

EXHIBIT 9

CIVILIAN OFFICE OF POLICE ACCOUNTABILITY

LOG #1087742

SUMMARY REPORT OF INVESTIGATION

Date of Incident:	December 11, 2005
Time of Incident:	12:12 pm
Location of Incident:	511 East Browning Avenue, Chicago, IL 60653
Date of IPRA Notification: ¹	July 17, 2017

BACKGROUND & SYNOPSIS OF INVESTIGATION

Former Chicago Police Sergeant Ronald Watts (Watts) and Officer (now Sergeant) Alvin Jones (Jones) arrested Ben Baker (Baker) and Clarissa Glenn (Glenn) on December 11, 2005. Baker, an admitted drug dealer in Chicago's Ida B. Wells Homes, asserts that prior to that arrest, Watts and members of the tactical team he commanded (Team), which included Officers Jones and Elsworth Smith, Jr. who are the subjects of this Report, demanded that Baker pay them to "protect" his business, *i.e.*, to allow him to operate without police interference. Baker refused to pay and was subsequently arrested by Watts and Jones in July 2004, March 2005, and on December 11, 2005.² Since then, throughout and after their trials and convictions on charges related to the December 2005 arrest, Baker and Glenn have consistently maintained that Watts and his Team, specifically including Jones, orchestrated the series of arrests in retaliation for: 1) Baker's refusal to pay for protection; 2) Baker's success in a motion to suppress evidence from an earlier arrest by the Team;³ and, 3) Baker's and Glenn's reporting Watts' and his Team's misconduct to authorities.

Shortly after their December 2005 arrests, Baker and Glenn gave statements to BIA, CCSAO, and the FBI detailing the Team's corruption. Baker, Glenn, and others offered evidence to support allegations of extortion, false arrests, and wrongful prosecution supported by perjured testimony. Since 2005, claims that the Team, including Jones, ran an illegal enterprise in the Wells Homes have been supported by many other residents in sworn affidavits, legal pleadings, and statements to investigative bodies. It is this evidence, supplemented by further investigation, which COPA initiated in 2017 upon receiving notice of the filing of a civil lawsuit, that supports COPA's findings and recommendations.

In 2012, Watts and former Chicago Police Officer Kallatt Mohammed (Mohammed) were arrested in an FBI sting operation involving illegal drug trafficking. Both officers later pled guilty to the theft of government funds taken from an FBI informant posing as a drug courier. For more than eight years prior to the officers' arrests, the FBI, Chicago Police Department (Department) Bureau of Internal Affairs (BIA), Cook County State's Attorney's Office's (CCSAO) Public Integrity Bureau, and the United States Attorney for the Northern District of Illinois (US Attorney) had each investigated allegations that Watts and his Team, including Jones, were extorting protection money from drug dealers and falsifying arrests, reports, and giving false testimony to further their corrupt enterprise.

¹ The Civilian Office of Police Accountability (COPA) became the civilian oversight agency of the Chicago Police Department as of September 15, 2017. This investigation, which began under the Independent Police Review Authority (IPRA) was transferred to COPA on that date. COPA submits the findings set forth herein.

² Jones' actions regarding the December 11, 2005 arrest and its aftermath are the primary focus of this Report. Mr. Baker's and Ms. Glenn's convictions on charges related to the December 11, 2005 arrests, the subsequent vacating of those convictions, and the issuance of Certificates of Innocence are described in Section III below.

³ The July 2004 arrest and hearing on Baker's motion to suppress is described in Section III(A)(2)(a) below.

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In 2016, Baker's petitions to vacate convictions related to the March and December 2005 arrests were granted and Certificates of Innocence were issued by the Circuit Court of Cook County. Glenn received a pardon from Governor Quinn in 2015 and obtained a Certificate of Innocence in 2018. In 2016, Baker and Glenn (the couple) filed a federal civil rights suit against various Team members and Department supervisors.⁴ Also in 2016, CCSAO concluded that it could no longer permit nine former Team members to testify in criminal matters due to credibility concerns. In March 2017, the City's Office of Inspector General (OIG) began investigating misconduct related to the couple's arrest.⁵ In July 2017, OIG transferred its investigative file to IPRA.⁶ COPA assumed investigative responsibility in September 2017.⁷

COPA's investigation revealed that Watts and Jones falsely arrested Baker and Glenn, that Jones then falsified related Vice Case Reports (VCRs) and arrest reports in furtherance of the false arrest, that Jones then testified falsely under oath in court hearings regarding the arrests, and that when COPA investigators later questioned him about events related to the arrests, he continued to provide false information.⁸ When confronted with these fabrications, Jones admitted to certain falsehoods and referred to his underlying conduct as an "egregious error." COPA has determined by a preponderance of the evidence, which includes his own statements and significant corroborating material, that Jones made several willfully false and material statements regarding the Baker and Glenn arrests.

I. INVOLVED PARTIES

Involved Officer #1:	Alvin Jones; Star #815; Employee ID #39506; Date of Appointment: March 18, 1996; Sergeant of Police; Unit of Assignment: 005; DOB: April 30, 1967; Male; Black ⁹
Involved Officer #2:	Elsworth Smith, Jr.; Star #11737; Employee ID #38016; Date of Appointment: October 25, 1999; Police Officer; Unit of Assignment: 002; DOB: August 17, 1967; Male; Black
Involved Individual #1:	Ben Baker; DOB: May 24, 1972; Male; Black
Involved Individual #2:	Clarissa Glenn; DOB: August 30, 1971; Female; Black

⁴ Attachment 39.

⁵ Attachment 298.

⁶ Attachments 241, 299.

⁷ COPA's Ordinance (MCC 2-78-100, *et. seq.*) describes the Chief Administrator's broad investigative authority. Section 2-78-120(e) authorizes review of litigation against the Department, its members, and the City alleging misconduct within COPA's jurisdiction. COPA began this investigation following its receipt of notification and the Chief Administrator's review of the litigation filed by Baker and Glenn in 2016.

⁸ Jones' interviews by and misstatements to COPA investigators are detailed below in the body of this Report.

⁹ Jones is assigned to Unit 005, the Fifth District, but has been detailed to Unit 716, the Community Safety Team, as of July 23, 2020.

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II. ALLEGATIONS

Sergeant Alvin Jones ¹⁰	
Allegation	Finding
1. It is alleged that on December 11, 2005, the accused, Sgt. Alvin Jones, knowingly made a false written report when Sgt. Jones signed Vice Case Report HL-783325, falsely documenting that Sgt. Jones saw Clarissa Glenn give Ben Baker a bag of suspect narcotics, in violation of Rule 14.	Sustained
2. It is alleged that on December 11, 2005, the accused, Sgt. Alvin Jones, knowingly made a false written report when Sgt. Jones attested to Arrest Report CB# 16389870, falsely documenting that Sgt. Jones saw Clarissa Glenn give Ben Baker a bag of suspect narcotics, in violation of Rule 14.	Sustained
3. It is alleged that on December 11, 2005, the accused, Sgt. Alvin Jones, knowingly made a false written report when Sgt. Jones attested to Arrest Report CB# 16389858, falsely documenting that Sgt. Jones saw Clarissa Glenn give Ben Baker a bag of suspect narcotics, in violation of Rule 14.	Sustained
4. WITHDRAWN ¹¹	N/A
5. It is alleged that on December 11, 2005, the accused, Sgt. Alvin Jones, knowingly made a false written report when Sgt. Jones signed Vice Case Report HL-783325, falsely documenting that Sgt. Jones recovered suspect narcotics from the driver's side arm rest console of a vehicle that had been occupied by Clarissa Glenn and Ben Baker, in violation of Rule 14.	Sustained
6. It is alleged that on December 11, 2005, the accused, Sgt. Alvin Jones, knowingly made a false written report when he attested to Arrest Report CB# 16389870, falsely documenting that Sgt. Jones recovered suspect narcotics from the driver's side arm rest console of a vehicle that had been occupied by Clarissa Glenn and Ben Baker, in violation of Rule 14.	Sustained
7. It is alleged that on December 11, 2005, the accused, Sgt. Alvin Jones, knowingly made a false written report when Sgt. Jones attested to Arrest Report CB# 16389858, falsely documenting that Sgt. Jones recovered suspect narcotics from the driver's side arm rest console of a vehicle that had been occupied by Clarissa Glenn and Ben Baker, in violation of Rule 14.	Sustained
8. It is alleged that on December 11, 2005, the accused, Sgt. Alvin Jones, knowingly made a false written report when Sgt. Jones signed Vice Case Report HL-783325, falsely	Sustained

¹⁰ The allegations addressed herein concern one COPA investigation of Officer Jones' possible misconduct. Certain other Log Nos. associated with complaints of Jones' misconduct are also identified in this Report.

¹¹ COPA also served allegations against Jones for testifying falsely in related Grand Jury proceedings. The allegations were withdrawn as COPA is prohibited from publishing certain material related to the proceedings.

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documenting that Police Officer Kallatt Mohammed was present during the traffic stop and subsequent arrest of Clarissa Glenn and Ben Baker, in violation of Rule 14.	
9. It is alleged that on December 11, 2005, the accused, Sgt. Alvin Jones, knowingly made a false written report when Sgt. Jones attested to Arrest Report CB# 16389870, falsely documenting that Police Officer Kallatt Mohammed was present during the traffic stop and subsequent arrest of Clarissa Glenn, in violation of Rule 14.	Sustained
10. It is alleged that on December 11, 2005, the accused, Sgt. Alvin Jones, knowingly made a false written report when he attested to Arrest Report CB# 16389858, falsely documenting that Police Officer Kallatt Mohammed was present during the traffic stop and subsequent arrest of Ben Baker, in violation of Rule 14.	Sustained
11. WITHDRAWN ¹²	N/A
12. WITHDRAWN ¹³	N/A
13. It is alleged that on December 11, 2005, at approximately 12:00 pm, the accused, Sgt. Alvin Jones, arrested Ben Baker without justification.	Sustained
14. It is alleged that on December 11, 2005, at approximately 12:00 pm, the accused, Sgt. Alvin Jones, arrested Clarissa Glenn without justification.	Sustained
15. It is alleged that Sgt. Jones' arrest of Ben Baker December 11, 2005, brought discredit upon the Chicago Police Department.	Sustained
16. It is alleged that Sgt. Jones' arrest of Clarissa Glenn on December 11, 2005, brought discredit upon the Chicago Police Department.	Sustained
17. It is alleged that on December 11, 2005, the accused, Sgt. Alvin Jones, in violation of Article V, Rule 14 of the Rules and Regulations of the Chicago Police Department, knowingly made a false written report when he signed Vice Case Report HL-783325, falsely indicating that Police Officer Kallatt Mohammed witnessed a traffic violation committed by Ben Baker.	Sustained
18. It is alleged that on December 11, 2005, the accused, Sgt. Alvin Jones, in violation of Article V, Rule 14 of the Rules and Regulation of the Chicago Police Department, knowingly made a false written report when he signed Vice Case Report HL-783325, falsely indicating that Police Officer Kallatt Mohammed witnessed Clarissa Glenn hand Ben Baker a plastic bag of suspect narcotics.	Sustained
19. It is alleged that on December 11, 2005, the accused, Sgt. Alvin Jones, in violation of Article V, Rule 14 of the Rules and Regulations of the Chicago Police Department, knowingly made a false written report when he signed Vice Case Report HL-783325, falsely indicating that Police Officer Kallatt Mohammed was present when a bag of	Sustained

