

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

William Carter, )  
Plaintiff, )  
                  ) No. 17-cv-7241  
-vs-            )  
                  ) (Judge Hunt)  
City of Chicago, et al., )  
                  )  
                  )  
Defendants. )

**PLAINTIFF'S RESPONSE TO DEFENDANT CITY OF  
CHICAGO LOCAL RULE 56.1(a)(2) STATEMENT**

Plaintiff, by counsel and pursuant to Local Rule 56.1(b)(2), submits the following response to the Local Rule 56.1(a)(2) Statement of defendant City of Chicago (ECF No. 201):

1. Plaintiff William Carter resided in the Northern District of Illinois. (Dkt. 1, Complaint ¶12).

**RESPONSE:** Admit.

2. Plaintiff alleges Sgt. Ronald Watts and Officers Alvin Jones, Kallatt Mohammed, John Rodriguez, Kenneth Young, Elsworth Smith, Darryl Edwards, Jerome Summers, and Calvin Ridgell ("Defendant Police Officers") were members of the Chicago Police Department ("CPD") and acting under color of law as police officers. (Dkt. 83, City's Answer to Plaintiff's Complaint, ¶ 14).

**RESPONSE:** Admit.

3. Defendant City of Chicago is an Illinois municipal corporation. (Dkt. 1, Compl. ¶13).

**RESPONSE:** Admit.

4. Plaintiff has brought this action pursuant to 42 U.S.C. § 1983, and this Court has jurisdiction over plaintiff's claims pursuant to 28 U.S.C. §§ 1343 and 1367. (Dkt. 1, Compl. ¶ 11). Venue is proper in the United States District Court, Northern District of Illinois pursuant to 28 U.S.C. § 1391(b).

**RESPONSE:** Admit.

5. During the years 2004 and 2006, Plaintiff William "Yayo" Carter was a daily drug user (marijuana) when he lived in the Ida B. Wells housing complex. (Ex. 14, Plaintiff's deposition, at 7:22-8:6, 24:16-25:18, 32:22-33:4, 87:8-13). On occasion, he would consume ecstasy. (*Id.* at 87:14-19).

**RESPONSE:** Objection, not material and unfairly prejudicial. Plaintiff's drug use is not relevant to defendant's motion for summary judgment.

6. According to Plaintiff, the only drug sales he ever saw when he lived at the Ida B. Wells housing complex was when he purchased marijuana. (*Id.* at 33:16-19).

**RESPONSE:** Admit.

7. In the 2003 - 2007 time frame, the Ida B. Wells housing complex was located within the CPD's Second District. (Ex. 58, 2/25/22 Watts Dep. at 61:6-24). Ronald Watts was one of the sergeants assigned to supervise teams of officers who patrolled areas that included the Ida B. Wells housing complex. (*Id.* at 102:13-24; Dkt. 1, Compl. ¶ 1; Dkt. 83, City Answer ¶ 14).

**RESPONSE:** Admit.

8. Plaintiff was arrested on March 3, 2004 and June 18, 2004 inside buildings of the Ida B. Wells housing complex and charged with drug crimes. (Dkt. 83, City Answer ¶¶ 17; 27; 33; 43). On December 16, 2004, Plaintiff pleaded guilty to and was convicted of drug crimes in Case Nos. 04 CR 9579 and 04 CR 17677, following a court hearing in which Circuit Court of Cook County Judge Nicholas Ford found that a factual basis existed for the pleas, and that Plaintiff's pleas were freely and voluntarily made. (Ex. 15, 12/16/04 Plea Transcript, at 3-5).

**RESPONSE:** Admit.

9. On May 19, 2006, Plaintiff was again arrested on the grounds of the Ida B. Wells housing complex and charged with a drug crime. (Dkt. 83, City Answer ¶¶ 49-50; 62; 69). Plaintiff was found guilty by a jury of possession of a controlled substance with intent to deliver in Case No. 06 CR 13571 and was sentenced to nine years' imprisonment. (*Id.* at ¶72; Ex. 59, Corrected Mittimus at DO-JOINT 016311).

