

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

LIONEL WHITE,)
Plaintiff,) No. 17 C 02877
vs.) The Honorable Sara Ellis
CITY OF CHICAGO, et al.) Magistrate Judge Laura K. McNally
Defendants.)

JOINT LOCAL RULE 56.1(a)(2) STATEMENT OF UNDISPUTED MATERIAL FACTS

Plaintiff, Lionetta White, Special Administrator of the Estate of Lionel White, Sr., by her attorneys, Defendants Alvin Jones, Elsworth Smith, Jr., Manuel Leano, Brian Bolton, Robert Gonzalez, and Douglas Nichols, by their attorneys, and Defendant Kallat Mohammed, by his attorneys, submit the following joint statement of undisputed material facts, pursuant to this Court's standing order and the order addressing the parties' motion for clarification regarding the standing order.

PARTIES

1. Plaintiff Lionetta White Sr. is the special administrator of the estate of Lionel White, Sr., who resided in the Northern District of Illinois. (Dkt. 77, Defendant Officers' Answer to Complaint at ¶8.)
2. Defendant City of Chicago is an Illinois municipal corporation. (*Id.* at ¶10.)
3. In April 2006, Defendants Alvin Jones, Brian Bolton, Elsworth Smith, Jr., Manuel Leano, Robert Gonzalez and Douglas Nichols ("Defendant Officers") were members of the Chicago Police Department ("CPD"), assigned to Beat 264. (*Id.* at ¶11; ¶12.)

Ex. 1, Attendance and Assignment Sheet at 16, 17, 18.) Defendant Kallatt Mohammed was also a member of the team and Defendant Ronald Watts supervised the team. (Ex. 1 at 18, 19.)

4. In March 2001, Defendant Watts joined the Public Housing South Unit as a patrol sergeant. (Ex. 2, Watts' March 2, 2018 Answer to Interrogatories at 2, Answer to ¶4; Ex. 3, Watts' CPD Employee Assignment/Detail History at DEF 000002.)

5. At the time, Defendant Officers Gonzalez, Bolton, and Jones were already working on this Unit and had been since early 2000. (Ex. 4, CPD Employee Assignment/Detail History at CITY-BG-003373-75, CITY-BG-003381.) Defendant Mohammed transferred to this Unit in May 2001. (*Id.* at CITY-BG-003372).

6. In 2003, Watts became a tactical sergeant. (*Id.* at CITY-BG-003372.)

7. In November 2004, the CPD dissolved the Public Housing South Unit. (Ex. 5, Alvin Jones February 26, 2020 Deposition at 79:2-5.) Defendants Watts and Mohammed and Defendant Officers Jones, Gonzalez, and Bolton were thereafter reassigned to tactical team 264 in the Second District with Watts as the team's sergeant. (Ex. 2 at 2, Answer ¶4; Ex. 4, at CITY-BG-003372, CITY-BG-003373), CITY-BG-003375, CITY-BG-003381.)

8. In this transition, Defendant Officers Leano, Smith, and Nichols were also assigned to tactical team 264. (Ex. 6, Manuel Leano September 26, 2019 Deposition at 22:13-22; Ex. 7, Elsworth Smith February 17, 2020 Deposition at 25:12-22; Ex. 8, Douglas Nichols December 19, 2019 Deposition at 20:17-21:4.)

JURISDICTION AND VENUE

9. Plaintiff has brought this action pursuant to 42 U.S.C. § 1983, and this Court has jurisdiction over his claims pursuant to 28 U.S.C. §§ 1343 and 1367. (Dkt. 77, Defendant Officers' Answer to Complaint at ¶8). Venue is proper in the United States District Court, Northern District of Illinois pursuant to 28 U.S.C. § 1331(b).

Background

10. The arrest that gave rise to this action occurred on April 24, 2006 at the Ida B. Wells housing complex (the "Wells complex"). (Dkt. 77 at ¶23.)

11. According to testimony from witnesses and other plaintiffs in the Watts proceedings, the Wells complex was a site of heavy daily narcotics trafficking with some witnesses describing the complex as an open-air drug market.¹ Witnesses and other plaintiffs in the Watts proceedings also testified that drugs were sold in certain of its extension buildings all day and all night, seven days a week. (Group Ex.9-1 at 20:2-3; 88:19-21; Ex. 9-2 at 26:19-22; Ex. 9-3 at 185:8-11; Ex. 9-4 at 23: 9-17; Ex. 9-5 at 141:2-7; Ex. 89-9 at 42:24-43:4; Ex. 9-10 at 17:19-20.). Charles Miller testified that that the drug dealers would work in shifts around the clock. (Ex. 10, Charles Miller September 21, 2023 Deposition at 68:5-69:24.)

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

12. An FBI document states that “the level of narcotics activity was at a minimal while” Defendants Watts and Mohammed “were not on duty,” but that when they “were present for duty, the level of narcotics activity was much higher.” (See Ex. 11, PL JOINT 002917-PL JOINT 002918/FBI000743-744.)

13. Another report from the City of Chicago’s Civilian Office of Police Accountability (“COPA”) states that members of the Watts team were confident that the team would receive “deference” as law enforcement officials, and “[s]uch deference enabled the Team’s control of drug trafficking in the Wells Homes.” (See, e.g., Ex. 12, (COPA SRI for Log #1087742) at PL JOINT 068087.)

14. Witnesses, including several of the other plaintiffs in the Watts proceedings, testified that when police were in the area at the Wells complex, their presence would disrupt the drug trafficking at the complex. (Ex. 13, Ben Baker August 10, 2023 Deposition at 93:22-95:23; Ex. 14, Elgen Moore February 28, 2024 Deposition at 84:5-8; Ex. 15, Gregory Young February 16, 2024 Deposition at 30:5-13; Ex. 16, Bobby Coleman November 13, 2023 Deposition at 89:1-9; Ex. 17, Harvey Blair November 1, 2022 Deposition at 172:24-174:5.)

15. Witnesses and other plaintiffs in the Watts proceedings also testified that individuals who worked as lookouts or “security”, would yell “cleanup” to alert the drug buyers and sellers that police were approaching. (Ex. 10 at 80:2-6; Ex. 14. Elgen Moore February 28, 2024 Deposition at 72:17-73:4; Ex. 18, Henry Thomas March 16, 2021 Deposition at 101:19-21, 104:9-19, 105:5-7; Ex. 17 at 172:9-174:5.) The buyers would run out of the building and drug dealers would run to apartments

within the buildings to hide themselves and/or the drugs in their possession. (Ex. 14, at 73:5-22, 74:6-14, 74:18-23; Ex. 10 at 19:9-22, 78:21-24; Ex. 19, Zarice Johnson February 9, 2022 Deposition at 76:4-12.)

16. Witnesses and other plaintiffs in the Watts proceedings further testified that when the police showed up, a “clean up man” would take the drugs being sold and hide them until after the police left. (Ex. 20, Shaun James September 21, 2012 Deposition 151:24-152:3; Ex. 16 at 89:10-17; Ex. 10 at 80:2-6, 80:20-81:24.)

17. Bobby Coleman, a plaintiff in the Watts proceedings, and a member of the Gangster Disciples, as well as other witnesses testified that the Gangster Disciples controlled and operated that drug enterprise. (see e.g., Ex. 16, at 29:8-9, 45:5-11, 47:10-12; Ex. 41 Rasaan Brakes September 28, 2023 Deposition at 86:4-5; 92:18-20; 98:15-18.) Elgen Moore testified that no one person or entity controlled drug trafficking at the Wells complex. (Ex. 14 at 29:15-20, 30:1-15.) Ben Baker, also a Gangster Disciple, testified that the Wells complex was for the most part Gangster Disciple territory. (Ex. 21, Ben Baker August 9, 2023 Deposition at 29:20-30:2; 307:13-15, 306:12-16.)

18. Charles Miller testified that a drug dealer did not have to be a Gangster Disciple to sell drugs at the complex but would need the permission of a “higher up” in the drug enterprise at the complex. (Ex. 10 at 60:23-61:23.)

19. A report documenting “Operation Sin City”, a CPD investigation into the drug trafficking and gang activity at extension buildings 574, 575, 559, 540 and 527 at the Wells complex, concluded that the Gangster Disciples controlled drug

trafficking in the extension buildings at the Wells complex. (Ex. 22, Operation Sin City Report at CITY-BG-028596, CITY-BG-028604.) The investigation utilized fixed and mobile video and audio surveillance as well as undercover officers. (*Id.* at CITY-BG-028596.)

20. According to the report, Operation Sin City was triggered by “a continuous flow of narcotic sales complaints from residents of the area.” (*Id.*) The citizen complaints stated that the Gangster Disciples “had taken over most of the lobbies of the Ida B. Wells extension buildings” and the “residents complained that gang members would sell and use narcotics in their presence and the presence of their children.” (*Id.*). The residents also complained that they “no longer felt safe entering or exiting their buildings” and “were fearful their families could fall victim to the gang violence that normally present each day.” (*Id.*)

21. According to the Operation Sin City report, the drug enterprise in the extension buildings was highly structured and well-managed, with an established hierarchy within each building and sophisticated marketing tactics used to eliminate competition. (*Id.* at CITY-BG-028597, CITY-BG-028601-602, CITY-BG-028606, CITY-BG-028759, CITY-BG-028914, CITY-BG-028847, CITY-BG-028952.) The report states that each building was controlled by at least two building managers who would keep the building running smoothly and profitably. (Report at CITY-BG-028597.) The report also states that usually the same “pack workers and security personnel work[ed] everyday.” (*Id.*)

22. Witnesses and other plaintiffs testified that certain individuals

controlled certain buildings. (See e.g., Ex. 10 at 62:21-63:9, 63:18-25; Ex. 23, Willie J. Gaddy December 1, 2022 Deposition at 18:19-23; 19:13-20; 20:9-13; 23:12-14; Ex. 16 at 82:17-83:8, 146:1-23.) Those individuals had several layers of people working for them. (Ex. 23 at 20:22-22:10; Ex. 16 at 67:7-13, 67:7-13, 67:23-68:1, 89-90:21, 130:1-13; Ex. 21 at 224:1-8, 223:3-21, 238:24-239:2, 323:8-17; Ex. 14 at 66:7-67:12; 69:7-9; 79:9-80:19; 156:20-158:5-14; 196:8-18 at 66:7-67:12; 69:7-9; 79:9-80:19; 156:20-158:5-14; 196:8-18.)

