

**IN THE UNITED STATES DISTRICT COURT FOR
THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

THIS FILING RELATES TO CASE NO. 16-CV-8940

**PLAINTIFFS' CORRECTED STATEMENT OF DISPUTED FACTS IN SUPPORT OF
THEIR OPPOSITION TO DEFENDANTS' MOTION FOR SUMMARY JUDGMENT**

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I. The Defendants began working together years before they framed Baker and Glenn

1. In March 2001, Defendant Ronald Watts joined the Public Housing South Unit as a patrol sergeant. Ex. 1, (Watts' March 2, 2018 ATI); Ex. 2 (DEF 000002).

2. At the time, Defendants Robert Gonzalez, Brian Bolton, and Alvin Jones were already working on this Unit and had been since early 2000. Ex. 3 (CITY-BG-003373-75); (CITY-BG-003381). Defendant Mohammed transferred to this Unit in May 2001. Ex. 4 (CITY-BG-003372).

3. In 2003, Watts became a tactical sergeant. Ex. 4 (CITY-BG-003372).

4. In November 2004, the Chicago Police Department dissolved the Public Housing South Unit. Ex. 5 (Dep. of Jones), Feb. 26, 2020, at 79:2-5. As a result, Watts, Mohammed, Jones, Gonzalez, and Bolton were reassigned to the Second District where they formed a tactical team (the "Watts team") with Watts as the team's sergeant. Ex. 1 (Watts' March 2, 2018 ATI); Ex. 4 (Mohammed: CITY-BG-003372); Ex. 3 (Jones: CITY-BG-003373); Ex. 3 (Gonzalez: CITY-BG-003375); Ex. 6 (Bolton - CITY-BG-003381).

5. In this transition, Defendants Manuel Leano, Elsworth Smith, and Douglas Nichols also joined Watts' tactical team. Ex. 7 (Dep. of Leano), Sept. 26, 2019, at 22:13-22; Ex. 8 (Dep. of Smith), Feb. 17, 2020, at 25:12-22; Ex. 9 (Dep. of Nichols), Dec. 19, 2019, at 20:17-21:4.

II. Baker is arrested on false charges in July 2004 but beats the case

6. On June 17, 2004, Baker was with Glenn running errands prior to a planned overnight trip with their children when he received a call from his friend Patrick Frazier. Ex. 10 (Dep. of Baker), Aug. 9, 2023, at 161:21-167:7. Frazier told Baker that Watts and members of his team were at Baker's apartment complex, and Watts was claiming to have retrieved drugs from a mailbox that he planned to plant on Baker. Ex. 11 (Baker Crim. Trial Tr.) at PL Joint 0453:3-54:10;

Ex. 10 (Dep. of Baker), Aug. 9, 2023, at 161:21-167:7; Ex. 12 (Dep. of Frazier), Nov. 2, 2023, at 162:20 – 164:22.

7. Days later, a man named Charles Lawrence came to Baker's apartment and told him that Watts needed to speak to him from a pay phone. Ex. 11 (Baker Crim. Trial Tr.) at PL JOINT 0455:4-19; Ex. 10 (Dep. of Baker), Aug. 9, 2023, at 345:19-346:5.

8. Baker drove Lawrence to a pay phone, and Lawrence called Watts on his cell phone. Ex. 10 (Dep. of Baker), Aug. 9, 2023, at 346:1-14. Eventually, Baker got on the phone and Watts told Baker that if he pays Watts \$1,000, Watts will make sure Baker will "beat" the case. Ex. 11 (Baker Crim. Trial Tr.) PL JOINT 501:3-502:4; Ex. 10 (Dep. of Baker), Aug. 9, 2023, at 346:19-347:8.

9. Baker who understood Watts was talking about the supposed drugs found in a mailbox, refused the bribe and hung up on Watts. Ex. 11 (Baker Crim. Trial Tr.) at PL JOINT 502:6-18; Ex. 10 (Dep. of Baker), Aug. 9, 2023, at 347:1-8.

10. Several weeks later, on July 11, 2004, Baker, Glenn, and Elgen Moore were in Baker's apartment when Glenn answered knocks on their door. Defendants Watts, Jones, and several other officers came in guns drawn. Ex. 11 (Baker Crim. Trial Tr.) at PL JOINT 503:2-24; Ex. 10 (Dep. of Baker), Aug. 9, 2023, at 188:18-23.

11. They proceeded to search the house while Watts proclaimed that if they found drugs, everyone is going to jail, and if there is nothing, Baker would go to jail for the drugs in the mailbox. Ex. 11 (Baker Crim. Trial Tr.) at PL JOINT 504:8-505:9; Ex. 10 (Dep. of Baker), Aug. 9, 2023, at 190:1-7.

12. Finding nothing, Watts told his team to arrest Baker and Moore, and Jones cuffed Baker. Ex. 10 (Dep. of Baker), Aug. 9, 2023, at 190:20-191:8; Ex. 13 (Dep. of Moore), Feb. 28, 2024, at 106:4-13.

13. Baker was charged with narcotics offenses and spent over four months in jail until, in November 2004, following the testimony of Officer Kenneth Young and others, the court granted his pre-trial motion to suppress, and the State dropped the charges. Ex. 11 (Baker Crim. Trial Tr.) at PL JOINT 506:6-18; Ex. 10 (Dep. of Baker), Aug. 9, 2023, at 200:10-23; 203:3-22.

14. Roughly one week later, Baker saw Defendant Jones and told him “that was some BS y’all put that case on me.” Ex. 11 (Baker Crim. Trial Tr.) at PL JOINT 509:2-11. Defendant Jones responded: “that is part of the game, you win some you lose some, you won this one because Kenny [Young] fucked up on his testimony,” but Jones promised that “the next time we get you it will stick.” Ex. 11 (Baker Crim. Trial Tr.) at PL JOINT 509:13-510:24.

15. Various defendants and officers tell a polar opposite version of these events: Defendants Jones and Officer Young insist that on June 17, 2004, they witnessed Baker stuff a large envelope containing heroin into the mailbox, but Baker escaped before they could detain him. Ex. 14 (Dep. of Young), Dec. 15, 2021, at 33:16-25; Ex. 15 (Dep. of Jones), July 18, 2023 at 40:2-7, 51:20-22.

16. But several weeks later, on July 11, 2004, the officers claim they encountered Baker in the stairwell in the same building when Baker fled toward his apartment; the officers detained him in the hallway before he got inside and arrested him for the drugs found in the mailbox in June. Ex. 14 (Dep. of Young), Dec. 15, 2021, at 86:21-87:1; Ex. 15 (Dep. Jones), July 18, 2023 at 85:22 -86:3.

17. Finding the officers’ testimony contradictory with each other and ultimately

impossible based on the location of the mailboxes and the door from which they claimed Baker escaped on June 17, 2004, the Civilian Office of Police Accountability concluded that Defendant Jones and Officer Young “made false statements in their reports and testimony regarding the discovery of heroin in Baker’s mailbox and the circumstances surrounding Baker’s later arrest.” Ex. 16 (COPA-WATTS_059418- COPA-WATTS_059425).

III. Baker is again falsely arrested on March 23, 2005, but this time he is convicted at a bench trial.

Baker’s testimony regarding the March 2005 arrest

18. According to Baker, on March 23, 2005, he was walking down the stairs, alone, in the hallway of 527 E. Browning, a high-rise apartment building where he lived with Glenn and their children. Ex. 11 (Baker Crim. Trial Tr.) at PL JOINT 019341:22-019342:8. Baker started out on the sixth floor in Apartment 608. *Id.* at 019342:9-11. He was going to buy something for his mom because it was her birthday. *Id.* at 019342:4-6.

19. Baker did not have any drugs at the time, and he was not selling drugs. Ex. 11 (Baker Crim. Trial Tr.) at PL JOINT at 019383:6-7; Ex. 10 (Dep. of Baker), Aug. 9, 2023, at 249:17-19. In fact, Baker had not sold drugs in nearly a year. Ex. 11 (Baker Crim. Trial Tr.) at PL JOINT 019359:2-3.

20. According to Baker, when he approached the third-floor landing, he saw two other individuals with drugs, Antwan Bradley and Gregory Young. Ex. 11 (Baker Crim. Trial Tr.) at 019342:13-23; Ex. 10 (Dep. of Baker), Aug. 9, 2023, at 222:21-23. Bradley denies possessing or selling drugs on March 23, 2005. Ex. 17 (Dep. of Bradley) at 39:12-39:16. Young does not remember anything about March 23, 2005. Ex. 14 (Dep. of Young), Feb. 22, 2024, at 32:10-32:14.

21. In addition to seeing Bradley and Young, Baker also encountered Defendant Nichols. Ex. 11 (Baker Crim. Trial Tr.) at PL JOINT 021603:15-021604:7.

22. Nichols contends that he had never interacted with Baker before that day and claims that he did not know that Baker was a drug dealer at the time. Ex. 9 (Dep. of Nichols), April 18, 2019, at 162:17-19. Specifically, Nichols claims that he learned Ben Baker was a drug dealer, “Because I arrested him. That’s how I knew he was a drug dealer.” *Id.* at 149:15-21.

23. Baker, on the other hand, knew that Nichols was a member of the corrupt Watts team. Ex. 18 (Baker Affidavit) at ¶ 5. Given that knowledge, Baker fled upon seeing Nichols. Ex. 18 (Baker Affidavit) at ¶ 5; Ex. 11 (Baker Crim. Trial Tr.), at PL JOINT 21638:15-PL JOINT 021639:3.

24. According to Baker, Defendant Leano caught up to him and stopped him. Ex. 11 (Baker Crim. Trial Tr.) at PL JOINT 021639:6-24. Leano searched Baker, put him in handcuffs, and placed him in the back of a police car. *Id.* at PL JOINT 021640:3-18. Then Nichols came out of the building with two bags of drugs. *Id.* at PL JOINT 021640:19-23. Nichols handed the drugs to Leano. *Id.* at PL JOINT 021641:17-21.

25. Leano does not remember seeing Baker with drugs or seeing anyone recover drugs from Baker. Ex. 7 (Dep. of Leano), Jan. 26, 2002, at 32:21-33:3. After reviewing the relevant police reports of the March 23, 2005 arrest, Leano still had no memory of seeing Baker with drugs or of seeing anyone recover drugs from him. *Id.* at 33:4-33:23.

26. Both Nichols and Leano got into the police car with Baker. Ex. 11 (Baker Crim. Trial. Tr.), at PL JOINT 021640:14-18. Bolton got on the phone, and shortly after that, Defendants Jones and Watts appeared on site. Ex. 11 (Baker Crim. Trial. Tr.), at PL JOINT 021643:8-021644:10.

27. Nichols started talking to Watts, and Jones told Baker words to the effect of “I told you we were going to get you.” Ex. 11 (Baker Crim. Trial. Tr.), at PL JOINT 021644:12-23. Baker interpreted Jones’ comment to mean that Jones was making good on the promise he made in late 2004 to “put a case on,” or frame, Baker. Ex. 11 (Baker Crim. Trial. Tr.), at PL JOINT 021644:24- 021645:10. Baker immediately complained that the officers were framing him. Ex. 11 (Baker Crim. Trial. Tr.) at PL JOINT 021645:3-10.

Defendants’ testimony regarding the March 2005 arrest

28. In contrast to Baker’s version of events, Defendant Nichols claims that he was with his partner, Defendant Leano, when the two of them announced themselves as police officers and attempted to stop Baker because they saw him “holding a clear plastic bag containing suspect narcotics” while walking down the stairs. Ex. 19 (03/23/2005 Vice Case Report), at CITY-BG-00025; Ex. 9 (Dep. of Nichols), April 18, 2022 at 151:23-152:2. Leano claims not to remember the incident beyond the fact that him and Nichols chased Baker down some stairs. Ex. 7 (Dep. of Leano), Jan. 26, 2022 at 31:24-33:3.

29. According to the Defendants, when Baker reached the ground floor lobby, he was stopped by Defendants Bolton and Gonzalez. Ex. 11 (Baker Crim. Trial Tr.), at PL JOINT 021693:2-24; Ex. 9 (Dep. of Nichols), April 18, 2022 at 156:14-157:6 (Nichols testifying that that Bolton (along with Gonzalez) stopped Baker while he was running away). Gonzalez testified at Baker’s trial that he saw Nichols recover drugs from Baker. *Id.* at PL JOINT 021694:9-23. Baker, by contrast, says that Gonzalez was not even at the scene and that Baker did not see Gonzalez until he was at the police station. Ex. 11 (Baker Crim. Trial Tr.) at PL JOINT 021664:13-23.

After the Arrest

30. Ultimately, Baker was arrested, transported to the police station, and falsely charged with drug crimes despite not possessing any narcotics. Ex. 20 (Baker Arrest Report), March 23, 2005 at CITY-BG-0010.

31. Baker believes that perhaps the drugs the Defendants falsely attributed to him were taken by the officers from the two men Baker saw on the third-floor landing. Ex. 10 (Dep. of Baker), Aug. 9, 2023, at 226:3-5; 226:20-24. There is, however, no direct evidence showing that the drugs falsely attributed to Baker came from Bradley or Young as opposed to another source. Ex. 17 (Dep. of Bradley) at 39:12-39:16 (Bradley denying possessing or selling drugs on March 23, 2005); Ex. 14 (Dep. of Young) at 32:10-32:14 (Young stating he does not remember anything about March 23, 2005); Ex. 9 (Dep. of Nichols), April 18, 2022, at 156:25-157:2 (Nichols claiming he recovered the narcotics from Baker).

32. Nichols worked with other Defendants to create false police reports, specifically a vice case report and an arrest report. Ex. (Baker Arrest Report) at CITY-BG-00010-12; Ex. 19 (03/23/2005 Vice Case Report) at CITY-BG-00025-26. Baker witnessed Defendants Gonzalez, Leano, and Jones all working on these police reports. Ex. 11 (Baker Crim. Trial Tr.) at PL JOINT 021647:15-18, PL JOINT 021666:12-021667:20.

33. Nichols and Leano are listed as the first and second arresting officers on both reports. Ex. 20 (Baker Arrest Report) at CITY-BG-0012; Ex. 19 (03/23/2005 Vice Case Report) at CITY-BG-00026. Nichols is also the attesting officer for the arrest report, which means that he stated “under penalty of perjury, that the facts stated herein are accurate to the best of my knowledge, information and/or belief.” Ex. 20 (Baker Arrest Report) at CITY-BG-0012. Smith is

also listed as an assisting arresting officer on the Vice Case Report for the March 23, 2005 arrest. Ex. 19 (03/23/2005 Vice Case Report) at CITY-BG-00026.

34. Generally, the First reporting officer (“RO1”) is the individual who witnessed the supposed criminal act and drafted the reports. Ex. 21 (Dep. of Michael Fitzgerald – 30(b)(6)) at 41:2-25; Ex. 7 (Dep. of Leano) Jan. 26, 2022 at 97:1-8.

35. Often, the Second reporting officer (“RO2”) also purportedly witnessed portions of the supposed criminal act or substantively assisted with the actual arrest, although at times officers have testified that, when drafting reports, they automatically just list their partners as the second reporting officer. Ex. 21 (Dep. of Fitzgerald – 30(b)(6)) at 202:12-19; Ex. 7 (Dep. of Leano) Jan. 26, 2022 at 97:12-22.

36. The attesting officer asserts that the information within a particular report is correct and truthful. Ex. 21 (Dep. of Fitzgerald – 30(b)(6)) at 75:18-76:1, March 6, 2024. The narratives in the reports rarely document the particular role each assisting officer played in the event or arrest. *Id.* at 101:23-102:21; 104:17-105:19.

37. The reports say that the “A/Os” or “R/Os,” otherwise known as Reporting Officers and Arresting Officers (in this case Nichols and Leano) personally observed Baker holding a clear plastic bag containing narcotics and that after Nichols searched Baker, he found another bag of narcotics. Ex. 20 (Baker Arrest Report) at CITY-BG-0011; Ex. 19 (03/23/2005 Vice Report) at CITY-BG-00026.

38. The arrest report claims that the “A/Os”, or arresting officers Nichols and Leano, saw Baker “holding a clear plastic bag containing suspect narcotics,” and that they chased him “without losing sight” before Defendants Bolton and Gonzalez apprehended him. Ex. 20 (Baker Arrest Report) at CITY-BG-0011 (arrest report noting that Beat 264B detained Baker); Ex. 22,

(PL JOINT 021596) at 1:4 (noting that Beat 264B, which was Gonzalez and Bolton, detained Baker).

39. The reports state that Nichols then took one bag of drugs from Baker's hand and found another while performing a custodial search. Ex. 20 (Baker Arrest Report) at CITY-BG-0011. And the reports claimed that Baker confessed to having drugs by telling the "A/Os"/"R/Os," that some of the drugs were his but others were not. *Id.*

40. Nichols signed the vice case report with his name and, with Leano's permission, signed Leano's name as well. Ex. 9 (Dep. of Nichols) April 18, 2022 at 164:19-23 (confirming that he signed the report); Ex. 7 (Dep. of Leano), Jan. 26, 2022 at 35:20-36:1 (stating that Nichols signed Leano's name with his permission). Nothing on the report indicates that it was signed with Leano's permission. *See generally* Ex. 19 (03/23/2005 Vice Case Report).