¹² *Id.*¹³ *Id.*

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suspect narcotics was recovered from a vehicle that had been occupied by Ben Baker and Clarissa Glenn.	
20. It is alleged that on December 11, 2005, the accused, Sgt. Alvin Jones, in violation of Article V, Rule 14 of the Rules and Regulations of the Chicago Police Department, knowingly made a false written report when he attested to Arrest Report CB# 16389858, falsely indicating that Police Officer Kallatt Mohammed witnessed a traffic violation committed by Ben Baker.	Sustained
21. It is alleged that on December 11, 2005, the accused, Sgt. Alvin Jones, in violation of Article V, Rule 14 of the Rules and Regulations of the Chicago Police Department, knowingly made a false written report when he attested to Arrest Report CB# 16389858, falsely indicating that Police Officer Kallatt Mohammed witnessed Clarissa Glenn hand Ben Baker a plastic bag of suspect narcotics.	Sustained
22. It is alleged that on December 11, 2005, the accused, Sgt. Alvin Jones, in violation of Article V, Rule 14 of the Rules and Regulations of the Chicago Police Department, knowingly made a false written report when he attested to Arrest Report CB# 16389858, falsely indicating the Police Officer Kallatt Mohammed was present when a bag of suspect narcotics was recovered from a vehicle that had been occupied by Ben Baker and Clarissa Glenn.	Sustained
23. It is alleged that on December 11, 2005, the accused, Sgt. Alvin Jones, in violation of Article V, Rule 14 of the Rules and Regulations of the Chicago Police Department, knowingly made a false written report when he attested to Arrest Report CB# 16389870, falsely indicating that Police Officer Kallatt Mohammed witnessed a traffic violation committed by Ben Baker.	Sustained
24. It is alleged that on December 11, 2005, the accused, Sgt. Alvin Jones, in violation of Article V, Rule 14 of the Rules and Regulations of the Chicago Police Department, knowingly made a false written report when he attested to Arrest Report CB# 16389870, falsely indicating that Police Officer Kallatt Mohammed witnessed Clarissa Glenn hand Ben Baker a plastic bag of suspect narcotics.	Sustained
25. It is alleged that on December 11, 2005, the accused, Sgt. Alvin Jones, in violation of Article V, Rule 14 of the Rules and Regulations of the Chicago Police Department, knowingly made a false written report when he attested to Arrest Report CB# 16389870, falsely indicating that Police Officer Kallatt Mohammed was present when a bag of suspect narcotics was recovered from a vehicle that had been occupied by Ben Baker and Clarissa Glenn.	Sustained
26. It is alleged that on January 25, 2019, the accused, Sgt. Alvin Jones, in violation of Article V, Rule 14 of the Rules and Regulations of the Chicago Police Department, knowingly made a false oral report when he told COPA investigators, during an interview conducted at 1615 West Chicago Avenue, that on December 11, 2005, Police Officer Kallatt Mohammed arrived in the parking lot south of 511 East Browning Avenue within seconds of Sgt. Jones' arrival as both Officer Mohammed and Sgt. Jones converged on a vehicle occupied by Ben Baker and Clarissa Glenn.	Sustained

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Officer Elsworth Smith, Jr. ¹⁴	
Allegation	Finding
1. It is alleged that on December 11, 2005, at approximately 12:00 P.M., in the area of 511 East Browning Avenue, Chicago, Illinois 60653, the accused, Police Officer Elsworth Smith Jr., arrested Ben Baker without justification.	Not Sustained
2. It is alleged that on December 11, 2005, at approximately 12:00 P.M., in the area of 511 East Browning Avenue, Chicago, Illinois 60653, the accused, Police Officer Elsworth Smith Jr., arrested Clarissa Glenn without justification.	Not Sustained
3. It is alleged that on December 11, 2005, the accused, Police Officer Elsworth Smith Jr., failed to report to the Chicago Police Department that Sgt. Ronald Watts had planted suspect narcotics in a vehicle that had been occupied by Ben Baker and Clarissa Glenn.	Not Sustained

III. SUMMARY OF FACTS¹⁵

A. Jones' Arrests of Baker and Glenn at 511 E. Browning (12:12 pm December 11, 2005)

1. Department Records

A CPD vice case report (VCR) and two associated arrest reports indicate that on December 11, 2005, reporting Officers Jones and Mohammed received information that Baker would be delivering heroin to 527 E. Browning Avenue.¹⁶ The arrest reports and VCR list officers' time of arrival as 12:00 pm and the time of occurrence as 12:12 pm.¹⁷ The VCR states that the officers set up surveillance with Officer Soltis (Beat 211) and, after a short time, observed a vehicle traveling southbound on Rhodes Avenue from 35th Street, failing to stop at a stop sign at 3600 S. Rhodes Avenue.¹⁸ Beat 211 curbed the vehicle in the parking lot behind 511 E. Browning and the reporting officers pulled into the lot in a covert vehicle. The reporting officers described observing a passenger in the vehicle, later identified as Clarissa Glenn, hand a clear plastic bag of suspect narcotics to the driver, Ben Baker. The VCR states that Baker then placed the suspect narcotics inside the driver's side arm rest console, where a plastic sandwich bag containing 50 small Ziplock baggies of suspect heroin was later recovered.¹⁹

¹⁴ The Allegations addressed herein concern one COPA investigation of Officer Smith's possible misconduct. Certain other Log Nos. associated with complaints of Smith's misconduct are also identified in this Report.

¹⁵ COPA conducted a thorough and complete investigation. This Report summarizes material evidence gathered and relied upon in its analysis and for the basis of its recommendations.

¹⁶ Attachments 9, 10, 11. Browning Avenue runs from 500 to 650 east at approximately 3550 south.

¹⁷ COPA investigators interviewed two other officers identified as "assisting officers" in these reports. The officers simply stated that they had no recollection of events related to the Baker and Glenn arrests. (Attachments 191, 193, 258, 259.)

¹⁸ Second District Attendance and Assignment records for December 11, 2005 indicate that Officer David Soltis #19523, was assigned to Beat 211. (Attachment 511.)
Rhodes Avenue is located at approximately 532 East at 3600 South.

¹⁹ A Department Inventory Sheet documents the recovery of suspected heroin taken from Baker on December 11, 2005, at 511 E. Browning. The Inventory Sheet lists Jones as the officer who recovered the suspect heroin. Both

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Glenn's vehicle was impounded, and Baker received a traffic citation from Beat 211.²⁰ Baker and Glenn were arrested and transported to the 2nd District at 12:30 pm. Although the VCR lists Watts as the approving supervisor, the signature block below his typed name is blank. The VCR also lists Jones as the complainant and Mohammed, Watts, and other officers as witnesses. The report is signed by "A. Jones" and "K. Mohammed." Jones also attested to both arrest reports, which indicate that he was the first arresting officer and Mohammed the second.

2. Baker's and Glenn's Account of Events Before and on December 11, 2005

a) Watts Team Conduct Prior to December 11, 2005 Arrests

COPA investigators interviewed Clarissa Glenn on November 28, 2018 and Ben Baker on December 20, 2018.²¹ Baker admitted that he had sold narcotics at 527 E. Browning but avowed that the Team fabricated his arrests because he refused to pay for protection. Glenn said that while she was not involved in narcotics trafficking, she knew that Baker sold drugs.²² Glenn had never been arrested before December 11, 2005, nor has she been arrested in the 15 years since.²³ Baker and Glenn provided a detailed account of their interactions with Watts and his Team.

Baker said that prior to his December 11, 2005 arrest, Watts had approached him on several occasions demanding money, but Baker ignored or refused the demands.²⁴ On one occasion, a friend advised Baker that Watts claimed to have found drugs in Baker's mailbox.²⁵ Later, a Watts informant asked Baker to drive him to a payphone, from which he called Watts who again demanded money from

Jones' and Mohammed's electronic signatures appear on the Inventory Sheet. Watts signed the Inventory Sheet as the approving Desk Sergeant. (Attachment 13.)

²⁰ Traffic court records indicate that the citation was issued at 12:12 pm. (Attachments 93–96, 108.)

²¹ Attachments 129, 156.

²² Attachment 129, p. 1; *See also* Attachment 223, ¶¶ 5, 12; Attachment 224, ¶¶ 1, 5; Attachment 227, ¶¶ 5, 6.

²³ Attachment 21 (Rap Sheet for Clarissa Glenn generated on December 12, 2005). (Attachment 300.) (No results were found in a subsequent search for arrest records).

²⁴ **COPA investigators interviewed Roscoe Bryson on October 4, 2018.** Mr. Bryson worked at 527 E. Browning during the period in which the events described occurred. He knew Watts and recalled that Watts would ask him to unlock the laundry room so he could meet privately with drug dealers. Mr. Bryson thought the meetings were unusual because the dealers were not arrested and would continue to openly deal drugs following their meetings with Watts. Watts was the only officer in the laundry room, but other Team members would typically stand by just outside the door. Mr. Bryson also recalled seeing a resident of 527 E. Browning he knew as Ben arguing with Watts in the building lobby. He identified "Ben" as Ben Baker after being shown his photograph. Watts was shaking his finger in Baker's face and appeared to be threatening him, but Baker just walked away. Mr. Bryson believed that Baker may have been involved in narcotics, but he was very secretive and was never seen dealing or possessing drugs. (Attachments 120, 250) (Bryson Tr. 26–30, 34, 47–49, 86–87).

²⁵ **COPA investigators interviewed Patrick Frazier on August 27, 2018.** Frazier was present on one occasion when Watts came to Baker's apartment demanding money, saying, "Man, you got to pay like everybody else." Frazier said that he would call Baker when police found narcotics in a mailbox because he knew the Team was targeting Baker. He also described an occasion when he was selling cigarettes in the lobby of 527 E. Browning. Watts took a carton of cigarettes from him without paying, telling him that "everything gotta get taxed. Everything gonna come through me." On that occasion, Watts was accompanied by an officer Frazier knew as "Al" who he described as a muscular, African American man between 5'9" and 5'11". (Attachments 304, 305) (Frazier Tr. 20:10–11, 40:5–6). Based upon the similarity of Frazier's description of the officer to Jones' appearance and similar witness statements, COPA investigators concluded that Frazier was referring to Jones.

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Baker.²⁶ Baker again refused the demand. Approximately three weeks later, on July 11, 2004, Watts and his Team searched Baker's apartment while he was there with Glenn and a third party.²⁷ No drugs were found, but Baker was arrested, nonetheless. Baker later prevailed on a motion to suppress evidence and charges were dropped.²⁸

Several months later, in March of 2005, as Baker was walking down the stairs at 527 E. Browning, a Team member entered the stairway and questioned Baker. He denied possessing drugs but fled because he feared another fabricated arrest. He was indeed arrested by officers waiting in the lobby and charged with possession of cocaine and heroin.²⁹

b) December 11, 2005 Arrests of Baker and Glenn

On the morning of December 11, 2005, Glenn called Baker and asked him to pick her up from her aunt's house at 6031 S. Prairie Ave.³⁰ Baker picked Glenn up in her SUV and drove back to their apartment without making any other stops.³¹ Baker said that he drove north on Rhodes and turned right (eastbound) into a parking lot behind 511 E. Browning. He recalled noticing a black car and a marked police car parked on the west side of Rhodes, just north of Browning. He did not know who owned the black car and did not recall seeing anyone standing outside of the car. As he pulled into the parking lot, the marked police car pulled behind him with its lights activated. Baker estimated that the stop occurred shortly after 12:00 pm, while Glenn estimated that the stop occurred around 1:30 pm.³²

A small, black car pulled into the lot and parked behind the marked car. Both Baker and Glenn believed it was the same car they saw parked on the west side of Rhodes moments earlier. Baker recalled the small, black car pulling into the lot within moments of the stop. Glenn described the timing as within a minute of the stop. Watts and Jones exited the small, black car, and one of them ordered Baker and Glenn out of their vehicle. Watts and Jones searched Glenn's car for at least 35 minutes without finding

²⁶ Attachment 156, p. 2. See Attachments 198, 262.

²⁷ **COPA investigators interviewed Elgen Moore on February 4, 2019.** He confirmed that the arrest occurred in Baker's apartment as he described. COPA investigators obtained copies of two Administrative Notice of Violation (ANOV) citations issued to Moore by the Team July 11, 2004, the day Baker was arrested. (Attachments 253, 309, 310.)

²⁸ Attachments 315, 316. This arrest is the subject of a separate COPA investigation (Log No. 1089229).

²⁹ Attachments 317, 318. The prosecution and conviction are described in Section III(A)(3) below. The March 2005 arrest and related prosecution are the subject of a separate COPA investigation (Log No. 1089231).

³⁰ **COPA investigators interviewed Elise Stokes on August 1, 2018.** Ms. Stokes, a cousin of Clarissa Glenn, resided at 6031 S. Prairie with her mother in 2005. Stokes recalled that Glenn visited at her home shortly before Stokes learned of the arrests. She assumed that Baker had dropped Glenn off and picked her up, but she did not see him when Glenn was picked up. (Attachments 69, 100.)

³¹ Glenn's vehicle was a GMC "Jimmy" SUV. (Attachments 40, 149.)

³² Ms. Glenn estimated the time based upon her earlier activities that day and the fact that she and Mr. Baker were trying to get home in time to watch a football game. (Attachment 319 indicates the Chicago Bears game she referenced started at 12:02 pm CST.) She did not recall having any other contact with police that day before the stop and her arrest. When shown a record of a Contact Card purporting to document an investigatory stop made of her by an officer at 12:30 pm that afternoon, she was certain that no such stop occurred – at any time on any date. (See Attachment 80.) **COPA investigators interviewed the officer listed on the Contact Card (Henry Woodson, now retired) on August 14, 2018.** He had no recollection of the events of that day. (Attachments 91, 123.)