23. The Operation Sin City report further states that marketing tactics included using brand names for drug lines across the extension buildings to create the appearance that the branded lines delivered a different experience to the user or were of higher quality. (Ex. 22 at CITY-BG-028597.) Ben Baker testified that no other dealers in the Wells complex were allowed to use Baker's brand names while he was selling the drugs. (Ex. 21 at 207:9-11.)

24. The Operation Sin City report states that 7:00 a.m. to 9:00 p.m. were the peak hours of operation and estimated that each extension building investigated produced revenue of \$10,000 to \$15,000 per day. (Ex. 22 at CITY-BG-028597, CITY-BG-028598.)

25. Witnesses and other plaintiffs in the Watts proceedings who participated in the drug trafficking at the complex testified that that they could net anywhere from \$4,000 to \$30,000 per day from drug sales at a single building in the Wells complex depending on their role in the trafficking. (Ex. 23 at 27:20-28:7; see also Ex. 16 at 79:4-8, 80:1-7; Ex. 13 at 39:18-40:4; 190:3-9; 245:18-24.)

CPD Tactical Teams

26. The Wells complex was actively patrolled by various tactical teams, and some members of the tactical teams supervised by Watts have testified that their primary responsibility was to try to disrupt the drug operations at the complex and decrease the number of weapons within the Wells complex. (Ex. 24, Gerome Summers February 11, 2020, at 36:13-24; 37:21-38:5; Ex. 25, Douglas Nichols April 18, 2022 Deposition, at 61:12-22, 63:8-10; Ex. 26, Michael Spaargaren March 7, 2022 Deposition, at 245:9-24.)

27. Members of the tactical teams supervised by Watts testified that testified that they relied on confidential informants who tipped them off to incoming drug deliveries at specific locations. (Ex. 24 at 41:4-21; 44:18-45:17.) Members of the teams further testified that surveillance and sting operations were also a critical part of the team's work. (Ex. 24 at 110:21-111:7; Ex. 27, Darryl Edwards October 28, 2021 Deposition at 56:6-21; Ex. 6 at 62:9-13, 64:22-65:4; Ex. 26 at 62:8-16, 66:16-47:2; Ex. 28, Matthew Cadman September 22, 2021, at 143:1-9.)

28. Members of the tactical teams also testified that they relied on residents in the Wells complex and other members of the community in the surrounding neighborhood who called in reports of drug activity at the complex. (Ex. 24 at 41:4-43:18, 43:19-44:5; Ex. 25 at 62:3-6, 63:19-23; Ex. 26 at 62:23-25; Ex. 6 at 64:22-65:4; see also Ex. 22 at CITY-BG-028596.)

White's Arrest

29. Defendant Jones arrested White at the Wells complex on April 24, 2006.

(Ex. 29, Alvin Jones February 27, 2020 Deposition at 340:10-16; 357:16-18.)

30. White has alleged that: on the day of his arrest, Watts and Jones entered his girlfriend's apartment on the fifth floor of the 575 extension building in the Wells complex; Jones beat him while Watts watched; Watts and Jones searched the apartment but found no drugs; and Watts and Jones arrested him and falsely accused him of possessing drugs. (Dkt. 1, Complaint at ¶¶ 14-23.) White also alleged he was home alone when this incident occurred. (*Id.* at 15).

Jones' Deposition Testimony

31. During his deposition in this case, Defendant Officer Jones testified that on the day of White's arrest, he observed White coming out of the front hallway stairwell of the 575 extension building holding a clear sandwich bag containing what he suspected to be narcotics. (Ex. 29 at 341:1-3; 349:21-350:13.) Jones testified that he did not know whether White planned on selling the drugs but the amount in his possession was sufficient to make him think White was going to sell the drugs. (*Id.* at 350:4-13.)

32. Jones further testified that when he and White made eye contact, White turned and fled back up the stairwell. (*Id.* at 341:3-5.) Jones testified that he gave chase and the two men had a physical altercation during which White attempted to punch Jones and Jones threw punches and elbows at White. (*Id.* at 341:6-9.)

33. Jones testified that he subdued White, placed him in custody and recovered the narcotics in White's possession. (*Id.* at 341:9-11.)

34. Jones further testified that he remembered White's arrest because of the

altercation in the stairwell. (*Id.* at 343:1-4.)

35. Jones testified that he escorted White to the lobby and held him there while the tactical team conducted a reverse sting operation. (*Id.* at 351:8-20.)

36. Jones testified that his role in the reverse sting operation was to secure and guard arrestees. (*Id.* at 347:5-23.) Jones testified that he handcuffed White to another arrestee during the reverse sting operation. (*Id.* at 352:23-353:4.)

37. Jones testified that at the conclusion of the operation he uncuffed White from the other arrestee to prepare him for transport and White took a swing at him. (*Id.* at 352:19-353:7, 442:12-443:22.) Jones testified that he gave White a couple punches and elbow strikes, put him up against the wall and cuffed him again. (*Id.* at 443:22-444:1.)

38. Jones denied going up to the fifth floor of the building on the day he arrested White. (*Id.* at 440:22-24.)

39. Jones denied framing White on that day. (*Id.* at 441:6-8.)

40. Jones denied pulling White out of his apartment on that day. (*Id.* 352:4-8.)

41. Jones denied all of White's allegations. (*Id.* at 440:11-19.)

42. Jones also testified that he prepared the Vice Case Report documenting White's arrest and signed his and Defendant Officer Smith's name to the report. (*Id.* at 367:20-368:13; Ex. 30, Vice Case Report, CITY-BG-013560-013561.) Jones testified that he does not know whether Smith reviewed the report. (Ex. 29 at 367:18, 368:14-15.) Smith has testified that he would review reports before Jones signed his name.

(Ex. 31, Elsworth Smith July 21, 2023 Deposition at 82:17-82:19.)

43. Jones further testified that he prepared the Vice Case Report because he was the officer who arrested White and that the reference to “A/O” in the narrative section of the report was a reference to himself. (Ex. 29 at 362:2-4.)

44. Jones testified that he listed Smith as an arresting officer solely because Smith was his partner that day. (*Id.* at 359:24-360:5; 362:2-364:4.)

45. Jones testified that he listed Bolton, Nichols, Leano, Gonzalez and Mohammed as “assisting officers” because they were part of the team, and their inclusion on the report does not indicate that they assisted in White’s physical arrest (*Id.* at 362:21-364:4.)

46. Jones also testified that he prepared and attested to the accuracy of White’s Arrest Report. (*Id.* at 357:16-20; 358:22-24; Ex. 32, Arrest Report, CITY-BG-013550-013554.) Jones testified that the time indicated in the box labelled “Attesting Officer” on page 3 of the Arrest Report was automatically generated by the computer and reflected the time he started preparing the report. (Ex. 29 at 359:1-9.; *see also* Ex. 32 at 3). Jones testified that at times there would be a gap between the time he started and the time he finished preparing an arrest report. (Ex. 29 at 359:10-19.)

47. Jones also prepared a Tactical Response Report (“TRR”) reporting his first altercation with White. (*Id.* at 355:21-356:2; *see also* Ex. 33, TRR dated April 24, 2006.)

48. According to the Watch Commander Review, White was interviewed after Jones prepared the TRR. (Ex. 34, Watch Commander Review at CITY-BG-

013663.) The Watch Commander reported that White stated he was unemployed, had been incarcerated on four separate occasions for armed robberies and drug crimes, and had spent a total of 12 years in prison. (*Id.*; see also Ex. 35, White's Criminal History.)

49. The Watch Commander also reported that White stated he had a bad drug habit, he was in bad company, he needed help with his problems and he knew the officer who arrested him was a Chicago police officer. (Ex. 34 at CITY-BG-013663.)

50. According to the Watch Commander, White also stated that he did not want to be arrested that day and had attempted to flee and break away from the arresting officer. (*Id.*)

51. Jones documented injuries to White in White's Arrest Report. (Ex. 32, at CITY-BG-013553.)

The Arrest Report and Vice Case Report

52. The Arrest Report states that White was arrested by Beat 264D. (Ex. 32 at CITY-BG-013551.) The report lists Defendant Officers Jones and Smith, and Defendant Mohammed as being part of Beat 264D on the day of White's arrest. (*Id.* at CITY-BG-013552, CITY-BG-013554.)

53. The report lists Jones as the first arresting officer and the attesting officer. (*Id.* at CITY-BG-013552.) Lieutenant Michael Fitzgerald testified that in the context of a drug transaction, the arresting officer in an arrest report should be the officer who interacted with the individual in the transaction. (Ex. 36, Michael

Fitzgerald (Defendant City of Chicago's Civ. R. Pro. 30(b)(6)) Witness) March 6, 2024 Deposition at 75:5-76:13; 78:18-22.). He further testified that the attesting officer on an arrest report is attesting that "based on all of the information that's been supplied to [him] by all the teams" he/she believes there is probable cause for the arrest. (*Id.* at 76:14-77:9; 77:22-78:13.)

54. The report also lists Defendants Gonzalez, Nichols, Bolton, and Leano as assisting arresting officers. (Ex. 32 at CITY-BG-013554.) According to officer testimony, when an officer is listed as an assisting arresting officer, it means that the officer assisted in the arrest in some fashion, which includes transporting an arrestee after the arrest, securing property, guarding an arrestee, taking an arrestee to the bathroom, searching an arrestee or assisting with some portion of the paperwork after an arrest. (Ex. 37, Elsworth Smith March 5, 2020 Deposition at 358:24-359:2, 361:19-21; Ex. 28 at 125:3-20; Ex. 38, Brian Bolton March 14, 2022 Deposition at 22:9-10, 15-23:2, 34:1-34:18;76:16-77:1; Ex. 37 at 27:23-28:5; Ex. 29 at 506:10-12, 509:22-510:1-2.)

55. As the attesting officer, Jones declared and affirmed under penalty of perjury that the facts in the report were accurate to the best of his knowledge, information and/or belief. (Ex. 32 at CITY-BG-013552).

