

# 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

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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

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

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