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

William Carter,	)	
	)	
Plaintiffs,	)	
	)	Case No. 17 C 7241
v.	)	
	)	Judge LaShonda Hunt
City of Chicago, Ronald Watts, Darryl Edwards, Alvin Jones, Kallatt Mohammed, John Rodriguez, Calvin Ridgell, Jr., Elsworth J. Smith, Jr., Gerome Summers, Jr., and Kenneth Young, Jr.	)	
	)	
Defendants.	)	

DEFENDANT CITY OF CHICAGO'S LOCAL RULE 56.1(a)(2) STATEMENT OF UNDISPUTED MATERIAL FACTS IN SUPPORT OF ITS MOTION FOR SUMMARY JUDGMENT

Defendant, City of Chicago, by its attorneys, submits the following statement of undisputed material facts, pursuant to L.R. 56.1(a)(2), in support of its Motion for Summary Judgment:

PARTIES

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

2. Plaintiff alleges Sgt. Ronald Watts and Officers Alvin Jones, Kallatt Mohammed, John Rodriguez, Kenneth Young, Elsworth Smith, Darryl Edwards, Gerome 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).

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

JURISDICTION AND VENUE

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).

PLAINTIFF'S ARRESTS AND CONVICTIONS

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[1]). On occasion, he would consume ecstasy. (*Id.* at 87:14-19).

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).

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).

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).

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

[1] In the interest of economy, the City has attached as exhibits the cited excerpts of deposition testimony. Should the Court prefer the complete transcripts, the City will provide them upon request.

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).

THE JOINT FBI/IAD CRIMINAL INVESTIGATION

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).

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 Willie Gaddy. (Ex. 3, BAKER GLENN 10947-48).

12. IAD brought Gaddy's 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).

13. According to ATF's Management Log, the following individuals were present at the September 20, 2024 meeting: Holliday, Lt. Rivera, Sgt. Bigg, Sgt. Harris, AUSA Mark Prosperi, AUSA Gayle Littleton, AUSA David Hoffman, FBI Agent Daria Ringo, FBI Agent Jim McNally, DEA Agent

Scott Masumoto, ATF Agent Susan Bray, and ATF Agent Billy Warren. (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."[2] (Ex. 6).

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).

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.*

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.*

17. FBI Special Agent Matthew Kern interviewed the CI (Gaddy) at 219 S. Dearborn on September 21, 2004 and wrote an FBI 302 report regarding his interview of Gaddy. (Ex. 9, FBI 325-26).

[2] This investigation will be referred to herein as the "Joint FBI/IAD Investigation."

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 Kern's 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 Kern'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.*

19. SA Kern 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 Kern's 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.*

20. Among other things, SA Kern's September 27, 2004 report also states that AUSA Littleton "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 Littleton would seek prosecution under 18 U.S.C. Sec. 872. *Id.*

21. An "Investigative Strategy" is also detailed in SA Kern's 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.

22. SA Kern wrote a report concerning the Joint FBI/IAD Investigation on October 18, 2004. (Ex. 11, FBI 328-29). SA Kern's 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.*

23. Agent Kern's October 18, 2004 report also states that AUSA Littleton:

> 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.*

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

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).

26. In addition to Gaddy, 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).

27. On April 7, 2005, ATF Special Agent Susan Bray 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).

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

29. Paragraphs 53-58 of SA Bray's 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).

30. On May 3, 2005, FBI SA Kern met with Moore, along with IAD Agent Holliday, and DEA/HIDTA Agent Justin Williams. (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).

31. Moore was murdered on January 19, 2006 by members of the Hobos street gang. *U.S. v. Brown,* 973 F.3d 667 (7th 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.

32. In addition to Gaddy 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).

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).

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).

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).

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).

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).

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).

39. Among other things, the information provided to Judge Toomin, the CCSAO, and Attorney Mahoney included: Moore's allegations as summarized in SA Bray's 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, Gaddy, 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).

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).

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.*)

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

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).

44. In October 2005, Clarissa Glenn initiated CR #309282 regarding an incident on August 20, 2005, in which she alleged two male black casually dressed officers entered and searched her residence without a warrant or permission. (Ex. 27, at CITY-BG-012905). Glenn also alleged that on October 23, 2005 an officer gave her a threatening message of bodily harm or arrest for no reason. (*Id.*) Lt. Kenneth Mann, having been assigned to investigate these complaints, requested the CRs be classified as unfounded due to lack of cooperation when Glenn failed to contact him in November 2005. (*Id.*, at CITY-BG-012904).

45. Glenn later wrote to IAD in or about August 2006 and acknowledged her previous lack of cooperation with investigators because, she asserted, her fear of officers Watts and Jones. (*Id.*, CITY-BG-012918-19). In a memo dated September 5, 2006, the Assistant Deputy Superintendent ("ADS") of IAD, Debra Kirby, directed that CR #309282 be reopened and assigned to CIS to be investigated with the ongoing criminal investigation. (*Id.*, CITY-BG-012917). IAD CIS Sgt. Joseph Barnes was assigned to the case. (*Id.*, at CITY-BG-012927).

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).

47. In November 2006, FBI SA Kern 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).

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

49. SA Kern's 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 Littleton. (*Id.*)

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.*)

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

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

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

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).

55. On or about July 13, 2011, FBI SA Michael Ponicki, 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).

56. As for the March 31, 2010 money rip scenario, SA Ponicki's 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 Ponicki stated that he initially wanted to attempt another scenario, but due to the difficulty surveilling the CHS, and controlling the scenario, he and AUSA Shakeshaft decided "to file extortion charges on Mohammed and attempt to obtain his cooperation, against Watts." (*Id.*)

57. The July 13, 2011 SA Ponicki memo further states that on April 14, 2011, SA Ponicki 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 Ponicki was Special Agent Craig Henderson. (*Id.*)

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).

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 Raymond Hart discussed a scenario to take place the week of January 5, 2012. (*Id.*, at FBI 984-85).

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).

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).

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.*)

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).

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).

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).

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).

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).

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 Henderson's 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.*)

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).

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).

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.*)

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).

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).

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).

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).

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).

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.*)

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.*)

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).

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).

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).

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).

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).

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).

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).

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.*).

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:

> 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.*)

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).

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).

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).

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.*)

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).

CPD ANNUAL REPORTS

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.*

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).

Respectfully submitted,

MARY B. RICHARDSON-LOWRY

Corporation Counsel for the City of Chicago

By: /s/ Paul A. Michalik
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EXHIBIT 1

OFFICE OF THE SUPERINTENDENT
Internal Affairs Division

17 SEPTEMBER 2004

TO: Commanding Officer
Internal Affairs Division
Confidential Investigation Section

FROM: Police Agent Calvin HOLLIDAY, Star 10865
Internal Affairs Division
Confidential Investigation Section

SUBJECT: Case Initiation

Complaint Register Number: 300778
Confidential Number: 259476

On 16 September 2004, the undersigned agent was made aware of unknown Public Housing Unit officers taking (tax) money from drug dealers, allowing them to sell their product. The information was obtained from Sergeant Henry HARRIS, Star 2602, of HIDTA. In the debriefing of a Cooperating Individual, this information was obtained.

The C.I. told Lieutenant Juan RIVERA, Star 734, Sergeant Kenneth BIGG, Star 1135 and Police Agent Calvin HOLLIDAY, Star 10865 the officers had approached him and requested payment for his doing business, selling drugs, in their area. Allegedly, one of the officers had shot at him in the year 2003 because he ran away from the officer. They later returned to speaking terms. The C.I. said this is an on going incident and many of the larger drug dealers in the area are paying tax (money) to these officers. Given this information, a Confidential Complaint Register Number is requested.

Calvin Holliday

Calvin HOLLIDAY
Internal Affairs Division
Confidential Investigation Section

APPROVED:

J. Rivera 734

Lieutenant Juan RIVERA
Commanding Officer

EXHIBIT 2

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF
ILLINOIS EASTERN DIVISION
JUDGE FRANKLIN U. VALDERRAMA
MAGISTRATE JUDGE SHEILA M. FINNEGAN
MASTER DOCKET CASE NO. 19-CV-01717

IN RE: WATTS COORDINATED
PRETRIAL PROCEEDINGS

DEPONENT: CALVIN HOLLIDAY
DATE: NOVEMBER 14, 2022
REPORTER: VICTORIA JADICK

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*Will forward upon receipt.

STIPULATION

The VIDEO deposition of CALVIN HOLLIDAY was taken at CHURCHILL COURT REPORTING, 110 NORTH WACKER DRIVE, CHICAGO, ILLINOIS 60606, via videoconference in which all participants attended remotely, on MONDAY the 14th day of NOVEMBER 2022 at 9:15 a.m. (CT); said deposition was taken pursuant to the Rules of Civil Procedure for the United States District Court for the Northern District of Illinois, Eastern Division. The oath in this matter was sworn remotely pursuant to FRCP 30.

It is agreed that VICTORIA JADICK, being a Notary Public and Court Reporter for the State of ILLINOIS, may swear the witness.

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1 Q Same complaint. Yep. What was the next thing
2 you do -- did on the file after you read it?
3 MR. NOLAND: Objection to foundation. Form.
4 You can answer.
5 A I don't remember.
6 Q Okay. And do you recall the FBI becoming
7 involved in the Watts investigation?
8 A Yes.
9 Q And do you recall what the division -- was
10 there a division of responsibility between the CPD and
11 the FBI in that investigation?
12 A This is how I'm going to answer your question.
13 It was a just investigation. There was no division. The
14 FBI was the lead -- the lead in the case. It was
15 theirs. Everything that anybody else did in the case,
16 it probably -- if -- if you've ever worked a case with
17 the FBI, or if you've ever prosecuted one against them,
18 you already know that they were the lead agency.
19 Anything else that they had, people may have been
20 working with them, they weren't privy to what the FBI
21 had. What the FBI had was privy to everything everybody
22 else had. They were the lead, and they were working the
23 case with the U.S. attorney.
24 Q Were there multiple CPD employees from the IAD
25 who helped investigate the allegations against Sergeant

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1 Watts?
2 A There may have been. I don't remember.
3 Q Okay. Do you recall a Keith Calloway
4 (phonetic)?
5 A Yes.
6 Q And did he work on the Watts investigation?
7 A Keith was super -- he was the head of the
8 confidential section. He was a lieutenant, though. And
9 when you say, "worked on it," did he -- did he know what
10 was going on? Yes. Was he somewhat supervising? Yes.
11 Did he have occasion to either make meetings or talk
12 about something? Probably so.
13 Q And what about Sergeant Bigg (phonetic)? Do
14 you recall Sergeant Bigg being involved in the
15 investigation?
16 A Yes. Kenny went with me to one or two of the
17 meetings. Yes, he did.
18 Q And what was his role at those meetings?
19 A He was just -- he was -- I took Kenny with me
20 to -- I took Kenny with me just to keep him appraised
21 just to what was going on, and also, if there was
22 anything that he could do to help me. You know,
23 anything that -- any thoughts or ideas that he had that
24 I might be overlooking.
25 Q Sure. And was this -- was that -- never mind.