41. According to the police reports, Defendants Watts directed the officers to enter the 527 E. Browning building because of "high narcotics activity." Ex. 20 (Baker Arrest Report) at CITY-BG-00011.

42. Nichols does not recall ever interacting with Baker before March 23, 2005. Ex. 9 (Dep. of Nichols), April 18, 2019, at 162:17-19.

43. Nichols testified that he was instructed to go to the 527 E. Browning building on March 23, 2005 to conduct a "premise check," which means the officers go through the "building to make sure if any illegal activity is happening in the building." Ex. 9 (Dep. of Nichols) April 18, 2022 at 150:16-150:22; *see also* Ex. 22 (Baker Crim. Trial Tr.) at PL JOINT 021591:21-23 (Nichols testifying that he went to 527 E. Browning on March 23, 2005 because Watts directed him to conduct a premises check). Nichols testified at Baker's criminal trial that Watts had not

directed him to look for anybody in particular. Ex. 22 (Baker Crim. Trial Tr.) at PL JOINT 021601:18-22.

44. Baker testified that Nichols had detained him multiple times in the past. Ex. 22 (Baker Crim. Trial Tr.) at PL JOINT 021653:12-021654:12.

45. There is evidence in the record, specifically from Defendant Jones, that the Watts team stopped and attempted to search everyone who they encountered when they entered a building in Ida B. Wells looking for drugs. Ex. 15 (Dep. of Jones), Feb. 27, 2020, at 473:24-474:13.

46. There is also evidence that the Watts team was targeting Baker because he refused Watts' extortion attempts and had beaten the "mailbox" case in which team members attempted to frame him. Ex. 22 (Baker Crim. Trial Tr.) at PL JOINT 021644:12-021645:10; Ex. 10 (Dep. of Baker) Aug. 9, 2023 at 203:4-19.

47. To this day, Defendants maintain that they did not frame anyone. Ex. 15 (Dep. of Jones), Feb. 26, 2020 at 110:22-111; *Id.* at 13; 104:23-106:3; Ex. 23 (Dep. of Bolton), May, 18, 2020 at 104:22-105:12; Ex. 24 (Dep. of Gonzalez), Oct. 16, 2019 at 91:21-92:5; Ex. 25 (Dep. of Watts), Oct. 7, 2022 at 111:12-17; Ex. 7 (Dep. of Leano), Sept. 26, 2019 at 16:20-20. Ex. 9 (Dep. of Nichols), Dec. 19, 2019 at 96:19-24; Ex. 26 (Dep. of Mohammed), Nov. 18, 2019 at 54:13-54:24; *Id.* at 98:16-98:17; Ex. 8 (Dep. of Smith), Feb. 17, 2020 at 12:18-13:7.

48. However, by the time Baker was wrongfully convicted of the charges from his March 23, 2005 arrest, members of the Watts team had wrongfully arrested at least 40 other individuals whose convictions would later be overturned. Ex. 27 (Tepfer Aff.) ¶ 6.

49. Baker was arrested and detained before being released on bond while the charges were pending. Ex. 22 (Baker Crim. Trial Tr.) at PL JOINT 021596:1-4 (noting that Beat 264B,

which was Gonzalez and Bolton, detained Baker); Ex. 10 (Dep. of Baker), Aug. 9, 2023, at 237:1-19. Although Baker himself does not recall the exact details of how long he was held and what his bond conditions were, there is no doubt that he was initially seized and held in custody for some period of time, brought to court while still in custody and held for some additional period of time, and then he had some restrictions on bond. *Id.*

50. Baker's bail was subsequently revoked, and he was held in custody for more than a month from December 2005 through most of January 2006 before he was released again prior to trial. Ex. 44 at PL JOINT 014266 (noting that Baker was no longer on bail as of December 13, 2005, and that he was still in custody as of January 20, 2006); Ex. 29 (Plea Hearing Tr.) at PL JOINT 011781-011782 (Baker explaining to judge at plea hearing that he was in "county December 12 and bonded out January 24" on his possession case).

51. Nichols subsequently testified before a grand jury that "officers" saw Baker holding drugs and then recovered those drugs from Baker after he fled. Ex. 29 (Grand Jury Tr.) at PL JOINT 024427:3-21.

52. Nichols testified again at the bench trial stemming from Baker's March 23, 2005 arrest. At the trial, Nichols told the judge that he and Defendant Leano entered the 527 building to conduct a "premise check," meaning that they start searching on the first floor and work their way up. Ex. 22 (Baker Crim. Trial Tr.) at PL JOINT 021591:17-021593:24.

53. Nichols testified that he was with Leano and that they did not see anyone until they got to the third floor. Ex. 22 (Baker Crim. Trial Tr.) at PL JOINT 021591:17-021593:24. Nichols further testified that the two of them saw Baker and two other individuals when they got to the third floor. Ex. 22 (Baker Crim. Trial Tr.) at PL JOINT 021594:1- 021595:24.

54. Nichols claimed that he saw Baker holding drugs, and that when he and Leano announced that they were police officers, Baker fled down the stairs. Ex. 22 (Baker Crim. Trial Tr.) at PL JOINT 021594:1- 021595:24. Contrary to the written reports that claimed Nichols and Leano never lost sight of Baker, Nichols testified at trial that he lost sight of Baker “within seconds” of Baker attempting to flee. Ex. 22 (Baker Crim. Trial Tr.) at PL JOINT 021596:13-16.

55. On the stand, Nichols introduced Baker’s fabricated confession into evidence by repeating the false statement in the police reports that Baker had admitted that some of the drugs were his. Ex. 22 (Baker Crim. Trial Tr.) at PL JOINT 021598:4-021599:10.

56. Leano does not remember anyone ever admitting to him that they were guilty of a crime while transporting them to the police station, and he acknowledged that would be highly unusual. Ex. 7 (Dep. of Leano), Sept. 26, 2019, at 53:14-54:6.

57. At the trial, the fabricated drugs were introduced into evidence through a stipulation that Defendant Leano provided the drugs to the Illinois State Police forensic laboratory, which tested and confirmed that they were narcotics. Ex. 22 (Baker Crim. Trial Tr.) at PL JOINT 021609:1- 021612:6; *see also* PL JOINT 021751:1-3 (judge noting that the drugs were introduced by stipulation).

58. The judge found Baker guilty. Ex. 22 at PL JOINT 021747-021751:10. In doing so, the judge expressly found that the police officers were more credible than Baker. Ex. 22 at PL JOINT 021751:3-8.

IV. Baker and Glenn are both falsely arrested on December 11, 2005 arrests and prosecuted for drug crimes they did not commit

59. Watts and Jones continued to harass Baker while he was out on bond from his March 2005 arrest. Ex. 10 (Dep. of Baker), Aug. 9, 2023, at 241:5-241:19. Then, on December 11, 2005, they and other members of the Watts team decided to frame him again. *Id.* at 244:5-14;

264:21-271:5. This time, they also framed Glenn, who had never been arrested before December 11, 2005 and has never been arrested since then. Ex. 30 (Glenn Arrest Report), Dec. 11, 2005.

60. As noted above, the City of Chicago (through COPA) recommended that Jones be fired for falsely arresting Baker and Glenn on December 11, 2005. Ex. 31 (COPA 12/11/2005 SRI) at 31. COPA is a part of the City of Chicago, and not a separate legal entity. See *Rodriguez v City of Chicago*, 329 F.R.D. 182, 186 (N.D. Ill. 2019) (describing COPA as “the City agency which has since replaced IPRA”); *Guzman v. City of Chicago*, 2011 WL 55979, at *1 (N.D. Ill. 2011) (describing IPRA as “a City of Chicago agency”). *See also Young v. City of Chicago*, 2017 WL 25170, at *3 (N.D. Ill. 2017) (explaining that Plaintiff erred in treating “IPRA as a nonparty” when the Defendant is the City of Chicago and IPRA “is an ‘office of the municipal government’ of the City of Chicago, a party”) (quoting Chicago Muni. Code § 2-57-020); Chicago Muni. Code § 2-78-105 (new ordinance describing COPA identically as “an office of the municipal government”).

61. On December 11, 2005, Baker and Glenn were together in a car. Baker was driving and Glenn was the passenger. Ex. 10 (Dep. of Baker), Aug. 9, 2023, at 255:2-256:7. Watts and Jones directed a uniformed police officer to pull them over even though they had not committed any traffic offense. Ex. 10 (Dep. of Baker), Aug. 9, 2023, at 269:2-269:17.

62. Baker testified that there was no stop sign for him to stop at (or to ignore). Ex. 10 (Dep. of Baker), Aug. 9, 2023, at 256:11-256:21.

63. Officer (David Soltis), who the Defendants have indicated pulled Baker and Glenn over, testified at his deposition in this case that he cannot recall a single instance of ever participating in a surveillance operation with a tactical team. Ex. 32 (Dep. of Soltis), Aug. 21, 2017 at 18:12-18:25.

64. Soltis explained that “a patrol car is never part of a surveillance,” and that including a “marked uniform” such as his “would be totally against the surveillance” by bringing attention to the unmarked cars such as those of the tactical team. Ex. 32 (Dep. of Soltis) at 18:12-18:25.

65. Neither Baker nor Glenn understood that he had been pulled over. Instead, the two saw a police car with flashing lights, and Glenn told Baker to pull over so that the police car could go around them. Ex. 33 (Dep. of Glenn) Aug. 26, 2021, at 278:17-279:5; Ex. 10 (Dep. of Baker), Aug. 9, 2023, at 260:15-21.

66. Baker stopped the car, got out voluntarily with Glenn, and locked the car doors because they were in the parking lot of their building. Ex. 10 (Dep. of Baker), Aug. 9, 2023, at 256:11-256:21; 265:14-24. After Baker got out of the car, Jones and Watts got out of their car and approached him. Ex. 10 (Dep. of Baker), Aug. 9, 2023, at 265:14-265:24; 260:14-260:21.

67. Watts and Jones then searched the car. Ex. 10 (Dep. of Baker), Aug. 9, 2023, at 269:23-270:10. There were no drugs in the car. Ex. 10 (Dep. of Baker), Aug. 9, 2023, at 271:6-271:23; Ex. 33 (Dep. of Glenn) Aug. 26, 2021, at 282:6-282:20. Watts nonetheless claimed that he found drugs on the driver’s side of the car and ordered that Baker and Glenn be arrested. Ex. 10 (Dep. of Baker), Aug. 9, 2023, at 271:1-271:5.

68. Jones had a clear line of sight to Watts when Watts announced that he had recovered drugs. Ex. 10 (Dep. of Baker), Aug. 9, 2023, at 273:8-275:9. In fact, Jones now claims that *he* recovered the drugs himself. Ex. 34 (Jones COPA Statement) Jan. 25, 2019 at 78:4-8, 127:14-20, 159:5-6.

69. At the scene, Watts threatened to arrest anyone who might have considered testifying on behalf of Baker or Glenn. Ex. 10 (Dep. of Baker), Aug. 9, 2023, at 270:14-17.

70. Watts and Jones took Baker to the station. There, Baker saw Mohammed, Gonzales, and one other member of the Watts team who he is unable to identify. Ex. 10 (Dep. of Baker), Aug. 9, 2023, at 291:3-291:24.

71. Arrest Reports and a Vice Case Report were prepared relating to the December 11, 2005 arrests. Ex. 35 (12/11/2005 Baker Arrest Report); Ex. 36 (Glenn Arrest Report); Ex. 37 (12/11/2005 Vice Case Report). All of the team members who were present at the station played a role in preparing the police report, which Mohammed typed out. Ex. 38 (Dep. of Baker) Aug. 10, 2023 at 294:10-295:3.

72. With respect to the Vice Case Report, Mohammed's name is listed as the second reporting officer (R/O), and a signature appears below his name, suggesting that he witnessed the events described in the report. Ex. 37 (12/11/2005 Vice Case Report) at CITY-BG-025013. By all accounts, he did not, and the signature is not actually his. Ex. 15 (Dep. of Jones), July 19, 2023, at 141:1-143:12. Jones is the attesting officer for both arrest reports, stating "under penalty of perjury, that the facts stated herein are accurate to the best of my knowledge, information, and/or belief." Ex. 35 (12/11/2005 Baker Arrest Report) at CITY-BG-00014; Ex. 36 (Glenn Arrest Report) at PL JOINT 010036.

73. Jones, in contrast to Baker's testimony, claims that he wrote the report. Ex. 15 (Dep. of Jones), July 19, 2023, at 141:8-15. Jones testified that he got Mohammed's permission to sign Mohammed's name for him. *Id.* at 140:7-140:15, 143:21-144:1. Nothing on the Vice Case Report indicates that Jones signed for Mohammed rather than Mohammed placing his own signature on the document. *See generally*, Ex. 37 (12/11/2005 Vice Report). Mohammed took the Fifth when asked if he ever allowed another officer to sign his name for him. Ex. 26 (Dep. of Mohammed), Nov. 18, 2018, at 65:13-65:15.

74. According to Jones, “R/Os” stands for Reporting Officers. Ex. 15 (Dep. of Jones), July 19, 2023 Dep. 142:4-142:8. The narrative section of the Vice Case Report refers to R/Os when it describes the actions that the police officers took that day, but it does not specify which R/O took which action. Rather, the report repeatedly says that R/Os, plural, carried out certain activities and the arrests. *See generally*, Ex. 37 (12/11/2005 Vice Report).

75. Both the Vice Case Report and the Arrest Reports say that the R/Os and A/Os, who according to the reports are Jones and Mohammed, personally observed Glenn hand Baker a bag of narcotics, which Baker then placed in the driver’s side console of the car. Ex. 35 (12/11/2005 Baker Arrest Report); Ex. 36 (Glenn Arrest Report); Ex. 37 (12/11/2005 Vice Case Report).

76. The Arrest Reports similarly list Mohammed as one of the arresting officers and fails to distinguish who took what actions. Ex. 35 (12/11/2005 Baker Arrest Report); Ex. 36 (Glenn Arrest Report).

77. In addition to listing Jones and Mohammed as the R/Os, the Vice Case Report also lists Jones, Mohammed, Smith, Watts, Gonzalez, and Leano as witnesses. Ex. 37 (12/11/2005 Vice Case Report) at Boxes 12, 18. Neither report documents any actions that any of those witnesses, including Watts, took with respect to the arrest. Ex. 35, (Baker Arrest Report) at CITY-BG-14; Ex. 36 (Glenn Arrest Report) at PL JOINT 010035; Ex. 37 (12/11/2005 Vice Case Report).

78. According to CPD policy, only officers who actually witnessed part of the arrest should be listed as witnesses on reports. Ex. 21 (Dep. of Fitzgerald - 30(b)(6)) at 213:15-214:14.

79. At a hearing to impound the car that Baker was driving on December 12, 2005, Mohammed testified as if he had personally arrested Baker and Glenn. Ex. 38 (Dep. of Baker) Aug. 10, 2023 at 295:5-296:20; Ex. 31 (COPA Summary Report #1087742) at 9 and n. 34 (stating that Mohammed was paid for testifying in court on the day that Glenn’s car was impounded).

80. After Baker and Glenn were arrested, Jones testified before a grand jury. He falsely testified that: Baker was stopped because he committed a traffic violation; that “officers” saw Glenn hand Baker a bag containing drugs and that Baker put that bag in the console of the car, and that “officers” recovered those drugs. Ex. 40 at PL JOINT 018359- 018365.

V. At the same time he was arresting Baker and Glenn, Jones and other Defendants were also supposedly arresting different people in a different location.

81. While they were supposedly arresting Baker and Glenn, Jones and Mohammed were also supposedly arresting others at a different location. More specifically, Jones is listed as witnessing other arrests, and Mohammed is listed as the second Reporting Officer for those arrests. Ex. 39 (12/11/2005 Vice Case Report) at COPA-WATTS002267-68.

82. Jones also testified in court that he had been conducting surveillance for those arrests at a time that would have conflicted with his purported involvement in the Baker/Glenn arrests, and Defendant Elsworth Smith (listed as the first Reporting Officer for the Vice Case Report of the other arrests) similarly testified in that case that Jones had conducted the surveillance that led to the arrests. Ex. 42 at COPA-WATTS017013-COPA-WATTS017028.

83. When COPA confronted Jones with this discrepancy, he admitted that the reports documenting both arrests could not be accurate, and he further admitted that he provided false testimony. Ex. 34 (Jones Jan. 25, 2019 COPA Statement) at 188:4-188:12).

84. Smith acknowledged during a deposition in the Coordinated Proceedings that he is unable to reconcile the purported facts underpinning the various arrests that day. Ex. 8 (Dep. of Smith), Mar. 5, 2024, at 64:5-64:12.

85. When provided with Jones’ testimony to COPA, Smith explained that he felt like he had “been betrayed,” because he had not previously known “that [Jones] lied or falsified any of his reports.” Ex. 8 (Dep. of Smith) Mar. 5, 2024, at 68:18-70:3.

