

To: Hale & Monico, LLC

From: Kevin Hughes

Re: Baker and Glenn v. City of Chicago, et al., 16-cv-8940; In re Watts Coordinated Pretrial Proceedings, 19-cv-1717

Please be advised that I, Kevin Hughes, have been retained by Hale & Monico, LLC to review police investigations regarding the distribution and sale of narcotics and the of the investigation and arrests of Ben Baker and Clarissa Glenn, from an Assistant State's Attorney's perspective. Specifically, I will be consulting and testifying about criminal drug conspiracy investigations in the Chicago area between the years 2000-2010, and in particular "Sin City", which was an investigation into the narcotics trade at the Ida B. Wells housing complex. I relied on my education, training, and experience of 30 years as an Assistant State's Attorney in order to arrive at my opinions.

I am being compensated at the rate of \$350.00 per hour for my services. A copy of my retainer agreement is attached to this report. I have not previously been retained as an expert witness. A list of materials reviewed is being provided as a Dropbox link.

(<https://www.dropbox.com/scl/fo/2s8hvdduad32hbfaj4q0b/h?rlkey=md1r1y9xy1imyct25qj6vmju&st=dwibwd8n&dl=0>)

From 1990-2020 I was employed by the Cook County State's Attorney's Office as an Assistant State's Attorney ("ASA") in the Criminal Prosecutions Division. Aside from being a line prosecutor, I also served as a supervisor in the Narcotics Prosecutions Bureau. Prior to working for the State's Attorney's Office, I was employed by the personal injury litigation firm of Hoffman, Burke & Bozick in Chicago. A copy of my resume is attached to this report.

During my thirty years at the Cook County State's Attorney's office, I spent a significant amount of time prosecuting narcotics-related offenses. I served as an ASA in Night Narcotics from 1994-1995 and in the Felony Trial Division from 1995-2000, where I prosecuted narcotics cases in both of those assignments, ranging from Class 4 up to Class X narcotics-related felonies. From 2000-2010, I worked in the Complex Narcotics Unit within the Cook County State's Attorney's Office. It was during this period that I provided legal support to narcotics investigations being conducted by law enforcement throughout the State of Illinois and County of Cook, primarily within Chicago. In 2010, I was promoted to the Supervisor of the Special Grand Jury and Narcotics Preliminary Hearing Unit. In this position, I selected and managed the monthly Special Grand Jury, which indicted narcotics cases almost exclusively, and supervised 15 ASAs that indicted and conducted preliminary hearings in narcotics cases.

During my time in Night Narcotics and the Felony Trial Division, I reviewed over 1,000 police reports, many of which were drafted in connection with narcotics-related arrests. During my time at the Complex Narcotics Unit, I was assigned to provide legal support to law enforcement conducting narcotic investigations. The type of "legal support" I provided would vary and

depended on the needs of each case. At times, I would review police reports to determine if individuals could be charged with violations of Illinois laws related to the possession, sale, and/or distribution of narcotics. Other examples of “legal support” I provided included reviewing search warrants to determine whether there was sufficient probable cause for the search warrant to be executed, as well as writing and reviewing Electronic Surveillance Orders and Consensual Overhear Orders. I often followed investigations from their inception through charging of felony offenses, and ultimately prosecuted the cases through trial or to a plea of guilty.

I have prosecuted hundreds of narcotics cases while as an ASA in Night Narcotics, the Felony Trial Division, and also in the Complex Narcotics Unit. As an ASA in the Complex Narcotics Unit, I provided legal support to over 50 separate criminal drug conspiracy investigations. One of those investigations, entitled “Sin City,” addressed narcotics distribution and sales taking place at the Ida B. Wells housing complex in the early 2000s.

The Chicago Police Department began the Sin City investigation into narcotics trafficking and sales due to the high level of these activities at the Ida B. Wells housing complex. As an ASA assigned to this investigation, I became aware of the details of this investigation, including the hierarchy of those involved in the narcotics trade and the manner in which they operated at Ida B. Wells, and provided legal support to the members of the Chicago Police Department’s Organized Crime Division during the course of this investigation. The Sin City investigation lasted for over a year and resulted in the arrest and prosecution of dozens of individuals for crimes ranging from possession of narcotics up to Criminal Drug Conspiracy.

