20 that? Were you given any documents about that? 21 A Well -- 22 Q At the time it was implemented, I mean.</p>

Capital Reporting Company
In the Matter of- USPS and PPOA 01-15-2014 Volume II

<p style="text-align: right;">360</p> <p>1 A Do I have any documents? I -- we have 2 a -- a memo from the colonel that we -- right 3 now, actually, we're having a -- we're not -- 4 we're about to go through a reorg, and the 5 regional rep from Brooklyn had asked about, you 6 know, what's the intent, what's going on. And 7 the colonel wrote back a memo, and in the memo, 8 he mentions MTE retrieval. He mentions carrier 9 patrols. He mentions community policing and a 10 number of other things -- 11 Q And you're saying -- 12 A -- so I do have that. 13 Q You're saying that memo is dated 14 roughly -- 15 A Well, that's recently. 16 Q When you say recently, people's 17 definitions of -- 18 A Within the month, I'd say. 19 Q Okay. And at the time the program 20 started, the program that you testified about, 21 you don't have any documents -- you don't 22 recall -- because, you know, in Chicago, there</p>	<p style="text-align: right;">362</p> <p>1 THE WITNESS: I do. 2 DIRECT EXAMINATION BY COUNSEL FOR 3 THE 4 UNION 5 BY MR. STEPHENS 6 Q Can you please state your name for the 7 record? 8 A My name is Tammy Michaelson. 9 Q And, Ms. Michaelson, by whom are you 10 employed? 11 A I'm currently employed by the Los 12 Angeles County Sheriff's Department. 13 Q Okay. And have you ever been employed 14 by the Postal Inspection Service? 15 A Yes. 16 Q And what were your dates of employment 17 with the Inspection Service -- 18 A I was -- 19 Q -- rough years? 20 A I was hired as a Postal Police Officer 21 in 1995, and I left in 2006. 22 Q Okay. And were you -- where did you do your academy training?</p>
<p style="text-align: right;">361</p> <p>1 were some documents -- 2 A I mean, there's roll calls. I mean, it 3 won't say carrier patrol, but it -- there's tons 4 of roll calls with patrol on it, patrol, patrol. 5 Q We're going back how long? 6 A Oh, that goes back, you know, years and 7 years. 8 Q Since when you started, would you -- 9 A Yes. 10 Q -- say? 11 A Right. Right. 12 MS. GONSALVES: I think those are all 13 the questions I have. Thank you very much. 14 COURT REPORTER: Could you spell your 15 last name for me? 16 THE WITNESS: A-L-B-E-R-G-O. 17 COURT REPORTER: Thanks. 18 (Witness excused.) 19 WHEREUPON, 20 TAMMY MICHAELSON 21 called as a witness, and having been first duly 22 sworn, was examined and testified as follows:</p>	<p style="text-align: right;">363</p> <p>1 A FLETC. 2 Q Okay. And do you recall how many 3 Postal Police Officers were in your class at 4 FLETC? 5 A It was around 23, because we were half 6 Secret Service and half Postal Police. It was 7 the second full class that went through after the 8 pilot class. 9 Q Okay. And do you recall -- at the time 10 you left the agency, do you recall how many other 11 Postal Police officers from your class had left 12 the agency? 13 A Quite a few. I recently checked, and 14 there was only four of us left now, and at the 15 time I left in 2006, I was probably one of the 16 last of the whole class to go. 17 Q During your time with the -- as a 18 Postal Police officer, were you also a union 19 official? 20 A Yes. 21 Q And what position did you hold with the 22 Union?</p>

Capital Reporting Company
In the Matter of- USPS and PPOA 01-15-2014 Volume II

364	<p>1 A When I left, I left as the 2 secretary/treasurer -- 3 Q Okay. 4 A -- executive board. 5 Q Can I direct your attention in that 6 binder to Union Exhibit No. 62? 7 MS. GONSALVES: I'm sorry. What was 8 it? 9 MR. STEPHENS: Sixty-two. 10 MS. GONSALVES: Sixty-two? 11 MR. STEPHENS: Yes. 12 BY MR. STEPHENS 13 Q Do you recognize this document? 14 A Yes, I do. 15 Q What is this document? 16 A This is a -- a few different e-mailed 17 correspondences that went through back in 2002. 18 It was provided to me by another Postal Police 19 Officer from L.A., and it was directly sent to 20 all the Postal Police in L.A. from then Captain 21 Ron Calvin. 22 Q Okay. What was the -- what was the</p>	366	<p>1 came from management that was a result of the 2 MPPD national leadership team, and in the e-mail, 3 there's reference made to the fact that this 4 ten-minute PowerPoint was going to be produced. 5 And so, as a result of their meetings and 6 teleconferences and talking to the Union and 7 Postal Police, this is what they came up with as 8 part of transformation for the Postal Police. 9 Q And what -- and management shared this 10 PowerPoint with the Union? 11 A Yes. 12 Q Okay. And do you recall what the Union 13 was told about the document as far as what the -- 14 what the objective was, what the transformation 15 objective was? 16 A I can't testify to exactly what was 17 said, but it was given to us because it was 18 showing direction that the Postal Inspection 19 Service wanted to take with Postal Police in 20 order to stem the tide of attrition, as John 21 Covell wrote in his e-mail. 22 Q And this is a true and correct copy of</p>
365	<p>1 subject matter of this e-mail? 2 A This was about a group that they were 3 putting together, the MPPD national leadership 4 team. All the captains and I don't know who else 5 got together, and they were mostly trying to 6 figure out how to retain Postal Police, because 7 so many of us were leaving. 8 Q And was it -- do you recall a 9 discussion in the -- in this e-mail, or could you 10 point out to -- what the concern was about 11 attrition? 12 A That they were leaving for other 13 agencies, and there's also comments that are in 14 here. They are reached out to the Union for 15 their input on how to keep Postal Police. So the 16 Union president had -- had put in his 2 cents. 17 But most of the attrition issue had to do with 18 other agencies hiring Postal Police. 19 Q And can I direct you -- your attention 20 to the next document? This is Union Exhibit No. 21 63. 22 A Yes. This -- this is a PowerPoint that</p>	367	<p>1 that? 2 A Yes. 3 MR. STEPHENS: No further questions. 4 Thank you. 5 CROSS-EXAMINATION BY COUNSEL FOR 6 THE 7 POSTAL SERVICE 8 BY MS. GONSALVES 9 Q So both of these documents that you 10 just testified about are from 12 years ago in 11 2002, right? 12 A That's correct. 13 Q Okay. Are you aware of current 14 attrition levels of the -- 15 A Yes. 16 Q -- Postal Police Officers? 17 A I have some information about attrition 18 levels. 19 Q Do you have personal knowledge of that? 20 A Yes. 21 Q Okay. So you -- you're aware that 22 they've dropped? 23 A Yes.</p>

Capital Reporting Company
In the Matter of- USPS and PPOA 01-15-2014 Volume II

<p style="text-align: right;">368</p> <p>1 MS. GONSALVES: Okay. That's all I 2 have. 3 MR. STEPHENS: No further questions. 4 Thank you. 5 (Witness excused.). 6 MR. STEPHENS: We call Gene Matta. 7 WHEREUPON, 8 EUGENE MATTA 9 called as a witness, and having been first duly 10 sworn, was examined and testified as follows: 11 THE WITNESS: Yes. 12 DIRECT EXAMINATION BY COUNSEL FOR 13 THE 14 UNION 15 BY MR. STEPHENS 16 Q Can you please state your name for the 17 record? 18 A Eugene Matta. 19 Q And by what agency are you employed? 20 A I work for the U.S. Postal Inspection 21 Service. 22 Q And in what position are you employed? A I am Postal Police Officer.</p>	<p style="text-align: right;">370</p> <p>1 guarding fixed posts? 2 A I'd say about 100 percent. 3 Q Okay. Now, today in Newark, who guards 4 the fixed posts? 5 A We have a private contractor, ABM. 6 Q And today, where do you spend most of 7 your tour? 8 A I spend most of my tour divided up 9 different sites between the Newark main post 10 office and Newark Airport. 11 Q Okay. Do you have a credential that 12 grants you airport access? 13 A Yes, I do, sir. 14 Q Does that credential identify you as a 15 law enforcement officer? 16 A Yes, it does. 17 Q Do Postal Police Officers in Newark 18 perform carrier patrols? 19 A Yes, we do. 20 Q And in Newark, what does that entail? 21 A We go out -- when we first started, you 22 would go out explicitly meet with carriers, speak</p>
<p style="text-align: right;">369</p> <p>1 Q And in what city are you employed? 2 A I work out of the Newark Division. 3 Q And, Officer Matta, when were you hired 4 as a PPO? 5 A I started 11/96. 6 Q Okay. And where did you do your police 7 academy training? 8 A I did my academy training at FLETC. 9 Q And did you hold a position with the 10 post office before you became a police officer? 11 A Yes, I did, sir. 12 Q In what position was that? 13 A I was letter carrier in Elmwood Park, 14 New Jersey. 15 Q And did you receive a raise when you 16 became a police officer? 17 A Yes, I did. 18 Q Now, when you first became a police 19 officer in '97, did police officers in Newark sit 20 on fixed posts? 21 A Yes, we did. 22 Q And what percentage of time was spent</p>	<p style="text-align: right;">371</p> <p>1 to them, make sure they're okay in the bad part 2 of towns. If they were having problems, if they 3 chose to spoke -- speak to us at that time, we 4 spoke. If not, we would meet them back at the 5 station at the end of the night and speak at that 6 time. Then a new directive came out that we had 7 to go to the post office first, meet up with a 8 supervisor, find out locations, and then proceed 9 out to meet up with carriers. 10 Q And do you do these patrols by yourself 11 or with someone else? 12 A No, sir. We do with it with a Postal 13 Inspector. 14 Q Okay. And are you called on to respond 15 to assaults on letter carriers? 16 A Yes, sir. 17 Q And do you perform any kind of initial 18 investigation of those assaults? 19 A Yes. Once we arrive, we do. 20 Q And what -- what do you do? 21 A We speak to the carrier, make sure 22 he's -- he's okay. He's our primary person.</p>

Capital Reporting Company
In the Matter of- USPS and PPOA 01-15-2014 Volume II

372	<p>1 Once we attain he's okay, nothing's missing, we 2 start talking to people as they're walking by, 3 maybe people standing around, see if they're 4 willing to talk to us, give us information on 5 possibly what happened, if they choose to. 6 Q And do -- do they sometimes not want to 7 talk to you? 8 A Yes. Sometimes, they do, because 9 they're scared of retaliation. 10 Q And how would that retaliation come 11 about? 12 A The person that may have assaulted them 13 might still be in the area, might see them 14 speaking to us, and they just don't want to get 15 involved. 16 Q I'm not going to go through the -- all 17 of the incidents, but you -- have you responded 18 to assaults on letter carriers? 19 A Yes. 20 Q Have you responded to and investigated 21 muggings of letter carriers? 22 A Yes.</p>	374	<p>1 A On our property of careless driving, 2 people driving erratic. 3 Q And if someone were to challenge it and 4 contest it in court, would you be called on to 5 testify? 6 A Yes, sir. 7 Q Are you called on to investigate motor 8 vehicle accidents? 9 A Yes, sir. 10 Q Can you please explain? 11 A Yes. If we get a call about a motor 12 vehicle accident, we respond. We have witness 13 statements, which we give to each part -- parties 14 involved. They fill them out. We speak to them 15 to verify information. We take pictures of the 16 area, of the accident scene. If anybody's hurt, 17 we will at that time contact an ambulance to come 18 check them out, paramedics. We take pictures of 19 the vehicles involved, which we attach to our 20 incident reports. 21 At that point, if a car needs to be 22 towed, we tow it. If they're driveable, they</p>
373	<p>1 Q Have you responded to and investigated 2 dog bites -- 3 A Yes. 4 Q -- on letter carriers? 5 Have you responded to and investigated 6 fights between post office employees? 7 A Yes. 8 Q Have you responded to and investigated 9 armed robberies? 10 A Yes. 11 Q Do the officers in Newark write 12 citations? 13 A Yes, we do. 14 Q And can you tell us about the 15 magistrate violation notice program? 16 A It's a program that we use to write 17 tickets from anything from disorderly conduct to 18 parking citations. 19 Q And do you write tickets for any 20 driving offenses? 21 A Yes, we do. 22 Q And can you tell us about those?</p>	375	<p>1 drive away. If a ticket needs to be given, we'll 2 give one at that point. If not, you know, we 3 make it for them to contact us again when they 4 need their report. 5 Q Do Postal Police Officers in Newark 6 work with local law enforcement? 7 A Yes. 8 Q Please can you give us examples of 9 that? 10 A Yes. At times -- I'm assigned to 11 Newark Airport, so at times, if there's a breach 12 of security out there, I will help Port Authority 13 PD locate said breach of -- breach of security 14 inside the terminal or outside. I've responded 15 with them to minor aircraft accidents just to 16 help evacuate personnel, anything else they need. 17 If we find objects that are not supposed to be 18 where they are, we help them. 19 Q Do you find mail -- 20 A Yes. 21 Q Do you find stolen mail at the airport? 22 A Yes, we have.</p>

Capital Reporting Company
In the Matter of- USPS and PPOA 01-15-2014 Volume II

376	<p>1 Q Do you find rifled mail at the airport? 2 A Yes, we have. 3 Q Do you find abandoned mail at the 4 airport? 5 A Yes, we have. 6 Q Do you have to handle any prisoner 7 transports? 8 A Yes, we do. 9 Q Okay. Do Postal Police Officers in 10 Newark investigate reports of suspicious 11 packages? 12 A Yes, we do. 13 Q And what are you required to do in 14 these situations as a general matter? 15 A If we get a call on a suspicious 16 parcel, we're told to respond to the area, try to 17 get information off that package if possible, if 18 it's not a danger to yourself. At that point, 19 you tape off the area and not allow anyone to get 20 in or out of that area to protect the scene. 21 And if it's something that can be 22 handled by Inspection Service, we'll contact the</p>	378	<p>1 we're told just to be on the lookout for them, if 2 they come in, handle them cautiously. And, also, 3 we're in an inner city, so when we're out 4 patrolling, they may be bothering our carriers. 5 So part of our job is to protect that carrier 6 from the gang members. 7 Q Are you exposed to hazards, biohazards, 8 in terms of threats to physical safety? 9 A Yes. 10 Q And can you give us examples of that? 11 A Going back to suspicious parcels, when 12 we respond to them at one of our processing 13 facilities, we don't know what the powdery 14 substance is. So when you respond to tape off 15 the area, you're basically told you -- you know, 16 you own the area. You've got to stay there until 17 an inspector can clear it that it's not 18 dangerous. 19 Q Are Postal Police Officers called on to 20 recover evidence? 21 A Yes, we are. 22 Q And are you trained on how to handle</p>
377	<p>1 inspector, or if not, we'll contact local hazmat. 2 Q And are there ever suspicious persons 3 who are on or around post office facilities in 4 Newark? 5 A Yes. 6 Q And what are you called on to do in 7 those situations? 8 A We're constantly dealing with 9 suspicious people, homeless. They're bothering 10 our patrons. We're called to identify them, 11 either arrest them, give them tickets. It's 12 officer discretion at that point. 13 Q Now, do you have any interaction with 14 gang members? 15 A Yes, we do. 16 Q And can you explain kind of how that 17 comes up? 18 A We have two reasons why -- we have a 19 federal courthouse in our building, and we're 20 constantly having gang trials, and so they're 21 constantly in and out. They are -- they are 22 identified by the U.S. Marshal Service to us, and</p>	379	<p>1 evidence? 2 A Yes. 3 Q Are Postal Police Officers deemed 4 emergency employees in Newark? 5 A Yes. 6 Q And what -- what were you called on to 7 do during Hurricane Sandy? 8 A We were called to -- we actually were 9 told we had to hunker down -- hunker down at the 10 facilities till the hurricane passed. While all 11 the rest of the employees were sent home, 12 basically, of the three sets we're responsible 13 for, we have to stay, protect the facility and 14 surrounding area's equipment. At one point, I 15 was asked to drive to another facility in the 16 middle of the storm because no one was picking up 17 a phone at that site. 18 Q So you traveled there during the storm, 19 during the hurricane? 20 A During the storm, yes, about 2:30 in 21 the morning. 22 Q And how long did you -- how long was</p>

Capital Reporting Company
In the Matter of- USPS and PPOA 01-15-2014 Volume II

<p style="text-align: right;">380</p> <p>1 your -- how long did you work that -- how long a 2 shift did you end up having to work? 3 A I started Monday at 10:00 a.m., and if 4 I'm correct, I didn't get off -- I didn't get 5 relieved till Wednesday, 2:30 in the afternoon. 6 Q Did you work with a police officer 7 named Peter Litterio? 8 A Yes, I did. He was a coworker. 9 ARBITRATOR OLDHAM: Spell the last 10 name, please. 11 MR. STEPHENS: The last name is 12 Litterio, L-I-T-T-E-R-I-O. 13 BY MR. STEPHENS 14 Q Was Officer Litterio fired by the 15 Inspection Service? 16 A Yes. 17 Q And for what offense was he fired? 18 A He was fired because of the charges -- 19 he hurt his child, hurt his baby. He assaulted 20 his baby, I guess. I really wasn't intimately 21 involved in it. 22 Q Can I direct your attention to Union</p>	<p style="text-align: right;">382</p> <p>1 CROSS-EXAMINATION BY COUNSEL FOR 2 THE 3 POSTAL SERVICE 4 BY MS. GONSALVES 5 Q Is it Officer Matta? 6 A Yes. M-A-T-T-A. 7 Q Officer Matta, this exhibit that 8 counsel just had you look at, this is being 9 introduced, I assume, to show that Postal Police 10 Officers are held to a higher standard of conduct 11 than letter carriers? 12 A Yes. 13 Q And, therefore, that they should be 14 paid more? 15 A Yes. 16 Q And to make that point, you're using a 17 case where an arbitrator found that a PPO who had 18 abused his three-month old child by dropping him, 19 breaking his ribs and shaking him repeatedly -- 20 you're using this case to make that point? 21 MR. STEPHENS: Objection. What's -- 22 what's the -- what's your point? Yes, I'll take responsibility. Do you want to ask me -- that's</p>
<p style="text-align: right;">381</p> <p>1 Exhibit No. 44? Do you recognize this document? 2 A Yes, sir. 3 Q What is this document? 4 A It's a arbitration ruling between 5 Postal Service and the union pertaining to Pete 6 Litterio's case. 7 Q And did the arbitrator order 8 Mr. Litterio, then Officer Litterio, reinstated 9 as a police officer? 10 A No, sir. 11 Q Did she order him to be reinstated to 12 an appointment within the post office? 13 A Yes, she did. 14 Q And why did she believe that it was 15 okay to reinstate him at a postal employee, but 16 not as a police officer, if you recall? 17 A I don't recall, to be honest with you, 18 but I -- I'm assuming it had to be -- 19 Q That's okay. It's in the report. 20 A Yeah. 21 MR. STEPHENS: Officer Matta, thank you 22 very much. I have no further questions.</p>	<p style="text-align: right;">383</p> <p>1 exactly what we're using it for. 2 BY MS. GONSALVES 3 Q All right. Are you -- to your 4 knowledge and based upon the document in front of 5 you, which I assume you're familiar with because 6 your testifying about it, right? 7 A He was a coworker. 8 Q Okay. So you're familiar with the 9 case? 10 A I've heard of it. 11 Q To your knowledge, did the Postal 12 Service ever take the position that Mr. Litterio 13 should remain a postal employee? 14 MR. STEPHENS: If you know. 15 THE WITNESS: I really don't know. I 16 wasn't -- 17 BY MS. GONSALVES 18 Q Okay. Let's look at the first page. 19 MR. STEPHENS: I'll stipulate that the 20 post office may have been unhappy with the award. 21 MS. GONSALVES: And that it always took 22 the position that Mr. Litterio should not remain</p>

Capital Reporting Company
In the Matter of- USPS and PPOA 01-15-2014 Volume II

384	<p>1 a postal employee? 2 MR. STEPHENS: I will stipulate that 3 that was the post office's position. 4 MS. GONSALVES: Okay. Let's see if you 5 can stipulate to the rest of this, then. We -- 6 the post office took the position that he should 7 be removed as an employee? 8 MR. STEPHENS: That's fine. 9 MS. GONSALVES: Okay. You stipulate to 10 that. Do you stipulate to the fact that the 11 Postal Service delayed more than seven years 12 after the award to place Mr. Litterio in a letter 13 carrier position? 14 MR. STEPHENS: I think that's an 15 unethical -- I will stipulate that that's -- that 16 that -- if you say that the post office did not 17 comply with the arbitration award for over seven 18 years, I'll accept your stipulation. 19 MS. GONSALVES: Okay. I have a federal 20 docket sheet if you'd like to see it, but -- 21 MR. STEPHENS: I'm sure it was 22 litigated.</p>	386	<p>1 A No. I lost track of Peter Litterio -- 2 Q Okay. 3 A -- afterwards. 4 Q Are you aware that he wasn't paid any 5 back pay for the seven-plus years? 6 A I know nothing, ma'am. 7 MS. GONSALVES: Okay. I would like to 8 introduce the settlement agreement, because I 9 just think it's important to see the date of the 10 settlement agreement and what the conditions 11 were. This will be Tab C. 12 MS. BRAMESCO: Nine. 13 MS. GONSALVES: C-8. I'm getting the 14 tab numbers. Where's the eight? Apparently, I 15 had it. I don't remember ever seeing it. Oh, 16 there it is. 17 BY MS. GONSALVES 18 Q Mr. Matta, you testified that when you 19 came to the Postal Service as a Postal Police 20 Officer that 100 percent of the posts were fixed 21 posts, correct? 22 A In New Jersey.</p>
385	<p>1 BY MS. GONSALVES 2 Q Do you -- and after this award, are you 3 aware that -- since he was your coworker that 4 Mr. Litterio -- Litterio filed a federal action 5 in the district in New Jersey? 6 A Rumors were. 7 Q Okay. So you're not aware of that? 8 A Not personally, no. 9 MS. GONSALVES: Okay. I forgot. We 10 couldn't -- we couldn't actually print off the 11 docket sheet, because PACER was down, has been 12 down, but, anyway, I'll represent for the record 13 that a federal action was followed -- filed by 14 Mr. Litterio's attorney in 2003 and that that 15 attorney was disbarred subsequently and that 16 there was a settlement agreement entered into. 17 And I have a copy of that settlement agreement. 18 BY MS. GONSALVES 19 Q But are you aware that there was a 20 settlement agreement entered into? 21 A No, ma'am. 22 Q You are or --</p>	387	<p>1 Q Okay. In New Jersey, right. When did 2 the change take place, if you could quantify when 3 the change took place to mobile posts? 4 A We started doing more mobile posts 5 early 2000. 6 Q Okay. When would you say it was fully 7 transitioned? Around 2004? 8 A Once ABM took over all the posts. 9 MS. GONSALVES: Okay. So we can look 10 at the contract for that. Okay. And I think 11 that is all the questions I have. 12 MR. STEPHENS: I just have a voir dire 13 question about paragraph 6, in which the post 14 office stipulated that would never use this in 15 any proceeding in offering any civil, criminal or 16 administrative action, other than proceedings 17 that may be necessary to consummate or enforce a 18 settlement agreement unless responsive to the 19 subpoena. 20 MS. GONSALVES: Is this the stipulation 21 of compromise, settlement and release? 22 MR. STEPHENS: Yes.</p>

Capital Reporting Company
In the Matter of- USPS and PPOA 01-15-2014 Volume II

388	1 MS. GONSALVES: Okay. And where is 2 that language, just to -- 3 MR. STEPHENS: The whole paragraph says 4 it's supposed to be a secret document that will 5 never be used in any proceeding. 6 ARBITRATOR OLDHAM: I think we better 7 honor that. 8 MR. STEPHENS: I do have one question 9 before everyone takes it back, while the cat's 10 out of the bag. 11 REDIRECT EXAMINATION BY COUNSEL FOR 12 THE 13 UNION 14 BY MR. STEPHENS 15 Q Can I direct your attention to 16 paragraph 2A? First off, let me direct your 17 attention to the last page. 18 What are the dates on this document? 19 A 2010. 20 Q Turning your back to paragraph 2A -- 21 what is your -- what is the top salary for a 22 Postal Police Officer today? A I think 53 and change.	390	1 WHEREUPON, 2 WALTER JOHNSON 3 called as a witness, and having been first duly 4 sworn, was examined and testified as follows: 5 THE WITNESS: I do. 6 ARBITRATOR OLDHAM: We can go ahead. 7 MR. STEPHENS: Sure. 8 DIRECT EXAMINATION BY COUNSEL FOR 9 THE 10 UNION 11 BY MR. STEPHENS 12 Q Can you state your name for the record? 13 A Walter James Johnson. 14 Q And by what agency are you employed? 15 A The United States Postal Inspection 16 Service. 17 Q And what is your position with the 18 Inspection Service? 19 A Postal Police Officer. 20 Q And in what city are you employed? 21 A Chicago, the Chicago Division. 22 Q And do you have any -- we haven't asked this to every witness, but did you have any
389	1 Q Paragraph 2A, what is the salary that 2 Mr. Litterio was rehired at four years ago? 3 A This says \$54,619. 4 MR. STEPHENS: Okay. No further 5 questions. 6 MS. GONSALVES: Are we returning these? 7 ARBITRATOR OLDHAM: Yes. I think we 8 better. 9 MS. GONSALVES: Thank you. 10 ARBITRATOR BJORK: Hey, Bob. 11 ARBITRATOR DUFEK: Okay. 12 MR. STEPHENS: I have no further 13 questions. 14 ARBITRATOR OLDHAM: Thank you. 15 THE WITNESS: Thank you. 16 (Witness excused.) 17 MR. STEPHENS: Can we take a 18 five-minute break? 19 ARBITRATOR OLDHAM: Sure. 20 (Brief recess.) 21 ARBITRATOR OLDHAM: You can go ahead 22 and swear him in.	391	1 military service? 2 A Yes, I do. I served in the United 3 States Army from September '75 to September '78. 4 Q And, Officer Johnson, there's been some 5 discussion today about community patrols -- 6 ARBITRATOR OLDHAM: Can we establish 7 his date of hire? 8 MR. STEPHENS: I'm sorry. 9 BY MR. STEPHENS 10 Q What was your date of hire with the 11 Inspection Service? 12 A My date of hire was July 27th, 2002. 13 Q And where did you do your police 14 academy training? 15 A At -- in Glynco, Georgia, FLETC. 16 Q Officer Johnson, there's been some 17 discussion today about carrier patrols. Do you 18 do carrier patrols in Chicago? 19 A Yes, we do. We do carrier patrols. We 20 basically call them carrier checks, carrier 21 patrols, but we do them on a daily basis. 22 Q And who do you talk to during these

Capital Reporting Company
In the Matter of- USPS and PPOA 01-15-2014 Volume II

392	<p>1 patrols?</p> <p>2 A On these patrols, we talk to -- we --</p> <p>3 we're basically -- my day starts with an area</p> <p>4 that I'm given to patrol, not a specific -- what</p> <p>5 we're doing is we're given a ZIP code area, and</p> <p>6 we go into that ZIP code area, and it's usually</p> <p>7 some of the worst areas of the city where there's</p> <p>8 a lot of crime. And what we do is we make</p> <p>9 contact with the carriers, and a lot of times,</p> <p>10 we'll find some carriers on routes where carriers</p> <p>11 might have been assaulted or robbed.</p> <p>12 So these are the carriers that we're</p> <p>13 going out to talk to, to basically interview,</p> <p>14 make sure that their day is going well. These,</p> <p>15 like I said, are high crime areas, so we</p> <p>16 basically are prepared when we go out.</p> <p>17 Q And what is the nickname that is given</p> <p>18 to the west side of Chicago that you have to</p> <p>19 cover?</p> <p>20 A Well, that area is called the wild,</p> <p>21 wild west. It's the west and northwest sides of</p> <p>22 the city, and it's basically given to us -- basic</p>	394	<p>1 also carry the Remington 870, loaded with -- with</p> <p>2 slugs, and then we carry additional slugs. My</p> <p>3 partner might have five and I might have five.</p> <p>4 Q The Remington is a not a handgun. What</p> <p>5 is that?</p> <p>6 A No. It is a shotgun.</p> <p>7 ARBITRATOR DUFEK: Over and under?</p> <p>8 THE WITNESS: Yes.</p> <p>9 BY MR. STEPHENS</p> <p>10 Q And what are the -- just say in the</p> <p>11 last month or so, what are the types of incidents</p> <p>12 you've had to respond to while performing these</p> <p>13 carrier patrols?</p> <p>14 A While out of carrier patrols just last</p> <p>15 week, we got a call that there had been some --</p> <p>16 that a carrier was -- there was an attempted</p> <p>17 robbery made of a carrier and that the carrier</p> <p>18 had returned to the station. And we were</p> <p>19 dispatched from the route out to the station --</p> <p>20 to the station, and we arrived at the station to</p> <p>21 interview the carrier, but then also our -- our</p> <p>22 assignment is that when the station manager makes</p>
393	<p>1 intel that's given to us from the carriers</p> <p>2 themselves. They describe those areas. This is</p> <p>3 what the gangbangers and drug dealers call it.</p> <p>4 Q And how -- how -- just roughly speaking</p> <p>5 how big of a geographic area are we talking</p> <p>6 about?</p> <p>7 A That's probably about one third of the</p> <p>8 city on that side that -- that we patrol. I</p> <p>9 mean, there's two different sides that are pretty</p> <p>10 rough, and that's just one -- one third of the</p> <p>11 city on that side.</p> <p>12 Q What's the other part of the city that</p> <p>13 you cover?</p> <p>14 A The other side is -- is the south,</p> <p>15 southeast side, and it's basically been nicknamed</p> <p>16 by gangbangers, again, and drug dealers as Chiraq</p> <p>17 because of the number of shootings that go on in</p> <p>18 the area.</p> <p>19 Q And do you carry a weapon while you're</p> <p>20 on your carrier patrols?</p> <p>21 A We -- we carry our standard Inspection</p> <p>22 Service issue, the Glock 229 DAK, but then we</p>	395	<p>1 a determination whether the mail is going to</p> <p>2 still be delivered in that particular area that</p> <p>3 same day, then we'll go out with the carrier and</p> <p>4 make sure that that mail does get delivered.</p> <p>5 Q Now, are some carriers in Chicago</p> <p>6 afraid to get out of their vehicles because of</p> <p>7 gang activity?</p> <p>8 A Yes. While out on a route with -- with</p> <p>9 my sergeant -- she decided to take a ride-along</p> <p>10 that day just to see, you know, how things were</p> <p>11 going and what was going on on the street -- we</p> <p>12 received a call that a carrier was attempting to</p> <p>13 exit her vehicle, and the vehicle was surrounded</p> <p>14 by a group that was standing on the corner</p> <p>15 that -- and she said that she was afraid to get</p> <p>16 out of her vehicle. She called the station, and</p> <p>17 the station -- we had happened to stop by the</p> <p>18 station prior to hitting the -- hitting that ZIP</p> <p>19 code area, and we were right in the area. So we</p> <p>20 were, like, basically right around the corner, so</p> <p>21 we were able to get over there.</p> <p>22 And the carrier had exited -- was able</p>

