

Exhibit J



Transcript of the Deposition of

Jon M. Shane, Ph.D.

Case: Ben Baker, et al. v. City of Chicago, et al.

Taken On: April 23, 2024

Royal Reporting Services, Inc.

Phone: 312.361.8851

Email: info@royalreportingservices.com

Website: www.royalreportingservices.com

Ben Baker, et al. v. City of Chicago, et al.
Deposition of Jon M. Shane, Ph.D. - Taken 4/23/2024

Page 1

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

BEN BAKER and)
CLARISSA GLENN,)
)
)
Plaintiffs,)
) Case No. 16 C 8940
vs.)
)
CITY OF CHICAGO,)
et al.,)
)
Defendants.)

The deposition of JON M. SHANE, Ph.D.,
taken via videoconference, in the above-entitled
cause, for the purpose of discovery before Diane
DeVito, Certified Shorthand Reporter, on the 23rd
day of April, 2024, at the time of 9:30 a.m.,
pursuant to Notice.

Reported By: Diane DeVito, CSR
License No.: 084-004075

Ben Baker, et al. v. City of Chicago, et al.
 Deposition of Jon M. Shane, Ph.D. - Taken 4/23/2024

Page 277	Page 279
<p>1 led you to the conclusion about dishonesty? 2 A. Well, that's what -- that's what 3 Brady/Giglio refers to. If you've been -- if 4 you've been placed on a list like that, your 5 candor and your honesty are what preclude you -- 6 or your lack of candor and honesty are what 7 preclude you from testifying in court.</p> <p>8 Q. Well, Brady specifically refers to a 9 failure to turn over exculpatory evidence to the 10 defense, isn't that correct? 11 A. Yeah. And the evidence that we're 12 talking about would be internal affairs files 13 related to integrity or honesty and things like 14 that.</p> <p>15 Q. So yeah. You're lumping the honesty 16 part of it, though. The Brady component of it 17 actually pertains to disclosure of documents to 18 the defense, correct? 19 MR. HILKE: Object. Just objection to form. 20 You can answer it, Jon. 21 THE WITNESS: Yes. 22 BY MR. ZECCHIN: 23 Q. And on that document, if you recall, it 24 also says "subject to change," correct?</p>	<p>1 there's a way for the State's Attorney's Office 2 to reconsider this? 3 A. Although that's possible, it's my 4 understanding that it would be added to.</p> <p>5 Q. Okay. So your interpretation of this 6 is that "subject to change" means they could add 7 more people, not remove them from the list? 8 A. I suppose it could go in either 9 direction. But I think that once you're on the 10 list, I'm not -- I'm not quite sure how you 11 would get off the list.</p> <p>12 Q. Okay. But either way, you would agree 13 that it could be on-the-list or off-the-list 14 situation depending on the facts of the State's 15 Attorney's review, correct? 16 A. I suppose that's possible.</p> <p>17 Q. I'm going to go back to your report. 18 Okay, sir? 19 A. Sure. Sure. Can you raise the zoom 20 level just a little bit, please?</p> <p>21 Q. Sure. How is that? Better? 22 A. Maybe one more. Yeah, that's good.</p> <p>23 Q. Sure. I'm going to a statement you 24 make on Page 71. You see it's Paragraph 6?</p>
<p style="text-align: center;">Page 278</p> <p>1 A. On the -- on this one here with the 2 Bates number on it?</p> <p>3 Q. The list that you reviewed. I can 4 bring the list up for you, if you'd like. 5 A. If you would, that would be helpful. I 6 don't remember what it says, exactly what you're 7 talking about.</p> <p>8 Q. I'm going to be honest here. I'm going 9 to have to get rid of this and bring the other 10 one up because I don't know how to bring up two 11 screens at once. So give me a moment, please. 12 A. Okay.</p> <p>13 Q. Okay. Can you see what I have up on 14 the screen now, Dr. Shane? 15 A. Yeah. Let me just -- yes.</p> <p>16 Q. And if you look after the Brady/Giglio 17 do not call list, there's an asterisk. Do you 18 see this? 19 A. Yes.</p> <p>20 Q. At the bottom of this page, there's an 21 asterisk that says "subject to change." Do you 22 see that? 23 A. Yes, I do.</p> <p>24 Q. So does that suggest to you that</p>	<p style="text-align: center;">Page 280</p> <p>1 A. Okay.</p> <p>2 Q. And you state, "There is no evidence 3 the officers submit reports accounting for their 4 actions separately without conferring on a 5 common story with each other beforehand." 6 Did I read that correctly? 7 A. Yes, I did.</p> <p>8 Q. So in this case you're saying there's a 9 lack of evidence, rather than affirmative 10 evidence, supporting this statement. Is that a 11 correct assessment of what you said there? 12 A. I'm saying that I haven't reviewed 13 anything that indicated that the officers, when 14 they're submitting administrative reports, do so 15 in a manner that controls their ability to 16 confer on a common story.</p> <p>17 Q. So when you say there's the ability to 18 confer, you're saying that they could confer 19 because there's nothing saying they can't 20 confer? 21 MR. HILKE: Object to the form. 22 You can answer.</p> <p>23 THE WITNESS: I'm saying that I haven't seen 24 any mechanism that holds them from doing that.</p>