As an ASA in the Criminal Prosecutions Bureau, I became very knowledgeable about the manner in which narcotics investigations were conducted, from both an investigatory and prosecutorial standpoint. As a prosecutor, I became familiar with the investigative techniques used by Chicago Police and other law enforcement agencies to determine who were the members of said conspiracies.

Due to the clandestine nature of narcotic sales, police officers would often have to use different techniques to conduct their investigations in order to avoid detection and to gather evidence. For example, conducting surveillance on narcotics sales may involve finding hidden locations in order to not be seen. In my experience, concerned citizens would often provide look out spots for officers to view the narcotic sales and activities by allowing officers to use their apartments in order to surveil drug-related activity within the projects, including the Ida B. Wells housing complex. Other times, officers would conduct surveillance from undercover vehicles that would allow them to conduct surveillance of an area without their presence being discovered. In instances where officers went undercover to try and purchase narcotics, they would often use disguises in order to conceal their identity and complete their purchases. Individuals selling narcotics would often hide their supply in a multitude of ways, including, but not limited to,

putting the drugs inside of potato chips bags or using magnets to attach the drugs on and inside of metal surfaces.

The Sin City investigation at the Ida B. Wells housing complex determined that drug activities and sales were occurring both day and night, essentially as a 24/7 operation. The level of drug sales was believed to be around \$10k-\$15k a day in the Ida B. Wells complex and occurred at a number of different buildings in the complex. The police were able to develop a hierarchy of the distribution of narcotics at Ida B. Wells through the use of undercover narcotic purchases, Consensual Overhear Orders, the cooperation of concerned citizens providing tips and covert locations from where narcotics activities could be observed, and other investigative tools. Large quantities of narcotics were routinely brought into Ida B. Wells, often already broken down into small plastic bags and ready for sale. When the drug inventory ran out at any given time, sales would stop only briefly at that specific location until the stock was replenished.

A number of individuals were typically involved in the sale of narcotics in different roles, including as lookouts (“roosters”), as security, as money handlers, and as the person who actually provided the drugs to the customers (“pitchers”). Sometimes, an individual’s role would be solely to direct buyers to where they should go based on what narcotics they were looking to purchase.

Ben Baker was identified as the “Building Manager” of 527 E. Browning (along with Elgen Moore) during the course of Sin City. As the “Building Manager,” Baker had a significant role in the sale of narcotics in that building.

Tactical Teams were often involved in narcotics-related investigations outside of non-Organized Crime Division cases. Tactical Teams are often assigned to a specific geographic area and would conduct their own narcotics investigations, especially in areas with high levels of drug sales such as at the Ida B. Wells housing complex. Tactical officers would typically become familiar with the individuals who were involved in the drug trade, which could help them identify the source of narcotics in a given area. Tactical Teams would employ a number of different techniques during their investigations and there are several roles a member of the team may play. Tactical teams may do “buy busts,” where they would conduct undercover narcotics purchases then arrest the seller. Or they may conduct surveillance of suspected narcotics transactions then move in to make an arrest. Officers would be assigned different roles during these investigations. Officers may serve as surveillance officers and watch for suspected drug transactions. Other officers may act in an undercover capacity to purchase narcotics. Oftentimes these officers would conceal their identities by changing their appearance (e.g., wearing different clothing). Officers may serve as “enforcement officers,” who would actually move in and make arrests of suspected drug sellers or buyers. These techniques and roles are consistent with how Tactical Teams operated at housing projects throughout Chicago during the early 2000s.

Part of the materials I reviewed in this case were Chicago Police Department reports related to Baker and Glenn, including their arrest on December 11, 2005, Baker’s arrests on March 23,

2005 and July 11, 2004, and an incident involving Baker on June 17, 2004. During Baker and Glenn's December 11, 2005 arrest, a beat car made the initial stop of the vehicle Baker and Glenn were in. Following the stop of the vehicle, officers approached and observed Glenn hand Baker a clear plastic bag containing numerous smaller bags of suspect narcotics, and Baker then placed said plastic bag in the arm rest console. Based on this observation, officers conducted a search of the vehicle and recovered the clear plastic bag containing suspect narcotics. This is called a "rip" in narcotics parlance.

Baker's arrest on March 23, 2005 occurred after Baker was seen holding a clear plastic bag of suspect narcotics. Officers were in the building based on high levels of narcotics activity. Officers would frequently do "walk downs" in building with high narcotics activity, walking from floor to floor checking for narcotics activity or narcotics possession. This appears to have been the case here. Baker fled down the stairs, but was detained in the lobby and found to be in possession of two plastic bags, which contained a total of 178 smaller plastic bags of suspect heroin.