Capital Reporting Company
In the Matter of- USPS and PPOA 01-15-2014 Volume II

396	<p>1 to leave that location, but did come back to the 2 location to deliver mail, and we were -- we 3 watched her as she delivered mail. And at the 4 end of her delivery, she did mention that a few 5 of the gangbangers told her -- had made some 6 statement that she was dirty now because she was 7 talking to the police. 8 Q And what does that -- what -- what does 9 that signify? What is your understanding -- 10 A That signifies that, basically, the 11 squeal rule, that she would squeal on them or she 12 would tell on them, you know, anything that they 13 would do that would be basically any type of 14 crime. 15 Q Now, while you're out on these patrols, 16 what are you wearing on your person? 17 A Well, we're wearing -- we're wearing 18 our vest. Like I said, we basically start out -- 19 we can only take a vehicle -- 20 Q When you say a vest, what -- what -- 21 let's be specific. What are you wearing? 22 A Our bulletproof vest.</p>	398	<p>1 routes? 2 A Yes. We've had that happen before. 3 Q And are you called on to investigate 4 those incidents? 5 A We are called to respond to that 6 incident. And when we arrive at incidents, we 7 gather as much what I call intel as possible 8 during the incident, interviewing carriers. If 9 we can find any witnesses that are willing to 10 speak, we get that, and if we can get some 11 information from the carrier that will aid in 12 helping the investigators when they arrive to 13 solve -- solve the crime, we gather all of that 14 information, also. 15 Q When you say "the investigators," to 16 whom are you referring to? 17 A Postal Inspectors. 18 Q So how is the relationship -- how do 19 you work with -- in Chicago, how do you work with 20 the inspectors? 21 A Well, a lot of times, we may arrive at 22 the location, and we'll give them information.</p>
397	<p>1 Q And is that worn -- is that worn 2 beneath your uniform, or is that something that's 3 worn on top of it? 4 A Ours is worn -- we wear ours on top. 5 Q And what does it look like, if you can 6 describe it? 7 A It's a basic vest. It shows our -- we 8 have our badge and our name tag on top. You 9 know, using me as an example to the employees, 10 I'll wear my ID to kind of let them know, I have 11 to wear an ID, you should be wearing an ID to 12 identify who you are at some of the facilities. 13 The other thing is that -- like I said, 14 it's a vest that fits over our uniform and you 15 tighten it up, so sometimes it might get a little 16 warm and uncomfortable, but it's basically part 17 of what we wear. It's what we do. 18 Q You're driving a marked vehicle? 19 A We're driving a marked vehicle with a 20 cage. 21 Q And do you have carriers who are 22 threatened with handguns while they're on their</p>	399	<p>1 And a lot of times that we'll arrive there, we'll 2 gather statements and all that good stuff, and 3 when we -- once they arrive, you know, we can -- 4 we brief them on what has gone on, the state of 5 the carrier, the state of the mail and -- and 6 they take it from that point. 7 Q Okay. Are you called on to respond to 8 crimes committed on postal property? 9 A Yes. 10 Q And are you called on to assist in 11 investigation of, say, counterfeit checks? 12 A Yes. 13 Q And give me an example how that comes 14 up and how -- how you are called on to respond. 15 A Well, we may get counterfeit checks, 16 counterfeit money orders, and this individual -- 17 one of the cases that I -- incidents that I was 18 involved in, this individual had come the day 19 before and he was told that they didn't have 20 the -- the stamp stocked that he was looking for. 21 And so he came back the next day with a check, 22 with an ID, and he asked -- he wanted to get some</p>

Capital Reporting Company
In the Matter of- USPS and PPOA 01-15-2014 Volume II

400	<p>1 stamps. He said he was getting married. When he 2 got up there, the clerk recognized him from the 3 day before, so she called us. She said the check 4 suspect, and she wanted -- you know, she called 5 us to have us respond. 6 When I was dispatched with another 7 officer, we probably were directed to the 8 individual, and as we were talking to the 9 individual, my partner was getting other 10 information. And I -- I had the check and also 11 the ID in my hand, and I placed it on the 12 other -- basically, aside of me between -- and I 13 stood between the suspect and his ID and check. 14 And the entire time that I was standing 15 there and watching this individual, he just 16 seemed jittery, and as my partner was getting a 17 statement from the clerk, this individual, he 18 just kept looking around, and then he kept making 19 excuses why he had to go. And so what I did was 20 I told him, I said, just hold on, and we'll -- 21 we'll get with you. 22 A couple Postal Inspectors arrived, and</p>	402	<p>1 Once we cuffed him, I did a thorough 2 search prior to moving -- escorting him from that 3 location, which was the retail unit, up into a 4 holding cell in the Postal Inspector's office. 5 Q And do -- do you have to investigate 6 trespasses on postal property? 7 A Yes. Anyone that comes onto the 8 property that may breach the -- one of the 9 entrances at the facility, we're called to 10 investigate. The way our facility is located, 11 there is a homeless shelter a couple of blocks 12 down, and every now and then, we may get someone 13 breaching the facility, and we'll get a call. 14 One incident where we got a call 15 that -- from a -- one of the ABM officers that a 16 guy was climbing up on top of one of the 17 shanties. And as the -- 18 Q By the shanties -- can I interrupt you 19 for a second? 20 A Shanties is -- 21 Q There was some earlier -- 22 A I'm sorry.</p>
401	<p>1 as they were talking with my partner and also 2 talking with the clerk, they made a decision that 3 they were going to arrest this -- this suspect, 4 and they wanted us to take him to the side. So 5 they came out, and we walked him to the side. 6 During walking him to the side, they 7 informed him that he was going to be arrested. 8 And as they informed him of that, he started to 9 disagree, why am I going to be arrested? So I 10 was giving him instruction to turn around and 11 place his hands on the counter, because I wanted 12 to do a search incident to arrest. 13 And this individual, he -- I -- he kept 14 kind of moving, and as I grabbed his arm and 15 grabbed his wrist, he started -- started giving 16 some resistance, and one of the other Postal 17 Inspectors grabbed his hand, and as we -- we had 18 to end up taking him down to the floor. I ended 19 up on top of the individual with his hand behind 20 his back, basically in an escort position, and 21 had one of the -- had my partner pull his 22 handcuffs out, and we cuffed him.</p>	403	<p>1 Q -- photograph introduced of some guard 2 posts; is that -- 3 A It's basically a fixed post. It is a 4 fix post that we used -- we used to have prior to 5 ABM. And when they called and said that, you 6 know, this guy's climbing up on the shanty and 7 now he's going down, the -- going down where we 8 call the CTT area where the trucks go down at, 9 and he was walking on the concrete. There's a 10 concrete barrier. Then there's some land at the 11 end of the river. There's no barrier to keep you 12 from going off into the river there. 13 And so as I approached the individual 14 in the squad car -- I exited the squad car, and I 15 asked the individual, where are -- you know, what 16 are you doing down here? And the first thing he 17 said was, I'm in the right place. And I said, 18 well, you're -- you are trespassing onto postal 19 property and you have to leave. And he started 20 acting real strange. So I asked him to put his 21 hands on the vehicle. 22 And as I searched him, he started</p>

Capital Reporting Company
In the Matter of- USPS and PPOA 01-15-2014 Volume II

404	<p>1 really acting strange, so to protect myself, I 2 told him exactly what I was doing, I'm going to 3 put the handcuffs on you just to protect me. And 4 as I put one handcuff on, he -- at that time, he 5 really started acting strange and telling me I 6 needed God, and he was asking God to give him 7 strength to defeat this devil, and right then I 8 knew, we've got a problem. 9 With the one handcuff on, I'm like, I 10 can't let this handcuff go or I've got a real 11 problem then. So I told him, I said, stop 12 resisting, stop resisting. It's basically in our 13 training that whenever we're arresting anybody, 14 putting handcuffs on any individual, if they 15 resist, you've got to make sure, because you 16 don't know who's watching, that you give loud and 17 clear commands. I gave this individual loud and 18 clear commands, and he continued to resist, and I 19 told him, well, you know, I'm going to have to 20 take you down to the ground if you continue to 21 resist. He continued to resist. I grabbed his 22 hand around the wrist, and I twisted him, took</p>	406	<p>1 evidence that you locate? 2 A Yes. Whenever we take an individual 3 into custody and we're bringing him to -- to a 4 holding cell within our facility, we're going to 5 take all of the -- all of the personal items, and 6 we're going to inventory those items and place 7 those items in a -- in a bag and basically -- 8 basically fill out a form for chain of custody. 9 Chain of custody basically will allow 10 for us to transfer all of this individual's 11 personal items from our custody to the next 12 agency who takes control of this individual. 13 They will sign off, and they will sign off on 14 to -- it's basically a form that -- that affixes 15 to the -- the -- the bag, basically an evidence 16 bag, and each and every item is inventoried. 17 I had an incident where the individual 18 had money as well, so, you know, when you 19 inventory that, if he's got five 20s -- this is 20 just an example. If he's got five 20s, you're 21 going to put five 20s, basically, and then, at 22 the bottom, after you inventory everything down</p>
405	<p>1 him down to the ground. And by the way, this guy 2 was probably about 4 inches taller than I am. 3 Once I took him down to the ground, I 4 was able to handcuff him, and I called for 5 backup, which was -- the only other officer that 6 was on duty at the time in the area, and she was 7 able to come down. I sustained just a couple 8 knee scrapes, scrapes on both knees and -- in 9 handling this subject. My partner got her finger 10 twisted. 11 We had determined that this guy had 12 some mental issues, and we contacted Chicago 13 Police. And they were able to come over, and 14 they -- they informed us that -- they took 15 custody of the individual and told us that they 16 were going to take him to a facility where he 17 could be examined. 18 Q And do you -- let me ask you about -- 19 sorry. One moment, please. 20 Are you called on -- in other instances 21 of trespass or other suspicious persons, are you 22 called on to inventory and preserve any -- any</p>	407	<p>1 to the penny, basically that, watch, rings, 2 whatever else of personal ownership he has or 3 she. 4 Q There's been discussion about 5 preliminary investigations, but have you assisted 6 inspectors in -- in fully resolving crimes or 7 alleged crimes? 8 A I recall an incident where we had -- I 9 was dispatched to where a carrier's vehicle had 10 been vandalized. There were three -- when I 11 arrived on the scene, I spoke with the carrier. 12 The postal management was already out there, and 13 they had taken possession of the mail and had 14 handed the mail off to other carriers to deliver. 15 I was taking a statement from the -- from the 16 employee, and I just happened to ask the employee 17 what actually happened. 18 She said she was driving down the 19 street real slow. She saw a group of people, and 20 they had bats and sticks and they just started 21 swinging and breaking her windows. And as she -- 22 she said, when that happened, I just backed --</p>

Capital Reporting Company
In the Matter of- USPS and PPOA 01-15-2014 Volume II

408	<p>1 backed up. She was like halfway down the block. 2 So we're talking about maybe 200, 250 feet. So 3 she backed up, and she said she stopped on the 4 corner. 5 So Chicago Police were writing the -- 6 they were basically writing their -- their 7 incident report, and they told me that it's -- 8 about halfway down the block is where the 9 incident occurred. So I -- I took a camera, went 10 down. And I always remember one thing that 11 I've -- I've learned is that you take as many 12 pictures as possible of incidents, because we can 13 always throw them out, but you can never get any 14 back. So I took as many pictures that I possibly 15 could and then came back down and was -- was 16 speaking with -- making sure that the carrier was 17 taking care of the -- the incident report, the -- 18 her statement. 19 And as -- while I was talking to her, 20 finally, a tow truck had arrived to tow the 21 vehicle, but I told them that we wouldn't release 22 the vehicle until a Postal Inspector arrives.</p>	410	<p>1 after I looked at him, I just -- I said, okay, 2 and that was the last person that we had 3 interviewed. 4 And so when we left, I came back to 5 download the photos, and I told the inspector I 6 would send him the photos. So as I was 7 downloading the photos, I happened to look at one 8 of the photos, and I said, wait a minute, this 9 individual was going northbound on a southbound 10 street. It was a one way going -- the street was 11 actually one way going north, and she was 12 actually going southbound. And I could tell by 13 the position of the glass that was on the ground 14 that the vehicle was not even moving. The 15 vehicle was stationary at the time that the glass 16 was broken. 17 And then, as I blew the picture up 18 more, I could see that the glass is sitting on 19 top of a skid mark. So I sent the inspector -- I 20 called him up, and I told him -- I said -- I got 21 his voicemail. I said, you're going to really 22 like these pictures when I send them to you. So</p>
409	<p>1 Once he arrives, then, you know, he takes a look 2 at the vehicle. He'll decide if he wants to 3 release it now or later. And so, once the Postal 4 Inspector arrived -- excuse me -- I informed him 5 that I took pictures of the vehicle, also where 6 the incident actually occurred. And so I said, 7 I'll take you down. 8 We go down to the look at the incident, 9 but by the time we get down there, someone had 10 started moving the glass, but -- so I said, oh, 11 don't worry about it. I've got pictures of it 12 already. We go, and he said, well, can you come 13 with me to canvass? You know, so he was by 14 himself, so he asked me to -- we stopped by a few 15 homes. 16 And the last person that we talked to 17 said that he had noticed that the postal vehicle 18 had come around the corner so -- so fast and 19 slammed the brakes on that it made a -- he 20 said -- and this was his words -- it went 21 (indicating), and I said, really, and he said, 22 yeah, it went (indicating) like that. And so</p>	411	<p>1 I sent him the pictures and sent him an e-mail 2 and said, see if you agree with me. I don't 3 think she's telling the truth. 4 And later on, when I did speak with 5 him, he said, you know, I was beginning to 6 believe that she was telling the truth, and I 7 said -- yeah, I said, but the pictures aren't 8 going to lie. So, yes, it did actually help him 9 solve the case and show that she was not telling 10 the truth about what actually happened. 11 MR. STEPHENS: I have no further 12 questions. Thank you. 13 ARBITRATOR OLDHAM: Good stories, 14 Mr. Johnson. 15 THE WITNESS: Thank you. 16 MS. GONSALVES: I don't think I have 17 any questions. 18 ARBITRATOR OLDHAM: Thank you. 19 THE WITNESS: Thank you. 20 (Witness excused.) 21 MR. STEPHENS: Are we through with our 22 witnesses for today?</p>

Capital Reporting Company
In the Matter of- USPS and PPOA 01-15-2014 Volume II

<u> </u> \$	14-month 284:16	380:5	20260 96:14
\$100 209:1	15 95:9 174:11	20 195:1	20s 406:19,20,21
\$2,900 353:22	179:14 355:8	200 408:2	21 225:19 353:8
\$20,000 355:8	156 97:3	2000 201:7,15	210 96:9
\$4,500 160:20	159 97:4	352:10 353:17	22 241:10 353:8,13
\$5,000 327:21 328:5	16 181:14 182:2	387:5	222 97:5
354:1,2	201:4 212:2	20006 96:9	223-2620 96:10
\$54,619 389:3	17 174:11 183:14	2000s 213:9 217:6	229 393:22
<u> </u>	1701 96:8	280:4	23 239:20 250:16
<u> </u> 1	18 189:14 199:9	2001 176:9 178:8	363:5
1 106:17 142:21	353:14	2002 136:10 213:13	232.1 336:18
145:1,2 248:20,21	18th 180:2 319:7	214:7,12 364:17	24 320:6
249:1,13,17,20	19 194:6	367:10 391:12	245 97:5
250:3,4 280:4	196 97:4	2003 280:21 358:21	25 324:17
1,000 239:11	1972 144:3	385:14	250 408:2
1:04 253:2	1978 209:7	2004 176:10 180:2	253 97:6
10 165:22 166:14	1980 277:2	212:1 358:21	26 355:2
168:2,13 202:15	1990 173:19 195:11	387:7	268-6704 96:14
10:00 380:3	1995 362:20	2005 214:21 254:18	27 329:7 333:3
100 370:2 386:20	1996 159:20	274:21 275:2,4	271 97:6
1028 295:12	174:4,7,16,21	280:21	27th 391:12
1029 330:9,10	175:22 176:5	2006 137:2 214:20	28 335:11
11 170:21 171:4	263:7 275:18	362:20 363:15	283 97:7
207:14 208:2	277:1	2007 149:5	29 336:20
353:12	1997 175:18,22	2010 99:22 100:3	2A 388:15,19 389:1
11/96 369:5	211:22	139:22 141:7,9	<u> </u> 3
12 171:8 172:4	1998 162:4 254:10	162:4 170:19,20	3 111:20 280:4
173:3 207:13	255:16 275:19,21	198:20 214:20	3,000 224:2
225:17 367:9	282:2	223:8,15 225:7	3/31 149:4
12:10 252:13	1-pound 333:17	246:7 284:6	30 164:17 256:12
120 256:15	1s 249:14,18	288:21 290:14	309 97:7
12-gauge 227:16	1st 254:6	309:19 317:13,14	30-minute 256:16
12-week 203:9	<u> </u>	320:1 347:10	317 97:8
13 173:8	<u> </u> 2	348:8 388:18	31st 149:3
130 256:15	2 95:4 108:5 175:12	2011 141:6,8 142:2	
138 97:3	249:2 280:4	246:10 254:22	
14 175:4 212:2,15	365:16	2012 125:13 224:19	
413:22	2,000 239:11	243:14	
	2:30 109:1 379:20	2013 254:6	
		2014 95:9 413:22	
		202 96:10,14	

Capital Reporting Company
In the Matter of- USPS and PPOA 01-15-2014 Volume II

347 97:8	49 300:6	78 391:3	405:4,7,13
35 256:12,18	<hr/>	7th 100:3	ABM 280:11 370:5
351 97:9	5	<hr/>	387:8 402:15
358 97:9	5 115:20 205:14	8	403:5
35-mile 256:18,20	244:18,19,20	8 125:8 168:12	above-captioned
36 152:3	246:2	172:13 173:19	95:11
36,481 136:4	50 133:16,17 135:21	8:00 102:5	abreast 296:8
362 97:10	136:17 148:17,22	850 181:6	absolutely 112:18
367 97:10	307:18	870 227:16 394:1	114:2 178:3
368 97:11	50s 134:6	<hr/>	231:13 237:7
382 97:11	51 292:3	9	263:6 351:12
388 97:11	52 308:11	9 133:12 143:12	abused 382:17
39 336:18	53 301:11 388:22	148:4	academy 100:2
39,089 136:13	5309 233:8 241:14	9/11 176:14 177:3	103:5,8,14,19
390 97:12	55 297:19	193:20 212:8	104:18 160:8
<hr/>	<hr/>	213:4 276:3	161:1 203:14
4	6	9:30 412:12	223:8 225:13
4 115:7 280:4 405:2	6 118:17 122:3	9:39 95:16	226:9 236:21
4,000 355:12	387:13	90 256:7	237:2,14 254:12
4,500 160:14	6.02 143:11	94 352:16	272:9,14,16,22
4:12 412:14	6:00 102:5 108:22	95 95:4 174:20	284:8 317:14
400,000 304:5	6:30 286:8	182:18 256:7,8	353:4 362:22
403 343:19	60 274:4	96 277:5	369:7,8 391:14
413 95:4	61 267:18 271:10	97 174:20 182:18	accent 352:3
422.123.A 151:8	62 364:6	369:19	accent's 351:13
44 381:1	63 365:21	98 277:2,3,17	accept 153:7 344:13
45 290:7,11	665 146:3	282:1,11,13	384:18
45,006 137:7	665.16 146:9,17	99 97:3	accepted 137:21
45,682 136:21	675 146:4	<hr/>	access 138:20
46 305:10	675.16 145:22	A	288:1,2 298:1
46,000 137:8	676 145:21 146:4	a.m 95:16 109:1	313:2
46,086 137:5	677 145:21 146:7	380:3	326:13,15,17,19
47 293:7	<hr/>	abandoned 376:3	327:2 330:10
475 95:12 96:13	7	able 120:22 127:21	370:12
48 294:7	7 127:3 172:13	169:12 185:10	accident 374:12,16
	214:3	199:8 216:9 220:6	accidents 236:4
	715 234:8	265:6,13 288:3	374:8 375:15
	75 391:3	294:2,3,4,20	accommodation
		295:8,9 305:6	224:15
		311:16 395:21,22	accompany 117:18
			accordance 240:5

Capital Reporting Company
In the Matter of- USPS and PPOA 01-15-2014 Volume II

<p>according 202:16,19,20 203:11 240:14</p> <p>accredited 103:12 225:4,6 274:5</p> <p>accurate 226:7,17,19</p> <p>accurately 175:16 195:18 196:5</p> <p>acknowledge 200:14 344:14</p> <p>acquainted 153:2</p> <p>acronym 161:9 236:14,15</p> <p>across 126:9 234:22</p> <p>act 119:14 120:18 199:4 294:12</p> <p>acting 183:7 199:5 282:9 330:18 403:20 404:1,5</p> <p>action 133:19 139:13 385:4,13 387:16 413:10,14</p> <p>actions 148:10 293:15</p> <p>active 101:3 105:9,11,12,16 157:1 191:20,22 193:1,5,6 201:5 238:6,9</p> <p>actively 193:18</p> <p>activities 345:12</p> <p>activity 110:3 114:18 258:5 395:7</p> <p>acts 211:15</p> <p>actual 266:11 341:22</p> <p>actually 98:6 108:3 115:16 116:22 117:20 125:12</p>	<p>127:15 128:15 132:8,11 148:8 168:3 184:2 200:7 205:3 214:20 246:15 250:8 273:6 275:20 285:12 297:12 300:2 303:10,13 311:13,16 319:7 321:7,9 325:10 326:3,6 330:14 339:3 340:9 343:13 344:12 347:22 348:3 352:5 353:18 354:20 355:17 357:1 358:2 360:3 379:8 385:10 407:17 409:6 410:11,12 411:8,10</p> <p>added 198:15,20,22</p> <p>addition 100:8 110:20 161:14 237:13 255:1 291:18 355:4</p> <p>additional 237:1 354:17 394:2</p> <p>address 127:22 132:16 209:7 324:5</p> <p>addressed 308:19</p> <p>adequate 269:9</p> <p>adjacent 122:11</p> <p>adjourned 412:14</p> <p>administer 241:7</p> <p>administration 285:7</p> <p>administrative 387:16</p> <p>admitting 260:16</p> <p>Advanced 203:13</p> <p>advancing</p>	<p>157:3,8,12</p> <p>advent 276:3</p> <p>advice 305:4 326:8</p> <p>advise 307:9</p> <p>AED 237:21 240:9,11 241:5 251:14,18 255:7</p> <p>affect 215:5</p> <p>affected 215:9,13</p> <p>affixes 406:14</p> <p>afraid 395:6,15</p> <p>afternoon 380:5</p> <p>afterwards 345:18 386:3</p> <p>against 229:20 230:4 232:2 325:9</p> <p>agencies 164:13,20,22 171:13,19,22 184:15 220:12,14,18 221:8 287:8 305:2,17 353:11 365:13,18</p> <p>agency 159:8 165:12 170:9 245:1 253:20 270:9 283:20 300:14 304:21 351:20 354:7 363:10,12 368:18 390:13 406:12</p> <p>agency's 269:2</p> <p>agent 327:17</p> <p>agents 332:14</p> <p>ago 120:4 166:10 169:4 206:19 207:5 278:16 338:8 359:10 367:9 389:2</p> <p>agreed 143:21</p>	<p>347:12,15</p> <p>agreement 143:1 144:1,5 204:13 210:5,13,15 211:2 276:22 385:16,17,20 386:8,10 387:18</p> <p>ahead 206:2 209:11 214:3 238:19 288:3 296:5 307:12 324:2 325:14 331:12 389:21 390:6</p> <p>ahold 169:8 294:3</p> <p>aid 235:18 237:20 251:18 255:7 288:12 343:14 398:11</p> <p>aimed 130:19 180:17</p> <p>air 235:6</p> <p>aircraft 375:15</p> <p>airline 299:2,20</p> <p>airplane 301:21</p> <p>airport 122:11 130:2,5,6,9 297:16,22 298:9,20,21 299:15,18 302:9,18 303:5 314:18 370:10,12 375:11,21 376:1,4</p> <p>alarm 186:12 187:14,18 188:1</p> <p>alarms 109:5 186:8,13 188:6 199:22 200:1 236:2 244:5</p> <p>Albergo 97:9 351:9,19,20 352:8,17 353:3</p> <p>A-L-B-E-R-G-O</p>
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Capital Reporting Company
In the Matter of- USPS and PPOA 01-15-2014 Volume II

<p>361:16</p> <p>Alexandrovich 96:19 145:9,12 412:9</p> <p>alleged 407:7</p> <p>allow 287:22 376:19 406:9</p> <p>allowed 124:14 142:12 302:9 334:3</p> <p>alone 113:2 126:16</p> <p>already 153:2 192:10 212:3 354:18 407:12 409:12</p> <p>alternative 227:20</p> <p>am 100:6 162:1 163:14 172:17 184:4 198:18 208:17 214:10 251:15 253:19 278:15 285:1 352:19,21 368:22 401:9 405:2 413:8,11</p> <p>Amazon 358:5,8</p> <p>ambulance 374:17</p> <p>Amd 159:12</p> <p>Amendment 228:10</p> <p>among 119:11</p> <p>amount 106:1 123:16 166:12 209:4 219:15 230:13 304:2 327:21</p> <p>Amtrak 268:18,19 270:19,21 271:3,4</p> <p>ANDERSON 96:8</p> <p>Angeles 362:11</p> <p>annual 104:22 208:8 259:13</p>	<p>answer 196:9</p> <p>answered 281:11</p> <p>anthrax 176:15 177:5 178:6 179:7 182:11 212:8</p> <p>anybody 104:16 162:15 189:4 327:5 334:1 404:13</p> <p>anybody's 374:16</p> <p>anymore 113:18 355:22</p> <p>anyone 344:17 376:19 402:7</p> <p>anything 130:11 141:17 142:10 150:13 152:22 162:17 192:3 200:17 215:16 283:2 296:7 300:20 302:6 307:1 319:14 322:8,15,16 328:19 331:1 334:14 373:17 375:16 396:12</p> <p>anyway 385:12</p> <p>apartment 289:19 313:2,3</p> <p>apartments 288:8</p> <p>apparently 127:11 145:2 358:8 386:14</p> <p>appear 260:9</p> <p>appeared 132:10 144:4</p> <p>appearing 413:4</p> <p>applicable 207:5</p> <p>applicants 341:22</p> <p>applied 248:6 352:22</p>	<p>applies 151:6 247:10</p> <p>apply 149:12 235:18 237:11 240:11,12</p> <p>appointment 381:12</p> <p>appreciate 156:9</p> <p>appreciated 219:4</p> <p>approach 186:17,19 193:9</p> <p>approached 162:14 320:20 403:13</p> <p>appropriate 307:15</p> <p>approved 208:7 272:13,14 319:18 354:10</p> <p>approximate 223:22</p> <p>approximately 114:10 141:8 148:5 160:11 224:2 254:18 256:7,12,15 280:2</p> <p>April 159:20 214:7 254:10</p> <p>arbitration 95:1 138:19 139:9 381:4 384:17 413:3,5</p> <p>arbitrator 97:15 98:2,10 99:8,10 105:3,6 106:18,20 120:11 121:19 137:17 138:7,10,12 143:6 146:3 147:12,19 149:2,5 152:1,4 153:1,6 156:11,14 157:14 158:9,17 161:6,9,11 167:20 178:5 196:2,8 198:4,9,12</p>	<p>201:18,21 211:9 213:18,21 214:14 216:16,20 217:12,13,15,19,2 0 218:15,20 219:8,13,19 221:9,12,15,19 222:12 246:18,21 247:1,3,4,7 248:21 249:10,15,21 250:2,19 252:4,8,11 253:3 268:12 281:22 282:3,10,14,22 283:6 289:5,11 290:1 316:11 342:13,16 345:9 346:4,14,21,22 347:1 351:3 380:9 381:7 382:16 388:6 389:7,10,11,14,19 ,21 390:6 391:6 394:7 411:13,18 412:1,6,11</p> <p>Arbitrators 96:2</p> <p>area 100:6 109:16,21 110:3,4 112:2,3,4 114:6,14 118:6 130:10 184:15 187:22 189:3 224:6,12 231:10 256:11 257:19,20 267:5 269:15 276:11 279:12 287:10,18 288:18,20 289:4 290:19 291:4 292:10,20 294:13 295:3,5 301:18 302:2 307:10 318:15 339:15 356:9,14 372:13 374:16 376:16,19,20</p>
-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------