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anything.³³ Glenn saw Watts pull what appeared to be narcotics from his jacket sleeve. Watts then claimed to have found the narcotics in the SUV, but Baker knew there were no narcotics in the vehicle and that Watts and Jones had already searched the area thoroughly but found nothing.

While at the police station following their arrests, Baker and Glenn saw an officer they knew to be Mohammed sitting at a desk in an office, apparently typing reports; this was the first time Baker had seen him that day. Glenn inferred that Mohammed was typing reports related to their arrests. She said that Watts and other officers were telling Mohammed what to type, and sometimes the other officers would take his place and type themselves. Several weeks later, Glenn appeared at a court hearing regarding her impounded vehicle. She said she was shocked when Mohammed alone testified about her arrest and the impounding of the SUV as he had not even been present at the scene of the arrest.³⁴

Glenn also recalled Jones and Mohammed approaching her while Baker was in custody. Mohammed told her that he heard that she had made a complaint.³⁵ Jones, standing behind Mohammed, said words to the effect of “Stop talking to that bitch. She’s going to jail just like Ben.”³⁶ Glenn could not recall the date of the encounter but said it was a few months before her December 2005 arrest.

3. Baker’s Conviction on the March 2005 Charges, and Baker’s and Glenn’s Grand Jury Indictments and Convictions on December 2005 Charges

Baker was tried in June 2006 after pleading “not guilty” to the charges related to his March 2005 arrest. CCSAO had both Jones and Watts testify in the prosecution. In his defense, Baker testified about the problems he had with Watts and Jones after he refused to pay for protection. He described Watts’ repeated demands for payments, the threats of false arrest for refusing to pay, and the false arrests by Watts and Jones that followed. Jones and Watts denied Baker’s allegations. Baker continues to maintain that Jones testified falsely at trial, consistent with the false reports he authored and signed. The judge found the officers’ testimony persuasive notwithstanding the evidence to the contrary, pronounced Baker guilty and sentenced him to 14 years’ incarceration.³⁷

³³ Baker recalled the search lasting between 35 and 40 minutes, while Glenn thought it lasted about an hour.

³⁴ COPA obtained records regarding Glenn’s impounded vehicle from the City’s Department of Administrative Hearings (DAH). The records include a signed order dated January 5, 2006 finding Glenn liable for penalties and fees for a Code violation (unlawful drugs in motor vehicle) based on “default/failure to appear.” The records also include Glenn’s signed “Request for Hearing” form, dated December 16, 2005, with a copy of her Illinois driver’s license and vehicle registration. DAH did not locate a record indicating that Glenn filed a petition to vacate the default judgment, nor did it retain an audio recording of Glenn’s hearing. (Attachments 131–33, 149.) CPD payroll records indicate that Mohammed was scheduled to be off duty on January 5 and 6, 2006, but that he was paid for apparent court overtime on January 6, 2006. (Attachments 543, 544.)

³⁵ Glenn complained to the Office of Professional Standards on October 24, 2005 (CR # 309282) saying that Watts entered and searched her apartment without permission on August 20, 2005 and sent a message threatening bodily harm or arrest on October 23, 2005. The OPS file includes an undated handwritten letter which states that Jones pushed her against a wall as Watts threatened her; no date of the encounter is given. The Department closed the investigation as “administratively unfounded” in December 2005, after the assigned investigator documented several unsuccessful attempts to interview Glenn. In 2010, BIA re-opened the investigation, combining it with other similar allegations against Watts in 2010 as part of its joint investigation with the FBI. (Attachment 545.)

³⁶ Attachment 129, p. 9.

³⁷ Shortly after Baker’s March 2005 arrest, he and Glenn met with the Chief of CCSAO’s Public Integrity Bureau, the unit charged with investigating public corruption. **COPA investigators interviewed the former Bureau Chief on March 22, 2018.** He recalled that Baker’s attorney brought Baker to speak with him several times, that

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Jones also testified about Baker's and Glenn's arrests before a Grand Jury on December 29, 2005. Jones' testimony, which was consistent with the false VCR and arrest reports, gained CCSAO indictments of both Baker and Glenn.³⁸

On September 18, 2006, Baker and Glenn pled guilty to charges related to their December 2005 arrests. The judge sentenced Baker to an additional 4 years' incarceration; Glenn received probation.³⁹ After discussing the pleas with defense counsel and the prosecutor, the judge noted the couple's assertions that they were victims of police corruption but could offer no independent corroborating evidence.⁴⁰

4. Convictions Vacated, Certificates of Innocence Issued, and Civil Claims Asserted

Baker's and Glenn's 2018 statements to COPA investigators are consistent with their affidavits filed in post-conviction proceedings on October 31, 2012 and February 4, 2016, respectively.⁴¹ Baker's conviction on the charges related to his March 2005 arrest was vacated, and he was granted a Certificate of Innocence on February 22, 2016. His September 2006 conviction on the December 2005 indictments was vacated on March 23, 2016.⁴² Baker was granted a Certificate of Innocence on April 5, 2016.⁴³ Glenn obtained a gubernatorial pardon in 2015,⁴⁴ and she obtained a Certificate of Innocence in 2018.⁴⁵ In October 2016, Baker and Glenn filed suit against the City, Jones, Watts, Mohammed and others in federal court. The pleadings assert that Jones and others engaged in misconduct to punish the couple for Baker's refusal to pay bribes and for their attempts to expose the wrongdoing.⁴⁶

Baker admitted to dealing narcotics and that while Glenn was aware of Baker's dealing, she insisted that he had not done the things for which he was arrested. Baker and Glenn told the CCSAO Chief that Watts was collecting a "tax" from Wells Homes dealers. The former Chief told COPA investigators that he found Baker and Glenn "credible." (Attachment 248.) CCSAO nevertheless continued to rely upon the testimony of these officers amassing indictments and convictions that continue to be overturned. The former Chief also indicated that the judge presiding over the prosecutions was aware of CCSAO's corruption investigation at the time of their convictions. (See Attachment 317, pp. S3-5.)

³⁸ Attachment 15. COPA served allegations against Jones for making false statements to the Grand Jury. COPA later withdrew the allegations as it cannot publish certain material related to the proceedings. See *supra* note 11.

³⁹ Attachment 16.

⁴⁰ **COPA interviewed the former prosecutor on July 23, 2018.** He was also deposed in the Baker and Glenn civil suit. He said that while he vaguely recalled a case in which the defense claimed the arresting officers were corrupt, he did not remember any details. (Attachments 65, 122, 246.) As detailed throughout this Report, the evidence of misconduct was not limited solely to Baker's and Glenn's assertions. This Report describes additional sources of evidence supporting accusations of corruption developed prior to the sentencing date through the investigations of multiple agencies, including CCSAO itself.

⁴¹ Attachments 7, 8, 18.

⁴² Attachments 145 and 237.

⁴³ Attachment 4.

⁴⁴ Attachment 5. Glenn maintained both her own and Baker's innocence in her pardon application. (Attachment 323.)

⁴⁵ Attachment 249.

⁴⁶ Attachment 39. COPA investigators note that the couple's many statements about their interactions with the Team have not been entirely consistent over the years. For example, in a May 18, 2016 interview with the Invisible Institute (Attachment 247), Baker's recollection of his March 2005 arrest is not wholly consistent with the content of his December 20, 2018 interview with COPA investigators (Attachment 156) or his May 23, 2006 trial testimony (Attachment 515.) COPA investigators assess such disparities considering all available

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Watts and Mohammed refused to answer certain plaintiffs' interrogatories. When queried specifically about planting drugs on Baker or in his vehicle on March 23, 2005 or December 11, 2005, Watts asserted his Fifth Amendment privilege against self-incrimination.⁴⁷ Mohammed took the Fifth in declining to answer questions about the December 11, 2005 arrests and whether he had ever planted or seen another officer plant narcotics.⁴⁸

The defendants served interrogatories that required Baker to specify a year or years during which he had sold or manufactured narcotics. Baker responded that during the preceding 20-year period he had sold narcotics "at various times between approximately 1998 to 2004."⁴⁹ Later, in pleading guilty to charges of selling narcotics to a DEA informant on four occasions between March and May 2017, Baker admitted that this sworn statement was false.⁵⁰

B. Jones' Simultaneous Arrest of Suspects at 574 E. 36th Street (12:08 pm December 11, 2005)

1. Department Records

A VCR and five associated arrest reports state that on December 11, 2005 Officers Smith and Mohammed received information that several Black men were selling drugs in front of 574 E. 36th Street.⁵¹ The VCR lists their arrival time as 12:00 pm and the time of occurrence (arrests) as 12:08 pm. The VCR states that they went to a surveillance point at 574 E. 36th Street from where they observed a subject later identified as Willie Robinson engaged in suspected hand-to-hand narcotics transactions. The VCR also states that four other men, later identified as Louis Moore, Laurence Little, Michael Henderson, and Larry Pulley were also engaged in drug transactions.⁵² The VCR further states that the officers approached the men and recovered suspect heroin from Robinson.⁵³ The VCR further states that all five subjects were taken into custody and transported to the 2nd District, where a search of Robinson revealed additional amounts of suspect heroin. Watts approved the VCR listing Jones and Mohammed as the officers who "discovered," "witnessed," and "reported [the] offense."⁵⁴ The VCR is signed by Officer Smith. While the signature block below Officer Mohammed's typed name is blank, he is identified as the attesting officer in each arrest report. Each

corroborating and contradicting evidence to evaluate both witness credibility and the probable accuracy of specific statements.

⁴⁷ Attachment 22.

⁴⁸ Attachment 23.

⁴⁹ Attachment 219.

⁵⁰ See Attachment 263. Baker pled guilty to federal charges on May 29, 2019, signing a plea agreement in which he admitted to selling narcotics to the DEA informant in 2017. (Attachment 270.) Baker is yet to be sentenced and his sentencing has been indefinitely postponed due to the on-going COVID-19 pandemic.

⁵¹ Attachments 43-47, 58.

⁵² Attachment 58.

⁵³ A Department Inventory Sheet lists Smith as the person who found the suspect heroin. (Attachment 134.) He and Mohammed both electronically signed the Inventory Sheet. Watts signed as approving Desk Sergeant. The electronic chain of custody record for the suspect narcotics indicates that the evidence was destroyed on September 9, 2015. A second Inventory Sheet indicates that the officers also took \$27 USD from Robinson. (Attachment 327.)

⁵⁴ Attachment 58, p. 5.

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of the five arrest reports names Smith as the first arresting officer and Mohammed as the second. None of the five reports indicates that Jones participated in the arrest in any way.

2. 574 E. 36th Street Arrestees' Accounts of Events⁵⁵

a) Michael Henderson

COPA investigators interviewed Michael Henderson on August 23, 2018.⁵⁶ In recounting his December 11, 2005 arrest, Henderson stated that he was in the lobby of 574 E. 36th Street with seven or eight other people, including Willie Robinson, waiting for the dealers to arrive. Others who Henderson identified "Cool" (now known to be Louis Moore)⁵⁷ and "B-Low" (now known to be Brain Ford)⁵⁸ were also in the lobby.

As Henderson and Robinson waited, Watts led a group of officers into the building. Henderson recognized officers he knew as "Smitty" and Mohammed.⁵⁹ He also described another officer present as a "large, like, real heavyset black guy" who resembled the boxer Jack Johnson.⁶⁰ Henderson did not know the heavyset officer's name, but he remembered that the officer appeared to be preparing the report of Henderson's arrest back at the 2nd District station.

As soon as the police entered the lobby, Mr. Ford ran upstairs. Some officers pursued him while others stayed in the lobby, detaining Henderson, Robinson, and others. Eventually, officers escorted Ford back to the lobby. Shortly after Henderson and the others were detained in the lobby, Watts received a radio message advising him that another target had been located going into "the parking lot, or into the building."⁶¹ Watts and some other officers left and went to another building to make an arrest. Henderson later learned that the person arrested was "some cat named Benny."⁶²

⁵⁵ COPA investigators interviewed all the arrestees except Mr. Little, who is now deceased. (Attachment 328.) Michael Henderson, Willie Robinson, and Louis Moore provided relevant information to investigators. Larry Pulley did not recall his arrest and was unable to provide any relevant information. (Attachment 292.)

⁵⁶ Attachments 105, 124.

⁵⁷ Henderson identified "Cool" as Louis Moore from Mr. Moore's arrest photo. Henderson also remembered that "Cool" had complained loudly about being arrested on or just before his birthday. (Henderson Tr., Attachment 124, pp. 20–21.) Moore's birthday is listed as December 11, 1973 in the arrest report. (Attachment 44.)