Baker was also arrested on July 11, 2004, from his actions on June 17, 2004, when he was seen stuffing a plastic bag (later recovered and found to contain heroin) into a mailbox. It was not unusual for drug dealers to hide or attempt to hide their narcotics to avoid detection (e.g., in a potato chip bag) or in an area not generally accessible to or readily observed by others. Therefore, it does not strike me as odd that Baker would have placed narcotics he was allegedly in possession of in a mailbox and shut the mailbox door in an effort to avoid having those drugs recovered from his person.<sup>1</sup> The reports indicate that tactical team officers were at 527 E. Browning on June 17, 2004, based on information received from a "concerned citizen" that Baker would be bringing a "days worth of suspected narcotics" to that location. Officers assigned to a specific location, like the Ida B. Wells housing complex, receiving information from residents about narcotics sales is not unique to Ida B. Wells or another other Chicago housing project. It would not be unusual for the identities of residents providing this information to be unknown or kept confidential, because residents may have provided the information via an anonymous tip or have requested that their name be kept confidential for their safety.

In criminal drug conspiracies and other narcotics-related cases I have prosecuted over my career, rarely, if ever, has fingerprint or DNA testing been pursued for narcotics-packaging materials. The only instances in which I have sought to have narcotics packaging fingerprinted are where more than a kilogram is involved or where there may be an issue concerning identification as to possession. Indeed, such evidence was considered unnecessary when officers who viewed the charged narcotics activity were available to testify as to their observations and/or their partner's observations of an individual selling, trading, or otherwise possessing the narcotics. Moreover, I

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<sup>1</sup> My understanding is that a motion to quash and suppress was heard and granted regarding these narcotics. I have not reviewed any transcripts from that hearing and I am not offering any opinion as to the propriety of that search.

do not recall a single instance where a defense attorney (private or public defender) sought fingerprint testing on a plastic bag or narcotics recovered in a narcotics arrest, which I expect would have been done if they believed such testing would have assisted in their client's defense.

DNA was not utilized in narcotics cases due to the cost associated with testing. The Cook County State's Attorney's Office reserved the funds for DNA testing for more serious and violent criminal activity such as sexual assaults and murder. Putting cost aside, defense attorneys could have requested and paid for such testing themselves, but I do not recall any instance where a defense attorney (private or public defender) sought to have DNA testing conducted on plastic bags or narcotics recovered during a narcotics arrest.

In sum, the primary methods of identification during the prosecution of these narcotics cases came from undercover officers' testimony, surveillance officers' testimony, arresting officers' testimony, lineups, surveillance video and audio recordings.

Plaintiff's expert, Dr. Jon Shane, contends that the reports generated for Baker and Glenn's arrests were "problematic" and, because of the manner in which they were drafted, they "cannot function as a useful aid to prosecutors." Shane report at 107-110. I disagree. The reports provide the names of the officers involved in the investigation and the arrests. Once a felony case was indicted or there was a finding of probable cause at a preliminary hearing, the case would be transferred to the Chief Judge of the Criminal Division for assignment to a judge's court call. The case file created and maintained by the States's Attorney's Office would be sent to the ASAs assigned to the designated courtroom. The courtroom ASAs would then identify all officers listed in the reports, and notify the Chicago Police Department to have all officers listed on the police reports present, in court, for the first court date, which would typically be approximately six weeks after the arrest of a defendant. At the first court date, the ASAs would go over the reports with the officers present. In that meeting, the ASAs would discuss the role each officer had in the arrest, so the ASAs would know who should be called for any motions or trial. The ASAs would also use the reports to disclose in pretrial discovery any police officers who may be called at hearing or trial.

In the Baker and Glenn arrests, the manner in which these reports were prepared was similar to reports that were prepared in other narcotics-related arrests and included information I would expect such reports to contain. As reflected in the reports, the investigating officers made observations of criminal activity that led to those arrests, and the officers documented their observations in their reports. There was nothing about the reports or the officers' activities, throughout the investigation and prosecution of this case, I would consider unusual or out of the ordinary.