56. The narrative section of the Arrest Report states as follows:

THIS IS AN ARREST BY 002 TACT UNIT BT.264D. THE ABOVE SUBJECT WAS OBSERVED BY A/O HOLDING A CLEAR PLASTIC BAG WITH SUSPECT NARCOTICS. THE SUBJECT UPON OBSERVING A/O , WHO ANNOUNCED HIS OFFICE, ATTEMPTED TO FLEE. AS A/O GAVE CHASE AND ATTEMPTED TO APPREHEND THE SUBJECT, THE SUBJECT TURNED AND

SWUNG TWICE AT A/O WITH CLOSED FISTS. A/O BLOCKED BOTH PUNCHES AND GAVE THE SUBJECT SEVERAL ELBOW STRIKES UNTIL HE WAS SUBDUED. A/O THEN RECOVERED THE SUSPECT NARCOTICS FROM THE GROUND WHICH THE SUBJECT HAD DROPPED DURING THE SCUFFLE. FURTHER INSPECTION OF THE NARCOTICS REVEALED IT TO BE A CLEAR PLASTIC BAG WITH 100 ZIPLOCK BAGGIES WITH WHITE POWDER SUSPECT HEROIN. THE SUBJECT WAS PLACED IN CUSTODY AND TRANSPORTED TO THE 002 DISTRICT FOR PROCESSING. ALL THESE EVENTS OCCURRED WITHIN THE CHA COMPLEX IDA B. WELLS AND WITHIN 1000 FT. OF DOOLITTLE ELEM ENTRY SCHOOL. INVENTORY # 10733422. NAMECHECK AND INVESTIGATIVE ALERT CLEAR.

(*Id.* at CITY-BG-013551).

57. “A/O” stands for arresting officer. (Ex. 36 at 41:12-13.)

58. The Arrest Report lists the arrest time as 11:30. (Ex. 32 at CITY-BG-013550).

59. The Vice Case Report lists Jones as the first reporting officer and Smith as the second reporting officer. (Ex. 39, Vice Case Report at CITY-BG-013561.)

60. Lt. Fitzgerald testified that “R/O” stands for either the reporting officer or the responding officer, terms which he considered interchangeable. (Ex. 36 at 41:2-25.) He further testified that the officer who drafted the narrative of a vice case report would generally be the officer signing the report. (*Id.* at 45:17-21, 46:8-9.)

61. Lt. Fitzgerald testified that it was acceptable for an officer to be included, and to sign, as the second reporting officer even if that officer was not present for the arrest but helped process the arrestee some way. (*Id.* at 49:3-23; 42:50:4-5, 10-51:24; see also 206:6-207:9, 16-208:11; 208:22-209:9, 18-20, 210:13-212:9.) He further testified that the signature of an officer on a vice case report indicates that the officer has personal knowledge of the activity described in the

report or that the officer was involved “on some level.” (*Id.* at 49:7-50:5; see also 47:12-50:2.)

62. Lt. Fitzgerald also testified that the officer who authors a vice case report could sign for himself and his partner in certain circumstances and that there was no class or specific training on how to prepare the reports other than field training. (*Id.* at 44:12-15; 45:3-14.)

63. When asked to explain the written policy “that gives the rules about signing for other officers,” Lt. Fitzgerald testified as follows:

Yes. So I mean, essentially, it says that, you know -- I'll -- I'll read it and then I'll explain. It says, "Members working a two-person beat car and completing a case report will personally sign the report in the appropriate spaces. However, one member may sign for a second member by signing the second member's name and placing the member's initials and star number immediately following the second member's signature only if the following circumstances are met. The second member is unavailable" -- or, I'm sorry, "unable or unavailable to sign; and if the member actually completing the report advised the second member of the content of the report; and the second member gave the first member permission to sign the report on behalf of the second member." So, I mean, essentially what it's saying is that you do have the -- the permission to sign someone's name on a report if these three parameters are met. Being unable to, could be anything from, you know, he injured himself and he can't sign anymore. Unavailable, left for -- left the tour before the report was completed, or is tied up doing processing somewhere else, but the report's completed and we need – and we're going to submit it. Typically, in – in interactions with my partner, we would always discuss the report. So he would always be aware of what – what the content was. More often than not, we would probably read each other's reports, too, so that we would know what the content was in there, and then we would give the affirmation verbally, that, yeah, I'm -- I'm in agreement with what's on here.

(*Id.* at 90:3-91:12). Lt. Fitzgerald testified that if an officer signed on behalf of another officer, the report should indicate that the officer signed on behalf of someone else. (*Id.* at 91:13-15.)

64. Lt. Fitzgerald further testified that tactical officers listed in a vice case report should have played some role in the arrest or participated in the process, whether they were at the scene, assisting in some other fashion, processing the arrestee, bringing the person to the station, performing a search of the suspect, or preparing inventory forms. (*Id.* at 49:3-50:5; 52:5-14; 212:12-213:7; 214:11-17; 215:12-217:19.)

65. Lt. Fitzgerald testified that it was appropriate for an officer to rely on another officer's observations when preparing a vice case report. (*Id.* at 201:1-9; see also 206:6-208:11.) Lt. Fitzgerald also testified that in some instances the officer preparing the report based on another officer's observations was not required to provide specifics as to what each officer listed saw or did in connection with the arrest "as long as when it goes to court, everyone can answer up to what they did." (*Id.* at 201:1-202:3.)

66. Fitzgerald was also asked the following questions and gave the following answers on this subject:

Q. Okay. We talked about officers preparing reports based on personal knowledge, right?

A. Uh-huh.

Q. Is that a yes?

A. Yes.

Q. And in some instances, it would be appropriate for an officer to rely on another officer's observation when preparing a report, right?

A. That's correct, yes.

Q. In that instance, should the officer preparing the report state in the report that whatever observation he's talking about was made by another officer?

A. They could, yes.

Q. Well, should they?

A. For clarity purposes -- like, again, if we're looking at a report, right - - and we'll use an example of I pull someone over and I'm engaging the driver, and the rear passenger is reaching for a firearm. I can't see that because my partner can, right? So you would indicate in there -- you could. You could indicate that ROs did this while we were engaging the driver. The rear passenger was observed making further movements, right? Again, I think it lays in the hands of the author. Would it make more sense for the individual to say Officer A saw this? Yes. You know, because then it provides that -- that level of clarity. Is it required? I would say, again, it's not as long as when it goes to court, everyone can answer up to what they did.

(*Id.* at 201:1-202:3).

67. Lt. Fitzgerald also testified that if two officers were working together and got separated such that only one was present when narcotics were recovered and an arrest made, it could be appropriate and consistent with CPD policy for the partner who was not present to be identified in and sign the vice case report in the section referred to as "Box 46." (*Id.* at 208:22-209:9, 209:18-23, 210:13-212:9.) When asked whether an officer's signature on a vice case report might indicate "just that they showed up after and, you know, saw the person that had handcuffs or something like that," Fitzgerald testified "I would imagine no." (*Id.* at 50:6-50:9). Fitzgerald further testified that it wouldn't necessarily be out of policy to include an officer as a signatory to a vice case report if all the officer did was show up after a suspect was arrested if that officer "helped the process the rest of the way through." (*Id.* 50:10-19.)

68. Additional context regarding that testimony follows:

Q. Right. And then let's look at Exhibit 5. That's the "Vice Case Report General Instruction," and what I want to go to is numbers 45 and 46. And I know you've already -- you gave an example actually earlier in. the deposition where you talked about someone working in a car by themselves. It wouldn't be applicable for them to put a second officer because he wasn't with a second officer. Do you recall that?

A. Yes.

Q. Okay. So now my example is going to be a narcotics recovery where you do have officers that are not together at the time where one of the officers recovers the narcotics but then later he comes back into contact with his partner, and he shows them the dope that he recovers. Are you following me?

A. Yes, sir.

Q. Okay. And you would agree that it would be entirely appropriate, under department procedure when preparing the vice case report for box 46, to put your partner's name in that box, even though he wasn't there initially when you made the narcotics recovery; is that correct?

MR. MICHALIK: Bill, I'm going to have to object to this line of questioning. It's beyond the scope of the 30(b)(6) deposition and the topics listed here. You're asking him hypothetical questions, applications of your hypothetical to policies. He's here to talk about policies.

MR. BAZAREK: Right.

BY MR. BAZAREK:

Q. Well, okay. Is that within policy to put a second officer in box 46 if it was your partner and he wasn't present –

MR. MICHALIK: Same object --

BY MR. BAZAREK:

Q. -- at the time recovery of the dope?

MR. MICHALIK: Same objection.

THE WITNESS: Again, I would say it would be based on, like, the totality of the circumstances that you would have to take that into consideration. The example that I gave, I think was, more or less, like, an individual officer responded to a -- a call from a citizen who had found narcotics in their flower bed, and there wasn't anyone else there with them. So in that regard, there would never be -- sorry. There wouldn't be a -- a second officer that would've been on that report because no one would've been there other than him when he made the recovery. So in that instance, it was an isolated incident where it was a 99 unit that responded to a call for service and made a recovery. If I was working with my partner and for some reason we got separated and it turned into an arrest situation where it resulted in me recovering narcotics and then them being there, I would say yes, in theory, because we were still working together, that -- that would be applicable to put him on the

report if there was -- in some way he was involved in the investigation we were conducting.

Q. Right. It would be entirely appropriate to put your partner on the vice case report in box 46, right?

MR. MICHALIK: Same objection.

THE WITNESS: Again, like I would say, it would depend on the totality of the circumstances, but yes, there -- there could be instances where an officer's partner was not present when a recovery of anything was made, and you would either put them on the general offense case report or the vice case report.

Q. Right. And then you -- and that's what police officers do. They share information with each other, even if one member is not there to observe firsthand the criminal activity, right?

MR. RAUSCHER: Object to form.

MR. MICHALIK: Yeah. Same objection on behalf of the witness.

THE WITNESS: Yeah. I mean, again, I think what -- what it goes back to is almost, like, the -- the traffic stop that I discussed where I'm engaging the driver. I don't see what's going on in the back seat but my partner does, and he relates to me after he recovers a gun. Maybe he didn't have time to articulate to me that he saw it. He just opens the door and puts the guy in cuffs. And I'm like, well, what just happened? He explains it to me. And yes, it's our report because we're working together. When we go to court, we're going to explain what each one of us was doing, and that would be the reason why they would both be included in the report.

Q. But it would be entirely appropriate for you to be listed as the second reporting officer, right?

A. It could be, yes.

(*Id.* 208:13-212:9.)

69. The Vice Case Report lists Defendants Jones, Smith, Mohammed, Leano, Bolton, Gonzalez, and Nichols as witnesses. (Ex. 39 at CITY-BG-013560.) Some of the Defendants have testified that a "witness" is an officer who witnessed at least some portion of the events at issue. (Ex. 38 at 34:1-34:18; Ex. 29 at 581:2-10; Ex. 40, Kallatt Mohammed November 15, 2023 Deposition at 62:14-16).