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1 Let me ask about Sergeant Broderdorf (phonetic). Do you
2 recall Sergeant Broderdorf being involved?
3 A Ray Broderdorf, he was my supervising sergeant
4 for a while.
5 Q Okay. And do you recall -- do you recall what
6 his involvement was in the Watts investigation?
7 A Other than supervising me, I don't -- I don't
8 remember. I'm not going to say he didn't have any
9 direct business, I just don't remember.
10 Q Okay. And so was there a Sergeant Joe Barnes
11 who you recall being involved in the investigation?
12 A Joe Barnes? I don't remember. I'm not saying
13 it wasn't, I just don't remember right off.
14 Q Okay. Was anyone at -- was there anyone at
15 your level in confidential investigations who also
16 worked on the Watts investigation with you?
17 A No, not -- not while I was there in that --
18 not on -- not on anything that I wrote. The people that
19 were -- that went with me when I did certain interviews
20 or meetings, they're documented. But for the private
21 investigations that I was a -- that I was accountable
22 for, no. I was working by myself.
23 Q Okay. I'm going to share an exhibit with you
24 now. Let's mark this Exhibit number 1. All right. This
25 is at Plaintiff's 018627. Sir, do you recognize this a

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1 report that you wrote -- well, strike that. I - - do
2 you see the date at the upper right, September 17,
3 2004?
4 (EXHIBIT 1 MARKED FOR IDENTIFICATION)
5 A Yes.
6 Q And this is a report from you to the
7 commanding officer of the confidential investigating
8 section?
9 A Yes.
10 Q And does that mean this is a report to Keith
11 Calloway?
12 A Whoever -- this -- okay. Commanding officer,
13 it was -- this was just the format for it, so commanding
14 officer, whoever it was, you know --
15 MR. NOLAND: Wally, if you don't mind. You're
16 only showing him -- you're stating on the record
17 that you're showing him the whole page, but you're
18 not. You're showing him the first three lines. If
19 you showed him the bottom of it, you'll see who --
20 MR. HILKE: Sure. I'll scroll down. I --
21 BY MR. HILKE:
22 Q It says at the bottom, "Approved, Lieutenant
23 Juan Rivera, Commanding Officer." Would -- was Juan
24 Rivera the commanding officer of confidential
25 investigations section at this time?

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1 A Yes, sir. He was.
2 Q Okay. Is this a report you reviewed in
3 preparation for the deposition today?
4 A I -- did I see it? Yes.
5 Q Okay. And for the record, I find I have to
6 zoom in to make this readable, but anytime you want to
7 scroll up or down, just ask me. I had wanted you to
8 have access to the full document as I'm asking you
9 questions about it. Do you see in the first full
10 paragraph, where it says -- the first line is, "On
11 September 16, 2004, the undersigned agent was made aware
12 of unknown public housing officers taking tax money from
13 drug dealers, allowing them to sell their product"?
14 A Yes.
15 MR. NOLAND: You -- you just misread that, that
16 -- I'm sorry. No, you didn't. Sorry about that.
17 MR. HILKE: It's okay.
18 BY MR. HILKE:
19 Q And do you see the next line describing a
20 Sergeant Henry Harris, who the information was obtained
21 from?
22 A Yes.
23 Q Did you speak with Sergeant Harris in your
24 investigation?
25 A Yes.

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1 Q Okay. And do you recall having that
2 conversation with Ms. -- with Sergeant Harris?
3 A Honestly, no.
4 Q And do you see that it describes a debriefing
5 of a cooperating individual? And specifically looking
6 at the last line of that first paragraph, do you see
7 where it says, "In the debriefing of a cooperating
8 individual, this information was obtained"?
9 A Yes.
10 Q And did -- on the next paragraph, it describes
11 a meeting with Rivera, Bigg, you and the CI. Do you see
12 that?
13 A Yes.
14 Q Do you recall having that meeting?
15 A Not really.
16 Q And does he -- does the name Willie Gaddy
17 (phonetic) ring a bell to you in terms of your
18 investigation?
19 A It rings a bell, but it's -- as far as
20 somebody that either I was interested in or spoken with,
21 yes.
22 Q Yeah. And do you see below it, looking at the
23 second paragraph, it says that "The CI reported that the
24 officers had approached him and requesting paying for
25 his doing business selling drugs in their area"?

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1 A Okay.
2 Q And do you see below that he also alleged that
3 one of the officers had shot at him because he ran away?
4 A Yes.
5 Q And near the bottom, that the CI reported that
6 many of the larger drug dealers paid tax money to these
7 officers?
8 A Yes.
9 Q Okay. And do you have any memory of where you
10 met with the confidential informant to get this
11 information?
12 A No. I met with one, I don't even know who he
13 was, probably documented. Well, it is documented. I
14 met with one person in the -- at 26th and California, in
15 the ASA's office. The ASA was present, his attorney was
16 present, myself. I don't know who was with me, but
17 yeah.
18 Q Yeah. And --
19 MR. NOLAND: I think he -- no, I'm -- go ahead.
20 MR. HILKE: No, that's okay.
21 BY MR. HILKE:
22 Q Did you or anyone at this meeting ask the
23 confidential informant who were the other larger drug
24 dealers paying money to these officers?
25 A There were many questions asked, to which we

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1 got no answers.
2 Q So what do you -- what do you remember about -
3 - what do you remember about that interaction in terms
4 of asking about other larger drug dealers and not
5 getting any answers?
6 A What I remember about speaking to all of them,
7 all the so-called witnesses, they were all drug dealers,
8 they were all current drug dealers, and they - - they
9 had something to say, and they probably did have
10 knowledge, but they didn't want to give it up. They
11 said they would cooperate and they -- at later times,
12 they still did not cooperate with me.
13 Q And when you say they didn't cooperate, what
14 do you mean?
15 A They did not provide any information for me.
16 Q All right. Was there a reason you didn't
17 write in this report that this confidential informant
18 had not given you information that had been asked for?
19 MR. NOLAND: Object to the form. You can
20 answer.
21 A No.
22 Q I'm going to stop sharing this document. I'll
23 mark this Exhibit 2, Plaintiff's 18628. So at the top
24 of this document, do you see this is dated
25 September 21, 2004 and that it's a report from you?

1 (EXHIBIT 2 MARKED FOR IDENTIFICATION)
2 A Yes, sir.
3 Q And at the bottom of your report, is that your
4 signature?
5 A Yes, sir.
6 Q And this again is approved by Lieutenant
7 Rivera; is that right?
8 A Yes, sir.
9 Q And in the bottom, do you see there's a
10 confidential number connected with this report?
11 A Yes.
12 Q What is a -- what is a confidential number?
13 A It's the number assigned to the case for the
14 confidential section. I mean, just -- it's a -- it's an
15 identification number.
16 Q Okay. And I'm looking at the body of the
17 report now. Is it correct that this describes -- this
18 report describes a meeting on September 20, 2004?
19 A Okay.
20 Q Is it -- and was this -- did you write this
21 report about a meeting that occurred on September 20,
22 2004?
23 A Yes.
24 Q And do you see that this report describes a
25 meeting with representatives from the United States

1 Attorney's Office, Federal Bureau of Investigations,
2 Drug Enforcement Administration, Alcohol, Tobacco, and
3 Firearms, and the Chicago Police Department?
4 A Yes.
5 Q Did you attend this meeting?
6 A I'm not sure.
7 Q Do you know if any --
8 A I don't know that -- I don't know whether I
9 attended it or I was made aware.
10 Q And do -- sitting here today, do you know who
11 attended this meeting?
12 A No, sir.
13 Q And below it, do you see, starting in the
14 second sentence, where it's -- in the middle of it,
15 where it says, "It was determined this would be a
16 federally prosecuted investigation. The cooperating
17 individual is to be prosecuted in federal court, and the
18 United States Attorney's Office believe they should be
19 in control of everything that results from his
20 cooperation"?
21 A Yes.
22 Q Was it -- am I correct that it was the FBI
23 specifically that led this investigation?
24 A Yes.
25 Q Okay. And what was your understanding of

1 what, if anything, you would do to support the
2 information after this meeting?
3 A So I assume when you say -- and I -- I want
4 you to answer. I assume when you say me, you mean the
5 Chicago Police Department, or are you just talking about
6 me personally?
7 Q Thank you for clarifying. I mean you
8 personally. What did you understand about what you
9 would be doing?
10 A If I did anything, it would be in support of
11 the case that was being handled by the United States
12 government.
13 Q Okay. Does that mean that you would need to
14 inform the FBI of the -- what steps you planned to take,
15 before you took them?
16 A That means anything that I see it -- that I
17 put on paper, that they had.
18 Q Okay. So it -- you mean that they would
19 receive a copy of any report you wrote during your
20 investigation?
21 A Yes.
22 Q Were you free still to take whatever steps you
23 thought appropriate to investigate this allegation?
24 A No, I --
25 MR. NOLAND: (Inaudible). Go ahead. That's

1 fine.
2 Q I'm sorry, I didn't hear your answer.
3 A No.
4 Q Okay. Why not?
5 A Again, as I stated earlier, once the FBI takes
6 a case, they're working with the U.S. attorney, and they
7 go according to what they want to do. Anything that you
8 do is in line with what they're doing, in line with what
9 they say. And furthermore, most of the things that
10 you're doing, as a matter of fact, all of them that
11 you're doing after they take control of the case, is
12 what they say.
13 Q Did you receive instructions originating from
14 the FBI, about how to investigate this case?
15 A No, I did not.
16 Q Did you receive any specific instructions
17 about steps you should take to investigate this case?
18 A No.
19 Q Did you make your own plan for what you could
20 do to support the investigation of this case?
21 A I followed where the information that I was
22 getting at the time took me.
23 Q And as you followed the information you got,
24 did you have to run your next steps by anyone else
25 before you continued to investigate?

EXHIBIT 3

INTERNAL AFFAIRS DIVISION
Confidential Investigation Section

28 JUNE 2005

TO: Commanding Officer
Internal Affairs Division
Confidential Investigation Section

FROM: Police Agent Calvin HOLLIDAY, Star 10865
Internal Affairs Division
Confidential Investigations Section

SUBJECT: Case Information

REFERENCE: Complaint Register Number 300778
Confidential Number 259476

ACCUSED: Sergeant Ronald WATTS, Star 2640

It is alleged Sergeant Ronald WATTS is taking drugs and money from high ranking drug dealers and allowing them to remain in business. It is also alleged that Sergeant WATTS takes drugs and then tells that person they owe him the total street value of the seized drugs or they will go to jail for possession.

The undersigned, in May 2005, met with Assistant States Attorney David NAVARRO (773 869 2897), private attorney Matthew MAHONEY, his client, gang member and drug dealer, Ben BAKER (IR # 901905), his wife, and Sergeants Ray BRODERDORF and Kenneth BIGG at 2650 South California. BAKER spoke of WATTS wanting BAKER to pay WATTS to stay in business and of BAKER'S resisting to do so. BAKER alleged his present case in court was placed on him by Sergeant WATTS. BAKER pledged his co-operation in our investigation and to work as a CI. BAKER stated he would immediately contact the undersigned if he had any contact with Sergeant WATTS. BAKER also spoke of Sergeant WATTS having shot at Willie GADDY for not paying him protection money. BAKER spoke of others selling drugs in the Ida B Wells Housing Projects and that these individuals paid Sergeant WATTS in order to continue to deal drugs. BAKER'S allegations against Sergeant WATTS are essentially the same as those told by two other known drug dealers at the Ida B Wells Housing Projects, Willie GADDY and Wilbert MOORE. These three men had no knowledge the other was talking to a Law Enforcement Agents.

To date, the undersigned has heard nothing from Ben BAKER or his attorney. Another method of investigation, possibly an integrity check, will be sought.

Previously, the undersigned had interviewed drug dealer Willie GADDY, IR # 974447. GADDY was brought in by HIDTA and made available to other Chicago Police Department sections. He was working off a case. He spoke of having been shot at by Sergeant WATTS for not paying protection money while GADDY was selling drugs. He

Complaint Register # 300778
Confidential # 259476
Attachment #

1 of 2

spoke of other drug dealers in the Ida B Wells Housing Projects who are selling drugs and paying WATTS to remain in business. GADDY was never able to assist the undersigned as he was being worked by the Narcotic and Gang Investigation Section.

On 07 April 2005, Wilbert MOORE, a.k.a. Big Shorty, was interviewed by HIDTA and NAGIS personnel. The undersigned also had a conversation with MOORE. In his statement to HIDTA and NAGIS personnel and in his statement to the undersigned, MOORE told of Sergeant WATTS taking money from the drug dealers in the Ida B Wells Housing Projects to allow them to remain in business. He also told of Sergeant WATTS having shot at GADDY for not paying him. MOORE told of other drug dealers who had a financial relationships with Sergeant WATTS and Officer Alvin JONES, Star 19462. MOORE said both took money from drug dealers. He mentioned Officer Kallatt MOHAMMED, Star 14122 but did not accused him of taking money. MOORE was unable to assist the undersigned. He was identified by an officer who worked for Sergeant WATTS on his tactical team, who was detailed to NAGIS. This officer told Sergeant WATTS of MOORE's co-operation. MOORE said that when he was in Ida B Wells, Sergeant WATTS would see him and not speak. MOORE stated if he were with other persons, Sergeant WATTS would make the others get out of the car and go through them, but MOORE had to remain in the vehicle. MOORE would not be searched.