⁵⁸ **COPA investigators interviewed Ford on September 7, 2018.** Ford dealt drugs at 574 E. 36th Street. He recalled several encounters in which Watts and Mohammed stole his money. Watts and Mohammed were the only officers involved in the thefts and Ford did not think other officers, including an officer he knew as "Al" knew of the thefts. Ford also knew Baker and recalled that Watts was always looking to "lock Baker up." (Attachments 112, 125.)

⁵⁹ Henderson described the officer he knew as "Smitty" as an African American male with a light complexion, about 6'1" to 6'2" in height, medium build, and a short afro hairstyle. COPA investigators determined that Henderson was referring to Elsworth Smith, Jr. based upon the nickname "Smitty," the similarity of Henderson's description to Smith's appearance, and other similar witness descriptions.

⁶⁰ Henderson Tr. at 15, 35. (Attachment 124.) Based on the similarity of Henderson's description to Jones' appearance and similar witness descriptions, COPA investigators concluded that he was referring to Jones.

⁶¹ *Id.* at 44.

⁶² *Id.* at 12. Henderson also provided COPA investigators information relevant to Log No. 1092530, a separate investigation of Jones' and Smith's conduct regarding the December 11, 2005 arrests at 574 E. 36th Street.

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b) Willie Robinson

COPA investigators interviewed Willie Robinson on August 1, 2018.⁶³ He recalled two instances when Watts Team members arrested him. The first occurred during the summer of 2005 when Watts, Mohammed, and two others (one a heavysset, bald, African American male) detained him.⁶⁴ The December 11, 2005 arrest was Robinson's second. He recalled that the encounter with the police began shortly before noon, while he was in the lobby of the 574 E. 36th Street. According to Robinson, police came in from the front and rear entrances and put Robinson, Henderson, and four of five other men against the wall. The officers did not find drugs on anyone in the lobby, but one person who was pulled to the side went upstairs with Watts and came back downstairs with drugs, after which Robinson and Henderson were arrested. Robinson remembered that the same four officers from his prior arrest were present in the lobby with other assisting officers waiting outside.⁶⁵

Robinson also recalled that Watts rushed from the building, possibly accompanied by the heavysset officer, returning a short time later and telling the other officers present that he had gotten Ben Baker. Watts' exit was prompted by a radio or cell phone call informing him that Baker had been stopped in a car. Robinson knew that Baker was a drug dealer at 527 E. Browning and that "Watts had it in for him, period," because Baker would not cooperate with Watts and his Team.⁶⁶

Robinson was charged with possession of the drugs retrieved from upstairs. As he was already on probation for the summer arrest, he was held in the county jail for seven or eight months awaiting disposition of the December case. Robinson ultimately prevailed on a motion to suppress and the charges were dismissed. He recalled the heavysset officer testifying at the suppression hearing.

c) Louis Moore

COPA investigators interviewed Louis Moore on August 1, 2018.⁶⁷ Moore recalled being in the lobby of 574 E. 36th Street on December 11, 2005, when Watts and his Team entered and ordered everyone present to their knees. Moore is certain of the date because it was his birthday. He said there were about seven officers involved, including those he knew as Watts, Mohammed, "Smitty," and "Al." The officers took Moore's money and arrested him along with approximately seven others whose identities Moore did not recall. Moore estimated that in total, the Watts Team arrested him between 15 and 30 times. Moore asserted that he was not involved in the sale of drugs at the time of his December 2005 arrest. He recalled that the charges related to the arrest were dismissed when the witness officers failed to appear in court.⁶⁸

⁶³ Attachments 74, 98.

⁶⁴ Attachments 78, 87, 88, 106, 234. Based on the similarity of Robinson's description to Jones' appearance, related Department reports, and similar witness descriptions COPA investigators concluded that Robinson was referring to Jones.

⁶⁵ The VCR and arrest reports of Robinson's summer 2005 arrest indicate that Smith and Jones were the arresting and reporting officers respectively. (Attachments 78, 88.) Robinson's record describes 11 arrests, all for either disorderly conduct or possession of a controlled substance. His only arrest associated with a charge of manufacture or delivery was on December 11, 2005. He has not been arrested since that date. (Attachment 54.)

⁶⁶ Robinson Tr. at 48–49. (Attachment 98.)

⁶⁷ Attachments 83, 99.

⁶⁸ The charge (solicitation of unlawful business) was dismissed at Moore's first court appearance. (Attachment 53.)

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3. Jones and Smith Testimony Regarding the December 11, 2005 Arrests at 574 E. 36th Street

At Robinson's preliminary hearing, Smith testified that at approximately 12:00 pm on December 11, 2005, he was conducting a narcotics investigation in the area of 574 E. 36th Street.⁶⁹ He and Mohammed worked as an enforcement team while Jones and another officer worked surveillance. Jones relayed to them that a Black male, the only person present, was standing in front of the building holding a bag of narcotics. Smith and Mohammed moved in and arrested Willie Robinson. Mohammed said that he recovered suspect narcotics from Robinson. Initially, the court found that probable cause existed to charge Robinson. Later, Smith and Jones testified at a hearing on a motion to quash and suppress the evidence that the officers said was seized from Robinson.⁷⁰ Smith again testified to arresting Robinson with Mohammed after receiving information from a surveillance officer. Jones testified that he was conducting surveillance at approximately 12:00 pm in the area of 734 E. 36th Street when he observed three people approach Robinson, tender money and receive suspect narcotics.⁷¹ Robinson was the only person standing directly in front of the building and he was arrested by Smith and Mohammed. In granting Robinson's motion to quash the arrest and suppress evidence, the court found that the officers did not have probable cause to arrest him or to remove objects from his hands or pockets.

C. SUMMARY OF SIMULTANEOUS SURVEILLANCE AND ARRESTS

December 11, 2005		
	511 East Browning Avenue	574 East 36th Street
Time of Arrival	12:00 p.m.	12:00 p.m.
Time of Arrest	12:12 p.m.	12:08 p.m.
Time of Transport	12:30 p.m.	12:18 p.m.
Arrested	Ben Baker and Clarissa Glenn	Willie Robinson, Michael Henderson, Louis Moore, Larry Pulley, Laurence Little
Arresting Officers	Alvin Jones and Kallatt Mohammed	Kallatt Mohammed and Elsworth Smith Jr.
Assisting Officers	Elsworth Smith Jr., Robert Gonzalez, Manuel Leano	Alvin Jones
Additional Witnesses	David Soltis, Ronald Watts	
Approving Supervisor	Ronald Watts	Ronald Watts
Testimony	Alvin Jones (Grand Jury)	Elsworth Smith Jr. (Preliminary Hearing)
		Alvin Jones, Elsworth Smith Jr. (Motion to Quash Arrest)
	Sgt. Jones was in the vicinity of 511 East Browning Avenue on December 11, 2005, at approximately 12:12 p.m. Sgt. Jones observed Ben Baker commit a traffic violation, and he observed Clarissa Glenn hand a bag of suspect narcotics to Ben Baker.	On December 11, 2005, at approximately 12:00 p.m., Officer Smith was in the vicinity of 574 East 36th Street conducting a narcotics investigation with his partner, Officer Mohammed. They were in contact with surveillance officer Alvin Jones, who was with another partner. Sgt. Jones radioed to the enforcement team that he saw a Black male conducting narcotics transactions in front of 574 East 36th Street.

Figure 1. Combined Information from Reports of Simultaneous Arrests. Police personnel common to both sets of arrests appear in red.

⁶⁹ Attachment 235.

⁷⁰ Attachment 236.

⁷¹ The prosecutor, defense attorney, and witnesses refer to the location of Robinson's arrest as 734 E. 36th Street throughout the hearing. However, based on the context of the hearing, related police reports, later witness statements, and Officer Smith's prior testimony, COPA believes the parties were referring to 574 E. 36th Street.

D. OFFICERS' STATEMENTS**1. COPA Interviews of Sergeant Alvin Jones (January 25, 2019, and March 13, 2019).⁷²**

Jones stated that he worked as a tactical officer on the Watts-supervised Team from approximately 2002 through 2012. Jones's offered the following account of the events of December 11, 2005: Watts had received information that Baker would be driving to 527 E. Browning that day to deliver narcotics. Watts and Jones, together in an unmarked vehicle, set up surveillance in a parking lot on the west side of Rhodes Avenue, north of Browning, and waited. Jones recalled conducting surveillance for at least 30 minutes, possibly as long as two hours, before Baker arrived. Jones identified his approximate surveillance location for COPA investigators – a parking lot on the west side of Rhodes Avenue, which he circled in Figure 2 below.⁷³



Figure 2. Exhibit “F” From the Statement of Sergeant Alvin Jones.⁷⁴

⁷² Attachments 155, 185, 252, 256.

⁷³ Jones also confirmed multiple times during his interview that his police vehicle was parked in the lot on the west side of Rhodes, north of Browning throughout the surveillance operation. (Attachment 252, p 99.)

⁷⁴ **Jones marked the exhibit in blue ink.** His markings are highlighted in red to enhance visibility. (See Attachment 154 for original photograph). Jones drew an oval around the parking lot on the west side of Rhodes where he and Watts set up surveillance. Jones made a small circle at the location where he first saw Baker's vehicle and drew a line to indicate the path the vehicle traveled south on Rhodes. He drew an “X” to indicate the approximate location where Baker and Glenn came to a stop in the parking lot south of 511 E. Browning and an “A” to indicate the approximate location of his vehicle during the stop.

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In his first statement to COPA investigators, Jones said that he saw Baker fail to stop at a stop sign at Rhodes and Browning Avenue. An officer in a marked police vehicle who was assisting with the surveillance operation curbed Baker's vehicle in the parking lot behind 511 E. Browning.⁷⁵ Jones, driving the vehicle in which he and Watts were parked, followed the squad car, pulling behind Baker's vehicle within 15 seconds. Jones' reports and prior statements indicated that Mohammed, in a different vehicle, arrived at the scene "within seconds" of Jones and Watts.⁷⁶ Other officers participating in the surveillance operation, including Smith, also converged on the lot before Baker and Glenn were in custody. Jones' report noted the time of the stop as 12:12 pm.⁷⁷ Jones further stated that as he exited his vehicle, he saw Glenn hand Baker a bag, which Baker placed in the driver's side armrest console of their vehicle. They were immediately ordered out of the vehicle and handcuffed. Jones said that he recovered a bag of suspect heroin from the console within a minute of the stop. He and Watts then continued the search for more narcotics but found none. Jones stated that other officers including Mohammed and Smith were present and participated in the arrests. Baker and Glenn were taken to the 2nd District station following their arrests. Jones denied seeing Watts remove narcotics from his sleeve and plant them in the vehicle. Jones acknowledged that his name appeared on a "Notice of Vehicle Impoundment" form documenting the vehicle impoundment, but after examining the handwriting on the form, denied personally completing it. He said that he did not know who completed the form and that he did not recall attending a hearing regarding the impoundment. He speculated that Mohammed, although not his regular partner, may have attended in his place.⁷⁸

Jones was later shown his VCR and arrest reports as well as his testimony from related court hearings, and Jones admitted that it was impossible for him to have been surveilling both narcotics transactions taking place in front of 574 E. 36th Street and Baker from the parking lot he indicated on the west side of Rhodes. Earlier, Jones was confident of the accuracy of the times indicated.⁷⁹ However, when confronted with his reports and his prior testimony in court, Jones attempted to explain, "we [sic] got the times wrong. I don't know who. I don't know how."⁸⁰ He admitted that it was equally impossible for either Mohammed or Smith, both listed as arresting officers at 574 E. 36th Street, to have been there

⁷⁵ **Baker and Glenn deposed former Officer David Soltis** (now deceased), a defendant in their civil suit, on August 21, 2017. Soltis said he had no recollection of the events of December 11, 2005, having later been involved in a serious traffic accident that affected his memory. He further stated that he did not recall being part of a surveillance operation at any time during his career while working as a beat officer. (Attachment 242, p 22.) When asked whether a beat officer would be involved in surveillance during a narcotics investigation, Jones agreed that he would not, but that a beat officer would be involved in prisoner transport. (Attachment 252, p 84.)

⁷⁶ Attachment 252, p. 111. Jones stated that the officers working together on the Baker investigation would all have been conducting surveillance from locations that would allow them to see the entrance to the parking lot behind 511 E. Browning from Rhodes. *Id.* at pp. 113–114.

⁷⁷ In his later statement, Jones admitted that he authored and signed the VCR. He further admitted that he signed Mohammed's name to the report.

⁷⁸ Attachment 252, pp. 135–141.

⁷⁹ He was confident that the times indicated in his reports were accurate because he always wore a watch and he referred to the watch to note the time of events. (Attachment 252, p 93.)