Capital Reporting Company
In the Matter of- USPS and PPOA 01-15-2014 Volume II

Page 5

<p>378:15,16 392:3,5,6,20 393:5,18 395:2,19 403:8 405:6</p> <p>areas 112:16 154:17 256:22 258:21 289:20 292:11 299:5 302:10 346:17 359:16,18 392:7,15 393:2</p> <p>area's 379:14</p> <p>aren't 113:2 144:11 146:14 154:4,15,17 213:11 262:13,14 271:15 273:22 278:3 300:1 304:21 311:1 343:13 411:7</p> <p>argument 344:3,10,13,14</p> <p>arguments 344:4</p> <p>Arkansas 317:22</p> <p>ARLUS 96:7</p> <p>arm 401:14</p> <p>armed 154:4,7,8 180:18,21 181:5 373:9</p> <p>arms 163:14,18</p> <p>Army 284:16 318:19,21 391:3</p> <p>arrest 124:20 125:3,15 186:4 229:7 230:15 324:12 326:3,4 327:10 328:8 331:13 339:6 377:11 401:3,12</p> <p>arrested 128:18 132:18 243:22 401:7,9</p> <p>arresting 404:13</p>	<p>arrests 211:16 229:2</p> <p>arrive 300:21 334:17 371:19 398:6,12,21 399:1,3</p> <p>arrived 117:12,14 194:14 292:16 294:16 321:15 324:4 325:4,5 334:3 336:4,6 337:11 394:20 400:22 407:11 408:20 409:4</p> <p>arrives 240:21 408:22 409:1</p> <p>arriving 257:11,14 293:19,21</p> <p>arrow 287:21 312:21 313:5</p> <p>article 112:12 141:14</p> <p>articles 141:10</p> <p>arts 352:22</p> <p>aside 400:12</p> <p>aspect 199:21 248:4</p> <p>aspects 216:1</p> <p>assailant 321:8</p> <p>assault 118:3 131:19 258:8 325:1 356:6</p> <p>assaulted 325:17 326:8 356:3 359:13,15 372:12 380:19 392:11</p> <p>assaulting 322:21</p> <p>assaults 109:12 114:4 115:1 118:13 139:1 158:1 293:4 324:14 358:6</p>	<p>371:15,18 372:18</p> <p>assessment 180:14</p> <p>assets 200:19</p> <p>assign 109:21</p> <p>assigned 108:14,19 109:14 149:18 174:8 255:22 375:10</p> <p>assigning 175:13</p> <p>assignment 280:10 282:9 394:22</p> <p>assignments 280:7</p> <p>assigns 109:15</p> <p>assist 200:16 201:6 298:8 306:5 327:18 399:10</p> <p>assistance 293:12 298:11 304:17 305:3</p> <p>assisted 201:8,13 407:5</p> <p>assisting 155:10</p> <p>associate 274:4</p> <p>associate's 352:21</p> <p>Association 95:6 224:13</p> <p>assume 109:14 138:19 188:6 202:6 231:11 382:8 383:5</p> <p>assuming 381:18</p> <p>attach 178:5 374:19</p> <p>attached 260:11 301:4 302:12</p> <p>attack 110:19 212:8 229:21 230:4</p> <p>attacked 116:10</p> <p>attacks 202:18 204:9</p>	<p>attain 372:1</p> <p>attempted 117:13 243:20 258:22 281:3 293:21 321:7 323:13,16 335:17 394:16</p> <p>attempting 320:16 336:8 395:12</p> <p>attend 203:13 244:11</p> <p>attended 225:11</p> <p>attention 106:12 108:2 111:19 115:3,20 118:16 125:7 127:2 133:12 146:16 165:21 175:3,11 180:6 183:13 194:5,22 225:18 239:20 241:9 267:18 290:6 292:1 293:6 294:6 297:18 299:12 300:5 301:10 305:9 307:17 308:10 320:5 324:16 329:6 333:2 335:10 336:20 364:5 365:19 380:22 388:14,16</p> <p>attitude 137:18</p> <p>attorney 215:22 385:14,15 413:12</p> <p>attrition 365:11,17 366:20 367:13,16</p> <p>authentication 343:3</p> <p>authenticity 343:8</p> <p>authorities 186:5</p> <p>Authority 375:12</p> <p>authorization 321:18 322:2</p>
-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------

(866) 448 - DEPO

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Capital Reporting Company
In the Matter of- USPS and PPOA 01-15-2014 Volume II

<p>authorized 124:7,11 181:5 261:14,17,20 265:17 272:8 274:13</p> <p>automated 240:4 250:17</p> <p>automatically 137:20</p> <p>available 107:10,11 130:10 152:11 210:22 267:3 316:1</p> <p>average 140:15</p> <p>awaiting 328:9</p> <p>award 318:10 331:21 383:20 384:12,17 385:2</p> <p>aware 143:21 144:3,8 149:17,21,22 150:2 178:16 183:9 198:14,18,21 205:20 207:12,15,18,20 208:17,22 209:3 210:8 212:21 215:8 245:13,18 246:9 247:12 266:6 278:3,10,12,15 285:8 312:4,10 332:2 339:16 343:19 367:12,20 385:3,7,19 386:4</p> <p>away 129:16 132:15 163:8 271:21 331:10 375:1</p> <hr/> <p style="text-align: center;">B</p> <hr/> <p>baby 380:19,20</p> <p>bachelor's 205:9 285:5 352:22</p>	<p>backed 331:10 407:22 408:1,3</p> <p>background 169:3 170:17 259:6,9 264:7 278:16 284:12 290:17</p> <p>backup 185:9 186:21 405:5</p> <p>bad 160:19 262:16,20 276:13 371:1</p> <p>badge 163:21 164:1,4 262:12 265:19,22 266:3 397:8</p> <p>badges 297:22</p> <p>bag 190:18,19 234:10,12 235:6 241:2 321:20 322:5 388:10 406:7,15,16</p> <p>bagged 321:19 322:6</p> <p>bags 131:3,5 333:16,17</p> <p>ballistic 101:3 106:6 107:1</p> <p>Baltimore 173:5</p> <p>bandages 241:3</p> <p>bank 126:1</p> <p>bargaining 143:1,22 144:5,6 244:12 245:14,15,16 276:21</p> <p>barrier 403:10,11</p> <p>base 136:3 256:16</p> <p>based 110:1 119:21 124:3 135:15 188:9 215:3 238:21 239:2 282:15 348:5</p>	<p>383:4</p> <p>basic 226:5 256:12,13 272:4,7 392:22 397:7</p> <p>basically 104:14 110:12 112:3 113:8 116:8 124:16 126:7 135:14 144:21 191:6 205:7 206:11 212:22 234:17 286:18 287:3,5,21 288:6,14 291:2,6 294:18 295:6,12 297:2 298:3 300:12 301:17 302:6 306:20 307:1 319:10 323:9 332:13 334:9 338:1 341:12 378:15 379:12 391:20 392:3,13,16,22 393:15 395:20 396:10,13,18 397:16 400:12 401:20 403:3 404:12 406:7,8,9,14,15,2 1 407:1 408:6</p> <p>basis 152:9 237:20 259:13 263:2 267:2 344:6 345:2 391:21</p> <p>bat 172:16</p> <p>bats 407:20</p> <p>beat 343:22</p> <p>beaten 116:17 117:21</p> <p>became 103:4 160:5 173:14 174:6 177:3,9 223:14 274:20 275:17,22 276:1 282:1,7,11</p>	<p>317:16 353:16 369:10,16,18</p> <p>become 136:12 153:2 177:7 202:22 224:3,4 254:7,16,20 263:15 272:15 276:9 338:11 340:9 352:14</p> <p>becoming 126:2 159:21 162:16 273:10 318:16 352:12</p> <p>beg 161:6</p> <p>begin 98:6</p> <p>beginning 108:21 175:12 213:8 217:5 411:5</p> <p>begins 212:1 267:7</p> <p>behalf 95:17 96:6,11</p> <p>behavior 146:17 147:4</p> <p>behind 145:3 151:4 190:15 401:19</p> <p>believe 106:6 111:14 113:18 125:14 170:11 211:22 234:7 236:5,17 240:7 251:19 262:6 264:5,11 269:8 277:5,10,16 279:16 282:8,14,19 304:5 319:6 329:1 344:7 352:16 353:8,12 354:3 381:14 411:6</p> <p>believes 332:3,5</p> <p>beneath 397:2</p> <p>benefit 133:17 147:14</p>
-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------

Capital Reporting Company
 In the Matter of- USPS and PPOA 01-15-2014 Volume II

<p>bent 323:18 beside 170:2 besides 102:11,12 103:13 104:18 116:4 157:7 158:1,5 238:2 best 254:18 263:13 266:17 273:16 274:2 282:13 better 165:3 353:15 388:6 389:8 beyond 256:19 268:10 354:18 billion 209:1 binder 115:6 225:19 239:21 364:6 binders 144:16,22 biohazard 257:4 biohazards 378:7 biological 236:16 Biscayne 305:21 bit 117:3 134:9 199:1 286:22 309:21 344:15 bite 297:4 bites 373:2 Bjork 96:5 211:10 218:15,20 219:8,13,19 281:22 282:3,10,14,22 389:10 blade 300:19 blanketly-blank 149:13 bleeding 235:17 blew 410:17 block 113:7 229:17 322:13 408:1,8</p>	<p>blocks 402:11 blood 118:7 bloodborne 231:14 blow 244:21 blows 230:6 blue 296:19 297:11 board 95:1 239:7 242:22 243:2 364:4 Bob 389:10 bodily 234:22 235:4 B-O-L 246:22 247:4 Bolger 103:6 246:13,19,20,21 272:18 284:9 B-O-L-G-E-R 247:6 bolts 227:5 bond 327:21 book 106:9,20 111:20 218:4 246:9 248:16 249:2 290:6 331:22 books 97:15 Border 164:11 bore 343:22 boring 344:17 Boston 247:3 255:11 256:10,16,18 258:12,16,20,21 259:8,10,17,22 260:18 269:13,15,17 276:6 280:8,11 281:8 bothering 377:9 378:4 bottom 148:16</p>	<p>149:11 152:6 173:15 204:12 271:12 406:22 bouillon 209:2 bout 202:2 box 126:6 128:21 288:5,6 289:12 297:12 312:16,18,22 313:6,13 boxes 288:1,2,7 289:6,9,18,22 296:19 312:19 313:8 brakes 409:19 BRAMESCO 96:12 249:2 351:5 386:12 branch 101:19 266:20,21 breach 243:20 299:9 375:11,13 402:8 breaching 402:13 breadth 248:5 break 121:4 138:5 280:14,15 283:5 339:4 342:14 389:18 break-in 335:18 breaking 382:18 407:21 break-ins 338:9,10 breakout 138:6 brief 138:11 221:14 236:22 252:10 283:8 294:21 342:15 389:20 399:4 briefed 293:15 306:20</p>	<p>briefly 122:5 230:11 232:17 233:5 234:5 240:8 259:21 323:1 bring 210:22 240:22 241:2 bringing 406:3 broad 286:14,15 broader 357:22 broken 186:20 410:16 Brooklyn 352:7 356:7 360:5 brought 267:10 328:1,2 346:18 Broward 286:20 305:19 311:5 Brownsville 356:8 building 100:22 186:17,18,20,22 187:1,5,11 188:7 193:5 222:18 231:8,10,12 297:13 319:15,16 328:9 377:19 buildings 231:5,7 289:17,19 B-U-L 247:5 bulk 333:12 bulky 330:19 bullet 273:19 274:3 bulletproof 396:22 bullets 206:15 272:1 bumped 137:4 bundle 118:9 Bureau 259:20 260:1 burglaries 199:22 200:3 258:7</p>
-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------

Capital Reporting Company
 In the Matter of- USPS and PPOA 01-15-2014 Volume II
 Page 8

<p>burglary 109:5 186:12 187:14 256:17 292:9 Bushwick 356:8 business 303:17 412:4 businesses 288:9 289:19 292:19 303:9,15,18</p> <hr/> <p style="text-align: center;">C</p> <hr/> <p>C-1 153:3 C-2 151:4 C-3 204:1 C-4 206:5 C-5 209:13 C-6 211:5 C-8 386:13 cage 397:20 Calvin 364:21 camera 408:9 candidates 206:12 candor 332:13,18 canvass 409:13 capacity 199:5 349:16 Capital 95:14 Capitol 164:12 caps 149:11 captain 253:21 254:2,21 255:2,10 261:17 263:9 267:16 269:6,7 270:15 271:8 281:19 332:16 355:21 356:13 364:20 captains 365:4 car 111:9,10 132:6</p>	<p>183:19,21 184:3 185:6 315:22 316:1,3 374:21 403:14 Caravan 337:8 care 240:20 408:17 career 225:2 263:20 272:20 careless 374:1 carrier 116:10,13,17 117:19 127:10 160:4,17 258:21 259:1 262:7,9 281:3,10 288:22 289:8 290:18 291:8,15 292:17,18 293:14 294:16,17 295:5 312:2,11 317:20 320:11,16,20 321:8 337:12,13,15,18,2 0 347:21 352:13,15 354:1,3 356:5 357:13,14 359:7,12,14 360:8 361:3 369:13 370:18 371:21 378:5 384:13 391:17,18,19,20 393:20 394:13,14,16,17,2 1 395:3,12,22 398:11 399:5 407:11 408:16 carriers 109:8 112:16 113:2,11,20 114:18 115:1 141:4 154:2,4,11,15,17, 20 156:21 157:3 287:7,13,17,20 288:13,19 290:9</p>	<p>291:10,18 311:11,13,14,20 355:9,14,19 356:3 358:6 359:3 370:22 371:9,15 372:18,21 373:4 378:4 382:10 392:9,10,12 393:1 395:5 397:21 398:8 407:14 carrier's 127:14 142:12 337:6 407:9 Carriers 143:2 carry 153:20 154:6 163:20 164:3 393:19,21 394:1,2 carrying 210:16 cars 177:9 184:2 cart 303:10 case 113:17,18 139:13 140:8 150:15 178:17 227:21 228:6 261:13,20 275:16 276:15 277:10 295:19 327:16 381:6 382:16,19 383:9 411:9 cases 261:14 262:1 267:11 303:9 313:22 399:17 cat's 388:9 cause 167:4 328:21 caused 176:12 187:2 231:17 324:1 cautiously 186:19 378:2 CBRNE 236:13 CBU 312:16 CDU 272:14</p>	<p>cell 98:5 402:4 406:4 center 103:6 131:8 161:3 185:19 242:11 254:14 259:15 284:9 330:9 333:13 central 100:6 257:7 259:19 260:1 261:12 cents 365:16 certain 110:3 126:17 138:22 191:4 210:17,19 237:4 256:22 279:12 302:9 certainly 129:22 139:8 156:10 216:18 234:21 343:20 344:13 certificate 271:14 272:3,6 318:6 413:1 certification 100:12 101:9,10,12 105:14 251:3,7,12,17 259:12 certifications 172:2 certified 103:11 161:22 259:9,11 274:21 certify 413:4 CFR 336:18 chain 234:8,14 334:22 335:1 406:8,9 chair 96:3 98:12 challenge 344:5 374:3 change 135:16 176:8,9,13</p>
------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------

Capital Reporting Company
In the Matter of- USPS and PPOA 01-15-2014 Volume II

Page 9

<p>212:7,11 217:4 355:12 387:2,3 388:22</p> <p>changed 133:20 142:5 177:1 218:1 279:18 348:7</p> <p>character 146:22</p> <p>charge 269:16 298:7 319:17</p> <p>charged 227:1 331:15 336:13</p> <p>charges 332:12 380:18</p> <p>Charlotte 317:8</p> <p>check 127:22 264:10 330:9,11 374:18 399:21 400:3,10,13</p> <p>checked 363:13</p> <p>checking 131:15 300:2</p> <p>checks 259:6,9 288:4 391:20 399:11,15</p> <p>Chemical 236:16</p> <p>Chicago 99:19 102:17 103:2 107:13,16 108:13 113:19 114:9,14 115:14 122:13 123:3 125:17 126:21 128:8,20 129:10 132:17 140:22 157:2 360:22 390:20 391:18 392:18 395:5 398:19 405:12 408:5</p> <p>Chief 318:6</p> <p>child 380:19 382:17</p> <p>Chiraq 393:16</p>	<p>choose 372:5</p> <p>chop 303:13</p> <p>chose 371:3</p> <p>Chris 96:16</p> <p>chute 297:6</p> <p>circulated 182:4</p> <p>circumstance 265:1</p> <p>circumstances 122:6 127:8 320:13 329:17 339:7</p> <p>citation 260:10 261:3,4</p> <p>citations 259:17,20 260:4,12 331:20 373:12,18</p> <p>city 99:17 154:17 159:15,16 254:1 256:9 286:12 292:10 294:12 341:12 359:18 369:1 378:3 390:19 392:7,22 393:8,11,12</p> <p>civil 387:15</p> <p>civilian 233:20</p> <p>clarify 199:20 313:5</p> <p>clarifying 274:8</p> <p>class 164:16,17 236:22 353:7 363:3,7,8,11,16</p> <p>classified 102:15</p> <p>classify 101:21 140:17 144:12 154:7</p> <p>classrooms 246:15</p> <p>clear 132:11 172:17 177:15 180:22 186:22 187:5,11 205:4 231:4,7,8,9 264:9 274:9 294:4</p>	<p>307:10 312:15 313:20 378:17 404:17,18</p> <p>clearance 204:21 205:2,7 264:12</p> <p>clearances 101:1 263:22</p> <p>cleared 190:14</p> <p>clearly 153:13 234:1</p> <p>clerk 264:4 282:6 323:5 325:10,16 400:2,17 401:2</p> <p>clerks 264:2 296:21</p> <p>climbing 402:16 403:6</p> <p>Clinton 282:7</p> <p>close 323:16 412:7</p> <p>closed 265:18 279:14</p> <p>closer 336:2</p> <p>cluster 288:1,2,5,6 289:6,9,12,17,22 312:16,18,19 313:6,8,13</p> <p>coat 330:20</p> <p>cocaine 331:7</p> <p>code 331:16 336:14 392:5,6 395:19</p> <p>collateral 260:15,16</p> <p>collect 297:9</p> <p>collected 118:10</p> <p>collecting 129:4 211:15</p> <p>collection 128:21 296:19 297:12 312:22</p> <p>collective 143:1,22 144:4 245:16 276:21</p>	<p>collectively 108:5</p> <p>college 222:22 274:5 352:20</p> <p>colonel 360:2,7</p> <p>Columbia 95:15 413:18</p> <p>Columbine 276:3</p> <p>combination 282:6</p> <p>comes 131:14 167:6 190:17 210:1 251:11 267:4 298:10 339:3 344:7 377:17 399:13 402:7</p> <p>comfort 280:14</p> <p>coming 151:19 167:6,13 183:5 194:15 348:4</p> <p>commands 404:17,18</p> <p>commencing 95:16</p> <p>commendations 318:2</p> <p>comment 209:21</p> <p>comments 365:13</p> <p>commission 413:21</p> <p>commit 288:3 329:2</p> <p>commitment 249:20</p> <p>committed 124:5,6 228:19 321:14 329:2 399:8</p> <p>committing 186:3</p> <p>common 301:7 302:15 346:17</p> <p>commonly 254:14</p> <p>communicating 103:22</p> <p>communication</p>
-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------

(866) 448 - DEPO

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Capital Reporting Company
In the Matter of- USPS and PPOA 01-15-2014 Volume II

<p>185:19 232:11</p> <p>communications 185:14,17</p> <p>community 103:22 104:9,12,13 130:8 177:9 178:10 232:15,22 287:2,3,4 313:12,14 358:9 360:9 391:5</p> <p>community- oriented 357:5,22</p> <p>company 95:14 303:10,12</p> <p>comparable 205:10</p> <p>compare 119:19 219:1,9</p> <p>compared 219:16 282:20</p> <p>complainant 326:6</p> <p>complaining 242:6</p> <p>complaint 325:7,8,11</p> <p>complete 203:9,13 208:3,7</p> <p>completing 285:4</p> <p>completion 272:3,7</p> <p>comply 384:17</p> <p>component 131:9</p> <p>comprehensive 203:10</p> <p>compromise 387:21</p> <p>compromised 110:18 332:19 334:2</p> <p>CompStat 356:10,13</p> <p>concern 131:1 189:19 220:17 288:19 311:14</p>	<p>365:10</p> <p>concerns 110:7,9,14,16 120:19</p> <p>conclusion 196:3</p> <p>CON-CON 334:9,13,18,19</p> <p>concrete 403:9,10</p> <p>condition 213:7</p> <p>conditions 265:2 279:9 347:13 386:10</p> <p>conduct 132:21 142:17 143:15,19 144:11,15 147:4,8 260:7 263:4,18 276:19 277:12 306:1 315:7 373:17 382:9 412:4</p> <p>conducted 208:9,16 330:20,22 338:16</p> <p>conducting 141:18 180:14 315:11 331:3</p> <p>confess 197:19</p> <p>confirm 124:2,18 172:10</p> <p>confused 199:1</p> <p>connection 123:21 178:11</p> <p>consciousness 116:19</p> <p>consent 242:7</p> <p>consequence 184:13</p> <p>conservatively 239:11</p> <p>consider 130:19 131:16 137:20</p> <p>considered 264:17</p>	<p>266:7 270:11 282:17 321:2,17 353:17</p> <p>constantly 107:10,11 377:8,20,21</p> <p>constitute 95:10</p> <p>Constitution 209:6</p> <p>consummate 387:17</p> <p>contact 104:17 231:19 233:1 293:22 294:2 304:13 327:6,22 340:7,8 341:1,21 342:6 374:17 375:3 376:22 377:1 392:9</p> <p>contacted 331:11 337:14 405:12</p> <p>contacts 128:5</p> <p>contain 257:14</p> <p>contained 231:17 235:4 333:16</p> <p>container 334:9,10</p> <p>containment 267:5</p> <p>contaminated 189:3</p> <p>contamination 257:20</p> <p>contents 227:2</p> <p>contest 374:4</p> <p>context 245:13</p> <p>continue 345:6 404:20</p> <p>continued 331:8 404:18,21</p> <p>continuing 257:16</p> <p>contract 102:16,18 108:12 144:7 179:2,9 181:1</p>	<p>213:2 277:16,17 278:4,7,10,11,14 310:21,22 358:5 387:10</p> <p>contracted 231:17</p> <p>contracting 232:10</p> <p>contractor 370:5</p> <p>contributions 318:7</p> <p>control 236:6,9 242:10 330:9 406:12</p> <p>conversation 166:9 168:21</p> <p>conversations 325:21</p> <p>conveyed 122:15</p> <p>cooperative 210:4 211:2</p> <p>coordinating 126:18 132:16</p> <p>cop 262:17 276:13</p> <p>copies 121:1 145:10 210:22 213:12,22</p> <p>copy 143:5,8 145:14 180:3 181:18 197:4 211:7,10 226:7,15,17,19 341:15 349:20,22 366:22 385:17</p> <p>cordon 189:1</p> <p>corner 395:14,20 408:4 409:18</p> <p>corporation 268:19,20 270:10</p> <p>correct 105:22 120:5 137:9 139:2 140:1,3 141:4,19,22 142:3,13,18 147:9 148:11 149:8 153:10,15,20</p>
---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------

Capital Reporting Company
In the Matter of- USPS and PPOA 01-15-2014 Volume II

<p>154:3,13,18,19 155:6,7 165:7 191:22 196:7,8,10,11 198:11 199:6,9,19 200:1,2,4 201:8,16,20 202:18,22 203:6,10,15 205:2,11 206:14,20,21 207:5,6,10 208:4,13 209:16,17,19 212:4,8 218:7,10 248:9 250:14 271:18 272:11,18 274:1,6 275:6 276:16 280:8,10 281:4 289:10 290:3 295:14 302:21 309:19,20 310:19 311:9,20 314:2,3,7,8,12,14 315:4,18,21 348:8,13 350:3,5,17 366:22 367:11 380:4 386:21</p> <p>correctly 131:4,5</p> <p>correspondences 211:22 364:17</p> <p>Cosgo 263:9</p> <p>counsel 99:1 104:7 138:13 156:17 159:2 196:13 222:6 245:9 253:12 271:5 283:14 309:13 317:1 347:5 351:14 358:12 362:2 367:5 368:12 382:1,7 388:11 390:8 413:8,12</p>	<p>count 309:22</p> <p>counter 401:11</p> <p>counterfeit 399:11,15,16</p> <p>counterterrorism 130:20</p> <p>counties 184:22</p> <p>countless 164:13</p> <p>country 185:20</p> <p>county 184:21 286:19 326:20,22 362:11</p> <p>couple 108:6 156:15 319:8 400:22 402:11 405:7</p> <p>course 125:18 139:10 168:22 177:20 178:1 228:7 236:20 266:8 274:6 296:6 302:4 314:16 326:14 338:4 340:19</p> <p>court 98:13 163:15 225:20 229:10,22 260:9,14,19,20 261:1,6,15,21 275:5 332:18,20 336:18 361:14,17 374:4</p> <p>courteous 146:21</p> <p>courthouse 377:19</p> <p>Covell 366:21</p> <p>cover 102:21 103:19 286:18 392:19 393:13</p> <p>coverage 180:21</p> <p>coverages 180:12</p> <p>covered 256:11</p> <p>covers 148:1</p> <p>coworker 380:8</p>	<p>383:7 385:3</p> <p>CPR 235:18 237:20 240:12 251:4,8,18 255:6</p> <p>crack 331:5,7</p> <p>craft 282:4</p> <p>crafts 133:20</p> <p>create 188:13</p> <p>created 304:9</p> <p>credential 370:11,14</p> <p>credentials 265:20</p> <p>credible 293:11</p> <p>credit 264:10 274:4</p> <p>crime 112:16 124:4 200:7 228:18 232:14,19 257:9,12,14 258:2,21 259:15 267:5 287:5,10 291:13 292:11,21 319:19 321:14 322:15 329:2 339:15 356:8,11 359:16,17 392:8,15 396:14 398:13</p> <p>crimes 186:3 320:3 399:8 407:6,7</p> <p>criminal 114:17 147:7 211:15 258:5 259:6,11 260:4 261:15 285:5 326:13 387:15</p> <p>Criminology 223:3</p> <p>critical 304:14 306:16</p> <p>Crosby 242:2,7</p> <p>cross 97:2 144:16,17,22</p>	<p>156:12 319:14</p> <p>crossed 319:11</p> <p>cross-examination 138:13 166:20 196:13 245:9 271:5 309:13 345:17 347:2,5 358:12 367:5 382:1</p> <p>cross-examine 150:20 220:21</p> <p>cross-examined 221:3</p> <p>crowd 236:6,9</p> <p>crown 209:8</p> <p>CTT 403:8</p> <p>cubicle 242:5</p> <p>cuffed 401:22 402:1</p> <p>cuffs 328:7</p> <p>cum 353:2</p> <p>cumulative 343:19</p> <p>current 168:11 195:7 197:20 207:2 273:20 367:12</p> <p>currently 108:12 159:8 182:7 220:2 222:16 225:1 253:18 283:20 285:2 286:18 317:7 362:10</p> <p>curriculum 247:10</p> <p>Curseen 176:16</p> <p>cursor 268:21</p> <p>custodian 137:2,4,8</p> <p>custody 234:9,14 334:22 335:1 405:15 406:3,8,9,11</p> <p>customer 127:11</p>
--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------