86. Smith also acknowledged that he was no longer confident that Jones had witnessed any of the people who Smith arrested on December 11, 2005, do anything illegal. Ex. 8 (Dep. of Smith, Mar. 5, 2024 at 70:11-70:14). He further admitted that the fact Jones had been lying about his actions that day “probably” explained why Smith had not been able to reconcile the purported facts of the various arrests on December 11, 2005. Ex. 8 (Dep. of Smith), Mar. 5, 2024 at 71:12-71:19).

87. When Assistant State’s Attorney Bill Laskaris met with Jones, Watts and Nichols to prepare for their testimony, they never indicated to him that the police reports were false or that they had planted drugs on Ben Baker. Ex. 43 (Deposition of Laskaris) December 7, 2017, at 29:23-31:2.

VI. Baker and Glenn pled guilty even though they were innocent

88. After they were arrested in December, Glenn spent a night in jail before being released on bond, and Baker’s bond from his March 2005 arrest was revoked. Ex. 33 (Dep. of Glenn, Aug. 26, 2021 at 300:1-303:7; Ex. 44 (PL JOINT 014266) (showing that Baker’s bond was revoked in the case stemming from his March arrest). Baker was once again placed into custody in the run up to his eventual guilty plea. Ex. 44 (PL JOINT 014266).

89. Plaintiffs’ lawyer was Matthew Mahoney, and his theory of the cases against Baker and Glenn was that they were framed by the Watts team. Ex. 45 (Mahoney Dep.) at 56:6-9; 60:9-23. Mahoney knew that the only way to be successful was if Judge Toomin believed Baker and Glenn’s description of being framed by the Watts team. *Id.* at 60:9-23.

90. When the judge found Baker guilty of the charges stemming from his March 2005 arrest, he specifically found that Baker was less credible than the members of the Watts team who had testified against him. Ex. 22 (Crim. Trial Tr.) at PL JOINT 021746:15-021754:16; PL JOINT 021751:3-8.

91. Thus, despite maintaining their innocence in court, Baker and Glenn both pled guilty to the charges stemming from the December 2005 arrests. *See, generally, Ex. 46* (Redlich Report). Glenn even said on the record at her plea hearing that the whole proceeding was unfair before the judge accepted her plea. Ex. 28 (Baker Crim. Trial Tr.) at PL JOINT 011777:12-18. This ensured that their children would not have to grow up without any parents at home. Ex. 46 (Redlich Report) at 11.

92. Before accepting the guilty pleas, the judge was provided with the factual basis underlying the charges, something that the judge explained was “required for a valid plea of guilty.” Ex. 28 (Crim. Trial Tr.) at PL JOINT 011760:11-21. Specifically, the judge was told that if Jones was called to testify:

[H]e would testify that on December 11, 2005, at approximately 12:12 he was at the address of 511 E. Browning Avenue, Chicago, Cook County. He would testify that he pulled up on an automobile driving by Ben Baker whom he would identify in court who stands before you as a passenger in his vehicle was Clarissa Glenn who he would identify as the defendant who stands before you.

And at that time he observed the defendant, Clarissa Glenn, hand to the defendant, Ben Baker, a clear plastic bag. At this time, the defendant, Ben Baker, then placed this bag on the driver’s side arm rest console.

There would be further testimony that he detained both defendants, approached and recovered this bag found to contain 50 zip-lock bags of suspected Heroin. That he inventoried this using proper police procedure under inventory number 10659055.

Ex. 28 (Crim. Trial Tr.) at (PL JOINT 011774-PL JOINT 011775).

93. As part of the factual basis for the pleas, the judge was also told that a witness from the Illinois State Police laboratory would testify that she tested the heroin and would confirm that it was in fact heroin. Ex. 28 (Crim. Trial Tr.) at PL JOINT 011775:2-10.

94. Baker ultimately received 14 years in prison for his March 2005 arrest and conviction and an additional four years in prison for his December 2005 arrest and conviction. Glenn received probation. Ex. 44 at PL JOINT 011779:17- PL JOINT 11780:11; Ex. 46 (Redlich Report) at 12.

95. During the plea hearing, the judge specifically said that if evidence emerged that the allegations regarding police corruption were true, their convictions would be vacated. Ex. 28 (Crim. Trial Tr.) at PL JOINT 011778:19-PL JOINT 011779:13.

VII. Baker and Glenn attempted to expose the Watts team for years

96. From the moment Watts extorted Plaintiff Baker, he and Glenn did everything they could to expose and report it—efforts that have continued for two decades. After Watts extorted Baker in June 2004, Baker told both his probation officer and Judge Michael Toomin about Watts’ threats to frame him for drugs in a mailbox, both of whom told Baker that they could not do anything about it until he’s charged. Ex. 10 (Dep of Ben Baker), Aug. 9, 2023, at 164:2 -15.

97. Upon his arrest in July 2004 for the “mailbox case,” Baker told his attorney, Matthew Mahoney, he was innocent and was being framed. Ex. 45 (Dep of Mahoney), Sept. 28, 2022, at 19:15 – 23:6. With Mahoney’s representation, Baker beat that case, which, as noted, led Watts and his team to fabricate Baker’s March 2005 arrest and subsequently Baker and Glenn’s December 2005 arrest. Ex. 45 (Dep. of Mahoney) at 21:18-22. PSOF ¶¶18-32. Mahoney represented the Plaintiffs in both of those matters. Ex. 45 (Dep. of Mahoney) at 21:23-22:4, 19:7-9.

98. After the March 2005 arrest, with Mahoney’s help, the Plaintiffs cooperated with any and all law enforcement personnel who would listen. On May 5, 2005, Plaintiff’s lawyer Mahoney wrote ASA John Mahoney (no relation), wherein he provided discovery materials and

referenced an earlier conversation while explaining that “Watts is dirty and needs to be caught.” Ex. 47 (Mahoney Letter, PL JOINT 10074).

99. That same month, Baker, Glenn, and Mahoney met with three members of the Chicago Police Department and Cook County Assistant State’s Attorney David Navarro, who documented that Baker’s “allegations against Sergeant WATTS are essentially the same as those told by two other[s],” and the “three men had no knowledge the other was talking to [] Law Enforcement Agents.” Ex. 48 (Internal Affairs Division Letter) at PL JOINT 10947-48. By October 2005, ASA Navarro was writing reports calling Watts a target and calling the allegations “credible.” Ex. 49 (Navarro Letter) at PL JOINT 9959-60.

100. Meanwhile, Plaintiff Glenn filed a complaint register (CR) about Watts and his team’s ongoing misconduct, which was received by CPD Internal Affairs on October 25, 2005. Ex. 50 (Glenn Complaint Register) at CITY-BG-12925 (showing when received). This same CR file includes an undated letter from Plaintiff Glenn explaining that she was arrested by the same police officers “for no reason at all” after filing her complaint. *Id.* at CITY-BG-12918.

101. As noted, in June 2006, Baker testified in the circuit court and laid out the details of Watts and his team’s continuous misconduct and fabricated charges, beginning with the extortion in June 2004 the false charges in July 2004, Defendant Jones’ threats of retaliation in the winter of 2004, the fabricated charges in March 2005, and then finally the fabricated charges again in December 2005.

102. In September 2007, with her husband incarcerated wrongfully, Plaintiff Glenn met with and cooperated with CPD officials and agents from the FBI. Group Ex. 51 (FBI Report) at FBI 251. In February 2008, Plaintiff Baker, too, cooperated with the federal investigation. Ex. 52 (Plaintiffs ATI to Bolton) at 11.

103. By the end of December 2011, after the federal government arrested Watts and Mohammed due to the help of Plaintiffs, Plaintiff Glenn wrote State's Attorney Alvarez again pleading for help with her and her husband's case. Ex. 53 (Glenn Letters) at PL JOINT 18847. Plaintiff Glenn wrote a similar letter to Judge Toomin stating the same. Ex. 53 (Glenn Letters) at PL JOINT 18845.

104. The next year, in 2012, Baker sought post-conviction relief in the courts as a result of the FBI prosecution of Watts and Mohammed, and then Baker did so again in April 2014. Ex. 54 (Amended Post Conviction Petition, PL JOINT 011636-011666). He supplemented the filing in December 2015. Ex. 55 (Supplemental Pleading for Post Conviction, PL JOINT 011669-011700).

105. In the winter of 2016, Plaintiffs detailed their allegations in affidavits filed in court, and in late 2018, they again detailed their allegations in separate interviews with COPA. Ex. 18 (Baker Affidavit); Ex. 56 (Glenn Affidavit); Ex. 57 (COPA Interview of Ben Baker); Ex. 58 (COPA-WATTS 001436-COPA-WATTS 001454, COPA Interview of Clarissa Glenn. As noted, their allegations have been sustained and COPA has recommended firing every officer involved in their case.

VIII. Watts and Mohammed are convicted of federal crimes after a lengthy investigation into corruption on the Watts team

106. Watts and Mohammed were both convicted of theft of government funds when they stole money that they believed belonged to drug dealers. The investigation resulted in charges against those two Defendants, but over the years the investigation also looked at other members of the team. As COPA has explained,

For more than eight years prior to [Watts and Mohammed's] 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.

Ex. 31 PL JOINT 068062 (COPA Report); Ex. 60 (Rivera Dep.), Sept. 6, 2023 at 69:4-69:20; *see id.* at 57:20-58:11; Ex. 61 (Skahill Dep.) at 102:6-103:11 (agreeing that Watts and Mohammed were “taking money and selling drugs”); (Group Ex. 51, FBI 450, 882, 911, 920, 984, 1128, 1197).

IX. Baker and Glenn are exonerated and receive certificates of innocence

107. After Watts and Mohammed’s corruption was exposed through their guilty pleas, Baker and Glenn renewed their efforts to clear their names from these false arrests. This time, the court system listened. Baker’s convictions from the March 23 and December 11 arrests were vacated, and Glenn’s conviction from the December 11 conviction was vacated as well. Ex. 62 (Glenn Vacating Opinion); Ex. 63 (Baker Vacating Opinion). Both subsequently received certificates of innocence. Ex. 64 (Baker COI); Ex. 65 (Glenn COI, PL JOINT 035538).

X. The Watts team worked together to frame hundreds of other individuals

108. COPA began a years-long investigation into the Watts team after Baker, Glenn, and others began filing lawsuits against the Defendants. During that investigation, one COPA investigator explained COPA’s view of the Watts team as follows:

Watts and his TAC Team members engaged in a widespread conspiracy to plant illegal drugs on innocent persons over an extensive time-period (i.e. approximately 2000-2010), primarily in the Ida B. Wells Homes on the southside of Chicago, resulting in the procurement of false convictions.

Group Ex. 66 (COPA-WATTS011091).

109. Later, when COPA began wrapping up some of the investigations and memorialized them in final investigative reports, COPA confirmed that members of the Watts team framed innocent people while also controlling the drug trade at Ida B. Wells:

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.

Group Ex. 66 (PL JOINT 068087).

XI. City of Chicago Disciplinary Findings Against Defendants

110. With the exception of Watts and Mohammed—who resigned from the Chicago Police Department after their federal arrests related to their police corruption—the Civilian Office of Police Accountability has made adverse credibility findings or recommended termination (or both) to every member of the tactical team that was involved in the three 2004/2005 arrests of Ben Baker and/or Clarissa Glenn at the heart of this lawsuit. Group Ex. 66 Group Ex. 66 (COPA-Watts 163641-70); Group Ex. 66 (COPA-Watts 187837-187902); Group Ex. 66 (COPA-Watts 59418-59425); Group Ex. 66 (COPA-Watts 58945-58980); Group Ex. 66 (COPA-Watts 59081-59134); Group Ex. 66 (PL JOINT 068062-PL JOINT 068094).

111. In most instances, those recommendations were made based on COPA's investigation into the Plaintiffs' actual arrests, or were part and parcel of one of the arrests; Group Ex. 66 (COPA-Watts 59418-59425); Group Ex. 66 (COPA-Watts 58945-58980); Group Ex. 66 (COPA-Watts 068062-PL JOINT 068094).

112. Regarding the June-July 2004 “mailbox” case, on December 20, 2022, COPA concluded that both Defendant Jones and Officer Young “made false statements in their reports and testimony.” Group Ex. 66 (COPA-Watts 59424).

113. Both Young and Jones had retired while the investigation and related investigations were pending, and in Jones’s case, while the City of Chicago Department of Law was drafting charges seeking Jones’ termination in a related investigation. Group Ex. 66 (COPA-Watts 59418-59425).

114. That “related investigation” was the December 11, 2005 arrest of Baker and Glenn, in which COPA concluded in a March 10, 2021 report that Jones “brazenly” abused his official authority for his own gain, making “multiple materially, willfully, false statements regarding the circumstances” of the arrest of Plaintiffs.” Group Ex. 66 (PL JOINT 068092-PL JOINT 068093). COPA sustained 23 counts of misconduct against Jones related to the arrest. Group Ex. 66 (PL JOINT 068091).

115. Similarly, COPA recommended termination for both Defendant Jones and Smith for their conduct on December 11, 2005 regarding other people who were arrested in a different location but at the same time as Baker and Glenn. Group Ex. 66 (COPA-Watts 58945-58980). COPA concluded in a report dated June 28, 2021, that they both “made multiple materially, willfully, false statements regarding the circumstances of arrests” made simultaneous to Baker and Glenn’s arrest in a different building at Ida B. Wells. Group Ex. 66 (COPA-Watts 58978).

116. All seven counts against Jones and all 21 counts against Smith were sustained, and COPA recommended firing both of them for misconduct that included giving false, in-court testimony and fabricating police reports. Group Ex. 66 (COPA-Watts 58945-58980).

117. Meanwhile, in a December 30, 2022 report in a different matter involving the arrest of a now-deceased Plaintiff in these coordinated proceedings—Lionel White, Sr.—COPA sustained all nine allegations of misconduct against Defendant Jones for his conduct in that April 24, 2006 arrest and seven allegations of misconduct against Defendant Smith; it recommended termination for both of them.

118. COPA also sustained six counts, respectively, against Defendants Leano, Bolton, Gonzalez, and Nichols, and recommended termination for all of them. (COPA-Watts 59081-59134). The allegations all stem from their participation in the Watts-led misconduct, their fabrication of reports and false arrests, and/or failure to report other officers' misconduct. Group Ex. 66 (COPA-Watts 59081-59134).

119. Finally, in another December 30, 2022 report related to the March 3, 2008 arrest of yet another Plaintiff in these coordinated proceedings—Angelo Shenault—COPA sustained all five allegations of misconduct against Defendant Nichols, all four against Defendant Leano, and one count against Jones. Group Ex. 66 (COPA-Watts 163641-70). COPA recommended terminating Defendants Nichols and Leano for their misconduct in that case, for, amongst other things, committing perjury, making false written reports, and effectuating false arrests. Group Ex. 66 (COPA-Watts 163641-70).

PLAINTIFFS' ADDITIONAL *MONELL* FACTS

PLAINTIFFS' EXPERTS

120. Plaintiffs disclosed Dr. Jon Shane as an expert regarding police practices and policy. Dr. Shane is a professor of criminal justice who conducts research on policing. He has been a faculty member at John Jay College of Criminal Justice since 2009. He worked in law enforcement from 1985-2005 and retired as a Captain from the Newark, New Jersey police department. Ex. 67 (Shane Report) at 13.

121. Dr. Shane reviewed and analyzed “complaint registers” (C.R.s) issued by the Chicago Police Department complaints about officer misconduct between 1999 and 2011. The CR files that were used in this report were drawn from a random sample of CPD CR files from that time period. Ex. 67 (Shane Report) at 13. A full description of how Dr. Shane drew a random sample and analyzed the data is set forth in his report. *Id.*

122. Dr. Shane relied on the International Association of Police Chiefs model policies on conducting internal affairs investigations, investigating civilian complaints, supervising police officers, and report writing. *Id.* at 19, 20, 22, 107.

123. Plaintiffs disclosed Jeffrey Danik as an expert regarding the impact of the FBI criminal investigation of Watts and Mohammed. Ex. 68 (Danik Report). Mr. Danik was a Special Agent (SA) and Supervisory Special Agent (SSA) at the Federal Bureau of Investigation for twenty-eight years, retiring in 2015. He was the lead investigator (case agent) in numerous successful public corruption investigations resulting in convictions by plea or jury trial. He later served as a supervisor in the FBI public corruption unit. *Id.* at 1. Mr. Danik reviewed documents related to the FBI criminal investigation of Watts and Mohammed. *Id.*

THE WATTS TEAM FRAMED HUNDREDS OF PEOPLE

124. To date, 185 individuals, encompassing more than 230 different cases, allege that they were framed by the Watts Team at or around the Ida B. Wells Housing between the years 1999 and 2010. Ex. 27 (Tepfer Affidavit) at ¶ 4.

125. These 185 individuals have had more than 230 Watts-related convictions vacated and have been granted Certificates of Innocence by the State of Illinois. Group Exhibit 69, (Certificates of Innocence). At least 40 of these individuals were arrested before Baker and Glenn pled guilty. Ex. 27 (Joshua Tepfer Affidavit) at ¶ 5.

