

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

Ben Baker and Clarissa Glenn,)	
)	Case No. 16 C 8940
Plaintiffs)	
v.)	Hon. Franklin Valderrama
)	
City of Chicago, et al.,)	
)	
Defendants)	

DEFENDANT OFFICERS' STATEMENT OF UNDISPUTED FACTS

Defendants Brian Bolton, Robert Gonzalez, Alvin Jones, Manuel Leano, Douglas Nichols, Jr., and Elsworth J. Smith, Jr. (collectively "Defendant Officers" or "Defendants"), by their attorneys, submit the following statement of undisputed facts pursuant to Local Rule 56.1(a)(3).

PARTIES

1. Plaintiffs Ben Baker and Clarissa Glenn are residents of Chicago, Illinois. At the time of the events giving rise to this suit, they lived together in the Ida B. Wells housing complex ("Wells complex") in Chicago. Second Amended Complaint ("SAC"), ECF No. 238, ¶ 10. At all times relevant, Defendants Ronald Watts, Kallatt Mohammed, Alvin Jones, Robert Gonzalez, Douglas Nichols, Jr., Manuel S. Leano, Brian Bolton, and Elsworth J. Smith, Jr. were Chicago police officers employed by the Chicago Police Department. (SAC, ¶ 11.) Defendant City of Chicago ("City") is a municipal corporation of the State of Illinois. (SAC, ¶ 15.)

JURISDICTION AND VENUE

2. This court has original jurisdiction over Plaintiffs' federal claims (see 28

U.S.C. §§ 1331, 1343), and supplemental jurisdiction over their state law claims (see 28 U.S.C. § 1367). Venue in this judicial district is proper. See 28 U.S.C. § 1391(b).

BACKGROUND

3. Baker and Glenn lived in the 527 extension building (the “527 ext.”) at the Wells complex with their three children. (*Id.* at ¶16.) At the time, the complex was actively patrolled by a tactical team of CPD officers led by Defendant Watts. (*Id.* at ¶17.)

4. The Wells complex was a hotbed of narcotics trafficking and infamously known as an open-air drug market.¹ Drugs were sold in its buildings, including the 527 ext., all day and all night, seven days a week. (Ex. A-1 at 20:2-3; 88:19-21; Ex. A-2 at 26:19-22; Ex. A-3 at 185:8-11; Ex. A-4 at 23: 9-17; Ex. A-5 at 141:2-7; Ex. A-9 at 42:24-43:4; Ex-10 at 17:19-20.) Baker testified at his criminal trial that the 527 ext. was dangerous and the site of heavy narcotics trafficking at the time of his arrest. (Ex. E at 79:14-21.)

5. The Ganster Disciples controlled and operated that drug enterprise. (Ex. B, Ben Baker August 9, 2023 Deposition at 306:12-16; Ex. C, Operation Sin City

¹ (See e.g., Ex. A-1, Sharika Dotts February 15, 2023 Deposition at 19:2-3; 19:24-20:3; 81:19-82:1; Ex. A-2, Gregory Young February 16, 2024 Deposition 26:19-27:2; Ex. A-3, Raynard Carter May 12, 2022 Deposition 185:5-11,19-20; Ex. A-4, Bobby Coleman November 13, 2023 Deposition 23: 9-17; 25: 17-26:3; Ex. A-5, Milton Delaney July 26, 2021 Deposition 93:20-94:3; 141:2-13; Ex. A-6, Willie Gaddy December 1, 2022 Deposition 10:23-11:1; Ex. A-7, Goleather Jefferson June 27, 2022 Deposition 105:18-106:7; Ex. A-8, Arthur Kirksey December 6, 2022 Deposition 37:42-12; Ex. A-9, Jesse Lockett February 27, 2024 Deposition 42:16-18, 24-43:4; Ex. A-10, Damica Nickerson May 31, 2019 Deposition 17:15-20; Ex. A-11, Calvin Robinson December 15, 2022 Deposition 186:7-20; Ex. A12, Henry Thomas March 16, 2021 Deposition 284:23-285:5).

Report at CITY-BG-028596-028598.) Baker was a member of the Gangster Disciples from the time he was 18 years old until 2012 and began trafficking drugs at the 527 ext. in 1998. (Ex. B at 29:20-30:2; 307:13-15; Ex. D at 39:18-40:4.) Baker was 33 years old at the time of his arrests and was referred to as “Pops.” (Ex. Ex. E, Ben Baker May 23, 2006 Criminal Trial Testimony at 32:20-21; Ex. B at 18:5-7.)

6. Baker supported himself and contributed to the support of his wife and his children by selling drugs, heroin and crack, in the 527 ext. (Ex. E at 71:20-22; Ex. F, Clarissa Glenn September 20, 2023 Deposition at 54:15-55:1.) It was possible for Baker to earn as much as \$20,000 per day from the drug sales he controlled. (Ex. D, Baker August 10, 2023 Deposition at 39:18-40:4; 190:3-9; 245:18-24.) Through the time of his arrests, Baker had never been employed. (Ex. D at 97:17-21; Ex. F at 54:10-14; 192:22-193:4.) Baker continued to sell heroin and crack after his release from prison in January 2016. (Ex. B at 34:13-22; 41:22-42:10; 43:18-44:5; 44:11-46:7; 51:1-7.)