70. Lt. Fitzgerald testified that listing an officer as a witness means the officer witnessed some portion of the totality of events surrounding the arrest, whether the actual crime or events that took place at any point in processing the arrest. (Ex. 36 at 215:7-218:2, 25-219:12.) He also testified that he personally interprets listing an officer as a witness to mean that they were on scene, not someone who was involved later on in the process. (*Id.* at 219:14-221:23). He further testified that not listing an officer as a witness who was involved later on in the process, for example did a search of the arrestee at the station, could be perceived as concealing that officer's participation. (*Id.* at 217:15-218:2.)

71. The Vice Case Report lists Defendant Watts as the supervisor approving the report, and it includes his signature. (Ex. 39 at CITY-BG-013560.)

72. Lt. Fitzgerald testified that a supervisor approves and signs a report after reviewing it to verify that it is complete and is not expected to speak with the officers before approving reports. (Ex. 36 at 117:2-118:2.)

73. The narrative portion of the Vice Case Report includes the following description:

IN SUMMARY, R/Os WERE CONDUCTING A NARCOTICS INVESTIGATION AT THE ABOVE LOCATION. R/O OBSERVED THE ABOVE OFFENDER EXIT THE FRONT HALLWAY HOLDING A CLEAR PLASTIC BAG WITH SUSPECT NARCOTICS. THE OFFENDER OBSERVED R/O AND TURNED TO FLEE BACK INTO THE STAIRWELL. R/O GAVE CHASE AND AS R/O REACHED OUT TWO [sic] GRAB THE OFFENDER, THE OFFENDER TURNED AND THREW TWO PUNCHES WITH A CLOSED FIST AT R/O. R/O BLOCKED BOTH PUNCHES AND RETURNED SEVERAL ELBOW STRIKES TO THE OFFENDER UNTIL R/O WAS ABLE TO SUBDUE THE OFFENDER. R/O UPON SUBDUEING (sic) THE OFFENDER RECOVERED THE SUBJECT NARCOTICS FROM THE GROUND

WHICH THE OFFENDER HAD DROPPED DURING THE SCUFFLE. FURTHER INVESTIGATION OF THE NARCOTICS REVEALED IT TO BE A CLEAR PLASTIC BAG WITH (100) ZIPLOCK BAGGIES WITH WHITE POWDER SUSPECT HEROIN.

(Ex. 39 at CITY-BG-013560-013561)

74. "R/O" stands for reporting officer or responding officer, terms which are interchangeable. (Ex. 36 at 41:13.)

75. The Vice Case Report lists the time of occurrence as 11:30 and the time that the reporting officers arrived on the scene as 11:30 as well. (Ex. 39 at CITY-BG-013560).

76. Defendant Officer Jones testified that he completed the Vice Case Report before the Arrest Report because the Vice Case Report is used to generate the Arrest Report. (Ex. 29 at 376:19-377:6.) Jones testified that he prepared White's Vice Case Report after the reverse sting was concluded and he had returned to the station. (*Id.* at 376:16-18, 378:1-7.) Jones testified that the Vice Case Report is a summary of the incident that led to the arrest. (*Id.* at 377:13-14.)

Rasaan Brake's Testimony

77. Rasaan Brakes testified that he was with White in Kimberly Collins' apartment in the 575 extension on April 24, 2006 from about 7:00 a.m. and until about 12:00 p.m. (Ex. 41, Rasaan Brakes September 28, 2023 Deposition at 44:21-45:4)

78. Brakes testified that when he was exiting the elevator on the first floor, he saw Watts, Mohammed, and Smith running in through the back door and Jones and another detective running in through the front door. (*Id.* at 45:13-23, 46:8-13.)

According to Brakes, officers ran upstairs and officers got in the elevator. (*Id.* at 46:2-13.) Brakes testified that he then exited the back door of the building and stood outside in the back of the building. (*Id.* at 46:17-23.)

79. Brakes further testified that after about 30 minutes, Watts came out of the building followed by Mohammed and Smith who were bringing White out in handcuffs. (*Id.* at 48:23-49:4.) According to Brakes, White's face was bloody, and he had a busted lip and black eye. (*Id.* at 48:10-14.) Brakes saw officers escort White to a vehicle in the back parking lot. (*Id.* at 51:5-10.)

80. Brakes testified that he did not see White get beat up. (*Id.* at 95:23-96:10.)

81. Brakes testified that after White was released from prison, White told him that he would give Brakes \$2000 or \$3000 from the proceeds of this lawsuit. (*Id.* at 67:14-68:5.) Brakes denied that White was paying him to be a witness and claimed that White was going to give him money because they grew up together and were like brothers. (*Id.* at 68:6-20; 70:3-10.) Brakes also testified that White did not ask him to be a witness in this case, and that he instead volunteered to testify because he saw White after he had been beaten. (*Id.* at 69:8-10).

82. Brakes testified that he was a Gangster Disciple and that the Gangster Disciples controlled all the extension buildings at the Well complex. (*Id.* at 86:4-5; 92:18-20; 98:15-18.) Brakes also testified that every day, individuals would line up to buy drugs. (*Id.* at 90:23-91:3.)

83. Brakes testified that he hung out with White every day. (*Id.* at 34:1215.)

84. Brakes admitted to buying drugs but denied being a drug dealer. (*Id.* at 90:18-22.)

85. Brakes testified that White was also a Gangster Disciple. (*Id.* at 95:1-3.)

86. Brakes testified that White's girlfriend, Kimberly Collins, told him that she was going to leave White if he "didn't get his stuff together or leave the streets." (*Id.* at 19:12-21.) Brakes also testified that the last time Collins expressed this to him was when White was arrested and went to prison in April 2006. (*Id.* at 19:22-20:14.)

87. Brakes further testified that White was clean when he was arrested. (*Id.* at 93:8-25.)

88. Brakes testified that he was aware that White had several arrests that involved scuffles with police officers. (*Id.* at 184:6-10.)

Kimberly Collins' Testimony

89. Kimberly Collins testified that she was White's girlfriend in April of 2006. (Ex. 42, Kimberly Collins October 25, 2023 Deposition at 13: 1-8.)

90. Collins testified that White was not living with her at the time of his arrest but would stay at her apartment three or four times a week. (*Id.* at 47:2-8.) She did not know where he stayed when he wasn't at her apartment. (*Id.* at 47:9-11.)

91. Collins testified that White was not employed during the years she was dating him, that she was supporting him and that he had no other source of income. (*Id.* at 48:1-11; 49:25-50:3.)

92. Collins testified that she was not present when White was arrested on April 24, 2006 but learned about the arrest after she returned home that day. (*Id.* at

54:3-14.) Collins also testified that when she left her home that morning everything was clean and in order, but when she returned home her couches were flipped over and the apartment was “tore up” and in disarray. (*Id.* at 16:1-16.)

Kallatt Mohammed invoked the Fifth Amendment

93. Defendant Kallatt Mohammed invoked his right under the Fifth Amendment to the United States Constitution to not provide self-incriminating testimony when responding to multiple paragraphs of White’s complaint. (Dkt. 194, Dkt. 214.)

94. Beginning in May 2024, Mohammed’s counsel attempted on three occasions to withdraw this invocation, which was denied. (Case No. 19 C 1717, Dkt. 742; Dkt. 194, Dkt. 214.)

95. Mohammed invoked his Fifth Amendment right in response to the allegation that he “conspired, confederated, and agreed to fabricate a false story in an attempt to justify the unlawful arrest, to cover-up their wrongdoing, and to cause plaintiff to be wrongfully detained and prosecuted.” (Dkt. 84 at 6 ¶ 26.)

96. Mohammed also invoked the Fifth Amendment in response to the allegation that he “failed to intervene to prevent the violation of plaintiff’s rights.” (Dkt. 84 at 7-8 ¶ 28.)

White’s Prosecution

97. On April 24, 2006, Defendant Officer Jones signed the criminal complaint against White. (Ex. 43, Criminal Complaint.)

98. On May 22, 2006, a grand jury indicted White. (Ex. 44, May 22, 2006

Grand Jury Transcript at PL JOINT 044804:18.) Jones was the only officer who testified before the grand jury. (*Id.* at 1-5.) The transcript of the grand jury reflects that Jones was asked the following questions and gave the following answers, among other questions and answers.

Q. Officer, directing your attention to April 24, 2006, at approximately 11:30 a.m., were you on duty and in the area of 575 East Browning, Chicago, Cook County, Illinois?

A. Yes.

Q. On that date and time at that location did officers observe the defendant holding a bag of suspect narcotics?

A. Yes.

Q. Did the Officers approach the defendant at which time he fled?

A. Yes.

Q. Did officers pursue him?

A. Yes.

Q. As officers attempted to place the defendant into custody, did the defendant punch the officers?

A. Yes.

Q. And was he eventually placed into custody?

A. Yes.

Q. And did officers recover that bag and find it to contain 100 ziplock bags of suspect heroin?

A. Yes.

(Ex. 44 at PL JOINT 044802:13 – PL JOINT 044803:17).

99. Handwritten notes in White's public defender file for the underlying criminal case indicate that he told his public defender: (1) that he was arrested even though he did not have drugs; and (2) that "the whole case is a lie." (Ex. 45, DOJINT 029651-029652.)

White's Guilty Plea

100. At a hearing held on June 26, 2006, White pleaded guilty to reduced charges, was convicted of those charges and was sentenced to 5 years in prison. (Ex. 46, June 26, 2006 Plea Transcript at 14-15.)

101. On the day of the plea hearing, White's appointed public defender was out of town. (*Id.* at 2:4-6.) Another public defender, Jessica Bryar, asked the court to continue the hearing to a date requested by White's counsel. (*Id.*) White indicated he had something he wanted to say and the court directed him to talk with Ms. Bryar who explained to White that his lawyer was out of town and he would be meeting with him on the next court date. (*Id.* at 2:7-11.)

102. The court then told White that he needed to consult with his lawyer before making any decisions. (*Id.* at 2:12-14.) The court also told White that he was facing serious charges. (*Id.* at 2:15-18.) White told the court he understood, and the court told him that it was going to continue the hearing so he could consult with his lawyer. (*Id.* at 2:19-23.) White told the court that he never knew what the plea offer was. (*Id.* at 2:24.) Ms. Bryar then consulted with White and told him the State was offering 5 years for possession of a controlled substance. (*Id.* at 3:3-8.) White told Bryar he wanted to accept the deal and plead guilty. (*Id.*) The state indicated that it would "re-open the offer for today only." (*Id.* at 4:6). The court asked White if he did in fact want to plead guilty and he said yes. (*Id.* at 4:8-10.)