THE WATTS TEAM'S MISCONDUCT WAS OPEN, NOTORIOUS, AND KNOWN TO CPD LEADERSHIP

A. Officers who worked with Watts knew of his misconduct.

126. From 2004 through January 2006, and again from January 2007 through February 2012, the FBI investigated allegations that Watts was extorting drug dealers. The investigation was inactive for about a year between January 2006 and January 2007. Ex. 68 (Danik Report) at 14-27; Group Ex. 51 (FBI Documents).

127. Officer Jones admitted to the FBI that he knew that Watts “routinely” received clothing and liquor from a drug dealer named “Shock.” Group Ex. 51 (FBI Documents) at FBI 300-02. In fact, Jones once picked up a bag containing not just clothing, but also money (which Jones said might have been “change” from money Watts had given Shock to purchase the clothing). Ex. 70(Dep. of Jones), Feb. 26, 2020 at 143:15-152:23. Specifically, Jones told Shock to “put Watts’ property in the bag,” referring to money Shock was holding in his hand. *Id.* Jones said he once “confronted” Watts over getting clothes from Shock, but Jones never reported it. *Id.*

128. Jones admitted he knew of other suspicious information about Watts, including that “everyone [his squad] arrested wanted to speak to Watts”. He also stated that it “would not surprise him” if Mohammed accepted bribe payments or protection money from drug dealers. Ex. 51 (FBI Documents) at FBI 300-02.

129. Officer Cadman testified that after the Watts team seized a large quantity of cannabis, Watts requested that Cadman give him a portion of the cannabis instead of inventorying it. Ex. 71 (Dep. of Cadman), Sept. 22, 2021, at 88:12-90:13. When Cadman refused to do so, Watts called Cadman a “bitch.” *Id.* Cadman did not report the episode. *Id.*

130. During the time that the Watts team patrolled Ida B. Wells, civilians would loudly proclaim their innocence of the crimes for which they were being arrested. Ex. 72 (Dep. of Spaargaren (Baker) Dep.), March 7, 2022, at 100:17-101:5.

131. Officer Lewis admitted to the FBI that she had heard “rumors” that Watts and Mohammed stole money and she was “not surprised” when they were arrested. Group Ex. 51 (FBI Documents) at FBI 295-96.

132. No member of the Watts team reported any of the civilian complaints, the “rumors,” or that Watts received narcotics or other goods from drug dealers, as revealed by the CR’s against the Defendant Officers. Ex. 73 (Excel Document of all CRs against Defendant Officers (Waddy spreadsheet), produced as attachment to Dr. Shane’s expert report); Ex. 74 (City’s production of complaint histories of the Defendant Officers) at CITY-BG-033690-033902.¹

B. CPD received repeated notice of Watts’s corruption.

133. From 2004 through January 2006, and again from January 2007 through February 2012, the FBI investigated allegations that Watts was extorting drug dealers. CPD participated in that investigation. The investigation was inactive for about a year between January 2006 and January 2007. Ex. 68 (Danik Report) at 14-27; Group Ex. 51 (FBI Documents).

134. In mid-2004, CPD received a complaint from Ron Henley. Henley alleged that he had witnessed a police chase that culminated in a police car crashing into his parked vehicle. Defendant Watts intervened in the complaint, admitted that he knew the owner of the van that CPD was chasing, Patrick Nooner (a known heroin dealer), and indicated that Nooner would pay

¹ Plaintiff offers these exhibits (which are admissible as summaries pursuant to Fed. R. Evid. 1006) as summaries of the CRs at issue but will produce the actual CR files for the Court’s review if the Court would like to review them.

for Henley's repair. Watts discouraged Henley from pursuing an official complaint. Ex. 68 (Danik Report) at 13; Ex. 75 (IA and FBI notes and memos) at CITY-BG-023845; Ex. 76 (Henley CR) at PL JOINT 000166-000205.

135. CPD could have investigated Defendant Watts's close connection with heroin dealer Patrick Noonier, separate and apart from any investigation by the FBI, but it chose not to. Ex. 68 (Danik Report) at 13.

136. In September 2004, the CPD (through the FBI) obtained a report that an informant, [REDACTED] stated that Watts took money from dealers at the Ida B. Wells housing projects to sell drugs there. The informant named several individuals who paid Watts, including Wilbert Moore, [REDACTED] Ex. 77 (Answer to Glenn Rogs) at 5; Group Ex. 51 (FBI Documents) at FBI 326.

137. In April and May 2005, the FBI and CPD learned from Wilbert Moore (aka "Big Shorty") that Watts had taken payments in cash and guns from Moore; that Jones and others on the Watts team were involved in taking payments; that Watts had shot at [REDACTED] was running away after refusing to pay Watts; that Watts had a gambling problem; that Watts had sold drugs to the drug dealer "Shock"; and that Watts and heroin dealer Patrick Noonier had grown up together and he had seen Watts pull Noonier over but immediately let him go when he realized the driver was Noonier. Ex. 77 (Answer to Glenn Rogs) at 5; Ex. 78 (Interview of Wilbert Moore) at PL JOINT 4151-59.

138. In May 2005, the CPD received Baker's allegations that Watts had shaken him down for money. Ex. 77 (Answer to Glenn Rogs) at 10; Ex. 79 (2005.06.28 Memo from Calvin Holliday) at PL JOINT 010947-48.

139. In July 2005, CPD received a “Suspicious Activity Report” from the Empress Casino in Hammond, Indiana that Watts had purchased \$10,100 in chips in April 1999. Ex. 77 (Answer to Glenn Rogs) at 11; Ex. 80 (IL State Police Intelligence Report) at PL JOINT 10912-35.

140. In August 2005, Watts filed a police report that his girlfriend Lelissa Jackson had stolen \$12,400 in US currency from him and additional items with a total value of over \$17,000. Ex. 77 (Answer to Glenn Rogs) at 11-12; Ex. 75 (IA and FBI notes and memos) at CITY-BG-023974-81. Mr. Danik opined that “[t]he information that Watts had such a large amount of cash at his home causes concern” and that although “identifying the source of the cash” was “crucial,” there was “no indication of any follow up by CPD.” Ex. 68 (Danik Report) at 19.

141. In September 2005, CPD closed the “theft investigation” into Watts’s report and CPD made no further attempts to speak with Lelissa Jackson or to determine if she had information about Watts’s dealing in large volumes of cash. Ex. 77 (Answer to Glenn Rogs) at 12; Ex. 68 (Danik Report) at 19.

142. Superintendent Phillip Cline, who was CPD Superintendent from November 2003 to April 2007, states he has “no doubt” he learned the allegations against Sergeant Watts and had at least ten conversations regarding the Watts investigation. Ex. 81 (Dep. of Cline), Dec. 8. 2023, at 25:16-25, 36:19-24).

C. The Watts Team’s misconduct presented a repeated and obvious pattern.

143. In the years leading up to Baker and Glenn’s pleas, civilians on at least 24 occasions regularly complained about the Watts team making false arrests, writing false police reports, planting contraband, stealing from arrestees, retaliating against those who spoke out against them. For example:

C.R. Number	Year	Accused Officer	Allegation
211066	1994	Ronald Watts	Stole complainant's phone during search
236506	1997	Ronald Watts	False Report
240704	1997	Alvin Jones	False Arrest
254205	1999	Ronald Watts	Stole \$250
263459	2000	Alvin Jones	Planted Drugs and False Arrest
258817	2000	Kallatt Mohammed	Stole complainant's wallet
264319	2000	Kallatt Mohammed	Stopped Complainant without reasonable suspicion or probable cause
262457	2000	Alvin Jones	Stole \$510 from complainant
271250	2001	Alvin Jones	False Arrest
273228	2001	Alvin Jones	Planted Gun and False Arrest
268248	2001	Robert Gonzalez	Stole \$150 from complainant's wallet
284536	2002	Ronald Watts	Harassing complainant repeatedly since he arrested complainant's sister
284602	2002	Ronald Watts	Searched victim without probable cause or reasonable suspicion
287011	2003	Ronald Watts	Planted Drugs and False Arrest
28700	2003	Ronald Watts	Told civilians "If we see you again we will

			plant drugs on you."
290015	2003	Robert Gonzalez	Stole \$50 from complainant
294969	2004	Robert Gonzalez Brian Bolton	Stopped and searched complainant without reasonable suspicion or probable cause
302560	2004	Kenneth Young	Planted Drugs and False Arrest
294969	2004	Brian Bolton	Stopped and searched complainant without probable cause or reasonable suspicion
305849	2005	Ronald Watts	False Arrest
305648	2005	Elsworth Smith	Stole \$664 from complainant
309282	2005	Ronald Watts	Searched complainant without probable cause; Had civilian tell complainant that complainant would be arrested for no reason
311300	2006	Ronald Watts	False Arrest
312047	2006	Ronald Watts	Watts and Jones stopped complainant in retaliation for her testimony against Jones in court
313683	2006	Manuel Leano	Planted Drugs and False Arrest

Ex. 67, Shane Report, at 133-158; See also, Group Exhibit 82 (C.R.s).

144. Between 1999 and September 28, 2006, at least 186 formal allegations of misconduct were lodged with CPD related to Defendants' misconduct. Between 1999 and March

23, 2005, Defendant Watts and his tactical team were the subject of at least 32 formal allegations of unlawful search, entry, or arrest, theft, and fabricated evidence (planting of drugs and weapons). Ex. 67 (Shane Report) at 133-158 (list of allegations from which the above tabulations are derived); Ex. 73 (Excel Document of all CRs against Defendant Officers (Waddy spreadsheet)) (database of complaints against Defendant officers).

145. Contemporaneous complaints were made by or on behalf of several other individuals who were wrongfully convicted by the Watts team, giving additional notice to the City of the Watts team's corruption. Group Exhibit 82- (CR # 287011 - Bobby Coleman); Group Exhibit 82- (CR # 301221 - Jerome Bynum); Group Exhibit 82- (CR # 302560 - Lee Rainey CR).

THE WATTS TEAM REGULARLY FABRICATED POLICE REPORTS WITH NO OVERSIGHT

146. Defendant Mohammed testified that the Watts team had a practice of listing all of the officers on the team as participants in arrests even if some members of the team were not present. Ex. 83 (Dep. Of Mohammed), November 15, 2023, at 34:6-15:19.

147. Defendant Elsworth Smith testified that the team would pre-fill reports before even going out into the field, including with quote marks about what an arrestee purportedly said. Ex. 84 (Dep. of Smith) March 5, 2020, at 453:24-458:8, 464:10-466:15. Watts confirmed this practice and testified that officers would pre-write portions of the arrest report narratives before conducting sting operations, including details about what the offenders had supposedly said and done during the arrest. Ex. 85 (Dep. of Watts) Dec. 2, 2022 at 176:19-179:2.

148. Lt. Kenneth Mann supervised Ronald Watts and the other officers in Watts's unit. Mann never reviewed the team's reports to determine if they were true or false and only ever met with Defendant Watts in group settings. He acknowledged that there was no "backstop" in the

system to find problems with sergeants engaged in criminal behavior, such as Defendant Watts. Ex. 86 (Dep. of Mann), Dec. 17, 2020, at 41:18-42:4, 52:18-53:6, 77:8-12.

149. Dr. Shane opined that numerous parts of the CPD, beyond just the Watts team, exhibited a practice of writing false police reports, including listing police personnel who had nothing to do with the arrest on the reports. He opined: “Other witnesses have corroborated that the practice of writing false police reports occurred in other sections of the CPD, too. For example, Janet Hanna, the administrative assistant at the Fugitive Apprehension Unit (where Spalding and Echeverria were assigned after the Watts investigation was completed), corroborated that the same practice of falsely listing team members on arrest reports was followed by the Fugitive Apprehension Unit. Ex. 140 (Dep. of Janet) at 74: 6; 82: 19. There is no accepted standard in policing to list police personnel that have nothing to do with the arrest or other enforcement action (e.g., recovered the evidence; conducted the surveillance) on official government documents.” Ex. 67 (Shane Report) at 94-95.

150. The City testified that its policies were that only officers with personal knowledge should write or sign police reports; that those reports should not be signed by officers who were not involved in the arrest; and that all of the tactical team members listed on arrest reports should have played some role in the arrest. Ex. 21 (Dep. of 30(b)(6) witness Fitzgerald), March 6, 2024, at 49:3-50:2; 52:5-14; 135:17-136:1; 212:20-213:11.

151. Members of the Watts team frequently violated this policy and wrote reports or claimed to be witnesses to arrests despite lacking personal knowledge of the arrest. Ex. 67 (Shane Report) at 90; Ex. 5 (Dep. Of Jones) Feb. 26, 2020 at 34:3-38:21; Ex. 84 (Dep. of Smith) March 5, 2020 at 554:8-556:5.

152. One of the City's proposed experts, Kevin Hughes, a prosecutor at the time of Plaintiffs' arrests, acknowledged that CPD officers frequently failed to specify who played what role in an arrest. Ex. 87 (Dep. of Hughes) June 3, 2024 at 64:9-67:4, 99:22-103:22, 178:21-179:23.

153. It violates accepted policing practices to list police personnel on arrest reports when those individuals have nothing to do with the arrest. Ex. 67 (Shane Report) at 95.

154. The police reports of Plaintiff Baker and Glenn's arrests failed to discuss who saw what, who was involved, and which officer took which specific action. Ex. 37 (Dec. 11, 2005 Baker vice case report); Ex. 36 (Dec. 11, 2005 Glenn arrest report); Ex. 37 (Dec. 11, 2005 Baker vice case report); Ex. 20 (Mar. 23, 2005 Baker arrest report); Ex. 19 (Mar. 23, 2005 Baker vice case report); Ex. 67 (Shane Report) at 107-10.

155. The City's failure to require the Defendant Officers to write complete and accurate police reports consistent with generally accepted standards deprived Plaintiffs of exculpatory evidence that they should have received and allowed the Defendants to fabricate information about their knowledge of and participation in the Plaintiffs' false arrests. Ex. 67 (Shane Report) at 107-10.

THE WATTS TEAM CONDUCTED MASS ILLEGAL ARRESTS WITH CPD'S BLESSING

156. Jones testified at a deposition that when he worked on Watts's tactical squad, it was the team's practice to "stop as many people as we can" when conducting a sweep of the buildings. Ex. 5 (Dep. of Jones), Feb. 26, 2020 at 196: 10-24. He explained that the practice was to stop everybody in the building and to search everybody because "they may have had the narcotic[s] passed off to them"; agreed that nobody had ever suggested that it was inappropriate to stop and search people leaving a building on a mass basis; and specified that his team did not

just stop “most of the people [they] could” but instead “everybody [they] could”. Ex. 88 (Dep. of Jones), Feb. 27, 2020 at 473:4-475:8.

157. Jones testified that this practice was used in various housing projects such as Stateway Gardens and the Robert Taylor Homes and was the practice the whole time he worked in Ida B. Wells. Ex. 88 (Dep. of Alvin Jones), Feb. 27, 2020 at 475:17-476:16.

158. Lieutenant Kenneth Mann, who supervised Watts and his tactical team, knew that Watts’s teams would go into buildings at Ida B. Wells and immediately stop and search everybody in the lobby of the building, and he believed that it was appropriate to do so. Ex. 86 (Dep. of Mann), Dec. 17, 2020, at 94:3-95:15.

159. According to Dr. Shane, “[s]topping and searching a large group of people because they all happen to be entering or leaving the building at the time the police arrive is inconsistent with generally accepted standards for having individualized and specific bases for stopping, searching, and arresting someone.” Ex. 67 (Shane Report) at 100-101.

CPD FAILED TO PROTECT INFORMANTS AND WHISTLEBLOWERS WHO COOPERATED AGAINST THE WATTS TEAM

A. CPD did not protect civilian informants from retaliation.

160. Informant Wilbert “Big Shorty” Moore was a confidential informant and provided information that Watts took protection money in the form of cash and guns and was involved in selling drugs. Moore’s cooperation as a confidential informant was leaked to Watts. Subsequently, in January 2006, Watts was present - but off-duty - at the scene of the crime when informant Wilbert “Big Shorty” Moore was murdered. There is no evidence that CPD ever investigated why Watts was then present or otherwise evaluated his potential involvement in Moore’s murder. Juan Rivera, who was Chief of the Bureau of Internal Affairs starting in March 2009, testified that he had no reason to doubt Watts *was involved* in Moore’s murder at the time.

Ex. 60 (Dep. of Rivera), Dec. 14, 2014 (**dep from Spalding's lawsuit**), at 29:21-30:30; Ex. 68 (Danik Report) at 15-18; Group Ex. 51 (FBI Documents) at FBI 405.

161. On June 28, 2005, CPD Internal Affairs police agent Calvin Holliday wrote in a memo that “an officer who worked for Sergeant Watts on his tactical team” had “told Sergeant Watts of [confidential informant] Moore’s cooperation.” In a sworn interrogatory response, the City of Chicago admitted that it had no information regarding who leaked Moore’s identity or whether the City ever did anything to find out who did so, despite the leak of highly confidential information (and its danger to the informant). Ex. 79 (6.28.05 Holliday memo); Ex. 89 (Watts Coordinated Pretrial Proceedings Interrogatory Responses Dated May 21, 2024).

