

In The Matter Of:
MANN & WADE v.
CITY OF URBANA ET AL

JENNIFER DIFANIS
February 5, 2019

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Page 1

1 IN THE UNITED STATES DISTRICT COURT
2 FOR THE CENTRAL DISTRICT OF ILLINOIS
3 STATE OF ILLINOIS

4 BENJAMIN MANN and SAMANTHA)
5 M. WADE,)
6 Plaintiffs,) No. 17-CV-2300
7 vs.)
8 CITY OF URBANA, et al.,)
9 Defendants.)

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11
12
13 DEPOSITION OF SERGEANT JENNIFER DIFANIS
14 February 5, 2019
15 9:00 AM

16
17
18
19
20 June Haeme: CSR # 084-003038
21 Area Wide Reporting and Video Conferencing
22 301 West White Street
23 Champaign, Illinois 61820
24 800.747.6789
25

Page 3

1 STIPULATION

2
3 IT IS HEREBY EXPRESSLY STIPULATED AND
4 AGREED by and between the parties that the
5 deposition of SERGEANT JENNIFER DIFANIS may be taken
6 on February 5, 2019, at the law offices of Heyl,
7 Royster, Voelker & Allen, 301 N. Neil Street,
8 Champaign, Illinois, pursuant to the Rules of the
9 Federal Court and the Rules of Federal Procedure
10 governing said depositions.
11
12
13 IT IS FURTHER STIPULATED that the
14 necessity for calling the Court Reporter for
15 impeachment purposes is waived.
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Page 2

1 INDEX

2 APPEARANCES:

3 For the Plaintiff:
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19 EXAMINATION BY:
20 Ms. Adeeyo..... 4
21 Mr. Smith..... 165

22 EXHIBITS:
23 Exhibit 40..... 40
24 performance evaluation 2003 (2 pages)
25 Exhibit 41..... 43
performance evaluation 2003 (4 pages)
Exhibit 42..... 45
performance evaluation 2004 (2 pages)
Exhibit 43..... 49
performance evaluation 2004 (1 page)
Exhibit 44..... 54
performance evaluation 2006
Exhibit 45..... 58
police sergeant evaluation
Group Exhibit 46..... 61
letter of reprimand, notice to correct
Exhibit 47..... 69
Urbana Police Department memorandum
Exhibit 48..... 71
Urbana Police Department memo
Group Exhibit 49..... 107
photos (6 pages)
Exhibit 50..... 131
Illinois Traffic Crash Report

Page 4

1 (Commencing at 8:58 a.m.)
2 SERGEANT JENNIFER DIFANIS,
3 having first been duly sworn, testified as follows:
4 EXAMINATION BY
5 MS. ADEEYO:
6 Q. We are here today for the deposition of
7 defendant Jennifer Difanis pursuant to agreement in
8 the case of Mann v. City of Urbana, et al., Case No.
9 17-C-2300, pending in the Central District of
10 Illinois.
11 Please state and spell your name for the
12 record.
13 A. Jennifer Difanis. Jennifer is
14 J-E-N-N-I-F-E-R, Difanis is D-I-F-A-N-I-S.
15 Q. Have you ever had a deposition before?
16 A. No.
17 Q. Okay, so I'm just going to go over some
18 quick rules with you. Make sure to answer your
19 questions aloud. Try to avoid nodding your head or
20 just saying uh-huh or uh-uh, even though you'll see
21 me do it. If you do not understand a question, just
22 let me know, I'll rephrase it or repeat it. If you
23 answer, I'll assume you understood. If you need to
24 take a break at any time, that's perfectly fine.
25 Just if I asked a question, just answer it before