**RESPONSE:** Admit.

10. 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).

RESPONSE: Admit.

11. Holliday, Lt. Rivera, and IAD Sgt. Kenneth Bigg met with a confidential informant ("CI"), who alleged police officers 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.* Subsequent memos indicate this CI was [REDACTED]. (Ex. 3, BAKER GLENN 10947-48).

RESPONSE: Admit.

12. IAD brought [REDACTED] accusation to the United States Attorney's Office ("USAO"), Federal Bureau of Investigation ("FBI"), and other federal agencies during a meeting on September 20, 2004. (Ex. 4, FBI 331; Ex. 5, ATF Management Log at ATF-Baker 38.2; Ex. 6, BAKER GLENN 18628; Ex. 2, Holliday deposition at 68-70).

RESPONSE: Admit.

13. According to ATF's Management Log, the following individuals were present at the September 20, 2004 meeting: Holliday, Lt. Rivera, Sgt. Bigg, Sgt. Harris, [REDACTED] (Ex. 5 at ATF-Baker 38.2). Per Holliday's September 21, 2004 memo, "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."<sup>2</sup> (Ex. 6).

RESPONSE: Admit.

14. 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). Specifically, Rivera testified "it was the AUSA who made [that] decision." (Ex. 8, Rivera dep at 83).

RESPONSE: Admit.

15. 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. 4, 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.*

**RESPONSE: Admit.**

16. 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.*

**RESPONSE: Admit.**

17. 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. 9, FBI 325- 26).

**RESPONSE: Admit.**

18. 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]'s 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.*

**RESPONSE: Admit.**

19. 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.*

**RESPONSE:** Admit.

20. 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 seek prosecution under 18 U.S.C. Sec. 872. *Id.*

**RESPONSE:** Admit.

21. 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 Watts. 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.

**RESPONSE:** Admit.

22. SA [REDACTED] wrote a report concerning the Joint FBI/IAD Investigation 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.*

**RESPONSE:** Admit.

23. 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.*

RESPONSE: Admit.

24. According to a later FBI memo, SA [REDACTED] determined the original 2004 source ([REDACTED]) provided inconsistent statements "regarding the manner of the extortion which prevented using" him. (Ex. 12, FBI 450-55, at 451).

RESPONSE: Admit.

25. 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).

RESPONSE: Admit.

26. In addition to [REDACTED], a second drug dealer named Wilbert "Big Shorty" Moore cooperated relative to the Joint FBI/IAD Investigation, among other things. (Ex. 13, BAKER GLENN 004151-59).

RESPONSE: Admit.

27. 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 Moore, 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).

RESPONSE: Admit.

28. Moore provided information to SA [REDACTED] about his own drug dealing as well as the drug dealing of others, including Ben Baker and [REDACTED]. (*Id.* at BAKER GLENN 4156).

RESPONSE: Admit.

29. 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). According to Moore, Officer Al Jones was said to work on Watts's team, and also allegedly took payments. (*Id.*) Also 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).

**RESPONSE: Admit.**

30. On May 3, 2005, FBI SA [REDACTED] met with Moore, along with IAD Agent Holliday, and DEA/HIDTA Agent [REDACTED]. (Ex. 5 at ATF-Baker 41.2). A later FBI memorandum stated in part as follows:

During his debriefing, Moore implicated Sergeant Ronald Watts in an extortion scheme in Ida B. Wells. Moore was released back into the Wells under a cooperation agreement with ATF. (Ex. 16, FBI 405).

**RESPONSE: Admit.**

31. Moore was murdered on January 19, 2006 by members of the Hobos street gang. *U.S. v. Brown*, 973 F.3d 667 (7<sup>th</sup> Cir. 2020). Following 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.