It should be noted, that Sergeant WATTS, Officer Alvin JONES, and Officer Kallatt MOHAMMED were previously assigned to Public Housing South, which has since been deactivated. Sergeant WATTS, Officers JONES and MOHAMMED, all went to the 2nd District. The agent spoke with Commander Walter GREEN of the 2nd District. He told the agent that due to Sergeant WATTS having come from the Public Housing Section, he was under the impression it would be prudent to assign Sergeant WATTS to work with a tactical unit as he was knowledgeable of the area. Commander GREEN said there was no negative information received when he contacted the Internal Affairs Division as to the history of Sergeant WATTS.

The investigation continues...

Police Agent Calvin HOLLIDAY
Internal Affairs Division
Confidential Investigations Section

APPROVED:

SGT. K. C
1055

Acting Commanding Officer
Confidential Investigation Section

Complaint Register #300778
Confidential #259476
Attachment #

EXHIBIT 4

U.S. Department of Justice

Federal Bureau of Investigation

In Reply, Please Refer to
File No.

Chicago, Illinois
October 15, 2004

RONALD WATTS,
POLICE SERGEANT,
CHICAGO POLICE DEPARTMENT;
CSLPO - LAW ENFORCEMENT - DRUG RELATED;
OO: CHICAGO

On 09/21/2004, FBI Chicago received information of an ongoing joint investigation conducted by the Chicago Police Department Internal Affairs Division (CPD-IAD), Drug Enforcement Agency (DEA) and Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF). The investigation involved alleged criminal activity of Chicago Police Department Sergeant Ronald Watts.

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 development. (E) (E)

INVESTIGATIVE STRATEGY

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

AUSA OPINION

AUSA Gayle Littleton has related (K), (L) (K), (L)

This document contains neither recommendations nor conclusions of the FBI. It is the property of the FBI and is loaned to your agency; it and its contents are not to be distributed outside your agency.

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EXHIBIT 5

DEPARTMENT OF THE TREASURY
BUREAU OF ALCOHOL, TOBACCO AND FIREARMS

MANAGEMENT LOG

Case Number: 772015-04-0086

DATE	DESCRIPTION OF ACTIVITY	AGENT
9/9/04	ES approved by AUSA Gayle Littleton and submitted; CI 772000-0462 made electronically recorded telephone calls to various individuals (ROI 1)	Bray
9/10/04	CI 772000-0462 submitted and approved; meeting with AUSA Andrew Porter, Gayle Littleton, , DEA SA William Warren, TFO Richard Brown, and SA Bray; CI 772000-0462 made electronically recorded telephone calls to various individuals (ROI 2)	Bray
9/12/04	CI 772000-0462 ran into [redacted] and [redacted] said [redacted] had firearms to sell to the CI (ROI 2)	Bray
9/14/04	Meeting with AUSA Andrew Porter, Gayle Littleton, Sonny Pasqual, Mark Prosperi, Dave Hoffman, DEA/HIDTA GS Scott Masumoto, DEA SA William Warren, TFO Richard Brown, and SA Bray	Bray
9/15/04	DEA case number: 11-03-0322; ATF working in conjunction with HIDTA Group 23; CI spoke with [redacted] regarding firearms sources; CI 772000-0462 made a phone call to [redacted] regarding firearms he could obtain for CI (ROI 3)	Bray
9/16/04	CI 772000-0462 made electronically recorded telephone calls to [redacted] (ROI5); CI purchased four firearms from Harvey WILLIAMS, a.k.a. "Chubby", through [redacted], a.k.a. "[redacted]". (ROI 6)	Bray
9/17/04	[redacted] called CI 772000-0462 to see if CI needed ammunition	
9/18/04	Shooting in Ida B. Wells Housing Project between Wilbert MOORE, a.k.a. "Big Shorty", and Roderick SMITH, a.k.a. "ChaChi".	Bray
9/20/04	Meeting at AUSA's office with Daria Ringo, FBI, Jim McNally, FBI, AUSA Mark Prosperi, AUSA Gayle Littleton, AUSA David Hoffman, DEA S/A Scott Masumoto, ATF S/A Susan Bray, DEA S/A Billy Warren, Calvin Holliday CPD, Henry Harris HIDTA TFO, Ken Bigg-CPD, Juan Rivera-CPD	Bray
9/22/04	CI 772000-0462 made electronically recorded telephone calls to ROGERS regarding firearms sources (ROI 8); CI went through Ida B. Wells Housing Projects; CI identified various individuals trafficking narcotics and firearms in the Ida B. Wells Housing Projects (ROI 9); CI had an unrecorded telephone call with Roderick SMITH regarding the shooting at Ida B. Wells on 9/18/04 (ROI 10)	Bray
9/28/04	Exhibits 001 through 004 sent to ATF Lab; State COH-175 obtained by CPD; CI 772000-0462 made electronically recorded telephone calls to ROGERS (ROI 11)	Bray
10/1/04	CI 772000-0462 had conversation with SMITH, a.k.a. "ChaChi", regarding war between him and MOORE, a.k.a. "Big Shorty"; CPD recorded under their COH; ES taken into CPD custody; CPD will generate reports	Bray
10/4/04	CI spoke with "ChaChi" about CI purchasing two Mac's from him; ES taken into CPD custody; CPD will generate reports	Bray
10/5/04	CI 772000-0462 met with "ChaChi" regarding purchasing from	Bray

DEPARTMENT OF THE TREASURY
BUREAU OF ALCOHOL, TOBACCO AND FIREARMS

MANAGEMENT LOG

DATE	DESCRIPTION OF ACTIVITY	AGENT
	him; SMITH was arrest by CPD for Aggravated Battery to a Police Officer, UUW, Possession of a Silencer; Ordered Certified Convictions; copy of arrest reports obtained & filed; ES taken into CPD custody; CPD will generate reports	
10/06/04	S/A Bray obtained Illinois license plate info for vehicles driven by [redacted], brown Chevrolet Trailblazer & [redacted], dark green Toyota Camry; Op's Plan submitted for 10/14/04 to have guy go to Indiana to purchase firearms with CI and [redacted]; firearm recovered from SMITH on 10/5/04 traced	Bray
10/13/04	CI 772000-0462 had phone calls with [redacted] regarding firearms [redacted] cousin had for sale from MS source (ROI 156; [redacted] stated [redacted] had AK [redacted] would trade for small handguns (ROI 12); Op's Plan submitted to purchase 4 or 5 firearms from [redacted] and his cousin for $2,400.00 submitted and approved; cousin was a no show (ROI 13)	Bray
10/15/04	CI 772000-0462 had phone calls with [redacted] regarding AK he would sell CI for $800.00 (ROI 14); attempted meet with [redacted] but he was a no show; CI attempted to meet with "Lupe" to purchase one kilogram of cocaine.	Bray
10/16/04	CI 772000-0462 had phone calls with [redacted] regarding AK (ROI 15); Op's Plan submitted for purchase of AK and approved; CI met with and [redacted] aid [redacted] cousin moved firearm; [redacted] told CI that the trip to go to Indiana on Monday still good (ROI 17)	Bray
10/17/04	CI 772000-0462 had phone calls with [redacted] regarding AK and [redacted] trying to get a hold of cousin to get AK	Bray
11/1/04	ATF F 4473 requested for firearm recovered from "Chachi"; FTIP requested for purchaser; received subpoena from AUSA for [redacted] phone records	Bray
11/2/04	ATF F 4473 received from [redacted]; meeting with AUSA Littleton, DEA S/A Warren, HIDTA TFO Wil Svilar, & FBI S/A Matt Kern; Subpoena faxed to MCI for [redacted] phone records	Bray
11/3/04	Certified Convictions obtain for defendants	Bray
11/5/04	Requested subpoena for "Lupe's" phone records ([redacted]) from AUSA	Bray
11/9/04	CI 772000-0462 attempted to call to [redacted] but phone not working; CI trying to obtain phone number to contact [redacted]	Bray
11/12/04	CI met with [redacted] and discussed CI purchasing firearms from [redacted] and [redacted] cousin (ROI 18)	Bray
11/15/04	CI attempted calls to [redacted] regarding purchasing firearms from [redacted] and [redacted] cousin; [redacted] had no minutes on [redacted] phone; Op's Plan submitted for 11/17/04 to purchase firearms from [redacted] and [redacted] cousin	Bray
11/16/04	CI attempted calls to [redacted] regarding purchasing firearms from [redacted] and [redacted] cousin; [redacted] had no minutes on [redacted] phone; S/A Bray met with CPD Gang Specialist Alfonzo Harris to obtain CPD reports for "Chachi" arrest and transcripts of telephone calls and meets; CI gave S/A Bray [redacted] new cellular phone number, [redacted] and [redacted] home number, [redacted] (ROI 19)	Bray

DEPARTMENT OF THE TREASURY
BUREAU OF ALCOHOL, TOBACCO AND FIREARMS

MANAGEMENT LOG

DATE	DESCRIPTION OF ACTIVITY	AGENT
11/17/04	CI attempted calls to [redacted] regarding purchasing firearms from [redacted] and [redacted] cousin; [redacted] had no minutes on his phone; subpoenas for [redacted] cellular telephones, [redacted] $ [redacted], received from AUSA Littleton and faxed to phone companies; Op's Plan submitted for 11/23/04 to purchase firearms from [redacted] and his cousin; received subpoena from AUSA for [redacted] home number	Bray
11/23/04	Faxed subpoena to MCI for [redacted] home number [redacted]; CI attempted calls to [redacted] regarding purchasing firearms from [redacted] and [redacted] cousin; [redacted] had no minutes on his phone	Bray
12/21/2004	Reviewed NFORCE	GS Ellis
1/3/05	CI contacted S/A Bray stating [redacted] had contacted CI regarding (6) firearms he had for sale for $400.00 each (ROI 21); [redacted] new cellular # [redacted] (ROI 20)	Bray
1/4/05	Op's plan submitted and approved; CI had contact with [redacted] regarding firearms and [redacted] said [redacted] would contact the guy and call CI back; no call back (ROI 23)	Bray
1/10/05	Received copies of DEA reports for PEREZ arrest/seizure of cocaine on 10/19/04 and filed them	Bray
1/24/05	Discovery request to AUSA Littleton for PEREZ	Bray
1/27/05	SA Bray met with CI 772000-0462 regarding the arrest of Tulorn FUMBANKS, aka "Taupe" , by CPD (ROI 22)	Bray
2/4/05	Roderick SMITH case opened under UI 772020-05-0027	Bray
3/22/05	Guadalupe PEREZ case opened under UI 772020-05-0042	
3/25/05	S/A Bray, DEA S/A William Warren and CPD Officer John Rytina, [redacted], met with CI 772000-0462 regarding "Big Shorty" (Wilbert MOORE); CI debriefed; CPD narcotics group, Sgt Tony Discritofano, will assist ATF and DEA in this investigation; CI made calls and "Big Shorty" went to Atlanta for the weekend (ROI 24)	Bray
3/30/05	S/A Bray spoke with CPD Sgt. Tony Dicristofano, [redacted], regarding "Big Shorty" and CI's court date being moved to mid-April	Bray
4/1/05	Case Report submitted for Glenn ROGERS and William HARVEY; Interstate Nexus request for firearms purchased on 9/16/04 (ROI 25); CI contacted S/A Bray with MOORE's license plate and possession of firearm (ROI 26); CPD Sgt. Tony Dicristofano, 312-446-8759, was contacted regarding information provided by CI	Bray
4/4/05	CI contacted S/A Bray regarding threat made to him by MOORE (ROI 27); Three-way call with CI, DEA/HITDA G/S Scott Masumoto and DEA S/A Warren and S/A Bray regarding threat; CI advised to relocate and CI complied	Bray
4/7/05	S/A Bray, CPD Sgt. Gorman, CPD Sgt. Di Cristofano, G/S Harris, and DEA S/A Warren interviewed Wilbert MOORE at Homan Square (ROI 28)	Bray
4/8/05	CI packet submitted to G/S; received CPD arrest report for Romell LAWRENCE	Bray
4/11/05	Rec'd arrest report for Romell LAWRENCE for PCS-heroin; DEA S/A Warren contacted S/A Bray regarding two officers on Sgt. Di Cristofano's team are from Sgt. Watts team; CI	Bray

DEPARTMENT OF THE TREASURY
BUREAU OF ALCOHOL, TOBACCO AND FIREARMS

MANAGEMENT LOG

DATE	DESCRIPTION OF ACTIVITY	AGENT
	contacted S/A Warren and stated that Patrick NOONER came up to him and said "I hear you have problems"; [redacted] ERPS hold put on heroin from Romell LAWRENCE's arrest	
4/12/05	SAC authorization to release ROI's approved	Bray
04/13/2005	Reviewed NFORCE and signed criminal case report that charges [redacted] and William Harvey with felon in possession. Test F.I.R.E. report will be submitted to AUSA upon receipt from lab.	GS Ellis
5/3/05	Meeting with Wilbert MOORE, Calvin Holliday, CPD Internal Affairs, Matt Kern, FBI, Justin Williams, DEA/HIDTA, regarding targets relating to Williams case and Sgt. Watts and P.O. Al Jones	Bray

EXHIBIT 6

OFFICE OF THE SUPERINTENDENT
Internal Affairs Division

21 SEPTEMBER 2004

TO: Commanding Officer
Internal Affairs Division
Confidential Investigation Section

FROM: Police Agent Calvin Holliday, Star 10865
Internal Affairs Division
Confidential Investigation Section

SUBJECT: Status Report

ALLEGATION: It is alleged officers in the Public Housing Unit are accepting money from drug dealers, allowing them to continue to sell narcotics.