7. Baker’s drug dealing was known to the Chicago Police Department (“CPD”) and Defendant Officers as well as other CPD officers. (Ex. G, Douglas Nichols April 18, 2022 Deposition at 149:15-25.) Nichols and other officers knew Baker controlled the drug sales at the 527 ext. (*Id.*) An extensive CPD investigation (named “Operation Sin City”) identified him as the “manager” of the Gangster Disciples’ drug operations at Ext. 527. (Ex. C at CITY-BG-028602.)

8. Elgen Moore and Bryant Patrick sold drugs for Baker. (Ex. B at 323:8-17.) Both were identified as drug dealers in Operation Sin City and Moore was also

identified as a manager at the 527 ext. (Ex. C at CITY-BG-028592; CITY-BG-028602.) Moore, while dealing drugs for Baker, was arrested for selling heroin to an undercover officer in that investigation. (Ex. H, Elgen Moore February 28, 2024 Deposition at 194:24-195:11; 195:14-17.) Moore was 11 years younger than Baker. (*Id.* at 23:22-24; 59:14-22.) Bryant Patrick and Charles Niles, who acted as a lookout in the 527 ext., were also arrested during that investigation. (Ex. D at 273:19-274:9; 274:15-275:7.)

9. The Gangster Disciples named the drug lines they controlled and sold out of the extension buildings for marketing purposes. (Ex. C at CITY-BG-028597; Ex. B at 206:17-21.) Baker named the heroin he sold out of the 527 ext. “CPR” (as in cardio pulmonary respiration) because he thought that was “clever.” (Ex. B at 205:24-206:16, 22-24.) Baker named his cocaine line “knockout.” (*Id.* at 207:1-8.) No other dealers in the Wells complex were allowed to use Baker’s brand names while he was selling the drugs. (*Id.* at 207:9-11.) Baker testified that Defendant Officers knew the names of his drug lines. (*Id.* at 205:10-206:4.)

10. Individuals who worked for Baker selling drugs would themselves hire other to assist in the drug sales. (*Id.* at 224:4-8.) Gregory Young (a/k/a “Bebe” or “Baybay”) was a drug addict and Baker’s neighbor. (Ex. E at 80:6-12, 18-24; Ex. B at 238:17-239:1.) Bebe sold drugs for Baker in exchange for a sufficient amount of heroin to relieve his drug sickness (withdrawal symptoms) when he did not have sufficient funds to purchase the drug himself. (Ex. B at 223:3-21; 238:24-239:2.) Antwoine Bradley (a/k/a “Twanny”) was a sixteen old who also sold drugs for Baker. (*Id.* at

224:1-8; Ex. K December 21, 2023 Deposition of Antwan Bradley at 9:1-2.) Bryant Patrick lived at the 527 ext. and sold heroin for Baker. (*Id.* at 149:12-24.) Baker paid Patrick for selling Baker's drugs on a daily basis. (*Id.* at 150:4-10.) Elgen Moore sold heroin for Baker from early 2005 through July 2005. (*Id.* at 82:8-16; 150:15-17.)

11. Baker is not sure how many people he had on his payroll. (Ex. B at 150:11-14.) Moore testified that Baker was the biggest drug dealer in the 527 ext. and that he had dozens of people working for him, including Twanny and Gregory Young (Bebe) and other individuals who were addicted to drugs. (Ex. H at 66:7-67:12; 69:7-9; 79:9-80:19; 156:20-158:5-14; 196:8-18.) Baker was one of Moore's closest friends. (*Id.* at 56:15-16.)

12. Baker sold drugs in the hallways, out of his apartment in the 527 ext. and downstairs. (Ex. B at 150:20-151:4; 151:18-152:3.) Baker had the codes in the vacant apartments at the 527 ext. and stored his narcotics in them. (*Id.* at 152:19-153:7.) Other people also had the codes but Baker was not concerned about anyone stealing his narcotics and no one had ever stolen his narcotics. (*Id.* at 153:8-18.)

13. Prior to his March 23, 2005 arrest, Baker had been convicted of five felony offenses: a 1989 possession of crack cocaine conviction from an August 26, 1989 arrest for which he received probation; a 1993 unlawful use of a weapon by a felon conviction from an October 17, 1993 arrest for which he received a sentence 2 years; a 1993 attempted murder conviction from an October 29, 1993 arrest for which he received a sentence of 6 years; and a 2003 conviction from a February 4, 2002 narcotics-related arrest, which was ultimately pled down to the less serious offense

of possession of a controlled substance. (Ex. B at 300:20-301:5; 301:21- ; 302:15-303:23; Ex. R, PL JOINT 036731-036735, Certified Copy of Conviction, 02 CR 0599201.) Baker served 3 years and 9 months in IDOC on the unlawful use of a weapon by a felon felony gun and attempted murder convictions, and those sentences were served consecutively. (Ex. S, PL JOINT 036724 Certified Copy of Conviction, 93 CR 2839701) He was released on July 10, 1997 and returned to living with Glenn at the 527 ext. (Ex. B. at 305:3-9, 11-14.)

14. In 1998, Baker was convicted of selling narcotics at the Wells complex from the 527 ext. (*Id.* at 306:17-307:15.) In 2004, Baker was on still on probation for another his 2003 narcotics-related conviction. (*Id.* at 154:1-2, 8-11; Ex. T, March 23, 2005 Ben Baker VCR HL251205.) Baker does not recall the year or month of that arrest or who arrested him but it was not any officer from Watts' unit. (Ex. B at 154:12-17; 155:14-21.)