103. The State informed the court that it would be reducing the charges from a Class X felony to a Class 4 felony in connection with the plea agreement. (*Id.* at

4:18-24; 8:5-7.) The court explained the possible sentencing for the reduced charge and White pleaded guilty to the charge. (*Id.* at 5:1-21.) While the court was admonishing him, White stated that he had been threatened by Kevin Ochalla, another public defender present in the courtroom. (*Id.* at 5:24-7:6; 7:7-12.) White qualified that statement and again consulted with Ms. Bryar who informed the court that White was referring to Mr. Ochalla's explanation of the punishment he would receive if the charges were not reduced and he was found guilty as charged. (*Id.* at 7:13-20; 8:11-14, 17-23.) The court asked White if he considered Ochalla's advising him to be a threat and White responded no. (*Id.* at 8:1-4.)

104. The State then informed the court that White had two Class X felonies on his record and that if he was convicted on the Class X felony as originally charged, he would receive a life sentence. (*Id.* at 8:11-14.) The court repeated this information to White and asked him if he understood it. (*Id.* at 9:5-8.) White responded that he did and the court told him that Ochalla was correct about his advice to White. (*Id.* at 9:9-12.) The court asked him again if he considered Ochalla's advice to be a threat and White said no. (*Id.* at 9:13-14.)

105. The court resumed admonishing White and then asked him if he was pleading guilty of his own free will. (*Id.* at 9:15-17.) White did not give a verbal response and the court asked him if he had any questions. (*Id.* at 9:19-20.) In response, White stated:

The officers that did this to me, I was in my house. This is wrong and I'm scared to take my chances. When they was in my house beating me, I went to the window to holler out for help and the police came over and showed the time they say I did this. They was in my house beating me

and I went to the hospital, your Honor. This is wrong. I am pleading guilty because I am scared. That's the honest to God truth, your Honor. I lost my momma, my daddy, my grandma, my auntie. I lost most of my family during all this time I have done. I don't have no problem if I done it, I will do the time. But I am scared. That's why I am taking the time, your Honor. Police came to my fiancée house and the time I came in two places at one time, your Honor, people beat me and put me in the hospital. Told me I was being charged with a misdemeanor.

(*Id.* at 10:1-16.) The court then passed White's case and told White that one of the public defenders would be back to talk to him shortly. (*Id.* at 10:17-24.)

106. When White's case was recalled, Assistant Public Defender Terry McCarthy appeared and advised the court that he had had an opportunity to consult with White. (*Id.* at 11:6-12.) The court told McCarthy that it asked him to come down to the courtroom so that White could consult with a Grade 3 public defender given that he was facing life in prison. (*Id.* at 11:13-20.) The court then asked:

THE COURT: What would Mr. White like to do with regard to the offer?

MR. MacCARTHY [sic]: Judge, I believe at this time he would wish to accept the offer.

THE COURT: Okay. Is that is correct, Mr. White?

THE DEFENDANT: Yes, ma'am.

THE COURT: You want to proceed with the plea?

THE DEFENDANT: Yes, ma'am.

THE COURT: And now you have talked to Mr. MacCarthy [sic] about the ramifications with regard to the plea?

THE DEFENDANT: Yes, ma'am.

THE COURT: Okay. And you discussed your case with him?

THE DEFENDANT: Yes, ma'am.

THE COURT: And possible defenses?

THE DEFENDANT: Yes, ma'am.

THE COURT: Okay. And after consulting with Mr. MacCarthy [sic], it's your desire to continue -- that we continue with the plea?

THE DEFENDANT: Yes.

THE COURT: Okay. Now we have gone through a number of matters. Let me ask you again other than the plea agreement, has anyone promised you anything or threatened you in any way to get you to plead guilty?

THE DEFENDANT: No, ma'am.

THE COURT: Are you pleading guilty of your own free will?

THE DEFENDANT: Yes, ma'am.

THE COURT: Okay. And do you have any questions?

THE DEFENDANT: No, your Honor.

THE COURT: Okay. Now that I have explained your rights to you, do you still wish to plead guilty?

THE DEFENDANT: Yes, ma'am.

(*Id.* at 11:21-13:3.)

107. The court then asked for a factual basis. (*Id.* at 13:8.) The State summarized the anticipated testimony from Jones if the case proceeded to trial which was consistent with the description of the arrest recorded in the Arrest and Vice Case

Reports and from the chemist who tested the drugs Jones reported he recovered from White. (*Id.* at 13:9-14:9). White's lawyer Mr. McCarthy stipulated to the factual basis set forth by the State. (*Id.* at 14:11.)

108. Judge Kathleen Pantle found that a factual basis existed for the plea and stated that "I believe Mr. White understands the nature of the charges, the possible penalties and his rights under the law which he freely and voluntarily giving up; therefore, there will be a finding of guilty." (*Id.* at 14:12-16.)

109. The court sentenced White to 5 years and credited 64 days to that sentence for the time he spent in pre-trial detention. (*Id.* at 15:21-22.) The court advised White of his right to appeal and his right to appellate counsel. (*Id.* at 15:24-16:13.)

White's Allegations Regarding His Arrest

110. White died of a drug overdose on February 23, 2023. (Ex. 48, Death Certificate.) White had not given a deposition nor had he provided sworn testimony regarding the allegations in the Complaint prior to his fatal overdose.

111. White's deposition was originally scheduled for February 4, 2020. (Ex. 49, Notice of Deposition.) That date was postponed because White was in Cook County Jail and would remain there through April 2020. (Ex. 50, Rauscher Email dated January 27, 2020.) In August 2022, the parties agreed to dates in August 2022 and September 2022, and defense counsel postponed the deposition on those two occasions. The deposition was not rescheduled before White passed away.

112. White gave a sworn statement to the Office of Professional Standards in

June 2006; signed an affidavit in 2016 giving his version of his arrest; and gave an interview to COPA in 2018 which was documented in a report prior to his death. (Ex. 51, White's OPS Statement at CITY-BG-013576-013580; Ex. 52, White's August 2016 Affidavit; Ex. 53, November 29, 2018 Lionel White, Sr. COPA Interview.)

White's OPS Statement

113. On June 12, 2006, an individual named Clay Derek filed a complaint with OPS on behalf of White. (Ex. 51, White's OPS Statement at CITY-BG-013540-013734). The OPS Summary Report Digest states that Derek alleged that on April 24, 2006, Jones punched and kicked White about the face and body. (*Id.* at CITY-BG-013544.) The OPS report further states that Derek did not witness the arrest. (*Id.* at CITY-BG-013548.)

114. According to the OPS investigator, he interviewed White who told him that he did not fight or struggle during his arrest and that he was injured and taken to Provident Hospital for medical treatment. (*Id.* CITY-BG-013545.)

115. On September 19, 2006, White gave a statement to OPS investigator Wilbert Neal at Dixon Correctional Center which he signed under penalties of perjury as part of the OPS investigation. (*Id.* at CITY-BG-013576-013580). According to that statement:

White was in the lobby of 575 E. Browning at about 11:30 a.m. when someone yelled "clean up", which White explained means that the police were coming and to get rid of the drugs. (*Id.* at CITY-BG-013576.) White did not have any drugs but went upstairs to his girlfriend's apartment #507 to avoid arrest. (*Id.*) About 30 minutes later someone knocked at the door; White asked who it was; the person said "police" and White opened the door. (*Id.*) Two Black plainclothes officers, who White knew as Ronald Watts and Alvin Jones, entered the apartment. (*Id.* at CITY-

BG-013577.) Watts told him that “Shock” and “Little Minnie” told Watts that White had drugs in the apartment. (*Id.*) Watts and Jones searched the apartment but did not find any drugs, and Jones beat him. (*Id.*) White told Jones “the only reason you doing this is because you have a badge, gun and handcuffs.” (*Id.* at CITY-BG-013577-013578) White gave a physical description of Watts and Jones. (*Id.* at CITY-BG-013577.)

116. The OPS report states that White identified Jones as the officer who injured him from a photo array. (*Id.*) White also identified Mohammed’s photo but stated that Mohammed was not involved in his arrest. (*Id.*) The report further states that in the Watch Commander Review, the Watch Commander reported that White told him that he did not want to be arrested and attempted to flee and break away from the arresting officer. (*Id.*; see also Ex. 34, Watch Commander Review.)

White’s August 2016 Affidavit

117. Ten years after his arrest and before this lawsuit was filed, White signed an affidavit under penalties of perjury in August 2016 describing his version of the arrest at issue in this case. (Ex. 52, August 25, 2016 Affidavit of Lionel White.)

118. White’s affidavit states in part:

On April 24, 2016, I was again home at apartment 507 at 575 E. Browning. Rasaan Brakes was again with me that day, but no one else. Rasaan Brakes then left. Almost immediately after he left, there was a knock on the door. I asked who it was and they said, "police."

I opened the door. Immediately upon opening the door, Alvin Jones hit me. Watts was the only other officer with him. Jones then said, "If we find one bag, we putting that bitch out." I interpreted that to mean that he was going to report my girlfriend Kimberly Collins to the housing authority and get her kicked out of the apartment.

I was really scared. At some point, I ran to the window and screamed for help because I wanted someone to witness what was going on. Jones grabbed me and just started beating me some more.

I had no drugs in the apartment. Jones and Watts, nevertheless, cuffed me and told me they were taking me to jail. I asked them what I was being charged with and Jones told me I was being charged with aggravated battery.

When I got to the station, Jones was typing up the report. He again told me that I was being charged with aggravated battery.

When I got to the lockup, I asked the turnkey guy what I was being charged with. He told me that I was being charged with both aggravated battery and drugs. I later learned they charged me with 100 bags of heroin.

Both charges were absolutely false. Jones assaulted me. And I did not have any drugs on me or in the apartment, let alone 100 bags of heroin.

(*Id.* at ¶¶ 7-13.) The affidavit also states that after White was released from custody, he confronted Watts saying “What you did to me was wrong” and Watts responded that White “just caught the bad end of the stick.” (*Id.* at ¶ 22.)

White’s COPA Interview

119. Twelve years after his arrest, White was interviewed by COPA while this lawsuit was pending as part of COPA’s investigation into his complaints. White was represented by his current counsel, who declined COPA’s request to record the interview. (Ex. 53, November 29, 2018 Report of Lionel White, Sr.’s Interview.)

120. According to the investigator’s report, during that interview, White stated in part:

On April 24, 2006, he was in the lobby of the 575 extension building where he lived with his girlfriend Kimberly Collins. (*Id.* at COPA-WATTS007105.)