**RESPONSE: Admit.**

32. In addition to [REDACTED] and Moore, Baker alleged that Watts and members of his team committed acts of misconduct. (Ex. 3, BAKER GLENN 010947-48). Baker made these allegations to law enforcement after he was arrested on March 23, 2005. (Ex. 17, 3/23/05 arrest report).

**RESPONSE: Admit.**

33. 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. 18, Navarro dep at 286).

**RESPONSE: Admit.**

34. 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. 19, Amended First Successive Petition for Post-Conviction Relief of Ben Baker, at ¶17).

**RESPONSE: Objection, any statements by Baker are inadmissible hearsay as to plaintiff.**

35. IAD Agent Holliday reported that while Baker indicated he would cooperate in the investigation of Watts, 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).

**RESPONSE: Objection, any statements by IAD Agent Holliday about conversations with Baker are inadmissible hearsay as to plaintiff.**

36. 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. 20, 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. 21, FBI 337).

**RESPONSE: Admit.**

37. On or about September 28, 2005, Baker's attorney (Mahoney) informed Judge Michael Toomin, the judge in Baker's criminal case (*People v. Baker*, 05 CR 8982), that he wanted to subpoena IAD, which "ASA Navarro knows of." (Ex. 22, BAKER GLENN 010666-74 at 10668, Judge Toomin's 9/28/05 half sheet). Judge Toomin entered an order directing IAD to deliver to Judge Toomin for an *in-camera* inspection its files and information on Police Officers Watts, Jones, Gonzalez, and Nichols. (Ex. 23, Judge Toomin's order).

**RESPONSE: Objection, any statements by Mahoney to Toomin are inadmissible hearsay as to plaintiff.**

38. IAD provided responsive documents to Judge Toomin for *in camera* inspection, and Judge Toomin released documents to the CCSAO and Attorney Mahoney after ASA Navarro told Judge Toomin it was okay to release the records to the parties. (Ex. 22, at BAKER GLENN 010672, Judge Toomin's April 24, 2006 half sheet entry).

**RESPONSE: Objection, this hearsay testimony is not material.**

39. Among other things, the information provided to Judge Toomin, the CCSAO, and Attorney Mahoney included: Moore's allegations as summarized in SA [REDACTED] April 7, 2005 report (Ex. 13, BAKER GLENN 004151-59); the allegations contained in IAD Agent Holliday's September 17, 2004 (Ex. 1, BAKER GLENN 18627) and September 21, 2004 memoranda (Ex. 6, BAKER GLENN 18628); the allegations contained in a March 9, 2005 IAD report that Watts had been accused of taking money from drug dealers in exchange for allowing them to remain in business and of arresting those drug dealers who refused to pay (Ex. 24, BAKER GLENN 000187-189); and the allegations made by Baker, [REDACTED], and Moore contained in IAD Agent Holliday's June 28, 2005 memorandum (Ex. 3, Holliday 6/28/05 Memorandum). (Ex. 25 at ¶5-15 Mahoney affidavit with attachments).

**RESPONSE: Objection, this hearsay testimony is not material.**

40. The CCSAO chose to continue with its prosecution of Baker instead of filing any charges against Watts or members of his team. (Ex. 18, Navarro dep at 311-12).

**RESPONSE: Objection, this hearsay testimony is not material.**

41. 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. 26, 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.)

**RESPONSE: Objection, hearsay.**

42. 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.)

**RESPONSE: Objection, hearsay.**

43. 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).

RESPONSE: Objection, this hearsay testimony is not material.

44. REDACTED.

RESPONSE: Objection, this hearsay testimony is not material.

45. REDACTED.

RESPONSE: Objection, hearsay.

46. 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. 28, at FBI 347-48).

RESPONSE: Objection, hearsay.