15. Baker claims that on Mother's Day 2004, Watts demanded that Baker pay him money or he would send Baker to jail for dealing drugs. (Ex. D; 129:10-130:16; Ex. B at 333:13-334:2.) Baker refused but continued selling drugs. (Ex. D at 129:10-130:4; 132:23-24; Ex. B at 334:2-4.) No Defendant Officer was present at the time. (Ex. D at 132:15-19; Ex. B at 334:14-335:1.)

16. Baker also claims that in June 2004, Patrick Frazier called him and told him that Watts and other officers were looking for Baker because they had found drugs in his mailbox in the 527 ext. (Ex. E at 35:18-21; 36:24-38:7; Ex. D at 135:136:9.) Baker claims that one of Watts' "snitches" took Baker to a pay phone at which Baker

spoke to Watts. (Ex. E at 38:11-23; 39:4-19; 42:2-43:6; Ex. D at 141:2-21; 141:24-142:13; 145:1-4, 11-13, 21-23.) Watts told him that if wanted to beat the charges for the drugs found in the mailbox, he would have to pay Watts \$1000. (Ex. E at 44:3-45:1; Ex. D at 146:7-18; Ex. B at 346-347:4.) Baker refused and hung up the phone. (Ex. E at 45:6-9; Ex. D at 146:18-22; Ex. B at 347:5-8.)

17. Baker claims that he was subsequently falsely arrested by Watts, Jones, Young and Smith and charged with possession of the drugs found in the mailbox in July 2004. (Ex. E at 46:2-49:5.) Based on Young's testimony at a hearing on a motion to suppress, the charges in that case were dismissed. (SAC, ¶¶41-41.) Baker is not asserting any claims in connection with his 2004 arrest. (Dkt. 78 at n. 1.); see also *Baker v. City of Chicago*, 483 F. Supp. 3d 543, 556–57 and n. 5 (N.D. Ill. 2020) (remarking that such claims would have been time-barred).

Baker's March 23, 2005 Arrest

18. On March 23, 2005, Baker was taken into custody by Nichols and Leano and charged with possession of narcotics. (SAC, ¶48.) He was released on bond without any restrictions on the same day he was arrested. (Ex. B at 236:14-20; 237:13-15.) A grand jury indicted Baker on April 7, 2005. (Ex. I, April 7, 2005 Grand Jury Transcript at 6:7.) Officer Nichols was the only officer who testified before the grand jury. (*Id.* at 3:5-5:21.)

19. Prior to Baker's trial, his counsel requested and received documents relating to an investigation by the Bureau of Internal Affairs ("IAD") into allegations of corruption against Watts. (See City of Chicago's Rule 56.1 Statement of Undisputed Facts ("CSOF") at ¶¶29-32, 41.) Also prior to Baker's trial, his counsel met with

prosecutors in the special prosecution unit of the Cook County State's Attorney's Office. (CSOF, ¶¶29, 31.)

Baker's Criminal Trial and Deposition Testimony

20. At his criminal trial and depositions in this case, Baker testified that on March 23, 2005, he encountered Twanny and Bebe on the third-floor landing of the stairwell in the 527 ext. (Ex. E at 54:22-55:3, 13-23, 77:22-78:1-4, 80: Ex. B at 222:6-9, 21-23.) Baker admitted that Twanny and Bebe were in possession of and selling crack cocaine and heroin respectively. (Ex. E at 55:24-56:2; Ex. B at 224:14-23.)

21. While they were in the stairwell, Nichols approached from the hallway with his gun drawn and ordered them to come out of the stairwell and place their hands against the wall. (Ex. E at 56:3-57:3; Ex. B at 224:23-10.) Nichols was alone. (Ex. E at 56:10-11, 58:11-15.)

22. Twanny and Bebe threw the drugs to the floor. (Ex. B at 225:12-14; 226:20-24; 227:16-18.)

23. All three complied with Nichols' order. (Ex. E at 57:5-8.) After placing his hands on the wall in the hallway, Bebe took off and ran back into the stairwell. (*Id.* at 57:9-14.) Baker also took off, followed Bebe into the stairwell and ran down to the first floor lobby and Nichols gave chase. (*Id.* at 57:15-18; 58:6-7; 81:12-15.) Baker did not know whether Twanny also ran. (*Id.* at 84:15-17.) Baker testified at his deposition that "if the police was coming in the building, whoever had drugs on them would run." (Ex. B at 279:22-23; *id.* at 281:21-22 ("Whoever had drugs would run if the police came.")).

24. When they reached the lobby, Bebe ran out the back door of the building and Baker ran out the front door of the building (*Id.* at 58:7-8, 90:3-18.) Bebe escaped but Baker was stopped by Officer Leano who was entering the building. (*Id.* at 58:7-10, 15-20; 90:9-24; 91:7-11.) No other officers were present when Leano stopped Baker or on the scene. (Ex. E at 81:24-82:4; 83:24-84:2.)

25. While Nichols was still in the stairwell, Leano searched Baker, did not find any drugs on him and put him into a squad car. (*Id.* at 59:1-2, 9-11, 16-18.) Baker admitted he had \$819 in his pocket when he was searched after his arrest and that the cash was inventoried by police. ((*Id.* at 77:12-17, 85:2-7; Ex. B at 219:22-220:9.) After Baker was in the squad, Nichols exited the building holding Twanny and Bebe's drugs in his hand and gave the two bags to Leano. (Ex. E at 59:9-23, 60:17-21, 84:18-22; Ex. B at 226:20-24; 227:16-18.)