Capital Reporting Company
In the Matter of- USPS and PPOA 01-15-2014 Volume II

<p>288:17 322:21 323:4,7,13,15,16 324:6 335:18 customers 104:16 245:2 287:7 293:18 357:16 cut 223:20 224:1,3 244:18,20 246:2 323:9,18 340:13 cuts 216:3 Cynthia 134:2,13,18 148:3,4 Cynthia's 135:21</p> <hr/> <p style="text-align: center;">D</p> <hr/> <p>D.C 95:8,13 96:9,14 135:5 159:17 184:15 194:1 209:16,19 210:5 220:5 240:20 354:12 355:20 daily 263:2 345:7 391:21 DAK 393:22 Dallas 185:21 damage 187:2 323:22 danger 302:4 304:20 376:18 dangerous 114:7,18 131:17 153:10 154:12 236:19 262:4,5,6,8 275:14 276:1,2,10 378:18 dangers 113:20 231:16 databases 326:14 327:2 date 173:16,18 178:6 179:22</p>	<p>386:9 391:7,10,12 dated 149:3 214:21 246:7 360:13 dates 362:15 388:17 dating 211:22 day 102:9 109:17 121:13 127:13 128:19 137:6,7 154:13 163:9 194:12 218:10 221:2 227:19,20 239:9 269:17,18 326:11 392:3,14 395:3,10 399:18,21 400:3 days 102:5 319:8 354:21 355:3 day-to-day 171:1 267:2 344:6 345:2 DEA 305:19 dead 344:1 deal 307:15 dealers 393:3,16 dealing 288:17 377:8 deals 237:9 decide 409:2 decided 395:9 decision 109:20 125:1 401:2 decision-making 237:11 declared 245:20 279:12 decrease 135:15 deemed 379:3 deems 280:16 defeat 404:7 defend 229:20</p>	<p>230:4 defensive 100:19 103:20 105:1 161:20 229:16,18,19 237:19 defibrillation 240:4 250:18 definable 180:22 definitely 116:18 187:19 220:20 definition 315:10 definitions 315:8 360:17 degree 205:10,11 222:22 223:2,5 224:7 274:4 285:3,11 Delaware 101:11,12 delayed 384:11 deliver 154:18 320:17 396:2 407:14 delivered 395:2,4 396:3 delivering 109:8 311:13 delivery 288:10 295:6 396:4 demand 144:6 demonstrate 227:9,13 department 102:1 123:3 168:8 169:15 170:10 172:9 184:18 210:16 211:1 215:14 216:2 258:6 259:4 266:19 268:20 298:6 304:11</p>	<p>305:20,21 362:11 departments 184:21 304:13 Depending 307:10 depends 314:15 deployed 192:18 213:1 220:2 describe 196:5 214:1 230:11 232:17 233:5 234:5 240:8 241:21 242:20 243:13 262:3 266:15,18 320:12 323:1 329:16 355:16 357:4 393:2 397:6 described 122:9 133:3 describes 214:8 description 116:21 169:16 170:22 173:13 174:3 195:7,12 197:5,7,21 198:5,15 271:20 294:21 337:16 designated 153:13 279:19 desk 242:10 despite 265:17 detail 116:14 214:8 detailed 103:17 237:2 326:12 details 116:11 198:19 detain 124:9,12 132:14 186:4 230:5,14 232:7 detained 192:19 243:20 336:4</p>
-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------

Capital Reporting Company
 In the Matter of- USPS and PPOA 01-15-2014 Volume II
 Page 13

<p>detecting 211:14 detection 257:5 detective 101:22 266:19 detectives 267:13,15 detention 228:17 deter 204:9 287:5 311:16 determination 395:1 determine 124:3 321:13 determined 114:13,15 118:8 323:14 336:12 405:11 deterrent 113:10 develop 287:6 development 225:2 271:14 272:20 developments 290:2 device 297:2 devices 131:2 296:20 devil 404:7 dictate 150:7 differences 195:13 different 128:4 132:21 133:21 142:2 189:6 195:11 206:13 233:20 234:10,11,19,20 236:11 238:14 245:21 247:9 249:3 266:1 268:8 269:3 276:4 288:15 313:13 315:8 343:1 345:15 350:15</p>	<p>351:13 352:6 364:16 370:9 393:9 differently 247:5 difficult 166:20 167:1 221:1 difficulties 339:16 dignity 269:21 dilemma 344:16 diploma 271:13,16 285:18,19 dire 387:12 direct 97:2 99:1 106:12 108:1 111:19 115:5 118:16 125:7 127:2 133:11 159:2 165:21 175:3,11 180:6 194:5 222:6 225:18 239:19 241:9 253:12 267:17 274:10 283:14 290:5 292:1 293:6 294:6 297:18 299:12 300:5 301:10 305:9 307:17 308:10 317:1 320:5 324:16 329:6 333:2 335:10 336:19 351:14 362:2 364:5 365:19 368:12 380:22 388:14,15 390:8 directed 400:7 directing 146:16 direction 236:12 345:4 366:18 directive 371:6 directly 204:1 364:19</p>	<p>dirty 396:6 disadvantageous 220:20 disagree 401:9 disbarred 385:15 discipline 100:13 133:21 326:10 332:9 349:3 disconnected 128:7 discovered 325:11 discretion 377:12 discuss 121:11 346:10 discussed 110:5 151:5 195:12 339:9 discusses 112:12 204:3 discussing 326:2 346:8 discussion 221:14 252:10 365:9 391:5,17 407:4 disease 232:3,5,8 diseases 231:18 disgraceful 147:7 dishonest 147:7 disorderly 373:17 dispatched 116:12 122:12 126:11 127:19 190:13 192:8,10,13 394:19 400:6 407:9 dispel 124:2,18 228:17 disperse 236:12 display 190:20 displaying 113:2</p>	<p>disregard 197:9 disruptions 191:4 distribute 144:21 214:11 215:4 distribution 282:5,6 333:13 district 95:15 115:14 260:19,20 269:12 336:17 385:5 413:18 diversity 249:20 divided 370:8 division 112:10 130:18 134:19 141:21 165:11 170:7 174:9,10,13 182:4,15 183:10 184:3 188:18 193:21 194:11 225:2 253:22 254:4 255:5 258:16 260:2 286:13 317:9 352:6 356:21 369:2 390:20 divisions 164:10 239:1 260:2 DMI 236:18 docket 384:20 385:11 document 106:9 108:3 111:21 112:1 115:4,6,10,12,13, 19,21 116:1 118:18,20,22 125:8,10 127:3,5 133:12,13,15 136:14,16,22 141:16 145:3,4 153:3 167:4 168:2 172:18,19,22 173:10,12,16,21 174:2</p>
-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------

Capital Reporting Company
In the Matter of- USPS and PPOA 01-15-2014 Volume II

<p>175:4,7,8,12 179:16,18,19 180:1,4,7 181:13,16,19 183:13,16 189:15,17 190:6 194:6,7,9,10 195:2,15,17,18 196:4,22 197:1 198:1 202:16,19,20 203:4,11,18 211:4,5 213:15 214:20 215:3 216:13,18 226:2 239:22 240:6 241:11 267:17,19,22 268:13,16,17,18,2 1,22 271:17 292:5,7 293:7,9 294:8,10 297:20,21 300:6,8,22 301:11,13 305:10,12 307:18,20 308:11,14 315:5 320:7 324:18 329:8 333:5 335:13 336:22 364:13,15 365:20 366:13 381:1,3 383:4 388:4,17</p> <p>documented 323:21</p> <p>Documenting 129:3</p> <p>documents 119:16 120:2,19 134:20,22 135:12,13,14 137:1,11,12 152:10 166:14,18 167:2,7,13,17 191:14 202:7 211:21 212:4 215:20 246:3,4 271:19 359:19,20</p>	<p>360:1,21 361:1 367:8</p> <p>Dodge 337:8</p> <p>dog 154:6 373:2</p> <p>dollar 304:2</p> <p>Donahoe 194:13</p> <p>done 107:13 117:17 138:22 142:7 183:8 185:6 303:18 323:22 338:18 343:15 359:5</p> <p>DONNA 96:7</p> <p>door 188:8 320:19 323:9,11,12,16,17 ,19</p> <p>doors 337:8</p> <p>door-to-door 288:9</p> <p>Dorchester 258:20 281:7</p> <p>double 319:4,21</p> <p>double-sided 145:18,19</p> <p>download 410:5</p> <p>downloading 410:7</p> <p>dozen 102:19,22</p> <p>dressed 111:17</p> <p>drills 257:5</p> <p>drive 126:6 153:13 325:20 375:1 379:15</p> <p>driveable 374:22</p> <p>driver 132:3 190:9,17,19,21 325:16,18,19</p> <p>driver's 326:17</p> <p>drive-up 126:2</p> <p>driving 373:20 374:1,2 397:18,19</p>	<p>407:18</p> <p>dropped 367:21</p> <p>dropping 382:17</p> <p>drove 338:18,19</p> <p>drug 264:14 305:13,15 307:12 393:3,16</p> <p>drugs 334:5,6,7,14</p> <p>drunk 132:2,12</p> <p>dry 235:6</p> <p>DT 238:4</p> <p>due 326:10</p> <p>Dufek 96:4 143:6 217:13,15,20 247:4 290:1 316:11 346:22 389:11 394:7</p> <p>Dulles 185:20</p> <p>duly 98:16 158:21 222:3 253:9 283:11 316:18 351:10 361:21 368:9 390:3</p> <p>during 102:20 108:17 109:2 122:22 124:8,11,15 144:6 155:16 164:9 208:11 226:8,20 237:22 243:14 246:16 279:8 280:20 285:14 288:21 296:6 298:9,11 318:2 353:18 363:17 379:7,18,19,20 391:22 398:8 401:6</p> <p>Dutch 323:8,12</p> <p>duties 125:18 138:22 140:7 142:17</p>	<p>174:3,17,18,22 175:20 176:3,13 177:2 190:7 195:3,19 196:5 210:17 212:12 219:9,15 238:13,15 242:13 255:1 256:3 257:11 268:5,9 269:10 319:3 322:10 326:14 332:4 338:4 340:19,20 344:5 345:7 346:11 348:7,12</p> <p>duty 108:15 228:7 275:4 280:7,10 325:5 352:4 405:6</p> <hr/> <p style="text-align: center;">E</p> <hr/> <p>earlier 146:14 195:12 205:18 295:22 402:21</p> <p>early 109:7 192:9 213:8 217:5 280:4 387:5</p> <p>ease 110:15</p> <p>easiest 266:17</p> <p>eastern 224:12</p> <p>education 271:12</p> <p>educational 271:14</p> <p>effect 113:10 124:19 172:14 228:20 230:13,15 332:16 357:21</p> <p>effective 136:10 137:2 166:20 180:12,17 181:2</p> <p>effects 231:17</p> <p>efficient 181:3</p> <p>effort 287:5</p> <p>eight 217:17 225:11</p>
--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------

Capital Reporting Company
 In the Matter of- USPS and PPOA 01-15-2014 Volume II
 Page 15

<p>247:21 281:7 284:15 310:2 386:14 Eighteen 103:3 either 110:10 114:17 123:22 128:6 129:3 130:7 133:20 141:9 219:14 230:14 250:20 260:9 274:1 328:17 377:11 elaborate 238:20 346:19 347:18,19 elbow 325:17 elbowed 132:13 electronic 233:13 electronics 358:7 element 135:4 elicit 110:21 eliminate 278:18 eliminated 150:5 eliminating 157:9 278:13 ELM 147:16,21,22 152:3,4,7,12 E-L-M 147:16 Elmwood 369:13 else 102:12 103:13 104:16 117:9 189:4 193:16 200:9 283:2 307:1 345:8 365:4 371:11 375:16 407:2 e-mail 365:1,9 366:2,21 411:1 e-mailed 364:16 emergencies 235:12 239:14,17 250:14</p>	<p>emergency 128:5 235:16 240:15,18 241:4 242:2,8 264:17,20,21 265:12 266:7 278:20 279:2,12,13,19 282:17 299:8 379:4 employ 240:10 employed 99:13,18 159:9,16 165:9 222:16 253:18 283:21 284:2 317:7 351:21 362:9,10,12 368:18,21 369:1 390:13,19 413:9,12 employee 122:9 146:10 149:18,19 163:6 189:20 200:10 264:20,21 285:15,16 288:18 322:21 324:22 326:3 327:19 338:10 381:15 383:13 384:1,7 407:16 413:12 employees 104:15 113:12,15 118:14 130:9 132:22 144:10 146:15,20 147:6 148:1 151:6 152:14 157:6 178:14 192:6,15 200:18 233:1 239:10 245:3,15 248:9 263:5 264:17 265:11 266:5,7 277:20 278:21 279:11,14 285:20 287:9 299:3,20 338:12 342:7 373:6 379:4,11 397:9</p>	<p>employment 147:17 362:15 encompasses 100:17 encounter 102:20 109:7 142:10 232:4 262:9 289:12 encountered 102:7 118:4 122:13 132:2 141:18 encounters 345:12 enemy 262:17 276:14 energy 119:13 enforce 229:13 387:17 enforcement 101:19 161:3 163:21 164:19 178:19 184:15 185:19 193:4 207:21 208:19 224:6 233:17,19,21 238:1 254:13 266:10,11 273:21 287:8 298:2,4,5,18 318:17 319:11,13 330:9 353:11 354:7 370:15 375:6 enforcing 211:16 318:10 engage 104:15 130:7 147:6 engaged 125:12 engaging 113:5 engine 302:6 enhanced 133:9 279:6 enhancing 101:2</p>	<p>enjoyed 270:4 Enough's 217:15 entail 100:15 106:3 228:10,13 229:17 231:15 236:8 237:17 240:16 370:20 entailed 256:13,18 entails 112:22 232:18 233:6 242:21 enter 181:13 entered 223:8 385:16,20 entire 215:13 263:20 286:9,19 289:14 357:20 400:14 entirely 345:10 entrances 402:9 entries 100:22 255:18 envelope 235:4 epicenter 220:18 equipment 110:21 233:14 302:22 303:2,13,17 379:14 equivalency 285:11 equivalent 101:22 Eric 96:17 Erick 95:13 413:2,17 errand 128:17 erratic 374:2 escort 401:20 escorted 328:9 escorting 402:2 especially 146:12</p>
------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------

Capital Reporting Company
 In the Matter of- USPS and PPOA 01-15-2014 Volume II
 Page 16

<p>154:17 276:5 306:13 ESQUIRE 96:7,12 establish 170:13 180:16 236:10 391:6 estimate 239:11 ethical 133:9 147:3 Eugene 97:11 368:8,17 evacuate 375:16 evening 116:9 132:1 190:10 event 113:4 176:14 191:20 193:1 327:8 339:3 events 101:4 176:12 242:17 243:15 everybody 98:19 152:15,18 266:9 everyone 166:11 214:4 343:16 358:4 388:9 412:2,8 everything 100:20 169:13 177:18 189:8 193:16 265:9 406:22 everything's 357:15 evidence 104:3 118:10 129:5 191:6 211:16 234:2,6,8,9,10,12, 15,20 247:13,22 291:12 301:2 322:9 378:20 379:1 406:1,15 exact 135:16 exactly 118:8 122:17 235:14 282:18 300:4 313:15 366:16</p>	<p>383:1 404:2 EXAMINATION 99:1 156:17 159:2 222:6 253:12 283:14 317:1 351:14 362:2 368:12 388:11 390:8 examined 98:17 158:22 222:4 253:10 283:12 316:19 351:11 361:22 368:10 390:4 405:17 example 114:3 125:20 142:6 162:13 166:22 187:14 188:7 190:6 191:16 201:7 228:1 234:7,22 237:5 243:13 247:9 251:4 289:16 292:22 296:18 297:11 308:7 327:15 338:6 397:9 399:13 406:20 examples 375:8 378:10 excellent 304:10 exception 269:2 exchanging 129:5 excised 136:18 exclusively 215:7 excruciating 214:8 excuse 143:3 195:2 207:14 236:9 275:21 277:2 409:4 excused 158:13 221:11 252:6 283:3 316:13</p>	<p>351:6 361:18 368:5 389:16 411:20 excuses 400:19 executive 364:4 executives 239:6 exhaustive 140:17 exhibit 97:15 106:16 107:14 108:5 111:20 115:7,20 118:17 122:3 125:8 127:2 133:12 142:21 145:1 148:4,18 151:19 153:3 165:21 168:2 170:21 171:4,8 172:4 173:2,8 175:4 179:14 181:14 182:2 183:13,14 189:13,14 194:6 195:1 202:15 204:1 206:5,22 207:1,13,14 208:2 209:13 212:1,2,15 214:3,19 225:19 239:20 241:10 250:16 267:18 271:4,9,10 290:6,7,11 292:2,3 293:7 294:7 297:18 300:6 301:11 305:10 307:18 308:11 320:6 324:17 329:7 335:11 336:20 346:5 364:6 365:20 381:1 382:6 exhibited 162:18 exhibits 106:10 137:20 144:17,22 145:11,14 271:4</p>	<p>345:20 exit 395:13 exited 294:19 395:22 403:14 expectations 175:17 expected 226:11 227:6,12 238:8 264:22 265:9,12 299:10 expense 119:12 experience 102:7 154:22 155:3 205:9 207:21 269:7 273:5,6,10,12,20, 21 318:18 348:12,14 experts 119:14 expired 142:22 expires 413:21 explain 100:14 104:11 110:7 134:6,22 135:11,12 150:16 171:15 177:11 178:10 181:8 218:21 259:21 261:10 287:1 288:5 374:10 377:16 explained 132:20 169:11 263:10 explicitly 353:21 355:18 370:22 explosions 128:21 276:6 explosive 131:2 236:17 exposed 294:20 378:7 exposure 345:11</p>
-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------

Capital Reporting Company
 In the Matter of- USPS and PPOA 01-15-2014 Volume II
 Page 17

<p>express 219:15 320:17 321:3</p> <p>extended 216:1</p> <p>extending 212:1</p> <p>extent 165:1 167:5 182:20 183:10</p> <p>external 250:17</p> <p>extra 354:20 355:3</p> <p>extract 147:14,15 151:4</p> <p>extremely 262:8</p> <hr/> <p style="text-align: center;">F</p> <hr/> <p>face 132:14 323:17,22</p> <p>facilitate 110:19 181:2</p> <p>facilities 109:9,10 180:21 193:22 200:1,3 232:20 238:16 270:2 279:13 312:13 352:6 359:4 377:3 378:13 379:10 397:12</p> <p>facility 101:11 122:10 131:10,13 142:11 150:5 157:2 174:18 177:6 201:6,11 208:9 225:6 238:22 239:3 240:19 311:8,9 338:9,16,17 379:13,15 402:9,10,13 405:16 406:4</p> <p>facility's 335:18</p> <p>fact 111:7 169:10 171:17 191:8 192:20 278:4 282:16 356:1</p>	<p>366:3 384:10</p> <p>fact-finding 350:6,16</p> <p>facts 346:9 350:17,18</p> <p>factual 344:5</p> <p>factually 346:4</p> <p>failed 353:13</p> <p>fails 163:7</p> <p>fair 134:14 174:2</p> <p>fairly 347:4 359:7</p> <p>false 186:15 187:14,18</p> <p>familiar 134:13 142:14 146:9 148:12,14 166:21 200:22 202:6 208:18 212:4,18 213:6 350:9,11 383:5,8</p> <p>fashion 297:10</p> <p>fast 409:18</p> <p>FBI 164:12 165:13,15,16 166:3,22 199:17 202:17,22 203:9,13,14 204:3,8,14,20 205:8,21 206:4,12,19 207:3 209:15 218:22 354:9,16 355:1,5 358:16,17</p> <p>FBI's 204:2</p> <p>feasible 181:1</p> <p>February 173:19</p> <p>federal 113:11,15 147:3 161:3 164:8 211:17 220:18 254:13 259:19 260:21 261:5</p>	<p>305:6 322:3 354:6 355:2 377:19 384:19 385:4,13</p> <p>federally 103:11</p> <p>feel 192:15 328:22</p> <p>feeling 129:15</p> <p>feet 408:2</p> <p>fellow 112:10,20 134:18</p> <p>felony 185:2,4,11 186:1 231:2</p> <p>felt 192:7 219:4 270:6</p> <p>female 329:22 330:15</p> <p>fence 191:3</p> <p>field 208:7,9</p> <p>Fifteen 138:8,9</p> <p>fight 200:7 260:14</p> <p>fight's 373:6</p> <p>figure 203:19 365:6</p> <p>filed 385:4,13</p> <p>fill 356:1 374:14 406:8</p> <p>filled 127:15</p> <p>final 148:16,17 211:4 272:1</p> <p>finally 169:9 193:16 408:20</p> <p>finance 149:12</p> <p>financial 213:7</p> <p>financially 413:13</p> <p>finding 113:5</p> <p>fine 137:17 214:14 260:10,17 345:13 352:22 384:8</p> <p>finger 405:9</p> <p>fingerprints 322:7</p>	<p>finish 178:12</p> <p>finished 187:9 295:6</p> <p>fire 240:20 242:9</p> <p>firearm 218:9</p> <p>firearms 100:18 103:21 104:22 161:20 162:13,16,19,22 163:3 218:7 227:7,10,12 237:18 238:4</p> <p>fired 193:11 380:14,17,18</p> <p>firms 134:15</p> <p>first 98:8,16 103:4 108:18,22 112:6 115:4,5 135:19,20 137:7 144:4 158:21 173:14 174:6 176:14 189:1 197:14 204:5,17 206:7,14 222:3 235:18 237:20 248:15 249:9 250:5 251:18 253:9 255:7,10 256:14 257:9 258:4,12 259:3 263:9 266:22 274:20 275:17,19 283:11 290:9 292:12,13,14 311:21 316:18 336:4 351:10 361:21 368:9 369:18 370:21 371:7 383:18 388:15 390:3 403:16</p> <p>fishing 296:19 297:2,3</p> <p>fit 297:10</p>
--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------

Capital Reporting Company
 In the Matter of- USPS and PPOA 01-15-2014 Volume II
 Page 18

<p>fits 397:14</p> <p>five 108:4 275:10 283:6 310:1 354:21 355:3 394:3 406:19,20,21</p> <p>five-minute 283:5 389:18</p> <p>five-week 208:7</p> <p>fix 403:4</p> <p>fixed 107:16,21 174:7,14,19 178:21 255:12,18,22 280:7,10,19 286:1,3 310:18 319:1 369:20 370:1,4 386:20 403:3</p> <p>Flags 243:5</p> <p>flare-ups 114:16</p> <p>FLETA 225:6 272:13</p> <p>FLETC 161:4,8 164:7,9,16 172:2 187:9 203:10 208:3,14,16 254:15 353:5,7,14 354:18 355:4 363:1,4 369:8 391:15</p> <p>F-L-E-T-C 161:10</p> <p>Fletcher 96:18 97:3 98:9,10,15 99:6,20 114:21 122:2 123:17 135:12 138:1,16 156:20 161:13</p> <p>flexible 348:1</p> <p>flip 145:20 273:3</p> <p>floor 138:6 242:5 401:18</p>	<p>fluids 235:1,5</p> <p>fly 135:5</p> <p>focus 193:10</p> <p>focused 193:14</p> <p>focuses 100:20 248:7</p> <p>FOIA 119:14 120:18</p> <p>folks 98:2 193:14</p> <p>follow-up 219:21</p> <p>font 203:17</p> <p>foot 179:21</p> <p>force 106:1 180:15,16 181:3,7,8,9 197:6 204:11 229:17 230:12,13 305:15 311:2 318:8,10</p> <p>forces 180:18 181:5 213:1 220:19</p> <p>Ford 97:6 253:8,17 255:10 267:16 269:6 270:16 271:8 281:19</p> <p>F-O-R-D 253:17</p> <p>foregoing 413:3,5</p> <p>forensics 321:12</p> <p>forgot 385:9</p> <p>form 133:16,17,19 134:5 135:21 136:17 148:17,22 197:11,12,13,14 233:8 234:8 297:10 406:8,14</p> <p>former 170:1 206:18 207:9</p> <p>Fort 210:1 290:19 305:20</p> <p>forth 255:18 256:17 257:5 258:1 260:5</p>	<p>262:10 265:4 267:2,6,9 269:16,20 270:3,8,13 278:17 279:9</p> <p>fortunate 199:8</p> <p>forward 121:21 213:8 301:3 346:6</p> <p>forwarded 309:5</p> <p>foundation 134:10 340:1,15</p> <p>fourth 208:11 228:10</p> <p>four-year 181:4</p> <p>framed 354:21</p> <p>Frank 97:9 351:9,19</p> <p>Freeman 96:17</p> <p>frequently 187:16</p> <p>Friday 306:19</p> <p>friend 289:1</p> <p>frisk 330:21</p> <p>front 98:12 106:9 142:21 243:15 290:6 323:6 383:4</p> <p>fulfill 356:17</p> <p>full 126:3 186:14 295:9 315:19 345:11,17 346:1 363:7</p> <p>full-time 348:2</p> <p>fully 387:6 407:6</p> <p>function 179:10 255:17</p> <p>functions 100:10 102:12 129:8 256:22 257:4 263:11 345:1</p> <hr/> <p style="text-align: center;">G</p> <hr/>	<p>gain 116:14 288:2 298:1</p> <p>gang 377:14,20 378:6 395:7</p> <p>gangbangers 393:3,16 396:5</p> <p>gates 110:12</p> <p>gather 122:19 178:15 259:10 398:7,13 399:2</p> <p>gathering 113:8 122:20 350:17,18</p> <p>Gene 368:6</p> <p>general 114:6 123:6 146:13 157:2 184:7,10 194:12 200:6 239:7 243:4 271:13 285:11 318:9 327:17 376:14</p> <p>generally 100:14 103:16,18 104:11 112:20 129:13 130:4 133:7,19 144:10 176:11 219:3 248:4 311:6 346:12</p> <p>gentleman 112:6</p> <p>geographic 286:15 346:17 393:5</p> <p>geographical 256:11</p> <p>geographically 286:16</p> <p>George 223:6</p> <p>Georgia 161:2 208:3 254:14 391:15</p> <p>G-E-R 247:2</p> <p>get-away 337:22</p> <p>gets 183:8</p>
------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------

Capital Reporting Company
 In the Matter of- USPS and PPOA 01-15-2014 Volume II
 Page 19

<p>getting 171:18 181:22 213:19 386:13 400:1,9,16 Gettysburg 209:7 given 178:12 218:7 234:7 260:13 296:6 321:8 332:10 341:15 345:22 359:20 366:17 375:1 392:4,5,17,22 393:1 gives 243:4 giving 216:14 401:10,15 glad 202:1 glass 409:10 410:13,15,18 glasses 323:18 Glock 393:22 glorified 270:14 Glynco 161:2 254:14 391:15 God 404:6 gold 209:1 gone 117:20 127:11 399:4 GONSALVES 96:12 98:20 119:5,7 120:3,6,9,14,16 121:6,10,15,18,22 134:8,12,15 135:7 137:14 138:4,9,15 143:7,10 144:20 145:7,11,13,16 146:6 147:15,20 148:2 149:7 150:17 151:1,14,18 152:3,5,11,17 153:8 156:13 166:1,16</p>	<p>167:11,15,18 168:17,19 170:12 177:12,14,21 178:2,4 182:19 196:15 198:3,13 202:1,5 203:17 204:4 206:1,10 210:21 211:8 213:19 214:2,17 215:1,17 216:8,13,19,22 217:1,14 218:1,3,5,12 219:20 220:1,16 226:15 245:11 246:20,22 247:2,8 249:1,3,7,12,16,2 2 250:4,8,12,21 251:1,21 270:17,22 271:3,7 281:16 309:15 316:6 339:21 340:14 341:9,15,18,21 342:2,5,9,18 343:6 347:3,7 350:21 358:14 361:12 364:7,10 367:7 368:1 382:3 383:2,17,21 384:4,9,19 385:1,9,18 386:7,13,17 387:9,20 388:1 389:6,9 411:16 412:5 gotten 185:5 192:21 govern 147:4 governors 239:7 242:22 243:2 governs 152:14 grabbed 320:20 401:14,15,17 404:21 grade 168:11,12</p>	<p>172:11 205:14 graduate 100:1 284:22 352:18,20 graduated 160:7 244:22 317:14 318:19 grants 370:12 great 119:12 164:21 166:5 209:8 211:19 270:4 298:13 greater 213:2 ground 193:14 404:20 405:1,3 410:13 group 212:18 236:10 365:2 395:14 407:19 GS 205:14 guard 107:20 177:6 194:20 209:1 255:22 280:15 286:1 318:21 403:1 guarded 286:3 guarding 107:17 174:13,19 255:15,17 370:1 guards 102:18 179:2,9 194:11 213:2 270:14 280:12 344:22 370:3 guess 137:11 145:8 146:13 187:22 196:10 200:19 207:1 281:4 321:12 323:13 342:21 343:11 345:3 355:3 380:20 guilt 260:16</p>	<p>gun 190:20 228:4 262:13 291:19 guns 326:17,18 guy 247:1 262:20 402:16 405:1,11 guys 262:16 276:13 guy's 403:6 <hr/> <p style="text-align: center;">H</p> <hr/> habits 146:18 hailed 184:10 200:5,9 half 108:21,22 323:9 363:5,6 halfway 204:5 408:1,8 Hall 243:5 Hallercrest 212:17,18,22 hallway 194:17 Hampshire 257:6 hand 111:19 133:11 186:5 190:18 200:13 269:19 344:2,16 400:11 401:17,19 404:22 handcuff 404:4,9,10 405:4 handcuffing 230:22 handcuffs 401:22 404:3,14 handed 151:3 407:14 handgun 394:4 handguns 397:22 handle 104:3 234:19 235:1 299:20 305:5 327:12 376:6 378:2,22</p>
-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------

