

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

Lionetta White, Special Administrator of the)	
Estate of LIONEL WHITE, SR.,)	
)	
Plaintiff,)	
)	Case No. 17 C 2877
v.)	
)	Judge Sara L. Ellis
CITY OF CHICAGO, RONALD WATTS,)	
ALVIN JONES, ELSWORTH SMITH JR.,)	Magistrate Judge Laura K. McNally
KALLATT MOHAMED, MANUEL)	
LEANO, BRIAN BOLTON, ROBERT)	
GONZALEZ, and DOUGLAS NICHOLS,)	
)	
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, and Defendant City of Chicago (“City”), by its attorneys, submit the following joint statement of undisputed material facts, pursuant to L.R. 56.1(a)(2) and Judge Ellis’s standing order:

1. The parties adopt the Joint Statement of Undisputed Material Facts submitted in connection with the Defendant Officers’ motion for summary judgment relative to the plaintiff’s decedent Lionel White, Sr.’s April 24, 2006 arrest and subsequent conviction giving rise to this cause of action.

THE INVESTIGATION

2. On or about September 17, 2004, Calvin Holliday of the CPD’s Internal Affairs Division (“IAD”), Confidential Investigations Section (“CIS”), initiated Complaint Register #300778 and Confidential Number 259476. (Ex. 1, BAKER GLENN 18627; Ex. 2, Holliday deposition at 64). According to a September 17, 2004 memorandum sent to the Commanding

Officer of CIS, Lt. Juan Rivera, Holliday was made aware by CPD Sgt. Henry Harris (who at that time was assigned to Chicago's HIDTA - High Intensity Drug Trafficking Areas), of allegations that unknown Public Housing Unit officers were taking money from drug dealers to allow the drug dealers to sell their product. (Ex. 1, BAKER GLENN 18627; Ex. 2, Holliday deposition at 65-67).

3. According to a memorandum, Holliday, Lt. Rivera, and IAD Sgt. Kenneth Bigg met with a confidential informant ("CI"), who alleged Defendant Watts had approached him and requested payment to allow him to continue selling drugs in the area. *Id.* The CI said this conduct was ongoing and many larger drug dealers were paying "tax" money to the officers. *Id.* The CI said that one of the officers shot at the CI. *Id.* Subsequent memos indicate this CI was [REDACTED] (Ex. 3, BAKER GLENN 10947-48).

4. An ATF Management Log lists the following individuals as being present at a September 20, 2004 meeting where [REDACTED] allegations were discussed: Holliday, Lt. Rivera, Sgt. Bigg, Sgt. Harris, [REDACTED]

[REDACTED] (Ex. 4, at ATF-Baker 38.2). Holliday's September 21, 2004 memo regarding the September 20, 2004 meeting states the "Allegation" is as follows: "It is alleged officers in the Public Housing Unit are accepting money from drug dealers, allowing them to continue to sell narcotics." Holliday's memo also states in part: "It was determined this would be a federally prosecuted investigation. The Cooperating Individual is to be prosecuted in federal court and the United States Attorney's office believe they should be in control of everything that results from his cooperation." (Ex. 5). (Hereinafter, the investigation led by the FBI with the CPD IAD's participation will be referred to as the "Investigation.")

5. [REDACTED] who was already working with ATF, also stated that Watts took money from dealers at the Ida B. Wells housing projects to allow them to sell drugs there (Ex. 5; Ex. 4, at ATF-Baker 38.2.). The FBI separately met with the informant (believed to be [REDACTED] on September 21, 2004 outside the presence of IAD, at which time [REDACTED] told the FBI that “Watts gets IBW drug dealers to pay him to ‘work’ (sell drugs) in the housing project. If the payments are made to Watts, he will in turn allow the drug dealers to continue to sell drugs. The amount that each drug dealer pays Watts is determined by Watts.” (Ex. 6, at FBI000325). According to the FBI report, [REDACTED] named certain individuals who paid Watts, including Wilbert Moore, Andre Simmons, and likely Patrick Nooner, although the referenced FBI memo uses the name Pat Mooney and not Patrick Nooner. (*Id.*, at FBI000326).

6. Lt. Rivera testified that the federal authorities at the September 20, 2004 meeting stated this would be a federal investigation prosecuted in federal Court and that they would be in control of the information. (Ex. 7, Rivera Confidential dep at 60). When asked whether the September 21, 2004 Holliday memo “means there was a joint decision that it would be federally prosecuted,” Rivera testified “it was the AUSA who made [that] decision.”. (Ex. 8, Rivera dep at 83).

7. An FBI report states that “On 09/21/2004, FBI Chicago received information of an ongoing joint investigation conducted by [IAD, DEA and ATF]. The investigation involved alleged criminal activity of ... Watts.” (Ex. 9, FBI 331). FBI 331 states that:

An ATF source alleged that, in the past, Watts attempted to extort him for bribe payments. Making these bribe payments to Watts would permit source to continue his drug trafficking activity in the Ida B. Wells housing project. ATF source also stated that Watts was currently receiving payments from other individuals involved in drug trafficking in the Ida B. Wells housing project. *Id.*

8. The “Investigative Strategy” reflected by FBI 331 states that:

FBI Chicago will supervise ATF source in conducting consensually monitored telephone recordings. Information gathered during these conversations will be used to corroborate Watt's (sic) involvement in receiving payments in exchange for allowing drug trafficking activity in the Ida B. Wells housing project. *Id.*

9. An FBI report states that FBI Special Agent [REDACTED] interviewed the CI ([REDACTED] at 219 S. Dearborn on September 21, 2004 and wrote an FBI 302 report regarding his interview of [REDACTED] (Ex. 6, FBI 325-26).

10. Among other things, FBI 325-26 states that the informant "is a member of the Gangster Disciples," has never been employed, and has relied upon selling drugs as his only means of financial support. *Id.* SA [REDACTED] report states that the informant was "operating as a cooperating witness of the ATF in an on-going collaborative investigation along with [IAD and DEA]." SA [REDACTED] 302 report further states that:

Watts gets IBW drug dealers to pay him to 'work' (sell drugs) in the housing project. If the payments are made to Watts, he will in turn allow the drug dealers to continue to sell drugs. The amount that each drug dealer pays Watts is determined by Watts. *Id.*

The CI identified Wilbert Moore and other drug dealers who paid Watts to allow them to sell drugs. *Id.*

11. SA [REDACTED] drafted a report dated September 27, 2004, wherein he requested approval to open an investigation of Watts following a meeting with an AUSA. (Group Ex. 10, consisting of two versions of the 9/27/04 report with different redactions, at FBI 323). SA [REDACTED] September 27, 2004 report refers to an "ongoing" joint investigation involving IAD, DEA and ATF involving alleged criminal activity of Watts, and that "information regarding this allegation was offered and continues to be provided by an ATF source." *Id.* This report states that:

Information collected that relates to drug violations will be investigated by DEA. Information collected that relates to gun violations will be investigated by ATF. Information collected that relates to police corruption will be investigated by CPD-IAD and FBI. *Id.*

12. Among other things, SA [REDACTED] September 27, 2004 report also states that AUSA [REDACTED] “has related that the above described matter has prosecutorial potential if further evidence of criminal activity is uncovered.” *Id.* at BAKER GLENN 2107. According to the report, AUSA [REDACTED] would likely seek prosecution under 18 U.S.C. Sec. 872. *Id.*

13. An “Investigative Strategy” is also detailed in SA [REDACTED] September 27, 2004 report as follows:

Initial course of investigative action will include a thorough review of CPD-IAD, DEA and ATF investigative files related to Watts. Additionally, agents will conduct financial and property record searches of the captioned officer and associates, as well as review telephone records of Wells (sic). Furthermore, agents will supervise source in conducting consensual telephone recordings. Information gathered during these conversations will be used to corroborate Watt’s (sic) involvement in receiving payments in exchange for the allowance of continued drug trafficking activity in the Ida B. Wells housing project. *Id.* at FBI 324.

14. SA [REDACTED] wrote a report on October 18, 2004. (Ex. 11, FBI 328-29). SA [REDACTED] October 18, 2004 report states in part that:

CPD officers working on the above captioned case escorted [redacted source] to a meeting with Wilbur Moore (aka “Big Shorty”) at the Ida B. Wells housing project. [Source] told CPD officers that he and Moore were supposed to meet to talk about drug dealing. Moore did not show up for the meeting. It was later learned that Moore was not in town. *Id.*

15. Agent [REDACTED] October 18, 2004 report also states that AUSA [REDACTED] Notified reporting agent that CPD officers involved in the [Watts case] were going to attempt another meeting between [Source] and Moore during the week of October 18, 2004. The intention of this meeting will be to deal drugs. If this drug deal takes place, CPD plans to arrest [Source] and Moore, separate them, then proposition Moore to cooperate with the government. This cooperation will include Moore’s assistance in the investigation of CPD Sergeant Ronald Watts. *Id.*

16. According to an FBI memo from Agent [REDACTED] dated March 18, 2008, SA [REDACTED] determined the original 2004 source “provided inconsistent statements regarding the manner of the extortion which prevented using” him “for future attempts.” (Ex. 12, FBI 450-55, at 451).¹

¹ The City believes that the original source is [REDACTED]

17. Holliday also testified that the CIs who had come forward while he was working on the investigation “didn’t want to give it up. They said they would cooperate and they – at later times, they still did not cooperate with me.” (Ex. 2 at 68).

18. In addition to [REDACTED] a second drug dealer named Wilbert “Big Shorty” Moore cooperated relative to the Investigation. (Ex. 13, BAKER GLENN 004151-59).

19. An ATF report states that on April 7, 2005, ATF Special Agent [REDACTED] conducted an interview of Moore at the CPD’s Homan Square facility, which interview included members of the DEA and CPD. (*Id.*) According to the report, Moore stated that he was a member of the Gangster Disciples and had been selling heroin and cocaine on a daily basis at Ida B. Wells for 15 to 20 years. (*Id.* at BAKER GLENN 004152).

20. The report states that Moore provided information to SA [REDACTED] about his own drug dealing as well as the drug dealing of others, including [REDACTED] and someone identified in the report as “Ben” who sold drugs out of the 527 building. (*Id.* at BAKER GLENN 4156).

21. Paragraphs 53-58 of SA [REDACTED] report refer to Moore’s statements as to Watts and his alleged conduct in taking payments from drug dealers, including himself. (Ex. 13). The report states that according to Moore, Officer Al Jones was said to work on Watts’s team, and also allegedly took payments. (*Id.*) That report also states that according to Moore, Watts, Jones, and Kenny Young “never let the white officers know what was going on.” (*Id.* at ¶53). Moore said he would pay Watts when Watts caught him or one of his workers with a firearm or narcotics. (*Id.* at ¶54).