He was not involved but “Shock” was managing the narcotics operation in the lobby and “Little Minnie” was conducting the hand-to-hand transactions. (*Id.*) At some point, he heard someone yell “Clean up!” (*Id.*) He understood this phrase to mean the police were coming so he ran to apartment 507. (*Id.*)

Although he did not have any drugs, he ran upstairs to avoid any interaction with the police. (*Id.*) He was concerned about getting arrested for trespassing because he was not a tenant on the lease for the apartment. (*Id.*)

About 5 minutes after he entered the apartment, he heard a knock on the door. (*Id.*) When he opened the door, Jones punched him in the face. (*Id.*) Watts was with Jones. (*Id.*) He ran to the window to yell for help but fell to the floor as Jones continued to beat him. (*Id.*) Jones then handcuffed him. (*Id.*)

Jones and Watts searched the apartment but did not find any drugs. (*Id.*) Watts and Jones took him down to the lobby where White told Jones, “If you take these cuffs off, I’ll beat your ass.” (*Id.* at COPA-WATTS007106.)

No one else was present in the apartment other than him, Watts and Jones at the time of his arrest. (*Id.*)

Jones along with other officers approached him and Jones uncuffed him. (*Id.*) He curled up in the fetal position on the floor and Jones hit him a few times before cuffing him again. (*Id.*)

He remembered seeing the officers he knew as Mohammed, Coco, Doug and Chinaman in the lobby. (*Id.*)

After he arrived at the police station, he saw Jones typing reports. (*Id.*)

COPA’s Summary Report of Its Investigation of White’s Allegations

121. COPA’s report regarding White’s allegations concluded that White was arrested in Kimberly Collins’ apartment. (Ex. 47, COPA Log #1085254 at COPA-WATTS_059121-059124.) The report characterized White’s statements at his plea hearing: “[a]t the hearing, White attempted to explain to the judge that he was innocent and that he was accepting the plea deal because he was scared after being beaten by Jones during his arrest.” (*Id.* at COPA Log #1085254 COPA-WATTS_059108.)

122. The “conclusion” section of COPA’s report regarding White’s arrest

states:

COPA finds by a preponderance of the evidence that:

1. Lionel White was arrested in apartment 507 at 575 East Browning Avenue on April 24, 2006, by Alvin Jones and Ronald Watts;
2. Jones and Watts searched White's apartment, and the search yielded no evidence of a crime. Jones and Watts placed White under arrest after completing the search;
3. Jones struck White upon first encountering him without provocation;
4. White fled into his apartment, and Jones struck him again; and
5. Jones struck White several times in the lobbying while preparing White to be transported to the Second District.

Based on these factual finding, the arrest of Lionel White was unjustified. White did resist Jones by fleeing into his apartment, but this resistance was met with a disproportionate use of force by Jones and was entirely unjustified given that White had not committed a crime. Jones does assert that White engaged in further acts of resistance, but these allegations are self-serving (in that they justify what is otherwise excessive force), uncorroborated, and not credible.

(*Id.* at COPA-WATTS_059124.)

123. The COPA report states that based on its “findings that Jones falsely reported the facts of Lionel White’s arrest and used excessive force in the course of making the arrest, COPA finds by a preponderance of the evidence that” allegations against Jones were sustained. (*Id.* at COPA-WATTS_059124.) Jones retired from the Chicago Police Department on May 15, 2022, before the COPA report was issued. (*Id.* at COPA-WATTS_059801 n. 2.)

124. COPA did not sustain the allegations against Defendant Officers Smith, Nichols, Gonzalez, Leano or Bolton relating to White’s arrest. (*Id.* at 43-46.)

125. Specifically, COPA found that:

Smith, Leano, Bolton, Gonzalez, and Nichols were “did not witness or participate in White’s arrest until after White was in custody”; and

There was “not sufficient evidence” to prove by a preponderance of the evidence that these officers were “aware of the circumstances of White’s arrest.”

(*Id.* at COPA-WATTS_059125-059126.)

126. On April 25, 2006, the day after the arrest at issue, the Department of Mental Health Services at Cermak Health Services of Cook County conducted a Primary Psychological Screening on White, and the report of the screening states that White reported that he drank a six pack plus a half pint of alcohol daily and had a \$100/day heroin habit. (Ex. 54, Lionel White Psychological Screening Report.)

127. From 1988 through 2021, White was arrested 49 times and convicted 11 times. (Ex. 35, White’s Criminal History at CITY-BG-062739.) White’s convictions range from theft and drugs offenses to armed robbery (twice) and aggravated battery to a merchant. (*Id.* at CITY-BG-062745, 062747, 062752-062755.) White had been sentenced to prison both before and after the arrest at issue, including a 15-year sentence for armed robbery. (*Id.* at CITY-BG-062745, 062747, 062753-55.)

128. One of White’s convictions, in Case Number 06-CR-12092, was vacated on December 14, 2016, and White was certified innocent on January 5, 2017. That conviction is the subject of this litigation. Most of White’s arrests did not lead to a conviction. (Ex. 35.) The prosecution arising out of White’s arrest on August 11, 2012, ended with an acquittal. (*Id.* at CITY-BG-062745-062746.) That prosecution was the subject of a federal lawsuit, *White v. Chicago*, 14-cv-9915, which was resolved by settlement. ECF No. 49 in 14-cv-9915. The prosecution arising out of White’s arrest

on March 29, 1996, ended with an acquittal. (Ex. 35 at CITY-BG-062753.)

The Reverse Sting

129. Defendants arrested a number of other individuals on the same day and around the same time that White was arrested, and in the same building. (Group Ex.55, Attachment 114 to COPA Log 1085254, COPA-WATTS007651-007758.) The reports of those arrests indicate that they were made as part of a reverse sting, (*see, e.g., id.* at COPA-WATTS007653), which is an operation where police officers act undercover as drug dealers. (Ex. 56, Ronald Watts December 2, 2022 Deposition at 164:6-14.)

130. Officer Gerome Summers, who is not a defendant in this action, testified that the purpose of a reverse sting is to discourage individuals from coming to the Wells complex to buy drugs. (Ex. 57, Gerome Summers February 13, 2020 Deposition at 264:18-265:14; see also Watts 2-25-2022 at 59:3-16.)

131. Defendant Officer Nichols testified that before conducting a reverse sting, the team would conduct a floor-by-floor check in the building. (Ex. 8 at 94:21-95:19.)

132. Eleven individuals were arrested during the reverse sting. Each vice case report that was prepared includes a statement that “OFFENDER APPROACHED AN UNDERCOVER OFFICER AND ASKED TO PURCHASE ‘BLOW.’ WHICH IS A STREET TERMINOLOGY FOR HEROIN AND TENDER” followed by a handwritten amount of money. (Group Ex. 55 at COPA-WATTS007653, COPA-WATTS007655, COPA-WATTS007657, COPA-WATTS007659, COPA-

WATTS007661, COPA-WATTS007663, COPA-WATTS007665, COPA-
 WATTS007667, COPA-WATTS007669, COPA-WATTS007671, COPA-
 WATTS00767.) Defendant Officer Smith is listed as the first reporting officer and
 Defendant Mohammed is listed as the second reporting officer for each of those
 arrests. (*Id.*)

133. The vice case reports and arrest reports list various times of officer arrival on scene and arrest times, as shown in the below chart:

Name	Time of occurrence (arrest) in vice case report	Time of officer arrival noted in vice case report	Time of arrest in arrest report
John Pierce	11:35	11:15	11:40
Cleothus Morris	11:30	11:30	11:30
Lorener Williams	11:45	11:15	11:45
Lynn J. Howard	11:50	11:15	11:55
Charles Riley	12:00	11:15	12:05
Thomas Mitchell	Blank	14:38	12:30
George Green	14:38	14:38	12:25
Dale D. Morrow	12:05	11:30	12:05
Teresa L. Butler	11:55	11:30	12:00
Cleveland Smith	11:40	11:30	11:40
Timothy S. Brown	12:20	11:30	12:35

(See Group Ex. 55 at COPA-WATTS007651-007674.)

134. Smith testified that he did not recall how time was kept during the reverse sting but that most of the time officers approximate the time when they

prepare reports. (Ex. 37 at 450:5-10; 480:6-11.) Smith testified that times were approximated because an officer may lose track of time when out in the field or doing a mission like a reverse sting but officers try to reflect the time as accurately as possible. (*Id.* at 480:12-21.) For example, officers might not have a chance to look at their watches when trying to place an offender into custody or an offender might try to run or become combative. (*Id.* at 481:4-16.) But after an offender is placed in custody, an officer might look at his/her watch and estimate the time the incident may have occurred. (*Id.* at 481:18-482:3.)

135. Smith testified that officers would at times “preprint [] a vice case report” before conducting a reverse sting. (*Id.* at 451:13-18.) Smith also testified that he could not recall specifically a time he preprinted a vice case report before a sting was actually conducted but stated that it was possible that they did. (*Id.* at 455:19-456:2.) Whether before or after a sting would occur, Smith testified that the portions of the form that were pre-filled and printed out for use were the sections of the form that would not change, e.g., the location of the arrests. (*Id.* at 463:3-12.) Smith testified that the officers would print a pile of forms indicating “blow” and a pile of forms indicating “rocks” and use whichever form applied to the particular arrestee to speed up the process of preparing the arrest reports when multiple individuals were arrested in a reverse sting operation. (*Id.* at 454:5-11, 454:21-455:6; 456:12-24; 463:6-464:1.)

136. Smith further testified that the words “blow” and “rocks” were in quotation marks in the preprinted forms to denote that they were slang terms used to refer to heroin and crack cocaine and that the quotation marks were not intended

to suggest that the arrestee spoke the word “blow” or “rocks.” (*Id.* at 464:10-465:4, 22-24; 491:11-18; 492:120-22, 496:7-15.) Smith testified that there were many different names for the different heroin lines at the Wells complex and that it was his practice to use the street terminology “blow” to cover all of the different heroin that was sold. (*Id.* at 493:12-494:11; 496:2-15; see also Ex. 36 at 128:17-129:7.)

137. Smith testified that the handwritten portions of the police reports were filled out at the station and that he did not take notes at the scene of a reverse sting because he normally played the role of a drug dealer. (Ex. 37 at 468:10-13; 469:10-23.) Smith testified that all of the officers assisted in some fashion in filling out reverse sting reports when there were multiple offenders arrested to speed up processing the arrests. (*Id.* at 473:17-19; 474:5-7; 475:7-11; 476:15-19; 478:9-20; 505:19-506:6.)