Capital Reporting Company
In the Matter of- USPS and PPOA 01-15-2014 Volume II

<p>handled 193:21 243:16 376:22</p> <p>handles 300:15</p> <p>handling 234:3,6,11 405:9</p> <p>hands 401:11 403:21</p> <p>handwriting 226:16</p> <p>Hang 342:13</p> <p>happen 243:3 257:16 262:21 306:21 398:2</p> <p>happened 116:6,15 118:3,9 122:18 123:6 192:8 202:4 241:21 281:6 323:2 325:5 372:5 395:17 407:16,17,22 410:7 411:10</p> <p>happens 113:5 163:5</p> <p>happy 219:5</p> <p>harassed 356:3</p> <p>harm 328:21 331:2</p> <p>haven't 133:22 142:5 199:14 359:15 390:21</p> <p>having 98:16 158:21 166:21 202:2 213:22 215:18 222:3 253:9 270:5 283:11 287:19 288:17 289:21 305:1 316:18 338:22 343:2 351:10 360:3 361:21 368:9 371:2 377:20 380:2 390:3</p> <p>hazard 187:22</p>	<p>hazardous 235:20</p> <p>hazards 378:7</p> <p>hazmat 307:14 377:1</p> <p>head 412:5</p> <p>heading 172:21</p> <p>headquartered 209:15</p> <p>headquarters 209:19 222:18 238:14 239:9,13 242:14,16,18 243:11 244:2,6,9</p> <p>hear 105:3 176:1 245:3</p> <p>heard 312:1 383:10</p> <p>hearing 193:11 261:4 311:21 412:7</p> <p>hearings 412:10</p> <p>hearsay 135:4 166:12,18</p> <p>heart 247:15</p> <p>he'd 122:10</p> <p>held 95:11 132:21 133:5 142:16 144:10 146:15 263:18 277:11,19 282:16 382:9</p> <p>He'll 409:2</p> <p>help 118:5 130:11 185:9 375:12,16,18 411:8</p> <p>helpful 139:12,17 140:7,19 145:5 305:8</p> <p>helping 124:22 398:12</p> <p>Henning 319:9</p>	<p>hepatitis 231:21</p> <p>hereby 413:3</p> <p>hereto 413:13</p> <p>he's 134:13 135:7 168:15 177:17,18 215:15 226:17 262:17 371:22 372:1 403:7 406:19,20</p> <p>Hey 389:10</p> <p>Hi 309:16,17</p> <p>hidden 338:19</p> <p>high 112:16 144:11,12 258:21 271:13,16 284:21 285:10,17,19 334:11 339:15 352:17 356:8 359:16,17 392:15</p> <p>higher 133:5 142:16 146:15 263:4,18 276:19 277:12,19 282:16 285:2 382:9</p> <p>highest 143:18</p> <p>highlighted 197:8,10,11,15</p> <p>hire 179:1 264:7 341:14 354:10 391:7,10,12</p> <p>hired 99:20 132:19 133:21 159:18 174:4 179:5 223:7,9 254:9 263:8,14 264:4 274:1 277:3,17 284:4 285:14,16 317:12,13 340:10 347:20 348:1 352:9 354:16 362:19 369:3</p> <p>hires 171:13</p> <p>hiring 277:1</p>	<p>339:17,18 354:8 358:16 365:18</p> <p>historically 276:17 277:15</p> <p>history 264:10</p> <p>hitting 325:17 395:18</p> <p>hold 100:4,11 159:22 163:10 168:3 223:10 224:9 263:3 292:2 317:15 318:12 352:11 363:21 369:9 400:20</p> <p>holding 402:4 406:4</p> <p>holdings 209:5</p> <p>holiday 126:3</p> <p>home 132:16 289:21 294:2 324:8 379:11</p> <p>homeless 377:9 402:11</p> <p>homes 409:15</p> <p>homicide 258:15 318:8,9 319:4,6,22</p> <p>homicides 258:13</p> <p>honest 146:21 381:17</p> <p>honesty 143:19</p> <p>honor 194:11,20 388:7</p> <p>honors 318:1</p> <p>hopefully 142:21</p> <p>hoping 135:6</p> <p>horses 343:22</p> <p>hospital 116:12,13 117:9 122:17</p> <p>hour 247:16</p> <p>hours 102:2 192:9</p>
----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------

Capital Reporting Company
In the Matter of- USPS and PPOA 01-15-2014 Volume II

<p>247:12,21 274:4 311:13 house 117:20 127:22 128:13 164:5 208:14 320:18 huge 304:20 Humphrey 97:4 158:15,20 159:7 Hundreds 188:2,4 Hungary 209:9 hunker 379:9 hurricane 265:3 379:7,10,19 hurt 374:16 380:19 hybrid 108:20</p> <hr/> <p style="text-align: center;">I</p> <hr/> <p>I'd 102:22 108:1 137:10 145:7 148:3,15 150:19 158:14 173:8 180:9 181:12,21 183:12 216:9 225:18 271:22 280:20 292:1 293:6 358:20 359:8 360:18 370:2 ID 297:22 397:10,11 399:22 400:11,13 identical 269:1 identifiable 111:13 identification 132:7,16 330:7 identified 134:2 184:7 297:19 337:21 377:22 identify 115:9 179:18 185:11 197:8 226:4 240:2</p>	<p>241:13 257:21 265:15 268:9,13 290:11 295:2 297:1 320:9 324:20 329:10 333:7 335:15 337:2 351:17 370:14 377:10 397:12 identifying 117:4 163:21 257:17,18 267:8 345:20 identity 288:3 330:16 ignore 193:15 I'll 160:8 175:5 197:19 203:22 205:16 206:1 209:21 211:4 248:14 270:22 281:19 308:10 333:15 341:1 382:21 383:19 384:18 385:12 397:10 409:7 illegal 333:9 334:15 illustrate 343:12 346:12 I'm 101:4 105:7 107:13 115:4 120:14,16,17 121:4 139:3 141:22 142:14 144:15,17 146:16 148:14 149:21 155:8 159:14,17 160:19,21,22 163:15,17 167:5,14 172:3 173:21 176:1,2 183:7 196:2 197:17 198:18 199:1,3 200:9,13 202:1 203:1,20 204:17 207:14,18</p>	<p>210:8 213:19 215:8,20 216:14 217:8 221:6 224:12 225:21 237:4 238:11 250:8 251:10,12,13 253:19,21 263:12 268:14,17 273:3 276:12,19 278:7,10 281:1 292:3 302:21 310:7,10,11 311:21 312:6,14 313:4,5,15 314:22 319:8 325:9 340:14,22 343:20 345:3 350:11,18 352:5,7 358:4 362:10 364:7 372:16 375:10 380:4 381:18 384:21 386:13 391:8 392:4 402:22 403:17 404:2,9,19 imagine 203:1 207:18 imagined 258:6 immediate 266:21 immediately 267:3,11 330:1,3 imminent 113:6 immoral 147:8 Impartial 96:3 impasse 245:20 implement 306:15 359:10 implemented 359:22 important 304:14 343:13 386:9 imposed 349:3</p>	<p>impoverished 292:11 impression 117:1 inaudible 232:8 inches 405:2 incidence 155:9 incidences 154:1 incident 116:2,6,8 119:1,3,4,11 123:14 127:6 139:5,14,19 140:3 155:17,19 157:18,19 158:1,4 178:6 189:22 190:2 229:6 233:9 241:14,15,18,22 242:12 290:13 291:1 292:8 293:10 294:11 300:9 301:14 305:13 306:21 307:21 308:13,15 309:22 310:2,15 313:21 314:10,21 320:10,13 322:20 324:21 325:3 328:8 329:11,13,17 333:8 335:16 337:3 339:9 343:2 344:9 346:2,10,13 348:16 374:20 398:6,8 401:12 402:14 406:17 407:8 408:7,9,17 409:6,8 incidents 176:21,22 200:17 235:9 258:8,9 295:16 299:19,21 309:22 339:8,10 372:17 394:11 398:4,6 399:17 408:12 include 100:18 109:12</p>
----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------

Capital Reporting Company
In the Matter of- USPS and PPOA 01-15-2014 Volume II

<p>230:16,19,22 231:2 235:8</p> <p>included 122:20</p> <p>including 152:14 174:18</p> <p>incoming 205:13</p> <p>incorporated 137:21</p> <p>Incorrect 311:10</p> <p>increase 110:2 114:17 135:15 203:19 219:5 288:20 311:15 358:6</p> <p>increased 289:3</p> <p>increases 165:3</p> <p>incumbent 265:5 279:20</p> <p>indicated 138:21</p> <p>indicating 409:21,22</p> <p>individual 163:9 185:5 186:3 193:9,17,19 230:5,14 232:6,7 243:19 260:13 261:18 265:2 313:1 328:8 329:20 337:4 344:8,9 399:16,18 400:8,9,15,17 401:13,19 403:13,15 404:14,17 405:15 406:2,12,17 410:9</p> <p>individuals 189:5,11 239:8 260:11 329:21 330:3 336:8,17 337:4</p> <p>individual's 406:10</p> <p>indulge 166:12</p>	<p>infectious 231:18 232:5</p> <p>information 113:9 116:20 117:6 118:1 119:10 122:19 134:1 171:6 180:16 185:4,13 191:1 192:22 242:10 259:10,15 267:13 295:13 321:13 326:13 330:15 336:10 339:6 341:19 342:6 367:16 372:4 374:15 376:17 398:11,14,22 400:10</p> <p>informed 116:9 117:15 401:7,8 405:14 409:4</p> <p>infrastructure 245:2</p> <p>inherently 276:2</p> <p>initial 136:6 192:18 257:13 267:5,7 371:17</p> <p>initially 279:8,9,16</p> <p>initials 147:17 298:15 302:20</p> <p>initiative 130:17</p> <p>injured 122:16 193:13 291:7</p> <p>injury 324:1 326:6</p> <p>inner 378:3</p> <p>input 365:15</p> <p>inquire 142:12 341:5</p> <p>in-service 187:10</p> <p>inside 124:17 240:19 243:3 297:5 319:15,16</p>	<p>329:22 336:6 375:14</p> <p>Inspection 99:14 100:10 101:17,18 102:13 103:9 104:7,19 112:13 119:13 159:10 160:18 161:16 163:5 176:19 199:10,11 210:3 215:10 222:19 224:16 228:3 231:21 233:8 240:3 253:22 254:9 263:16 266:9 269:9 283:22 285:10 314:6 317:8 322:4 351:22 356:21 362:13,16 366:18 368:19 376:22 380:15 390:14,17 391:11 393:21</p> <p>inspector 101:20,21 117:11,17 128:3,12 132:17 191:14 228:7 295:18,19 314:1,2,6 318:7 319:17 322:19 324:3,4,5,9 326:2,8,11 327:17 357:17 371:13 377:1 378:17 408:22 409:4 410:5,19</p> <p>inspectors 101:15 102:2,12 103:15 123:8 162:8,9 163:2 189:9 225:12 243:7 246:13 247:11,21 255:9 266:8,13,16,20 267:10,14 269:16,19 291:5 292:16,17 293:11</p>	<p>295:20 296:5,7 301:2,3 303:20 306:9,14 307:1 309:4,5 316:4 320:3 322:11 325:22 334:16 338:1 398:17,20 400:22 401:17 407:6</p> <p>Inspector's 402:4</p> <p>installed 312:22</p> <p>installing 294:1</p> <p>instance 140:12 345:22</p> <p>instances 109:11 138:21 140:6 405:20</p> <p>instead 289:21 343:2</p> <p>instituted 280:1</p> <p>instruct 162:5</p> <p>instructed 122:18 128:12 141:16 142:8 200:16,21</p> <p>instructing 100:22</p> <p>instruction 98:4 132:9 401:10</p> <p>instructions 178:13</p> <p>instructor 101:9 161:16,19,22 162:13,14,16 255:3,4</p> <p>instructors 255:6</p> <p>insure 141:3 180:20 319:10,14 322:7</p> <p>integrity 143:19 332:19,20</p> <p>intel 393:1 398:7</p> <p>intent 186:14 324:11 343:21 360:6</p>
-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------

Capital Reporting Company
In the Matter of- USPS and PPOA 01-15-2014 Volume II

<p>interact 243:18</p> <p>interaction 377:13</p> <p>interactions 184:14,17,20</p> <p>interdiction 305:14,15</p> <p>interest 95:1 138:18 139:7 224:6 344:16</p> <p>interested 162:15 341:3 413:14</p> <p>interesting 342:9 355:17</p> <p>international 130:13,20 131:7,14 297:16 299:15</p> <p>Internet 168:6</p> <p>interrupt 402:18</p> <p>interview 116:13 117:13 257:22 263:6,7 277:1,14 327:4 333:21 353:19 392:13 394:21</p> <p>interviewed 292:16 322:14 410:3</p> <p>interviewing 117:9 267:8 292:17 398:8</p> <p>interviews 277:5</p> <p>intimately 380:20</p> <p>introduce 386:8</p> <p>introduced 152:20 234:16,18 382:8 403:1</p> <p>introduction 214:5</p> <p>intuit 201:22</p> <p>inventoried 406:16</p> <p>inventory 405:22</p>	<p>406:6,19,22</p> <p>investigate 114:22 118:13 122:17 123:15 124:12 126:22 128:21 129:11,18 188:16 191:17 239:13 244:3,5,8 293:1 295:10 303:5 324:13 325:2 332:21 333:11 335:7,21 337:10 374:7 376:10 398:3 402:5,10</p> <p>investigated 329:14 372:20 373:1,5,8</p> <p>investigating 129:2 211:15 320:3 350:2</p> <p>investigation 123:14 259:7 267:7 296:4 309:6 314:5 319:17 326:12 338:2 350:8,13,14 371:18 399:11</p> <p>investigations 236:19 264:7 407:5</p> <p>investigative 123:19 124:14 132:6 228:16 295:21</p> <p>investigators 398:12,15</p> <p>involve 174:18 175:1</p> <p>involved 119:3 189:6 237:6 305:15,18 306:19 314:1 324:22 372:15 374:14,19 380:21 399:18</p> <p>involvement 116:5</p> <p>involving 118:13</p>	<p>154:1 158:1 322:20</p> <p>Iraq 284:17</p> <p>irate 288:17</p> <p>irrefutable 234:17</p> <p>isn't 273:7</p> <p>isolate 307:9</p> <p>issue 126:1 259:20 260:3,4,9,12 288:17 296:20 314:1 323:3 338:14 342:21 365:17 393:22</p> <p>issued 261:2,4 336:17</p> <p>issues 228:8,11 287:20 303:9 326:18 339:19 343:1 405:12</p> <p>item 406:16</p> <p>items 197:8,9 291:19 300:20 406:5,6,7,11</p> <p>iteration 197:20</p> <p>It'll 152:13</p> <p>it's 102:5,8 103:12 106:17 108:2,3 109:22 111:11,20 112:3,10 114:6 117:5 121:9 124:3 143:6,7,22 145:8,18 147:17 148:16,17,20 151:7,21,22 152:1,13 155:14 166:19 167:1 173:2 189:14 190:1,4 198:10 202:2 206:2 210:22 211:2,5 212:13 214:6 215:2 216:17,18 217:8,10 220:20</p>	<p>221:1 225:17 226:5 228:17 230:2 233:22 234:8 240:3 241:14 247:14,18 248:10,15,16 249:17 250:2 257:15 260:2 262:5,6 266:18 272:12 273:19 276:21 277:14,15 278:4,6,10 279:6 288:6 290:19 297:2 301:14 304:14,20 307:11,13 311:1 312:20 313:10 314:17,19 323:9 325:19 326:16,21 327:20 328:12,13,22 333:8 334:9,10 337:3 343:14,20 346:5 355:12,17 356:7,16 357:1 358:3,8 373:16 376:18,21 377:11 378:17 381:4,19 386:9 388:4 392:6,21,22 393:15 397:7,14,16,17 403:3 404:12 406:14 408:7</p> <p>I've 102:7 152:16,19 200:21 202:12 224:5 249:3 261:8 268:3 271:20 314:9 338:11 375:14 383:10 404:10 408:11 409:11</p> <hr/> <p style="text-align: center;">J</p> <hr/> <p>jail 328:6,10</p> <p>James 96:3,5</p>
------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------

Capital Reporting Company
In the Matter of- USPS and PPOA 01-15-2014 Volume II

<p>390:12 Janet 96:20 January 95:9 Jeffrey 165:6 Jersey 369:14 385:5 386:22 387:1 Jetco 338:9 jewels 209:8 jittery 400:16 job 131:4,16,17,20 153:10 169:15 170:22 173:13 193:18 195:7,11 197:4,7 198:16 205:21 262:3,4,5 263:19 265:6,14 268:19 271:20 275:14 279:21 282:20 302:16 347:21,22 352:11 354:13 378:5 jobs 218:22 Joe 96:19 Joe's 249:19 John 308:20 366:20 Johnson 97:7,12 283:10,19 284:11,21 285:8,22 290:5 309:10,16 316:7,8 390:2,12 391:4,16 411:14 join 204:14 Joint 142:21 Jones 169:20,22 170:5,9,17 171:5,12 172:5,10 207:10 218:18 220:4,8 Joshua 96:17 97:8 316:15,17 317:6</p>	<p>judge 262:1 JULIENNE 96:12 July 391:12 jumped 191:3 June 223:8 254:6 413:22 jurisdiction 210:16 322:3,4 justice 168:8 169:15 259:11 285:5</p> <hr/> <p style="text-align: center;">K</p> <hr/> <p>kabosh 358:22 Katherine 96:20 Katrina 265:3 Kerry 308:20 key 198:16 286:21 287:21,22 288:7 289:7,12 311:6 312:17,19,20,21 313:5,12,16 keys 132:13 kicked 132:5 kicks 230:6 kill 249:5 killed 289:1 killing 106:3 kinds 327:2 King 209:8 knee 405:8 knees 405:8 knew 177:19,22 201:12 210:12 322:16 337:18 404:8 knowledge 109:19 164:18 171:3,13 175:15 179:8 181:10 182:21,22</p>	<p>192:19 195:10 210:3 215:19 225:16 258:19 268:22 273:18 274:2 275:3 281:5,12 285:20 287:11 304:9 340:16 348:11 349:11,12 367:18 383:4,11 knowledgeable 135:8 known 230:8 254:14 334:8 Knox 210:1 Kowal 112:11</p> <hr/> <p style="text-align: center;">L</p> <hr/> <p>L.A 364:19,20 Labor 146:10 147:17 lack 332:13,18 land 403:10 language 143:17 144:4 147:21 204:7 278:14 308:22 388:2 larceny 258:9 large 357:9 largely 109:22 114:15 larger 153:2 303:12 lascivious 294:12 last 105:4 120:2 128:11 135:21 136:17 137:6 148:17,22 166:9 175:7,10,11 196:3 203:4 206:14,22 208:1 209:21 219:13 222:12 244:17 246:1</p>	<p>281:7 295:15 304:4 361:15 363:16 380:9,11 388:16 394:11,14 409:16 410:2 late 121:16 141:9 later 103:18 108:21 117:11 120:13 205:4 220:14 250:11 292:16 319:8 326:11 409:3 411:4 lateral 171:12 lateralled 172:1 latter 207:1 laude 353:2 Lauderdale 290:19 305:20 laugh 356:16 launch 227:4 law 101:19 161:3 163:21 164:19 178:18 184:14 185:18 193:3 207:21 208:19 210:10 224:6 233:16,19,21 238:1 248:3 254:13 266:10,11 273:21 287:8 298:2,4,18 318:11,17 319:10,12 330:8 353:11 354:6 370:15 375:6 laws 211:17 229:12 248:8 lawyers 157:11 lay 134:9 339:22 laying 193:14 242:5 lead 190:14 leadership 365:3</p>
-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------

Capital Reporting Company
In the Matter of- USPS and PPOA 01-15-2014 Volume II

366:2	160:4 182:3	381:8 383:12,22	135:7 138:7
learn 230:5	212:20 258:21	384:12 385:4	194:19 225:9,15
learned 227:20	259:1 262:7,9	386:1 389:2	361:5 379:22
237:11 408:11	281:2	L-I-T-T-E-R-I-O	380:1
learning 104:14	287:13,17,20	380:12	longer 263:17 278:5
least 154:1 168:20	288:12 290:9,18	Litterio's 381:6	280:7 332:19
214:1 230:13	291:8,18 293:14	385:14	338:8
295:1,2 314:11,14	296:9 317:20	little 108:6 134:9	lookout 378:1
315:4	318:8	199:1 274:10	Los 362:10
leave 132:9 164:5	321:7,11,16,18,19	286:22 309:21	lost 150:1,2,6 386:1
166:7 170:5	,21 322:5,7,8,9	338:8 351:13	lot 101:5 109:4,9
250:10 279:22	332:11,15 347:21	397:15	110:9,11 111:6
299:21 334:3	352:13,14	live 220:19 221:4	112:22 116:18
354:5 396:1	355:9,14 369:13	324:7 359:17	127:15 183:6
403:19	371:15 372:18,21	lived 126:9 276:11	207:16 278:5
leaving 282:21	373:4 382:10	loaded 394:1	292:11 299:2,3
365:7,12	384:12	lobby 329:20,21	300:20 303:8
led 127:8 320:13	level 149:18	local 129:6 186:5	335:19 392:8,9
329:17	levels 367:13,17	211:17 259:3	398:21 399:1
legal 103:20 104:5,6	liability 177:7	266:18 274:22	lots 110:9
228:8 248:3	liaised 128:8	326:19 336:15	loud 267:20
L'Enfant 95:12	liberal 279:22	337:14 348:18,20	404:16,17
96:13	Liberty 292:10	375:6 377:1	loved 270:5
LEO 298:17,18	294:12	locate 193:16 324:8	lovely 250:21
L-E-O 298:15	license 326:17	375:13 406:1	low 102:15
less 124:2 245:4	lie 411:8	located 201:12	lower 149:18
354:1,2	lied 322:4	319:15 325:14	luck 128:6
let's 138:10 144:14	life 211:13	331:8 337:17	Luckily 202:3
188:6 202:15	lightheadedness	402:10	lunch 280:15
207:19 209:11	242:6	location 176:16	luncheon 252:14
213:22 214:2,18	lights 233:22	192:5,11,15	lying 332:14
221:12 227:4	likely 157:13	219:11 302:8	
229:17 248:13	Lincoln's 209:7	344:10 396:1,2	M
249:10,12	line 236:11 243:20	398:22 402:3	ma'am
250:9,10 253:3	list 340:9 341:1,7,10	locations 108:11	223:1,16,19,21
311:18 342:14,16	346:15	371:8	224:10,17,21
350:1 383:18	listed 133:22	lock 265:9 334:12	225:5,8,14
384:4 396:21	lists 198:16	locked 110:12	226:3,10,13,21
letter 112:16	litigated 384:22	209:22	227:3,8,11,19
113:11,20 115:1	Litterio 380:7,12,14	logical 224:8	228:9,12,14,22
141:3 143:2		long 114:8 123:2	229:3,5,8,11,15
154:1,4,11,15,16,		126:10 127:14	
20 156:21 157:2			

Capital Reporting Company
In the Matter of- USPS and PPOA 01-15-2014 Volume II

<p>230:10,18,21 231:1,3,6,22 233:15 237:16 238:3,7,10 239:18 240:1 241:8,12,17,20 243:8 245:17 246:6,8,11,17 250:15 251:5 252:2 385:21 386:6</p> <p>magazine 208:18,19</p> <p>magistrate 259:19 260:21 261:5,22 373:15</p> <p>magistrate's 259:22</p> <p>Magna 353:2</p> <p>mail 109:8 117:2 118:9 126:6,7 127:12,16 129:5 130:14,20 131:14 136:1 150:4 154:18 157:2 236:19 264:2,4 287:7 288:22 292:8 294:15 296:21,22 297:7,9 299:1,2,18,19,21, 22 300:10,11,12,15,1 8 301:7,15,16,17 302:7,8,22 303:13 311:14 314:17 320:17 321:2,17 325:20 333:10,12 334:11,15 337:4,6 375:19,21 376:1,3 395:1,4 396:2,3 399:5 407:13,14</p> <p>mailbox 128:21 227:22 296:22 297:6</p> <p>mailboxes 126:1,2 289:21</p>	<p>Mail's 321:3</p> <p>main 190:11 212:13 288:19 298:6,22 299:17 311:10 337:15 370:9</p> <p>Maine 257:3,4,6</p> <p>mainly 299:1 311:11</p> <p>maintain 162:22 163:2,6,7 234:9 251:3,7 259:12 263:20 265:22 266:2 304:15</p> <p>maintained 304:9 319:19</p> <p>maintaining 234:14</p> <p>maintenance 223:13</p> <p>major 287:19</p> <p>majority 108:18 109:3 114:19 155:8 300:15</p> <p>male 329:22 330:14</p> <p>man 276:8 339:11</p> <p>management 100:12,18 169:17 230:9 257:1 288:16 292:15 326:9 332:13 366:1,9 407:12</p> <p>manager 254:3 327:21 394:22</p> <p>managers 122:22 270:1,2</p> <p>mandate 260:8</p> <p>Mandela 308:20</p> <p>Mandela's 308:21</p> <p>manner 305:6</p> <p>manual 146:10 147:18 151:5 226:8,12,20 227:2</p>	<p>230:8 237:3</p> <p>marathon 276:6</p> <p>March 99:22 149:3 180:2 284:6 317:13 347:10 348:8</p> <p>marijuana 307:11 333:17,18</p> <p>mark 117:4 145:5 206:7 410:19</p> <p>marked 111:9,11 182:12 217:17 234:1 315:15 338:19 339:1,2,4 397:18,19</p> <p>markedly 348:7</p> <p>married 400:1</p> <p>Marshal 377:22</p> <p>Maryland 103:7 184:22 225:2 284:10</p> <p>Mason 223:6</p> <p>Massachusetts 257:7 265:16,18</p> <p>master's 285:6</p> <p>materials 235:21</p> <p>Matta 97:11 368:6,8,17 369:3 381:21 382:4,6 386:18</p> <p>M-A-T-T-A 382:5</p> <p>matter 95:2,11 169:10 345:21 365:1 376:14</p> <p>matters 158:5 345:16</p> <p>may 100:3 106:3 155:17 193:13 199:17 208:20 228:18 230:5 231:18 232:7</p>	<p>241:9 243:10 288:7,16 289:20 312:12 315:8 317:14 320:5 335:10 336:19 353:12 356:5,12 357:16 372:12 378:4 383:20 387:17 398:21 399:15 402:8,12</p> <p>maybe 117:22 120:12 127:22 150:14 214:17 249:18 286:21 288:8 291:12 292:20 338:8 372:3 408:2</p> <p>MCKINNON 96:7 221:17 222:8,15 226:1,18 230:7 252:3 316:14 317:3 340:2,17 342:11 351:4</p> <p>mean 114:6 117:5 139:3 140:16 166:3 182:21 184:2 190:12 194:10 200:9 203:1 210:6 244:20 246:4 277:2 302:20 322:17 343:11 348:11 356:7,12,16,17 358:4 359:12,22 361:2 393:9</p> <p>meaning 181:10 186:22</p> <p>meanings 350:15</p> <p>means 105:22 181:8 201:22 297:5 350:13</p> <p>meant 278:2</p> <p>mechanisms 110:13</p>
-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------

Capital Reporting Company
 In the Matter of- USPS and PPOA 01-15-2014 Volume II
 Page 27

<p>medical 235:12,16 239:13,17 240:15,18,22 241:2 242:1 250:14</p> <p>meet 155:18 293:13 327:3 370:22 371:4,7,9</p> <p>meeting 243:2</p> <p>meetings 366:5</p> <p>meets 243:1</p> <p>member 96:4,5 194:19</p> <p>members 377:14 378:6</p> <p>memo 358:3 360:2,7,13</p> <p>memory 117:5 343:17,18</p> <p>Memphis 317:8,21 319:1 320:2 321:5,6,10 325:1 327:18 331:11,13 333:12 336:1,3,15 339:15,17,18</p> <p>mental 405:12</p> <p>mention 104:9 331:4 396:4</p> <p>mentioned 103:21 104:8 105:9 106:5,6 110:6 117:19 242:22 295:22 304:6</p> <p>mentions 205:6 360:8,9</p> <p>met 117:14 128:2 291:5 292:15 306:20 321:5,9 337:11 344:10</p> <p>metal 303:12,14</p> <p>method 193:4</p>	<p>Metropolitan 184:18 194:1,2 210:5,15 211:1,3</p> <p>Miami 286:1,13,16 287:18 297:16 299:14 304:3 310:18 311:19 312:8</p> <p>Miami-Dade 286:19 287:10 288:19 290:20 298:6 304:7,8,11 311:5</p> <p>Michael 97:5 112:11 221:18 222:2,11</p> <p>Michaelson 97:10 361:20 362:7,8</p> <p>microscopic 203:18</p> <p>middle 379:16</p> <p>Mike 96:18</p> <p>miles 256:12</p> <p>military 284:12,14 318:20 391:1</p> <p>mind 281:20 347:17,19</p> <p>mine 289:1</p> <p>minimum 204:15</p> <p>minor 375:15</p> <p>Mint 170:10,18 172:8 173:6 207:10,15 208:22 209:15 210:1,14 211:2,6,12 218:22 220:5</p> <p>minute 410:8</p> <p>minutes 138:8,9 283:7 342:14</p> <p>Miranda 229:4 331:17</p> <p>Mirandized 331:13</p>	<p>missed 115:5</p> <p>missing 126:22 127:11 139:1 300:20 372:1</p> <p>mission 104:14 202:17 204:7,8</p> <p>misspelled 250:19</p> <p>mistaken 319:8</p> <p>misusing 303:16</p> <p>Mitchell 242:3,8</p> <p>mobile 108:14 111:8 175:1 179:21 182:7,17 183:20,22 184:6,13 219:15,18 239:1 256:3,10 286:10 289:4 311:5,7,11 387:3,4</p> <p>modified 245:19</p> <p>module 230:3,16 231:15,16 235:8 237:9 248:15</p> <p>moment 175:5 221:13 226:15 267:7 316:2 405:19</p> <p>moments 292:4</p> <p>Monday 121:17 126:4 380:3</p> <p>money 171:18 280:17 399:16 406:18</p> <p>month 360:18 394:11</p> <p>months 140:13</p> <p>moped 132:3</p> <p>moral 133:9</p> <p>morale 244:21</p> <p>morning 98:19,20 138:16,17 379:21</p>	<p>412:12</p> <p>Morris 176:16</p> <p>mostly 365:5</p> <p>mother's 128:13</p> <p>motor 260:3 325:19 374:7,11</p> <p>move 110:16 136:7 137:2,12 173:8 181:21 236:11 238:11 346:6</p> <p>moving 115:19 311:8 401:14 402:2 409:10 410:14</p> <p>MP5 227:18 228:3</p> <p>MPD 321:16,22 322:1 328:10 336:9</p> <p>MPPD 365:3 366:2</p> <p>MTE 302:19,21 303:5,7,21 360:8</p> <p>MTEs 304:3</p> <p>muggings 372:21</p> <p>multiagency 305:14</p> <p>multiple 298:8</p> <p>municipal 101:22</p> <p>municipality 296:1</p> <p>MURPHY 96:8</p> <p>MVS 325:16,18</p> <p>myself 122:12 125:11 126:16 127:18 155:8 242:2 261:16 276:12 291:4 321:4 322:19 338:15 404:1</p> <hr/> <p style="text-align: center;">N</p> <hr/> <p>nation 180:14</p> <p>national 100:7</p>
----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------