26. Nichols got into the squad and made a phone call. (Ex. E at 61:23-62:13.) As Nichols was driving away, Baker saw Watts and Jones approaching. (*Id.* at 63:2-6.) Nichols parked, exited the squad and began talking to Watts while Jones went over to the squad, opened the back door and told Baker "I told you we were going to get you." (*Id.* at 63:12-18.)

27. At the station, Officers Gonzalez, Bolton, Jones and Kenneth Young were filling out the arrest report. (*Id.* at 66:10-18.)² Baker saw Nichols type and then pass the report to Leano who also did some typing and then passed the report to

² Although Baker testified that Officer Kenneth Young also participated in filling out the police reports, Officer Young was not on duty because he had that day off. (Ex. M-1 Attendance and Assignment Record for March 23, 2005 at CITY-BG-003501.)

Gonzalez who did some typing and then passed the report to Jones who did some typing and then passed the report to Bolton. (*Id.* at 85:18-86:14.) Baker admitted he does not know which facts each officer added. (Ex. B at 234:235:7; 235:14-236:3.)

28. Baker did not make any incriminating statements at the station. (Ex. E at 68:14-16.) Baker admits he was released on bond without any restrictions on the same day he was arrested. (Ex. B at 236:14-20; 237:13-15.)

29. Nichols and Leano were not present when Baker was arrested in July 2004. (Ex. E. at 93:7-22.) The first time Baker ever saw Nichols was in early 2005. (*Id.* at 72:17-18.) Nichols did not arrest him that day or on the next occasion Baker saw Nichols. (*Id.* at 72:24-73:7.) Baker continued to see Nichols at the 527 ext. conducting searches of the building prior to March 23, 2005. (*Id.* at 73:8-12, 16-18.) Baker had seen Leano a few times before his March arrest and had been detained by him; however, the first time Leano ever arrested him was on March 23, 2005. (*Id.* at 82:3-23.) Although Baker saw Nichols, Leano and the other Defendant Officers several times in the 527 ext. from early 2005 through the day prior to his arrest and was detained at times along with others while the officers conducted narcotics checks, neither Nichols nor Leano nor any other Defendant Officer arrested him on any of those occasions. (*Id.* at 73:8-12, 16-18; 74:2-3; 15-17, 21-24; 75:6-76:9.)

30. Baker admitted that Watts had informants who would advise CPD on drug activity at the complex and extension buildings. (*Id.* at 38:15-23; Ex. D at 141:10-21; Ex. B at 342:16-17; 345:12-16.)

Nichols Testimony at Baker's Criminal Trial

31. Nichols testified that on March 23, 2005, he was assigned to the Wells complex, and his duties were to conduct premise checks at each and every building in the complex. (*Id.* at 9:14-10:3.) Watts directed him and his partner, Officer Leano, to the 527 ext. to conduct a premise check pursuant to a report of high narcotics activity. (*Id.* at 10:17-11:3; 20:6-17.) Watts did not tell them to look for anyone in particular nor did he direct them to a particular location within the 527 ext. (*Id.* at 20:18-21:4.) It was not unusual for Watts to direct members of his unit to specific buildings to conduct premises checks. (*Id.* at 27:17-20.)

32. After they arrived, Nichols and Leano began the premise check starting in the back stairwell and moving up to the third floor. (*Id.* at 12:13-24.) When they arrived at the third floor, they exited the stairwell and, as they turned right into the hallway, they saw Baker and two other individuals standing in the hallway about five feet away from them. (*Id.* at 13:1-14:2.) Nichols' gun was holstered when he encountered Baker and the other two individuals. (*Id.* at 22:15-21.)

33. Nichols saw a clear plastic bag in Baker's hand which contained numerous smaller Ziploc baggies with a white powder substance in them. (*Id.* at 14:3-8.) When Nichols identified himself and Leano as police officers, Baker fled down the front stairwell and he and Leano gave chase. (*Id.* at 14:18-23.) As they chased Baker down the stairs, Nichols radioed that they were in a foot chase and when they reached the lobby, Officer Gonzalez had detained Baker. (*Id.* at 15:1-22.) Nichols reached the lobby within seconds of Baker. (*Id.* at 25:18.)

34. The bag of drugs was still in Baker's hand. (*Id.* at 15:21-16:4.) Nichols recovered the bag from Baker and placed him into custody. (*Id.* at 16:3-4.) The bag contained 110 Ziploc baggies containing what looked like heroin. (*Id.* at 16:5-7.) Nichols then searched Baker and found another bag containing 68 smaller plastic bags with white rocks that appeared to be crack cocaine and \$819 in his pants pockets. (*Id.* at 16:8-20.) Nichols turned the two bags over to Leano. (*Id.* at 18:11-15.)

35. Baker was transported to the station, Mirandized and stated that the heroin ("blows") was his but not the crack cocaine ("rocks"). (*Id.* at 16:23-18:10.)

36. Nichols did not instruct Baker and the other two individuals to put their hands on the wall. (*Id.* at 22:22-23:7.) Nichols does not know what the other two individuals did because Baker took off as soon as Nichols announced his office and his attention was focused on Baker. (*Id.* at 23:8-13.)