162. Instead of creating any policy or standard to protect confidential informants like Wilbert Moore (who was murdered after the leak of his identity), the City left the issue of whether to investigate leaks of confidential information to the discretion of internal affairs investigators. Ex. 90 (Dep. of Moore), March 19, 2024 at 154:9-155:10.

163. Dr. Shane opined that the City’s failure to require the investigation of leaks of confidential information or to set any policy on the matter violated generally accepted standards. Ex. 67 (Shane Report) at 83-84.

B. CPD did not protect police officer whistleblowers from retaliation.

164. In the mid-2000s, Officer Michael Spaargaren worked on the Watts team and observed discrepancies during narcotics arrests. Specifically, Spaargaren noted that on several occasions Watts seized drugs or money without inventorying it. Ex. 72 (Deposition of Michael Spaargaren (Baker) Dep.), March 7, 2022, at 86:6-22, 89:3-25. On other occasions, Spaargaren noticed that drugs were seized but the individual who possessed the drugs was not arrested. *Id.* at 87:25-88:18, 96:7-17.

165. When Spaargaren raised these discrepancies with Sergeant Watts, as well as their mutual supervisor Lieutenant Spratte, his life and career were threatened. Ex. 91 (Spaargaren Affidavit) at City BG 026603, at ¶¶14, 15. Spratte told him “You better keep your mouth shut. You don't want to lose your life over this. If you report a sergeant to IAD, how long do you think you will last?” Ex. 91 (Spaargaren Affidavit) City BG 026603, at ¶15; Ex. 72 (Dep. of Spaargaren (Baker) Dep.), March 7, 2022, at 106:12-20.

166. When Spaargaren spoke with Officer Mohammed about the episode, Mohammed said cheerfully that “you can't report the boss and expect nothing to happen,” or words to that effect. Ex. 72 (Dep. of Michael Spaargaren (Baker) Dep.), March 7, 2022, at 108:12-23.

167. Ultimately, Spaargaren chose to take a leave of absence from CPD because he felt that raising his concerns with the Internal Affairs Division was “pointless.” Ex. 72 (Dep. of Michael Spaargaren (Baker) Dep.), March 7, 2022, at 110:20-25, 114:24-115:7.

168. In May 2006, Officers Shannon Spalding and Daniel Echeverria were assigned to the Narcotics division. Ex. 94, (Deposition of Shannon Spalding), Nov. 18, 2014, November 18, 2014, at 12:22-13:2.

169. In 2007, an arrestee informed Echeverria that Watts was exacting a “tax” from drug dealers and framing civilians for drug crimes they did not commit. Ex. 92 (Deposition of Daniel Echeverria) (Baker), May 30, 2023 at 40:14-41:15, 43:9-44:8; Ex. 93 (Deposition of Daniel Echeverria) (Spalding), December 2, 2014, at 11:10-12:17.

170. Echeverria reported this information to his supervisor, Sergeant Roderick Watson. Ex. 93 (Echeverria Dep. (Spalding)), December 2, 2014 at 12:18-15:3. Watson told Echeverria that the report of the suspect's debriefing should be marked as “a negative,” meaning that it had gathered no intelligence. *Id.* at 18:23-19:10.

171. Eventually Echeverria and Spalding concluded that CPD was not actually going to do anything about the misconduct, so they approached the FBI. Ex. 94 (Dep. of Shannon Spalding (Spalding) Nov. 18, 2014, at 36:6-23; Ex. 93 (Dep. of Daniel Echeverria (Spalding) Dec. 2, 2014 at 13:16-15:3, 17:18-20:19.

172. Spalding and Echeverria were later assigned to assist the FBI in its investigation of Watts and members of his team. Ex. 93 (Dep. of Echeverria (Spalding)) Dec. 2, 2014, at 8:1-15, 21:13-24; Ex. 92 (Dep. of Echeverria) May 30, 2023, at 59:17-61:1.

173. CPD Deputy Chief Tina Skahill was aware of the potential danger to Spalding and Echeverria from their fellow officers if their participation in the investigation of Watts and his team were revealed, and she assured them their participation would only be revealed to a handful of CPD brass. Ex. 94 (Dep. of Spalding) Nov. 18, 2014, at 57:4-61:6, 63:11-64:17.

174. However, Spalding and Echeverria's participation in the investigation was not kept confidential. Ex. 94 (Dep. of Spalding) Nov. 18, 2014, at 92:23-93:12, 96:6-11; Ex. 93 (Dep. of Echeverria (Spalding)) Dec. 2, 2014, at 36:6-38:7. A sergeant in narcotics subsequently referred to them as "IAD rats," stated that they could not use department resources for their work, instructed others not to work with them, and instructed officers that if Spalding and Echeverria called for backup the officers should not respond to assist them. Ex. 94 (Dep. of Spalding) Nov. 18, 2014, at 90:13-91:6, 177:15-178:10; Ex. 93 (Dep. of Echeverria in (Spalding)) Dec. 2, 2014, at 41:13-42:14, 238:2-18.

175. After the FBI investigation concluded, Spalding and Echeverria were given "dead end cases" and their fellow officers were again instructed not to provide backup to Spalding and Echeverria during emergency situations. Ex. 93 (Dep. of Echeverria) Dec. 2, 2014, at 167:3-8, 182:24-183:15; Ex. 95 (Dep. of Spalding) June 6, 2023, at 47:16-48:4.

176. A sergeant told Spalding “you like to bring sergeants down, huh? I’d hate to one of these days have to be the one to knock on your door and tell your daughter you’re coming home in a box...” Ex. 94 (Dep. of Spalding) Nov. 18, 2014, at 233:2-235:11.

177. In late 2011 the FBI was preparing to meet with Spalding, Echeverria, and Juan Rivera, then the Chief of the Internal Affairs Department. He told Spalding and Echeverria: “We’re going to have to sit down and figure out what we’re going to say. We have to be on the same page.” When Spalding told him she did not see the need for a meeting, he responded, “You can’t ever tell the truth. You’ll get all of us fired. I just went through a federal trial with all the SOS shit [another corruption scandal]. I can’t withstand another trial.” Ex. 96 (Intercept article at PL Joint 038341).

178. A CPD commander told Spalding and Echeverria they “should have known better,” and that if they “went against” other sworn personnel then they “should have known this shit would happen to them.” Ex. 94 (Dep. of Spalding) Nov. 18, 2014, at 247:23-248:7.

179. After Spalding and Echeverria eventually filed a lawsuit, they continued to face harsh consequences for participating in the investigation of Watts and his team. Ex. 93 (Dep. of Echeverria) Dec. 2, 2014, 191:9-193:14, 217:1-218:15, 278:2-280:4; Ex. 94 (Dep. of Spalding) Nov. 18, 2014, at 268:6-270:14, 278:16-280:3.

180. Officer Matthew Cadman confided to Spalding and Spaargaren that he wanted to leave the Watts team because he thought if he stayed he would go to jail. Ex. 72 (Dep of Spaargaren), March 7, 2022 at 109:25-110:9; Ex. 97 (Dep. of Shannon Spalding), June 5, 2023, at 272:12-273:6.

181. Dr. Shane opined that the City’s policies governing confidential investigations were “grossly insufficient.” Ex. 67 (Shane Report) at 83.

182. Dr. Shane opined that the City took no action to protect whistleblowers, including whistleblowers who participated in investigating Watts, from retaliation, which impeded openness and accountability within the Department. Ex. 67 (Shane Report) at 114-15.

THE WATTS TEAM WAS PROTECTED BY CPD'S LONGSTANDING CODE OF SILENCE

A. The code of silence pre-dated the Watts team's misconduct

183. In 1994, Bureau of Alcohol Tobacco and Firearms special agent Diane Klipfel and Michael Casali filed suit against the City of Chicago alleging, among other things, that the constitutional violations they suffered at the hands of CPD officer Joseph Miedzanowski were caused in part by the "code of silence." *Klipfel v. Bentsen*, Case No. 94 C 6415. (N.D. Ill.); *Klipfel v. Gonzales*, No. 94 C 6415, 2006 WL 1697009, at *11 (N.D. Ill. June 8, 2006) (genuine issue of material fact as to whether a code of silence existed within the CPD). At trial, the jury found that the code of silence existed as of 1994 and held the City liable. Ex. 98 (Klipfel Verdict), PL Joint 4878-4880

184. Dr. Shane has explained that nationally accepted policing standards acknowledged the dangers of the code of silence for years prior to Plaintiffs' wrongful convictions. Ex. 67 (Shane Report) at 90.

185. Dr. Shane also relied on the testimony of an officer deposed in Shannon Spalding's case, Janet Hanna, to conclude that the code of silence has been long-standing. *Id.* Officer Hanna testified that she entered the Chicago Police Academy in May 1994, and that while she was there, she was taught "we do not break the code of silence. Blue is blue. You stick together. If something occurs on the street that you don't think is proper, you go with the flow. . . [Y]ou never break the code of silence" (Hanna (Spalding) deposition, 10:17-19, 45: 18; 46: 4). *Id.* Dr. Shane further noted that Ms. Hanna also testified that instructors openly spoke about and taught the code of silence during training (Hanna (Spalding) deposition, 46: 5-16). *Id.*

186. Likewise, when Shannon Spalding attended the Chicago Police Academy in 1996 she was told that once something is written in a report that version of events “becomes the truth and you don’t deviate from that.” Ex. 97 (Deposition of Shannon Spalding (Baker)), June 5, 2023, at 10:7-11:3.

187. While at the academy, Spalding learned that “going against” a fellow officer was “the fastest way to end [a] career” in the Chicago Police Department. Ex. 97 (Spalding (Baker) Dep.), at 11:6-13

188. Spalding understood that within the culture of the police department, if she learned of misconduct by a fellow officer, she should not write it down. Ex. 97 (Spalding (Baker) Dep.), at 11:18-22.

189. Spalding was warned not to work with another officer who was suspected of working with the Internal Affairs Division and that person was considered an “IAD rat” and that officer was “very well hated just from the thought of her potentially being IAD, which is Internal Affairs Division.” Ex. 97 (Spalding (Baker) Dep.), at 45:10-15.

The Code of Silence Continued to Exist During and After the Watts team’s Misconduct

190. In 2015, the United States Department of Justice began investigating the patterns and practices of the Chicago Police Department. Ex. 99 (DOJ Report) at 1. The DOJ investigation concluded that “the City, police officers, and leadership within CPD and its police officer union acknowledge that a code of silence among Chicago police officers exists, extending to lying and affirmative efforts to conceal evidence.” Ex. 99 (DOJ Report) at 8-9; *id.* at 75 (the investigation concluded that “a code of silence exists, and officers and community members know it.”).

191. According to the DOJ Report, City police misconduct investigators, such as IPRA, did not hold officers who witnessed misconduct and failed to report it accountable. Ex. 99 (DOJ Report) at 76.

192. The DOJ concluded that: “Investigators do not diligently review the investigative records to determine whether witness officers have lied in police reports or whether supervisors have blindly approved reports without attempting to determine whether the reports are fabricated.” Ex. 99 (DOJ Report) at 76.

193. The DOJ Report further explained that “Officers who may be inclined to cover up misconduct will be deterred from doing so if they understand that honesty is the most crucial component of their job and that the Department will aggressively seek to identify dishonest officers and appropriately discipline them. However, our investigation found that IPRA and BIA treat such efforts to hide evidence as ancillary and unexceptional misconduct, and often do not investigate it, causing officers to believe there is not much to lose if they lie to cover up misconduct.” Ex. 99 (DOJ Report) at 8-9.

194. In 2016, the City of Chicago’s Police Accountability Task Force Report found that “the code of silence is not just an unwritten rule, or an unfortunate element of police culture *past and present*. The code of silence is institutionalized and reinforced by CPD rules and policies that are also baked into the labor agreements between the various police unions and the City.” Ex. 100 (PATF Report) at 70.

195. The Task Force noted that officers have a duty to report misconduct, but routinely failed to do so. Ex. 100 (PATF Report) at 73.

196. In 2015, Mayor Rahm Emanuel acknowledged: “The problem is sometimes referred to as the Thin Blue Line. Other times it is referred to as the code of silence. It is the

tendency to ignore, deny or in some cases cover-up the bad actions of a colleague or colleagues...Permitting and protecting even the smallest acts of abuse by a tiny fraction of our offices leads to a culture where extreme acts of abuse are more likely..." Ex. 101 (Remarks of Rahm Emmanuel), PL Joint 69860-69869 at 69865.

197. Former Superintendent of Police Brzeczek explained that the code of silence has "always" existed within CPD. Ex.100 (PATF Report) at 70.

198. Despite denying that a code of silence exists, former Superintendent Eddie Johnson testified that he understood that some officers would not want to admit that they told DOJ investigators that there is a code of silence for fear of retaliation for saying so. Ex. 102 (Dep. of Eddie Johnson), Aug. 31, 2022, at 88:6-89:4

199. Dr. Shane opined that the City failed to deploy anti-retaliation measures that would have mitigated the impact of the code of silence during the time periods at issue. Ex. 67 (Shane Report) at 88-90.

200. Dr. Shane concluded that the City had received repeated notice of the code of silence during the time periods at issue, citing multiple lawsuits, academic articles, and public reports. Ex. 67 (Shane Report) at 90.

CPD CHOSE NOT TO INVESTIGATE THE WATTS TEAM, DISCIPLINE THE WATTS TEAM, OR TAKE OTHER ADMINISTRATIVE ACTION

A. Background on the CPD's disciplinary system.

201. COPA was established on October 5, 2016 to replace the Independent Police Review Authority ("IPRA") as the civilian oversight agency of the Chicago Police Department. *See City of Chicago, IL, Chicago Municipal Code Ch. 2-78 (2016).*

202. A CR File is initiated when a member of the community or someone within the Chicago Police Department ("CPD") reports alleged misconduct by a police officer. During the

relevant time period for this case, the Office of Professional Standards (“OPS”), and later IPRA, was responsible for generating and assigning a CR number to any complaint the Department received. Ex 103 (Deposition of Timothy Moore), March 19, 2024, at 34:19-35:17; 36:20-22 (IPRA replaced OPS). Depending on the nature of the officer’s alleged misconduct, the CR File would be assigned to either OPS or the Internal Affairs Division (“IAD”) for investigation. *Id.*

203. At the conclusion of an investigation, OPS or IAD could reach one of four possible conclusions/findings: Sustained, Not Sustained, Exonerated, or Unfounded. Ex. 67 (Shane Report) at 84; Ex. 104 (CPD General Order 93-3, Addendum 3) at CITY-BG-059024.

204. CPD designates some investigations “confidential,” some “special,” and some “general.” Investigations into criminal conduct are considered confidential. Ex. 105 (BIA Standard Operating Procedures) at 2; Ex. 103 (Deposition of Timothy Moore) Mar. 19, 2024 at 27:5-22.

B. CPD failed to investigate misconduct allegations against the Watts team.

205. Of all the 586 allegations of misconduct prior to April 4, 2007 made against Defendants Watts, Mohammed, Smith, Gonzalez, Leano, Nichols, Jones, and Bolton, as well as Lamonica Lewis (another member of Watts’s squad):

- a. No allegations of fabricated evidence and integrity violations (inculpatory) were sustained (out of 27);
- b. No allegations of non-inculpatory integrity violations were sustained (out of 3);
- c. No allegations of theft/improper inventory procedure were sustained (out of 32);
- d. Just one allegation of unlawful search, entry, or arrest was sustained (out of 87);

This information is memorialized in the below table in Dr. Shane’s report. Ex. 106 (Shane Waddy report) at 36-37; Ex. 73 (data/summary of CRs against Defendant Officers attached to Shane Waddy Report). The information in this table (like all of Dr. Shane’s opinions,

data, and analysis from the Waddy case) was attached and incorporated into Dr. Shane's report and disclosures in this case. Ex. 67 (Shane Report) at 105-06.

Table 13
Allegations by Disposition Before April 4, 2007 Based on Date the Complaint Was Initiated

Allegations	Exonerated	None (not investigated)	Not Sustained	Unfounded	(blank)	Sustained	Total
Demeanor			107	28	2	12	147
Domestic Violence			9				9
Excessive Force	9		129	64	2	1	203
Fabricated Evidence and Integrity Violations (Inculpatory)			7	20			27
Integrity Violations - Non-Inculpatory			3				3
Operation or Personnel Violations	2		27	14		14	57
Property Damage			10	7			17
Theft / Improper Inventory Procedure		2	22	8			32
Unlawful Search, Entry, or Arrest	1		63	22	4	1	87
Total	12	2	377	163	4	28	586

206. The CPD processed these related complaints of corruption, fabrication of evidence, theft, and unlawful arrests through its standard investigative process and it does not appear that these investigations were connected to the concurrent FBI investigation in any way. CPD was not prevented from reaching a finding or making a disciplinary determination because of the FBI investigation. Ex. 106 (Shane Waddy Report) at 36-37; Ex. 73 (data/summary of CRs against Defendant Officers attached to Shane Waddy Report).