47. In November 2006, FBI SA █ and Sgt. Barnes interviewed Glenn. Among other things, Glenn stated that her husband Ben Baker, although on probation, was selling heroin and cocaine at the Ida B. Wells. (Ex. 29, FBI 263-65). Glenn said the first time she came into contact with Watts was in the Summer 2004, when Watts came to her apartment and asked for Baker. (*Id.* at 263). Watts allegedly said: "I heard that you were the only ones over here eating," which meant making a profit from the drug trade. *Id.* Glenn made other allegations of misconduct, including that Watts wanted a payment from Baker to allow him to continue to sell drugs. (*Id.* at 264).

RESPONSE: Objection, hearsay.

48. SA █ authored an FBI memorandum dated January 18, 2007. (Ex. 30, FBI 343- 45). SA █ 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).

RESPONSE: Objection, hearsay.

49. SA █ 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.*) Thus, the federal investigation was reopened by the FBI and AUSA █. (*Id.*)

RESPONSE: Objection, hearsay.

50. 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.*) The memo also notes that the CPD "has access to an apartment unit on the 23rd floor of an apartment building directly adjacent to Ida B. Wells. This unit will be utilized to facilitate and coordinate surveillance activities at Ida B. Wells." (*Id.*)

RESPONSE: Objection, hearsay.

51. The Joint FBI/IAD Investigation continued in 2007, developing and utilizing confidential informants Jamar "Tweek" Lewis, [REDACTED], and others. (Ex. 31, FBI 250-52).

RESPONSE: Objection, hearsay.

52. 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.*)

RESPONSE: Objection, hearsay.

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

RESPONSE: Objection, hearsay.

54. The Joint FBI/IAD Investigation 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. 32, City's Second Amended Answer to Clarissa Glenn's Interrogatories at 26-32). The Joint FBI/IAD Investigation continued with other sophisticated 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. (*Id.* at 28-44).

RESPONSE: Objection, hearsay.

55. 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." (Ex. 33, FBI 909-11).

**RESPONSE: Objection, hearsay.**

56. 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 \*\*\* stated that he initially wanted to attempt another scenario, but due to the difficulty surveilling the CHS, and controlling the scenario, he and AUSA \*\*\* decided "to file extortion charges on Mohammed and attempt to obtain his cooperation, against Watts." (*Id.*)

**RESPONSE: Objection, hearsay.**

57. 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.*)

**RESPONSE: Objection, hearsay.**

58. On November 21, 2011, the Joint FBI/IAD Investigation attempted another scenario to develop sufficient evidence for the USAO to approve charges against Watts and any other involved members. (Ex. 34, BAKER GLENN 002245-54; see also Ex. 35, 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. 36, BAKER GLENN 001295-1319).

**RESPONSE: Objection, hearsay.**

59. The Joint FBI/IAD Investigation attempted additional operational scenarios in January and February 2012 targeting Watts, Mohammed, and any other involved police officers. (See e.g. Group Ex. 37, 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).

**RESPONSE: Objection, hearsay.**

60. 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).

**RESPONSE:** Objection, hearsay.

61. On February 6, 2012, Watts and Mohammed were charged in federal court with theft of Government funds. (Ex. 36, BAKER GLENN 001295-1319). On February 8, 2012, Mohammed was relieved of his police powers. (Ex. 38, CITY-BG-000213). On February 12, 2012, Watts and Mohammed were arrested. (Ex. 39, CITY-BG-000216-220, 276-280). On February 13, 2012, Watts was relieved of his police powers. (Ex. 40, CITY-BG-000273-274). Watts and Mohammed resigned from CPD as a result of the Joint FBI/IAD Investigation. (Ex. 41, CITY-BG-000259, 299).

**RESPONSE:** Admit.

62. 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. 42, 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.*)

**RESPONSE:** Objection, hearsay.

63. 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. 43, FBI 290-91, 295-313).

**RESPONSE:** Objection, hearsay.

64. On or about May 3, 2012, during Mohammed's proffer with the USAO, Mohammed stated that other than himself, he did not know of any other officers who were engaging in criminal activity with Watts. (Ex. 44, FBI 267-76, at 275-76).