37. Watts gave Nichols performance reviews. (*Id.* at 21:13-15.) The reviews did not affect Nichols' raises or eligibility for promotions. (*Id.* at 21:16-18.) To get promoted, officers were required to take a test and raises were automatically given on an annual basis. (*Id.* at 21:19-22.) Watts did not approve time off for the officers in his unit. (*Id.* at 21:23-22:1-2, 5-6.)

38. Nichols was assigned to Watts' unit in November 2004, less than 5 months before Baker's March 2005 arrest. (*Id.* at 26:19-21.) Nichols had never seen Watts engage in anything he might suspect was criminal activity. (*Id.* at 26:14-18.)

Nichols' Deposition Testimony

39. At his April 19, 2022 deposition, Nichols testified that he not aware of

any disciplinary investigation or complaints being made with the Bureau of Internal Affairs regarding Nichols' falsely arresting Baker nor has he been contacted regarding any alleged misconduct in connection with Baker. (Ex. J at 140:15-141:1.)

Stipulation Regarding Leano's Testimony at Baker's Criminal Trial

40. Leano did not testify at Baker's criminal trial. (See generally, Ex. E.)

Baker stipulated that if called to testify, Leano would testify:

That on March the 23rd, 2005, he received from Officer Nichols, Star No. 12415, two plastic bags which contained 110 and 68 smaller plastic bags respectively which he kept within the safekeeping and control from the time of receipt until the inventory of said items. That he inventoried those items under Inventory No. 1050335 pursuant to Chicago Police Department inventory procedures by heat sealing them and in an inventory envelope for delivery to the Illinois State Police crime lab. That when the items left his possession they were in a sealed condition. That if he were shown inventory listed in 1B above in open court he would testify that the items are in substantially the same condition with the exception of crime lab notation markings made through in analysis as when they were recovered.

(*Id.* at 28:10-29:8; 30:24-31:1.)

41. Baker also stipulated that, if called to testify, forensic chemist Joseph

Gillono, an employee of the Illinois State Police, would testify:

[T]hat he received the inventory listed in 1B above in a heat sealed condition from the Chicago Police Department. That said inventory envelope was opened and found to contain 110 and 68 items of plastic bags.

(*Id.* at 29:9-16.)

That after performing the tests on the contents of 41 of the 110 items and 26 of the 68 items recovered the chemist's expert opinion within a reasonable degree of scientific certainty that the contents of the 41 bags of the 110 that were tested were positive for presence of heroin and the actual weight was 15.3 grams. It is further in his expert opinion within a reasonable degree of scientific certainty that 26 of the 68 bags were tested were positive for the presence of cocaine and the actual weight of the 26 out of 68 bags which were tested was 5.3 grams. That the chemist would further testify that the items estimated a total weight of the 110 items would be 41.1 grams and the total

estimated weight of the 68 bags would be 13.9 grams. That after the testing and analysis of Inventory No. 10503356 was complete he would further testify that it was again sealed and he would be able to identify in open court as the same items that he tested, that they were still in a sealed condition. And that a proper chain of custody was maintained at all times.

(*Id.* at 30:1-31:1.)

Officer Jones' Testimony at Baker's Criminal Trial

42. Officer Jones testified that he was responding to a call about a chase but arrived after Baker's arrest and after Baker was already in the squad. (*Id.* at 101:14-102:12; 109:1-9; 109:23-110:3.) Jones also testified that he did not have any conversation with Baker on March 23, 2005. (*Id.* at 102:22-103:1.) Jones testified that he was at the station when Baker arrived but did not hear Baker get Mirandized and did not recall Baker saying: "the blow is mine but not the rocks." (*Id.* at 107:12-14, 15-21.) Jones further testified that he did not type any reports and was listed as assisting in the arrest because he responded to the call for assistance and was present when Baker was put into the car. (*Id.* at 108:9-24.)

43. Jones testified that he did not take any drug payments from an individual named Shock. (*Id.* at 105:24-106:6.) Jones testified that he had never seen Watts accepting any payments from drug dealers. (*Id.* at 106:17-21.)

Officer Gonzalez' Testimony at Baker's Criminal Trial

44. Officer Gonzalez testified that he and Officer Bolton went to the 527 ext. to do a premise check and, while they were still in the lobby, they heard a radio call about a foot chase, Baker came out of the stairwell and he and Bolton detained him. (*Id.* at 111:19-112:10, 22-24.)

45. Gonzalez did not see any drugs in Baker's hand when Baker first exited

the stairwell but caught a glimpse of the narcotics when Nichols physically detained him. (*Id.* at 113:5-7; 116:8-10; 119:7-14.) Gonzalez saw crack recovered from Baker's pants pocket. (*Id.* at 119:20-120:16.)

46. Baker stopped when he saw Gonzalez. (*Id.* at 116:1-7.) Gonzalez did not have his gun drawn nor did he try to grab Baker. (*Id.* at 116:1-3.) Baker did not try to run or fight Gonzalez. (*Id.* at 116:11-14.) Gonzalez thought Baker was put in Nichols and Leano's car. (*Id.* at 117:10-14.) Gonzalez did not see Jones have a conversation with Baker. (*Id.* at 117:24-118:2.) Gonzalez did not type any reports. (*Id.* at 114:2-7.)