207. After reviewing the disciplinary records and personnel files of the Defendant Officers, Dr. Shane concluded, "Notwithstanding the accumulated allegation histories of the officers that were involved in Plaintiffs' arrest, the discovery that I reviewed indicated that the CPD failed to monitor, or track the officers for patterns of allegations, or initiate and ensure any corrective action. A clear pattern of allegations emerged among the officers involved in Plaintiffs' arrests between 1994 and 2018. As the Pareto Analysis shows, the CPD could have

and should have directed its preventive effort where most allegations emanated from, which would have given them the ability to prioritize those issues and develop a personnel improvement plan and/or other adverse employment action for the officers. . . . There is nothing in the discovery that I reviewed to indicate the CPD developed any personnel plans to address chronic allegations particularly those involving a physical confrontation between the officer and the victim/complainant such as excessive force. There is also nothing in the discovery that I reviewed that the Superintendent directed any commanding officers to take any corrective [action] or that the Superintendent held any commanding officers responsible for their subordinates' repeated adverse behavior." Ex. 67 (Shane Report) at 116.

208. CPD frequently failed to interview the accused officers or even conduct any investigation of complaints against Defendant Watts and his team. For example, in his review of all complaints against Watts, Mohammed, Smith, Gonzalez, Leano, Nichols, Jones, Brian, and Lewis, Dr. Shane determined that CPD only interviewed ("took a statement") the accused officers in 11.76% of all applicable cases. Ex. 106 (Shane Waddy Report) at 42.

209. For example, Defendant Watts's supervisor, Lieutenant Farrell, "investigated" a complaint by the mother of Alvin Waddy, one of Watts's victims, by "explaining" to Mr. Waddy's mother that her son was "properly charged" but refusing to attempt to interview Mr. Waddy or to seek in-person interviews from any of the involved officers. Ex. 105 (Shane Waddy Report) at 44 n.63; Group Ex. 82 C.R.s (CR #1005411) at COPA-WATTS_060115.

210. A judge in the Circuit Court of Cook County issued the oral summary judgment decision that is attached hereto as Ex. 107 (Summary judgment decision) in the case of *Waddy v. City of Chicago, et al.*, Case No. 2019L10035 (Cir. Ct. Cook Cnty.).

211. Another plaintiff in these proceedings, William Carter was arrested by Officers Smith and Jones on May 19, 2006. Group Ex. 82 C.R.s (Carter CR) at CITY-BG-015756-015760. After Mr. Carter asserted that Watts and Mohammed also falsified the circumstances of his arrest, the CPD investigator did not seek an interview or even a written statement from any of the accused officers and did not even create a CR number to track the complaint. Group Ex. 82, C.R.s, (CL #1002984). The City's police discipline expert Jeffrey Noble opined that the investigator did not "take any meaningful steps to investigate Mr. Carter's allegations" and concluded "it was unreasonable not to convert this allegation to a CR and to conduct a meaningful investigation." Ex. 108 (Noble Carter Report) at 13.

212. CPD did not even investigate some complaints against the Defendant Officers. For example, CPD received a complaint from Garold Brown in February 2005, who admitted to being arrested after engaging in a drug transaction, but asserted that Defendants Watts and Jones (1) beat him and threatened him with a gun and (2) attributed a "pack" of heroin to him even though he only had bought two bags of heroin. Consistent with Brown's complaint, Alvin Jones's police report claimed that Mr. Brown had possessed a "cheeto chip" bag with 17 baggies of heroin. The City conducted no investigation of Mr. Brown's complaint and made no effort to contact any witnesses or officers; nevertheless, the investigator concluded that the complaint was "UNFOUNDED," meaning it never occurred. Even though the (lack of) investigation occurred after a complaint against Watts had been referred to the FBI, there is no evidence that CPD took further action to connect this complaint of Watts and Jones planting and fabricating evidence to any other corruption investigation. Group Ex. 82 C.R.s (CR #303646) at CITY-BG 11842, 11863, 11896-98.

213. Clarissa Glenn filed two complaints of misconduct against Defendant Watts and others in 2005. Investigators did not contact any witnesses, interview any officers, or seek administrative reports from any officers (including Jones, Smith, Mohammed, and other Defendants), even after the complaints were reopened in 2006. This investigation did not comport with nationally accepted standards for conducting thorough and comprehensive investigations. Ex. 67 (Shane Report) at 102-103; Group Ex. 82 C.R.s (CR #309282 and CR # 309359).

214. Glenn's complaint was eventually reinvestigated and sustained, but not until 2017-12 years after she first initiated it. Ex 31 (COPA Report - Baker/Glenn) March, 10, 2021 at PL JOINT 068062-068093.

215. Lt. Mann personally received allegations from civilians who told Mannn that Watts was charging a "tariff" or tax," which he understood as alleging that Watts was taking money from drug dealers to sell drugs. He told his supervisor, Commander Walter Green about those allegations, but never opened a complaint, and there is no record of those allegations produced in discovery beyond Mann's testimony. Ex. 86 (Dep. of Kenneth Mann), at 80:22-81:4, 87:9-89:1, 93:7-17.

216. Lt. Mann was responsible for investigating numerous complaints against Defendant Watts and others he supervised, but he never sustained a single allegation in any of those complaints. Lt. Mann failed to contact witnesses, interview officers, or collect sufficient information to evaluate serious complaints of misconduct against Defendant Watts and others, including false arrests, fabricated evidence, and other allegations related to Plaintiffs' claims. Group Ex. 82 C.R.s (CRs # 309282, 309359, 309372, 1028321, 1029240, 1030958); Ex. 67

(Shane Report) at 102-05. Lt. Mann acknowledged that he investigated hundreds of CRs but never sustained any of them. Ex. 86 (Dep. of Mann), at 117:3-20.

217. COPA Investigator James L. Whitmer reviewed evidence regarding arrests made by the Watts team and concluded: “ [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

Ex. 109 (Oct.

17, 2018 Whitmer Investigative Report) at 2.

218. Whitmer further concluded that COPA “ [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

” Ex. 109 (Oct. 17, 2018 Whitmer Investigative Report) at 3.

219. After reviewing the disciplinary records and personnel files of the Defendant Officers, Dr. Shane concluded, “there is no evidence of any managerial action from CPD supervisors to mitigate personnel allegations against the officers involved in Plaintiffs’ arrests.”

Ex. 67 (Shane Report) at 116; Ex. 106 (Shane Waddy Report) at 36-37; Ex. 73 (data/summary of CRs against Defendant Officers attached to Shane Waddy Report).

220. Dr. Shane concluded that if CPD's internal affairs system had been "properly functioning" it would have "discovered the [Watts' team's] corruption and could have "easily discovered" violations such as falsifying police reports. Ex. 67 (Shane Report) at 94.

221. The Watts team did not fear discipline from CPD. In an incident on May 25, 2005, when a complainant told Defendant Watts that she was going to call OPS about Watts and an unlawful search he had committed, Watts responded, "Fuck OPS, they ain't going to do shit. Don't you see I keep beating my cases." Group Ex. 82 (CR #305849) at CITY BG 12064.

C. CPD could have disrupted the Watts team, but chose not to.

222. The City could have, but did not, transfer any of the Defendant Officers to non-enforcement assignments during the time periods at issue. Ex. 67 (Shane Report) at 98-100); Ex. 90 (Dep. of Timothy Moore), March 19, 2024, at 141:20-144:16.

223. The City could have, but did not, dissolve Watts's tactical team during the time periods at issue. Ex. 67 (Shane Report) at 98-100).

224. The applicable standard for police corruption investigations is that there must be "timely, high-tempo resolution of allegations." Ex. 68 (Danik Report) at 9. Mr. Danik concluded that based on generally accepted standards in police corruption investigations, the CPD should have taken an "immediate 'all-hands on deck'" response to allegations of extreme misconduct by Watts and Mohammed, including (a) stealing and then selling narcotics, (b) planting narcotics on citizens and then falsely arresting them, and (c) Watts' use of firearms to commit violent acts. However, CPD never acknowledged or reacted to the imminent potential danger Watts and Mohammed posed to citizens. Ex. 68 (Danik Report) at 12.

225. Jeffrey Danik opined that CPD failed to investigate, follow up, ensure a high-tempo investigation, or take administrative action, and that those failures violated accepted standards in public corruption investigation. Ex. 68 (Danik Report) at 13-20.

226. The City failed to take any action to mitigate the clear immediate public safety threat that Watts posed to the public. Ex. 68 (Danik Report) at 25); Ex. 67 (Shane Report) at 98-100.

D. CPD's hands were not tied by the federal investigation.

227. Watts was the primary target of the FBI investigation. Ex. 110 (Rivera Dep., Confidential Portion), Sept. 6, 2023, at 38:14-16.

228. The FBI investigation investigated criminal misconduct, but did not investigate administrative allegations—i.e., whether members of the Watts team had broken the Department's rules and needed to be disciplined or fired. Ex. 67 (Danik Report) at 11-12; Ex. 111 (MOU) ¶ 23.

229. The CPD did not conduct its own investigation to determine whether it needed to be concerned with the other officers on Watts's team—i.e., whether they were also implicated in Watts and Mohammed's corruption. Ex. 60 (Rivera Dep.), Sept. 6, 2023, at 71:20-25.

230. In 2005, CPD drafted a plan for an integrity check on Watts (to see if he would take an opportunity to commit corruption) but did not execute it. Ex. 113 (2005.03.9 Memo from Calvin Holliday) at 15; Ex. 114 (Holliday Dep.) at 92:1-100:24.

231. By 2006, neither CPD nor the FBI had executed a single integrity check targeting Watts. Ex. 67 (Danik Report) at 20-21; Ex. 117 (City interrogatory responses to Glenn) at 7.

232. In 2007 and 2008, Mohammed took six bribe payments from a confidential informant working for the FBI. Ex. 67 (Danik Report) at 22; Ex. 117 (City interrogatory responses to Glenn) at 24-32. The City was informed about these payments at the time. *Id* at 24-

32; Ex. 118 (IAD Memo from Sgt. Thomas Chester to Chief Tina Skahill) (CITY-BG-024099); Ex. 119 (Kirby Dep.) at 107:3-15; Ex. 61 (Skahill Dep.) at 46:6-24. Defendant Watts has testified that in his opinion, it would not have been acceptable to allow Mohammed to remain in his position after he was found taking bribes. Ex. 120 (Dep. of Ronald Watts) Feb. 25, 2022 at 156:1-158:21.

233. In January 2008, the FBI recorded a conversation between Watts and Jamar “Tweek” Lewis. In a recorded conversation, Watts told Tweek to meet with another officer, and when Tweek asked Watts if some “paper” could make it go away, Watts said that was between him and the other officer. Group Ex. 51 (FBI 230).

234. In July 2008, Watts and his team executed a search warrant in which more than \$31,000 were hidden pursuant to an undercover operation. Several thousand dollars—and fake drugs placed there by the FBI—were not inventoried. A recording device present at the house was deactivated by the officers. Jones later told the FBI that Watts, as the sergeant in the search, was responsible for inventorying the money. Group Ex. 51 (FBI 139, FBI 166-67, FBI 303) (Jones statement to FBI); Ex. 118 City-BG-024101.

235. In March 2010, Watts took \$11,050 of “drug proceeds” from a confidential informant, but did not inventory the funds. Ex. 121 (IA and FBI Notes and Memos) at CITY-BG-023858; Group Ex. 51 (2010.03.31 FBI Surveillance Notes) at FBI 37-39.

236. In November 2011, Watts and Mohammed stole money they believed to be drug proceeds in an FBI operation. Ex. 39 (Craig Henderson Affidavit) at PL JOINT 002245-54; Group Ex. 51 (2011.11.21 FBI Surveillance Notes) FBI 14-16. They subsequently were criminally indicted and pleaded guilty to criminal charges. Ex. 59 (Watts’ Judgment in 12-CR-87-1) and Ex. 70 (Mohammed’s Judgment in 12-CR-87-2).

237. The FBI's criminal investigation did not preclude CPD from using the same evidence to make personnel or administrative decisions regarding the Watts team. Ex. 68 (Danik Report), at 5-6, 11, 17, 19-22, 24.

238. For example, in March 2005, CPD unilaterally authored a plan without the FBI's participation to conduct an integrity check against Watts, but ultimately did not execute the plan. Ex. 68 (Danik Report) at 15; Ex. 113 (Holliday March 9, 2005 Report) (PL Joint 18629-18631).

239. Even after CPD obtained direct evidence of corruption by members of Watts's team, including recordings of Defendant Mohammed taking bribes on several occasions, which could easily have been utilized in an administrative proceeding, the CPD took no action. Ex. 68 (Danik Report) at 24.

240. CPD could have interviewed persons arrested by Watts to determine if they would offer that they had paid Watts protection money or had been framed, but failed to do so, and also failed to conduct an integrity check to corroborate or refute corruption allegations and failed to conduct informant activities directed at Watts regarding those allegations. Ex. 68 (Danik Report) at 20.

241. The City produced in discovery a "Memorandum of Understanding" ("MOU") between CPD and the FBI signed in 2011. That document did not prohibit CPD from moving internally against Defendant Watts or members of his team; indeed, it explicitly allowed CPD to move internally and specified that, "whenever possible," the FBI should be consulted first. Ex. 111 (MOU) ¶ 23; Ex. 68 (Danik Report) at 5-6; Ex. 115 (Brown Dep.) May 29, 2024 at 13:18-14:4 (concluding, "the MOU did not necessarily prohibit [the CPD from initiating internal affairs proceedings against officers investigated by the FBI.] There is no 'thou shall not' language in the MOU that the -- that CPD could not do this.").

242. Paragraph 23 of the CPD-FBI MOU reads: “The FBI recognizes that the CPD will often need or desire to take concurrent administrative action against a CPD employee engaging in misconduct or criminal behavior. In the event a particular CPD employee is the focus of an active or ongoing CG City PCTF investigation, the CG City PCTF should be consulted in advance of any administrative action taking place, whenever possible.” Ex. 111 (MOU) ¶ 23.

243. Mr. Danik opined, referring to the above-cited paragraph # 23 of the MOU, “the MOU provides simple mechanisms empowering CPD to act administratively against any CPD employee who is a target of the investigation.” Ex. 68 (Danik Report) at 5.

244. Jeffrey Noble, the City’s expert on police discipline, has previously opined that the generally accepted standard in policing for investigating claims of police misconduct is to conduct concurrent criminal and internal affairs investigations. Ex. 116 (Noble Transcript from *Curtin v. Cnty. Of Orange*), 2017.08.02, at 47:23-48:7.

245. Mr. Noble further testified that he has “never seen” a department that “actually stops the Internal Affairs investigations pending a criminal investigation,” including in any of the research he’s done, literature he’s read, or conferences he’s attended; instead, “all the information is just the opposite.” Ex. 116 (Noble Transcript from *Curtin v. Cnty. Of Orange*), date, at 48:9-49:5; 80:3-20.

246. As Mr. Noble opined, it is critical to take prompt administrative action against corrupt officers and not to delay such action because a criminal investigation is also pending. Specifically, Mr. Noble testified: “[B]ecause if you have an officer who is engaging in serious misconduct, um, particularly a case where the officer has used his position of authority by wearing a uniform, and there’s a likelihood that they could do that again, you want to conduct a concurrent investigation to remove that person from the field to protect the community . . .

whether you send the person home or you put ‘em on some kind of desk duty, their overarching goal is to get this person out of the field.” Ex. 116 (Noble Transcript from *Curtin v. Cnty. Of Orange*), date, at 52:17-53:7.

E. A more thorough investigation of complaints would have proven the Watts team’s misconduct, as shown by the COPA investigations conducted years later.

247. As noted earlier in this Statement of Facts, when the City, via COPA, conducted an investigation of Baker and Glenn’s December 11, 2005 arrest nearly two decades after the arrest, it determined that Defendant Jones had lied when he wrote the arrest report because he had claimed to be in two places at once. Ex. 31 (COPA Summary Report #1087742) at 15-19.

248. When questioned by the City via COPA, Jones admitted to lying in his reports regarding his actions on December 11, 2005. He admitted it was impossible for him to have surveilled Baker and Glenn’s arrest and the simultaneous arrests of Willie Robinson, Louis Moore, Laurence Little, Michael Henderson, and Larry Pulley, stating, “we got the times wrong. I don’t know who. I don’t know how.” He also admitted that it was impossible for Mohammed or Smith to have conducted both surveillance operations and both arrests at the same time. Jones further stated that Defendant Smith’s report related to the simultaneous arrests was false. Ex. 31 (COPA Summary Report #1087742) at 16-18; Ex. 34 (Jones COPA Statement) Jan. 25, 2019 at 156:21-22.

249. Willie Robinson (Roberson) denies having drugs on 12/11/2005. Ex. 127 (Dep. of Roberson), Jan. 17, 2024, at 50:6-12.