Capital Reporting Company
 In the Matter of- USPS and PPOA 01-15-2014 Volume II
 Page 28

<p>185:18 259:15 318:15,21 330:8 365:3 366:2 nationwide 180:14 280:1 nature 104:1 109:12 123:6 265:5 282:19 307:14 Navy 191:21 192:3,18 NCIC 259:9,14 326:16 330:11,12 NDC 333:15,20 nearly 98:3 necessarily 114:4 necessary 115:18 230:14 267:21 387:17 neighborhood 113:7,8 neighborhoods 154:12 neighbors 322:14 neither 413:8 Nelson 308:21 network 333:13 Newark 369:2,19 370:3,9,10,17,20 373:11 375:5,11 376:10 377:4 379:4 Newcastle 101:11 newer 289:20 newsletter 112:3 nice 344:1 nickname 392:17 nicknamed 393:15 night 109:10 169:10</p>	<p>330:2 371:5 nine 310:2 386:12 NLECC 330:8 nobody 145:14 319:13 Nodding 140:11 279:3 noon 192:9 nor 413:9,13 normal 233:20 265:1 296:1 north 410:11 northbound 410:9 Northeast 265:7,8 Northern 173:5 northwest 96:8 392:21 nose 323:18 Notary 95:15 413:1,17 notate 135:14 notated 335:2 notations 191:7 note 119:8,18 121:7 148:21 149:10 noted 121:9 152:19 314:4 notes 117:12 129:5 148:20 note-taking 129:4 nothing 386:6 nothing's 372:1 notice 313:21 349:20 373:15 noticed 119:15 182:13 314:9 329:19 330:19 409:17</p>	<p>notices 336:18 notification 240:18 notified 126:8 296:7 300:17 309:3 328:4 330:17 331:10 notify 301:1 noting 345:20 notoriously 147:7 nuts 227:5 NYPD 356:10,22</p> <hr/> <p style="text-align: center;">O</p> <hr/> <p>oath 244:22 245:4 object 152:8,9,20 157:8 167:3 340:14 objection 134:9 137:13 150:11 151:13,16 152:19 166:17 167:9 182:19 215:15 216:5,17 217:9 271:1 339:22 382:20 objections 167:16 objective 105:15 180:20 299:1,17 366:14,15 objectives 250:1 objects 137:19 375:17 obligation 167:7 observation 186:16 obtain 121:1 127:21 263:22 264:3 294:20 321:13 336:7 349:22 obtained 224:7 293:14 321:21 337:12</p>	<p>obviously 177:3 313:2 336:1 343:16 356:7 occasion 154:22 occasions 125:22 199:4 261:9 265:7 occupants 320:18 occupied 98:4 108:12 Occupy 243:14 occur 243:10 260:18 311:12 319:22 occurred 290:14 291:3 292:9 294:12 319:7 408:9 409:6 occurrence 128:10 occurring 299:2 occurs 111:7 o'clock 127:17 252:12 286:9 Octavia 97:7 283:10,19 off-duty 147:4 offender 126:12 offenders 117:3 offense 261:14 380:17 offenses 373:20 offer 246:1 358:16 offered 231:20 245:20 341:12 offering 387:15 offhand 208:20 office 100:4 132:22 133:18 157:12 160:1 163:10,13 165:2 169:17 170:6,18 175:20</p>
-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------

Capital Reporting Company
 In the Matter of- USPS and PPOA 01-15-2014 Volume II

177:8 178:11 179:1,10 181:10 187:9 190:11 192:4,7 197:22 224:9,11 255:5 262:15 263:3,17 266:6 282:7 293:13 297:13 305:20 318:12 327:17 328:1,3 334:8,13 336:3 343:4 344:20 355:6,20,22 356:5,15 357:11,20 369:10 370:10 371:7 373:6 377:3 381:12 383:20 384:6,16 387:14 402:4 officer 99:16,20,21 100:9,11,15,16,21 101:13,15 102:11 103:4,21 105:1,5,13,16 107:20 112:10 114:21 122:2,11 123:17,21 125:12,13 127:18 131:17 132:20 134:3,19 135:12 136:7,18 137:6 138:1 139:21 142:8 155:10,11 156:20 157:20 158:15 159:14,15,19,22 161:13,14,15 163:20 165:8,9,16,17,19 166:7,13 167:22 168:1,11 169:20 170:5,9,17 171:5,11,12 172:10 173:7,14 174:4,7,17,22 175:21 176:4	182:6,16 183:12 184:8,11 187:21 190:14 192:10,14 193:2 194:20 195:8 196:6,16,17,21 198:16 199:3 202:22 204:6 205:8 206:12,18 207:9 208:12 218:17 220:4 221:18 222:17,21 223:15 224:13 225:9 226:5 229:14 230:16,19 237:19 238:13 239:12 242:2,3,7,8 245:7 252:1 254:8 255:2 256:3 258:11 259:2,16 262:4 263:15 264:9 265:16 268:19 269:4,7 272:15 275:17,22 278:22 279:7 280:13 281:14 282:8 284:3,5,11,21 285:8,13,22 286:4 290:5,8 293:4 294:14 296:14 298:18,22 309:10,16 316:8,14 317:11,17 318:3,17 321:6,10,16,22 322:1 328:6,10 332:10 338:12 339:14,18 342:12 344:9 347:8,10,21 348:2 352:2,8,9,12,17 353:3,16 356:20 362:19 363:18 364:19 368:22 369:3,10,16,19 370:15 377:12	380:6,14 381:8,9,16,21 382:4,6 386:20 388:21 390:18 391:4,16 400:7 405:5 413:2 officers 103:1,13 104:21 107:17 108:14 112:15,20 114:9 118:12,13 123:15 125:16 126:21 128:20 129:10 130:12 142:16 157:7 162:7 164:8,15 165:5 171:2 175:13,18 177:1 183:9 185:16 188:15 190:15 192:2,13,17,18 195:20 203:9 204:20 205:1,14 207:3,16 211:12 212:12 215:6 218:18 220:3,12,14 221:4,5,7 231:20 237:14 238:1,2,15 239:4,12 242:13,16 243:9,17,21 246:16 247:11,13 248:7 255:12,21 257:2,8 258:3,18 259:5 261:19 263:4,21 264:6,13,16 266:12,16 268:6,10 269:8,21 270:11 271:15 273:11,21 277:11 278:20 280:12 285:9 286:1 290:15 291:4 296:2 297:15 298:5 304:3 306:4 310:20 320:2	324:13 327:12 329:3 331:19 332:3,6,17,21 335:7 336:9 338:3 344:7,12,18,22 346:13 353:6,10 363:3,11 367:15 369:19 370:17 373:11 375:5 376:9 378:19 379:3 382:9 402:15 Officer's 107:8 OFFICERS 95:5 offices 259:8 296:21 308:17 323:8 office's 303:2 384:3 official 120:19 216:18 244:11 350:10 363:19 off-the-record 221:14 252:10 oftentimes 302:10 303:15 oh 106:18 123:4 124:9,12 133:4 139:8,18 143:9 145:14 148:16 160:21 174:15 187:19 195:16 197:13,14 202:1 208:15 217:21 237:7 249:21 262:8 279:4 324:2 332:7 339:11 348:21 361:6 386:15 409:10 O'Hare 122:11 130:2 131:6,9 OIG 332:14 okay 98:8 100:14 101:13,20 102:17 103:16 104:8 105:15 106:2,5,8
-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------

Capital Reporting Company
 In the Matter of- USPS and PPOA 01-15-2014 Volume II
 Page 30

107:7 108:1,13 109:2,19 110:5 111:13 112:12 116:4 120:6 121:10,22 123:8,11,20 125:5,7,16 126:21 131:7,11,16 136:2,11,14,19 137:10,22 139:16,19 140:5,12,21 141:6,11,15,22 142:15 144:9,14,18 146:8 147:2,6,11 148:3,12,15,19 149:10,17,22 150:9,10,17 151:2,9 153:9,12,22 154:8,15 155:1,9,22 156:8 158:4 160:15 161:21 162:5,9 164:6,18 165:12 166:11 167:5,15,18 168:7,10,14,16 169:6,19 170:3 171:11,15,20 172:10,15 173:4,7,15,20 174:1,6,12,21 175:3,20 176:7,17 177:11 178:2,4 179:8,13,22 180:8 181:7,12,21 182:6,9 183:12,15 184:5 185:15,22 187:20 188:3,12,15,20 189:8,10,13 190:5 193:20 196:21 197:18 198:3,20 199:5,14,20 200:16 202:10,13,20	203:3,12,21 204:18,19 205:4,16 206:1,17 207:7,12 208:1,18,22 209:18,21 211:4,19 212:21 213:6,17 214:2,18 215:12 216:19,22 217:14 218:2,12 219:19 245:18 247:19 248:13 249:8 250:4,16 251:17,21 253:5 259:16 266:5 268:2,4 269:6 270:22 271:22 273:4,8 275:1,13 276:18 277:8 278:1,12 279:5 281:9,16 286:14 287:1 303:1 310:8,14,17 311:4 312:4,10,15 313:16 314:9,20 315:2,13 316:3,6 320:14 333:4 342:10 343:10 347:20 349:1,8,10 350:1,9,14 355:13 357:15 360:19 362:12,21 363:2,9 364:3,22 366:12 367:12,20 368:1 369:6 370:3,11 371:1,14,22 372:1 376:9 381:15,19 383:8,18 384:4,9,19 385:7,9 386:2,7 387:1,6,9,10 388:1 389:4,11 399:7 410:1 old 382:17 Oldham 96:3 98:2,10 99:8,10 105:3,6 106:18,20	121:19 137:17 138:7,10,12 146:3 147:12,19 149:2,5 152:1,4 153:1,6 156:11,14 157:14 158:9,17 161:6,9,11 167:20 178:5 196:2,8 198:4,9,12 201:18,21 213:18,21 214:14 216:16,20 217:12,19 221:9,12,15,19 222:12 246:18,21 247:1,3,7 248:21 249:10,15,21 250:2,19 252:4,8,11 253:3 268:12 283:6 289:5,11 342:13,16 345:9 346:4,14,21 347:1 351:3 380:9 388:6 389:7,14,19,21 390:6 391:6 411:13,18 412:1,6,11 ones 139:11,16 145:3 158:2,5 212:14 310:13 314:21 315:3 one's 124:16 ongoing 237:15,22 338:11 onto 402:7 403:18 open 109:10 110:11 120:22 188:8 289:8 300:19 312:22 313:13 323:10,11 338:20 opened 177:8 179:6 opening 344:19,21 opens 289:13	312:18 313:8 operate 228:5,6 296:1,2 operating 348:21,22 operations 171:1 opinion 177:21 opportunity 119:19 opposed 235:1 239:3 option 260:12 order 181:2 228:2 344:3 366:20 381:7,11 ordered 125:21 330:4 333:19 orders 399:16 orientation 354:22 originally 354:11 OST 238:4 otherwise 110:18 258:10 319:18 413:13 ought 345:4 ours 144:12 219:12 397:4 ourself 229:20 ourselves 185:8 230:4 outcome 413:14 outdated 198:10 outgoing 131:5 outside 243:2 256:9 286:16 290:19 297:12 336:9 375:14 overall 129:15 overriding 220:17
---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------

Capital Reporting Company
In the Matter of- USPS and PPOA 01-15-2014 Volume II

<p>overview 248:17</p> <p>owner 295:13</p> <p>ownership 407:2</p> <p>oxygen 241:4,7 242:8</p> <hr/> <p style="text-align: center;">P</p> <hr/> <p>p.m 108:22 252:13 253:2 412:14</p> <p>PACER 385:11</p> <p>package 129:16 307:9,11,12,13 320:17,20 321:1,9 333:16,21 376:17</p> <p>packages 129:11 307:4 308:7,19 309:1,2,3,4 332:22 376:11</p> <p>page 106:13 112:6 135:19,20 136:5,6 143:12 145:8,17,18 146:2,4,7 147:14 148:16,17,21 151:21 153:4 172:17 173:2 175:6,12 180:7 195:2 197:14,16,17 198:1,14,19 203:4 204:2 205:19 206:3 207:2 208:2 212:16 248:20,21 249:1,13,17,18,20 250:3,4,7,9 272:1 273:3 308:3 309:8 383:18 388:16</p> <p>pages 95:10</p> <p>paid 355:6 382:13 386:4</p> <p>pain 116:18</p> <p>pallet 303:10</p>	<p>pallets 303:11</p> <p>panel 137:14 342:22 343:22 345:4</p> <p>paper 152:21 234:12 235:2,3</p> <p>paragraph 175:7 180:10,11 203:5 204:6,13,16,17 205:6 206:14 211:11 212:16 249:9 250:5 387:13 388:3,15,19 389:1</p> <p>paramedics 374:18</p> <p>paraphrase 263:13</p> <p>parcel 307:22 314:18 376:16</p> <p>parcels 300:18 308:16 337:5 378:11</p> <p>pardon 161:7</p> <p>Park 164:12 305:21 369:13</p> <p>parked 338:20</p> <p>parking 335:18 373:18</p> <p>participate 311:19</p> <p>particular 109:16,21 150:1 189:3 191:2 192:7 194:12 195:1 198:19 334:18 337:7 346:11 395:2</p> <p>parties 95:17 143:21 374:13 413:10,13</p> <p>partner 126:17 155:6,13,16 156:3 325:4 329:12,18,22</p>	<p>330:13,17 331:12 334:7 336:6,16 348:16 394:3 400:9,16 401:1,21 405:9</p> <p>partners 154:21 155:4,15</p> <p>part-time 347:22</p> <p>party 129:17</p> <p>pass 206:13 209:12 272:13,16 341:13</p> <p>passed 117:12 123:5 210:10 379:10</p> <p>past 306:19 330:5</p> <p>patdown 124:16 330:20,22 331:4</p> <p>pathogens 231:14</p> <p>patient 240:13</p> <p>Patrick 194:13</p> <p>patrol 109:14,16 111:8,11 132:1 155:6 164:11 179:21 200:13 286:10 287:2,3 288:14 329:19 355:18 356:14 359:12,14 361:3,4 392:4 393:8</p> <p>patrolling 256:13 267:2 378:4</p> <p>patrols 108:14 109:6,13 112:15,21 114:9,14,19 175:1 182:7,14,17 183:20,22 184:6,14 186:7 239:1 256:3,10 286:17 288:11 289:4 297:16 311:5,7,12 357:11 359:5,6,7 360:9</p>	<p>370:18 371:10 391:5,17,18,19,21 392:1,2 393:20 394:13,14 396:15</p> <p>patrons 377:10</p> <p>pay 150:8 169:18 171:9 172:8,20 173:5 199:18 207:2,4 223:20,22 224:3 244:18,20 246:2 260:15,17 270:13 339:20 340:13 353:15 355:6 386:5</p> <p>PD 375:13</p> <p>Penn 96:19</p> <p>penny 407:1</p> <p>people 124:1 129:16 165:2 193:8,12 221:1 231:18 239:11 257:22 260:8 262:13,15 265:4 275:3 303:1 304:21 336:1 340:9,11 341:1 343:15 372:2,3 374:2 377:9 407:19</p> <p>people's 360:16</p> <p>per 160:15,20 234:12 289:12</p> <p>percent 174:20 175:2 182:18 244:18,19,20 246:2 256:7,8 370:2 386:20</p> <p>percentage 174:17,22 182:22 256:2 369:22</p> <p>percentages 183:4</p> <p>Perfect 346:22</p> <p>perform 100:9 111:3 112:15</p>
-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------

Capital Reporting Company
 In the Matter of- USPS and PPOA 01-15-2014 Volume II
 Page 32

<p>124:14 125:3,17,21 126:11 129:14 182:7 188:13 190:7,8 259:6 268:6,11 290:22 296:13,17 322:10 329:3 338:3 340:18 370:18 371:17</p> <p>performance 115:14</p> <p>performed 132:6 140:6 195:19 242:13 269:11 296:18 346:11</p> <p>performing 125:14 126:14 129:7 142:17 275:4 394:12</p> <p>performs 102:12 345:12</p> <p>perhaps 167:11 346:6</p> <p>perimeter 291:8 298:11 299:10 306:22</p> <p>period 140:10 274:15 280:22</p> <p>perpetrator 288:1 293:17 297:8</p> <p>person 118:1,4 124:1,16,20 134:2,17,18 137:15 139:1 169:12 187:2 190:18 220:19 232:9 235:16 240:20 241:7 259:3 261:3 264:21 265:1 294:19 295:2 296:10 307:9 321:14 322:15,16</p>	<p>324:8 325:7,8,10 327:10,22 328:13,18,20 331:1 334:20 349:4,13 371:22 372:12 396:16 409:16 410:2</p> <p>personal 128:17 146:17 281:12 289:1 340:15 348:10,11,14 349:10,12 367:18 406:5,11 407:2</p> <p>personally 269:12 288:22 290:22 385:8</p> <p>personnel 134:15 148:10 169:17 307:10,15 375:16</p> <p>persons 126:22 244:3 377:2 405:21</p> <p>person's 324:10</p> <p>pertaining 185:5 381:5</p> <p>pertinent 114:18 122:19</p> <p>Pete 381:5</p> <p>Peter 97:6 253:8,17 380:7 386:1</p> <p>Peters 321:4</p> <p>Peterson 96:20</p> <p>petty 258:9,10 260:5 261:14</p> <p>Pgs 95:4</p> <p>phase 229:19</p> <p>phone 128:4 132:8 169:9,13,14 242:10 294:14 300:14 307:8 308:17 379:17</p>	<p>phones 98:5</p> <p>phonetic 263:9 326:20</p> <p>photo 125:11 194:16,18</p> <p>photocopies 214:4 297:21</p> <p>photocopy 298:14</p> <p>photograph 112:5 308:3,4 403:1</p> <p>photographing 129:4</p> <p>photographs 108:4,8,10 183:18,19 301:4,5 302:12,13 309:7</p> <p>photos 191:6,8 301:1 323:21 326:7 410:5,6,7,8</p> <p>phrase 200:22 201:3</p> <p>physical 205:20 206:3,13 326:5,6 378:8</p> <p>physically 128:13</p> <p>pick 334:17</p> <p>picked 128:9 289:4 334:20,21</p> <p>picking 379:16</p> <p>picture 410:17</p> <p>pictures 300:17 335:4,6 374:15,18 408:12,14 409:5,11 410:22 411:1,7</p> <p>piece 152:20 235:2,3</p> <p>Pierce 96:17 97:8 316:15,17 317:6 342:12 347:8</p>	<p>pilot 363:8</p> <p>pipe 331:5,6,9</p> <p>placed 235:5 297:5 327:10 328:7 334:19 341:13 400:11</p> <p>places 202:3 303:16</p> <p>plain 270:14</p> <p>plan 213:13 214:7,12,13,20 215:5 216:1 217:3</p> <p>planes 298:1 302:3,5</p> <p>planning 216:8</p> <p>plant 325:1,6 327:21 328:2</p> <p>planted 131:3</p> <p>platinum 209:2</p> <p>Plaugher 96:18 97:5 221:18 222:2,11,17 245:7</p> <p>P-L-A-U-G-H-E-R 222:14</p> <p>play 129:1 306:16 310:14</p> <p>played 217:4</p> <p>Plaza 95:12 96:13 355:2</p> <p>please 98:5 99:4 118:18 143:11 159:5,6 168:19 189:15 221:20 222:9,13 223:22 226:4 230:11 232:17 234:5 238:20 240:2,8 241:9,13,21 242:20 243:13 253:5,15 268:13 283:17 292:3 317:4 320:5,9,12 323:1 324:16,20</p>
----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------

Capital Reporting Company
In the Matter of- USPS and PPOA 01-15-2014 Volume II

327:15	165:5,9,19 166:4	270:10,11	381:9,16 382:8
329:6,10,16	170:6,10,18	271:15,19	386:19 388:21
333:2,7 335:10,15	171:2,21 172:9	272:7,11,13,14,15	390:18 391:13
337:2 338:6	173:14	,22 273:10,12,20	396:7 405:13
342:17 351:18	174:4,7,17,22	274:19	408:5
362:5 368:15	175:18 176:4	275:14,17,22	Police's 139:12
374:10 375:8	177:1,10 182:16	277:11	140:8
380:10 405:19	184:7,11,18,21	278:6,9,13,20,22	policies 125:2 260:6
pleased 412:2	185:16 187:21	279:7,17	355:2
pleasure 252:7	188:15 192:2	280:12,13 282:8	policing 103:22
PLLC 96:8	193:2,22	284:3,5,7	104:9,12,13 130:8
pocket 331:9	194:1,2,20	285:9,13 286:1,4	178:11 232:15,22
point 116:11 120:8	195:7,19 196:5	287:4 290:8	357:5,22 358:9
121:19 132:15	197:5 198:16	293:3,13 296:14	360:9
136:12 137:12	202:22 203:8,13	297:15	policy 260:2 279:22
138:5 176:17	204:3,11,20	298:6,19,21,22	312:7 357:19
185:7 191:13	205:1,8,21	304:3,7,8,11,12	359:2
218:20 256:4	206:4,12,18	305:20,21 306:4	political 205:10
295:17,18 296:6	207:3,9,15 208:19	310:20 317:11,16	poor 108:6
297:6 321:1	209:1,18	318:2,16,20,21	pop 152:13
345:15 346:16	210:1,4,5,14,15	320:2 321:5,6,10	porch 320:18
354:5 365:10	211:1,3,7,12	323:20 324:13	Port 375:12
374:21 375:2	212:12 215:6	327:12,18 328:2,4	Portal 326:16
376:18 377:12	218:22 219:1	329:3	portion 126:6
379:14	220:18 221:7	331:12,14,19	Portland 257:3,4
382:15,19,21	222:21 223:15	332:3,6,17,21	poses 301:20 302:4
399:6	224:13 225:9	333:15,19	position 99:15
police 95:5 99:16,21	226:5 229:14	334:3,8,13 335:7	135:22 149:18
100:9 102:11	231:20 234:1	336:1,3,4,16	150:1,2,6
103:1,4,13 105:16	237:14	338:3,12,13	159:12,13,22
107:8,17,19	238:2,13,15	339:14,17 340:10	160:3 165:14
108:13 111:14,17	239:4,12 240:17	341:12 344:7,11	197:9,21 198:15
112:15 114:8	242:13,16,17	345:1,7 347:10,21	199:15 222:20
117:22 118:12,13	243:9,10,16,17,21	348:1,4	223:10,12 273:7
122:13 123:3,14	246:16 247:11,13	352:2,9,12	284:2 306:22
125:18 126:21	248:7 253:22	353:4,6,16	317:10,15,19
128:8 129:6,10	254:2,3,8,11	354:6,9,16	318:14 340:11,12
130:12 131:17	255:2,9,12,21	355:1,5 356:20,21	347:13 348:6
132:17,19 134:2	256:2 257:2,8	358:9 362:19	352:1 363:21
136:7,18 137:6	258:3,6,11,18	363:3,6,11,18	368:21 369:9,12
139:21 142:7,16	259:2,4,5,16	364:18,20	383:12,22
143:3 144:5 157:7	262:4,14	365:6,15,18	384:3,6,13 390:16
159:14,19,21	263:4,11,15,21	366:7,8,19 367:15	
160:6,7 161:1,15	264:6,9,13,16	368:22	
162:7 164:8,12,15	265:16,19	369:6,10,16,18,19	
	266:12,16,19	370:17 375:5	
	268:6,10,18,20	376:9 378:19	
	269:4,7,8,20	379:3 380:6	

Capital Reporting Company
In the Matter of- USPS and PPOA 01-15-2014 Volume II

<p>401:20 410:13 positions 181:5 positively 337:21 possessing 205:21 possession 265:22 321:11 333:20 407:13 possible 116:13,14 122:20,21 212:10,13 217:2,8,11 247:18 248:10,11 306:14 376:17 398:7 408:12 possibly 300:13,19 333:9 372:5 408:14 post 107:21 132:22 133:18 157:12 160:1 165:2 170:6,18 174:14 177:8 178:11 179:1,10 181:9 187:9 190:11 192:4,7 197:22 262:15 263:3,17 266:6 280:7 282:7 285:9 286:3 293:13 296:20 297:13 303:2 308:16 323:8 343:4 344:19 355:6,20,22 356:4,15 357:11,20 369:10 370:9 371:7 373:6 377:3 381:12 383:20 384:3,6,16 387:13 403:3,4 postal 95:3,5,12 96:11,13 99:14,16,21 100:8 101:17,18,19 102:11 104:15 105:16</p>	<p>107:8,17,19 108:13 110:6,15,21,22 118:12,14 119:9,17,22 120:20,21 121:1 122:9 123:14 131:17 132:19 136:7,18 138:4,14 139:12,21 140:7 142:7,10,11,15 143:2,3 144:5,10 146:11,15,20 147:9 148:1,5 151:6 152:14 157:6,7 159:10,14,18,21 160:6,17 162:7,9 164:15 165:5,9 166:4 173:14 174:3,7,17,22 175:17 177:1 180:13 182:16 185:16 188:15 189:9,19 191:14 192:2 193:22 194:1,20 195:7,19 196:14 198:16 199:7,10,11,12 200:1,3,10,18 201:1,6,11,22 204:1 205:1 206:4,18 207:8 209:13 210:4 212:7,12 213:7,14 214:3,7,10 215:6,13,14 216:1,2 217:3 219:1 222:19,21 223:10,15 224:12,15 225:9 226:5 229:14 231:20 234:8 237:14 238:2,13,15,16 239:3,6,12 240:3,17 241:19 243:9,16,17,21</p>	<p>244:13,15 245:10,19 246:12,15 247:10,11,13,21 248:7,8,9 253:22 254:3,8,9 255:9,12,19,21 256:2 257:1,8 258:3,11,18 259:1,2,5,16 260:5 261:13 262:3,14 263:3,5,11,16,21 264:6,9,13,16 265:10 266:12,13,15,16 268:5,10 269:4,7 270:1,2 271:6,15 272:10,12 273:10 274:19 275:14,17 277:11,20 278:6,9,13,20,22 279:10,11,14,17 280:16 282:8 283:22 284:3,4 285:13,15,16,20,2 2 286:4 287:9 288:16 290:8 291:5 292:15 293:3,12 296:14 297:15 303:17,20 304:3 306:4 309:14 310:20 311:8,9 312:7,13 317:11,16 318:2,7,11,16 320:2 322:21 323:20 324:13 326:9 327:12,18,20 328:2,4 329:3 331:19 332:2,3,5,6,17,21 333:15,19 334:3,7,13,16 335:7,18 336:3 338:3,11,13 339:17 340:10</p>	<p>341:12 344:4,12 347:6,9,20 348:1,4 350:9,12 352:2,11 353:6 354:6 356:20,21 358:13 359:3,6 362:13,19 363:3,6,11,18 364:18,20 365:6,15,18 366:7,8,18,19 367:6,15 368:19,22 370:17 371:12 375:5 376:9 378:19 379:3 381:5,15 382:2,8 383:11,13 384:1,11 386:19 388:21 390:14,18 398:17 399:8 400:22 401:16 402:4,6 403:18 407:12 408:22 409:3,17 posting 268:18 postmaster 194:12 239:7 243:4 318:9 posts 107:16 174:8,11,19 178:22 179:11,20 255:12,18,22 280:11,14,19 286:1 310:18 319:1 369:20 370:1,4 386:20,21 387:3,4,8 403:2 potential 232:3,20 Potomac 103:6 225:2 powdery 378:13 PowerPoint 365:22 366:4,10 powers 298:19,21 PPO 143:15 150:1</p>
---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------