47. Neither Smith nor Bolton testified at Baker's criminal trial. (See generally, *Id.*)

48. No police reports were admitted at Baker's trial nor were the contents of the reports discuss. (*Id.*) Baker's March 23, 2005 Vice Case Report and Arrest Report are attached at Ex. T and U.

December 11, 2005 Arrest

49. On December 11, 2005, Baker and Glenn were travelling in a vehicle near 511 E. Browning when they were pulled over by a uniformed Chicago police officer in a marked squad for a traffic violation. (SAC, ¶¶72-78; Ex. E at 260:15-261:3.) Other than Watts and Jones, no other Defendant Officer was present at the scene of Baker and Glenn's arrest. (Ex. B at 285:8-17; Ex. L, Clarissa Glenn August 26, 2021 Deposition at 292:8-13.) Baker testified that Watts and Jones were present when Baker and Glenn were pulled over because they had just conducted a sting operation

at the 574 extension building and had been informed that Baker was pulling up to the 527 ext. (Ex. B at 285:18-286:1, 10-19.)

50. Jones walked up to Baker's door and told him to get out of the car. (*Id.* at 264:24.) Watts directed Baker and Glenn to go stand with the uniformed police officer and he and Jones began searching their car. (*Id.* at 265:9-13.) According to Glenn, Watts and Jones were searching different areas of the car and were on opposite sides of the car while they were searching. (Ex. L at 288:15-19; 289:3-7.)

51. Glenn testified that Watts pulled a plastic bag out of his sleeve, held it up and said he found it. (*Id.* at 289:13-16.) Jones was at the hatch at the back of the car when this happened. (*Id.* at 289:17-18.) Watts was in between the open driver-side door and the inside of the car. (*Id.* at 289:21-24.) According to Baker, Jones was standing with him and Glenn when Watts was searching the driver's side door and when Watts stated he found drugs. (Ex. B at 272:8-15, 20-23.) After Watts said he found the drugs, Glenn accused him of pulling the drugs out of his sleeve. (Ex. L at 291:13-23.)

52. Glenn was transported to the station by a female officer. (*Id.* at 292:14-18.) When she arrived at the station, Glenn saw 7 to 10 other arrestees who she recognized as residents at the Wells complex. (Ex. F at 249:2-11, 22-24; 250:1-6.) Glenn also saw Mohammed at the station. (Ex. L at 293:6-22.) Mohammed sat down at a desk and began typing a report. (*Id.* at 257:14-24.) Mohammed was using a typewriter not a computer. (*Id.* at 259:10-16.)

53. According to Baker, after the arrest, other than Watts, only Mohammed,

Jones, Gonzalez and Bolton were at the station. (Ex. B at 291:3-6.) Although Baker thought Nichols was there as well, he could not be certain. (*Id.* at 291:7-9, 19-22.) In fact, Nichols and Bolton both had the day off and were not at the station. (Ex. M-2, December 11, 2005 Attendance and Assignment Record at CITY-BG-003523 (Bolton) and CITY-BG-003525 (Nichols).)

54. Baker testified there were at least 8 other arrestees in the room. (Ex. B at 287:3-10.) Baker testified that the officers were doing paperwork and talking to one another but he did not hear what they were saying. (*Id.* at 292:16-21; 294:3-9.) Although he admitted he could not hear what the officers were saying, Baker claimed that they were filing out “the report” as a team. (*Id.* at 294:7-12.) Baker testified that Mohammed was typing “the report” but “he was taking dictation.” (*Id.* at 294:14-15). Baker did not see any other officer typing his report. (*Id.* at 294:23-295:1.)

55. Glenn testified that she saw Watts at the station walking around with paper in his hand going to different officers desks, handing them the paper and instructing them on what to type on the paper but the only thing she could recall Watts saying was that Mohammed was typing too slow and causing him to miss the Bears game. (Ex. L at 298:10-16; 299:10-14.) Glenn testified that although COPA documented that Glenn had assumed Mohammed was typing her report in her statement, Glenn “really felt” that Watts had a part in her report. (Ex. F at 258:4-259:2.)

56. Baker testified that Willie Robinson (a/k/a Fred), a man he knew for years, was among the other arrestees from the sting operation at the 574 ext. (Ex. B

at 249:18-250:6; Ex. D at 22:5-21; 24:15-17.) As they were waiting to be processed, Fred told Baker that the drugs Watts was claiming were found in Baker and Glenn's car were his drugs and that Watts had just confiscated those drugs from him when he was arrested in the sting at the 574 ext. (Ex. B at 287:15-21.) Fred also told Baker that after he had been detained at the 574 ext., Watts received a call from an informant who told Watts that Baker had arrived at 527 ext. with a supply of narcotics. (Id. at 286:10-10-19; Ex. D at 23:13-16.)

57. Glenn admitted she knew Nichols and Bolton (Ex. F at 129:5-9; 137:6-9; 16-22.) She also admitted that neither Nichols nor Bolton had ever planted drugs on her, stolen from her, or falsely arrested her. (Id. at 129:18-130:1; 137:16-22.) Glenn admitted that she could not recall Baker telling her that either Bolton or Nichols had planted drugs on him or falsely arrested him or otherwise engage in misconduct towards him. (Id. at 130:2-6; 137:23-138:2.) Glenn also admitted that she had no knowledge of whether Nichols engaged in misconduct with any other individuals and does not recall whether he was involved in her arrest. (Id. at 137:10-12; 138:7-11.)