**RESPONSE:** Objection, hearsay

65. At or near the conclusion of the Joint FBI/IAD Investigation, former IAD Chief Juan Rivera inquired of 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 or disciplinary charges, and he was told there was not. (Ex. 7, Rivera Confidential dep at 57-60; Ex. 8, Rivera dep at 51-54, 69-70).

**RESPONSE: Objection, not material.**

66. At or near the conclusion of the Joint FBI/IAD Investigation, former Police Superintendent Garry McCarthy 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 or disciplinary charges, and he was told there was not. (Ex. 45, McCarthy deposition at 82-83).

**RESPONSE: Admit.**

67. Several years after the conclusion of the Joint FBI/IAD Investigation, former Superintendent Eddie Johnson 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 or disciplinary charges, and he was told there was not. (Ex. 46, Johnson deposition at 38-43).

**RESPONSE: Objection, not material.**

68. The FBI's September 25, 2014 memorandum closing the Joint FBI/IAD Investigation confirmed that Watts and Mohammed were the only two officers that the evidence established had committed crimes. (Ex. 47, FBI 1279-81). SA █ 2014 closing report 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. (Id.)

**RESPONSE: Objection, this hearsay testimony is not material.**

69. 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. 48, Henderson Declaration at ¶14).

**RESPONSE:** Objection, this hearsay testimony is not material.

70. Plaintiff contends the City should have moved to discipline Watts, Mohammed, or other members of the team before his arrests and prosecutions. (AC ¶¶113-17). 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. 49, West dep at 113-116).

**RESPONSE:** Objection, not material. Plaintiff does not rely on this contention at summary judgment.

71. Chief West testified that during the Joint FBI/IAD 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.*)

**RESPONSE:** Objection, not material.

72. 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 Joint FBI/IAD 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).

**RESPONSE:** Admit.

73. Plaintiff disclosed two experts, Dr. Jon Shane and Jeffrey Danik, who provided reports and deposition testimony regarding, *inter alia*, CPD's supervision and discipline. Shane's report included the following:

- A discussion of the "Metcalfe report," which arose from congressional hearings in 1972;
- A discussion of a 1997 report from the Commission on Police Integrity ("CPI");
- A discussion of the 2017 Department of Justice ("DOJ") report;
- A block quotation taken from two pages of the 2016 Police Accountability Task Force ("PATF") report that mentions allegations against miscellaneous officers who were

indicted over the years, including Jerome Finnigan and Corey Flagg;

- A discussion regarding the rate at which complaints of police officer misconduct are sustained;
- A reference to testimony from Daniel Echeverria and Shannon Spalding in which they claimed they were retaliated against and threatened as a result of their participation in the investigation of Watts;
- An opinion that CPD failed to supervise officers through the internal affairs process and suggested that CPD's failure to properly conduct investigations "would be expected to cause officers involved in narcotics enforcement, like the Defendants in this case, to engage in corruption and extortion and to fabricate and suppress evidence";
- An opinion that CPD should have taken supervisory measures to stop the criminal misconduct at issue here, including moving administratively against Watts, Mohammed, or other officers on the tactical team. (Group Ex. 50, Shane Report excerpt, at 11, 28-52, 72-77, 85, 88-89, 97).

**RESPONSE:** Admit.

74. Danik's report criticized the joint FBI/IAD investigation while suggesting additional investigatory steps that could have been taken or should have been done sooner. (Group Ex. 50, Danik Report excerpt, at 2-3).

**RESPONSE:** Admit.

75. Shane admitted at deposition he does not know anything about Finnigan's or Flagg's cases and did not review the reasonableness of the IAD investigation of Finnigan or Flagg that led to their indictments and convictions. (Ex. 51, Shane Dep., at 260-61).

**RESPONSE:** Admit.

76. Shane and Danik admitted at deposition that had the CPD moved administratively against Watts, Mohammed, or other officers on the tactical team before 2011 that it would have hindered or compromised the criminal investigation, and Watts possibly may never have been arrested. (Ex. 52, Shane dep (*Waddy v. City of Chicago*) at 104-05, 117-18; Ex. 53, Danik dep at 30-31, 45, 256-57; 278-79).