/s/ Kevin C. Hughes

State of Illinois

Rev. 134B1E6

## RETAINER AGREEMENT

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This Retainer Agreement is entered into on May 03, 2024 between Hale and Moinco LLC (the "Client"), an entity whose primary address is 53 W. Jackson Blvd Suite 334 , Chicago, IL 60602, and Kevin C. Hughes (the "Service Provider"), an individual whose primary address is 350 Rollwind Road, glenview, IL 60025.

**1. Scope of Services.** The Service Provider shall provide the following legal services and representation to the Client: The service provider will provide consulting services as well as in court testimony regarding the prosecution of and evaluation of Felony Narcotic cases in Cook County Illinois.

**2. Fees.** The Client will pay the Service Provider Attorney a nonrefundable retainer fee of N/A. The retainer fee will reflect service provider's rate of \$350.00 per hour excluding expenses, and applied as follows: N/A.

The Service Provider will submit an invoice for payment within 10 days upon execution of this Agreement. The Client will pay the invoices upon receipt within 30 days.

**3. Term and Termination.** The Service Provider's engagement with the Client under this Agreement will commence on May 03, 2024. The Service Provider acknowledges and agrees that the engagement with Client is at will, subject to being terminated at the discretion of Client at any time without prior notice. In addition, this Agreement may be terminated by Service Provider upon 1 days prior written notice to Client.

**4. Confidentiality.** The Service Provider will maintain the confidentiality of all information obtained while working for the Client. All work done by the Service Provider for the Client is work for hire and all rights belong to the Client. Upon completion of the services, the Service Provider will return all files to the Client, or the Client may opt to have the Service Provider shred all documents.

**5. Disputes.** Any dispute arising from this Agreement shall be resolved through mediation.

**6. Governing Law.** The terms of this Agreement and the rights of the Parties hereto shall be governed exclusively by the laws of the State of Illinois, without regarding its conflicts of law provisions.

**7. Severability.** If a court finds any part of this Agreement to be invalid under the laws of the State of Illinois it will not affect the validity of the other provisions and parts. The remaining sections will remain enforceable as if the invalidated part was not included in the Agreement.

**8. Entire Agreement.** This Agreement encompasses the entire agreement between the Client

and Service Provider. It voids all previous discussions, arrangements, and agreements between the parties. Modification of this Agreement is only valid if completed in writing and signed by both parties.

The following signatures attest to the execution of this Agreement as of the date listed above.

 Service Provider Signature	Kevin C. Hughes Service Provider Name	
Hale and Moinco LLC Client Name	Client Representative Signature	Kelly Olivier Attorney Client Representative Name and Title

# Kevin C. Hughes

350 Rollwind Rd, Glenview, Illinois, 60626 847-409-5720 klhughesfam4@gmail

## LEGAL EXPERIENCE

Supervisor of the Special Grand Jury and the Narcotics Preliminary Hearing Unit, 2010-2020

- Selected and Managed the Special Grand Jury, monthly.
- Supervised 15 Assistant State's Attorney's involved in indicting narcotic related offenses and conducting narcotic related preliminary hearings.
- Alternative Prosecution's Unit, Supervisor

Cook County State's Attorney's Office, Complex Narcotics Unit/Felony Criminal Division, 2000-2010

- First Chair in the Complex Narcotics Unit
- Evaluated police reports, documents and evidence pertaining to the prosecution of narcotics related offences.
- Collaborated with Federal and State Law Enforcement to provide support for electronic surveillance orders, consensual overhear orders, search warrants and arrest warrants.
- Vertically prosecuted over 1000 criminal cases pertaining to narcotics related offences.

Cook County State's Attorney's Office, Felony Trial Division 1995-2000

- Second Chair in the Felony Trial Division.
- Responsibilities included: managing and litigating bench and jury trials.
- Litigated 50 jury trials, over 300 bench trials and pre-trial motions.

Cook County State's Attorney's Office, Night Narcotics Unit, 1994-1995

- Managed and litigated low level felony narcotics cases.

Cook County State's Attorney's Office, Felony Review Unit, 1992-1994

- Reviewed and evaluated police reports pertaining to criminal felony offences to determine prosecutorial viability.
- Interviewed victims, witnesses and offenders.
- Recorded and documented testimony for court proceedings.

Cook County State's Attorney's Office, First Municipal Division, 1990-1992

- Managed and litigated misdemeanor criminal offences.

## EDUCATION

John Marshall/ University of Illinois, Chicago, Illinois, Juris Doctor, 1989

Marquette University, Milwaukee, Wisconsin, BA, Political Science, 1984