On 20 September 2004, a meeting occurred with the purpose of implementing some type of strategy for the investigation of this case. After meeting with representatives from the United States Attorneys Office, Federal Bureau of Investigations, Drug Enforcement Administration, Alcohol, Tobacco and Firearms and the Chicago Police Department, it was determined this would be a federally prosecuted investigation. The Co-operating Individual is to be prosecuted in federal court and the United States Attorneys office believe they should be in control of everything thing that results from his cooperation.

Calvin HOLLIDAY
Internal Affairs Division
Confidential Investigation Section

APPROVED:

Lt. J. Rivera 734

Commanding Officer
Confidential Investigation Section

Complaint Register # 300778

Confidential # 259476

Attachment #

EXHIBIT 7

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF
ILLINOIS EASTERN DIVISION
JUDGE VALDERRAMA
MAGISTRATE JUDGE SHEILA M. FINNEGAN
MASTER DOCKET CASE NO. 19-CV-01717

IN RE: WATTS COORDINATED PRETRIAL PROCEEDINGS

CONFIDENTIAL PORTIONS

DEPONENT: JUAN RIVERA
DATE: SEPTEMBER 6, 2023
REPORTER: SYDNEY LITTLE

1 APPEARANCES
2
3 ON BEHALF OF THE PLAINTIFFS, RICKEY HENDERSON, SHAUN
4 JAMES, JAMAR LEWIS, TAURUS SMITH:
5 Scott Rauscher, Esquire
6 Gianna Gizzi, Esquire
7 Loevy & Loevy
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13 gizzi@loevy.com
14
15 ON BEHALF OF THE PLAINTIFFS, FLAXMAN PLAINTIFFS:
16 Kenneth Flaxman, Esquire
17 Kenneth N. Flaxman, P.C.
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20 Chicago Illinois 60604
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23 (Appeared via videoconference)
24
25

1 APPEARANCES (CONTINUED)
2
3 ON BEHALF OF THE DEFENDANT, KALLATT MOHAMMED:
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13 ON BEHALF OF THE DEFENDANT CITY OF CHICAGO:
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24
25

1 APPEARANCES (CONTINUED)
2
3 ON BEHALF OF THE DEFENDANTS, MATTHEW CADMAN, MICHAEL
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14 ON BEHALF OF THE DEFENDANT, RONALD WATTS:
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16 Johnson & Bell
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19 Chicago, Illinois 60603
20 Telephone No.: (630) 765-7766
21 E-mail: mcelroyl@jbltd.com
22 (Appeared via videoconference)
23
24
25

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1 MR. RAUSCHER: Object to form.
2 BY MR. BAZAREK:
3 Q. Do you recall something like that?
4 A. Yes. I -- I recall that in the -- one of the
5 bargaining unit agreements.
6 Q. Okay. So there could -- there would be
7 occasions where if something is, you know, more than
8 five years old, you have to go to the superintendent to
9 get authorization for him to investigate a complaint of
10 wrong -- against police officers, correct?
11 A. Correct.
12 Q. Would you agree that information that is
13 false, and specifically allegations considered -- strike
14 that. Would you agree that false information and false
15 allegations against the -- members should not be
16 furnished to the superintendent of police of -- in order
17 to go forward with an investigation more than five years
18 old?
19 MR. RAUSCHER: Object to form.
20 A. I agree. It -- it should be sustained
21 history.
22 BY MR. BAZAREK:
23 Q. Right. But what I'm saying is: Would it be
24 wrong for an investigating agency to provide false
25 information to the superintendent of police in order to

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1 get authorization to conduct an investigation?
2 A. Yes.
3 Q. Do you know who, from the FBI, it was that did
4 not want Shannon Spalding and Daniel Echeverria allowed
5 into the FBI building?
6 A. I -- I don't know specifically who. I -- I
7 just know the officer that reported the issue of the
8 missing equipment.
9 Q. That's all I have.
10 MR. FLAXMAN: I have a few questions if I may?
11 MR. NOLAND: Who's this?
12 EXAMINATION
13 BY MR. FLAXMAN:
14 Q. Good afternoon, sir. I want to take you
15 back --
16 MR. NOLAND: Just one second. Mr. Rivera,
17 this is Mr. Flaxman. He's one of the plaintiff's
18 counsel.
19 THE WITNESS: Okay.
20 BY MR. FLAXMAN:
21 Q. All right. I'm Kenneth Flaxman, and I
22 represent the Flaxman plaintiff's. I want to take you
23 back in your questioning to where you were explaining
24 that you could not do anything to police officers who
25 are on the street breaking the law because of the FBI

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1 investigation, and I'm paraphrasing it. I'm not trying
2 to put words in your mouth. I'm just trying to orient
3 you to where I'm going to ask my next question. Is that
4 -- are you oriented, sir?
5 A. Yes.
6 Q. Thank you. Did you ever discuss with anyone
7 at the Chicago Police Department, the fact that there
8 were CPD officers on the street who were breaking the
9 law, who you had identified, but you could not do
10 anything about that because of the FBI?
11 MR. BAZAREK: Object to the form of the
12 question. Incomplete hypothetical.
13 MR. NOLAND: Object to the form. Go ahead.
14 THE WITNESS: The supervisors above me,
15 initially, they -- they were aware of it, and they
16 understood that it was an FBI investigation and we
17 weren't going to compromise it or end up
18 obstructing their investigation. We wanted it to
19 move forward. We wanted it to result in the
20 arrests and convictions of these officers.
21 BY MR. FLAXMAN:
22 Q. Could you tell us the names of those
23 supervisors above you?
24 A. Well, we -- I briefed Kirby. I mean, yes,
25 Kirby when I was there initially, when this came about.

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1 She was notified that these officers were being alleged
2 to be extorting or doing -- you know, asking for street
3 tax, and I'm assuming it went up the chain. Every --
4 everyone was briefed up to the superintendent. When I
5 was chief, it went up through my chain of command, which
6 would've been, at the time, Pete Brust, who was a deputy
7 superintendent of -- what is it called? Of my bureau of
8 -- you know, over my bureau, which was Professional
9 Standards at the time. It changed quite a bit, and I
10 would assume he briefed the superintendent at the time.
11 Q. Okay. Did you ever discuss with anybody at
12 the CPD the possibility that someone could approach the
13 U.S. Department of Justice to complain about the FBI
14 insisting that Chicago keep police officers on the
15 street who are engaging in criminal activity?
16 MR. NOLAN: Object to form, argumentative, but
17 go ahead.
18 A. I'm sorry. Can you repeat that again, so I
19 get the --
20 MR. FLAXMAN: Could you read it back, ma'am?
21 THE REPORTER: I can. One moment, please.
22 (REPORTER PLAYS BACK REQUESTED QUESTION)
23 BY MR. FLAXMAN:
24 Q. Do you understand that?
25 A. Yes.

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Q. Okay.
A. There was a -- a conversation, when I returned back as chief, with the superintendent and the chief of staff at the time, which would've been McCarthy as a superintendent, and the conversation was, that this was an ongoing investigation, and he was told the length of the investigation, and he wanted it to come to -- to fruition, and not sure if he followed through, but he made a -- a remark that he was looking possibly to call and find out more about the investigation.
Q. And you said the superintendent and the chief of staff, who was the chief of staff at that time?
A. I'm trying to think back if it was -- I can't recall his name, but his first name was Gus.
Q. Okay.
A. He was chief of staff.
Q. Did you ever hear back from anyone about anything that Mr. McCarthy did in -- after that conversation?
A. I don't recall. I -- I know that he told me to pursue the matter and get -- get to -- get this investigation to fruition as soon as we could. In other words, encourage the agents and the U.S. -- AUSA to move forward with the investigation.
Q. Did he tell you to confer with supervisors of

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the AUSAs about this event?
A. No.
Q. Okay. And you know that there were supervisors for the AUSAs; is that right?
A. I -- I don't recall.
Q. Well, do you know that there was someone called the United States Attorney who was the boss of all the AUSAs?
A. Yes.
Q. Do you know if anyone at CPD ever conferred with the United States attorney for the Northern District of Illinois about the fact that there were Chicago police officers on the street who were breaking the law who were known to CPD, but you could not do anything because of the FBI investigation?
MR. NOLAND: Objection.
MR. BAZAREK: Object to the form of the question. Foundation. Incomplete hypothetical.
A. Well, I -- again, you -- you -- your statement is that we couldn't do anything. We were doing -- we were working with the FBI.
BY MR. FLAXMAN:
Q. What I meant by not do anything, I meant not do anything to take these police officers, who were breaking the law, off the street. Do you know if anyone

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at CPD ever communicated that problem or that issue to the United States Attorney for the Northern District of Illinois?
MR. NOLAND: Object to the form of the question. Foundation. Compound. Vague and ambiguous.
A. I don't -- I don't know of any conversation, no.
BY MR. FLAXMAN:
Q. Okay. I have nothing further. Thank you, sir.
MR. RAUSCHER: I may have one brief. Do you have a question?
MR. NOLAND: Yeah, I have a couple. Yeah.
MR. RAUSCHER: Does anybody else on the Zoom have any questions?
MS. MCELROY: This is Lisa McElroy. I do not have any questions. Thank you.
MR. BAZAREK: Nothing for me.
MR. PALLES: Eric Palles, I have no questions either. Thanks, Chief.
MR. RAUSCHER: Thank you.
EXAMINATION
BY MR. NOLAND:
Q. Just briefly, Chief Rivera, at the conclusion

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of the investigation, after Watts and Mohammad were arrested, were you informed of information from the FBI that the involved officers in the illegal misconduct were Watts and Mohammad and not the remainder -- not the other officers on the team?
MR. RAUSCHER: Object to form.
A. Yes.
BY MR. NOLAND:
Q. Referring you to Exhibit 1. Exhibit 1 was -- is the case initiation for CR number 300778; is that right?
A. That's correct.
Q. And then Exhibit 2, relating to -- it also relates to 300778, and that's the meeting where you were involved with the federal authorities where they explicitly stated this would be a federal investigation prosecuted in federal Court and that they would be in control of the information; is that right?
A. That's correct.
Q. And those -- that number, that 300778 number, that CR is the -- essentially, the main Watts corruption allegation, the CR allegation; is that right?
A. Yes.
Q. And that -- the -- then, additionally, folded into that main corruption allegation, I'm showing you