250. Dr. Shane opined, “If internal affairs investigators in 2005 had pursued the allegations against Smith and other Watts team members with vigor, then they would have investigated the pattern of arrests those officers had made and certainly would have interviewed the officers about what they were doing on the days that were subject of CRs such as the

Baker/Glenn arrests. They would have looked for evidence that the officers were fabricating evidence, lying in reports, or shaking down drug dealers or other residents. They would have interviewed numerous individuals arrested by Watts and his crew to see if they had consistent accounts of misconduct. They also would have discovered, sooner or later, that Jones and other members of the Watts team were claiming to be in two places at once, falsifying records of arrests, and covering up misconduct. As demonstrated by the fact that COPA did discover this, it is not just a mere possibility to say that if CPD had a properly functioning internal affairs system during the time periods that are the subject of this report, it would have discovered the Watts team's corruption." Ex. 67 (Shane Report) at 94.

251. After being beaten by Jones and falsely arrested during an illegal entry into his apartment while Watts watched, Lionel White, Sr. filed a complaint with CPD. The City took a statement from White, but then failed to interview any of the involved officers, failed to interview (or even try to contact) relevant witnesses, and never gathered any physical evidence to identify whether an unlawful entry had taken place. Based on this below-standards investigation, the complaint was not sustained. Ex. 67 (Shane Report) at 95; Group Ex. 82 (CR # 313536); (CR # 313536).

252. Many years later, when COPA conducted a thorough investigation into Mr. White's arrest, it concluded that multiple officers committed misconduct and should be terminated. That conclusion could have been made in time to help Glenn, Baker, and others if the City had a functioning disciplinary system. Ex. 128 (COPA Report Re: Lionel White Sr.); Ex. 67 (Shane Report) at 95-96.

253. COPA found that Officers Gonzalez, Bolton, Nichols “failed to report serious misconduct committed by other members of the Watts team” during the 2006 arrest of Lionel White Sr. Ex. 128 (COPA Report Re: Lionel White Sr.) at COPA_WATTS 59132-3.

254. COPA found that Officer Jones failed to report the false arrest of Angelo Shenault in 2008. Ex. 129 (COPA Report Re: Angelo Shenault) at COPA_WATTS 163668.

F. After the FBI investigation concluded, CPD decided to stop investigating instead of pursuing unresolved evidence of misconduct against other members of the Watts team

255. In 2012, FBI agent Craig Henderson told Juan Rivera, the chief of Internal Affairs, that no other officers beyond Watts and Mohammed would be criminally charged as a result of the FBI investigation. Henderson did not say that no other officers were implicated by any of the allegations during the whole FBI investigation. Ex. 60 (Rivera Dep.), Sept. 6, 2023, at 61:17-62:22.

256. The CPD and FBI never targeted any officers other than Watts or Mohammed for integrity testing or otherwise investigated whether they were involved in the corruption scheme, drug-planting, or other illegal activity. Ex. 115 (Dep. of Brown), May 29, 2004, at 120:11-17; Group Exhibit 51 (FBI Documents).

257. Tom Chester, CPD’s liaison supervisor from the confidential section of the Chicago Police Department (who supervised the CPD officers participating in the FBI investigation of Watts), confirmed that CPD wanted to wrap up the FBI investigation by investigating Watts and Mohammed, and then “do damage control” and not investigate “the rest of the team” because the City had paid out millions of dollars in the SOS scandal and “another scandal” would “cripple the City.” Ex. 130 (Echeverria Dep. May 30, 2023 (confidential)) at 70:2-10.

CPD HAD A WIDESPREAD PRACTICE OF FAILING TO DISCIPLINE AND INVESTIGATE

A. CPD consistently failed to investigate and discipline civilian complaints.

258. Shane obtained a statistically representative sample of 1,265 CR files and reviewed them to draw conclusions on the frequency with which the CPD sustained discipline, how often CPD did (or didn't) take required investigatory steps in response to police misconduct complaints, and other indicators of the thoroughness, quality, and integrity of CPD's disciplinary system. He identified a number of shortcomings, discussed below. Ex. 67 (Shane Report) at 13-15, 17-20.

259. In the representative *Monell* CR sample from 1999-2003, the CPD took a statement (defined as an in-person interview summarized or transcribed in writing) from accused officers in only 7.5% of all disciplinary investigations and took a statement (defined as an in-person interview summarized or transcribed in writing) from non-accused officers in only 4.1% of all disciplinary investigations. Ex. 67 (Shane Report) at 61; Ex. 131 (Shane CR summary spreadsheet).

260. In the representative *Monell* CR sample from 2004-2007, the CPD took a statement (defined as an in-person interview summarized or transcribed in writing) from accused officers in only 6.3% of all disciplinary investigations and took a statement (defined as an in-person interview summarized or transcribed in writing) from non-accused officers in only 5.5% of all disciplinary investigations. Ex. 67 (Shane Report) at 15-17, 62; Ex. 131 (Shane CR summary spreadsheet).

261. CPD almost never sustained external complaints of misconduct (i.e., citizen complaints) but frequently sustained internal complaints (i.e., complaints from other officers or supervisors). From 1999-2011, CPD sustained just 1.7% of all external allegations of misconduct, but 42.8% of all internal allegations of misconduct. From 1999-2003, CPD

sustained 2.4% of all external allegations and 42.2% of all internal allegations. And from 2004-2007, CPD sustained just 0.8% of all external allegations, but 42.5% of all internal allegations. Ex. 67 (Shane Report) at 36, 41, 46.

262. CPD in particular rarely sustained external allegations of serious misconduct and misconduct related to Plaintiffs' allegations during the time periods at issue, as demonstrated by the below table:

DISPOSITION OF MOST SERIOUS EXTERNAL ALLEGATIONS BY PERIOD

Allegation type	1999-2003 (Shane Baker Report at 42)	2004-2007 (Shane Baker Report at 47)	2008-2011 (Shane Baker Report at 52)	1999-2011 (Shane Baker Report at 37)
Coercive interrogation and coerced confessions	0.0% (0/2)	0.0% (0/8)	0.0% (0/15)	0.0% (0/25)
Excessive force	1.1% (4/380)	1.3% (4/302)	1.4% (4/278)	1.3% (12/960)
Fabricated evidence and integrity violations (inculpatory)	0.0% (0/36)	0.0% (0/46)	10.5% (4/38)	3.3% (4/120)
Integrity violations (non-inciptory)	0.0% (0/21)	0.0% (0/7)	0.0% (0/7)	0.0% (0/35)
Theft / Improperly inventory procedure	1.0% (1/96)	0.0% (0/95)	0.0% (0/115)	0.3% (1/306)
Unlawful search, entry, or arrest	0.4% (1/228)	0.0% (0/265)	1.1% (3/270)	0.5% (4/763)

263. The disproportionality in treatment of external and internal allegations of misconduct indicates bias in favor of the police in the CPD's disciplinary system because the

disciplinary system overwhelmingly disbelieved civilian complainants in favor of police officers. Ex. 67 (Shane Report) at 73-74 & n.61.

264. Dr. Shane opined that the CPD took “shortcut method[s]” to prioritize quick resolutions over uncovering the truth such as almost never taking in-person interviews of CPD officers, which Dr. Shane explained occurred because CPD “may not have invested sufficient resources to conduct proper internal investigations.” Ex. 67 (Shane Report) at 72 n.54.

265. Years later, when the Department of Justice conducted a report on the CPD’s investigations of police misconduct complaints, it concluded that this lack of resources and these failures to investigate remained, writing: “Our review of files for complaints that were investigated revealed consistent patterns of egregious investigative deficiencies that impede the search for the truth. Witnesses and accused officers are frequently not interviewed at all, or not interviewed until long after the incident when memories have faded. When interviews do occur, questioning is often biased in favor of officers, and witness coaching by union attorneys is prevalent and unimpeded—a dynamic neither we nor our law enforcement experts had seen to nearly such an extent in other agencies. Investigators routinely fail to collect probative evidence. The procedures surrounding investigations allow for ample opportunity for collusion among officers and are devoid of any rules prohibiting such coordination. We found that a lack of resources and investigative training contribute to these investigative problems.” Ex. 99 (DOJ Report) at 47.

266. CPD investigators consistently failed to complete necessary steps in their misconduct investigations. Dr. Shane opined, “Conducting an internal investigation is a process. That process encompasses a range of activities resulting in a final product that involves collecting and interpreting facts to inform criminal and/or administrative proceedings. The CR

files are replete with incomplete activities fundamental to a thorough investigation. When these activities are left unaddressed, the investigation is not thorough and lacks evidence sufficient to justify the disposition. Consequently, the final product includes equivocal findings and equivocal findings result in an unreliable investigation.” Ex. 67 (Shane Report) at 59.

267. Dr. Shane opined, “However, the supervisors that endorsed the CR files knew or should have known that common investigative elements were missing, but approved them anyway. By endorsing police reports, the supervisors are accountable for and concur with the reports’ contents, the officers’ conduct, and they also attest that the reports meet the customary standards listed above. Because the supervisors endorsed the investigations submitted by the internal affairs investigators, the supervisors agreed with the investigator’s method even though the method did not comport with accepted industry standards. When flawed investigations are endorsed, the Department misses the opportunity to uncover potential problems, preempt emerging patterns and take corrective action.” Ex. 67 (Shane Report) at 59.

268. According to its own reports, the City almost never sustained external complaints related to civil rights violations, such as those made by Plaintiffs; indeed, the City sustained only:

- e. 8 out of 551 complaints for civil rights violations in 2000 (1.5%)
- f. 16 out of 1,108 complaints for civil rights violations in 2001 (1.4%)
- g. 6 out of 1,447 complaints for civil rights violations in 2002 (0.4%)
- h. 7 out of 1,458 complaints for civil rights violations in 2003 (0.5%)
- i. 11 out of 1,684 complaints for civil rights violations in 2004 (0.7%)
- j. 5 out of 1,592 complaints for civil rights violations in 2005 (0.3%)
- k. 12 out of 1,492 complaints for civil rights violations in 2006 (0.8%)

1. Total 2000-2006: 65 out of 9,332 complaints of civil rights violations were sustained (0.7%).

Dkt. 394-74 (Def. City's Ex. 74 to City SOF); Group Ex. 132 (Exhibit, CPD Annual Reports 2003-2006 reflecting disciplinary statistics) at City-BG-059504, 059556, 59610, 59682.

269. CPD was ten times as likely to sustain an allegation of operation/personnel violations than it was an allegation of any other kind from the 1999-2003 time period, as indicated by the below table. Ex. 67 (Shane Report) at 55.²

270. In 1997, the City's Commission on Police Integrity warned that the CPD's police misconduct investigators (the Internal Affairs Division) "felt that too much of their time was spent on matters like police officers' overdue parking tickets," which, they said, "detracted from their ability to focus on more serious forms of misconduct." Ex. 133 (1997 Police Integrity Report) at 30.

271. The City has admitted through its 30(b)(6) witness, Timothy Moore, that it is not aware of any effort to shift the allocation of resources from 1999-2011 away from more minor administrative investigations and towards more serious allegations of misconduct. Ex. 103 (Dep. of Timothy Moore), Mar. 9, 2024, at 178:16-22.

272. Dr. Shane opined that throughout the time periods he analyzed, "the CPD focused almost all of its attention on operation and personnel violations. In other words, CPD was more concerned with allegations like failing to provide city business license information (CR # 262949), improperly giving parking tickets (CR # 251791), and failing to display a vehicle registration sticker (CR #259248) than with allegations by citizen[s] that they had been abused or

² Here, and throughout, Plaintiff presents summaries of information produced in the police misconduct complaint investigation files (CRs) produced by Defendants as summarized in Dr. Shane's report and pursuant to Fed. R. Evid. 1006; Plaintiff will produce the underlying CRs to the Court if helpful for the Court's review.

mistreated by police officers.” Ex. 67 (Shane Report) at 52; Group Ex. 82, C.R.s. # 262949, 251791, and 259248.

273. Based on the totality of the evidence he reviewed, Dr. Shane concluded that the CPD “failed to complete sufficient and thorough investigations” and failed to impose sufficient discipline, particularly regarding integrity violations. Ex. 67 (Shane Report) at 66-71, 86. Examples follow.

274. In CR # 275606 (November 2001), the City received an allegation that detectives had questioned criminal defendants represented by an attorney even though the attorney had instructed that her clients not be interviewed without counsel. The City made no effort to determine who was involved in denying the alleged victims access to counsel. Ex. 67 (Shane Report) at 68-69; Group Ex. 82 (CR #275606).

275. In CR # 309825 (November 2005), the City received an allegation that officers had stripped a juvenile suspect naked and forced him to confess to a robbery. The City’s investigators did not interview the victim, did not document what the complainant said, did not gather documents, and did not canvas the scene. Dr. Shane opined that “these were insufficient investigative steps for a serious allegation of a coercive interrogation.” Ex. 67 (Shane Report) at 86; Group Ex. 82 (CR # 309825) at CITY-WATTS 037598, 037602.

276. In CR #305652 (May 2005), CPD investigators concluded that an accused officer had lied on his police report, but the City issued only a one-day suspension. Ex. 67 (Shane Report) at 68; Group Ex. 82 (CR # 305652) at CITY-WATTS CR-032787.

277. In CR # 252153 (March 1999), the investigator recommended a two-day suspension for lying in an official report after an officer wrote in a to/from report made during the disciplinary investigation that he did not strike the complainant, even though he had

previously admitted to striking the complainant in a written report. Despite this evidence that the officer lied in an official report, the CPD imposed no discipline whatsoever and did not investigate whether the falsehood was intentional. Ex. 67 (Shane Report) at 69; Group Ex. 82, C.R.s (CR # 252153) at CITY-WATTS CR-000516, 526.

278. The City did not keep track of whether witnesses were interviewed in disciplinary investigations or how quickly they were interviewed. Ex. 103 (Dep. of Timothy Moore) at 196:6-14; Ex. 67 (Shane Report) at 86.

279. The City could not explain how often meaningful investigations were conducted in the absence of an affidavit from a complainant. Ex. 103 (Dep. of Timothy Moore) at 196:19-198:1; Ex. 67 (Shane Report) at 86.

280. The City allowed coaching of witnesses by their legal representatives, including consulting off the record and making no record of the off-the record period or any coaching during that time period. Ex. 103 (Dep. of Timothy Moore) at 198:6-199:5; Ex. 67 (Shane Report) at 86.

281. The City failed to provide guidance to investigators that would have helped them to effectively complete their investigations; for example, the City provided no guidance to investigators on how to weigh the credibility of complainants, witnesses, officers, and others during their investigations. Ex. 67 (Shane Report) at 84-85.

282. The City did not enforce, and allowed investigators to ignore, the language of its “standard operating procedures” for disciplinary investigations during the time periods at issue. Ex. 67 (Shane Report) at 86-87.

283. As a result of failing to complete necessary steps, CPD’s disciplinary system produced unreliable findings. Dr. Shane opined, “Because many of these activities are

incomplete, they reflect a lack of initiative and tenacity that are indispensable for a thorough investigation. The result is a final product whose findings are unreliable.” Ex. 67 (Shane Report) at 60.

284. After reviewing more than 1200 police misconduct complaints produced in discovery in this case and numerous other materials regarding the functioning of CPD’s disciplinary system during the time period at issue, Dr. Shane reached the following conclusion: “The evidence in discovery indicates that the internal investigation system and the supervisory apparatus in the Chicago Police Department were flawed to such a degree that the officers involved in Plaintiffs’ arrests could expect to avoid the scrutiny of a supervisor, and avoid a thorough investigation into their conduct. The result is that the accused officers and the public could expect that their complaint would almost invariably result in a not sustained finding.” Ex. 67 (Shane Report) at 114.

285. Dr. Shane concluded that timely and appropriate disciplinary investigations and actions (which were not initiated because CPD failed to prioritize the most common allegations) would have interrupted Defendants Watts, Mohammed, and others’ misconduct: “Had the Superintendent of Police and the command staff prioritized the effort to address the most common allegations—consistent with their job specifications—then they would have been able to intervene and stop the defendants’ adverse behavior through a personnel improvement plan and/or other adverse employment action.” Ex. 67 (Shane Report) at 30.

B. CPD ignored problems with its disciplinary system and allowed its investigators to violate the Department’s policies

286. Based on the totality of the evidence he reviewed, Dr. Shane concluded that the CPD had a repeated pattern of incomplete internal investigations and that the evidence “also

indicates that all supervisory ranks in CPD have ignored these systemic issues between at least 1994 and 2018.” Ex. 67 (Shane Report) at 116.

287. Juan Rivera, the Chief of CPD’s Bureau of Internal Affairs, testified that investigators were allowed to immediately end the investigation of a citizen complaint after receiving the complaint if the investigator believed, at that point, that the complaint was unfounded. Ex. 60 (Dep. of Juan Rivera), Sept. 6, 2023 at 112:14-18.

288. CPD failed to provide any guidance to investigators regarding how and when to close investigations, other than that they should close them if they “believe” the investigation to be unfounded. Ex. 67 (Shane Report) at 86-87; Ex. 123 (General Order 93-3); Ex. 124 (Special Order 08-01); Ex. 105 (BIA Standard Operating Procedures).