22. An opinion from the United States Court of Appeals for the Seventh Circuit reflects that members of the Hobos street gang were convicted of murdering Moore on January 19, 2006. *U.S. v. Brown*, 973 F.3d 667 (7th Cir. 2020). *Brown* states that after a trial in the United States

District Court for the Northern District of Illinois, several Hobos street gang members, including Arnold Council and Paris Poe, were convicted for their role in Moore's death. *Id.* According to the Seventh Circuit:

Moore dealt drugs in the Ida B. Wells housing projects. In 2004, he started cooperating with the Chicago Police Department (CPD). Information he provided led to the search of an apartment from which Council supplied crack cocaine. During the search, CPD officers seized cocaine, crack cocaine, heroin, cannabis, and firearms from the apartment. Council figured out that Moore was the informant. In January 2006 Council and Poe, with Bush's assistance, killed Moore. Bush spotted Moore's car parked outside of a barbershop and made a phone call. Council and Poe quickly arrived on the scene. As Moore left the barbershop, Poe fired at him from Council's car. Moore attempted to flee, but he tripped in a nearby vacant lot, allowing Council and Poe to catch up to him. Poe immediately shot him in the face. *Id.* at 679-80.

23. Ben Baker also alleged that Watts extorted money from him to allow him "to stay in business," "placed his present case in court on him," extorted other people in Ida B. Wells "in order to [allow them] to continue to deal drugs," and "shot at [REDACTED] for not paying him protection money." (Ex. 3, BAKER GLENN 010947-48). Baker made these allegations to law enforcement after he was arrested on March 23, 2005. (Ex. 14, 3/23/05 arrest report).

24. A report indicates that Ben Baker was interviewed in May 2005 by former ASA David Navarro of the Public Integrity Unit of the Cook County State's Attorney's Office ("CCSAO"), IAD Agent Holliday, and others, in the presence of Baker's criminal defense attorney, Matthew Mahoney, and Baker's wife, Clarissa Glenn. (Ex. 3, Holliday 6/28/05 Report). According to ASA Navarro, Baker told him that he was a drug dealer at the May 2005 meeting. (Ex. 15, Navarro dep at 286).

25. Baker "informed IAD and Assistant State's Attorney David Navarro that (1) Sgt. Watts had requested money from him in exchange for allowing him to stay in business; (2) Baker had refused; and (3) Sgt. Watts had then fabricated a case against him as a result of the refusal." (Ex. 16, Amended First Successive Petition for Post-Conviction Relief of Ben Baker, at ¶17).

26. A report written by IAD Agent Holliday states that Baker indicated he would cooperate in the investigation of Watts and that as of the date of Holliday's June 28, 2005 memo, Holliday had not heard anything back from Baker or Baker's attorney regarding any cooperation. (Ex. 3, Holliday 6/28/05 Report).

27. The CCSAO prosecuted Baker on his arrests by the Watts team. The CCSAO never filed any charges against Watts or members of his team. (Ex. 15, Navarro dep at 311-12).

28. On July 27, 2005, the Illinois State Police responded to IAD Agent Holliday's request for a Suspicious Activity Report (a FinCEN report), from Empress Casino. (Ex. 17, BAKER GLENN 010911-35). A December 6, 2005 FinCEN report run by the FBI reflected that Watts had purchased \$10,100 in chips from Empress Casino in 1999. (Ex. 18, FBI 337).

29. An FBI memorandum dated February 10, 2006 states, in part, that an investigation was initiated in September 2004 when the FBI received information of an ongoing joint investigation conducted by IAD, DEA and ATF involving alleged criminal activity by Watts. (Ex. 19, FBI 339-40). The February 10, 2006 FBI memo states that "During the course of the investigation, allegations against Watts were never able to be substantiated or collaborated (sic)." (*Id.*) The memo states that on January 20, 2006, ASA Navarro of the CCSAO related that "his office had been investigating [Watts]." (*Id.*)

30. According to the February 10, 2006 FBI memo, on January 20, 2006, the investigative status was presented to AUSA [REDACTED], who "advised that she would decline prosecution because of parallel State prosecution and because the case lacked federal prosecutive merit." (*Id.*)

31. IAD Agent Holliday testified that the CIs who had come forward during his involvement on the investigation (which ended in late 2005 or early 2006 when he received a new assignment):

. . . were all drug dealers, they were all current drug dealers, and they – they had something to say, and they probably did have knowledge, but they didn’t want to give it up. They said they would cooperate and they – at later times, they still did not cooperate with me. (Ex. 2, Holliday dep at 68).

32. [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED].

33. [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED] Kirby testified CR

#309282 was reopened and assigned to CIS “[b]ecause the investigators looked at the complaint history of Watts, identified that these were perhaps related, and sought to have them reopened and assigned as part of the federal investigation.” (121:23–25, 122:22–123:4-5). (Ex. 21, Kirby dep. at

122-125). Kirby further testified that “[t]here is no clear record here as to why that occurred, but sitting where I sit now and, you know, presumably where I sit at that time with more information fresh, this was identified to be potentially related to that” Investigation. IAD CIS Sgt. Joseph Barnes was assigned to the case. (*Id.*, at CITY-BG-012927).

34. Glenn’s complaint was reinvestigated by COPA in 2017 who recommended sustaining her allegations. Ex. 22 (COPA Report - Baker/Glenn) March, 10, 2021 at PL JOINT 068062-068093.

35. According to an FBI memo:

In November of 2006, new allegations against Watts were brought to the Chicago FBI by CPD IAD Sergeant Joe Barnes. Sergeant Barnes had been contacted by a complainant that detailed specific information regarding drug-related law enforcement corruption involving Watts. Specifically, the complainant made an introduction to a second complainant that had recently been extorted by Watts. On two occasions within the last two months, the second complainant had been robbed of \$830.00 and \$4,255.00, respectively, by Watts. (Ex. 23, at FBI 347-48).

36. In November 2006, FBI SA [REDACTED] and Sgt. Barnes interviewed Glenn who again made allegations of misconduct against Watts. (Ex. 24, FBI 263-65). SA [REDACTED] authored an FBI memorandum dated January 18, 2007. (Ex. 25, FBI 343-45). SA [REDACTED] memorandum requested that the FBI investigation into Watts and others be reopened based on the information provided by IAD. (*Id.*) The memo requested “SAC authority to re-open a public corruption investigation that was closed in February, 2006.” (*Id.* at 343).

37. SA [REDACTED] January 18, 2007, memo also stated that on December 20, 2006 an AUSA was advised of the new information recently developed and the AUSA “advised that this case was prosecutable if additional evidence could be developed.” (*Id.* at 345) The FBI requested the federal investigation be reopened. (*Id.*)

38. As for the Initial Investigative Strategy, the January 18, 2007, memo stated it will “be to use available resources to identify all Police Officers involved in the alleged corrupt

activities.” (*Id.*) A report states that the Investigation continued in 2007, developing and utilizing confidential informants Jamar “Tweek” Lewis, [REDACTED], and others. (Ex. 26, FBI 250-52).

39. Glenn also continued to provide information. (*Id.*) On or about September 27, 2007, Glenn stated she was in contact with Lewis and [REDACTED] (*Id.*) Lewis and [REDACTED] had taken over management of the drug trade at 527 E. Browning from Ben Baker. *Id.* Per Glenn, both Lewis and [REDACTED] had been approached by Mohammed who was seeking a bribe payment. (*Id.*)

40. Superintendent Philip Cline, who was CPD Superintendent from November 2003 to April 2007, testified he has “no doubt” he learned the allegations against Sergeant Watts and had at least ten conversations regarding the Watts investigation. Ex. 27 (Dep. of Cline), Dec. 8, 2023, at 25:16-25, 36:19-24).

41. On or about November 1, 2007, SA [REDACTED] interviewed Glenn, who had once again contacted Jamar Lewis. (Ex. 26,. at FBI 250). According to a report, Lewis told Glenn he had learned that [REDACTED] had been paying Mohammed approximately \$1,000 every two weeks without Lewis’s knowledge. (*Id.*)

42. The FBI, with assistance from CPD, conducted operations that led to Mohammed accepting money from drug dealers to allow them to continue selling drugs on several occasions during the period of December 2007 to June 2008. (Ex. 28, City’s Second Amended Answer to Clarissa Glenn’s Interrogatories at 26-32).

43. The Investigation continued with other investigative techniques until 2011 to develop evidence against Watts or others, including a scenario set up at a “stash house” where thousands of dollars of FBI money was placed to find out if Watts or others would steal the money, Title IIIs and consensual overhears, pen registers, use of confidential human sources, covert

surveillance, a “money rip” scenario in March 2010, and other operations. Ex. 28, City’s Second Amended Answer to Clarissa Glenn’s Interrogatories at 28-44).

44. On or about July 13, 2011, FBI SA [REDACTED], who had been assigned to the case in 2010, wrote a memo stating, in part, that the USAO supports an extortion charge against Mohammed, but “elected to delay filing the complaint until further evidence could be obtained implicating Watts.” The memo indicated that investigators “believed that team members may have obtained a considerable amount of money over the period of time Watts and his tactical team have been alleged to be involved in the ‘practice’ of extorting drug dealers in the CPD, 2nd District.” (Ex. 29, FBI 909-11).

45. As for the March 31, 2010 money rip scenario, SA [REDACTED] July 13, 2011 memo states that:

A successful consensual recording of the events was gathered by the CHS, but due to unforeseen circumstances, the surveillance team lost sight of the CHS and Watts. The surveillance team was then unable to corroborate that the payment to Watts had actually taken place. (*Id.*)

SA [REDACTED] report stated that he initially wanted to attempt another scenario, but due to the difficulty surveilling the CHS, and controlling the scenario, he and AUSA [REDACTED] decided “to file extortion charges on Mohammed and attempt to obtain his cooperation, against Watts.” (*Id.*)

46. The July 13, 2011 SA [REDACTED] memo further states that on April 14, 2011, SA [REDACTED] and Sgt. Boehmer met with the DEA to attempt to develop new information on Watts and his team’s alleged illegal activities. (*Id.*) The new FBI case agent assigned after SA [REDACTED] was Special Agent [REDACTED] (*Id.*)

47. On November 21, 2011, another scenario was attempted in furtherance of the Investigation (Ex. 30, BAKER GLENN 002245-54; see also Ex. 31, FBI 14-16). This scenario was successful and led to criminal charges against Watts and Mohammed for theft of Government

funds from an individual they believed to be a drug courier. (Ex. 32, BAKER GLENN 001295-1319).

48. The Investigation attempted additional operational scenarios in January and February 2012 targeting Watts, Mohammed, and any other involved police officers. (See e.g. Group Ex. 33, FBI 964-66, 984-85, 1000-09, 1010-12, 1158-61, 1035-36, 1038-41, 1030-32, 1075-84, 1085-89). A report by FBI SA [REDACTED] discussed a scenario to take place the week of January 5, 2012. (*Id.*, at FBI 984-85).