EXHIBIT 8

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF
ILLINOIS EASTERN DIVISION
JUDGE VALDERRAMA
MAGISTRATE JUDGE SHEILA M. FINNEGAN
MASTER DOCKET CASE NO. 19-CV-01717

IN RE: WATTS COORDINATED PRETRIAL PROCEEDINGS

DEPONENT: JUAN RIVERA
DATE: SEPTEMBER 6, 2023
REPORTER: SYDNEY LITTLE

APPEARANCES

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(Appeared via videoconference)

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1 or for a prior setting?
2 A. Yes.
3 Q. What documents did you look at?
4 A. I looked at some 302s from the FBI that was
5 generated based on this investigation.
6 Q. This meaning the Watts investigation?
7 A. Yes.
8 Q. Okay.
9 A. Some reports that were generated by officers
10 that were involved in the Watts case. I may have looked
11 at -- I -- I -- I just don't recall all of them, but
12 that was the majority.
13 Q. When you say "reports generated by officers
14 involved in the Watts case," you mean the investigation
15 of Watts?
16 A. Yes.
17 Q. You mean C -- are you talking about CPD
18 reports?
19 A. Majority, yes.
20 Q. And then what -- so I know you said 302s,
21 which are -- those are created by the FBI, right?
22 A. Correct.
23 Q. And then of the second category, reports
24 generated by officers involved in the Watts
25 investigation, were there reports by anyone other than

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1 CPD officers you looked at?
2 A. No.
3 Q. Do you remember which officers from CPD
4 prepared reports that you reviewed?
5 A. Agent Holliday.
6 Q. Calvin Holliday?
7 A. Calvin, yes.
8 Q. Okay. Anyone else?
9 A. Also Echeverria, Officer Echeverria.
10 Q. Were the Echeverria reports you're talking
11 about To-Froms?
12 A. Yes, I believe so.
13 Q. Any other reports other than the To-Froms from
14 Echeverria?
15 A. No.
16 Q. Did you review any deposition transcripts?
17 A. Yes. The Spalding and Echeverria one, I
18 believe. Yes.
19 Q. You reviewed their depositions from this case
20 or you reviewed some depositions from their case?
21 A. No. From the one I was involved with them.
22 Q. Was it your deposition in that case you
23 reviewed?
24 A. Yes.
25 Q. Okay. Did that deposition refresh your

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1 recollection about any of the events?
2 A. Yes, of course.
3 Q. What in particular were you -- was your
4 recollection refreshed about from reviewing your
5 deposition?
6 MR. NOLAND: Objection. Form. Over broad. Go
7 ahead.
8 A. I -- I -- mainly time frame, more or less, the
9 time frame as to how the investigation progressed.
10 BY MR. RAUSCHER:
11 Q. The investigation into Watts and Mohammed?
12 A. Yes.
13 Q. Do you know if the investigation ever looked
14 at other officers on the tactical team?
15 A. I -- I -- I believe we asked, and I don't
16 recall any other names. Again, that's my recollection,
17 but I know that the two main officers were Watts and
18 Mohammed.
19 Q. You -- who do you think you asked?
20 A. Well, we were in quarterly meetings, so we
21 would probably have asked the case agent, the FBI case
22 agents, and again, I wouldn't recall who they were, but
23 AUSAs that were involved.
24 Q. Okay. What's the time period when -- do you
25 think you asked that question personally or do you think

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1 someone on your team did or both?
2 A. It could have been both. Again, we had
3 quarterly meetings at times and then there are -- there
4 are times I -- I recall we were asked to go there and
5 meet on a separate date or -- or -- so it wasn't just
6 quarterly meetings, but there were other meetings that
7 we were required or requested to go.
8 Q. Do you have a specific memory of either asking
9 that question or hearing someone else ask it, or are you
10 making an assumption that it would have been asked?
11 MR. NOLAND: Object to the form. Go ahead.
12 A. I recall it being asked by -- I don't know if
13 it was -- I think it was a task force -- one of the task
14 force officers, if I remember correctly.
15 BY MR. RAUSCHER:
16 Q. Do you remember about when during the
17 investigation that was asked?
18 A. No, I would -- I would be speculating.
19 Q. And do you recall what -- the answer you got?
20 A. I'm sorry. I -- I lost track. What was the
21 question again?
22 Q. If you recall the answer to the question?
23 A. What was the question? I'm sorry.
24 Q. Oh, the question was -- well, there's a
25 question and then my question was about a question, so.

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1 But I had asked you if either you or someone on your
2 team asked the FBI, if anyone else was implicated in the
3 investigation. And I believe you said, I think, a task
4 force member asked at a meeting you were present at.
5 A. Right.
6 Q. Is that right?
7 A. Yes, that's correct.
8 Q. Do you know how they -- well, so then it says,
9 how did they ask the question? What did they say?
10 A. I believe the question was whether any of the
11 human sources had mentioned other officers on the team
12 at that point in time. And the answer, I believe, was
13 no.
14 Q. And you don't remember when during the
15 investigation this happened?
16 A. No, I -- I would have to -- I would be
17 speculating.
18 Q. And you think the answer was no; is that
19 right?
20 A. Correct.
21 Q. Do you know who -- you don't know which
22 officer asked the question?
23 A. No, there were a few of them, but.
24 Q. Which ones do you think it could have been?
25 A. Again, I'd be speculating, but I know the task

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1 force officers that might've been there would've been
2 Boehmer, Chester. Who else? I forgot the officer's
3 name. Daria -- I forgot her last name. She was a
4 liaison, but she was CPD.
5 Q. Anyone else?
6 A. Not off the top of my head. I think those
7 were --
8 Q. Did you see any of the 302 -- so you looked at
9 some 302s to prepare for your deposition?
10 A. Yes.
11 Q. Had you seen any of those three oh twos
12 before?
13 A. No.
14 Q. Did you see any 302s during the investigation?
15 A. No.
16 Q. Did any of the 302s you looked at to prepare
17 for your deposition mention other officers besides Watts
18 and Mohammed?
19 A. I -- yes, I did notice that one did mention
20 Jones, I believe.
21 Q. Was that about the theft of about $5,000, if
22 you remember?
23 A. I -- yeah, I don't recall.
24 Q. What do you know -- what do you remember, if
25 anything, about what that 302 said about Jones?

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1 A. That he was possibly present? I'm -- I'm not,
2 again, 100 percent sure.
3 Q. And you haven't seen other 302s talking about
4 another officers potentially being involved?
5 A. No, I don't recall any.
6 Q. Do you have an independent recollection of
7 receiving "To-Froms" that Echeverria created relating to
8 the Watts investigation?
9 A. Do I recall all the content? Not all.
10 Q. No, just --
11 A. -- no, I --
12 Q. -- do you recall that he did that and gave
13 them to you?
14 A. Yes.
15 Q. And do you know why he did that and -- why he
16 created those memos and gave them to you?
17 A. We -- I should say the supervisors in Internal
18 Affairs, myself and Klimas wanted him to document what
19 their daily activity was, more or less what they were
20 involved in.
21 Q. Why did you want him to do that?
22 A. Because at that point in time, they really
23 didn't have anywhere to report. They were no longer
24 allowed into the FBI facility.
25 Q. Why were they not involved -- why were they

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1 not allowed into the FBI facility?
2 A. There was some issue with equipment that was
3 misplaced or lost or --
4 Q. Recording equipment or something else?
5 A. It may have been the recorded equipment or
6 something. Yeah.
7 Q. Who lost it?
8 A. Not sure who lost it. All I know is that they
9 couldn't locate it.
10 Q. So they had been given the responsibility for
11 hanging on to this equipment and they couldn't locate it
12 and the FBI said, "You can't come back here anymore"?
13 A. And -- and, you know -- that's the gist of it,
14 yes.
15 Q. But did you still want them working on the
16 investigation?
17 A. Oh, yes, of course.
18 Q. Did the FBI still want them working on the
19 investigation?
20 A. Yes, because they were handling the informant.
21 Q. Which informant were they handling?
22 A. I don't recall the name.
23 Q. Do you know how many informants they handled
24 for the Watts investigation?
25 A. I only know of the one.

1 factors that can affect the length of these
2 investigations.
3 BY MR. RAUSCHER:
4 Q. Do you think that Ronald Watts was wrongfully
5 convicted?
6 A. I'm sorry? Do -- do I think that Ronald Watts
7 was wrong -- no.
8 Q. No? Why do you think he was not wrongfully
9 convicted?
10 A. All the evidence, you know, shows that he was
11 willing to extort drug dealers.
12 Q. What about Mohammed? Was he wrongfully
13 convicted?
14 A. No.
15 Q. Why was -- why -- what's your position -- what
16 is your basis to say that Mohammed was not wrongfully
17 convicted?
18 A. Same thing. Again, when I was there, he -- he
19 was part of the sting operation, the successful sting
20 operation.
21 Q. Are you aware of any steps that the -- either
22 the Chicago Police Department or the FBI took to
23 determine whether other officers were involved in the
24 alleged illegal activity?
25 A. Again, going back to what I recall, I believe

1 they were all -- from what I recall -- again, they were
2 all part of a either pen register or a wiretap. And
3 towards the end of the investigation, we were adamant
4 that the -- that we knew exactly whether these officers
5 -- these other officers were involved or not. And, so
6 there were several more. I don't know if it was two
7 other sting operations that were either set up or
8 attempted after the successful sting of Watts and
9 Mohammed. And -- and that resulted in negative results.
10 Q. Who were -- who were the targets of those
11 other stings?
12 A. I -- I just -- I think it was just -- I -- I
13 don't recall. Again, I don't recall the seeing the
14 operational plan, so I don't know if they were named on
15 there or not.
16 Q. Do you know if those stings actually took
17 place?
18 A. I -- I know that was -- I know they were
19 attempted. I believe, on the second sting, like Watts
20 and Mohammed were arrested.
21 Q. Second sting against other officers?
22 A. Against the same group. Obviously, they --
23 Watts and Mohammed weren't arrested in the first sting.
24 The goal was to determine if other officers were also
25 involved and I believe the last -- the last attempt,

1 they arrested Watts and Mohammed. Again, that's from
2 what I recall.
3 Q. Do you know why they -- well, did CPD have any
4 say in whether Watts and Mohammed were going to be
5 arrested?
6 MR. NOLAND: Object to the form. You mean the
7 timing of it?
8 MR. RAUSCHER: Generally. Timing, substance.
9 MR. NOLAND: Object to the form. Go ahead.
10 A. Well, I mean, we knew that they were still
11 looking at the conspiracy and we had continued to ask
12 them if we had to be concerned about other officers. So
13 they informed us that they were going to eventually
14 arrest them, but they wanted to attempt these other
15 sting operations.
16 BY MR. RAUSCHER:
17 Q. And did CPD have any say in whether and when
18 Mohammed and Watts were going to be arrested?
19 A. No.
20 Q. Did CPD conduct its own investigation to see
21 whether it needed to be concerned with other officers?
22 MR. NOLAND: Object to the form. Go ahead.
23 A. No, we relied on the extensive investigation
24 and information that the FBI and our task force officers
25 gathered during the Watts and Mohammed investigation.

1 BY MR. RAUSCHER:
2 Q. Were you involved in investigating any CRs
3 when Watts or Mohammed or anyone on their team was
4 accused of framing anyone?
5 A. No.
6 Q. Do you recall seeing any of those when you
7 were at Internal Affairs?
8 A. No, I don't recall seeing anything.
9 Q. Would you have been given CRs against Watts,
10 Mohammed, and team members as a matter of course when
11 you were at IA?
12 A. If it was deemed confidential investigation,
13 it would've made its way to my section, but I don't
14 recall that.
15 Q. You don't recall any of those -- any such CRs?
16 A. I don't recall, no.
17 Q. Do you recall being involved in any decisions
18 as to whether CRs against Watts, Mohammed, or others on
19 the team should be deemed confidential?
20 A. I don't recall. I recall when I was there,
21 other investigations involving them were absorbed into
22 this one.
23 Q. Okay.
24 A. Yes.
25 Q. What do you mean "absorbed into this one"?