⁸⁰ Attachment 252, p. 156. There was no "we" – *see supra* note 77. Jones both reported and testified to the chronology about which he had earlier expressed confidence. *See* Arrest Reports (Attachments 43–47), VCR (Attachment 58), Willie Robinson Preliminary Examination Transcript (Attachment 235), Robinson Motion to Quash Transcript (Attachment 236). Jones tried to explain that he could see "foot traffic headed towards" 574 E. 36th Street but could not explain how he could have witnessed the narcotics transaction he testified to seeing. (Attachment 252, pp. 154–56.)

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and at 511 E. Browning simultaneously conducting two separate surveillance operations and sets of arrests.⁸¹

COPA Investigators queried Jones further about the impossibility of the accuracy of both sets of reports and his testimony. They also reminded him of his duty to be truthful and acknowledged that incriminating statements made to them in the interview could generally not be used against him in a criminal proceeding.⁸² Jones then stated, “I remember that [the Baker and Glenn arrests] occurring how I said it occurred because that’s how I remembered it. You can’t be in two places at one time. That [his participation in the 574 E. 36th Street arrests] may not be the truth that I was over there conducting surveillance over there, that may not be the truth.”⁸³ COPA investigators and Jones then engaged in the following exchange:

COPA: Are you saying that you provided false testimony when it comes to [the 574 E. 36th Street] arrest as opposed to this [the Baker and Glenn arrests] one?

Jones: Yes.

COPA: You lied?

Jones: I didn’t know I was lying, sir, but yes.

COPA: You agree now that it was probably a false statement?

Jones: Yes.

COPA: And that this arrest was likely made up?

Jones: I won’t say it was made up. I’m saying it maybe didn’t occur at that time.

COPA: How about it didn’t – you weren’t the surveillance officer and you actually didn’t see the hand-to-hand narcotics transaction?

Jones: Maybe I didn’t.

COPA: Is that the truth?

Jones: Yes.

COPA: That is the truth?

Jones: Yes.

COPA: That you lied under oath when it came to 574 East 36th Street?

Jones: Yes.⁸⁴

While Jones continued to deny that he lied under oath about the Baker and Glenn arrests, he admitted that contrary to his earlier explicit statements, Mohammed and Smith were likely *not* present in the parking lot at 511 E. Browning within seconds of the stop, prior to the arrests. When asked specifically, based on his prior statement, whether the other officers (including Mohammed and Smith) were with

⁸¹ Attachment 252, pp. 217–18.

⁸² See generally *Garrrity v. New Jersey*, 385 U.S. 493 (1967), holding that an officer’s compelled statement in an administrative disciplinary investigation could not be used against him in a subsequent criminal proceeding.

⁸³ Attachment 252, p. 187.

⁸⁴ *Id.*, pp. 188–89.

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Watts and him immediately upon his pursuing Baker into the parking lot, or arrived later and participated in the arrests at a later time, Jones admitted that they “probably came and participated at a later time.”⁸⁵ When pressed further about his contrary statement on this point earlier in the interview he admitted, “It might not have been right after, but they showed up there”⁸⁶ Pressed again about the surveillance investigation and Baker and Glenn arrests, Jones admitted “they [the other officers] weren’t in this area as part of that surveillance investigation, no.”⁸⁷ In fact, “Arresting Officer” Mohammed and “Assisting Officer” Smith could not possibly have witnessed the acts for which Baker and Glenn were arrested.⁸⁸

Jones also indicated that Smith’s report of the simultaneous arrests at 574 E. 36th Street was false.⁸⁹ He further admitted that he had testified falsely in proceedings related to those arrests, later saying, “I was testifying honestly to what I believed was the truth at that time,” though he could not recall participating in the 574 E. 36th Street surveillance.⁹⁰ He further allowed that even if the times on the reports were incorrect, he could think of no logical explanation that would fit the timeline of known events, or that could even make it possible for him to participate in both surveillances. It is a physical impossibility given the duration of the Baker and Glenn surveillance, (more than 30 minutes per Jones, maybe as long as two hours), their arrests at 12:12 pm, and immediate transport to the station for processing. Jones said that he likely testified entirely from the content of the VCR and arrest reports and cannot recall conducting a second surveillance or participating in a second series of arrests that day.⁹¹ He also admitted to signing Mohammed’s name to a report detailing events that Mohammed could not have observed and that his signing Mohammed’s name was “an egregious error.”⁹²

Jones later amended his statement, contending that the purpose of case reports is simply to document a preliminary investigation, not to establish probable cause for an arrest, and Department instructions for completing such reports do not prohibit one officer from authorizing another to sign his name. Jones said that he always included his partner’s name as second reporting officer in VCRs, even if he knew his partner had not witnessed events described. He also indicated that he would never give his supervisor’s name as the second reporting officer, even if his supervisor had witnessed the events described. Jones also acknowledged a Department directive requiring officers to personally sign their reports and authorizing one officer to sign for another only if the second officer is unavailable.⁹³ The applicable directive requires the officer who signs for another to write his or her own star number and

⁸⁵ *Id.*, pp. 189–90.

⁸⁶ *Id.*, pp. 190–91.

⁸⁷ *Id.*, p. 191.

⁸⁸ *Id.*

⁸⁹ *Id.*, p. 193. Jones answered, “I would say yes, it’s a false report,” when asked about 574 East 36th Street, and further answered, “[T]here is false testimony,” regarding 574 East 36th Street. *Id.* As indicated above, allegations related to the arrests at 574 East 36th Street are the subject of Log No. 1092530.

⁹⁰ *Id.*, p. 195 (“I can’t recall seeing that conduct . . . I don’t know if I saw that conduct, sir.”)

⁹¹ When interviewed later about the incident at 574 E. 36th Street under Log No. 1092530, Jones asserted that he “did not testify to anything that [he] did not see,” though he now has no recollection of the incident whatsoever. Jones Tr., Log No. 1092530, pp. 55–59. (Attachment 255.)

⁹² Attachment 252, p. 228. Jones earlier told COPA investigators that to sign a VCR or any other report an officer would have “had to be there to observe something.” Officers are not to offer statements about events that occurred while they were back at the station or answering another call for service elsewhere. *Id.*, pp. 94–95.

⁹³ Department Special Order S09–05–01, Department Reports and Letters of Clearance (eff. Aug. 14, 2003). (Attachment 184.)

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initials next to the signature. While he admitted that he had not done so when he signed Mohammed's name to the reports, Jones asserted that "The statements are not false. The reports are not false I know that the times might have been off. It's a possibility. I don't know for sure. But none of those statements are false."⁹⁴ When advised of the allegations of misconduct in this investigation, Jones responded that they were "not true" in each instance.⁹⁵

2. COPA Interview of Officer Elsworth Smith, Jr (February 26, 2019).⁹⁶

Officer Smith recalled that he was assigned to the Team in 2004 and remained with it for approximately 4 years. He stated that Ben Baker was "one of the main drug dealers for the 527 E. Browning building."⁹⁷ He also recalled the names of others involved in the drug trade in that area. Smith said he recalled Baker's arrest on December 11, 2005, but remembered no details of the arrest, his own actions, the actions of other officers, or anything else he may have witnessed that day.

He claimed to recognize neither Willie Robinson nor Michael Henderson and to have no independent recollection of the arrests at 574 E. 36th Street on December 11, 2005. After reviewing his testimony from Robinson's preliminary hearing and motion to quash and suppress, Smith stood by his reports and testimony saying that he could not recall the events in question. He recognized that it is impossible for Mohammed and Jones to have been in two places at the same time, speculating that he and Mohammed may have driven to 511 E. Browning after the arrestees at 574 E. 36th Street were loaded for transport - or, that there may be a mistake as to the reported times. Smith denied all of the allegations against him and said that during his entire time on the Team, he never heard a rumor or complaint about Team members taking money from dealers or planting drugs on anyone.

When asked about the significance of signing a VCR as either the first or second reporting officer, Smith said that the first and second reporting officers would be officers, usually partners, who observed the criminal act described in the report.⁹⁸ He also said that officers who are not present to observe any aspect of an offense described in a report would not appear as the first or second reporting officer.⁹⁹ Smith further indicated that it would be improper to substitute the name of an officer who was not present to witness the events described for that of an officer who was, in fact, present.¹⁰⁰

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⁹⁴ Attachment 256, p. 48.

⁹⁵ *Id.*, pp. 59–64.

⁹⁶ Attachments 173, 254.

⁹⁷ Attachment 254, p. 34.

⁹⁸ *Id.*, pp. 23–25.

⁹⁹ *Id.*, pp. 68, 82–83.

¹⁰⁰ See Smith Tr., pp. 60–61, 83–84 (COPA interview in Log No. 1085254, March 6, 2019) (Attachment 335.)

E. ADDITIONAL EVIDENCE OBTAINED AND REVIEWED**1. Related Law Enforcement Investigations¹⁰¹****a) Initial Joint Investigations**

Local and federal law enforcement, including the FBI and ATF, were investigating allegations of the Team's corruption well before the December 11, 2005 arrests described above.¹⁰² In September 2004, BIA staff met with federal agents and prosecutors to discuss coordinating investigative efforts. In April 2005, a Wells Homes drug dealer advised federal agents and BIA investigators that Team members, specifically Jones, extorted money from dealers by threatening them with arrest and prosecution.¹⁰³ The dealer reported that one of his subordinates had paid Jones and that he believed that Watts, Jones, and another involved officer kept their corrupt activity and its proceeds to themselves.¹⁰⁴

In May 2005, Baker's attorney advised CCSAO prosecutors that Baker and others were shaken down and falsely arrested by the Team and were being wrongfully prosecuted.¹⁰⁵ CCSAO's Public Integrity Bureau (Bureau) opened an investigation into allegations of extortion from dealers, false arrests, and facilitating prosecution of those who would not pay or provide information.

Also in May 2005, BIA met with the CCSAO Bureau Chief, Baker, Glenn, and their counsel. Baker described the Team's activities in the Wells Homes and confirmed the statements of another witness who had also refused extortion attempts.¹⁰⁶ A BIA Agent noted the similarity of Baker's descriptions of misconduct to those of two other Wells Homes dealers with whom he had met. None of the men who spoke to BIA knew that others were also talking to law enforcement.¹⁰⁷ In October 2005, a BIA Agent took another statement from Baker in which he indicated that he was being framed for refusing to pay for protection. A former BIA Sergeant who later confirmed its investigation of the Team said that some members, including Jones, may have engaged in criminal activity and were targets of an FBI investigation.¹⁰⁸

¹⁰¹ Watts' and Mohammed's actions are particularly relevant to this investigation of Jones. Watts and Mohammed are purported to have either witnessed the Baker and Glenn arrests or signed related reports. COPA attempted, but was unable to subpoena Watts, who now resides out of state, to obtain testimony. (Attachments 517, 518.) Mohammed was served with a subpoena but refused to speak to investigators, stating that if interviewed, he would assert his Fifth Amendment right against self-incrimination. (Attachments 268, 269.)

¹⁰² BIA Records. (Attachment 336). *See also* Calloway Tr. (Deposition of retired BIA Chief Calloway in *Watts* Coordinated Pre-Trial Proceedings, No. 19-CV-1717, May 6, 2019) (Attachment 337); Initiation Memo by Police Agent Holliday, dated September 17, 2004 (Attachment 338).

¹⁰³ Bureau of Alcohol, Tobacco and Firearms Report, dated April 7, 2005. (Attachment 339.) The witness made several statements against his own interest in which he detailed criminal activity. He also identified others involved in criminal enterprises, including several who COPA investigators located and interviewed. Those witnesses also admitted to engaging in criminal activity. *See infra* note 141 regarding the perceived reliability of such statements against interest.

¹⁰⁴ Attachment 339.

¹⁰⁵ *See* Letter dated May 5, 2005, identifying three other Wells Homes residents who also alleged victimization. (Attachment 344.)

¹⁰⁶ Attachment 342.

¹⁰⁷ *Id.*

¹⁰⁸ Aff. of Peter Koconis, dated January 20, 2015, in *Spalding v. City of Chicago*, No. 12-CV-8777 (Attachment 345); Aff. of Peter Koconis, dated December 4, 2015, in *People v. Baker*, No. 05-CR-8982 (Attachment 346.)