Capital Reporting Company
In the Matter of- USPS and PPOA 01-15-2014 Volume II

<p>153:10 170:1 174:12 199:2 223:7,9 224:3,4,7 261:2,5,18 282:1 309:19 311:1 314:17 317:12 345:12 369:4 382:16</p> <p>PPOA 96:5,6,16,17,18 100:7 119:10</p> <p>PPOs 101:15 107:4 143:19 153:12,16,18 154:11 174:8 180:19 191:19 219:16 224:20 228:8 235:11 237:1 238:8 244:2,5,8 260:22 273:9,22 314:11 315:4 319:1 356:12</p> <p>practiced 237:10 precinct 336:15 prefer 214:5 prehiring 263:6 prejudicial 147:8 preliminary 350:6,7,14,16 407:5 premises 330:4 preparations 110:6 prepare 188:9 prepared 392:16 preparing 138:18 139:6 presence 111:5 113:1 115:17 192:16 204:9 230:19 287:4 358:9 359:16</p>	<p>present 95:16 96:15 122:22 148:8 202:7 238:1 243:7 261:13,14,20 325:12 presentation 215:22 265:19 presented 246:5 310:12 344:20 presenting 262:19,22 263:1 presently 199:2 preserve 120:18 405:22 preserving 211:16 preside 262:1 president 298:10 365:16 pressing 338:13 presumably 115:15 pretty 100:16 117:2 152:17 179:12 219:10 346:15 393:9 prevent 202:17 preventing 211:14 prevention 232:14,19 357:18 previous 166:19 190:17 195:15,16 207:21 273:2 282:4 previously 144:8 primary 166:17 202:16 204:7,8 211:13 255:16 371:22 principal 344:4 principles 103:20 print 249:4 385:10</p>	<p>prior 136:18 159:21 263:19 268:21 273:10,12 276:5 277:9 318:16 333:14 348:13 395:18 402:2 403:4 priority 337:5 prisoner 306:1,2 376:6 Privacy 119:14 120:18 private 268:19 370:5 probably 147:13 191:5 271:18 274:20 277:7 313:21 358:21 363:15 393:7 400:7 405:2 problem 151:18 167:5 215:18 338:11 404:8,11 problems 167:4 371:2 procedure 348:22 349:1 proceed 98:7 167:20 346:7 371:8 proceeded 293:16 295:12 proceeding 220:15 387:15 388:5 proceedings 95:10 121:12 387:16 412:13 413:8 process 180:13 263:8 277:14 345:19 353:19 354:8 processing 109:10 122:10 136:1</p>	<p>303:13 378:12 procured 120:20 produced 366:4 product 245:2 profession 135:17 professional 204:10 proffer 215:21 216:14 proficiency 162:18 227:10,13 proficient 227:14 program 140:22 141:2 203:14 205:11 208:13 240:4 259:19,22 272:8 312:1 357:5,22 358:1 360:19,20 373:15,16 progressive 269:16 projections 213:8 promotion 353:17,19,21 prompt 240:12 proper 319:16 322:9 properly 130:21 213:1 property 120:21 200:18 211:14 248:9 318:11 319:12 374:1 399:8 402:6,8 403:19 proposal 244:16,17 245:12,14,19 proposed 278:13 prosecute 305:7 Prosecuting 275:5 prosecutor 261:9</p>
---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------

Capital Reporting Company
 In the Matter of- USPS and PPOA 01-15-2014 Volume II
 Page 36

<p>274:11,17 prosecutors 261:11 274:22 protect 244:22 245:1 265:10 279:21 355:13 376:20 378:5 379:13 404:1,3 protected 113:4 209:6 270:3 protecting 211:13 protection 178:18 protest 243:15,16 protesters 243:18 protests 243:10 protocol 141:21 235:9 240:4 proud 353:2 provide 115:17 168:1,4 174:2 180:11 242:17 243:9 291:12 295:6,8 298:3 provided 104:5,6 119:10,17,20 139:14 171:5,9 185:13 187:7 291:8 295:14 298:4 323:5 340:22 341:7,9 342:5 364:18 providing 113:9 121:2 287:4 295:12 298:11 306:22 provision 144:7 146:19 151:11 PS 133:16,17 326:16 PS-50 353:20 public 95:15 111:14</p>	<p>184:7,11 200:6 285:7 413:1,17 publicly 152:12 pull 140:18 296:22 339:5 401:21 pulled 138:20 139:11,20 140:2 pulling 126:6 pure 311:1 purportedly 207:3 purpose 311:10 338:22 339:2 343:11 purposes 110:21 270:13 303:17 334:22 pursuant 149:19 pursuing 285:2,6 pushed 323:17 putting 132:12 310:15 365:3 404:14</p> <hr/> <p style="text-align: center;">Q</p> <hr/> <p>qualification 162:22 163:3,7 204:19 qualifications 198:17 quality 108:5 Quantico 203:15 220:4 355:3 quantify 275:11,12 387:2 question 120:22 129:21 146:13 156:21 157:17 160:19 166:5 173:21 175:6 176:2,18 215:2 217:17 218:16</p>	<p>219:13,21 251:2 278:19 281:11,18 282:1 289:6 358:15 387:13 388:8 questioned 270:7 questions 138:2 156:16 158:8 167:17 196:1,4 218:13 251:22 270:16 274:9 276:20 281:20 309:12 316:7,9 350:22 358:10 361:13 367:3 368:3 381:22 387:11 389:5,13 411:12,17 quick 151:3 quickly 356:4 357:12 quite 142:1 147:22 148:17 169:8 363:13 quote 214:6 quoted 263:12</p> <hr/> <p style="text-align: center;">R</p> <hr/> <p>radio 185:14,17 233:13 291:2 radiological 236:16 radius 256:18,20 raids 298:8 railroad 268:20 269:3 rain 299:22 raise 160:9,12,20 200:12 223:14 282:11,13,15 342:22 348:3 353:22 369:15 raised 121:13</p>	<p>ran 320:21 random 264:14 range 258:2 rank 284:18 rate 150:8 rather 135:5 142:9 150:19 razor 300:19 re 150:10 reach 186:11 188:21,22 reached 365:14 reaching 126:5 ready 194:14 real 186:15 403:20 404:10 407:19 realize 306:15 really 110:13 119:12 132:4,11 142:4 215:3 270:4,5 276:12 281:1 343:14,17 354:22 380:20 383:15 404:1,5 409:21 410:21 reason 121:12 128:1,9 212:11 278:17 reasonable 124:4 329:1 reasoning 132:5 reasons 124:4 289:3 377:18 reassigned 149:12 rebuttal 120:13 recall 120:1 160:13 172:12,14 212:14 360:22 363:2,9,10 365:8 366:12 381:16,17 407:8</p>
----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------

Capital Reporting Company
 In the Matter of- USPS and PPOA 01-15-2014 Volume II
 Page 37

<p>receive 101:8 103:5 104:21,22 105:11 160:9 172:5 180:3 181:18 223:4,14,17,20 224:18,20,22 225:1 227:6 230:3 236:20 237:1,14,18 240:17 247:21 251:9,15 282:11 307:6,8 369:15</p> <p>received 101:10,12 104:19 122:8 127:12,20 164:7 187:4 224:3,14 225:7 226:8 230:12 236:22 238:5 242:1,7 269:9 282:12 291:2 293:12 294:14 300:13 308:17 318:1,6,8,10 347:16 348:3 354:9,19 395:12</p> <p>recent 105:12 142:22 147:21 152:6 191:20 198:5 281:2 306:18</p> <p>recently 105:10 258:16,22 281:6 306:13 319:4 332:10 358:3,4 360:15,16 363:13</p> <p>recess 138:11 252:14 283:8 342:15 389:20</p> <p>recognition 224:15 269:10 270:12</p> <p>recognize 106:13 108:7 111:21 112:6 115:21 118:20 125:8</p>	<p>127:3 133:13 172:18 175:8 179:16 181:16 183:16 189:17 194:7 226:2 239:22 241:10 292:5 293:7 294:8 300:6 301:11 305:10 307:18 308:11 320:6 324:17 329:7 333:5 335:13 336:22 364:13 381:1</p> <p>recognized 330:1,3 400:2</p> <p>recollection 248:14 254:19 271:19 282:13</p> <p>recommendation 326:4</p> <p>recommended 326:9</p> <p>record 99:5 119:8,18 121:7,20 159:6 167:14 168:20 180:9 182:1 203:22 205:17 206:2 213:21 216:17 221:13,15 222:10 252:9 253:16 283:18 317:5 351:18 362:6 368:16 385:12 390:11 413:7</p> <p>records 138:20,21 140:18 326:16</p> <p>record's 177:15</p> <p>recover 378:20</p> <p>recovered 301:14,16,17 302:7 304:4</p> <p>recovering 129:5</p>	<p>recovery 314:18</p> <p>recruiting 162:15</p> <p>recurrent 237:20</p> <p>redacted 119:12 134:1</p> <p>redactions 119:19,20,21,22</p> <p>redeployment 180:18</p> <p>redirect 97:2 156:14,17 218:14 252:3 351:4 388:11</p> <p>reduce 181:4</p> <p>reduced 353:14 413:6</p> <p>reduction 358:2</p> <p>refer 304:1 356:12,13</p> <p>reference 178:22 212:17 305:22 366:3</p> <p>referenced 319:5</p> <p>references 214:12</p> <p>referred 161:4</p> <p>referring 398:16</p> <p>reflect 175:16</p> <p>reflects 207:2</p> <p>refocus 180:19</p> <p>refresh 117:4 248:14</p> <p>refresher 208:8</p> <p>regard 111:4</p> <p>regarding 117:6 129:20 156:21 182:2 319:3</p> <p>regardless 219:1</p> <p>regional 360:5</p>	<p>regular 306:12</p> <p>regularly 306:11 340:19,21</p> <p>regulations 229:13 248:8 260:6</p> <p>rehired 389:2</p> <p>reinstate 381:15</p> <p>reinstated 381:8,11</p> <p>related 120:18 238:5 273:19,20 413:9</p> <p>relating 200:17 210:19 251:3,7</p> <p>Relations 146:10 147:18</p> <p>relationship 266:14,15 295:18,20 304:8,10 305:1 356:22 398:18</p> <p>relationships 287:6 304:15</p> <p>relative 413:11</p> <p>relatively 187:16</p> <p>relayed 242:9</p> <p>release 387:21 408:21 409:3</p> <p>released 330:13</p> <p>relevant 104:13 129:17 216:20 229:12</p> <p>reliable 146:21</p> <p>relieve 310:20</p> <p>relieved 380:5</p> <p>remain 123:3 383:13,22</p> <p>remained 295:5 319:15 322:8</p> <p>remember 141:7 166:8 182:3 236:5</p>
----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------

Capital Reporting Company
In the Matter of- USPS and PPOA 01-15-2014 Volume II

<p>356:14 386:15 408:10 remind 343:14 Remington 227:15 394:1,4 removal 332:11,15 349:21 remove 144:6 301:2 removed 309:3,4 384:7 remuneration 270:13 reorg 360:4 rep 224:12 318:15 360:5 repeated 204:7 205:19 repeatedly 382:18 report 116:2,5 119:1,2 122:7 127:6,9 139:14 188:9,13 212:19,22 233:3,11 241:14 290:13,17 292:8 293:10 294:11 296:10 300:9 301:14 305:13 307:21 308:15 313:21 320:10,13 324:21 329:11,17 333:8 335:3,16 337:3 375:4 381:19 408:7,17 reported 244:8 320:16 333:15 reporter 98:13 163:15 225:20 229:22 253:6 361:14,17 reporting 95:14 155:10 294:13</p>	<p>reports 119:11 129:11 139:5,19 140:3 155:9 157:18,19 158:1,5 189:7 233:7,9 244:3 309:22 310:2,6,9,11,12,1 5 314:10,21 332:22 339:9 343:2,3,7,9,11,13 348:16 374:20 376:10 represent 140:5 195:19 203:22 205:17 385:12 representative 100:7 191:16 291:14 292:22 308:6 340:3,8,20 344:11 345:16 349:14,15 represented 349:13 representing 245:15 repromotion 148:13 149:11 151:10,15 reputation 146:22 request 288:15 341:16,18 requested 120:3 194:15 257:1 261:4 293:12 298:10 requests 119:10 require 146:19 327:2 required 162:21 163:2,6 164:3 207:16 227:9 228:5 251:2,7,11,12,13, 15 261:5 263:22 264:2,22 265:22</p>	<p>266:2 271:15 272:10,12 273:7,9,22 274:6 279:10,15 280:16 285:20 296:11 297:22 298:3 299:7 321:3 376:13 requirement 332:17 requirements 197:9 202:21 203:6 204:20 205:18,21 206:3,13 285:13,17 requires 296:4 requiring 143:18 rescue 240:21 242:9 reserve 150:14 284:16 Reserves 284:19 residence 127:20 132:18 293:17,20 resident 293:22 residential 289:20 resist 404:15,18,21 resistance 401:16 resisting 404:12 reslotted 150:7 reslotting 150:7 resolving 407:6 resources 180:18 181:3 respect 130:13 131:12 165:4 192:3 195:11 269:22 343:1 348:15 respective 95:17 respectively 218:22 respond 109:10</p>	<p>123:8 130:10 167:11 186:8 187:13 188:1,5 193:3,5 235:11,15 236:1 238:8 239:13,15 240:19 241:4 243:3 250:13 258:7,9 264:22 265:6 267:3,6 279:10 286:21 291:16 293:4 296:3,11 299:7,10 301:8 307:3,12 308:1,8 319:9 333:20 339:5 344:3 371:14 374:12 376:16 378:12,14 394:12 398:5 399:7,14 400:5 responded 119:9 122:13 128:3 129:6 190:2 201:19 241:16,19 242:3 270:3 289:2 291:5 308:18 321:4 323:20 335:22 338:1 339:10 372:17,20 373:1,5,8 375:14 responder 282:17 292:13 responders 256:14 257:9 258:4,12 265:12 266:22 279:2,20 290:9 responding 109:5 132:17 138:22 201:13 239:16 281:14 290:15 292:12 294:14 296:2 300:1 response 115:17 130:7 240:16 256:16,17 258:8 327:9 344:8,19</p>
--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------

Capital Reporting Company
 In the Matter of- USPS and PPOA 01-15-2014 Volume II
 Page 39

<p>345:5 responses 188:1 responsibilities 129:19 130:1,5,13,16 131:11 133:10 186:1 195:4 238:12 269:1 344:6 responsibility 211:13 257:13 382:22 responsible 107:17 255:13 256:14 379:12 responsive 387:18 rest 379:11 384:5 412:10 restriction 312:11 result 366:1,5 resulting 325:22 retail 402:3 retain 199:8 365:6 retained 219:6 retaliation 372:9,10 retention 204:13 retire 254:5 retired 253:19,20,21 254:6 255:20 256:5,6 269:18 270:21 274:14 retirement 276:5 retrieval 360:8 retrieve 307:13 retrieved 310:5 331:9 returned 169:9 394:18</p>	<p>returning 389:6 review 139:5 140:18 173:20 175:5 268:21 reviewed 202:10 268:3 308:18 reviewing 101:2 ribs 382:18 ride-along 395:9 rifled 299:19 300:9,11,12,18 301:7 376:1 rings 407:1 risk 232:9 304:20 risks 232:21 river 403:11,12 Riverdale 190:11 road 302:2 roads 265:17,18 roadway 301:20,22 robbed 287:14,17 291:19 356:4 392:11 robber 190:12 191:3 robberies 188:16 190:17 191:17 288:20 291:15 311:15,17 358:6 373:9 robbery 117:2 188:21 189:19 190:2,12,21 258:22 281:3 287:20 290:18 291:3 314:16 320:11 357:18 394:17 Robert 96:4 role 129:1 180:19</p>	<p>217:4 306:16 310:14 roll 178:12 361:2,4 rolls 100:19 Ron 364:21 room 138:6 152:18 243:2 412:8,10 roster 341:11,14,16 rotates 208:12 rough 362:18 393:10 roughly 102:17 140:12 179:4 286:9 304:5 360:14 393:4 round 131:1 171:21 245:16 rounds 111:17 190:10 route 109:16,21 114:1 117:21 127:19 142:9 321:10 337:15 356:5 357:14 394:19 395:8 routes 113:16 355:14 392:10 398:1 routine 314:17 roving 179:20 rowdy 236:10 RPR 95:14 rule 148:13 150:14,16 343:19 396:11 rules 149:11,20 150:7 260:6 ruling 381:4 Rumors 385:6 run 103:8 112:13</p>	<p>128:17 145:2 302:15 303:4 330:9,10 running 193:13 runway 298:1 Rutherford 97:4 158:16,17,20 159:7,15 161:14 163:20 167:22 173:7 182:6 183:12 196:16,18,19,21 204:6 218:17</p> <hr/> <p style="text-align: center;">S</p> <hr/> <p>sack 300:16 safe 192:7,15 228:1,6 235:5 270:6 safety 141:3 255:5 378:8 salary 135:15 136:3,11,13,20 137:3 165:3 223:18 347:15 388:20 389:1 samples 235:6 Sandy 265:3 379:7 sat 107:20 satisfy 323:13,15 saturate 110:4 save 120:12 270:22 280:17 343:7 saw 191:3 336:8 407:19 scale 169:18 171:9 172:8,20 173:5 scare 176:15 179:7 182:11 scared 372:9 scenario 237:12</p>
------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------

Capital Reporting Company
In the Matter of- USPS and PPOA 01-15-2014 Volume II

<p>scenarios 237:5,10 scene 123:3,9 129:3 132:9 186:11 188:6,10,21 189:1,4 193:7 242:3 257:12,14 259:3 267:6 291:6 292:14 294:16 300:21,22 314:11 315:4 319:19 320:22 321:4,6,15 334:5 335:22 336:4 337:10,11 374:16 376:20 407:11 scenes 257:9 schedules 207:2,4 school 271:13,16 284:21 285:11,17,19 318:20 352:18 science 205:10 352:22 scooter 132:3,13 scrap 303:12,14 scrapes 405:8 se 234:12 sealed 130:21 131:3,5 334:9,10,18 335:2 search 152:12 187:1 231:9 295:3 306:8,17 328:15 331:8 401:12 402:2 searched 118:6 292:18 328:8 403:22 searches 229:6 searching 101:2 328:14,18 seat 98:4</p>	<p>second 108:2,3 145:8,17 160:8 168:3 172:17 173:2,20 175:6 180:7,10,11 185:21 195:2 197:16,17 198:1,14 203:3 211:11 212:16 249:17 270:15 292:2 299:13 308:3 309:8 363:7 402:19 secret 164:11 204:21 205:3,6 363:6 388:4 Secretary 308:19 secretary/treasurer 364:2 section 143:14,17 145:22 146:9,16 151:8 258:20 281:8 secure 110:13 186:18 188:7 257:19 291:6 334:5 securities 181:1 security 102:16,18 108:12 110:11 141:3 179:2,9 180:12,15,16,18,2 1 181:3,5,7,8,9 204:21 205:2,6 213:2 232:20 263:22 264:12 270:14 280:12,15 291:9 295:7 298:11 299:9 306:22 310:21,22 330:16 344:22 355:22 356:2 375:12,13 seeing 135:18</p>	<p>262:16 386:15 seek 354:5 seemed 224:8 400:16 seems 186:20 199:8 seen 173:10 182:13 202:14 213:14 226:17 267:21 276:3 selling 303:11 semester 285:5 semiautomatic 228:4 send 211:5 326:10 410:6,22 sense 155:15 sensitive 205:2 sent 364:19 379:11 410:19 411:1 sentence 175:10,12 206:15 separate 171:21 225:19 248:16 312:19 separated 189:6,11 September 178:8 214:21 290:14 319:7 391:3 sergeant 109:18,20 122:8,19 126:20 163:14,17 254:17 255:2 270:21 274:21 284:20 316:8 320:15 321:4 328:4,7 338:15,18,20 357:7 395:9 sergeants 261:16,17 series 211:21 serious 158:5</p>	<p>seriously 122:16 serve 255:3 served 161:15 284:15 391:2 service 95:3,12 96:11,13 99:14 100:10 101:17,18,19 102:13 103:9 104:7,15,20 112:13 119:9,13,17 120:20,21 121:1 131:8 138:4,14 143:2 146:11,20 147:9 148:5 159:11 160:18 161:16 163:6 164:11 180:13 196:14 199:7,10,11,12 204:1 206:4,19 208:12 209:13 210:4 212:7 213:14 214:3,7 215:10,13,14 216:2,3 217:3 222:19 223:10 224:16 227:15 228:3 231:21 233:8 241:19 244:13 245:10,19 253:22 254:10 255:19 261:13 263:16 265:11 266:10 269:9 271:6 279:12 280:16 284:1,14 285:10 309:14 314:6 316:12 317:9,16 322:4 323:5 332:3,5 344:4,12 347:6,9 351:22 352:12 357:8,12 358:13 362:13,16 363:6 366:19 367:6</p>
---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------

Capital Reporting Company
In the Matter of- USPS and PPOA 01-15-2014 Volume II

<p>368:20 376:22 377:22 380:15 381:5 382:2 383:12 384:11 386:19 390:15,17 391:1,11 393:22</p> <p>services 325:19</p> <p>Service's 119:22 146:20 176:20 213:7 240:3 244:15 350:10,12 356:22</p> <p>Service-wide 214:10</p> <p>servicing 100:8 254:1 306:5 327:19</p> <p>sessions 244:12</p> <p>sets 379:12</p> <p>settlement 385:16,17,20 386:8,10 387:18,21</p> <p>seven 166:9 175:2 206:19 207:5 217:19,20,22 310:2 384:11,17</p> <p>seven-plus 386:5</p> <p>several 206:13 299:19 338:8 340:8,10</p> <p>severe 279:8</p> <p>severely 116:17</p> <p>shaking 382:18 412:5</p> <p>shanties 402:17,18,20</p> <p>shanty 403:6</p> <p>shared 366:9</p> <p>Sharlene 169:20 207:9</p> <p>Shawn 96:18 97:3</p>	<p>98:9,15 99:6,8 135:11</p> <p>S-H-A-W-N 99:9</p> <p>sheet 151:7 384:20 385:11</p> <p>Shelby 326:20,22</p> <p>shelter 402:11</p> <p>Sheriff's 305:19 362:11</p> <p>she's 134:18 150:8 411:3</p> <p>shield 101:2,3 106:6 107:2,4,7</p> <p>shift 102:9 330:2 380:2</p> <p>shipments 334:11</p> <p>shock 240:13</p> <p>shooter 101:4 105:9,11,12,16,18 ,19,21 106:4 157:1,4,8,9,12 191:22 192:19 193:1,5,7 201:5,11,14 238:6,9 331:6</p> <p>shooters 191:20</p> <p>shooting 106:3 192:3,5 193:10,17,18 259:1 281:4</p> <p>shootings 114:5,6 202:3 393:17</p> <p>short 283:5 347:4</p> <p>shortly 122:14 267:12 279:18</p> <p>shot 228:7 281:10</p> <p>shotgun 227:16 394:6</p> <p>showed 332:12</p> <p>showing 366:18</p>	<p>shows 136:16 137:1 397:7</p> <p>shut 323:19</p> <p>sides 308:22 337:9 392:21 393:9</p> <p>sidewalk 118:7</p> <p>sign 406:13</p> <p>signed 321:2,3</p> <p>significance 234:13</p> <p>significant 123:16 202:21 216:3</p> <p>signifies 396:10</p> <p>signify 396:9</p> <p>silver 209:1</p> <p>similar 182:3 273:21</p> <p>simple 270:14</p> <p>simply 343:12,16 345:19</p> <p>simulations 237:6</p> <p>single 152:20 153:3 216:2 341:6</p> <p>sir 106:7,19 156:15 181:20 252:4,5 267:17 358:11 369:11 370:13 371:12,16 374:6,9 381:2,10</p> <p>sirens 233:22</p> <p>sit 179:11,12 245:4 369:19</p> <p>site 238:4 379:17</p> <p>sites 180:15 370:9</p> <p>sitting 179:20 410:18</p> <p>situation 105:17 117:7,15 185:8 191:2 257:15 269:14 294:5 299:8 303:11</p>	<p>307:11 314:15 327:1,3</p> <p>situations 129:14 238:6,9 299:22 376:14 377:7</p> <p>six 108:4 127:17 140:13 281:7 310:1 339:9,10</p> <p>Sixty-two 364:9,10</p> <p>skid 410:19</p> <p>skill 237:11</p> <p>skills 100:18 232:12</p> <p>slammed 409:19</p> <p>sliced 300:19</p> <p>sliding 337:8</p> <p>slight 116:21</p> <p>slightest 166:12</p> <p>slightly 269:2</p> <p>slotted 149:19 150:8</p> <p>slotting 149:20</p> <p>slow 407:19</p> <p>slowly 231:9</p> <p>slugs 394:2</p> <p>small 135:4 243:15</p> <p>smoke 331:7</p> <p>snowstorms 265:8</p> <p>social 330:16</p> <p>solo 345:22</p> <p>solve 232:21 398:13 411:9</p> <p>somebody 126:5 262:19 357:12</p> <p>someone 126:18 137:19 142:9 150:15 200:9 220:21 231:12 294:1 327:4 339:3</p>
-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------

Capital Reporting Company
 In the Matter of- USPS and PPOA 01-15-2014 Volume II
 Page 42

<p>349:4 371:11 374:3 402:12 409:9 someone's 265:16 sometime 349:22 somewhat 296:10 308:6 somewhere 102:6 280:4,21 355:7 Sonya 96:19 SOP 348:18,20 sorry 105:7 115:4 144:15 145:15 156:13 160:19,21,22 161:6,14 163:17 172:3 176:1,2 196:2 204:17 207:14 221:6 225:21 230:2 246:4 249:12 268:14 273:3 292:2,3 316:8 364:7 391:8 402:22 405:19 sort 110:2,11 129:16 135:15 251:3 278:19 288:4 sorting 300:16 sound 193:10,15 247:16 south 393:14 southbound 410:9,12 southeast 393:15 Southern 318:15 Southwest 95:13 96:13 spatter 118:7 speak 141:12</p>	<p>163:16 216:21 225:21 229:22 269:12 294:4 357:11,14,16,19 370:22 371:3,5,21 374:14 398:10 411:4 speaking 103:16,18 104:12 129:13 130:4 133:8 176:11 179:4 219:3 346:12 352:3 357:8 372:14 393:4 408:16 speaks 216:14 special 224:14 242:17 327:17 specialized 205:8 specific 100:17 151:11 248:8 392:4 396:21 specifically 119:14 126:2,3,16 130:7,19 195:3 204:3 211:6 248:6 337:5 specifics 130:22 specify 208:15 spectrum 345:11 speech 243:5 spell 99:8 222:12 361:14 380:9 spelled 247:5 spend 182:17 286:6 370:6,8 spent 109:4 174:13 286:10 369:22 spoke 116:16 118:2,3 171:16 218:18 291:7,10 292:19 294:16</p>	<p>371:3,4 407:11 spray 154:7 spring 170:19,20 squad 403:14 squeal 396:11 stabbed 122:10 staff 102:14 266:11 279:15 280:13 staffed 280:11,12 stamp 399:20 stamps 400:1 stand 98:12 158:18 236:15 253:5 298:17 standard 132:21 133:6,7 142:16 144:11,15 146:15 233:7 263:4 276:19 277:12,19,20 348:21,22 382:9 393:21 standards 143:18 147:3 219:2 282:16 348:21 stander 263:18 standing 372:3 395:14 400:14 standpoint 349:13 stands 298:18 302:21 326:21 start 129:20,21 145:1 176:7,20 182:9 206:7 359:4 372:2 396:18 started 116:9 141:6,16 142:2 160:4 176:9 182:10 255:16 269:18 277:14 278:22 279:6,8,16</p>	<p>280:22 360:20 361:8 369:5 370:21 380:3 387:4 401:8,15 403:19,22 404:5 407:20 409:10 starting 164:11 255:11 starts 392:3 state 99:4 159:5 222:9 253:15 260:19 265:16 272:8 279:13 283:17 305:7 308:20 317:4 351:17 354:16 362:5 368:15 390:11 399:4,5 stated 218:17 294:18 325:16 332:16 333:17 statement 293:15 294:17 325:15 337:13 344:19,21 396:6 400:17 407:15 408:18 statements 122:21 189:10 191:10 257:22 321:5 325:7 333:22 336:7 350:3 374:13 399:2 states 95:3,12 96:13 131:2 180:11 283:22 284:16 318:19 336:17 351:22 390:14 391:3 stating 321:21 station 109:6 127:13,19,21 128:2 320:15 329:18,19,20 352:4 359:6 371:5</p>
--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------