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1 BY MR. RAUSCHER:
2 Q. Have you seen it before?
3 A. Yes.
4 Q. Okay. Can you tell me what it is?
5 A. It's the CR initiation for this investigation
6 regarding Watts and Mohammed.
7 Q. Is this the -- to your knowledge, is this the
8 first thing that kicked the -- kicked off the
9 investigation?
10 A. I -- again, I'm going back years, but I
11 believe it was.
12 Q. And it refers to a CI in here; you see that?
13 A. Yes.
14 Q. And it looks like you met with that CI?
15 A. Yes.
16 Q. Yeah. Who was that CI?
17 A. I -- I don't recall his name, but what I do
18 recall was he was a -- a person who was part of a
19 combined, like, DEA, ATF, FBI operation and he was
20 willing to come forward with information. And we were
21 asked if we could go meet at this location and speak to
22 this individual.
23 Q. Did you find him credible?
24 A. Yes.
25 MR. NOLAND: Object to form.

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1 A. Yes.
2 BY MR. RAUSCHER:
3 Q. What was the next step after this memo was
4 written?
5 A. We -- I know we asked the FBI, I think, who's
6 their agent. They were working along with one of our
7 Highland teams, who's CPD, if they needed our
8 assistance, or obviously they -- at that time, they told
9 us they were -- they were the lead. It was their CI, so
10 we deferred, but we -- we basically offered any
11 assistance with regards to the case.
12 Q. And then I'm just going to show you what we'll
13 mark as Exhibit 2, which is PL Joint 010844. Does this
14 memo describe the meeting conversation you just
15 testified about?
16 (EXHIBIT 2 MARKED FOR IDENTIFICATION)
17 A. Yes. In essence, it's what we were told, they
18 were going to take the lead.
19 BY MR. RAUSCHER:
20 Q. It says the lesson says that US Attorney's
21 Office believe they should be in control of everything
22 that results from his cooperation; do you see that?
23 A. Yes.
24 Q. How come it doesn't say what CPD's position on
25 that belief is?

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1 MR. NOLAND: Object to the form, foundation.
2 Go ahead.
3 A. Again, they're look -- if you read up there,
4 it says "federally prosecuted," so that would be --
5 they're taking the lead.
6 BY MR. RAUSCHER:
7 Q. And when it says in here, "It was determined
8 that this would be a federally prosecuted investigation
9 at a meeting that CPD attended, among others," does that
10 mean there was a joint decision that it would be
11 federally prosecuted?
12 A. It was the AUSA who made the decision. Again,
13 this was not our informant. It was theirs, so there's
14 no way we would've made any decision here.
15 Q. Is that because you couldn't have developed
16 evidence without them or for some other reason?
17 A. Because anything they --
18 MR. NOLAND: Objection form. Go ahead.
19 A. Anything they generate would be their
20 property.
21 BY MR. RAUSCHER:
22 Q. Let me rephrase. So does that mean you
23 couldn't develop evidence from this CI without the feds
24 giving it to you; is that fair?
25 A. The way we understood, yes.

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1 Q. All right. I'm going to mark Exhibit 3, which
2 is PL Joint 010861. Have you had a chance to look at
3 this?
4 (EXHIBIT 3 MARKED FOR IDENTIFICATION)
5 A. Yes.
6 BY MR. RAUSCHER:
7 Q. Do you recognize this letter?
8 A. I reviewed this, but I -- I honestly don't
9 recall the letter itself.
10 Q. When you say -- I'm sorry, go ahead.
11 A. No, I'm just saying I -- I -- I -- well, this
12 is one of the items I reviewed, but I really didn't
13 recall this report.
14 Q. That was going to be -- so my question was,
15 when you say you reviewed it, you mean in preparation
16 for your deposition?
17 A. Correct.
18 Q. This is -- this relates to that car accident
19 you were talking about earlier, right?
20 A. I -- not -- not 100 percent sure. Yeah.
21 Q. Well, did you see anything else involving a
22 car accident where Watts was trying to pay for or have
23 someone pay for getting a car fixed from September of
24 2004?
25 A. Oh, I see now, car fixed. I -- I -- I would

EXHIBIT 9

FD-302 (Rev. 10-6-95)

FEDERAL BUREAU OF INVESTIGATION

Date of transcription 09/24/2004

(E) born (E) social security administration account number (P-1), was interviewed at the Dirksen Federal Building, 219 South Dearborn Street, Chicago, Illinois. After being notified of the interviewing agent's identity and purpose, (E) provided the following information:

(E) is currently in the custody of the Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF) and is being held at the Village of Oak Lawn Police Department, 9446 South Raymond Avenue, Oak Lawn, Illinois, telephone number 708-422-8292-7830. (E) is currently operating as a cooperating witness of the ATF in an on-going collaborative investigation along with the Chicago Police Department (CPD) Internal Affairs Division (IAD) and the Drug Enforcement Agency (DEA).

(E) is a member of the Gangster Disciples. (E) has never been employed and has relied upon "hustling" as his only means of financial support. (E) defined "hustling" as selling drugs. (E) began selling cocaine after he was released from prison in 2000 at the Ida B. Wells (IBW) housing project. (E) (E) (E) work for (E) selling drugs at IBW.

(E) met CPD SERGEANT RONALD WATTS in the (E) (E) WATTS's police assignment is IBW. WATTS has approximately eight other CPD police officers that report to him on this assignment. (E) identified FNU MUHAMMAD, FNU MACKINTOSH (phonetic) and FNU SANEZ (phonetic) as three of the officers working with WATTS at IBW.

(E) described 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. (E) (E)

Investigation on 09/21/2004 at Chicago, Illinois

File # 194D-CG-122761 Date dictated 09/24/2004

by SA MATTHEW J. KERN

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SUBJECT TO PRIVACY ACT ORDER

FBI 000325

(E)

(E) stated that MOORE and another drug dealer named PAT MOONEY both have WATTS's cellular telephone number. MOONEY and MOORE use this number to contact WATTS to make arrangements for bribe payments. WATTS receives weekly payments from drug dealers. These payments are typically in the amount of $5,000. Another drug dealer, ANDRE SIMMONS, also made payments to WATTS. SIMMONS is currently finishing his parole in Atlanta, Georgia. (E) described SIMMONS as his "play cousin", meaning they have been close friends (not related) since childhood.

GROUP EXHIBIT 10

(Rev. 01-31-2003)

FEDERAL BUREAU OF INVESTIGATION

Precedence: ROUTINE **Date:** 09/27/2004

To: Chicago **Attn:** SAC Thomas J. Kneir

From: Chicago
WC-2
Contact: SA Matthew J. Kern, 312-786-2698

Approved By: Kneir Thomas J
Ways Joseph C Sr JCW | RKR
McNally James R JRM

Drafted By: Kern Matthew J:mjk MK

Case ID #: 194D-CG-~~NEW~~ 122761 (Pending) -1

Title: RONALD WATTS;
SERGEANT;
UNSUBS;
CHICAGO POLICE DEPARTMENT;
CSLPO-LAW ENFORCEMENT-DRUG RELATED

Synopsis: To request SAC approval to open a preliminary investigation on the above captioned Sergeant with the Chicago Police Department.

Details: On 09/21/2004, Special Agent (SA) Matthew J. Kern met with Assistant United States Attorney (AUSA) Gayle E. Littleton regarding the ongoing joint investigation by the Chicago Police Department Internal Affairs Division (CPD-IAD), Drug Enforcement Agency (DEA) and Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF) of the above captioned CPD Sergeant. The CPD-IAD, DEA, ATF investigation involves the alleged criminal activity of Ronald Watts. Information regarding this allegation was offered and continues to be provided by an ATF source named (E) (protect identity). 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. To date, information provided by the ATF source has resulted in the successful recovery of firearms.

(E)

(E) The Ida B. Wells

housing project is in the vicinity of Rhodes and 35th Street on Chicago's south side. Source also stated that Watts was currently receiving payments from other individuals involved in drug trafficking in the Ida B. Wells housing development. (E) (E) Per ATF intelligence, (E) (E)

AUSA OPINION: AUSA Littleton has related (K), (L) (K), (L)

INVESTIGATIVE STRATEGY: 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 for the captioned officer and associates, as well as review telephone records of Wells. Furthermore, agents will supervise source in conducting consensual telephone recordings. Information gathered during these conversations will be used to corroborate Watt's involvement in receiving payments in exchange for the allowance of continued drug trafficking activity in the Ida B. Wells housing project.

Descriptive Data:

Main Subject	
Name	
Last:	Watts
First:	Ronald
Sex:	Male
Date of Birth:	(P-1), (S)
Drivers License Number:	
City of Chicago Employee ID:	
City of Chicago Employee Number:	
Social Security Number:	
Title:	Sergeant
Star Number:	(S)
Salary:	$5,874.00/month
Address	
Street Address:	(S)
Street Suffix:	
City:	
State:	
Phone Number:	

♦♦

SUBJECT TO PRIVACY ACT ORDER

(Rev. 01-31-2003)

FEDERAL BUREAU OF INVESTIGATION

Precedence: ROUTINE Date: 09/27/2004

To: Chicago Attn: SAC [redacted]

From: Chicago
WC-2
Contact: SA [redacted]

Approved By: [redacted]

Drafted By: [redacted]

b6
b7C

Case ID #: 194D-CG-~~NEW~~ 122761 (Pending)

Title: RONALD WATTS;
SERGEANT;
UNSUBS;
CHICAGO POLICE DEPARTMENT;
CSLPO-LAW ENFORCEMENT-DRUG RELATED

Synopsis: To request SAC approval to open a preliminary investigation on the above captioned Sergeant with the Chicago Police Department.

Details: On 09/21/2004, Special Agent (SA) [redacted] met with Assistant United States Attorney (AUSA) [redacted] regarding the ongoing joint investigation by the Chicago Police Department Internal Affairs Division (CPD-IAD) [redacted] of the above captioned CPD Sergeant. The CPD-IAD [redacted] investigation involves the alleged criminal activity of Ronald Watts. Information regarding this allegation was offered and continues to be provided by [redacted] Information collected that relates to police corruption will be investigated by CPD-IAD and FBI. To date, information provided by [redacted] has resulted in the successful recovery of firearms.

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SA [redacted] met with [redacted] related that [redacted] been solicited by Watts in the past for bribe payments. Making these bribe payments to Watts would permit [redacted] to continue his drug trafficking activity in the Ida B. Wells housing project. The Ida B. Wells

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housing project is in the vicinity of Rhodes and 35th Street on Chicago's south side. [redacted] Watts was currently receiving payments from other individuals involved in drug trafficking in the Ida B. Wells housing development. [redacted]

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AUSA OPINION: AUSA [redacted] has related that the above described matter has prosecutorial potential if further evidence of

EXHIBIT 11

(Rev. 01-31-2003)

FEDERAL BUREAU OF INVESTIGATION

Precedence: ROUTINE **Date:** 10/18/2004

To: Chicago

From: Chicago
WC-2
Contact: SA Matthew J. Kern, 312-786-2698

Approved By: McNally James R

Drafted By: Kern Matthew J:mjk

Case ID #: 194D-CG-122761 (Pending)

Title: RONALD WATTS;
SERGEANT;
UNSUBS;
CHICAGO POLICE DEPARTMENT;
CSLPO- LAW ENFORCEMENT- DRUG RELATED

Synopsis: To provide an update of case developments.

Details: On October 5, 2004, ATF source (E) participated in a consensual recorded telephone conversation with Chicago Police Department (CPD) Officer John P. Dolan. (E)
(E)

Over the weekend of October 9-10, 2004, CPD officers working on the above captioned case escorted (E) to a meeting with Wilbur Moore (aka "Big Shorty") at the Ida B. Wells housing project. (E) 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.

(E)

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SUBJECT TO PRIVACY ACT ORDER

194D-CG-122761-4

On October 14, 2004, ATF Special Agents involved in the above captioned case planned to utilize (E) to facilitate a purchase of firearms. On October 15, 2004, reporting agent learned that this gun purchase did not occur as planned, but was going to be attempted again in the near future.

Assistant United States Attorney Gayle Littleton notified reporting agent that CPD officers involved in the above captioned case were going to attempt another meeting between (E) 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 (E) 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.