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The FBI closed its investigation in early 2006 after learning that CCSAO was pursuing a parallel inquiry.¹⁰⁹ However, Watts was the sole subject of CCSAO's interest.¹¹⁰ The former Bureau Chief said that although he found Baker credible he could not make a case based solely on the word of an admitted drug dealer.¹¹¹ The former Chief said that CCSAO closed its investigation because it lacked evidence sufficient to seek a wiretap on Watts.¹¹² CCSAO apparently failed to notify the FBI that it had abandoned its criminal investigation.¹¹³

b) Reopened FBI Investigation

The FBI reopened its investigation in 2007 after obtaining information about the Team's corruption from other Chicago Police Officers.¹¹⁴ FBI records show agents received a report that Team members were extorting payments from drug dealers.¹¹⁵ The records note that the Team's scheme involved using narcotics collected in "tax" to frame dealers who refused to pay.¹¹⁶ While Watts was again the main target of investigation, others were also suspected. A report dated November 19, 2010 indicates that in addition to Watts, the FBI believed that other officers were "directly involved in the extortion of drug dealers' funds."¹¹⁷ Documents and statements produced in the *Spalding* litigation indicate the scope of the FBI investigation. The Operations Plan for the action that led to the Watts and Mohammed arrests notes that Watts "worked closely with . . . PO Alvin Jones in the commission of his corrupt activity."¹¹⁸

c) CCSAO Conviction Integrity Unit – Renewed Investigation and Actions

In 2016, Baker and Glenn sought to vacate the convictions related to the December 2005 arrests.¹¹⁹ As of February 2021, approximately 111 Watts Team-related convictions have been vacated on CCSAO's

¹⁰⁹ FBI Memo dated January 20, 2006. (Attachment 340, pp. 7–9.)

¹¹⁰ **Interview of former Chief, CCSAO Public Integrity Bureau conducted March 22, 2018.** (Attachment 248.)

¹¹¹ *Id.* As indicated elsewhere in this Report, CCSAO was offered and received additional evidence of misconduct. Moreover, the FBI, ATF, and BIA developed further independent evidence. When interviewed, the former Bureau Chief could recall nothing specific of the information received from other agencies. He advised COPA investigators that he could not find or provide any materials that he or others prepared regarding meetings or discussions with other agencies.

¹¹² While these actions are beyond the scope of this review, COPA investigators noted that other agencies using investigative methods far less sophisticated than electronic eavesdropping had already managed to gather and produce a large volume of evidence.

¹¹³ CCSAO may also not have advised BIA of its abandonment of the criminal investigation. However, BIA had the authority and capacity to pursue its own administrative investigation of misconduct at any time. Like this review, such an investigation would have been subject to a preponderance of evidence standard in contrast to the stricter standard applied to criminal investigations.

¹¹⁴ The officers later filed suit against the City claiming retaliation for their helping the FBI in its investigation. *See* collected litigation documents in *Spalding v. City of Chicago*, No. 12–cv–8777 (N.D. Ill.). (Attachment 347.) The officers and several ranking Department members were deposed in the litigation.

¹¹⁵ FBI Memo dated October 26, 2007. (Attachment 341, p. 6.)

¹¹⁶ *Id.*

¹¹⁷ FBI Report dated November 19, 2010. (Attachment 341.)

¹¹⁸ FBI Operations Plan Form, Operation Brass Tax, prepared March 1, 2010. (Attachment 366, p. 2.)

¹¹⁹ *See* Joint Motion to Vacate Convictions, *People v. Ben Baker and Clarissa Glenn*, No. 06–CR–810 (Cook Cty. Cir. Ct.) (filed Mar. 23, 2016). (Attachment 238.)

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motion.¹²⁰ Of the convictions vacated to date, at least 45 involve allegations of misconduct against Jones.¹²¹ He is also the subject of misconduct complaints in at least 64 pending federal lawsuits.¹²² Jones is listed as the reporting, arresting, or attesting officer on arrest reports or VCRs related to at least 65 overturned convictions, lawsuits, or affidavits alleging false arrest, false testimony, or evidence planting.¹²³ In addition, CCSAO is currently evaluating multiple affidavits from individuals whose convictions it has yet to review.¹²⁴

On November 17, 2017 then CCSAO Chief of the Criminal Prosecutions Bureau Joseph Magats sent a letter to the Department's General Counsel stating:

[A]fter a review of numerous cases involving misconduct by . . . Sergeant Watts and other officers who worked closely with him, [CCSAO] has concluded that it will no longer call Sergeant Alvin Jones, Star #19462 . . . as [a] witness[] in any pending or future matters handled by the State's Attorney's Office due to concerns about [his] credibility and alleged involvement in the misconduct of Sergeant Watts.¹²⁵

2. Additional Witness Interviews Conducted by COPA Investigators

COPA interviewed many individuals and obtained and reviewed thousands of pages of documents as part of this investigation. Many witnesses who COPA investigators interviewed have no claim against the City and no apparent interest at stake.¹²⁶ Some made statements against their interests that COPA investigators find reliable.

For example, **COPA investigators interviewed Van Jordan three times.**¹²⁷ Mr. Jordan, who has a lengthy criminal background, including convictions for possessing narcotics, admitted being involved in the drug trade at 574 E. 36th Street. He stated that an officer he knew as "Al" routinely came to his apartment to demand drugs.¹²⁸ Jordan recalled that although he was never arrested, Team members made as many as 200 such demands over the course of several years. He did not know what they did with the drugs they seized but believed that they routinely planted drugs on Wells Homes drug dealers and residents. Jordan said that the Team knew who sold narcotics in the Homes and arrested dealers

¹²⁰ Collected Petitions for Relief from Judgment and Orders Vacating Convictions. (Attachment 371.)

¹²¹ Collected affidavits in support of Petitions for Relief from Judgment. (Attachment 372.) These numbers do not include instances where affiants refer to officers collectively but not individually.

¹²² Attachment 370.

¹²³ Attachment 374.

¹²⁴ Affidavits of claimants with cases pending review with CCSAO's Conviction Integrity Unit. (Attachment 373.)

¹²⁵ Letter from Joseph Magats, Chief, Criminal Prosecutions Bureau, CCSAO, to Charise Valente, General Counsel, Chicago Police Department (Nov. 17, 2017). (Attachment 375.)

¹²⁶ Counsel for some claimants allowed COPA to interview their clients. In addition to Baker and Glenn, **COPA interviewed** the following represented individuals: **Allen Jackson**, (Attachment 377), **Leonard Gipson**, (Attachment 378), **Lionel White, Sr.**, (Attachment 379), and **Phillip Thomas**, (Attachment 380). **COPA interviewed** several other litigants before they were represented, including: **D'Andra Woods**, (Attachments 386–92), **Gregory Young**, (Attachments 393–95), **Marc Giles**, (Attachments 449–50), **Elgen Moore**, (Attachments 253, 381–85), and **George Ollie**, (Attachments 396–401).

¹²⁷ Attachments 257, 407 (March 14, 2019 COPA interview); Attachments 202, 203, 260 (March 21, 2019 COPA interview); Attachments 207, 208, 261 (March 27, 2019 COPA interview).

¹²⁸ **On May 30, 2019, COPA investigators conducted a photo array with Jordan.** He identified Jones as the officer who demanded drugs. He identified Smith as an officer he had previously seen. (Attachments 402–06.)

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and users even if no officer witnessed criminal activity. Jordan thought the Team only put drugs on known dealers, which he found appropriate, regardless of whether an officer saw a person dealing. He said he had seen this when the Team entered building lobbies and put people up against a wall before arresting those they knew were dealers or addicts. He recalled “Al” visiting his home often to seize narcotics.¹²⁹

COPA investigators also interviewed Charles Miller, a former Team informant, who made several significant statements against interest.¹³⁰ He described Jones as Watts’ bodyguard and enforcer, a man who was known to beat people in order to get information. Miller said that Jones, among others, rewarded him for providing information by telling him where to find stashed narcotics for his personal use. He also said that Jones was routinely involved in false arrests, indicating that if a dealer got away without being arrested, or his drugs were confiscated, he would be arrested when he next encountered the Team, whether or not he possessed narcotics at the time of his arrest.¹³¹

Harold Owens (now deceased), another admitted dealer with a lengthy criminal record, told COPA investigators that he gave drugs to Team members on several occasions to avoid arrest. He recalled an incident in which he was selling drugs when Watts, “Al,” and “Smitty” arrived.¹³² They ordered him to retrieve all the narcotics he intended to sell that day, promising him that he would then be released. He was indeed released when he gave them the narcotics. He recalled another encounter with “Al” and “Smitty” in which he was asked to provide drugs in exchange for leniency. After giving them drugs, he was arrested and taken to the station, but released by Watts without charges.

COPA investigators interviewed other Wells Homes residents who also had convictions overturned and later filed suit alleging Team members falsely arrested and testified against them.¹³³ **Allen Jackson**, like several others, has a long criminal record and admits he sold drugs in the Wells Homes. He recalled multiple incidents in which officers shook him down for drugs or guns in exchange for avoiding arrest and prosecution. Jackson recalled paying Jones on at least one occasion. He said that while no other officer extorted from him, he believed they knew the charges against him had been fabricated. He also stated that Team members who were not present during his arrest had also testified against him under oath. **Jerome Jointer** described instances in which he gave guns to Team members to avoid arrest and prosecution. **Lionel White, Leonard Gipson, George Ollie, and Philip Thomas**

¹²⁹ Jordan knew officers other than Watts and Mohammed only as “Al” and “Smitty.” Based on the name, Jordan’s description, identification of Jones, and the Team’s composition, investigators concluded that “Al” is Alvin Jones. Based on the name, Jordan’s description, and the Team’s composition, investigators concluded that “Smitty” is Elsworth Smith, Jr.

¹³⁰ **COPA also conducted a series of photo arrays with Miller** at which he identified Jones as the Watts Team’s “Big Al.” (Attachments 519–41.) (See also Attachment 262.)

¹³¹ Valentino Wilbourn, a former Wells Homes resident who was involved in the drug trade, confirmed that Miller was an informant. (Attachment 411.) Wilbourn noted that Watts had multiple informants who would tell him who was selling drugs nearby so the Team could arrest them. Wilbourn acknowledged that most of those arrested and thus those whose convictions were overturned were Wells Homes dealers.

¹³² **COPA interviewed Harold Owens on September 11, 2018.** Based upon his descriptions, other witness identifications and the composition of the Team, COPA investigators concluded that the men Owens referred to as “Al” and “Smitty” were Alvin Jones and Elsworth Smith respectively. (Attachments 116, 126.)

¹³³ These allegations are the subject of additional COPA investigations. As litigants against the City, such individuals have an obvious interest at stake. COPA weighs such interests in assessing witness credibility.

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all allege similar misconduct by Watts, Mohammed, and Jones, including false arrests, extortion, and testifying falsely in legal proceedings.¹³⁴

COPA investigators interviewed many others who were also arrested by the Team, including Lester Boyd, Crystal Looney, Lolita Newell, Sandra Cartwright, Penny Owens, Andre Jennings, Clifford Roberts, Bryant Patrick, Timothy Connor, Marc Giles, Michael Flagg, Rodney Carter, Sandra Berry, Gregory Young, John Pierce, Timothy Brown, George Green, Teresa Butler, Thomas Mitchell, Lynn Howard, and Victor Lyles. All offered similar statements and details of misconduct, including false arrest and false testimony. Four specifically identified “Al,” “Jones,” or “Al Jones” as a perpetrator.¹³⁵

3. COPA Interviews of Other Former Team Members

COPA investigators interviewed several other former Watts Team members in addition to Jones and Smith in the course of this investigation. With the sole exception of Jones, each denied ever seeing any misconduct by another Team member.¹³⁶ While some admitted they had heard rumors of misconduct, only Jones admitted seeing and engaging in such conduct.

IV. LEGAL STANDARD

For each Allegation COPA must make one of the following findings:

1. Sustained - where it is determined that an allegation is proven by a preponderance of the evidence;
2. Not Sustained - where it is determined that there is insufficient evidence to prove the allegation by a preponderance of the evidence;
3. Unfounded - where it is determined an allegation is false or not factual by clear and convincing evidence; or,
4. Exonerated - where it is determined by clear and convincing evidence that the conduct described in the allegation occurred, but it is lawful and proper.

¹³⁴ See **COPA interviews of Allen Jackson** (Attachment 377), **Jerome Jointer** (Attachment 412), **Lionel White, Sr.** (Attachment 379), **Leonard Gipson** (Attachment 378), **George Ollie** (Attachments 397, 401), and **Phillip Thomas** (Attachment 380). Gipson admitted to dealing narcotics in an interview with COPA investigators. White and Thomas deny involvement in drug trafficking but admit to possession and use during all relevant periods.