58. Because Nichols and Bolton were not on duty on December 11, 2005, the day Baker and Glenn were arrested, they could not and did not author or sign any reports, sign the criminal complaint, recover or handle the drugs, or testify in any related judicial proceeding arising from the December arrests. (Ex. M-2 at CITY-BG-003523 (Bolton) and CITY-BG-003525 (Nichols)).

59. Glenn admitted that she knew Gonzalez, Leano and Smith and did not recall seeing them at the scene of the December arrests. (Ex. F at 123:3-14; 124:19-

24; 138:12-21.) Glenn admitted that neither Gonzalez nor Leano had ever planted drugs on her or stolen money from her or falsely arrested her. (*Id.* 123:3-124:2; 125:6-10; 138:22-139:4.) Glenn admitted that she had never seen Gonzalez plant drugs on anyone. (*Id.* at 123:15-17.) Glenn admitted that she had no knowledge of Gonzalez, Leano or Smith engaging in any misconduct towards other individuals and that she could not recall Baker telling her that Gonzalez or Leano had ever planted drugs on him, falsely arrested him or otherwise engaged in misconduct toward him. (*Id.* at 124:3-12; 125:20-126:5; 139:10-19.)

60. Glenn admitted that Bolton, Gonzalez and Leano were included in this action because they were on “Watts’ crew.” (*Id.* at 122:10-12; 124:13-18; 129:5-7.)

61. Glenn admitted that Jones had never planted drugs on her or stolen money from her or falsely arrested her; that she had no knowledge of Jones engaging in any misconduct towards other individuals; and that she could not recall Baker telling her that Jones had planted drugs on him at any time prior to their December arrests. (*Id.* at 120:17-122:5.)

62. Glenn was detained overnight and released on bond the next day. 300:22:23; 304:7-9. Baker was detained from December 11, 2005 until January 20, 2006, when he was released on bond. (Ex. N, January 20, 2006 Hearing.)

63. On December 29, 2005, Jones testified about the circumstances of the arrest before a Cook County grand jury. (Ex. O, December 29, 2005 Grand Jury Transcript at 3-5:8.) The grand jury indicted Plaintiffs on December 29, 2005. (*Id.* at 5:21.)

64. On September 18, 2006, Plaintiffs pleaded guilty. (Ex. P, September 18, 2006 Plea Transcript.) Prior to their pleas, the court properly admonished them:

THE COURT: Do you understand both of you that nobody is forcing you to plead guilty here. Under the law you do have a right to continue with the pleas of not guilty entered earlier and have trials before myself or before a jury that would be impaneled by the lawyers in the case. If either of you did have a jury trial, you could not be found guilty here unless all 12 jurors picked by the lawyers after the evidences concluded -- after hearing the evidence concluded that you have been proved guilty beyond a reasonable doubt. When you have a jury trial that is a standard or burden of proof. If you had a bench trial, I would be bound to the same burden. That is I could not find you guilty unless I were convinced from that you had been proved guilty beyond a reasonable doubt. Do you understand that, Mr. Baker?

DEFENDANT BAKER: Yes.

THE COURT: And, Ms. Glenn, and each of you have signed jury waivers; correct?

DEFENDANT BAKER: Yes,

THE COURT: You are giving up your right to jury trial? That's what you want to do?

DEFENDANT BAKER: Yes,

THE COURT: Ms. Glenn, DEFENDANT GLENN: Yes.

(*Id.* at 21: 14-24; 22: 1-15.)

[THE COURT:] Your lawyer if you did go to trial and either instance would have the opportunity at trial to cross-examine or ask questions of each witness who came to court to testify here against you. You would also have the opportunity to present your side of the story if either of you chose to take the witness stand and testify here under oath. And you would also have the opportunity to present such other evidence that you might have by way of defense to the charges here if indeed you had a defense. When you plead guilty, however you will be giving up of each of those rights. Do you understand that, Mr. Baker?

DEFENDANT BAKER: Yes.

THE COURT: And you, Ms. Glenn?

DEFENDANT GLENN: Yes.

THE COURT: Other than the results of the conference that had been made known to the both of you, have there been any other promises made to either of you to cause you to plead guilty?

DEFENDANT BAKER: No.

DEFENDANT GLENN: No.

THE COURT: Has anybody threatened you or coerced you to make you plead guilty, Mr. Baker?

DEFENDANT BAKER: No.

THE COURT: Ms. Glenn?

DEFENDANT GLENN: No.

THE COURT: You each are pleading guilty of your own freewill with the full understanding of the consequences that I have explained to you. Is that right?

DEFENDANT BAKER: Yes,

DEFENDANT GLENN: Yes.

(*Id.* at 23:20-25:1-4.)

65. Plaintiffs admit their pleas were negotiated. (Ex. B at 298:22-300:1.) Their primary motivation was to ensure Glenn did not receive any prison time. (*Id.* at 298:22-23.) Because of the pleas, Glenn, who was facing 4 to 15 years on a non-probational Class 1 felony due to the amount of narcotics recovered. (*Id.* at 20:10-19; 21:8-13, received 1 year probation.