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SUBJECT TO PRIVACY ACT ORDER

EXHIBIT 12

(Rev. 06-04-2007)

FEDERAL BUREAU OF INVESTIGATION

Precedence: ROUTINE **Date:** 03/18/2008

To: Chicago

From: Chicago
WC3
Contact: Patrick L. Smith (312) 829-8819

Approved By: Cullen Peter B

Drafted By: Smith Patrick L:pls

Case ID #: 194D-CG-122761 (Pending) -41

Title: OPERATION BRASS TAX;
CSLPO-LAW ENFORCEMENT

Synopsis: To provide a case update.

Details:

BACKGROUND SUMMARY

The above titled case is targeting Sergeant Ronald Watts, a Chicago Police Department Sergeant responsible for the supervision of nine police officers in the Ida B. Wells housing complex. Watts is accused of extorting payments from drug dealers in the Ida B. Wells complex in exchange for police protection. Watts is considered a high level target due to his position as a ranking officer in the Chicago Police Department and the suspected influence he has had on developing a atmosphere of corruption within the ranks he is charged with supervising.

In addition to Watts, the following police officer under Watts' supervision have been accused of participating in the extortion scheme:

Kallatt Mohammed
LaMonica Lewis
Alvin Jones
Brian Bolton

The investigation has developed through the efforts of Case Agents SA Matthew Kern, 2004-2006, SA Kenneth Samuel, 2007, and SA Patrick L. Smith, 2008 - present, as well as the efforts .

CONFIDENTIAL SOURCES

78pls02-ec 194D-CG-122761-41

SA Matthew Kern initiated the above investigation through information provided by (E) (E). Subsequent to a debriefing by SA Kern, (E) provided information implicating Watts and Jones in the extortion of payments from drug dealers in the Wells complex. SA Kern determined that (E) provided inconsistent statements regarding the manner of the extortion which prevented using (E) for future attempts. SA Kern secured two (2) recordings from (E) dated October 5, 2004 and September 16, 2004.

In addition to attempting to use (E), SA Kern attempted to secure the cooperation of, Wilbur Moore, a/k/a "Big Shorty," a high level drug dealer in the Ida B. Wells housing complex ("Wells complex"). Moore was arrested in a joint DEA/ATF sting targeting drug dealers in the Wells complex. Prior to SA Kern's attempt to debrief Moore, Moore was shot and killed. SA Kern later discovered that a task force officer assigned to ATF revealed the cooperation of Moore to an individual later believed to be associated with Watts.

In 2006, (E) approached SA Kern regarding the corrupt activities of Sergeant Ronald Watts. (E) (E) (E) claimed that Watts manufactured a case against (E) and herself because (E) would not pay Watts an extortion payment. (E) offered to act as a liaison between SA Kern and Jamar Lewis, a drug dealer in the Wells complex.

SA Kern interviewed Lewis with the assistance of CPD IAD officer Joseph Barnes. SA Kern determined that Watts directly extorted payments from Lewis. In addition, Watts used Kallatt Mohammed to extort payments from Lewis and his associate (E). SA Kern attempted to secure the cooperation of Lewis prior to SA Kern's transfer in 2006.

SA Samuel was assigned the Watts case following the transfer of SA Kern. SA Samuel coordinated an attempt to work with DEA in a parallel drug investigation targeting the same drug dealers allegedly paying extortion payments to Watts. During this period of time, Lewis failed to contact the FBI.

Following the transfer of SA Samuel, SA Smith was assigned the Watts matter. SA Smith contacted (E) in an attempt to determine the likelihood of securing the cooperation of Lewis as previously pursued by SA Kern. (E) (E)

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(E)

DEA (J-2)

In 2007, SA Kenneth Samuel was informed that DEA (O-1) (O-1) developed a case against drug dealer Teiwan Broughton. Broughton was a high level drug dealer in the Wells complex. Broughton was alleged to be a dealer who utilized Watts' protection in the Wells housing complex.

DEA developed their investigation to a point where they determined a (J-2) (J-2). SA Samuel requested information which related to the Watts case be relayed to the FBI. Prior to the development (J-2), SA Samuel was transferred.

SA Smith met with DEA following the transfer of SA Samuel and reiterated the FBI's interest in any information which

SUBJECT TO PRIVACY ACT ORDER

related to the corruption of Watts and other officers. DEA agreed to provide this information as it developed.

(J-2)

In January 2008, SA Smith was informed that the DEA (J-2) (J-2) In February 2008, DEA informed the FBI that they were no longer interested in Broughton, but were targeting Allen Jackson, a separate drug dealer in the Wells complex. Jackson was also implicated in the payment of bribes to Watts.

DEA SOURCE

In February 2008, DEA informed the FBI through the USAO that a DEA Source had (E) (E) (E) DEA offered to initiate a recorded conversation with the Source in an attempt to secure a bribe with Watts. During this period of time, the FBI was attempting to secure probable cause to (J-2) (J-2) In an attempt to secure probable cause, the FBI agreed to pursue the bribe attempt.

(J-2)

Subsequent attempts to use the DEA Source were not supported by the FBI based on the negative effect the discovery of the Source's cooperation could have on the (J-2)

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FBI (J-2)

(J-2)

(E) identified Jelly Roll as an individual formally known as Big Ant. Big Ant was identified in an interview with SA Kern as someone who paid Watts $3,000 per week to continue his heroin trafficking. Further investigation into Jelly Roll has revealed no identifying information.

CPD (H)

In addition to the use of the (J-2) the FBI requested the use of (H)

(H)

INVESTIGATIVE STRATEGY

1. (J-2)

SUBJECT TO PRIVACY ACT ORDER

2. Agents will task (H) (H) to place their source within the Wells complex to track Watts' movements.
3. Agents will task (H) (H) to target drug dealers within the Second District believed to be involved in the payment of bribes to Watts. (H) (H) (H) to determine if the individuals will reveal their relationship with Watts. The subjects who identify payments to Watts will be pursued for possible flip attempts.
4. Further information will be developed on "Jelly Roll" to determine his relationship with Watts.
5. Agents will continue to press the USAO to secure the release of (E) for his use in the investigation against Watts.
6. Agents will continue to provide financial information to IRS to develop a financial case against Watts and other officers.
7. Agents will continue to provide drug information to DEA.

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EXHIBIT 13

DEPARTMENT OF JUSTICE
BUREAU OF ALCOHOL, TOBACCO, FIREARMS AND EXPLOSIVES
REPORT OF INVESTIGATION

ADDRESSED TO:	MONITORED INVESTIGATION INFORMATION:
Special Agent In Charge Chicago Field Division	Chicago Field Division FY-05 Report 028

TITLE OF INVESTIGATION:
Gangster Disciples–Ida B. Wells Housing Projects

CASE NUMBER:	REPORT NUMBER:
772015-04-0086	28

TYPE OF REPORT: *(Check Applicable Boxes)*

X	REPORT OF INVESTIGATION		COLLATERAL REPLY
	REPORT OF INTELLIGENCE		

SUBMITTED BY *(Name)*	SUBMITTED BY *(Title and Office)*	SUBMITTED BY *(Date)*
Susan M. Bray	Special Agent, Chicago III Field Office	04/14/2005
REVIEWED BY *(Name)*	**REVIEWED BY** *(Title and Office)*	**REVIEWED BY** *(Date)*
Eric A. Ellis	Resident Agent in Charge, Chicago III Field Office	04/14/2005
APPROVED BY *(Name)*	**APPROVED BY** *(Title and Office)*	**APPROVED BY** *(Date)*
Andrew L. Traver	Special Agent in Charge, Chicago Field Division	04/14/2005

DESCRIPTION OF ACTIVITY: Interview of Wilbert MOORE.

SYNOPSIS: On April 7, 2005, ATF Special Agent (S/A) Susan Bray, DEA S/A William Warren, Jr. and Chicago Police Sergeant (Sgt.) Joseph Gorman, Chicago Sergeant Tony Di Cristofano, and Chicago Gang Specialist Alonzo Harris interviewed Wilbert MOORE regarding his knowledge of and association with the individuals trafficking firearms and narcotics in the Ida B. Well Housing Project in Chicago, Illinois (IL).

NARRATIVE:

(1) On April 7, 2005, ATF S/A Susan Bray, DEA S/A William Warren, Jr. and Chicago Police Sergeant (Sgt.) Joseph Gorman, Chicago Sergeant Tony Di Cristofano, and Chicago Gang Specialist Alonzo Harris interviewed Wilbert MOORE regarding his knowledge of and association with the individuals trafficking firearms and narcotics in the Ida B. Wells Housing Project in Chicago, IL at the Chicago Police Department Homan Square facility located at 3340 West Filmore, Chicago, IL.

(2) S/A Bray read MOORE his Constitutional rights via ATF Form 3200.4 and MOORE signed an Advice of Rights and Waiver. MOORE verbally waived his rights and S/A Warren began the interview by stating to MOORE that no promises could or would be made to MOORE. S/A Warren related that any cooperation and information provided by MOORE would be brought to the attention of the Assistant United States Attorney's office.

(3) The following is MOORE's statement, in summary, regarding his knowledge of and association with the individuals trafficking firearms and narcotics in the Ida B. Wells Housing Project in Chicago, IL:

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(4) MOORE related he is a member of the Gangster Disciple street gang in the Ida B. Wells Housing Project extension buildings. MOORE related that he is currently unemployed and that he supports himself by selling heroin and cocaine on a daily basis. MOORE related that he has been selling narcotics in Ida B. Wells for 15-20 years.

(5) MOORE related that he controls the "574" building and up until three months ago he sold heroin on a daily basis from the building. He related that things became "too hot" at the building so he temporarily ceased trafficking heroin out of this building. MOORE stated that it became "too hot" after the shooting between him and Cha-Chi (Roderick SMITH) that occurred in September of 2004 at the Ida B. Wells Housing Projects. MOORE related that after the shooting, the police were very present at the extension buildings and the police were doing a lot of raids. MOORE related that he moved to Atlanta and began working at Harold's Chicken. MOORE related this friend Andre SIMMONS, a.k.a. "Dre", owns the Harold's Chicken and he invested $15,000.00 in the business. MOORE related that he is living with Cedric Benjamin, Dre's nephew, at 2866 Norfair Loop, Lithonia, Georgia (GA).

(6) SIMMONS, Andre, black male, 6'2, 165 lbs, brown eyes, black hair, DOB: 6/20/1968, IR: 980228, SID: IL30925100, FBI: 579163NA4, IDOC: B74775, convicted felon, currently on parole, 2951 Clearbrook Drive, Marietta, GA.

(7) MOORE related that he came back to Chicago when Patrick NOONER, a.k.a. "PT", ask him to come back to Chicago to show him how to mix the heroin and help run the heroin distribution operation. MOORE related that "PT" paid for his airline ticket.

(8) MOORE related that "Tywann" (Tywann BROUGHTON), "Shock" (Roy BENNETT), "Dog" (Harry SEALS), "Harold" (Harold OWENS) and himself run the heroin line known as "Renegade" out of the "574" building. MOORE related the cocaine line is known as "7-11". MOORE related that he sold approximately $10.000.00 of heroin a day out of this building and the profit is divided amongst the five of them. MOORE stated he made approximately $400.00 per day selling heroin. MOORE stated that he and "Dog" mixed the heroin, "Shock" distributes the product out and "Tywann" collects the money.

(9) MOORE related that "Dog" lives at 67th and Seeley and his aunt lives at 38th and Vernon. MOORE related that "Dog" drives a gray Aurora.

(10) MOORE related that "Tywann" lives at 55th and Woods with his girlfriend "Tina". MOORE related "Tywann" drives a white Chevrolet Impala. MOORE related "Twyann" goes with NOONER's sister. MOORE related "Big Folk" in his cellular telephone is "Twyann". MOORE related that he contacts "Twyann" on his cellular telephone number (773) 217-8203 and on his home telephone number (773) 476-5044.