Capital Reporting Company
 In the Matter of- USPS and PPOA 01-15-2014 Volume II

<p>394:18,19,20,22 395:16,17,18 stationary 410:15 stationed 243:1 stations 109:6 110:10 115:15 178:13 256:15 288:15 323:4 336:3 statistics 356:11 status 298:2 348:2 stay 189:7 204:14 330:4 378:16 379:13 stayed 177:6 295:4 336:9 steal 288:3 303:1 steals 303:7 stem 366:20 stenotype 413:6 step 125:1 168:11,13 172:11,13 296:5 346:9 Stephen 209:8 Stephens 96:7 98:8 99:3,12 105:8 106:16,19 107:3 119:6 120:1,5,8,11,15 121:3,9,11,17 122:1 134:8,11,14,16 135:3,9,10 137:10,22 150:11,19 151:13,16,19,20 152:8,16,19 153:5 156:15,19 157:16 158:8,11,14 159:4 161:8,10,12 163:19 166:1,5,6,11,16</p>	<p>167:9,13,16,21 168:17,18,22 169:1 170:13,15 177:12,13,20 178:1,3,9 183:1,2 195:22 196:7,10 197:19 198:7,11 211:10 215:15 216:5,11 217:9,16,21 218:2,14 220:11,22 245:6 250:6 252:7 253:5,14 268:14,15 270:15,17,20 271:2 281:18 283:4,16 289:15 290:4 309:10 316:9 342:20 343:10 346:3,8,20 351:7,16 358:10 362:4 364:9,11,12 367:3 368:3,6,14 380:11,13 381:21 382:20 383:14,19 384:2,8,14,21 387:12,22 388:3,8,13 389:4,12,17 390:7,10 391:8,9 394:9 411:11,21 stepped 194:16 steps 228:21 232:21 335:20 steward 349:16 sticks 407:20 stipulate 343:8 383:19 384:2,5,9,10,15 stipulated 354:11 387:14 stipulation 384:18 387:20</p>	<p>stocked 399:20 stolen 110:17 287:16 291:20 299:19 300:13 303:21 375:21 stood 400:13 stop 105:18,20 121:12 123:17,18,19,21,2 2 124:8,11,15 132:6 142:12 185:3,4 186:1,2 200:14 228:15,16,17,21 232:6 235:16 262:20 288:15 297:7 299:6 327:5,8 328:11,12,16,21 355:20 357:11 395:17 404:11,12 stopped 132:12 190:10 408:3 409:14 stopping 328:14 356:15 stops 101:1 228:13 231:2 329:4 359:3 stories 411:13 storm 379:16,18,20 straight 331:5 strange 403:20 404:1,5 Strategic 214:11,19 217:2 strategies 180:17 strategy 180:20 181:4 straw 128:11 stream 333:10 334:15</p>	<p>streamline 345:19 street 96:8 126:9 200:6 262:10 267:1 276:9 322:13 337:17 354:13 395:11 407:19 410:10 streets 200:7 strength 404:7 stretch 342:14 strikes 230:6 students 246:17 stuff 357:18 399:2 subject 110:22 113:20 131:19 264:13 287:9,13 320:19 330:14,15 331:10 365:1 405:9 subjects 103:18 161:18 336:5 submachine 228:4 subpoena 387:19 subsequent 126:10 subsequently 100:22 385:15 substance 333:9,21 378:14 substantial 282:12,15 successful 272:3,7 299:5 sucked 302:5 Suite 96:9 Sullivan 96:20 Sunday 169:9 supervise 182:21 supervisor 160:5 168:14 183:7 199:2 282:9</p>
--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------

Capital Reporting Company
In the Matter of- USPS and PPOA 01-15-2014 Volume II

<p>308:18 312:5 320:15 323:6,12,14 331:11 333:14 337:12,14 356:2 371:8 supervisors 122:22 supervisor's 323:17,21 supplies 240:22 support 102:14 242:17 243:10 266:11 279:15 supposed 201:22 319:14 324:6,7 337:18,19 375:17 388:4 Supposedly 325:15 sure 99:11 119:6 121:5 131:4 134:11 135:9 139:3 140:20 144:17 177:5,15 178:14,15 183:1,7 186:2,4,14 187:2 189:2,5,8 191:15 192:6 196:3 198:4 210:8 245:8 249:10,12 250:8 257:19 278:7 281:1 283:6 291:6 307:14 311:21 313:19 342:20 343:21 357:6,14 358:4 371:1,21 384:21 389:19 390:7 392:14 395:4 404:15 408:16 surrounded 194:17 395:13 surrounding 152:10 184:21 379:14 surveillance</p>	<p>125:17,22 126:11,15,19 291:11 292:19 294:2 296:14,17,19 299:4 315:8,9,10,11 338:4,17 survey 355:22 356:2 surveyed 295:3 survival 100:11,15,16,21 101:14,16 103:21 105:2,5,13 125:13 230:17 237:19 255:5 suspect 294:21 295:4 400:4,13 401:3 suspects 336:11,13 339:5 suspicion 117:22 124:2,4 228:18 329:1 suspicious 124:18 suspicious 129:11,16,20 141:17 244:3 294:15 296:9 307:4,22 308:7,16 314:18 330:18 332:22 333:9 376:10,15 377:2,9 378:11 405:21 sustained 405:7 swear 98:11,13 221:19 253:6 389:22 swiftly 113:3 swing 323:10 swinging 407:21</p>	<p>Swissport 300:14 sworn 98:17 158:18,22 194:13 222:4 253:10 283:12 316:19 351:11 361:22 368:10 390:4 system 257:5 259:11 326:19 <hr/><p style="text-align: center;">T</p><hr/>tab 144:21 145:2,3 151:4 248:22 249:1 386:11,14 table 246:2 343:20 tackle 185:7,8 tactics 100:19 103:20 105:1 124:14 161:20 229:16,18,19 237:19 tag 294:22 295:1,9,14 321:20 322:5 334:19 397:8 tagged 321:19 322:6 tags 326:17 tailing 185:7 taking 117:8 126:7 191:6 216:17 321:9 346:9 401:18 407:15 408:17 talk 121:4 155:10 169:12 211:20 215:4 248:6 309:21 311:18 315:1 323:6 357:13 372:4,7 391:22 392:2,13 talked 158:2,6 168:4,12</p>	<p>169:14,16 211:20 248:3,4 274:10 277:1 311:4 326:1 349:3 350:1,2 409:16 talking 122:21 191:19 197:16,17 199:21 272:6,17 311:7 325:9 328:15 366:6 372:2 393:5 396:7 400:8 401:1,2 408:2,19 talks 143:18 146:17 250:17 357:8 taller 405:2 Tammy 97:10 361:20 362:7 tampered 300:13 tape 189:2 319:11,13 376:19 378:14 target 263:1 targeted 114:4 tarmac 299:14 tarmacs 302:1 task 305:14 318:8,9 tasks 111:3 193:22 238:12 346:11 taught 100:21 193:4 taxiway 302:3 teacher 359:18 teaching 162:2 team 365:4 366:2 teams 231:9 technical 123:19 technicality 355:19 356:18 technically 200:19</p>
----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------

Capital Reporting Company
In the Matter of- USPS and PPOA 01-15-2014 Volume II

<p>technician 223:13</p> <p>teleconferences 366:6</p> <p>telephone 168:5</p> <p>ten 148:5,7 310:2 342:14 353:12,15</p> <p>tendency 359:1</p> <p>tendered 97:15</p> <p>ten-hour 102:5</p> <p>ten-minute 366:4</p> <p>Tennessee 331:16 336:14</p> <p>Teresa 96:12 138:12 147:12 217:16 250:6 342:21 343:5</p> <p>Teresa's 343:21</p> <p>term 123:19 350:10,12 354:10</p> <p>terminal 375:14</p> <p>terminology 297:4</p> <p>terms 133:4 177:1 286:17 347:13 378:8</p> <p>territories 210:19</p> <p>terrorism 110:7</p> <p>terrorist 202:17 204:9</p> <p>Terry 123:17,18,21,22 124:8,11,15 228:13,15,16,21 328:11,12,15,16 329:4 330:21</p> <p>test 341:13</p> <p>testified 98:17 139:22 140:22 142:15 153:9,12,22 158:22 199:17</p>	<p>206:17 207:7,8 212:3,6 215:16 217:5 218:6 222:4 246:12 250:13 253:10 271:10 274:12 275:13 276:13,18 278:19 280:6 281:2 283:12 310:3,17 314:10,22 315:3 316:19 349:2 351:11 360:20 361:22 367:9 368:10 386:18 390:4</p> <p>testify 150:20 166:13,22 220:7,12,13,14 221:4 260:22 261:7,8 270:18,21 310:13 332:4,18,20 343:16 345:1,6 366:16 374:5</p> <p>testifying 137:16 150:12,13 177:16,17,18 196:22 198:10 215:18 229:9 343:17 344:18 383:6</p> <p>testimony 103:17 166:2,14 199:21 220:19 221:5 246:14 261:6 343:12,19 344:8 348:6 349:2 413:4</p> <p>testing 264:14</p> <p>Texas 185:21</p> <p>Thacker 95:14 413:2,17</p> <p>thank 99:10 105:6 106:20 137:22 138:2 143:9 145:6 147:19 156:8</p>	<p>158:9,11 161:11 173:7 194:14 196:1 198:12 201:21 206:9 221:9,10,16 245:6 247:7 251:22 252:2,4 270:16 281:17,21 282:22 309:10 316:10,11 342:11 348:5 351:1 358:11 361:13 367:4 368:4 381:21 389:9,14,15 411:12,15,18,19</p> <p>Thanks 361:17</p> <p>that's 102:7 107:9,10 110:3 114:19 120:5 128:18 138:1 140:4,14 141:5,20 147:16 148:11 154:19 155:7 156:4,11 165:7 167:4,5 168:2 179:12 190:22 193:4,9 196:11 198:11 199:6,9,13,19 200:2,4 201:20 203:16 206:14,21 207:6 208:9 209:17 214:14 215:17 219:19 231:16 236:14 237:2 239:20 245:22 247:4,5 249:18 250:19,21 251:22 257:15 264:11 272:10 273:4,6 276:17 277:13,20,21 281:16 290:6 302:7 313:15 314:22 315:5 316:6 326:10,21 331:21 334:14</p>	<p>342:9 345:13 346:6 348:18 350:8,20,22 354:3 357:9 360:15 367:11 368:1 381:19 382:22 384:8,14,15 393:1,7,10 397:2</p> <p>theft 288:3 292:9 299:2</p> <p>thefts 244:8 260:5 293:1 303:5 335:8 350:2</p> <p>themselves 141:12 393:2</p> <p>thereafter 267:12 279:18 413:6</p> <p>therefore 305:3 382:12</p> <p>there's 101:4,11 110:1,10,12 112:5 113:6 114:17 115:4 121:12 135:4 137:12 152:9 172:21 174:15 175:2,10 188:6,8 193:6 195:13 198:2 203:5 204:13 210:9,12 220:16 240:18 249:13,16,19,20 262:17 267:16 289:7 305:22 312:10,20 313:11 314:16 339:19 340:15 341:11 357:9,10,17,18 358:5 361:2,3 365:13 366:3 375:11 391:4,16 392:7 393:9 403:9,10,11 407:4</p> <p>they'll 289:21 303:22 304:1</p>
------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------

Capital Reporting Company
In the Matter of- USPS and PPOA 01-15-2014 Volume II

<p>341:3</p> <p>they're 113:3,20 137:15 142:11 144:10 153:18 154:8 200:8,19 229:19 235:17 246:7,14 257:19 259:11,18 267:3,12 269:3 274:1,6 287:17 295:21 298:6 299:8,9 303:16 304:22 341:4,5,13 342:7 344:1 355:14 371:1 372:2,3,9 374:22 377:9,20 397:22</p> <p>they've 145:12 219:6 269:10 305:8 343:15 367:21</p> <p>third 207:1 250:3,4 274:3 393:7,10</p> <p>thorough 402:1</p> <p>threat 100:12,18 105:18,19,21 230:9 293:11 301:20</p> <p>threatened 397:22</p> <p>threatening 308:22</p> <p>threatens 113:15</p> <p>threats 113:7 258:9 293:4 378:8</p> <p>three-month 382:17</p> <p>throw 297:3 408:13</p> <p>ticket 260:14 331:22 375:1</p> <p>tickets 373:17,19 377:11</p> <p>tide 366:20</p> <p>tighten 397:15</p>	<p>tighter 209:22</p> <p>till 162:4 379:10 380:5</p> <p>timeline 120:10</p> <p>today 105:17 142:1,6 158:2,6 174:12 175:21 176:4 182:15 194:3 195:20 196:6 202:8 344:18 349:22 370:3,6 388:21 391:5,17 411:22 412:4,7</p> <p>tomorrow 412:8,12</p> <p>tons 361:3</p> <p>tool 107:9</p> <p>top 106:12 172:19,21 197:7 204:21 205:6 250:7 388:20 397:3,4,8 401:19 402:16 410:19</p> <p>topics 161:22 162:6,10</p> <p>total 140:2</p> <p>totally 265:9</p> <p>touch 220:9</p> <p>touches 113:15</p> <p>tour 108:19,20,21,22 109:3,7 123:1 165:11 192:10,12,13 284:16 286:8 311:12 333:14 370:7,8</p> <p>tours 102:21 174:12</p> <p>tow 374:22 408:20</p> <p>toward 193:13</p> <p>towards 310:12</p>	<p>towed 374:22</p> <p>Townhouse 290:1</p> <p>towns 371:2</p> <p>TR 172:20</p> <p>track 386:1</p> <p>traditional 155:14</p> <p>traditionally 155:2 294:22</p> <p>traffic 236:4 327:5</p> <p>train 101:13,15 233:10 255:8</p> <p>trained 103:14,15 104:2 107:5 124:19,22 125:5 129:7 170:2 188:12 193:2,6 225:12 227:17 228:8,20 229:1,4,6,9,12 231:4,7,8 232:11,14 233:3,13,16 234:2 235:11,14,15,20 236:1,4,6 239:16 240:5,10 241:6 259:6 261:11 378:22</p> <p>training 100:9,15,16 103:5 104:5,6,19,22 105:9,11,13 106:6 125:13 161:1,3,16 162:10 164:7,9 165:3 171:21 187:4,7,8,10 202:21 203:5,10,14 205:17 207:17 208:3,7,9,13 218:7 219:2 224:20,22 225:1,7,10,15 226:6,8,9,20 227:5,7 229:20</p>	<p>230:3,9,12,17,20 231:11 234:6 235:8 236:8 237:2,3,8,13,15,1 8,21,22 238:4,5 240:9,14 246:4,9,13,16 247:13,22 248:2,5,6,7 251:10,11,15 254:12,13 255:3,4,6 261:20 272:8,18,19 284:8 353:4 354:17,18,21 355:4 362:22 369:7,8 391:14 404:13</p> <p>training's 248:19</p> <p>transcription 413:7</p> <p>transfer 406:10</p> <p>transferred 267:14 314:2</p> <p>transformation 180:17 211:20 213:13 214:6,9,12,13,19 215:5,22 217:3 280:20 366:8,14</p> <p>transition 179:20 224:8</p> <p>transitioned 160:5,16 387:7</p> <p>transmission 291:3</p> <p>transport 306:1,2 325:20 334:11</p> <p>transportation 303:2</p> <p>transported 328:10 336:14 337:20</p> <p>transporting 302:22</p> <p>transports 376:7</p>
---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------

Capital Reporting Company
In the Matter of- USPS and PPOA 01-15-2014 Volume II

<p>traveled 379:18 traveling 111:16 Treasury 170:11 treat 276:14 treated 269:20,21 tree 249:5 tremendous 244:21 trespass 405:21 trespasses 402:6 trespassing 336:13 403:18 trials 377:20 tried 128:4 132:9,14 trip 346:1 trips 131:1 truck 190:9,21 325:16,18 408:20 trucks 110:6,22 403:8 true 113:19 153:5 194:3 199:13 226:7,17,19 274:15 278:21 366:22 413:7 truly 313:16 trustworthy 146:21 truth 411:3,6,10 try 138:10 167:3 186:4,21 232:21 295:2 306:14 376:16 trying 101:4 116:22 120:16,17 121:7 128:5 169:7 197:20 215:20 276:12 313:4,5 314:22 343:6 365:5 turn 98:5 115:3,20</p>	<p>143:11 144:9 145:7 148:3 183:12 191:13 194:22 202:15 203:3 208:1 212:15 218:9 228:2 248:15 271:22 289:3 294:3 401:10 turned 128:16 132:2 281:3 330:12 354:13 turning 207:12 388:19 turns 327:9 twice 104:22 237:18,19 246:19 twisted 404:22 405:10 two-and-a-half 114:11 two-year 140:10 type 191:4 242:12 258:5 291:12,15 295:7 296:10,11,16 298:3 299:8 345:20 396:13 types 124:13 191:17 234:10,19 293:1 306:7 394:11 typewriting 413:6 typical 242:12 296:10 typically 102:2,4 233:21 237:9 287:16,18 288:8 300:17 303:7 314:19 <hr style="width: 50%; margin: 0 auto;"/> U <hr style="width: 50%; margin: 0 auto;"/> U.S 96:11 99:14 209:6 211:6</p>	<p>222:19 253:21 260:18,20 261:22 317:11 368:19 377:22 U-10 207:1 U-20 197:3 Uh-huh 112:14 115:8 153:19,21 271:11 310:4 335:12 336:21 342:4 ultimate 180:20 umbrella 357:9 359:12 unable 166:13 220:13 221:3 323:15 324:7 uncertain 133:4 uncomfortable 397:16 undergo 264:6 354:17 underlying 122:6 understand 102:4 109:22 135:3 139:3 155:20 178:16 198:5 217:12 220:22 262:11 311:18 341:10 345:9,13,14 355:10,11 understanding 124:10 134:6 141:5 142:4 167:19 175:17 176:12 195:6 198:8 210:9 225:5,17 238:17,22 239:5 243:19 244:17 245:22 246:1 251:9,10,13</p>	<p>264:19 343:4 396:9 Understood 346:3,20 underway 98:3 unethical 384:15 unfortunate 276:7 unfortunately 157:15 213:12 221:1 299:4 unhappy 323:4 383:20 unidentified 349:4 uniform 111:17 262:12 276:9 304:19,22 315:11,19 397:2,14 uniformed 164:10 165:17,19 170:6 194:11 257:1 266:12,21 354:15 uniforms 153:16 266:22 267:1 union 98:7 99:2 100:5 106:16 108:5 115:7,20 118:17 120:22 122:2 125:7 127:2 133:12 148:4 156:18 159:3 163:11 165:21 166:14 168:2 170:21 171:4,7 172:4 173:2,8 175:4 179:13 180:3 181:14,18 182:2 183:14 189:14 194:6 195:1 202:15 207:13,14 208:2 212:1,2,15 221:17 222:7 224:9 225:19 239:20</p>
-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------

Capital Reporting Company
In the Matter of- USPS and PPOA 01-15-2014 Volume II

<p>241:10 244:11,12 250:16 253:13 267:18 271:10 278:16 283:15 290:11 292:1,3 293:6 294:7 297:18 300:5 301:10 305:9 307:17 308:10 316:14 317:2 318:12 320:6 324:17 329:7 333:3 335:11 336:20 340:3,7,19,20 341:18 349:13,14,15,16 351:15 362:3 363:18,22 364:6 365:14,16,20 366:6,10,12 368:13 380:22 381:5 388:12 390:9</p> <p>unions 245:14 338:12</p> <p>unique 269:13,14,15</p> <p>unit 245:15 272:20 312:19 313:1,6,9,11,13 315:20 338:19 339:1,2,4 402:3</p> <p>United 95:3,12 96:13 283:22 284:15 318:19 336:17 351:22 390:14 391:2</p> <p>units 312:16,18 315:14,15,17</p> <p>universal 287:22 312:17 313:16,17</p> <p>university 223:6 274:5</p>	<p>unknown 320:19</p> <p>unless 137:12,19 319:16 387:18</p> <p>unmarked 111:9 315:14,16,17,20 338:18</p> <p>unnecessary 98:5</p> <p>unquote 214:6</p> <p>unrelated 327:20</p> <p>unsuccessful 295:4</p> <p>unusual 141:17</p> <p>update 112:3</p> <p>updated 198:2</p> <p>upon 114:22 131:5 135:16 227:22 264:7 265:5 279:20 293:19,21 300:15,16 304:17 305:3,6 307:2 327:18 348:5 383:4</p> <p>UPS 303:16</p> <p>useful 346:10</p> <p>USPS 96:4,19,20 159:10</p> <p>usually 102:8 234:1 238:3 298:2 302:2 303:8 306:8 307:8 341:8 392:6</p> <p>utilize 181:1 227:21 228:17</p> <p>utilized 180:15 226:20</p> <p>utilizes 288:7</p> <p>utilizing 255:17</p> <hr style="width: 20%; margin: 10px auto;"/> <p style="text-align: center;">V</p> <hr style="width: 20%; margin: 10px auto;"/> <p>vaccinated 232:2</p> <p>vaccines 231:21</p> <p>valuable 306:15</p>	<p>value 334:11</p> <p>vandalism 111:1,6</p> <p>vandalize 339:3</p> <p>vandalized 407:10</p> <p>various 202:3 343:3</p> <p>vast 155:8</p> <p>vehicle 101:1 110:9 111:11,14 124:1,17 127:14,15 128:17 156:2 185:3,4,11,12 186:1 231:2 233:17,19,20,21 234:1 260:4 294:15,19 295:10,13 320:21 325:19 326:17 327:8 328:13,21 335:17 337:6,7,16,18,21, 22 338:9,18 339:4 374:8,12 395:13,16 396:19 397:18,19 403:21 407:9 408:21,22 409:2,5,17 410:14,15</p> <p>vehicles 110:15 153:13 154:16,18 182:12 291:21 336:9 338:10,21 374:19 395:6</p> <p>vehicular 175:1</p> <p>verbatim 263:12</p> <p>verified 330:16</p> <p>verify 327:6,7 374:15</p> <p>verifying 179:19 327:11</p> <p>versa 304:18</p> <p>version 147:21 152:6 198:2</p>	<p>226:22</p> <p>versions 119:15,16 249:4</p> <p>versus 247:11</p> <p>vertigo 242:6</p> <p>vest 396:18,20,22 397:7,14</p> <p>vice 304:18</p> <p>victim 117:13 122:15 240:11</p> <p>victims 257:17,21 287:10 291:7</p> <p>victim's 117:14</p> <p>video 291:11 292:19</p> <p>view 345:11,15</p> <p>violating 336:18</p> <p>violation 260:10 336:18 373:15</p> <p>violations 259:19 260:1,4,5 261:12</p> <p>Virginia 173:5 184:22 185:20</p> <p>visible 177:4 178:14 204:9</p> <p>visit 142:7 178:13 359:3</p> <p>visitors 239:10</p> <p>visits 112:13 141:2,16,19 142:1 311:20 312:12</p> <p>visually 300:2</p> <p>Vitolo 96:16</p> <p>voice 163:16</p> <p>voicemail 410:21</p> <p>voir 387:12</p> <p>Volume 95:4</p> <hr style="width: 20%; margin: 10px auto;"/> <p style="text-align: center;">W</p> <hr style="width: 20%; margin: 10px auto;"/>
-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------

Capital Reporting Company
In the Matter of- USPS and PPOA 01-15-2014 Volume II

<p>wage 244:15 245:12,13 246:3</p> <p>wait 201:18 211:9 242:8,9 351:3 410:8</p> <p>waiting 132:8 297:4 320:18</p> <p>wake 212:7</p> <p>walk 134:5 177:7 190:18 314:20</p> <p>walked 168:5 401:5</p> <p>Walker 165:6,8 166:3,7,13 168:1 171:11 218:18 220:4,8 252:1</p> <p>Walker's 168:11</p> <p>walking 372:2 401:6 403:9</p> <p>Wall 354:13</p> <p>wallet 116:22</p> <p>Walter 97:12 390:2,12</p> <p>wander 189:4</p> <p>warm 397:16</p> <p>warnings 229:4 331:17</p> <p>warrant 306:17 326:19 327:9,11,19,22 328:5 330:11</p> <p>warranted 282:15 339:7</p> <p>warrants 306:5,7,8 326:22 327:13 330:12</p> <p>Washington 95:8,13 96:9,14 159:17 173:4 174:9,10,13 179:1 182:4,15 184:3 187:21 188:18</p>	<p>191:21 193:21 243:14 254:4 255:22</p> <p>wasn't 117:1 122:16 128:2 130:21 144:8 169:11 198:21 216:8 274:9 293:22 319:10 349:6,9 355:1 380:20 383:16 386:4</p> <p>watch 116:9 338:21 407:1</p> <p>watched 396:3</p> <p>watching 400:15 404:16</p> <p>WAW 326:20,21</p> <p>ways 234:20 345:3</p> <p>weapon 163:8 190:20 193:11 227:15,17,22 228:1,6 393:19</p> <p>weapons 124:18 153:20 154:9 227:20,21 327:7 328:19 331:2,3</p> <p>wear 153:16 397:4,10,11,17</p> <p>wearing 396:16,17,21 397:11</p> <p>wears 276:8</p> <p>weather 265:2 279:8,14</p> <p>Weatherford 196:17</p> <p>webpage 211:1</p> <p>website 168:9 169:17 204:2</p> <p>we'd 228:1</p> <p>Wednesday 95:9</p>	<p>380:5</p> <p>week 120:2 394:15</p> <p>week-and-a-half 120:4</p> <p>weekends 126:3,4,10</p> <p>weeks 169:4 225:11,17 281:7</p> <p>welcome 138:3 156:10 158:12</p> <p>we'll 98:13 103:17 110:4 137:19 145:1 243:5,6 252:8 270:20 288:14 300:18,20 302:3 307:12,14 343:8 345:16 346:6 356:11 357:11,13,19 375:1 376:22 377:1 392:10 395:3 398:22 399:1 400:20,21 402:13 412:7,11</p> <p>well-being 112:13 141:2,15,19 142:1,7,13</p> <p>well-equipped 204:10</p> <p>wellness 311:19 312:2</p> <p>well-trained 204:10</p> <p>we're 98:10 120:8 130:9,10 144:18 153:6 177:16 178:16 181:22 193:6 218:3 220:11 233:2 235:15 249:11,13 257:18 265:9,12 269:3 270:6 287:3 288:14,18 296:2 298:3,4 299:7,10 304:16 305:2,6</p>	<p>307:2 343:6 344:15,22 357:7 359:14 360:3,4 361:5 376:16 377:8,10,19 378:1,3 379:12 383:1 392:3,5,12 396:17 397:19 402:9 404:13 406:3,4,6 408:2 412:9</p> <p>west 286:22 311:6 392:18,21</p> <p>we've 98:3 133:22 145:2,9 151:3 158:2,6 169:7 237:10 243:1 246:18 276:3 286:21 287:18 296:18 299:3,5,18,21 303:9,15 359:5 398:2 404:8</p> <p>whatever 265:11 297:10 316:1 407:2</p> <p>whatnot 233:1 241:3</p> <p>whenever 182:13 306:14 404:13 406:2</p> <p>Where's 386:14</p> <p>Whereupon 98:14 158:19 222:1 252:13 253:7 283:9 316:16 351:8 361:19 368:7 390:1 412:13</p> <p>wherever 114:16</p> <p>whether 124:2 182:3 185:11 260:3 326:2 332:2,5 345:5</p>
------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------

Capital Reporting Company
 In the Matter of- USPS and PPOA 01-15-2014 Volume II
 Page 50

<p>395:1 whole 155:15 217:4 248:2 249:5 268:21 280:22 297:6 313:1 323:11 363:16 388:3 whom 99:13 162:5 362:8 398:16 413:2 who's 166:21 239:6 265:17 270:18 353:1 404:16 wife 117:14 308:21 354:12 358:20 wild 392:20,21 willing 372:4 398:9 Wilson 215:3 window 282:6 windows 407:21 Winnie 308:20 wish 345:19 346:16 witness 97:2 98:8,11,16,18 99:9,11 105:5,7 107:1 122:20 126:8 138:3 143:8,9 145:5,6 146:5 149:4,6 150:19 152:21 158:12,13,15,21 159:1 163:17 166:19,21 177:16 178:7 196:12 198:10 201:20 206:6,9 216:6,9 217:10 218:19 219:3,10,17 221:10,11,18,20 222:3,5,14 225:21 230:2 245:8 250:11 252:2,5,6 253:4,9,11 270:18</p>	<p>281:21 282:2,5,12,18 283:2,3,11,13 289:10,13 290:3 292:20 316:10,13,18,20 325:11,14 336:7 337:13 341:11,17,20 342:1,4,8 345:17 346:1 350:3 351:2,6,7,10,12 361:16,18,21 362:1 368:5,9,11 374:12 383:15 389:15,16 390:3,5,22 394:8 411:15,19,20 witnessed 322:15 334:1 witnesses 114:5 117:19 191:11 215:18 257:18,21 267:8 291:9,11 292:18 295:22 333:22 334:2 336:7 345:6 346:18 398:9 411:22 woman 242:4 276:8 Worcester 257:2 work 102:3,21 108:20 133:18 161:14 170:2 205:8 221:2 255:11 265:4,10,13 273:5,6 286:8 304:22 319:1 353:10 355:1 368:19 369:2 375:6 380:1,2,6 398:19 workday 286:7,9 worked 165:10</p>	<p>176:16 269:13,15,18 288:22 320:3 working 112:17 126:14 150:4 165:14 187:21 249:4 263:16 269:8 285:9 358:3,8 worn 397:1,3,4 worry 409:11 worst 392:7 worth 137:15 245:4 wound 412:2 wrist 401:15 404:22 write 119:2 233:8,11 259:16 312:7 331:19 373:11,16,19 writing 116:4 210:6 233:3 408:5,6 written 157:20,22 158:4 325:14 337:13 wrong 106:20 142:1 162:17 302:22 wrote 116:3 127:7 320:11 324:22 329:12 333:8 335:17 337:3 360:7 366:21 Wynne 317:22</p> <hr/> <p style="text-align: center;">Y</p> <hr/> <p>Yard 191:21 192:3,18 yesterday 121:13 York 352:5,6 353:7 354:12 356:19 357:4 358:9 359:9,18</p>	<p>you'll 145:22 148:21 204:5,12 212:16 263:19 303:8 yourself 262:19,22 263:1 265:15 322:18 371:10 376:18 you've 133:20 139:20 140:6 145:11,17 152:20 153:22 157:20 187:20 188:1 190:2 191:17 193:7 201:4 202:7,10 213:14 218:6 229:22 296:17 309:18 312:1 339:22 346:18 347:8,9 378:16 394:12 404:15</p> <hr/> <p style="text-align: center;">Z</p> <hr/> <p>zero 107:18 157:5,10 174:15 256:1 ZIP 392:5,6 395:18</p>
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