Page 113

1 conversation with Koraysia and my observations.
 2 Q. Was Loschen present when you had that
 3 conversation with King?
 4 **A. He was present for at least part of the**
 5 **conversation.**
 6 Q. Okay. Did he take part in that
 7 conversation, Sergeant Loschen?
 8 **A. I believe he was present for part of the**
 9 **conversation.**
 10 Q. Okay. Did you speak with Sergeant Loschen
 11 then separately?
 12 **A. So we always communicate over the radio.**
 13 Q. Okay.
 14 **A. So I can remember some of like the**
 15 **exchanges, but as to whether it was person to person**
 16 **or whether it was over the radio or whether it was a**
 17 **combination thereof, but yeah, I did communicate**
 18 **with Sergeant Loschen.**
 19 Q. Okay. And do you recall what you said to
 20 Sergeant Loschen?
 21 **A. I just explained to them that what her --**
 22 **what her statement was and what my observations were**
 23 **regarding the physical evidence pertaining to her**
 24 **statement.**
 25 Q. Did Loschen ever -- what did Loschen say

Page 114

1 to you in response?
 2 **A. I don't remember exactly from whom the**
 3 **information came, but basically that Mr. Mann was**
 4 **denying ramming the vehicle, any physical**
 5 **confrontation with her at all, and that she had**
 6 **actual -- or that, sorry, that he had initiated any**
 7 **physical confrontation with her at all and that she**
 8 **had actually launched a physical attack on him.**
 9 Q. After hearing that, did you want to speak
 10 to Mr. Mann?
 11 **A. No, I didn't have any reason to speak to**
 12 **Mr. Mann.**
 13 Q. And why do you say that?
 14 **A. In this situation, the -- we had sort of,**
 15 **I guess a way of describing it is we divide and**
 16 **conquer. I focussed on gathering my information on**
 17 **my side, and we meet in the middle, the officers**
 18 **meet in the middle as far as what each of us has**
 19 **learned. It helps to -- sometimes it can help**
 20 **prevent muddying the waters or mixing one statement**
 21 **with another. If we can, it's a lot cleaner if one**
 22 **person gets this statement and the other person gets**
 23 **that statement. That way, if there's any**
 24 **discrepancies between the two statements, it's truly**
 25 **a discrepancy between the two statements as opposed**

Page 115

1 **to I confused the two at some point.**
 2 Q. Okay. Did you ever have Koraysia write
 3 down her statement?
 4 **A. No.**
 5 Q. Are you aware if Benjamin Mann wrote down
 6 a statement?
 7 **A. I have no knowledge of whether he did or**
 8 **didn't.**
 9 Q. Okay, why didn't you have Koraysia write
 10 down her statement?
 11 **A. That's not something we do typically.**
 12 Q. Okay.
 13 **A. Particularly in the field also you don't**
 14 **want to make assumptions about anybody's ability to**
 15 **communicate in writing. There are times where, you**
 16 **know, if I feel like I might gather more detailed**
 17 **information, I might have someone draw me a picture**
 18 **of something or I might have somebody, you know,**
 19 **write down the correct spelling of names or, you**
 20 **know, there are some people who do better because of**
 21 **a language or a communication issue writing some**
 22 **portions of their statement down.**
 23 Q. Okay.
 24 **A. But the vast majority of the time it's**
 25 **done by direct verbal communication with the person.**

Page 116

1 Q. So after hearing Koraysia's account of
 2 what happened and then after either Officer King or
 3 Sergeant Loschen telling you what Mann told him --
 4 **A. Right.**
 5 Q. -- then what did you do?
 6 **A. There were obviously discrepancies between**
 7 **the two stories and the physical evidence didn't --**
 8 **did not substantiate what Mr. Mann was providing in**
 9 **his statement. It contradicted the information he**
 10 **had provided.**
 11 Q. How so?
 12 **A. There had obviously been contact made**
 13 **between the two vehicles and he denied that that had**
 14 **ever happened. He didn't provide an explanation as**
 15 **to the context for the contact. Also Koraysia had**
 16 **until very recently been confined to a wheelchair**
 17 **after being in a bad car accident, and from my own**
 18 **observations, I could tell that she walked with a**
 19 **twisting motion. She said that she still had bone**
 20 **spurs and injuries to her ankles or knees and legs.**
 21 **So she was able to get from a seated to a standing**
 22 **position fine, but she couldn't move quickly, she**
 23 **couldn't lunge, she couldn't lean to one side or the**
 24 **other because pain would significantly impair her**
 25 **balance, so the idea that she was able to launch a**