138. Smith testified that if any pre-populated information was incorrect, it would be corrected after the arrest. (*Id.* at 457:23-458:8; 492:13-22; 493:7-16.)

139. Lt. Fitzgerald testified that it could be within CPD policy to pre-populate the narrative section of a reverse sting arrest report where the officers knew they were going to a specific location that was only going to result in individuals coming to purchase a certain type of drug. (Ex. 36 at 67:7-18.) Fitzgerald also testified that it was appropriate to pre-populate “blows” and “rocks” for known drug spots where the assumption would be that only a certain drug would be sold there as long as the report is corrected if the buyer asks for a different drug than the one pre-populated in the report. (*Id.* at 69:10-14, 70:6-72:2.)

140. Defendant Officer Bolton testified that he did not pose as a drug dealer in reverse sting operations due to the demographics at the Wells complex. (Ex. 58, Brian Bolton May 18, 2020 Deposition at 82:12-83:5, 85:8-17.) Bolton testified that his role would be enforcement which included watching over arrestees who were held in an area out of sight of the area in which individuals were attempting to purchase narcotics. (*Id.* at 81:11-19; 83:15-85:7; Ex. 59, Brian Bolton September 19, 2023 Deposition at 52:5-24.) Bolton testified that due to limited resources and to streamline the process, the enforcement officers would assign numbers to reverse sting arrestees which would be written on the arrestee's hand and that the same number would be written on the evidence bag containing the money received from that arrestee by the officers posing as drug dealers. (Ex. 59, at 52:14-54:14.)

141. Bolton testified that Defendant Officers Nichols, Leano, and Gonzalez, as well as other non-African American officers from other tactical teams, would work enforcement. (*Id.* at 54:16-55:4; see also Ex. 60, Robert Gonzalez October 16, 2019 Deposition at 147:14-148:9; Ex. 6 at 62:23-63:5, 65:22-66:1, 74:5-12; Ex. 8 at 80:5-20.) The enforcement officers would be hidden from sight and the officers posing as drug dealers would walk the individuals who asked to buy drugs to the enforcement officers where they would be placed into custody also out of sight of where the mission was being conducted. (Ex. 59 at 68:2-69:23; Ex. 6 at 66:2-23, 67:21-22; Ex. 8 at 81:17-19, 83:12-17.) Bolton further testified that the enforcement officers could not see the area where the officers posing as drug dealers were located. (Ex. 59 at 64:25-66:13.)

142. Leano testified that enforcement officers could not see the drug

transactions taking place. (Ex. 6 at 68:17-69:6, 101:15-102:9.) He further testified that the officers had a bag for each arrestee and he would write the names of the arrestees who were brought to him on that person's bag as well what kind of drugs the arrestee tried to purchase and the amount of money the arrestee tendered. (*Id.* at 69:12-15, 70:10-71:17.) The enforcement officers received this information from the officers posing as drug dealers and the enforcement officers or processing team would fill out the police reports based on the information given by the officers posing as drug dealers. (*Id.* at 69:17-23, 72:9-74:4.)

143. Bolton also testified that the reports written in connection with a reverse sting operation were prepared after the arrests at the station and that the time of arrest indicated in the reports were estimated. (Ex. 58 at 87:14-88:2-16.)

144. Bolton further testified that he did not write narratives before reverse stings but narratives were sometimes preprinted. (*Id.* at 89:10-19.) Bolton testified that the preprinted reports did not contain arrestee names and only contained facts that would not change, e.g., the location of the sting, the UCR code etc. (*Id.* at 89:20-90: 18; see also Ex. 56 at 176:20-177:10, 177:15-178:17 and Ex. 29 at 419:10-420:4; 420:15-421:4.) Bolton testified that the reports were preprinted to streamline the process. (Ex. 59 at 56:7-21.)

145. Defendant Watts testified that that "a lot of times they would be – they would already be pre – pre-done, the narrative, because that's – that's it. They [the buyers] would have to request it [the drugs]. You can't just say somebody came in the building, they're under arrest. They have to request. And so now you would just write

in what did he ask for, how many he asked for, that type of thing.” (Ex. 56 at 176:19-177:10.) Watts testified that certain information would be blank before the arrest, including the name of the person being arrest, what the arrestee asked for, the quantity of drugs requested, “that type of thing.” (*Id.* at 177:8-177:20.)

146. Watts was also asked during the deposition “Q. What else would be put in before?” and answered “A. Probably whatever – I would have to look now to see whatever it was. That he entered the building requesting rocks or blows, or whatever, and subject was taken into custody, you know, because that’s all that happened. It was – you wouldn’t have to keep generating a different narrative because it’s the same narrative. It’s a sting. It’s the same type of activity.” (*Id.* at 178:4-178:11; see also Ex. 36 at 69:10-14, 70:6-19.)

147. The COPA report addressing White’s allegations also addressed the arrests made as part of the reverse sting operation. COPA spoke to six of the individuals who were arrested as part of the reverse sting. (Ex. 47 at COPA-WATTS_059126.) The “conclusion” section of the portion of the report addressing the reverse sting states:

The accounts given by the six arrestees are highly credible. The accused officers and the other officers involved in the reverse sting operation have no recollection of these arrests, so the only evidence COPA has that these arrests were justified – other than the accused officers’ general denials of engaging in misconduct or observing misconduct – are the vice case reports and arrest reports completed by the accused officers. As discussed above, there is considerable reason to doubt the accuracy of these reports. Based on this credibility assessment in favor of the arrestees, COPA finds by a preponderance of the evidence that:

1. All of the accused officers were present for and participated in the reverse sting operation that was conducted at 575 East Browning on April 24, 2006, along with other members of the Watts tactical team not

facing allegations at this time because they were separated from the Department prior to the beginning of this investigation;

2. The Watts tactical team cleared out the first floor of the building, arresting or detaining any individuals they found in the lobby or other areas of the first floor. Thomas Mitchell was arrested at this time;
3. The Watts tactical team induced civilians present at 575 East Browning to pose as participants in a narcotics-sale operation to lure passersby to the building; and
4. Members on the tactical team arrested individuals as they approached or entered the building. Some of these individuals actually intended to purchase narcotics, but they made no statements soliciting narcotics and did not tender payment to any officer, and they did not engage in the identical behavior or make the identical quoted statements documented in the Team's reports.

(*Id.* at COPA-WATTS _059130.)

148. COPA sustained allegations against Smith, Gonzalez, Bolton, Leano, and Nichols relating to the reverse sting and recommended that they all be separated from the Chicago Police Department. (*Id.* at COPA-WATTS_059130-059134.)

149. Each arrestee/interviewee had a criminal history, including multiple drug arrests which began years before and continued years after the reverse sting. (See Group Ex. 61, Arrestees/Interviewees Criminal Histories.)

150. None of the arrestees/interviewees lived in the 575 extension building or in any building within the Wells complex. (Ex. 55 at COPA-WATTS007651-007674.)

151. COPA's investigation into the reverse sting consisted solely of the interviews with the six arrestees and its review of the police reports generated in connection with the reverse sting. (Ex. 47 at COPA-WATTS_059126, COPA-WATTS_059129.)

152. Interim Superintendent of Police, Eric M. Carter, disagreed with COPA's findings and recommendations and sent a letter to COPA's Chief Administrator expressing his disagreement and the basis for it. (Ex. 62, Carter Letter Dated March 28, 2023 at CITY-BG-062518-062520).

153. COPA's Chief Administrator requested that the Police Board review the Administrator's recommendations in light of the Superintendent's letter. (Ex. 63, Request for Review.)

154. The Police Board determined that:

Based on the facts and circumstances of this matter, the amount of evidence at issue, and the many credibility determinations that must be made, a full evidentiary hearing before the Police Board is necessary to determine whether the officers violated any of the Chicago Police Department's Rules of Conduct and, if so, the appropriate disciplinary action.

(*Id.* at CITY-BG-062584.)

COPA Investigations of Complaints

155. During COPA's investigation into complaints raised by individuals alleging they were framed by members of the teams Watts supervised, one COPA investigator wrote a report stating:

This office will argue that 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.

(Ex. 64, October 17, 2018 COPA Report at COPA-WATTS011091.)

156. Later, COPA wrote the following in a summary report of investigation:

Evidence reviewed by COPA investigators shows that Jones and the Team specifically targeted those who, like [Ben] 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.

(Ex. 65, Summary Report of Investigation Log #1087742 at PL JOINT 068087.)

Ben Baker Allegations

157. On December 20, 2022, COPA concluded that Defendant Jones and another former tactical team member named Kenneth Young “made false statements in their reports and testimony” in connection with an arrest of Ben Baker. (Ex. 66, Summary of Administrative Closure Dated December 15, 2022 at COPA-Watts 59424.)

158. That COPA report states that Young and Jones 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. (*Id.* at COPA-Watts 59424.)

159. The “related investigation” was the December 11, 2005 arrest of Baker and Clarissa Glenn, in which COPA concluded in a March 10, 2021 report that Defendant Officer Jones “made multiple materially, willfully, false statements regarding the circumstances” of the arrest of Baker and Glenn and “brazenly” abused his official authority for his own gain. (Ex. 65 at PL JOINT 068092-PL JOINT 068093.) COPA sustained 23 counts of misconduct against Jones related to the arrest. (*Id.* at PL JOINT 068091.)

160. With respect to the arrest of Baker and Glenn regarding which they alleged that Watts and Jones planted drugs on them while searching their car, Glenn testified that Watts and Jones were searching different areas of the car and were on opposite sides of the car while they were searching. (Ex. 68, Clarissa Glenn August 26, 2021 Deposition at 288:15-19; 289:3-7.) Glenn testified that Watts pulled a plastic bag out of his sleeve, held it up and said he found it. (*Id.* at 289:13-16.) Glenn testified that Jones was at the hatch at the back of the car when this happened. (*Id.* at 289:17-18.) Watts was in between the open driver-side door and the inside of the car. (*Id.* at 289:21-24.)

161. Baker testified that Jones was standing with him and Glenn when Watts was searching the driver's side door and when Watts stated he found drugs. (Ex. 21 at 272:8-15, 20-23.). Baker further testified that he, Glenn, and Jones were all standing together at the back of the car when Watts said that he found drugs and that Baker could not see Watts' hands but could see the driver's side of the car. (Ex. 21 at 272:8-274:24).

162. Glenn stated that Bolton, Gonzalez and Leano were included as defendants in her and Baker's civil action because they were on "Watts' crew." (Ex. 69, Clarissa Glenn September 20, 2023 Deposition at 122:10-12; 124:13-18; 129:5-130:1; 131:7-12.)