49. Additional FBI documents reflect further operational scenarios in January 2012: “This will be a covert operation in which an UCE, with money provided by the FBI, will be detained by CPD officers Ronald Watts, Kallatt Mohammed, and others yet unknown, and it is anticipated that the CHS’s money will be stolen by the officers” (*Id.*, at FBI 1000); “On 1/18/2012, Squad WC-2 will conduct another investigative operation ... targeting CPD officers Watts, Mohammed, Jones and others yet unknown....” (*Id.*, at FBI 1010-12); “On 2/2/12, a third investigative operation will be attempted which will be similar to the 1/18/2012 scenario.” (*Id.*, at FBI 1078).

50. On February 6, 2012, Watts and Mohammed were charged in federal court with theft of Government funds. (Ex. 32, BAKER GLENN 001295-1319). On February 8, 2012, Mohammed was relieved of his police powers. (Ex. 34, CITY-BG-000213). On February 12, 2012, Watts and Mohammed were arrested. (Ex. 35, CITY-BG-000216-220, 276-280). On February 13, 2012, Watts was relieved of his police powers. (Ex. 36, CITY-BG-000273-274). Watts and Mohammed subsequently resigned from CPD. (Ex. 37, CITY-BG-000259, 299).

51. On February 13, 2012, the USAO issued a press release regarding the arrests of Watts and Mohammed stating, in part, that “the police department’s Internal Affairs Division

participated in the investigation.” (Ex. 38, BAKER GLENN 002259-61, at 2259). The arrests and charges against Watts and Mohammed were announced by U.S. Attorney Patrick Fitzgerald, FBI Special Agent in Charge Robert Grant, and Superintendent Garry McCarthy. (*Id.*)

52. After the arrests of Watts and Mohammed, the FBI interviewed multiple officers and other individuals in early 2012, including but not limited to Mohammed, Alvin Jones, Brian Bolton, and Lamonica Lewis. (Group Ex. 39, FBI 290-91, 295-313).

53. An FBI report states that on or about May 3, 2012, during a proffer with the USAO, “MOHAMMED stated that he had no knowledge of any other police officers doing drug or money thefts.” (Ex. 40, FBI 267-76, at 275-76).

54. Former Police Superintendent Garry McCarthy testified that he inquired of the USAO and the FBI if there was evidence that any other officers on Watts’s tactical team were involved in improper conduct that would warrant an indictment, and testified, “I do know this very specifically. I asked [REDACTED], is there anything else to this? And he said, absolutely not. It’s just these two officers.” McCarthy further testified after he was told it was only the two officers he continued to try to get FBI reports, “To ensure that there was nothing else. And, like I said, you know, the -- the FBI was looking at criminal charges. That doesn’t mean that we weren’t going to pursue administrative charges if there was something there for that.” (Ex. 41, McCarthy deposition at 82-83).

55. Former IAD Chief Juan Rivera testified that he “believed” IAD asked the FBI if their investigation ever looked at other officers on Defendant Watts’ tactical team, but he knew that “the two main officers were Watts and Mohammed.” (Ex. 8, Rivera Dep. at 51:13-18). Rivera testified:

Q. Who told you at the end of the fed investigation that only Watts and Mohammed were implicated?

A. The -- there was a phone call and I -- I recall Klimas was the initiator and it was, I believe, [REDACTED] is the agent, I believe.

Q. Were you on speaker phone?

A. I -- I -- yes.

Q. And what exactly did they say?

A. What was -- what was asked was, were there any other officers implicated in any of these -- in any of the allegations? And they said, "No, at this point in time, there are no other officers."

Q. He said to you, there are no other officers implicated in any of the allegations?

A. In the current investigation.

Q. What does that mean?

A. That they're not part of that investigation. They weren't going to be charged.

Q. Okay. That's very different than saying that there were no officers implicated by any of the allegations during the course of the whole investigation, correct?

A. I -- I -- I see what you're saying. Yes. I mean, they weren't going to be charged is a better way of putting it.

Q. Okay.

A. Yes.

Q. And then you said you knew who the -- I think you said you knew who the officer was who complained about the missing equipment for Echeverria and Spalding?

A. Yes.

Q. Who was that?

A. [REDACTED]

Q. Okay. That's all I have.

Q. Just to follow up. When this call was happening -- [REDACTED] and the FBI, at that time, you had known that the FBI in this investigation wanted to see if anybody else was involved other than Watts and Mohammed; is that right?

A. Yes.

Q. And so that's the question that was being asked of [REDACTED] of -- through the course of the investigation, whether evidence showed that other officers behind -- besides Watts and Mohammad were involved in the illegal misconduct, and Agent [REDACTED] was telling you no?

A. Correct. (Ex. 7, Rivera Confidential Dep. at 61:17-63:21)

56. SA [REDACTED] September 25, 2014 memorandum closing the Investigation stated in part:

This investigation was opened based upon witness information that ... Watts and members of his tactical team had been stealing both drugs and drug proceeds from drug dealers and couriers around the former Ida B. Wells public housing project. Through investigation and CHS information, it was learned that Watts and CPD police officer Kallatt Mohammed were the officers stealing drugs and drug proceeds from drug dealers and drug couriers . . . In summary, sufficient personnel and financial resources were expended on the investigation. All investigative methods/techniques that were initiated during the investigation have been completed. Furthermore, all leads that have been set have been completed. All logical and reasonable investigation was completed, and all evidence obtained during the investigation has been returned or destroyed in accordance with evidence policy. (Ex. 42, FBI 1279-81).

INDIVIDUALS ALLEGE WATTS AND HIS TEAM FRAMED THEM AND WATTS-RELATED CONVICTIONS HAVE BEEN VACATED

57. To date, 190 individuals who have now filed lawsuits, encompassing more than 230 different arrests, allege that they were framed by the Watts Team at or around the Ida B. Wells Housing between the years 1999 and 2010.

58. These 190 individuals have had more than 230 Watts-related convictions vacated and many have been granted Certificates of Innocence by the State of Illinois. At least 81 of these individuals were arrested before White pled guilty for his 2006 arrest.

59. Of these 190 individuals, 181 of them pleaded guilty in 219 of the underlying criminal cases. Former ASA Nancy Adduci of the Cook County State's Attorneys' Office ("CCSAO"), Conviction Integrity Unit testified that the CCSAO did not make a determination one way or the other whether any of these 190 individuals were innocent of the crimes for which they were arrested by the Watts team. (Exhibit 43, Adduci deposition at 141-142). ASA Adduci testified that these individuals could have been guilty of the charges against them or that they could have been innocent but that the CCSAO did not make that determination one way or the other. (*Id.* at 142). According to former ASA Rotert, the CCSAO developed a "protocol, the policy statement,"

in which they “would consider applications for relief where the claim was that the fact-finding procedures in the case were so fundamentally flawed that it undermined confidence in the outcome. This was, in my personal opinion, a reaction to the question of police misconduct, alleged police misconduct such as a coercion issue. And so this admitted of the prospect that a conviction might be vulnerable and might need to be set aside because of perceptions of police or prosecutorial misconduct or judicial misconduct, somebody’s misconduct.” (Ex. 44, Rotert deposition at 41:9–20). Rotert also testified that the intent of the grant for relief was that “when we know that there’s been an inherently corrupt participation by police officers in these arrests, we can’t allow those convictions to stand, knowing that there was intentional corrupt misconduct by the police.” (*Id.* at 42:14–20). Rotert testified that he did not conduct any investigation to determine whether any of the individuals were factually innocent. (*Id.* at 40–41). None of the 190 individuals received their COIs after a contested evidentiary hearing.

60. To this day, Defendants maintain that they did not frame anyone. Ex. 45 (Dep. of Jones), Feb. 26, 2020 at 110:22–111; *Id.* at 13; 104:23–106:3; Ex. 46 (Dep. of Bolton), May, 18, 2020 at 104:22–105:12; Ex. 47 (Dep. of Gonzalez), Oct. 16, 2019 at 91:21–92:5; Ex. 48 (Dep. of Watts), Oct. 7, 2022 at 111:12–17; Ex. 49 (Dep. of Leano), Sept. 26, 2019 at 16:20–20. Ex. 57 (Dep. of Nichols), Dec. 19, 2019 at 96:19–24; Ex. 58 (Dep. of Mohammed), Nov. 18, 2019 at 54:13–54:24; *Id.* at 98:16–98:17; Ex. 59 (Dep. of Smith), Feb. 17, 2020 at 12:18–13:7.

OFFICER TESTIMONY REGARDING DEFENDANTS WATTS AND MOHAMMED

61. An FBI report states that Defendant Jones told the FBI that he knew that Watts “routinely” received clothing and liquor from a drug dealer named “Shock.” Ex. 60, FBI 299–304, at 300–02.

62. The FBI report also states that “Jones has no knowledge of any wrongdoing or criminal activity by any of his tactical team members. He has heard rumors of allegations about

police officers taking money and drugs from drug dealers but has no direct knowledge of it. He stated that people would joke about it. Jones stated that everyone they arrested wanted to speak to Watts.” (*Id.* at FBI000300). The FBI further reported that Jones said he “had no knowledge of Mohammed ever accepting a bribe payment or money in return for protecting drug dealer’s drug operations. However, Jones stated that it would not surprise him if he did.” (*Id.* at FBI000301).

63. Jones has testified that he once picked up a bag containing clothing and money from Shock (which Jones said might have been “change” from money Watts had given Shock to purchase the clothing). Ex. 45 (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.*

64. Officer Cadman testified that one time 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. 61 (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.* When asked if he believed there was a “code of silence” at CPD, Cadman testified that he did not know. *Id.*

65. Officer Michael Spaargaren testified that when the Watts team patrolled Ida B. Wells, arrestees would proclaim their innocence of the crimes for which they were being arrested. Ex. 4 (Dep. of Spaargaren (Baker) Dep.), March 7, 2022, at 100:17-101:5.

66. An FBI report states that Officer Lewis, who was supervised by Watts, told the FBI that she never knew Watts or Mohammed to take or steal money from drug dealers and that although she had heard rumors she never witnessed it. (Ex. 39 at FBI 295.) Lewis also stated that she would hear comments from people in the neighborhood about Watts and Mohammed taking

money from them, but she discounted the comments as rumors and never paid attention to them. *Id.* at FBI 295-96. According to the FBI report, “Lewis learned of WATTS and MOHAMMED’s arrest via the television. She was not shocked that they were arrested as she had heard the rumors about them stealing money.” (*Id.* at FBI000296). Per the FBI report, “LEWIS stated that she had no knowledge of criminal activity being conducted by ALVIN JONES, ROBERT GONZALEZ, BRIAN BOLTON, MANNY LEANO, DOUG NICHOLS, DORIAN SMITH, or ELSWORTH SMITH.” (*Id.* at FBI000297).