¹³⁵ See **Boyd** (Attachments 413, 415), **Looney** (Attachments 417, 419), **Newell** (Attachments 422, 423, and 425), **Cartwright** (Attachment 427), **Owens** (Attachment 429), **Jennings** (Attachment 432), **Roberts** (Attachments 437, 441), **Patrick** (Attachments 445–46), **Connor** (Attachment 447), **Giles** (Attachments 449–50), **Flagg** (Attachment 451), **Carter** (Attachments 453, 455), **Berry** (Attachment 457), **Young** (Attachments 393–95), **Pierce** (Attachments 462–63), **Brown** (Attachments 467–68), **Green** (Attachments 470, 472), **Butler** (Attachments 475, 477), **Mitchell** (Attachment 480, 482), **Howard** (Attachment 483), and **Lyles** (Attachment 486). Several of these witnesses also made statements against interest indicating involvement in either the sale or use of illegal drugs.

¹³⁶ In answering interrogatories in the Baker and Glenn civil suit, each officer similarly denied ever giving false testimony in a criminal proceeding, planting drugs, or seeing another officer plant drugs on a civilian.

A **preponderance of evidence** can be described as evidence indicating that it is **more likely than not** that the conduct reviewed did not comply with Department policy.¹³⁷ If the evidence gathered in an investigation establishes that it is more likely that the conduct violated Department policy than that it did not, even if by a narrow margin, then the preponderance of the evidence standard is met.

Clear and convincing evidence is a higher standard than a preponderance of the evidence but lower than the "beyond-a-reasonable doubt" standard required to convict a person of a criminal offense.¹³⁸ Clear and Convincing can be defined as a "degree of proof, which, considering all the evidence in the case, produces the firm and abiding belief that it is highly probable that the proposition . . . is true."¹³⁹

V. ANALYSIS AND CONCLUSIONS

A. SOURCES AND QUALITY OF EVIDENCE

As noted above, COPA investigators obtained detailed statements from a broad pool of witnesses. Over the past 15 years, many of the parties with whom COPA investigators spoke were also questioned in related law enforcement investigations and civil proceedings. Where available, COPA investigators reviewed transcripts or notes related to those statements and interviews. A diverse group of federal and local agencies, including the ATF, DEA, FBI, and US Attorney as well as CCSAO, BIA, and COPA, have undertaken multiple criminal and administrative investigations of the misconduct described in this Report. In addition to interviewing dozens of witnesses, COPA investigators also reviewed records generated and maintained by the agencies, particularly the FBI.

Over the course of time, through multiple proceedings in a variety of jurisdictions, most witnesses have offered materially consistent statements regarding the events reviewed. The prominent exceptions are Jones, whose account now varies considerably from that in his reports and earlier sworn testimony, and Watts and Mohammed, who, having been convicted on corruption charges tied to the events described, now simply refuse to answer questions, resting instead on the protection of the Fifth Amendment. While Jones was not indicted or charged, documents obtained by COPA investigators note his presence in the federal investigation and several witnesses identify Jones specifically as the officer who took payments from them.¹⁴⁰ An accumulation of witnesses and documents also indicates that he authored, signed, and submitted false reports and repeatedly provided false testimony in court proceedings. COPA investigators were especially attentive to Jones' own actions, statements, and admissions.

The assessment of witness credibility is a critical component of every misconduct investigation. Witness mistake and bias can color and misinform memory. Even discounting for bias and self-interest, accurate recall becomes more difficult as events recede into the past. In a review such as this, it is difficult for COPA to construct a thorough, accurate account and glean bias-free statements of the 15-year-old events. In such cases, investigators cannot determine credibility simply by tallying a volume

¹³⁷ See *Avery v. State Farm Mut. Auto. Ins. Co.*, 216 Ill. 2d 100, 191 (2005), which states that "[a] proposition proved by a preponderance of the evidence is one that has been found to be more probably true than not true."

¹³⁸ See, e.g., *People v. Coan*, 2016 IL App (2d) 151036.

¹³⁹ *Id.* ¶ 28.

¹⁴⁰ Jones remains on the Department payroll. He received promotion to the rank of Sergeant in the years since he was a conspicuous presence in the Wells Homes.

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of data. Content, consistency, and corroboration are critical. The interviews conducted and documents reviewed and summarized in this Report demonstrate witness credibility by recording, among other things, instances where a statement is corroborated or disputed by others, the witness gave a prior inconsistent statement, criminal activity, convictions, and misconduct, before and after the events at issue. As noted above, a statement against the interest of the party making it may also indicate greater veracity.

There is reason to doubt the completeness and accuracy of Baker's and Glenn's version of the events at issue. Indeed, Baker admitted that he dealt narcotics in the Wells Homes at a time Jones and Smith were charged with eliminating such activity. He was also convicted of several felony charges in which the Team played no part. Further, Baker continued to traffic drugs even after his release from prison in 2016, while denying it under oath. There are also inconsistencies between Baker's and Glenn's accounts of their interactions with Jones. For her part, Ms. Glenn has downplayed Baker's illegal activity and her recollection of the hearing on the seizure of her vehicle does not match court records.

However, for more than 15 years, Baker and Glenn have maintained a consistent narrative of Jones' misconduct. Over the course of time, in multiple interviews with various investigators and federal and local agencies, Baker has given consistent statements describing the misconduct. Baker testified about the scheme to extort, falsely arrest, and prosecute him at his 2006 trial. Though her account varies from Baker's in certain details like the exact time of their stop, Glenn has also given consistent descriptions of the events of December 11, 2005. Since then, she has also given numerous statements to law enforcement and investigative agencies that support her long-standing narrative. The statements of multiple other witnesses further support the couple's description of the arrests and prosecutions. Many witnesses interviewed have no financial stake in litigation against the City and many who offered information made significant statements against their own interests that could create legal jeopardy.¹⁴¹

Evidence reviewed by COPA investigators shows that Jones and the Team specifically targeted those who, like Baker, were involved in the drug trade precisely because he and those like him had no recourse or expectation of fair treatment if they complained of misconduct. Jones could contrive and drive false charges against such people with impunity because he was certain of the deference his law enforcement status would provide. Such deference enabled the Team's control of drug trafficking in the Wells Homes. Indeed, it has taken 15 years for residents' complaints of misconduct to receive an impartial evaluation.¹⁴²

While some witnesses did not think Jones was corrupt, more described instances of his misconduct. The evidence indicates that Jones repeatedly authored, signed, and filed false reports and supported those misstatements with false testimony under oath. Some of his own statements to COPA investigators supports witnesses' assertions. Witnesses recalled Jones engaging in a scheme in which the Team and dealers provided each other narcotics and implicated him in the practice of rewarding informants with illegal drugs.

Jones' own actions and statements may be the most persuasive and damning evidence against him. He maintained through multiple court appearances that he engaged in two simultaneous and independent

¹⁴¹ Such statements may be found to be more reliable than neutral or self-interested statements. See FRE 804(b)(3).

¹⁴² Most civilian witnesses interviewed have lengthy criminal histories, primarily for possession or possession with intent to distribute narcotics. Nearly all of them admitted that they either sold or used narcotics during the period under review. Mohammed and Watts are likewise convicted felons with a proven propensity to lie under oath.

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surveillance operations at different locations. His testimony led to the prosecutions of several people who were arrested blocks apart. Only when COPA investigators questioned the glaring discrepancies in his reports and prior testimony did Jones admit details that he failed to include in his earlier statements. Previously, he had not described his surveillance location, nor did he admit that Watts was his partner that day. He also swore that Mohammed and other officers involved in the Baker surveillance converged on Baker's vehicle within seconds of the stop, before the couple was in custody. When questioned by COPA investigators, Jones claimed to have no recall of the simultaneous arrests of the other five men at 574 E. 36th Street.¹⁴³

Only after COPA investigators acknowledged that the statement could not be used against him in criminal proceedings did Jones admit that he had been lying for nearly 15 years. In his own words, "You can't be in two places at one time. That [the 574 E. 36th Street arrests] may not be the truth that I was over there conducting surveillance over there, that may not be the truth."¹⁴⁴ Having created and maintained a tale that was no longer tenable, Jones admitted that: 1) He was likely not near 574 E. 36th Street; 2) Was not the surveillance officer; and, 3) Did not see any hand-to-hand drug transactions preceding those arrests. Instead, he said he has no independent recollection of the arrests and that he probably just read the reports and testified to their content.¹⁴⁵ When questioned again about details of Baker's and Glenn's arrests, he spontaneously recalled that, notwithstanding all of the reports and testimony to the contrary, Mohammed could not have been either a "witnessing officer" or "arresting officer" as the reports stated because he only arrived later, after Baker and Glenn were in custody, and could not have witnessed or participated in any of the actions described. Jones admission however fails to explain his signing Mohammed's name to the VCR describing the arrests.

As shown in Figure 3 below, it was physically impossible for Jones to engage in both surveillances or to have witnessed hand-to-hand transactions at 574 E. 36th Street given the distance and obstructions blocking his view from the location he gave. Further, Jones conceded that even if the report times are *incorrect*, no explanation of events would allow him to participate in both operations given the known timeline. The conclusion rests on Jones' own sworn version of events: 30 minutes or more (as much as two hours) surveillance related to Baker and Glenn; their 12:12 pm arrests; and, an immediate return to the 2nd District to process their arrests.

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¹⁴³ This deceit supported the continued prosecutions and judge's sentences. While the judge included a statement for the record noting his empathy for the couple's misfortune, he nevertheless sentenced Baker to a further four years' incarceration - a total of 18 years for Baker in the two matters over which this judge presided.

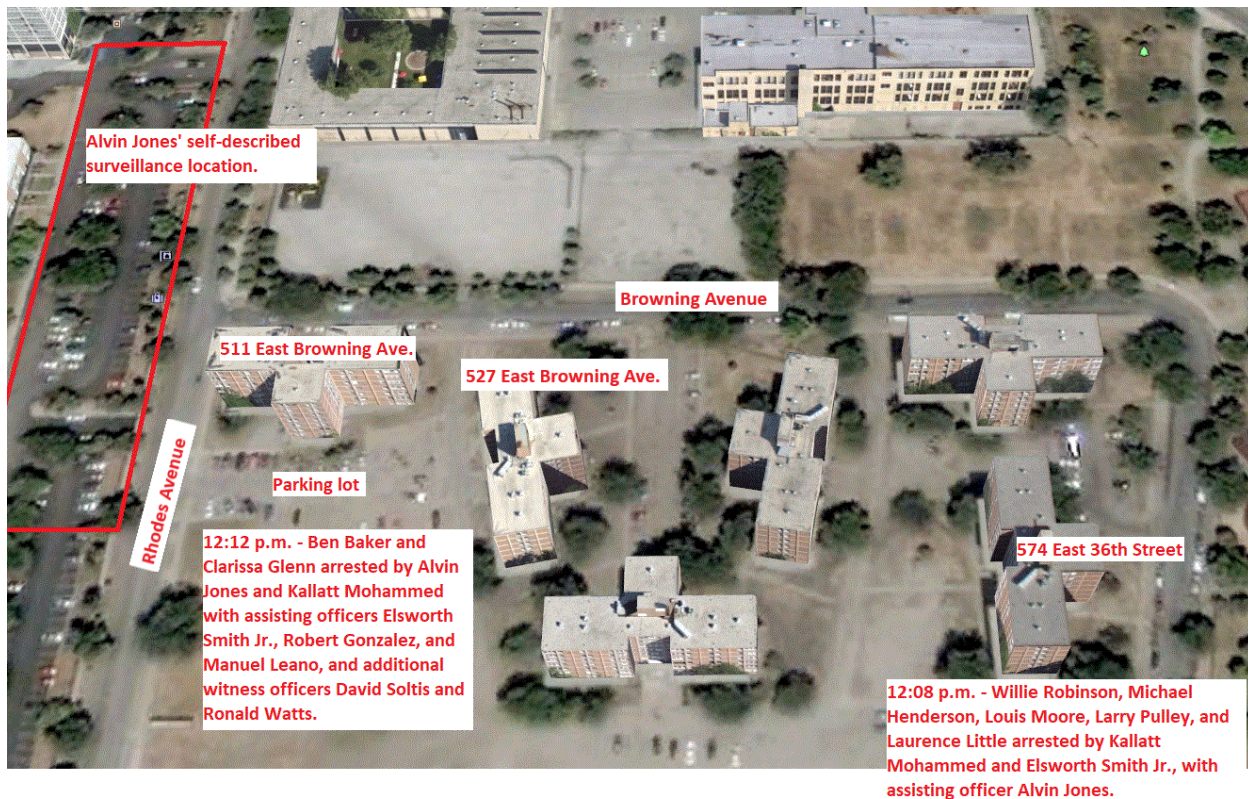
¹⁴⁴ Attachment 252, p. 187.

¹⁴⁵ As noted above, he later amended his statement saying that it was just his habit to include his partner's name as a second reporting officer in VCRs - even if his partner did not witness the events reported - and that he would never name his supervisor as the second reporting officer, even if his supervisor did witness the events described.