163. Glenn admitted that Nichols and Smith had never planted drugs on her or stolen money from her or falsely arrested her; that she had no knowledge of either of them engaging in any misconduct towards other individuals. (*Id.* at 137:6-139:19.)

164. Baker has admitted in the Watts proceedings that no Defendant Officer ever demanded money from him. (Ex. 21 at 210:18-20; 211:17-22.) Baker admitted that he has never seen anyone pay a law enforcement officer a bribe. (*Id.* at 141:7-9.)

165. Baker has admitted that his allegations against Smith, Leano, Bolton and Gonzalez were based on “guilt by association”, “the apple doesn’t fall far from the tree”, and if Watts’ is dirty, they’re all dirty. (*Id.* at 142:9-18).

166. A chart in the Operation Sin City report identified Baker as a “manager” of drug operations at the 527 extension building at the Wells complex. (Ex. 22 at CITY-BG-028602.)

167. Baker has admitted that Elgen Moore and Bryant Patrick sold drugs for him. (Ex. 21 at 323:8-17.) Both were identified as drug dealers in Operation Sin City and Moore was also identified as a manager at the 527 extension building. (Ex. 22 at CITY-BG-028592; CITY-BG-028602.) Moore, while dealing drugs for Baker, was arrested for selling heroin to an undercover officer in that investigation. (Ex. 14 at 194:24-195:11; 195:14-17.) Bryant Patrick and Charles Niles, who acted as a lookout in the 527 extension building, were also arrested during that investigation. (Ex. 13 at 273:19-274:9; 274:15-275:7.)

168. Individuals who worked for Baker selling drugs would themselves hire others to assist in the drug sales. (Ex. 21 at 224:4-8.) Gregory Young (a/k/a “Bebe” or “Baybay”) was a drug addict and Baker’s neighbor. (Ex. 72, Baker May 23, 2006 Criminal Trial Testimony at 80:6-12, 18-24; Ex. 21 at 238:17-239:1.) Bebe sold drugs for Baker in exchange for a sufficient amount of heroin to relieve his drug sickness

(withdrawal symptoms) when he did not have sufficient funds to purchase the drug himself. (Ex. 21 at 223:3-21; 238:24-239:2.)

169. Antwoine Bradley (a/k/a “Twanny”) was a sixteen old who also sold drugs for Baker. (*Id.* at 224:1-8; Ex. 71, December 21, 2023 Deposition of Antwan Bradley at 9:1-2.)

170. Baker testified that he was in the stairwell near Twanny and Bebe when Officer Nichols arrested him and that Twanny and Bebe were selling and in possession of drugs. (Ex. 72 at 54:22-55:3, 13-23, 55:24-56:2; 77:22-78:1-4, 80: Ex. 21 at 222:6-9, 21-23; 224:14-23.), Twanny testified that he did not have drugs on him that day. (Ex. 71 at 39:12-16). Bebe denies ever selling drugs with Twanny. (Ex. 73, February 16, 2024 Deposition of Gregory Young at 186:9-11).

171. Baker is not sure how many people he had on his payroll. (Ex. 21 at 150:11-14.) Moore testified that Baker was the biggest drug dealer in the 527 extension building and that he had dozens of people working for him, including Twanny and Bebe and other individuals who were addicted to drugs. (Ex. 14 at 66:7-67:12; 69:7-9; 79:9-80:19; 156:20-158:5-14; 196:8-18.)

172. Shannon Spalding, one of the CPD officers who suspected that Watts was accepting bribes, participated in the FBI investigation, including conducting surveillance, and conducted her own investigation which also included surveillance, testified that she had never seen any of Defendant Officers frame anyone, falsely arrest anyone, steal from anyone, plant evidence on anyone or engage in any criminal or other illegal activity at any time. (Ex. 74, June 6, 2023 Shannon Spalding

Deposition at 147:6-148:21; 151:5-19; 153:20-9; 155:10-12; 157:2-163-16; 164:6-24; 175:2-176:11; 177:21-178:16.)

173. Spalding further testified that she knew Baker was “a big drug dealer in Ida B. Wells”; that he ran the [527 ext.]; that he was at the top of his game in the early 2000s; that she had chased him for 10 years; and that she had predicted he would go back to selling drugs after he was released from prison in 2016. (*Id.* at 39:3-18; 46:3-17.) And Spalding was quoted in an Intercept article as saying “ben was one of the biggest drug dealers in the Ida B. Wells [complex].” (*Id.* at 39:3-9.)

174. Baker admitted that he sold drugs in 2017. (Ex. 21 at 13:18-18:15; 74:10-75:23.). Baker also admitted that he and his son were arrested by federal agents on the same day and both were charged with drug crimes to which they pleaded guilty. (*Id.* at 34:13-22; 46:18-47:3; 47:14-20.)

Willie Roberson and Other Watts Plaintiffs

175. COPA also recommended termination for both Jones and Smith for their conduct on December 11, 2005 regarding other people who were arrested in a sting operation at a different extension building but at the same time as Baker and Glenn. (Ex. 66, SRI 1092530 at 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. (*Id.* at COPA-Watts 58978.)

176. With respect to those other arrests, which included the arrest of Willie Roberson (a/k/a Fred, a/ka Robinson), Ben Baker testified at his deposition that

Roberson told Baker when they were in the police station together after their arrests that day that Roberson was in fact selling drugs when he was arrested by Smith and that the drugs Watts put on the table in the police station were the drugs confiscated from Roberson during Roberson's arrest that day. (Ex. 21 at 285:14-287:4; 287:15-21; Ex. 13 at 22:5-23:5 23:13-24:17; 2:2-15.) Baker testified that Roberson told him that after Roberson was arrested at the 574 extension building, Watts received a call from an informant who told Watts that Baker "would be pulling up" to the 527 extension building. (Ex. 21 at 286:10-10-19; Ex. 13 at 23:13-16.)

177. Roberson is a Watts plaintiff. (See Ex. 67, Willie Roberson Complaint.) With respect to Roberson's December 11, 2005 arrest, after which Baker testified that he had the conversation with Roberson set forth above in which Roberson admitted he was selling drugs ("pitching") when he was arrested, Roberson alleges that Defendant Officers Smith and Jones and Defendant Watts falsely arrested him and fabricated evidence and falsified police reports relating to the arrest. (*Id.* ¶¶50-52.)

178. All seven counts against Jones and all 21 counts against Smith were sustained, and COPA recommended firing both for misconduct that included giving false, in-court testimony and fabricating police reports with respect to the allegations of Roberson and certain other individuals arrested with Roberson on December 11, 2005. (Ex. 66 at COPA-Watts 58947-58951.)

179. Roberson's COPA interview and Criminal History are attached as Ex. 75 and Ex. 76 respectively.

Angelo Shenault Allegations

180. In another December 30, 2022 report related to the March 3, 2008 arrest of another plaintiff in these coordinated proceedings—Angelo Shenault—COPA sustained all five allegations of misconduct against Nichols, all four against Leano, and one count against Jones. (Ex. 70, Summary Report of Investigation Log #1089277, dated December 30, 2022, at COPA-Watts 163643-70.) COPA recommended terminating Nichols and Leano for their misconduct in that case, for, amongst other things, committing perjury, making false written reports, and effectuating false arrests. (*Id.* at COPA-Watts 163641-63647.)

181. In his statement to COPA, Shenault stated that he was arrested by Watts and Mohammed in an apartment on the third or fourth floor of the 574 extension building belonging to a rumored drug dealer and named Vee House. (Ex. 77, Transcript of Angelo Shenault, Jr. at 25:4-18, 31:10-33:7, 34:5-20, 50:7-10.)

182. Shenault, who is a plaintiff in the Watts proceedings, was arrested in connection with Operation Sin City. (Ex. 22 at CITY-BG-028592; see also Ex. 78, Shenault's Criminal History is attached as Ex. 78.) Elgen Moore testified that Shenault was involved in the drug trade at the Wells complex. (Ex. 14 at 198:21-199:8.)

183. COPA interviewed Valentino Wilbourn in connection with its investigation into Shenault's allegations. (Ex. 79, Report of Wilbourn Interview COPA-WATTS 023287-23290.) According to the report, Wilbourn identified Shenault as a drug dealer and Watts informant. (*Id.* at COPA-WATTS023287.)

White's Complaint and Interrogatory Answers

184. White's Complaint alleged that he was alone in his girlfriend's apartment when he was allegedly arrested by Watts and Jones. (Dkt. 1 at ¶¶14-24.) The Complaint then alleges that after his arrest, "one or more individual officer defendants" prepared police reports containing a false story, attested through police reports that they were witnesses to the false story and communicated the false story to prosecutors. (*Id.* at ¶¶ 26, 28.)

185. During written discovery and prior to White's death, White was asked in interrogatories: "With respect to Defendants Smith, Bolton, Leano, Gonzalez, and Nichols, please state with specificity what wrongful action each defendant performed related to your April 24, 2006 arrest and the facts upon which you base the allegations." (Ex. 80, White's September 17, 2018 Response to Defendant Bolton's Interrogatories at ¶16.) White objected to this interrogatory and, subject to his objection, answered:

Plaintiff responds by reference to his First Amended Complaint [sic] and the documents that have been produced in the case to date. Specifically, Plaintiff refers to the police reports, which indicate that these Defendants were present for and attested to the fabricated facts underlying Plaintiff's false arrest. See LIONEL WHITE 00368-00372. Investigation continues.

(*Id.* at 7, Answer to ¶16.)

186. White's conviction at issue in this case was vacated, and he received a Certificate of Innocence on January 5, 2017. (Ex. 81, Certificate of Innocence).

187. With respect to White's specific claims against Defendant Officers, White's counsel has clarified to Defendant Officers' counsel that White is pursuing (i)

claims for unlawful pre-trial detention and malicious prosecution under the Fourth and Fourteenth Amendments; (ii) a fabricated evidence-based due process claim under the Fourteenth Amendment; and (iii) derivative failure to intervene and conspiracy claims. White is not asserting any state law claims or other federal claims against Defendant Officers.

Dated: March 31, 2025

Respectfully Submitted,

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CERTIFICATE OF SERVICE

I hereby certify that on March 31, 2025, I electronically filed the foregoing JOINT LOCAL RULE 56.1(a)(2) STATEMENT OF UNDISPUTED MATERIAL FACTS with the Clerk of the Court using the ECF system, which sent electronic notification of the filing on the same day to counsel of record.

/s/ Amy A. Hijjawi