**RESPONSE:** Objection, this speculative testimony is not material.

77. During the relevant time frame, it was the 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. 54, Rules and Regulations at CITY-BG-059172). The Chicago Police Department Rules and Regulations adopted the Law Enforcement Code

of Ethics "as a general standard of conduct for all sworn members of the Department." (*Id.*)

**RESPONSE:** Admit that this was the stated policy.

78. The Law Enforcement Code of Ethics requires police officers to comport themselves in relevant part as follows:

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.*)

**RESPONSE:** Admit.

79. 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).

**RESPONSE:** Admit.

80. As of January 15, 1993, General Order 93-3 went into effect. (Ex. 55, G.O. 93-3: Complaint at Disciplinary Procedures at CITY-BG-059013).

**RESPONSE:** Admit.

81. 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).

**RESPONSE:** Admit

82. 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).

**RESPONSE:** Admit.

83. 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).

**RESPONSE:** Admit.

84. G.O. 93-3 states that investigations undertaken into all alleged or suspected violations of Department Rules and Regulations or directives by members (sworn and civilian) of the Chicago Department are processed in accordance with the provisions of G.O. 93-3. (*Id.* at CITY-BG-059013).

RESPONSE: Admit.

85. 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).

RESPONSE: Admit.

86. CRs go through the Command Channel Review process. (*Id.* at CITY-BG-059035-36). Among other things, Command Channel Review is a means by which supervisors are informed of the nature of allegations against their subordinates. (*Id.*).

RESPONSE: Admit.

87. 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. 56, Rule 30(b)(6) Notice at 3). Relevant to this motion, 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:

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.

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

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

\* \* \*

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

development.

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

The collection, inventory, and testing of suspected narcotics.

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

**RESPONSE:** Admit.

88. 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. 57, Lt. Fitzgerald's deposition transcript).

**RESPONSE:** Admit.

89. Among other things, Lt. Fitzgerald testified that CPD training and policy of all police officers was that police reports are to be accurate (*Id.* at 123-25; 130-31). Lt. Fitzgerald testified that police officers were trained that if they created a false report or lied that led to a false arrest, that they are likely going to be caught and may go to prison themselves. (*Id.* at 162). Lt. Fitzgerald testified that CPD officers are trained not to frame people, and if they do, they may go to prison (*Id.* at 161).

**RESPONSE:** Admit.

90. Lt. Fitzgerald testified that when officers in the department were disciplined or stripped of their police powers, supervisors would notify their team members that discipline had been imposed and remind their subordinates to obey the rules and the law or that would happen to you. (*Id.* at 162).

**RESPONSE:** Admit.

91. Lt. Fitzgerald further testified that tactical team supervisors at the CPD would "guide" and "instruct" officers under their command to follow the rules and the law and to help them not make "dumb mistakes." (*Id.* at 163). And tactical team supervisors would make sure that nobody was being framed by their teams. (*Id.*)

**RESPONSE:** Admit.

92. One of the manners in which the CPD supervises and disciplines its police officers is through Summary Punishment Action Requests, or SPARs. (Ex. 55, 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. 60, Excerpts of CPD's annual reports, at CITY- BG-059402, 59452, 59505, 59557, 59611, 59683, 59759).

RESPONSE: Admit.

93. 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. 60, Excerpts of 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.*

RESPONSE: Admit.

94. The Chicago Police Department has imposed disciplinary actions to correct employee behavior, including sustaining cases between 2001 and 2007, by issuing 1,742 reprimands; 3,680 suspensions; and conducting investigations that resulted in over 691 employees being separated or resigning. (*Id.* at CITY-BG-059402, 59452, 59505, 59557, 59611, 59683, 59759).

RESPONSE: Admit.

Respectfully submitted,

/s/      Joel A. Flaxman  
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