A. Background on the CPD’s disciplinary system

67. 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 63 (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.*

68. CPD designates some investigations “confidential,” some “special,” and some “general.” Investigations into criminal conduct are considered confidential. Ex. 64 (BIA Standard Operating Procedures) at 2; Ex. 63 (Deposition of Timothy Moore) Mar. 19, 2024 at 27:5-22.

69. Beginning in 2004 and in effect in 2006 at the time of White’ arrest at issue, Illinois law required that “(b) Anyone filing a complaint against a sworn peace officer must have the complaint supported by a sworn affidavit. Any complaint, having been supported by a sworn affidavit, and having been found, in total or in part, to contain knowingly false material information, shall be presented to the appropriate State's Attorney for a determination of prosecution.” 50 ILCS 725/3.8. The statute also stated that “The provisions of this Act apply only

to the extent there is no collective bargaining agreement currently in effect dealing with the subject matter of this Act.” 50 ILCS 725/6. Appendix L of the collective bargaining agreement between the City and Fraternal Order of Police stated, in part, as follows: “No officer will be required to answer any allegation of misconduct unless it is supported by an appropriate affidavit, except as specified in paragraph one through five above. In the event that no affidavit is received within a reasonable time, the investigation will be terminated and no record of the complaint or investigation will appear on the officer’s Disciplinary History.” (Appendix L to the Collective Bargaining Agreement. Ex. 65, at PL JOINT 082877-79.) The City’s Rule 30(b)(6) representative Timothy Moore was shown an exhibit authored by the Office of the Inspector General interpreting Appendix L which stated that “Interviewing the accused CPD member is the only investigative action prohibited before an affidavit or override is obtained,” was asked if that “was true as to investigations once the affidavit requirement was introduced during this time period,” and said yes. Ex. 63 (Dep. of Timothy Moore, Mar. 19, 2024) at 110:6-12.

70. The Standard Operating Procedures of BIA issued May 23, 1997 stated that investigators were required to “complete a thorough and comprehensive investigation” in the event the complainant withdraws their complaint and that “[t]he complainant’s signed declination letter [may] not be [used as a] basis to UNFOUND any allegation made.” Ex. 64 (BIA Standard Operating Procedures) at 14. Juan Rivera testified that the City permitted its investigators to stop investigating complaints based on a complainant’s declination. Ex. 8 (Dep. of Juan Rivera), Sept. 6, 2023, at 112:19-113. General Order 93-3, addendum 3, section II.C.10, in effect during the relevant time period stated that the investigator will “terminate the investigation when it is determined at any time that the complaint is unfounded or the member clearly exonerated.” (Ex. 66 at CITY-BG-059024).

71. 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. 67, Police Accountability Task Force Report (hereinafter PATF), at 24.

72. 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. 68 (1997 Police Integrity Report), at 11-12; Ex. 67 (PATF) at 24.

73. The Commission recommended that the City 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.” Ex. 68 (1997 Police Integrity Report) at 21, 23, 27, 29-30.

74. 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. 68 (1997 Police Integrity Report) at 10.

75. 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. 68 (1997 Police Integrity Report) at 21.

76. When the Department of Justice wrote a report in 2017, it included the following language: “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. 69 (DOJ Report) at 47.

77. The City's Rule 30(b)(6) witness testified that he was not aware whether CPD's disciplinary system analyzed misconduct allegations on a team level, squad level, or division level analysis of misconduct allegations from the 1999-2011 time frame. Ex. 63 (Dep. of Timothy Moore) at 174:17-175:6.

B. CRs were made against members of the Watts team

78.

23

79.

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

80.

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

81. [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

82. On June 28, 2021, COPA recommended that Defendants Jones be separated from the Chicago Police Department after its investigation concluded that Defendants Mohammed, Jones, and Smith were involved in a series of arrests at 574 E. 36th Street at virtually the same time they were also reportedly arresting Ben Baker and Clarissa Glenn at 511 E. Browning Avenue. Ex. 74 (COPA Report) at COPA-WATTS 58978.

83. COPA concluded by a preponderance of the evidence that Officer Kenneth Young (along with Defendant Jones) made false statements in their reports and testimony regarding the 2004 arrest of Baker. Because both Jones and Young were no longer members of the Department, COPA's investigation was placed in a closed-hold status. Ex. 75 at COPA-WATTS 59424.

84. [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

85. Watts was the primary target of the FBI investigation. Ex. 7 (Rivera Dep., Confidential Portion), Sept. 6, 2023, at 38:14-16.

86. On March 9, 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 that specific plan. Ex. 77 (2005.03.9 Memo from Calvin Holliday) at 15; Ex. 2 (Holliday Dep.) at 92:1-100:24.

87. In January 2008, the FBI recorded a conversation between Watts and Jamar “Tweek” Lewis. (Ex. 78, FBI 230). FBI 230 states in part as follows: “Lewis then placed a call to Mohammed at telephone number (773) 220-7889. Mohammed attempted to conduct a three way telephone call with Watts. After unsuccessfully attempting to connect a three way telephone call, Mohammed provided Lewis with Watts’ telephone number to contact him directly. Lewis contacted Watts at (773) 848-4761. Watts informed Lewis a police officer was looking for him and told Lewis to meet with this officer. Lewis asked Watts if some “paper” could make this go away. Watts said that was between him and the officer.” (*Id.*).

88. 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. A report indicates that Jones later told the FBI that Watts, as the sergeant in the search, was responsible for inventorying the money. Group Ex. 79 (FBI 139, FBI 166-67, FBI 303) (Jones statement to FBI); Ex. 80 CITY-BG-024101.

89. Reports indicate that the Investigation conducted a “money rip” scenario in March 2010 wherein, in brief summary, a confidential source who was a courier in the drug trade was supplied with \$11,050 in federal government funds in an operation designed to determine if it would be stolen by the police. It was believed by the investigators that Watts took the money

during the operation, but reports indicate that FBI agents involved in the operation lost sight of the confidential source and Watts and did not see the money stolen. Ex. 81 (IA and FBI Notes and Memos) at CITY-BG-023858; Ex. 82 (2010.03.31 FBI Surveillance Notes) at FBI 37-39; and FBI 000909-11).

C. COPA Investigations.

90. In December 2022, COPA found that Officers Gonzalez, Bolton, and Nichols “failed to report serious misconduct committed by other members of the Watts team” in connection with a reverse sting operation conducted on the same day and in the same building as Lionel White Sr.’s 2006 arrest. Ex. 83 (COPA Report Re: Lionel White Sr.) at COPA_WATTS 59132-3. When COPA submitted its recommendation in this CR to the Superintendent, the Superintendent disagreed with the finding, stating as follows: “COPA has not sustained their burden of proof. COPA’s investigation did not identify any of the accused Officers as being present when the false arrests took place. COPA’s investigation did not demonstrate that any of the accused Officers had any knowledge as to whether or not the arrests were in fact false. All four of the accused Officers related they were not present for the initial interaction between the decoy Officers and arrestees. The attesting officers (Leano and Gonzalez) stated they relied on the decoy Officers recounting of the interaction when filling out their arrest reports. When taken as a whole, COPA’s investigation is not legally sufficient and has not proven any of the allegations against the four accused Officers by a preponderance of the evidence. (CITY-BG-062520). When COPA and the Superintendent were subsequently unable to agree on a resolution, a member of the Police Board allowed the recommendation to move forward to hearing, stating in part as follows: “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 Rule of

Conduct and, if so, the appropriate disciplinary action.” (Ex. 84, CITY-BG-062576-84, at CITY-BG-062584).

91. In a 2022 report, COPA found that Officer Jones failed to report the false arrest of Angelo Shenault in 2008. Ex. 85 (COPA Report Re: Angelo Shenault) at COPA_WATTS 163668.

D. Spalding and Echeverria

92. Daniel Echeverria testified as follows:

Q. Did you form an opinion about why the investigation was going on for so long without an arrest?

A. Damage control.

Q. And tell me what you mean by that?

* * *

A. One conversation we had with Tom Chester said that -- he agreed that this investigation shouldn't be as long as it's taken, but they're not the governing agency over the investigation. He further went to say that the city had already paid out millions, millions on the SOS scandal. That they can't afford another scandal of the magnitude of Watts and his team. (Ex. 86, Echeverria Confidential Dep. May 30, 2023 at 29:10–25).

Q. Okay. I want to go back to the conversation that you described earlier with Tom Chester, where you were talking about why is the investigation taking so long? And he, if I understood you correctly, he acknowledged that it was taking a long time, right?

A. Yes.

Q. And he said, you know, the city just dealt with the SOS scandal?

MR. NOLAND: Objection. That mischaracterizes what he said.

Q. Go ahead.

MR. NOLAND: And asked and answered.

Q. Go ahead.

A. Yeah. Tom Chester said that they can't afford another scandal like the SOS. And in fact, they wanted to wrap it up quicker than it's been taking. That the city had paid out millions and millions with Finnigan, and the SOS scandal, and it -- it would cripple the city, another scandal of such. That they wanted to do damage control, and just do Watts and Kallatt, and not for the rest of the team on this. That's what was said.

MR. NOLAND: Move to strike based on asked and answered.

MS. KLEINHAUS: Okay.

MR. NOLAND: And no reason to re-ask the question. (*Id.* at 69:14-70:15).

93. Echeverria testified that he was unaware of any evidence implicating the rest of the team (including Bolton, Gonzalez, Jones, Leano, Lewis, Nichols, and Smith, who are defendants in this case) in any misconduct. (Ex. 87, Echeverria March 5, 2025 dep at 11:22-14:24, 120:5-121:2, 211_).

ADDITIONAL FACTS RELATING TO INVESTIGATION

94. SA Henderson submitted a Declaration averring that “During my review of the items of electronic material collected by the FBI in its investigation of Mr. Watts and Mr. Mohammed, I did not perceive anything that indicated that the subjects of the investigation were engaged in falsification of criminal charges against any individual.” (Ex. 88, Henderson Declaration at ¶14).

95. Former IAD Chief Barbara West testified that the CPD should not have moved administratively against the targets of the investigation during the pendency of the criminal case. (Ex. 89, West dep at 113-116).

96. Chief West testified that during the FBI Investigation, Title III wiretaps were applied for and approved by the federal courts, grand jury subpoenas were issued, FBI confidential sources were utilized, surveillance was conducted, and other confidential investigatory techniques were utilized, the fruits of which would not have been available in any administrative proceeding until the completion of the criminal investigation, if at all. (*Id.*)

97. Chief West testified the CPD would have compromised the criminal investigation and potentially violated federal law had the CPD moved administratively against Watts, Mohammed, or other members of the tactical team because doing so would have necessarily disclosed the existence of the FBI Investigation to the subjects. (*Id.*) According to Chief West,

moving administratively or relieving Watts or members of his team's police powers "would have compromised the investigation and obstructed the furtherance of the investigation." (*Id.* at 117).