Page 117

1 **physical attack on Mr. Mann was unlikely.**
 2 Q. You mentioned that you have medical
 3 training, correct, in PTI?
 4 **A. Oh, like CPR training.**
 5 Q. Okay, but nothing beyond CPR training?
 6 **A. Oh, no.**
 7 Q. Okay.
 8 **A. Not work-related.**
 9 Q. Now, you didn't see any doctor's notes
 10 from Koraysia or anything like that, correct?
 11 **A. Correct.**
 12 Q. And you determined that when she walked
 13 she walked with a twisting motion?
 14 **A. Uh-huh.**
 15 Q. Did you -- is that a yes?
 16 **A. Yes, sorry.**
 17 Q. No problem. Did you see on what side that
 18 twisting motion was occurring?
 19 **A. No, I just noted during my initial**
 20 **conversation with her that when she did step or walk**
 21 **it was with a -- the best I can describe, it was**
 22 **like a twisting rotation around her pelvis and hips.**
 23 Q. You didn't ask her to run, did you?
 24 **A. No.**
 25 Q. Okay. You didn't ask her to show you if

Page 118

1 she could lunge?
 2 **A. No.**
 3 Q. Okay. So your basis -- so after having
 4 spoken with her and learning about Benjamin's
 5 account, did you believe that she pushed Benjamin
 6 Mann?
 7 **A. Based on the information and my**
 8 **observations on scene, no, that did not seem**
 9 **consistent with that information.**
 10 Q. And that was just based on this twisting
 11 motion in her pelvis that appeared to you made it
 12 difficult for her to walk?
 13 **A. So -- well, in addition to making my own**
 14 **observations first, I then asked her about it, and**
 15 **her own information provided was consistent with**
 16 **what I had observed. When her brother and father**
 17 **arrived on scene, they independently expressed grave**
 18 **concern about her physical issue, if she had been**
 19 **physically injured because of the fact that she had**
 20 **recently, very recently recovered and been -- so**
 21 **they told me that separate from her.**
 22 Q. So she was able, though, to drive a
 23 vehicle though.
 24 **A. Yes, she was driving.**
 25 Q. And she was able to get in and out of that

Page 119

1 vehicle?
 2 **A. Yes, yes.**
 3 Q. Okay. And she was able to walk over to
 4 the hallway --
 5 **A. Yes.**
 6 Q. -- when you all spoke, correct?
 7 **A. Yes.**
 8 Q. Okay. When did you speak with her brother
 9 and father?
 10 **A. Oh, shortly after they arrived on the**
 11 **scene. Well, when they did arrive on scene. Any**
 12 **time you have a car start pulling up to what you're**
 13 **doing, you always want to figure out who they are**
 14 **and make sure that it's not someone that's there to**
 15 **cause trouble or that it's one half's side pulling**
 16 **up on the other half's side or something, so -- but**
 17 **they very quickly got out and said here's who we are**
 18 **and we just want to check on her, that kind of**
 19 **stuff.**
 20 Q. And was that the extent of the
 21 conversation?
 22 **A. We had, we had some small talk after that.**
 23 Q. Okay. So you previously mentioned that
 24 Wade was handcuffed, correct?
 25 **A. Yes.**

Page 120

1 Q. Was there any point in which she was
 2 released from those handcuffs?
 3 **A. Yes, my understanding is she was released**
 4 **from those handcuffs.**
 5 Q. So you were not the person who released
 6 her?
 7 **A. No.**
 8 Q. Do you know who?
 9 **A. No.**
 10 Q. Okay, do you know why she was released?
 11 **A. No. I'm assuming that she calmed down and**
 12 **became cooperative. That would not -- that would be**
 13 **consistent with removing her from handcuffs.**
 14 Q. So let's say in this scenario you had
 15 handcuffed Wade because she made a swift movement
 16 towards a car and you didn't know what she was
 17 doing, right? If you remained with her and she all
 18 of a sudden became calm, relaxed, no longer yelling,
 19 would you have removed those handcuffs?
 20 **A. Yeah. In this situation, one of the**
 21 **factors that contributed to putting her in handcuffs**
 22 **was at the time determining whether or not she posed**
 23 **an immediate risk to the male she was with or**
 24 **officers. And my understanding is that once she**
 25 **calmed down, they were able to articulate what they**