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Figure 3. COPA Demonstrative Exhibit.

Jones' "explanation" that "maybe the times got crossed up" is fatuous. First, mistaking the times stated in the reports cannot explain the evolution of his story about Mohammed's whereabouts and participation in the Baker and Glenn arrest. Second, substantial evidence indicates that the events described in both sets of reports did in fact occur at about the same time. More than twelve years after the events, Willie Robinson and Michael Henderson vividly recalled that Watts and an officer matching Jones' description were present when they were arrested at 574 E. 36th Street. Both also recalled that Watts hurried from the scene when he heard Baker had been stopped. Neither Robinson nor Henderson were identified as witnesses in Baker's civil suit before COPA located and interviewed them. Neither of them has raised a claim against the City or a Department member for his arrest that day. It does not appear that either of them would know or care that his statement to COPA investigators would have any impact, whether helpful or harmful, on Baker's claim.

Willie Robinson, Michael Henderson, and Louis Moore each independently recalled their own arrest in the building lobby rather than outdoors as Jones' report stated. None of them was convicted of any crime related to his December 11, 2005 arrest. There is no persuasive reason to believe that they all fabricated details of their arrest time and location. It is more likely, in light of all evidence examined, that their accounts are truthful. Moreover, their recollections are corroborated by Jones' admissions that: 1) He was in a car with Watts, not Mohammed; and, 2) He lied under oath about Robinson's arrest. As noted, Watts and Mohammed, who are best positioned to say what happened that day, asserted Fifth Amendment rights when questioned about the couple's arrests. We note the important principle that:

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In a civil action, the Fifth Amendment does not forbid an adverse inference against a party who refuses to testify in response to probative evidence of alleged misconduct. As long as there is some evidence to support the [] allegations, a court may consider a party's refusal to testify as further evidence of the alleged misconduct.¹⁴⁶

Illinois Courts have also upheld the drawing of an adverse inference based upon the refusal of a non-party witness to testify in an administrative proceeding.¹⁴⁷

We may draw an adverse inference from Watts' and Mohammed's refusal to answer interrogatories Baker and Glenn proffered in litigation.¹⁴⁸ Taken in light of all available evidence, such refusals imply the existence of misconduct before, during, and after the couple's arrests. The inference extends to Jones – the officer who authored and signed the reports describing the arrests. Other officers listed as witnesses in the reports, including Smith, claim to have no independent recall of events on December 11, 2005 and neither Baker nor Glenn remembers any other officers present at their arrests. Officer Soltis testified that he could not recall a single instance in his entire career as a patrol officer in which he participated in a surveillance operation. As for Smith, the reports, his testimony in Robinson's prosecution, and witness statements describing the 574 E. 36th Street arrests all suggest that he was, in fact, at 574 E. 36th Street and *not* in the parking lot behind 511 E. Browning when Baker and Glenn were arrested. No one but Jones himself can support his dubious version of events.

However, Jones himself undermined his earlier version of events, admitting he: 1) Lied under oath about the 574 E. 36th Street arrests; 2) Likely did not participate in that surveillance; and 3) Likely did not witness any hand-to-hand exchange as described in associated reports. He further admitted to lying about the identities of officers involved and other matters related to the Baker-Glenn arrests. Finally, Jones admitted to an "egregious error" in signing Mohammed's name to a report despite knowing that Mohammed had no first-hand knowledge of the matters described therein. That action violated multiple Department policies. In short, Jones admitted that he swapped out Watts for Mohammed in his report, knowing that Watts was present, but Mohammed was not. All officers asked agreed that an officer who was not present to observe some aspect of the offense described in a report should not appear as a first or second reporting officer and that failing to identify an officer who had in fact witnessed events described in the report and substituting another who had not would be a Rule 14 violation.¹⁴⁹

The totality and quality of evidence indicates that it is more likely than not that Jones, Watts, Mohammed, and Smith were all present in the lobby at 574 E. 36th Street when Officer Soltis stopped Baker and Glenn and that upon hearing the radio report of the stop, Watts and Jones left Mohammed, Smith, and the arrestees at 574 E. 36th Street to drive to the parking lot south of 511 E. Browning Avenue where they searched the vehicle and arrested Baker and Glenn. It is possible that illegal drugs were recovered from Glenn's vehicle. Baker admits he dealt narcotics at the time and he awaits federal sentencing for more recent criminal activity about which he lied. However, even if narcotics were found, the recovery, surveillance, and subsequent arrests could not have occurred as Jones described them in reports and testimony. This conclusion is founded upon an abundance of evidence, including

¹⁴⁶ See *People v. Gibson*, 2018 IL App (1st) 162177 ¶ 85 (citations and internal quotation marks omitted).

¹⁴⁷ See *Canter v. Cook Cty. Officers Electoral Bd.*, 170 Ill. App. 3d 364, 369–70 (Ill. App. Ct. 1988) ("[I]t is apparent that the trier of fact in a civil case . . . is not barred from considering a witness' refusal to testify.")

¹⁴⁸ See *supra* note 101 regarding COPA investigators' efforts to interview Watts and Mohammed.

¹⁴⁹ The VCR identifies Watts as a witness officer but not as an arresting or attesting officer. It identifies Mohammed as an arresting officer. Jones later admitted that Mohammed was not present at Baker's and Glenn's arrests.

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Jones' false and misleading statements about the simultaneous surveillances and arrests blocks apart. The evidence indicates that it is improbable that Jones saw Glenn hand Baker a bag of narcotics when their vehicle was stopped. The evidence also indicates that it is more probable than not that Jones falsely reported Mohammed's presence at the scene of the Baker-Glenn arrests given his false written and verbal statements that Mohammed: 1) Witnessed Baker commit a traffic offense; 2) Witnessed Glenn hand Baker a bag of suspect narcotics as they were stopped; and, 3) Was present when the suspect narcotics were recovered from Glenn's vehicle.

B. FINDINGS**1. ALVIN JONES**

COPA finds that Allegations 1, 2, 3, 8, 9, 10, 17, 18, 19, 20, 21, 22, 23, 24, 25, and 26 against Sergeant Jones are Sustained. COPA further finds that Allegations 5, 6, and 7 against Jones are also Sustained. And, as his reports and statements are more probably than not false, COPA further finds that Jones falsely arrested Baker and Glenn and that the false arrests and Jones' subsequent conduct brought discredit upon the Department. Accordingly, **COPA further finds that Allegations 13, 14, 15, and 16 are also Sustained.**

Rule 14 prohibits Department members from making false oral or written reports. To find that a member violated Rule 14 we must determine that the member's statement was: 1) false; 2) made willfully; and, 3) about a fact that was material to the incident under investigation.¹⁵⁰

Materiality is derived from the relationship between the proposition of the allegedly false statement and the issues in the case. The test of materiality . . . is whether the statement tends to prove or disprove an issue in the case. This determination involves the relationship between an allegedly false statement and the nature of the proceedings at which it is made.¹⁵¹

Jones' statements that he saw Ms. Glenn hand Mr. Baker a bag of suspect narcotics and that "narcotics" were found – including his accounts of Mohammed's participation – are material. His reports and testimony were also exploited to prosecute Baker and Glenn and support a judge sentencing Baker to 18 years in prison. Prosecutors tendered the material to defense counsel thereby affecting trial strategy.¹⁵² Jones' statements offered direct and critical support to "prove" the elements of the crimes

¹⁵⁰ For those holding the rank of Police Officer, the elements are set forth in Section 6.1(M) of the Collective Bargaining Agreement between the City and FOP, Lodge 7. There is no corresponding language in the Collective Bargaining Agreement for members holding the rank of Sergeant. However, Department General Order G08–01–01 states that "the Department will not charge a member with a Rule 14 violation unless the Department member willfully made a false statement and the false statement was made about a fact relevant to the investigation." General Order G08–01–01 § II(N) (eff. May 4, 2018).

¹⁵¹ *Taylor v. Police Bd. of City of Chicago*, 960 N.E.2d 750, 759; 2011 IL App (1st) 101156 (2016), (citing *People v. Acevedo*, 275 Ill. App. 3d 420, 423 (1995), and quoting *People v. Rutledge*, 257 Ill. App. 3d 769, 771 (1994) (internal citations and quotation marks omitted)).

¹⁵² See Department Special Order S09–05–01 describing counsel's right to obtain relevant evidence and reports pursuant to Illinois Supreme Court Rule 412 - Disclosure to the Accused. An accused is entitled to written or recorded defendant and witness statements, Department reports, other documents, notes, photographs, and tangible objects the prosecutor intends to use at the proceeding. S09–05–01§ III(B) (eff. August 14, 2003). See also CPD–63.450 Department Field Reporting Manual-General Reporting Instructions noting the importance of

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with which Baker and Glenn were charged. The statements also purported to identify key witnesses. Defense counsel's inability to gain the truth about the couple's stop, the search of their vehicle, and the "recovery" of narcotics may have foreclosed the hearing of dispositive motions. Jones prepared his reports on the day of the arrests. The clear conflicts among his detailed reports and testimony and his later sworn statements are not the result of simple negligence or a faulty memory. It defies reason to conclude that Jones' repeated, material, false statements were anything but willful.

Jones' January 2019 false statement to COPA investigators regarding Mohammed's presence when Baker and Glenn were stopped is also material. The statement identifies a potential witness and directly contradicts the couple's consistent assertions that Mohammed was not present. Jones later reversed himself, stating unequivocally that Mohammed did not arrive until considerably later. He thereby confirmed that all of his prior sworn written and oral statements to the contrary were false. Considering the totality of available evidence, COPA finds that it is more likely than not that the Jones statements described in Allegations 1, 2, 3, 5, 6, 7, 8, 9, 10, 17, 18, 19, 20, 21, 22, 23, 24, 25, and 26 were: 1) false; 2) willfully made; and, 3) material to the incident under investigation.

2. ELSWORTH SMITH, JR.

Review of the evidence in this matter leads to the conclusion by a preponderance that Smith was not present at the scene of the Baker-Glenn arrests. He neither signed a related report nor testified regarding the events. **COPA therefore finds that Allegations 1, 2, and 3 against Officer Smith are Not Sustained.** COPA did not reach a finding of "Unfounded" on the allegations as the totality of evidence indicates that Smith was aware of the Team's pattern of misconduct. Moreover, his assertion that he never heard so much as a rumor of any misconduct is not credible given the length of his tenure on the Team and the wealth of evidence regarding the scale and duration of its misconduct.¹⁵³

VI. RECOMMENDATION FOR DISCIPLINE

COPA finds that Sergeant Alvin Jones should be separated from the Chicago Police Department. Sergeant Jones has no history of adverse disciplinary action during the past five years, and Sergeant Jones has received the Superintendent's Award of Merit, three Department Commendations, and multiple other awards, commendations, and complimentary letters. However, Sergeant Jones made multiple materially, willfully, false statements regarding the circumstances related to the arrests of Ben Baker and Clarissa Glenn. Sergeant Jones swore an oath to uphold the law and support the Constitutions of the United States and the State of Illinois. His conduct, however, demonstrates blatant contempt for the principles of justice, his oath, and the rule of law.

Many of those upon whom Jones preyed, including Ben Baker, had criminal records and admitted to engaging in criminal conduct. But, unlike Jones, Baker was not charged with serving the public and had no public authority to abuse. Conversely, Jones enjoyed great official authority and abused it

creating and maintaining accurate data and reports. Section I(C) of the Manual notes that a report's purpose is to accurately describe official Department actions regarding incidents. Critical information includes the time an officer arrived on-scene as well as the time s/he completed the assignment. CPD-63.450 § I(C) (rev. Dec. 1985).

¹⁵³ See, e.g., deposition testimony and affidavits in *Spalding v. City of Chicago*, No. 12-cv-8777 (N.D. Ill.), describing the Team's evident misconduct: Echeverria Dep., Dec. 2, 2014 (Attachment 351); Spalding Dep., Nov. 18, 2014 (Attachment 352); Spaargaren Aff., Jan. 27, 2015 (Attachment 354.) Jones' and Smith's conduct as it relates specifically to the arrests of Robinson, Henderson, Moore, Pulley, and Little is addressed in the investigation of Log No. 1092530.

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brazenly for his own gain. He violated his oath, public duty, multiple Department Orders, and the trust of other officers and the community he was sworn to protect. His separation from the Department is a necessary step in restoring community trust in the Department and the rule of law in Chicago.

Approved:



3/10/2021

Andrea Kersten
Chief of Investigative Operations

Date



3/10/2021

Sydney Roberts
Chief Administrator

Date

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Appendix A

Assigned Investigative Staff

Squad#:	4
Major Case Specialist:	Greg Masters
Chief of Investigative Operations	Andrea Kersten