98. Plaintiff disclosed two experts, Dr. Jon Shane and Jeffrey Danik, who provided reports and deposition testimony following the issuance of their reports. (Ex. 50, Shane's Report; Ex. 51, Shane's Supplemental Report; Ex. 52, Shane's 8/29/2023 deposition; Ex. 53, Shane's 4/23/2024 deposition; Ex. 54, Danik's Report; Ex. 55, Danik's Supplemental Report; Ex. 56, Danik's 6/26/2024 deposition). During the relevant time frame, it was the written policy of the City of Chicago that all members of the Chicago Police Department adhere to the Rules and Regulations of the Chicago Police Department. (Ex. 90, Rules and Regulations at CITY-BG-059172). The Chicago Police Department Rules and Regulations, in writing, adopted the Law Enforcement Code of Ethics "as a general standard of conduct for all sworn members of the Department." (*Id.*)

99. The Law Enforcement Code of Ethics states in part:

As a law enforcement officer, my fundamental duty is to serve mankind; to safeguard lives and property, to protect the innocent against deception, the weak against oppression or intimidation, and the peaceful against violence or disorder and to respect the Constitutional rights of all men to liberty, equality and justice.

Honest in thought and deed in both my personal and official life. I will be exemplary in obeying the laws of the land and the regulations of my department.

I will never act officiously or permit personal feelings, prejudices, animosities, or friendships to influence my decisions....I will enforce the law courteously and appropriately without fear or favor, malice or ill will, never employing unnecessary force or violence and never accepting gratuities.

I recognize the badge of my office as a symbol of public faith, and accept it as a public trust to be held so long as I am true to the ethics of the police service. I will constantly strive to achieve these objectives and ideals, dedicating myself before God to my chosen profession ... law enforcement. (*Id.*)

100. The Rules of Conduct contained in the Rules and Regulations set forth the following prohibited acts, among others:

Rule 1: Violation of any law or ordinance.

Rule 2: Any action or conduct which impedes the Department's efforts to achieve its policy and goals or brings discredit upon the Department.

Rule 8: Disrespect to or maltreatment of any person while on or off duty.

Rule 14: Mandates officer truthfulness by prohibiting members from making a false report, either written or oral.

Rule 21: Failure to report promptly to the Department any information concerning any crime or other unlawful action.

Rule 22: Failure to report to the Department any violation of Rule and Regulations or any other improper conduct which is contrary to the policy, orders, or directives of the Department. (*Id.* at CITY-BG-059179-82).

101. As of January 15, 1993, General Order 93-3 went into effect. (Ex. 66, G.O. 93-3: Complaint at Disciplinary Procedures at CITY-BG-059013).

102. G.O. 93-3 provides that the "Superintendent is charged with the responsibility and has the authority to maintain discipline within the Department." (*Id.*). In addition,

[t]he Superintendent of Police will review recommendations for disciplinary action including those of a Complaint Review Panel and will take such action as he deems appropriate. Nothing in this order diminishes the authority of the Superintendent of Police to order suspensions, to separate provisional employees or probationary employees, or to file charges with the Police Board at his own discretion without regard to recommendations made by a Complaint Review Panel or subordinates. (*Id.* at CITY-BG-059021).

103. G.O. 93-3 also "defines the responsibilities of Department members when allegations of misconduct come to their attention," and mandates that "Members who have knowledge of circumstances relating to a complaint will submit an individual written report to a supervisor before reporting off duty on the day the member becomes aware of the investigation." (*Id.* at CITY-BG-059017).

104. G.O. 93-3 further provides that “When misconduct is observed or a complaint relative to misconduct is received by a non-supervisory member, such member will immediately notify a supervisory member and prepare a written report to the commanding officer containing the information received, observations made, and any action taken.” (*Id.* at CITY-BG-059017-18).

105. Following the investigation of a complaint alleging police officer misconduct, an allegation will be classified as either (1) “Unfounded” (allegation is false or not factual), (2) “Exonerated” (incident occurred but was lawful and proper), (3) “Not Sustained” (insufficient evidence either to prove or disprove the allegation), or (4) “Sustained” (allegation is supported by sufficient evidence to justify disciplinary action). (*Id.* at CITY-BG-059024). CRs then go through the Command Channel Review process which provides “for command review of recommended disciplinary action.” (*Id.* at CITY-BG-059035-36).

106. During fact discovery in the Coordinated Proceedings (Case No. 19 cv 1717), Plaintiff’s counsel issued a Rule 30(b)(6) notice of deposition on a variety of topics regarding the City’s policies and practices. (Ex. 91, Rule 30(b)(6) Notice at 3).

107. Paragraph 13 of the Rule 30(b)(6) notice stated, in part, as follows:

The City’s (a) written and unwritten policies, practices, and customs and (b) training in effect from 1999-2011, relating to each of the following:

a. Preparation and approval of arrest reports and related reports (such as vice case reports and inventory sheets), including but not limited to the role of each officer who is listed on such a report, as well as who is supposed to sign such reports, and the use of quotation marks on reports.

b. The use in official reports of abbreviations such as R/O and A/O instead of listing participating officers by name.

c. Completion of the “Complaint for Preliminary Examination,” including but not limited to the role of each officer whose signature appears on the Complaint.

* * *

f. Responsibilities of tactical teams operating in the Second District and/or the Ida B. Wells housing development.

g. Responsibilities of sergeants overseeing tactical teams operating in the Second District and/or the Ida B. Wells housing development.

* * *

j. The collection, inventory, and testing of suspected narcotics.

k. The collection and inventory of money from individuals who are arrested or detained. (*Id.*)

108. The City produced Lt. Michael Fitzgerald as its representative to discuss these topics (subject to a few exceptions) at a deposition in compliance with Rule 30(b)(6). Lt. Fitzgerald's deposition was taken on March 6, 2024 and he answered all questions as reflected in his 223 page transcript. (See Ex. 92, Lt. Fitzgerald's deposition transcript).

109. Among other things, Lt. Fitzgerald testified as follows:

Q. Are -- the substantive things you just discussed, are they still valid, still policies?

A. In terms of for reporting, yeah --

Q. Yeah.

A. -- your report should be able to answer those questions so that when someone who reads the report, they understand what happened. Your job is to -- to respond to the scene and to, you know, document the information in -- in -- accurately as you can. Will mistakes happen? Will there be typos? Will sometimes you get someone's phone number or birth date or spelling on a name wrong, things like that? Yeah. Those things always happen. But, you know, for the most part, yes, your report should be -- should be concise, and it should also explain and be able to answer those questions and -- and be accurate. (Ex. 92, Fitzgerald deposition at 124:13-125:3)

* * *

Q. All right. So the second to last page talks about signatures again. And then, specifically, I just want to confirm that signing by the reporting officer and the supervisor approving the report indicates that this report is complete and accurate and attests that the completed report has been proofread; is that right?

A. According to this, yes.

Q. Well, is that the CPD policy?

A. Yes. (Ex. 92, Fitzgerald deposition at 130:18-131:1).

* * *

Q. Did you think it -- did you ever think it was your job as the sergeant of a tactical team to tell your team members not to frame people?

A. I think everyone on this department knows, like, the liability that rests with that. You know what I mean? When we were in the academy, I mean, we -- we were instructed, you know, like, hey, this is what this is. And one of the things that they told us was you guys are never any closer to the penitentiary than you are today, you know, because at the end of the day, you know, as a law enforcement officer, if I break the law, I'm the most valuable commodity that any state's attorney or, you know, United States Attorney's ever going to come across because, you know, you're -- you're gold to them, right? You know, we sat through training seminars where they brought up the Austin -- you know, Austin Seven, right? And so, you know, where they showed us, hey, this is what these guys did, and this is the amount of time they all got. So if you want to go do dumb stuff, be prepared, you know, to ride the pine with them. The department also put out e-learning videos with Xavier Castro. And Xavier Castro was an officer who falsified an arrest report. I think he said he arrested a guy who was on an ankle monitor, right? And the ankle monitor proved that he wasn't where he said he was, and ultimately he went to prison. And so everyone's aware of the risks if they're going to lie and they're going to do nefarious things. You know what I mean? That there's -- there's an inherent risk and more than likely, you're going to get found out, and you're probably going to go to prison, you know, and no one's going to have, you know, any -- any hard feelings about sending you there.

Q. It was not -- it wasn't, like, part of roll call where you'd say to your team don't go on and frame anyone today?

A. No, but there were times when things happened within the department where members either got disciplined for things, or either they got stripped of their police powers or, you know, they -- they did something that got them arrested where you would have to sit down with everyone and say as a reminder, you know what I mean? Like, they're not playing, you know, and this is what can happen to you if you do this, so think about the things you do before you do them.

Q. It's like a -- if something major and public happened, you'd talk about it; is that --

A. Sometimes, yeah. I mean -- so it's, like, you know, when we had the issue with the officers, I believe they were in the 23rd District, that were picking up young ladies who were overserved, you know, and then, you know, having sexual relations with them while they were on duty, you know, in the squad car or whatever -- whatever came out of it, and they all got arrested, you know. And it's like, anyone who thinks that this is a good idea, here are the poster children for why it's not, you know. So when things did come up, yeah, we would talk to our people and remind them. And, again, like, as a supervisor, you may be older than some of the people that you're supervising, but on some levels, like, you're still -- you're still acting as almost like parent, you know, for some of them, you know, and you're -- you're guiding them and you're instructing them, and you know, you're supposed to be there to, essentially, on that level, like, protect them from -- from making dumb mistakes, you know.

Q. Is it one of your jobs to try to make sure that they are not in fact framing people?

A. Yes. (Ex. 92, Fitzgerald deposition at 161:2-163:20).

110. According to the 1996 Chicago Basic Recruit Training Program, CPD recruits received hundreds of hours of contact between instructor and trainee, ranging from lecture to discussion periods, and involving practical exercises. (Ex. 93 at CITY-BG-058557). Among other topics, CPD recruits were taught the following: Duties and functions of IAD (*id.* at CITY-BG-058567); the City of Chicago Municipal Code (*id.* at CITY-BG-058572); Legal requirements to arrest, search, seize, and stop (*id.* at CITY-BG-058573); Civil Rights & Civil Liability (*id.* at CITY-BG-058573); Police Morality (*id.* at CITY-BG-058576); Disciplinary Procedures/Rules & Regulations (*id.* at CITY-BG-058584); Department procedures for handling evidence and recovered property (*id.* at CITY-BG-058588).

111. All of the individual defendant police officers in this case completed their Basic Recruit Training. (Group Ex. 94, excerpts of Defendant Officers' depositions and answers to interrogatories).