Ben Baker, et al. v. City of Chicago, et al.
 Deposition of Jon M. Shane, Ph.D. - Taken 4/23/2024

<p style="text-align: right;">Page 285</p> <p>1 working in the -- in the planning division, the 2 research and planning division, we were 3 responsible for developing the emergency 4 response team in the Newark Police Department. 5 So we designed the policies, we created the 6 training structure, everything related to it, 7 and because of that, we were allowed to apply to 8 become members of that team.</p> <p>9 Now, that team was what was known then 10 as a part-time team. The Newark Police 11 Department did not have a full-time SWAT 12 element. Our SWAT team was known as the 13 emergency response team, and you would serve in 14 your ordinary, everyday capacity. And then if 15 there was -- let's say there was a preplanned 16 search warrant, the team would assemble and do 17 that. If after work you went home, you know, 18 the day finished at 5:00 and 9:00 at night there 19 was a hostage situation or something, you would 20 be paged out and you would come back in.</p> <p>21 Q. Okay. And what percentage of the cases 22 when you were on the TARGET team were involved 23 in narcotics arrests or narcotics 24 investigations?</p>	<p style="text-align: right;">Page 287</p> <p>1 supervision." 2 The list of investigative techniques 3 you list up there under the e.g., the undercover 4 operations, surveillance locations, secrecy, 5 search warrants, reverse sting operations, and 6 buying narcotics, those are all legitimate 7 investigative techniques that are used by 8 narcotics officers, correct?</p> <p>9 A. Yes, they are.</p> <p>10 Q. And are you saying that the officers 11 who are involved in those for some reason are 12 going to be pushed towards engaging in dishonest 13 conduct?</p> <p>14 A. I'm saying that their exposure to 15 chronic elements of those things, chronic 16 exposure to guns and drugs all related to 17 secrecy and working with informants, makes them 18 more prone to succumbing to those temptations 19 than other elements of the police department 20 which is what requires additional supervision.</p> <p>21 Q. Do you have any studies that have found 22 that? I didn't see any cited in this portion of 23 your report. Can you point me to the studies 24 that you rely on for that statement?</p>
<p style="text-align: right;">Page 286</p> <p>1 A. I don't know that I could put a firm 2 number on something like that. There was a 3 great mix of things, street surveillance related 4 to narcotics, street surveillance related to gun 5 possession, buying guns. We were working with 6 the FBI on a joint bank robbery task force. So 7 there was a mix of different things that were 8 going on at that time. I mean, I really 9 don't -- I really don't know the percentages.</p> <p>10 Q. Okay. That's okay. If you do, you do. 11 If you don't, you don't. No big deal.</p> <p>12 Now, I want to go to Page 79 bleeding 13 over into 80. It's up on the screen. The part 14 I want to ask you about is starting on 79 where 15 it says, and going onto 80, "The tactics that 16 must be used to enforce drug laws create an 17 impetus toward dishonesty (e.g., undercover 18 operations, surveillance operations (sic), 19 secrecy, search warrants, reverse sting 20 operations, buying narcotics). Police officers 21 assigned to tactical narcotics enforcement are 22 exposed to corruption hazards more frequently 23 and to a greater degree than other elements of 24 the police department, which requires additional</p>	<p style="text-align: right;">Page 288</p> <p>1 A. Yeah. I think I have some. Right 2 there in the footnote above you in 64. Can you 3 just come down a little bit and let me see what 4 64 is related to?</p> <p>5 Q. Sure.</p> <p>6 A. Hold right there for a moment, please.</p> <p>7 Yeah, so Footnote 64 are some of the 8 studies that reference those things, and I think 9 that goes down onto the next page. I think the 10 footnote goes to the bottom of 80.</p> <p>11 Q. And do you know which jurisdictions 12 were being studied in those reports you cited in 13 that footnote?</p> <p>14 A. No, I don't, no.</p> <p>15 Q. Do you know if they were -- if they 16 were specifically looking at larger metropolitan 17 departments or smaller or mid-sized? Do you 18 have any knowledge of what those reports were 19 specifically looking at department-wise?</p> <p>20 A. I don't remember off the top of my 21 head, no.</p> <p>22 Q. And is there any other area of police 23 work that -- where the officers in that area are 24 subject to the same vulnerabilities or</p>