66. Baker was facing 6 to 30 years for a Class X felony the charges arising from the December arrests. (Ex. P at 22:19-23:8.) Because of his plea, the Class X charges were dismissed and Baker was charged with a Class 1 felony which carried a sentence of 4 to 15 years and the amount of narcotics was also reduced to make his sentence probational as well. (*Id.* at 20:10-21:2; 22:19-23:7.) Also because of the plea, Baker received only 4 years on the Class 1 felony. Baker was also facing 5 years on a Class 3 felony weapons charge that he has not challenged which carried a 2 to 5 year

sentence. (*Id.* at 20:23-21:2; 23:2-6.) Because of the plea, Baker was sentenced to the minimum of 2 years. (*Id.* at 23:5-8) Baker's conviction for the Class 3 felony weapons charge still stands.

67. And they again raised the issue of purported corruption at the plea hearing (and during the pre-trial proceedings arising from the March arrest). (Ex. P at 4-5; 6:7-19; 7:6-7.)

68. The prosecutors knew about their allegations and the allegations of other drug dealers at the Wells complex before Baker's trial arising from the March arrest. (*Id.*; see also Ex. F at 264:17-19. The prosecutors knew about the ongoing investigation into Watts. (Ex. P at 6:13-19, 6:23-7:5.) Those prosecutors nevertheless chose to continue Baker and Glenn's prosecution. (CSOF, ¶¶36.)

69. Glenn admitted that Patrick Frazier, Baker's friend, told Glenn that he saw what happened at the December arrests and he was willing to testify on her and Baker's behalf. (Ex. F at 189:13-20; 190:11-21.) Glenn knew where Frazier lived and how to find him if she needed him. (*Id.* at 190:22-191:3.)

70. Glenn admitted that she knew Bebe and that he lived in the 527 ext. (*Id.* at 61:19-21.) Glenn and Baker lived at the 527 ext. 8 to 10 years. (*Id.* at 214:8-11.)

71. Baker and Glenn knew that CPD has a process pursuant to which citizens could file complaints against police officer. Glenn dep. In fact, Baker and Glenn themselves filed complaints with CPD. (*Id.* at 75:18-77:4. And Glenn did so multiple times starting in 2001. (*Id.* at 80:21:-81:7.)

72. Baker admitted that no Defendant Officer ever demanded money from

him. (Ex. B at 210:18-20; 211:17-22.) Baker admitted that he has never seen anyone pay a law enforcement officer a bribe. (Ex. B at 141:7-9.) Although Baker claims he had seen Watts and Jones “plant” drugs on two people prior to his arrests, he was unable to testify to any such event in an intelligible manner. (Ex. B at 142:9-143:4; 145:17-149:6.)

73. Baker admitted that he continued to sell drugs after his release from custody in November 2004. (*Id.* at 205:10-13.) Baker also admitted that at no time between his release in November 2004 and his March arrest did any Defendant Officer arrest him or plant drugs on him or demand money from him even though he saw them and interacted with almost daily. (*Id.* at 205:14-20; 208:8-20; 210:18-20; 211:17-22.)

74. Baker admitted that his allegations against Jones were based on Baker’s speculation as to the meaning of a couple of passing remarks Jones made to him (Ex. B at), his allegations against Nichols were based on his March arrest (*id.* at), and his allegations against the other Defendant Officers were based on “guilt by association”, “the apple doesn’t fall far from the tree”, and if Watts’ is dirty, they’re all dirty (*id.* at 142:9-18).

75. Glenn admitted that no other Defendant Officer was present when Glenn claims Jones and Watts confronted her about complaints she made to CPD. (Ex. F at 93:11-94:7; Ex. L at 53:6-54:4).

76. No evidence of any benefits to the officers. IAD and FBI investigation failed to result in any charges against them notwithstanding surveillance and

wiretapping, investigation also failed to discover any irregularities in officers' financial accounts.

77. Shannon Spaulding, one of the CPD officers who suspected that Watts was accepting bribes, participated in the FBI investigation, including conducting surveillance, and conducted her own investigation which also included surveillance, testified that she had never seen any of Defendant Officers frame anyone, falsely arrest anyone, steal from anyone, plant evidence on anyone or engage in any criminal or other illegal activity at any time. (Ex. Q, Shannon Spaulding June 6, 2023 Deposition at 147:6-148:21; 151:5-19; 153:20-9; 155:10-12; 157:2-163-16; 164:6-24; 175:2-176:11; 177:21-178:16.) Spaulding further testified that she knew Baker was “a big drug dealer in Ida B. Wells”; that he ran the [527 ext.]; that he was at the top of his game in the early 2000s; that she had chased him for 10 years; and that she had predicted he would go back to selling drugs after he was released from prison in 2016. (*Id.* at 39:3-18; 46:3-17.) And Spaulding was quoted in an Intercept article as saying “ben was one of the biggest drug dealers in the Ida B. Wells [complex].” (*Id.* at 39:3-9.)

Respectfully submitted,

/s/ Amy A. Hijjawi

Special Assistant Corporation Counsel

Attorneys for Defendant Officers

Andrew M. Hale
Amy A. Hijjawi
William Bazarek
Anthony Zecchin
Kelly Olivier

Jason Marx
Hannah Beswick-Hale
Hale & Monico, LLC
53 W. Jackson, Suite 334
Chicago, IL 60604

CERTIFICATE OF SERVICE

I, Amy A. Hijjawi, an attorney, hereby certify that, on September 5, 2024, I electronically filed the forgoing, DEFENDANT OFFICERS' STATEMENT OF UNDISPUTED FACTS with the Clerk of the Court using the ECF system, which simultaneously served copies on all counsel of record via electronic notification.

/s/ Amy A. Hijjawi