112. One of the manners in which the CPD supervises and disciplines its police officers is through Summary Punishment Action Requests, or SPARs. (Ex. 66, Addendum 7 to G.O. 93-3: Summary Punishment at CITY-BG-059063-70). SPARs are disciplinary actions that do not require a CR and do not involve a citizen complaint. *Id.* SPARs are violations of CPD policies that are identified by supervisors, and it is the supervisors who determine disciplinary actions resulting from sustained SPARs up to a three-day suspension. *Id.* Supervisors issued on average over 3,800 SPARs every year at the CPD from 2001 through 2007. (Group Ex. 95, CPD's annual reports, at CITY-BG-059402, 59452, 59505, 59557, 59611, 59683, 59759).

113. In 1997, the City's Commission on Police Integrity issued a report which stated in part that "several members of the Internal Affairs Division" who were interviewed at the time "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. 68 (1997 Police Integrity Report) at 30.

114. The City's Rule 30(b)(6) witness, Timothy Moore, testified that he did not know how much capacity was taken up investigating parking tickets and more minor administrative investigations in the 1997 time frame and he did not think there was a shift in manpower at Internal Affairs during this time period. (Ex. 63, at 178:4-22). Moore's errata sheet stated there was no inappropriate focus at Internal Affairs on minor administrative investigations at the expense of resources devoted to cases involving more serious allegations of misconduct. (Ex. 96, Moore Deposition Errata sheet, at 2).

CPD ANNUAL REPORTS

115. The CPD received the following numbers of calls for service in the following years: 2001 – 5,144,617; 2002 – 4,937,360; 2003 – 5,054,817; 2004 -5,271,469; 2005 – 4,979,621; 2006 – 5,040,887; 2007 – 5,076,219. (Group Ex. 95, CPD Annual Reports, at CITY-BG-059756). The CPD made the following numbers of arrests in the following years: 2001 - 233,455; 2002 - 237,706; 2003 - 238,961; 2004 - 244,193; 2005 - 238,636; 2006 - 227,727; and 2007 - 221,915. (*Id.* at CITY-BG-059383, 59436, 59488, 59540, 59592, 59660, 59734). The CPD made the following numbers of narcotics arrests in the following years: 2001 - 57,958; 2002 - 54,205; 2003 - 55,795; 2004 - 59,051; 2005 - 58,098; 2006 - 56,393; and 2007 - 54,053. *Id.*

116. The Chicago Police Department imposed disciplinary actions between 2001 and 2007, including recommending 1,742 reprimands; 3,680 suspensions; in addition, over 691 employees being separated or resigning while under investigation. (*Id.* at CITY-BG-059402, 59452, 59505, 59557, 59611, 59683, 59759).

117. The City's reports indicate that it sustained:

- a. 8 out of 551 complaints for civil rights violations in 2000 (1.5%)
- b. 16 out of 1,108 complaints for civil rights violations in 2001 (1.4%)
- c. 6 out of 1,447 complaints for civil rights violations in 2002 (0.4%)
- d. 7 out of 1,458 complaints for civil rights violations in 2003 (0.5%)
- e. 11 out of 1,684 complaints for civil rights violations in 2004 (0.7%)
- f. 5 out of 1,592 complaints for civil rights violations in 2005 (0.3%)
- g. 12 out of 1,492 complaints for civil rights violations in 2006 (0.8%)
- h. Total 2000-2006: 65 out of 9,332 complaints of civil rights violations were sustained (0.7%).

Id. at City-BG-059504, 059556, 59610, 59682, CITY-BG-059758.

PLAINTIFF ALLEGES A CODE OF SILENCE

118. Officer Michael Spaargaren testified that on several occasions Watts seized drugs or money without inventorying it. Ex. 62 (Deposition of Michael Spaargaren (Baker) Dep.), March 7, 2022, at 86:6-22, 89:3-25. He also testified that on other occasions, he noticed that drugs were seized but the individual who possessed the drugs was not arrested. *Id.* at 87:25-88:18, 96:7-17.

119. Spaargaren has stated that when he raised these discrepancies with Sergeant Watts, as well as their mutual supervisor Lieutenant Spratte, his life and career were threatened. Ex. 97 (Spaargaren Affidavit) at City BG 026603, at ¶¶14, 15. Spaargaren has averred that 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. 97 (Spaargaren Affidavit) City BG 026603, at ¶15; Ex. 62 (Dep. of Spaargaren (Baker) Dep.), March 7, 2022, at 106:12-20. Lt. Spratte denied Spaargaren’s allegation that this conversation occurred. (Ex. 98, Spratte dep at 130-135).

120. Spaargaren testified that he spoke with Mohammed about a conversation with Watts, and Mohammed said words to the effect that “you can’t call out the boss and not expect something to happen.” Ex. 62 (Dep. of Michael Spaargaren (Baker) Dep.), March 7, 2022, at 108:12-23.

121. Spaargaren testified that he did not report anything about the Watts tactical team to IAD because "I felt it was pointless." Ex. 62 (Dep. of Michael Spaargaren (Baker) Dep.), March 7, 2022, at 110:20-25, 114:24-115:7.

122. In May 2006, Officers Shannon Spalding and Daniel Echeverria were assigned to the Narcotics division. Ex. 99, (Deposition of Shannon Spalding), Nov. 18, 2014, November 18, 2014, at 12:22-13:2.

123. Echeverria testified that in 2007, an unidentified arrestee informed Echeverria that Watts was exacting a "tax" from drug dealers and falsely arresting people. Ex. 86 (Deposition of Daniel Echeverria) (Baker), May 30, 2023 at 40:14-41:15, 43:9-44:8; Ex. 100 (Deposition of Daniel Echeverria) (Spalding), December 2, 2014, at 11:10-12:17.

124. Echeverria testified:

Q. Tell me what the arrestee explains at that time.

A. At that time the arrestee asked if he was a white shirt. Sergeant Watson replied, yes. Then he said, I'm not going to go down for this petty shit, is what he said, when they have white shirts, and he named Ronald Watts, stealing and doing his own dope line in the Ida B. Wells complex.

Q. Okay. Do you recall anything else being said in that meeting?

A. Yes. Then Sergeant Watson said, I'm not trying to hear your shit.

Q. What more do you have to say about the Watson situation?

A. Well, when the arrestee communicated the information to Sergeant Watson --

Q. Yes.

A. -- he responded what he responded and then we took him down to be processed.

Q. Yes.

A. And I needed to complete my debriefing form, a document for it. And I asked Sergeant Watson, I said, Sarge, how do you want to make this debriefing? Do you want to make it a negative or a positive, you know, with what he said. He said, make that shit a negative. So at that point, my understanding was maybe, you know, he was going to do something and he didn't want to reflect that in the report, then it would take away from the confidential matter that I would assume it would turn into.

Ex. 100 at 14:7-19, 18:21-19:16.

125. Spalding testified as follows subject to defense counsel's motion to strike:

Q. Okay. And after that contact that you were just speaking of, did you or Officer Echeverria contact the FBI at any point?

A. Well, after that. Because at first, I thought that maybe the reasoning for the negative debriefing was that maybe Sergeant Watson was going to initiate a confidential investigation or something. You know, he's a supervisor, I was pretty confident that he was going to handle it according to department rules and regulations. But through the, you know, chain of events that followed and, you know, the information kept flowing in, it became evident that the department was not – I didn't – I did not have the confidence that an investigation, a fair investigation would happen within the department –

Q. Okay

A. -- looking into the allegations.

Q. Okay. I just move to strike as not being responsive to my question, which was simply at some point did you contact the FBI about –

A. Yes.

Q. – the alleged illegal activity of Watts and others.

A. Yes.

Ex. 99 (Dep. of Shannon Spalding (Spalding) Nov. 18, 2014, at 36:6-37:9.

126. Sgt. Watson denied that any such incident alleged by Spalding and Echeverria occurred. (Ex. 101, Watson dep at 27:1-29:24).

127. An FBI report dated September 10, 2007 states as follows with respect to Spalding and Echeverria:

SA [REDACTED] provided that the FBI interviewed and assessed two Chicago Police Officers (CPOs) who were aware of Ronald Watts activities. The CPOs offered to utilize a cooperating witness who is intimately familiar with the area Ronald Watts patrols to identify the pattern of drug sales and "shakedowns" conducted by Watts. The CPOs requested that they receive a transfer to another district prior to assisting the FBI. IAD was informed of this matter and was in the process of assessing the appropriate method of transferring the CPOs without indicating their cooperation with IAD or the FBI. (Ex. 102, FBI000357).

128. Spalding and Echeverria were later assigned to assist the FBI in its investigation of Watts and members of his team. Ex. 100 (Dep. of Echeverria (Spalding)) Dec. 2, 2014, at 8:1-15, 21:13-24; Ex. 86 (Dep. of Echeverria) May 30, 2023, at 59:17-61:1.

129. Spalding has testified that she and Echeverria “strongly emphasized our concerns about officer safety” when they raised their concerns about Watts to CPD Deputy Chief Tina Skahill, and that Skahill “reiterated that, you know, at no time will we be compromised and she commended us for coming forward.” Ex. 99 (Dep. of Spalding) Nov. 18, 2014, at 23:15-29:10.

130. Per an FBI report dated September 10, 2007, when Spalding and Echeverria approached the FBI, “IAD was informed of this matter and was in the process of accessing the appropriate method of transferring the CPOs without indicating their cooperation with IAD or the FBI.” (Ex. 102 at FBI000357). Spalding and Echeverria have testified that their participation in the investigation was discovered by persons who did not have a need to know although they did not testify when this leak allegedly occurred. Ex. 99 (Dep. of Spalding) Nov. 18, 2014, at 92:23-93:12, 96:6-11; Ex. 100 (Dep. of Echeverria (Spalding)) Dec. 2, 2014, at 36:6-38:7. Spalding and Echeverria have alleged that a sergeant not involved in the Investigation allegedly learned of their involvement at some point and made various disparaging statements to them. Ex. 99 (Dep. of Spalding) Nov. 18, 2014, at 90:13-91:6, 177:15-178:10; Ex. 100 (Dep. of Echeverria in (Spalding)) Dec. 2, 2014, at 41:13-42:14, 238:2-18. Spalding testified that a Sgt. Padar told her that a commander named O’Grady had referred to her and Echeverria as “IAD rats.” Ex. 99 (Dep. of Spalding) Nov. 18, 2014, at 89:9. Commander O’Grady denied he called Spalding and Echeverria IAD rats. (Ex. 103, O’Grady dep at 38).

131. Former IAD Chief Tina Skahill testified that when she became Chief of IAD around March 2008, the outgoing Chief Debra Kirby told her the Watts Investigation “was ongoing. It was an FBI-led investigation, you know, and that Spalding and Echeverria were, you know, narcotics officers working with IAD and FBI on the case.” (Ex. 104, Skahill 7/19/23 deposition (confidential) at 38:8-13). Skahill testified that in the Summer 2008 she met with Agent [REDACTED]

Spalding, and Echeverria (and she believes Barbara West) where Agent [REDACTED] was asking that Spalding and Echeverria be assigned “exclusively” to the FBI. (*Id.* at 62:10-25). Skahill testified it was a good idea to do that because “knowing that this investigation had been going on before I got there, we wanted to do everything possible to get into a successful conclusion. And that being, you know, again, the evidence supported a conviction of the officer.” (*Id.* at 63:23-64:4). Lt. Barbara West testified she was present at a meeting with Skahill, Spalding, and Echeverria were told to keep the “information they had confidential and that they would be assigned to work with internal affairs but not be assigned to internal affairs directly so that we could keep their presence confidential.” (Ex. 89, West deposition at 54:1-6).