289. On paper, CPD required investigators to “complete a thorough a comprehensive investigation” even when a complainant withdrew their complaint, and “[t]he complainant’s signed declination letter [may] not be [used as a] basis to UNFOUND any allegation made.” But the City instead permitted its investigators to stop investigating. Ex. 105 (BIA Standard Operating Procedures) at 14; Ex. 60 (Dep. of Juan Rivera), Sept. 6, 2023, at 112:19-113.

290. Dr. Shane concluded that he “reviewed many complaints that lacked a thorough and comprehensive investigation in the absence of a signed affidavit” and for that reason “it is clear that the City did not enforce the language of the [CPD’s] Standard Operating Procedures during this time period.” Ex. 67 (Shane Report) at 87.

291. During the 1999-2011 time period, it took CPD multiple years to investigate sustained allegations of integrity violations, including an average investigation length of 1,249 days for inculpatory fabricated evidence and integrity violations and an average investigation

length of 987 days for non-inculpatory integrity violation investigations. Ex. 67 (Shane Report) at 54.

C. The “affidavit requirement” did not excuse CPD from failing to investigate misconduct.

292. The City’s expert, Jeffrey Noble has opined that the City could not investigate certain complaints of police misconduct because the City failed to obtain signed affidavits. However, the City admitted, through its 30(b)(6) representative Timothy Moore, that it was free to take any investigative steps in response to citizen complaints of misconduct even without a signed affidavit from a complainant, with the single exception of interviewing the accused officers. Ex. 103 (Dep. of Timothy Moore, Mar. 19, 2024) at 110:6-12.

293. The 1999-2003 CPD union contract did not require any signed affidavit to investigate complaints of police misconduct. Ex. 67 (Shane Report) at 63-64; Ex. 112 (1999-2003 FOP Contract). The 2003-2007 CPD union contract explicitly allows CPD to conduct a preliminary investigation even in the absence of a signed affidavit. Ex. 67 (Shane Report) at 33; Ex. 103 (Dep. of Timothy Moore Dep.) at 110:6-12; Ex. 134 (2003-2007 FOP Contract) at 115-17.

294. CPD’s failure to conduct complete administrative investigations in absence of victim or complainant cooperation violated generally accepted standards as acknowledged by Defendants’ police practices expert Jeffrey Noble. Specifically, Mr. Noble testified, that it would be “absolutely wrong” to have a policy not to take administrative action against an officer unless and until the victim gives a statement “because, again, you need to if the allegations are founded or there’s evidence that makes them appear to be founded, you need to remove this person who has a badge and a gun and a uniform from the field.” Ex. 116 (Noble Transcript from *Curtin v. Cnty. of Orange*), date, at 83:5-19.

CPD ALLOWED THE WATTS TEAM TO OPERATE WITHOUT SUPERVISION

295. The CPD failed to conduct regular performance evaluations for the Defendant Officers. Ex. 106 (Shane Waddy Report) at 24.

296. Dr. Shane opined, “Of the discovery that I reviewed, there is nothing to indicate that the Chicago Police Department supervised the officers involved in the arrests at issue here by identifying and monitoring their behavior through either an electronic or paper-based system of agency records, despite the fact that they knew or should have known that allegations were accruing and then subsequently initiating and ensuring corrective action was taken.” Ex. 67 (Shane Report) at 22.

297. The City failed to take several standard and required steps to mitigate the harms and risks of leaving Watts and his squad in a narcotics policing position, including quickly executing integrity tests to see if members of the squad would take bribes or fabricate evidence; evaluating the officers’ performance; transferring the officers to non-enforcement assignments; dissolving the officers’ unit; or providing lieutenant-level supervision of Watts and his squad. Ex. 67 (Shane Report) at 96-102. The City failed to deploy other required practices to prevent corruption by the Defendant Officers. Ex. 67 (Shane Report) at 82-84.

CPD HAD A WIDESPREAD PRACTICE OF FAILING TO SUPERVISE

A. Other Squads Committed Similar Misconduct Within CPD

298. One example of the City’s failure to monitor repeated disciplinary complaints indicative of corruption is Jerome Finnigan. Finnigan led a group of CPD officers in carrying out robberies, home invasions, kidnappings and other crimes. Finnigan amassed 89 CRs between 2000 and the time he was indicted in 2006 and resigned in 2008, and had 161 CRs over his career, which the City through its Police Accountability Task Force described as a “shocking number.” No effort was ever taken to enroll Finnigan in the Department’s formal intervention

programs or intercede in what the City described as his “obvious pattern of misconduct.” Ex. 100 (PATF Report) at 96-97; Ex. 67 (Shane report) at 74-75.

299. At his sentencing hearing, Jerome Finnigan testified: “You know, my bosses knew what I was doing out there, and it went on and on. And this wasn't the exception to the rule. This was the rule. You went out and did what you had to do to make the streets safer for everybody so that they were able to walk around and drive around, take their children to the park, take their children to school. Gangbangers were out there murdering people and shooting people. They know the rules of the game just like the police know the rules of the game, and that's just the code of the street, Your Honor.” Ex. 135 (Finnigan Sept. 8, 2011 Sentencing Transcript).

300. Another example is Corey Flagg, who participated in a ring of five Englewood officers who robbed drug dealers via traffic stops and home invasions and was arrested in 2005. Flagg received 88 CRs during his career with CPD. Flagg Ex. 100 (PATF Report) at 96-97; Ex. 67 (Shane report) at 74-75.

301. Other CPD officers engaged in narcotics-related corruption and criminal activity during the relevant time periods engaged in drug conspiracies included gang crimes officer Joseph Miedzianowski, CPD Chief of Detectives William Harnhardt, and CPD Narcotics Officer Glenn Lewellen. Ex. 100 (PATF Report) at 96-97; Ex. 67 (Shane Report) at 75, 114-15.

302. The City concluded, through its Police Accountability Task force: “Some might argue that Finnigan's and Flagg's criminal conduct is aberrational. It is not. Police corruption cases in Chicago may not be commonplace, but neither are they rare occurrences.” Ex. 100 (PATF Report) at 97.

B. CPD Failed to Take Necessary Action to Supervise Officers, Especially Drug Police

303. In 1997, Mayor Richard M. Daley appointed the Commission on Police Integrity to examine the root causes of police corruption, review how other urban police departments approach the issue and propose changes to CPD policies and procedures. Ex. 100, Police Accountability Task Force Report (hereinafter PATF), at 24.

304. The mayor appointed the commission after a group of seven CPD officers from the Austin District (15th) on Chicago's West Side were indicted for robbing and extorting money and narcotics from drug dealers. Another three officers from the Gresham District (6th) were indicted for conspiracy to commit robbery and sales of illegally confiscated narcotics. The commission was charged with recommending strategies to reduce "the kind of misconduct discovered last year in the Austin and Gresham police districts"—i.e., officers employed in tactical drug units "using their positions . . . to rob and extort money and narcotics from drug dealers" and "commit[ing] robbery and sales of illegally confiscated narcotics." Ex. 136 (1997 Police Integrity Report), at 11-12; Ex. 100 (PATF) at 24.

305. The Commission recommended that the City specifically track complaints by units, i.e., groups of officers who accumulated complaints at a higher-than-normal rate: "[T]he Commission recommends that the Chicago Police Department look not just at the records of individual police officers but also at units within the Department. The ten officers now under indictment did not come from ten different units of assignment spread throughout the organization. Chicago's recent experience is consistent with the police scandals around the country and in our own history going back to Summerdale - corrupt police officers (like other groups of criminals) tend to bond together in groups. As the Chicago Police Department moves toward a comprehensive early-warning system, therefore, an effort should be made to identify

specific units which have a higher than usual rate of allegations of misconduct.” The report described “tactical teams”—i.e., the same kind of group that Watts and his supervisees consisted of—as examples of the “units” under discussion, as well as “narcotics enforcement” and other “specialized units,” and described “units” as being under the supervision of “first line supervisors,” i.e. sergeants. Ex. 136 (1997 Police Integrity Report) at 21, 23, 27, 29-30.

306. The Commission highlighted the risk of corruption among narcotics enforcement officers: “The scandals that have unfolded in Chicago and around the country in recent years reveal an indisputable fact: the corruption problem in law enforcement today is inextricably linked to the flourishing narcotics trade. It is no coincidence that the ten Chicago officers under indictment today were assigned to two of the police districts with the highest incidence of narcotics arrests, nor that they all worked on tactical teams whose primary function was narcotics enforcement. One expert has noted that the illegal drug trade is testing the integrity of American law enforcement as never before. (Morganthau, 1994) No single phenomenon, with the possible exception of prohibition, has had such a harmful impact on law enforcement's efforts to maintain high standards for integrity. Fighting police corruption will remain a challenge as long as the demand for illegal drugs continues to pump vast sums of money into this underground economy.” Ex. 136 (1997 Police Integrity Report) at 10.

307. The City’s 1997 Commission further concluded: “some system needs to be in place which allows the Department to take some appropriate action when a clear pattern of non-sustained complaints exists.” Ex. 136 (1997 Police Integrity Report) at 21.

308. The City has admitted through its 30(b)(6) witness, Timothy Moore, that it is not aware of any kind of team level, squad level, or division level analysis of misconduct allegations of any kind from the 1999-2011 time frame. Ex. 103 (Dep. of Timothy Moore) at 174:17-175:6.

309. The City did not even inform the supervisors of officers who had sustained disciplinary complaints against them whether the complaints against them had been sustained or not. Ex. 103 (Dep. of Timothy Moore), at 124:14-125:18; Ex. 67 (Shane Report) at 77.

310. Calvin Holiday testified at deposition that if multiple misconduct investigations were open against a CPD employee, then the investigations may have been assigned to different investigators with each not necessarily aware that separate investigations were underway. Ex. 114 (Dep. of Calvin Holiday), Nov. 14, 2022, at 50:3-53:4. Dr. Shane opined that the failure to share information about concurrent investigations “reflects a management failure that implicates duplication of effort, consistency and fairness, and strengthening the investigative process. Situational awareness allows for a more comprehensive analysis of the evidence, and a more robust investigation overall. The input and feedback from multiple investigators can help strengthen the case, identify any potential weaknesses or biases, and increase the chances of arriving at a just and accurate conclusion.” Ex. 106 (Shane Waddy Report) at 23 n.34.

311. Dr. Shane opined that the hazards of drug policing—including involvement with illicit drugs, financial temptations, limited oversight, and the high stresses of the work—increase the risks of corruption in the absence of specific accountability measures, citing academic publications in support of his opinion. Ex. 67 (Shane Report) at 78-83.

312. The City failed to meet accepted standards for monitoring and supervising officers, specifically with regard to the lack of any functional system for early warning, early identification, or early intervention. Ex. 67 (Shane Report) at 77-78.

313. The criteria of the City’s automated system were “so convoluted that it could not have been helpful in preventing misconduct,” and any evidence from that system was given to the chief of internal affairs to make a discretionary decision without any regular reports or any

requirement that the information be used in any way. Ex. 67 (Shane Report) at 78; Ex. 103 (Dep of Timothy Moore 30(b)(6) Dep.) at 169:1-173:17; 176:9-178:2 (“As officers that work on gang tactical teams, out of Narcotics, conduct their daily business of just working their cases and investigating narcotics cases, we’re -- we’re not – there wasn’t a -- a system where we were just monitoring them day to day, if there was no allegation of misconduct for any particular team working narcotics investigations. It just -- that’s just not how it was.”

314. Dr. Shane concluded that “the City’s failure to [implement measures to analyze patterns of complaints, including drug enforcement officers] fell well short of nationally accepted standards for supervising corruption-prone units such as narcotics enforcement.” and cited multiple national studies and articles that had identified the risks of corruption among narcotic officers promulgated years before Plaintiffs’ arrests. Ex. 67 (Shane Report) at 78-89 & n.64.

315. Dr. Shane opined that, “When adverse behaviors are not addressed promptly and effectively, they can be taken for granted, perpetuated, and eventually normalized within the department; this is commonly known as normalized deviance, and has been the focus of police corruption research for several decades,” and concluded that such a phenomenon was present in the Chicago Police Department during the time periods at issue. He cited numerous academic publications explaining and describing that phenomenon. Ex. 67 (Shane Report) at 100 & n.84.

316. Dr. Shane concluded that the City’s failure to identify and analyze trends of misconduct was a systemic failure and an abrogation of responsibility. Ex. 67 (Shane Report) at 117 (“Empirical analysis of personnel allegation data provides feedback and evidence for police administrators regarding whether the internal investigation process works to promote fairness and equity for both citizens and the accused officers. In the absence of such evidence, police

administrators do not have a mechanism to determine whether an internal investigation's outcome is reliable. The failure to collect, analyze and act on the available personnel allegation data in the Chicago Police Department is tantamount to managerial indifference, including an abrogation of the Superintendent's responsibility to direct the organization.”).

CPD WITHHELD IMPEACHMENT INFORMATION FROM PLAINTIFFS AND REGULARLY WITHHELD IMPEACHMENT INFORMATION FROM CRIMINAL DEFENDANTS

317. At least forty individuals, all of them plaintiffs in the coordinated proceedings pled guilty or went to trial prior to Baker and Glenn's pleas, and all of them have since had their convictions vacated and received certificates of innocence. Ex. 27 (Affidavit of Tepfer).

318. Matthew Mahoney, Plaintiffs' criminal defense attorney, obtained a court order requiring IAD to provide “the entire file, notes, complaints, and any and all other information about officers Sergeant Watts #2460, P.O. Jones #19462, P.O. Gonzalez #12152, and P.O. Doug Nichols 12415. ” Ex. 137 (Order on Mahoney Subpoena), PL Joint 57.

319. Prior to his practice as a criminal defense attorney, Mahoney worked as a prosecutor with the Cook County State's Attorney's Office in the public corruption section. Ex. 45 (Dep. of Mahoney) Sept. 28, 2022, at 14:5-12. Mahoney worked at the Cook County State's Attorney's Office from 1989-2001 and then worked in private practice as a criminal defense attorney until approximately 2016. *Id.* at 12:22-16:8.

320. Mahoney expected to receive the civilian complaints when he subpoenaed IAD. *Id.* at 48:25-49:21 (Baker told law enforcement other people had lodged complaints with OPS and Mahoney expected to receive those complaints when he subpoenaed IAD, but did not receive them.). The judge appears to have also expected to receive C.R.s in response to the subpoena. Ex. 122 (Trans. of Proceedings Oct. 17, 2005), PL Joint 19200-05 at 19201,

(Mahoney stated that he is waiting on a subpoena response from IAD and Judge Toomin commented that “a gentleman . . . brings that material over whenever we order C.R.s.”).

321. However, Mahoney did not receive any civilian complaints regarding other allegations of fabrication, planting drugs, or any other misconduct that could corroborate Baker and Glenn. Ex. 45 (Dep. of Mahoney), at 49:10-21. The Common Law record appears to contain one complaint, from Ron Henley, which appears to have been part of the IAD documents Mahoney would have received. Ex. 138 (Common Law Record), PL Joint 018952-19077 at 18997 (IAD memo referring to Hensley’s complaint). That complaint does not include evidence of fabrication or planting drugs. *Id.*

322. IAD had access to civilian complaints, including any complaints received regarding the Watts team. Ex. 123 (General Order 93-3 on Complaints and Disciplinary Procedures (1993 version)) at 3; Ex. 139 (Deposition of Calloway), May 6, 2019, at 132:5-15.

323. By September 2006 (when Plaintiffs pled guilty), the City had received numerous civilian complaints related to planting drugs, false arrests, detention without reasonable suspicion, stealing (or demanding) money, and threats of retaliation by the Individual Defendants as set forth in paragraph no. 136.

324. The CPD General Order on Complaints and Disciplinary procedures, Addendum 2b, tasked OPS, and later IPRA, with “safeguarding” all civilian complaints. Ex. 123 (General Order 93-3 on Complaints and Disciplinary Procedures (1993 version)) at 3 CITY-BG-059019; Ex. 103 (Dep of Timothy Moore Dep.) at 48:15-21 (OPS is the “repository” for all complaints).

325. IAD did not centralize civilian complaints about their target officers, though IAD officers could review the complaints maintained by OPS if they wished. Ex. 123 (General Order

on Complaints and Disciplinary Procedures (1993 version)) at 3; Ex. 139 (Deposition of Calloway), May 6, 2019, at 132:5-15.

326. From 1999-2011, the City had no system in place to give all officer disciplinary findings bearing on credibility to prosecutors. Ex. 103 (Dep. of Timothy Moore) at 202:18-203:8; Ex. 67 (Shane Report) at 86.

327. In 2016, the City concluded through its Police Accountability Task Force (“PATF”) that many recommendations from Mayor Daley’s 1997 Commission “were not addressed and still need attention.” The City specifically identified in that report that the 1997 Commission’s recommendation to analyze unit-wide misconduct had never been adopted. It also concluded that reforms in the 1990’s and 2000’s “in large part, were allowed to wither on the vine or were never executed at all,” including because the City decided not to fund those programs. Ex. 100 (PATF Report) at 24, 100.

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