132. Spalding and Echeverria were given an assignment on the fugitive apprehension team in 2012 at the conclusion of the Investigation, an assignment Chief Rivera said he would help them get, and when asked whether that turned out to be a pretty good assignment, Echeverria testified he retired from there and worked there from 2012 until 2025. (Ex. 105 Echeverria Confidential depo at 118:1-120:1). On January 27, 2012, Chief Rivera forwarded the job opening for the Fugitive Apprehension Section to Echeverria, and Echeverria responded on February 4, 2012 that: “Thanks for the email. I Believe its pretty much wrapped up now, its just a matter of picking up the targets. However I have decided on an FBI task force. Let me know when we can meet and what is out next step?” (Ex. 106, CITY-BG-061117). At the time of his 2014 deposition in his civil case against the City, Echeverria testified that he and Spalding had worked on three separate teams within the Fugitive Apprehension Section: Sgt. Maurice Barnes’ team; Sgt. Mills’ team; and then Sgt. Stack’s team. (Ex. 100, Echeverria depo 12/2/14 at 181, 219). Echeverria was asked if the job on Sgt. Mills team and Sgt. Maurice Barnes’ teams was essentially the same, and testified as follows:

Q. Okay. Other than the fact that when you were working for Sergeant Mills, you were working a different area than you were working with Barnes –

A. That's fair.

Q. -- and you had different hours?

A. That's fair to say.

Q. And you had different days off. Did you have different days off?

A. That's fair to say, as well.

Q. Okay. Other than those things, it was essentially the same job, correct?

A. Yes and no.

Q. Okay. The yest part I get. How is it not essentially the same job other than those things?

A. The same job about it as far as locking people up in Fugitive Apprehension. The crimes were different.

Q. Okay.

A. You would get better cases. Better like cases working that task force team, Barnes' team as opposed to Mills' team, turnstile jumping, dead-end cases, people that were deceased assigned to you. You know, I mean ridiculous.

Q. Okay. You felt like you got better cases under Barnes than Mills?

A. Absolutely. (*Id.* at 182:14-183:18).

Echeverria also testified that him and Spalding were moved off Barnes' team "[t]o better handle our – manager our baggage, as they stated." (*Id.* at 178:19-20) Echeverria testified the retaliation he experienced while on Sgt. Mills's team didn't start until after he and Spalding filed their lawsuit, which was on November 1, 2012. (*Id.* at 191:9-14). Spalding and Echeverria had been assigned to Sgt. Stack's team by the time of their depositions in 2014, and Echeverria testified that there had not been any retaliation against him on Sgt. Stack's team. (*Id.* at 219:20-220:3).

133. Echeverria also testified that he heard part of a conversation between Sgt. Barnes and Spalding as follows:

Q. Do you recall Sergeant Barnes, hearing Sergeant Barnes saying anything else in that incident?

A. Yeah. He referred to back up not coming or the team not liking us any more or the team never like us and things to that effect." (*Id.* at 167:3-8).

134. Spalding testified that one of plaintiff's attorneys called her in December 2015 and asked if she'd be willing to assist with the exoneration of Ben Baker, and she said no because "he's a drug dealer that I chased and is probably where he belongs, and even if he got out, he's just going to go right back to doing what he was going to be doing, and I chased him for 10 years." Ex. 107 (Dep. of Spalding) June 6, 2023, at 47:10-48:4. Spalding was asked:

[REDACTED]

Ex. 72 (Dep. of Spalding) June 6, 2023, at 47:10-48:4.

135. Spalding testified about a meeting she had with Sergeant Maurice Barnes:

Q. What did Sergeant Barnes say or do?

A. I approached Sergeant Watts and asked -- Sergeant Barnes and asked him if I could speak to him and he said, okay. We started talking and I said, you know, it's my understanding that, you know, you have some preconceived ideas about my partner and I and that maybe you're concerned about our reasons for being here. And these are issues that I would -- if you have concerns about, I would like to attempt to address and rectify so that we don't have any future problems.

Q. Okay.

A. And so Sergeant Barnes said, we're going to go, you know, talk and he led me to this back like storage room area, I don't know what it was, up in the Detective Division. And I basically, without naming who, I told him what information I had heard. And, you know, he said, you know, I know that, you know, you worked for IAD, you brought a sergeant down. And I said -- he said, you're going to deny you worked for IAD? I said, well, there's a difference between working for IAD or working on, you know, a case that IAD is involved in, a Narcotics case, you know, with wrongful stuff. I said does -- yes, does IAD become involved, you know, once you learn of some kind of allegations and stuff,

absolutely. What are you supposed to do, you know, but it happens. And he's like, so you like to bring sergeants down, huh? You like to have sergeants arrested? And he's like, you like to do that stuff? And I'm like nobody, you know --

Q. Just tell me what he said and what you said.

A. -- likes to do that. And he's like, well, you know what the problem is, the team doesn't -- the team doesn't like you. They're not going to back you up, they don't trust you. I said, they don't? They don't trust us? And why is that? Because my understanding is they're being ordered by you. They don't have a problem with us. He said, yes, they do. I said, well, do you think it's possible we could have a team meeting to clarify? Let's put all the cards on the table, we'll answer any questions. I don't want any problems. And he said -- again, he would continue to bring up, you like to bring sergeants down, you like to put sergeants in prison, over and over again.

Q. Okay.

A. And then he said, well, you know what, you're not -- you're not social, you don't even -- you don't socialize with the guys. I said, I didn't know socializing with the guys was part of my job requirement. And he's like, well, you know, and they're not going to back you up. You're not safe out here. He said, to be honest with you, 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. That's how serious it is. He said, if you want to address the issue, I'll tell you what, the next time we have a -- I call a team meeting, feel free to stand up and address the issues, but I'm not going to do it.

Q. Okay.

A. So I said, okay. On that particular day, I said, okay.

Ex. 100 (Dep. of Spalding) Nov. 18, 2014, at 232:13-235:14. Spalding stated that this conversation occurred in June 2012. Sgt. Maurice Barnes denied Spalding's allegations. (Ex. 108, Barnes declaration).

136. Spalding has testified that 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. 100 (Dep. of Spalding) Nov. 18, 2014, at 247:23-248:7.

137. Spaargaren and Spalding testified that Officer Matthew Cadman confided to them that he wanted to leave the Watts team because he thought if he stayed he would go to jail. Ex. 62 (Dep of Spaargaren), March 7, 2022 at 109:25-110:9; Ex. 109 (Dep. of Shannon Spalding), June

5, 2023, at 272:12-273:6. Spaargaren testified that he does not know why Cadman left the team. (Ex. 62 (Dep of Spaargaren), March 7, 2022 at 48:5–49:2). When asked if he talked to Spalding about the Watts team, Cadman testified “not that I recall.” (Ex. 61. at 63). Cadman testified that he did not express a concern to Commander Charlie Williams that if he did not leave Watts’ team that he would end up in jail. (*Id.* at 111).

138. Spalding testified that when she attended the Chicago Police Academy in 1996 she was told that “To the best of my recollection, I do recall that we were told – it wasn’t part of a written curriculum but once something is written on a report, no matter what you know, that becomes the truth and you don’t deviate from that.” Ex. 110 (Deposition of Shannon Spalding (Baker)), June 5, 2023, at 10:7-11:3. Spalding testified that she “interpreted” this statement to mean “exactly what it meant, you don’t deviate from that because that would be the fastest way to end your career” and that it meant to her that “when you go against another officer basically is what there were saying. When you go against a fellow officer, that is the fastest way to end your career.” Ex. 110 (Spalding (Baker) Dep.), at 11:6-13.

139. Spalding testified that she understood that if she learned of misconduct by a fellow officer, she should not write it down. Ex. 110 (Spalding (Baker) Dep.), at 11:18-22.

140. Spalding was also asked the following question (which received an objection noted below) and gave the following answer:

Q. Okay. All. Right. I think were we left off is I was just asking – I have no idea – if there are any other instances that you can recall with sworn police officers relating to – that in any way reinforced or contradicted the idea that the fastest way to end your career is to off – is to say something that isn’t on the police report?

City lawyer: “Objection...Asked and answered and form and foundation.”

Q. You can answer.

A. You know, it was always a general topic of conversation in the locker room. I shouldn’t say always. You would hear it. It was conversation. I do recall in the Second District when I did arrive there pretty early on that there was a female officer, don’t remember her name,

but they believed that she worked for IAD. I don't know if it was true or not, but I was warned: Don't work with her. She's an IAD rat. Stay away from her. She was very well hated just from the thought of her potentially being IAD, which is Internal Affairs Division. So that happened. It was a topic of conversation. It was known: Don't work with this one. This one is an asshole, this, this. Things like that continued. It happened all the time. Things would happen.

There were a couple incidents, and I don't recall if -- they occurred in the Second District. I don't recall the time period.

I do remember Ronald Watts walking up, and it struck me as odd, because at this time I didn't know anything that was going on. I was not aware of any criminal conduct happening with Watts, but I do recall him walking up to the desk and saying, "Someone wants to report me for -- you want to report me? Someone wants to go report me to the feds? If anyone wants to go to the feds on me, I will sing a song so loud, I will take this whole fucking city down."

Ex. 110 (Spalding 6/5/2003 Dep.) at 44:21-46:10.

141. Spalding testified:

Q. Okay. So you had this initial conversation with Josh. You told him no. Did you have another conversation that subsequently led to you eventually saying, yes, I'll work with you?

A. I called him back the next day, I believe, or within a day or two, and I said, well -- he said, have you seen the reports? And I said, no, but let me ask you: Does the report read like this? I had not reviewed the reports. I said, does the report read like this? Because I had heard the scenario and the allegations so many times by this time from so many different individuals. And, again, the devil's in the details. And Josh -- I remember Josh saying, so you have read the report? And I said, no, I have not. And he said, well, that's exactly how it reads. So then Ben is saying this from the day he's arrested before I can even -- before we gather any of this evidence or any of this. He's saying this on day one. And then fast forward all these years later. They're gathering this information. Like I said, you don't get the puzzle pieces until years later. So now you're hearing this hundreds of times from all these other individuals. And he says this -- I don't remember what year he was arrested. All these years prior, he's making these allegations, and all these years later, you're getting this information. There's, you know -- was he sitting in jail that day for a crime he committed on that day? Was he a drug dealer? Yes. Did he commit a lot of crimes in his life? Yes. I'll be the first one to say that: Yes, he did. There's no disputing that. Should he be in jail for those crimes? Yes. But was he in jail that day serving a sentence for something he did on that day? I don't know that that was true. I don't believe that that was true, in my --

Q. Okay.

A. -- opinion.

Q. Did you do additional work for the Exoneration Project and with Josh besides just reviewing Ben Baker's case?

MR. TEPFER: Objection; misstates the testimony, but go ahead.

THE WITNESS: I was asked to, like, speak at a panel of attorneys with Josh at -- for Craig Futterman, like, at the University of Chicago for attorneys that were about to graduate, about, you know, the impact of if somebody tells you that they're falsely arrested -- that just because an officer has a badge doesn't mean that the report you're receiving is the truth, the whole truth, and nothing but the truth. Look at it, take -- listen to your clients and the domino effect it has, you know. So I did that. I don't know if you consider that work. I did that. Now and then, Josh would call and ask, I have a nickname. Do you know the real name of this person, or do you remember this? Is that work? I wouldn't classify that as work, or just giving a tidbit of information. When you say "work," I don't classify that as work.

BY MS. OLIVIER:

Q. Sure. It sounds kind of like you were more like a consultant, so to speak.

A. It was so sporadic, that, you know -- I mean, so, so sporadic over all -- you know, that I wouldn't call it as a consultant. I mean, would you call -- that's a consultant? I mean, you could call it what you want.

Q. Sure.

A. I guess if you want -- if you want to give it a label.

Q. What would you feel comfortable terming it, if you have even a term for it? How would you describe what that relationship was between yourself and the Exoneration Project or even Josh?

A. Yeah. I guess sharing information. If you want to say "consultant," you could say consultant. If you want, you know --

Q. I want -- whatever you're comfortable with. So I brought that up. If you don't think that's an accurate depiction of it, just --

A. I guess that would pretty much be -- I mean, they were -- they were looking for clarification, and, I mean, that could be an accurate term.

(Ex. 107, Spalding depo 6/6/23 at 48:19-52:5).

142. The 2017 DOJ Report described its investigation (which began in 2015) as follows: "Our investigation assessed CPD's use of force, including deadly force, and addressed CPD policies, training, reporting, investigation, and review related to officer use of force. The investigation further addressed CPD's and IPRA's systems of accountability both as they relate to officer use of force and officer misconduct, including the intake, investigation, and review of allegations of officer misconduct, and the imposition of discipline or other corrective action." See Ex. 76 (DOJ Report) at 1. The DOJ investigation concluded in its 2017 report 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. 69 (DOJ Report) at 8-9; *id.* at 75 (the investigation concluded that “a code of silence exists, and officers and community members know it.”).

143. The 2017 DOJ report stated 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. 69 (DOJ Report) at 76.

144. The DOJ Report further stated 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. 69 (DOJ Report) at 8-9.

145. In 2016, the City of Chicago’s Police Accountability Task Force Report stated 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. 67 (PATF Report) at 70. The Task Force noted that officers have a duty to report misconduct, but often failed to do so. Ex. 67 (PATF Report) at 73.

146. In 2015, then Mayor Rahm Emanuel acknowledged: “The problem is sometimes referred to as the ‘Thin Blue Line.’ The problem is other times referred to as the ‘Code of Silence.’

It is this tendency to ignore; it is the tendency to deny; it is the tendency in some cases to cover-up the bad actions of a colleague or colleagues. No officer should be allowed to behave as if they are above the law just because they are responsible for upholding the law. Permitting and protecting even the smallest acts of abuse by a tiny fraction of our officers leads to a culture where extreme acts of abuse are more likely...” Ex. 111 (Remarks of Rahm Emmanuel), PL Joint 69860-69869 at 69865.

147. According to the PATF report, Former Superintendent of Police Brzeczek stated that the code of silence has “always” existed within CPD. Ex. 67 (PATF Report) at 70.

148. Former Superintendent Eddie Johnson denied that a code of silence existed. Ex. 112 (Dep. of Eddie Johnson), Aug. 31, 2022, at 72:21-75:7. He also testified subject to a speculation objection as follows:

Q. Why do you think an officer would be afraid to be identified as someone who believed that there’s a code of silence?

A. If I had to guess, just because some of the things you asked me about earlier, fear of retaliation.

Ex. 112 (Dep. of Eddie Johnson), Aug. 31, 2022, at 88:23-89:4.

149. 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 in Klipfel’s favor and held the City liable. Ex. 113 (Klipfel Verdict), PL Joint 4878-4880.

REPORT WRITING

150. Defendant Mohammed testified that:

Q. Are you testifying that it's nevertheless the practice of your team to list people who weren't present in any way for the criminal acts or the arrest on police reports?

A. I'm saying everybody was included as a team.

Q. Even if they weren't there, they would be included on police reports?

A. Yes.

Ex. 114 (Dep. Of Mohammed), November 15, 2023, at 35:4-35:14.

151. Defendant Officer Brian Bolton testified that listing an officer from the tactical team on a vice case report means that the Officer "may have witnessed some event that had took place during the process of this arrest, but I don't know if exactly it would mean the witness of the -- reading the narrative portion of this case report witness, the events that took place in the parking lot, or recovering of narcotics." (Ex. 115, Bolton 9/19/23 deposition at 21:18-22:11). Bolton also testified that generally speaking, a person listed as a witness on a vice case report "could have witnessed the narcotics that were recovered. I could have witnessed the individuals handcuffed in custody. I could have witnesses them going into the -- a transport vehicle." (Id. at 22:23-23:10). He further testified that "[w]itness, from what I see here, could mean that you were actually -- witnessed some portion of the event that -- or the event that took place, I guess." (Ex. 116, Bolton 3/14/2022 deposition at 34:10-13). When asked if being listed as a witness on a vice case report could mean anything else, Bolton testified: "No, it -- I don't think so. I think that's -- witness is you witness some portion of what took place here." (Ex. 116, Bolton 3/14/2022 deposition at 34:14-18). Officer Cadman testified that an assisting arresting officer on an arrest report: "It's an officer that assisted with some portion of the -- the physical arrest and processing. . . . There could be the -- the actual -- the handcuffing of an arrestee, there can be portions -- an officer called to a -- the

scene to assist the officer with a transport, securing property that's on scene at the station and while the -- the arrestee is being processed, it can be guarding an arrestee, it can be taking an arrestee to the bathroom, searching an arrestee, helping some portion of a paper.” (Ex. 61, Cadman deposition at 125:3-20).

152. Lt. Kenneth Mann supervised Ronald Watts and the other officers in Watts’s unit. Mann testified that he met with Watts “at rolls calls and then when I called the sergeants’ meeting for all the sergeants,” which he stated happened “At least once a month.” Ex. 117, Mann Dep. at 52:18-53:2.

153. Mann testified that one of his responsibilities was reviewing arrest reports, which meant a review to “[m]ake sure they were filled out correctly” rather a reviewing for substance. Ex. 117, Mann Dep. at 41:10-41:24. Mann answered “no” when asked if “as the Lieutenant, would you have any way of knowing whether the reports were false,” and answered “correct” when asked “same way you’d have no way to know they were true as the lieutenant?” *Id.* at 41:25-42:5.

Mann testified as follows:

Q. Okay. Do you have any understanding of what Watts and Mohammed were convicted of doing?

A. Only what I read, that --

Q. Tell me what you read, I guess, please.

A. Well, read in the paper that they ripped off FBI informant for X amount of dollars. I don't know.

Q. Have you ever talked to anybody about Watts' and Mohammed's convictions or illegal activities?

A. No.

Q. Did reading about that make you wonder if that happened while you were the lieutenant, and you just didn't know about it?

A. Wonder? You know, I really didn't dwell on it.

Q. Well, maybe -- maybe "wonder" is not the right word. Did it make you curious? Did it make you think about it?

A. Of course. Yes.

Q. Are there -- is there anything, you know, looking back that you'd say, "I wish I would have done this differently as a supervisor over those guys"?

A. No.

Q. And why is that?

A. Well, being a supervisor of a specialized unit, you have to rely on those individuals that work for you, and I supervised them, but they have demonstrated that they can work independently of supervision. That's why they were on the teams. But I really count on the supervisors, the sergeants, to bring to me any problems or requests, but I don't know what to say with Ronnie [phonetic] -- totally, with Sergeant Watts. It totally caught me off guard and by surprise.

Q. So if you rely on the supervisor and the -- the -- the sergeant and the sergeant is a criminal, is there some -- is there a backstop in the system to find problems with the sergeant?

A. -- I don't know. Ex. 117, Mann Dep. at 75-25-77:12.

154. Lt. Fitzgerald provided the following testimony:

Q.·But it would at least indicate that that person who signed it has personal knowledge of the alleged illegal activity?

A.· I would say yes.

Q.·That they saw it or saw --

A.·In some -- yes.· On some level, they were involved, yes.

Q.· Not just that they showed up after and, you know, saw the person that had handcuffs or something like that?

A.·I would imagine no.

Q. In your experience, would the policy allow you to sign for, as the one of the two officers, if all you did was show up after they were arrested?

A.·I mean, it would depend on what your role was, I would imagine.· I think that, you know, it wouldn't be necessarily out of the policy if you then came in and helped process the rest of the way through.

Q.·That could be one of the first two people who signed?

A.·I would say yes. (Ex. 92, at 49:3-50:5; 52:5-14; 212:20-214:1; 215:12-217:13.)

155. Lt. Fitzgerald testified that tactical team officers listed in a vice case report should have played some role in the arrest or participated in the process, whether it was being 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.*

STOP AND SEARCH BY THE WATTS TEAM

156. Without specifying the circumstances of any specific case, Lieutenant Mann testified that he heard that members of Watts's team would go into buildings at Ida B. Wells and stop and search everybody in the lobby of the building for "officer safety, most of the people in the lobby are the dope dealers, or they're carrying," and he believed that it was appropriate to do so. Ex. 117 (Dep. of Mann), Dec. 17, 2020, at 94:3-95:15.

Respectfully submitted,

/s/ Scott Rauscher

Jon Loevy
Scott Rauscher
Tess Kleinhaus
Joshua A. Tepfer
Sean Starr
Loevy & Loevy
311 N. Aberdeen, 3rd Floor
Chicago, IL 60607

Joel Flaxman
Law Offices of Kenneth N. Flaxman P.C.
200 S Michigan Ave, Ste 201
Chicago, IL 60604

Attorneys for Plaintiff

/s/ Daniel M. Noland

Special Assistant Corporation Counsel

Terrence M. Burns
Paul A. Michalik
Daniel M. Noland
Elizabeth A. Ekl
Katherine C. Morrison
Dhaviella N. Harris
Burns Noland LLP
311 S. Wacker Dr., Suite 5200
Chicago, IL 60606
Attorneys for Defendant City of Chicago