(11) MOORE related that no heroin is currently being sold out of the "574" building. MOORE stated that

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(12) MOORE related that one source of supply for heroin is Antoinette ROJAS. MOORE related that he was previously supplied heroin from Patty ROJAS, Antoinette's sister. MOORE related that Patty is now deceased. MOORE related Patty and Antoinette ROJAS are Columbian. MOORE stated that he purchased 500 grams to one kilogram of heroin from Patty ROJAS on approximately thirty (30) to forty (40) occasions. MOORE related that he has been purchasing heroin from Patty ROJAS since 1999. MOORE related that he would purchase one kilogram of heroin from ROJAS for $82,000.00. MOORE related that he began dealing with Antoinette ROJAS when Patty became too ill and confined to a wheelchair. MOORE described Antoinette ROJAS as black female, 28-30 years old, 5'5", heavy set.

(13) MOORE related that he met Antoinette ROJAS at the Portillo's restaurant on Ontario in Chicago, IL a few weeks prior to Romell LAWRENCE's arrest on March 8, 2005. MOORE related that ROJAS showed up with one kilogram of heroin. MOORE related that ROJAS fronted him the kilogram of heroin. MOORE related that he agreed to pay ROJAS the $82,000.00 in installments. MOORE related that he gave the kilogram of heroin to Rashaun LAWRENCE, a.k.a. "Jigger". MOORE related that a week later LAWRENCE gave him $30,000.00 to pay ROJAS and he stated he paid ROJAS the money. MOORE related that he would make $5,000.00 on the heroin transaction. MOORE stated that he contacts ROJAS on her cellular telephone number (773) 443-2207. MOORE stated that ROJAS drives a white Porsche truck and a blue minivan. MOORE stated that he also contacts ROJAS at her friend's cellular telephone number (773) 443-6205.

(14) MOORE related that he usually meets ROJAS at "Suzies" a hot dog stand at the intersection of Interstate 90 and Montrose to purchase the heroin. MOORE related ROJAS lives nearby this area.

(15) LAWRENCE, Rashaun, a.k.a. "Jigger", black male, DOB: 4/4/1975, 6'1, 235 lbs, brown eyes, black hair, IR: 992596, SID: 31008150, FBI: 271188PA9, a convicted felon, 525 East 37th Street, Chicago, IL.

(16) Rashaun LAWRENCE has a 2004 Pontiac 4-door, Illinois license plate 7786642, VIN: 2G2WP542841168224, registered to him at 575 East Browning, Chicago, IL, 60653. LAWRENCE has Illinois driver's license L652-7207-5097 issued to him at 525 East 37th Street, Chicago, IL, 60653.

(17) MOORE related that Romell LAWRENCE was arrested with 500-600 grams of heroin and it was Rashaun's heroin (C.B. No. 16112562, R.D. No. HL-223206, dated March 8, 2005). MOORE related that Rashaun LAWRENCE posted $30,000.00 for Romell's bond.

(18) MOORE related that LAWRENCE still owes ROJAS $44,000.00. MOORE related that LAWRENCE is trying to sell his van and jewelry to make money to pay back ROJAS. MOORE related that a week ago LAWRENCE gave him $8,000.00 to pay ROJAS and he stated he paid ROJAS the money.

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(19) MOORE related that LAWRENCE does not have a line in any of the buildings. MOORE related that LAWRENCE bags up his heroin and sells it under other people's lines in the extension buildings. MOORE related LAWRENCE pays the workers on the other lines to sell his heroin. MOORE related that LAWRENCE told him, "I needs to make money". MOORE stated LAWRENCE said he needs to get the debt to ROJAS paid so he can purchase more heroin from her.

(20) MOORE related that LAWRENCE is trying to sell his 1998 black and gray conversion van for $15,000.00. MOORE related LAWRENCE also drives a 2000 or 2002 black Grand Prix with tinted windows. MOORE related that he contacts LAWRENCE on his cellular telephone number (773) 297-4703.

(21) MOORE related that after Patty ROJAS passed away six months prior, he started to purchase heroin from Patrick NOONER, a.k.a. "PT". MOORE related that for the first two weeks he purchased 100 grams of heroin everyday from NOONER for $8,500.00. MOORE stated that for the next following week he purchased 200 grams of heroin from NOONER for $17,000.00. MOORE related that he then purchased a kilogram of heroin for $85,000.00 every ten (10) days to two weeks from NOONER.

(22) MOORE related that on one occasion he met with NOONER off the expressway right after NOONER had received a shipment of narcotics. MOORE related that NOONER was driving his white van. MOORE stated he saw NOONER in possession of fifty (50) kilograms of cocaine and three (3) kilograms of heroin. MOORE related that NOONER gave him a kilogram of heroin and ten (10) kilograms of cocaine. MOORE related that NOONER has a long white van that he utilizes when he is going to pick up a load of narcotics. MOORE related that NOONER usually parks the van in front of the "540" building. MOORE related that NOONER also drives a blue minivan and black Dodge truck.

(23) MOORE related that NOONER would bring him a sample of heroin to show him and to ask him what he could do with it. MOORE related that it is known that he knows "dope".

(24) Patrick NOONER has a 2001 Chevrolet carryall, Illinois license plate number 6039488, registered to him at 16781 Torrence Avenue, Apartment 207, Lansing, IL, 60438. NOONER has 2005 Dodge carryall, Illinois license plate number 6968672 registered to him at the Lansing address. NOONER has Illinois drivers license number N560-6657-1099 issued to him at the Lansing address.

(25) MOORE related that he gave the ten (10) kilograms of cocaine to Arnold COUNCIL. MOORE related that COUNCIL ran the crack line known as "Pink Panther" out of the 4429 Federal building. MOORE related that NOONER would give him one kilogram of heroin and five (5) kilograms of cocaine at a time. MOORE related that he gave the "C", referring to cocaine, to COUNCIL. MOORE stated that he did not deal cocaine but sells cocaine in weight. MOORE stated that he would front COUNCIL the five (5) kilograms of cocaine. MOORE stated that NOONER would sell the five kilograms of cocaine to him for $100,000.00. MOORE related that COUNCIL drove a blue Concorde or a beige Bonneville.

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(26) COUNCIL, Arnold, black male, DOB: 8/14/1976, 5"10", 160 lbs, brown eyes, black hair, IR: 1027565, SSN: 353-64-6539, SID: IL34024590, FBI: 577940RA7. COUNCIL has Illinois drivers license number C524-01276231 issued to him at 3714 South Indiana, Chicago, IL, 60653.

(27) MOORE related that he believes that COUNCIL had someone break into his apartment in the "574" building and steal $85,000.00. MOORE related that he was out of town and "Dog" (Harry SEALS) was staying at his place. MOORE related that COUNCIL called "Dog" and asked him to meet him. MOORE related that while "Dog" went to meet with COUNCIL the break-in occurred. MOORE related that a search warrant was executed at COUNCIL's residence in May of 2004 and since this time he and COUNCIL have had their differences. MOORE related that COUNCIL is associated with Torrence COOKS.

(28) MOORE related that NOONER is supplying "L" (Lamont WATSON) with cocaine and heroin to sell out of the "540" building. MOORE related that NOONER supplies WATSON with one kilogram of heroin and five (5) kilograms of cocaine at a time. MOORE related that his heroin line is known as "red line" or "Powerball". MOORE related that "Mac", WATSON's brother, is selling out of the "540" building. MOORE related that WATSON does his operation all himself. MOORE related that WATSON drives a blue Chevrolet Lumina with tinted windows and a maroon Impala, which is a rental car. MOORE related WATSON lives in Lake Meadows near 35ths Street and Rhodes, Chicago, IL.

(29) MOORE related that he contacts WATSON on his cellular telephone number (773) 908-9615.

(30) MOORE stated that Jovan TOWERS, a.k.a. "Vonnie or V-Lo" is selling narcotics out of the "540" building. MOORE stated that TOWERS works for Lamont WATSON.

(31) MOORE related that "Little J-J", a.k.a. "Killer", (FNU LNU), has a line in the "540" building. MOORE related that "Little J-J" is a known "shooter". MOORE related that "Little J-J" was involved in a shooting with GADDY (shooting occurred on March 23, 2005). MOORE stated that "Little J-J" followed GADDY, who was with "Gabe" and "Fuzz" (Leonard GIPSON) and GADDY shot at "Little J-J" and "Little J-J" shot back at them. MOORE described "Little J-J" as a black male, 5'0, 15 or16 years old.

(32) MOORE stated that Valentino WILBOURN, a.k.a. "Tino", just got out of jail. MOORE related that WILBOURN did five (5) years in prison. MOORE related that WILBOURN took over the "559" building.

(33) MOORE stated that "Gabe" (Gabriel BUSH) still has a heroin line in the "559" building. MOORE related that "Gabe" works for Willie GADDY. MOORE related that "Gabe" has been involved in numerous shootings lately. MOORE related that about a month ago "TA" shot "Gabe".

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(34) MOORE stated that "Taupe" (Tulorn FUMBANKS) was arrested with "Gabe's" firearm (FUMBANKS was arrested on December 30, 2004 for Aggravated Unlawful Use of a Weapon, C.B. No. 16047306).

(35) MOORE related that Bobby COLEMAN and Willie GADDY caught a state case together (GADDY and COLEMAN were arrested on February 6, 2004 for Possession of a Controlled Substance, C.B. No. 15721799/15721825). MOORE related that COLEMAN works for GADDY.

(36) MOORE related that "Stank" (FNU LNU) controls the "575 building. MOORE stated that Allen JACKSON, a.k.a. "AllenJ", and Brian FORD, a.k.a. "B-Lo", work for "Stank" in the "575" building. MOORE related that "B-Lo" goes to NOONER when "Stank" does not have any narcotics.

(37) MOORE related "Big Cuz" in his cellular telephone is Brian FORD. MOORE related that he contacts FORD on his cellular telephone number (312) 208-9514.

(38) MOORE related that "Little Reggie" (FNU LNU) works in the "527" building and he is working for Torrence COOKS.

(39) COOKS, Torrence, black male, DOB: 3/5/1973, 6'1", 260 lbs, brown eyes, black hair, IR: 930227, SID: IL29272030, FBI: 809183NA6, SSN: 340-62-1312, 18110 Orleans Drive, Hazel Crest, IL.

(40) MOORE related "Fat Mac" in his cellular telephone is COOKS. MOORE related that he has not spoken with COOKS in approximately four months. MOORE related that he contacts COOKS on his cellular telephone number (773) 787-9799 or on COOKS girlfriend's cellular telephone number (773) 339-1239. MOORE related that he has attempted to meet with COOKS to settle the conflict with Arnold COUNCIL.

(41) MOORE related that "Ben" is selling in the "527" building and his selling work for "Bird", a Black Disciple. MOORE related that he contacts "Bird" on his cellular telephone number (708) 653-7854.

(42) MOORE related that NOONER supplies cocaine to "Mike" (Mike WILSON) from the Ickes Housing Project. MOORE related "Mike" caught a state case for a kilogram of cocaine and $10,000.00 about two or three years ago and has served his time and is back "hustling".

(43) MOORE related that there are two firearms in the "574" building and different people take them home every night. MOORE related that he has had a Glock 9mm semi-automatic pistol with a sixteen (16) round clip for approximately three (3) years and "AllenJ" has a S & W .40 caliber semi-automatic pistol.

(44) MOORE related that "Youngin" (Glenn ROGERS) is known as a "stick up" guy and breaks into houses. MOORE related that he never purchased any firearms from ROGERS. MOORE stated that he tried to purchase firearms from ROGERS but ROGERS told him that he would get more money for the firearms from NOONER. MOORE related that most of the firearms ROGERS had were sold to NOONER.

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because NOONER paid the most for the firearms. MOORE related that ROGERS sold firearms to GADDY. MOORE related that on one occasion he had asked ROGERS about some firearms and ROGERS told him that the firearms were for GADDY.

(45) MOORE related that most of the firearms acquired by individuals in the Ida B. Wells Housing Project are purchased from "hypes". MOORE related that Billy WASHINGTON was known to have a firearm connection from Mississippi and firearms have been purchased from WASHINGTON. MOORE stated that WASHINGTON is currently incarcerated on a state firearms charge.

(46) MOORE related that "Gabe" (Gabriel BUSH) has recently been shooting at him. MOORE stated that at first he thought it was Willie GADDY shooting at him and he called GADDY and accused GADDY of shooting at him. MOORE related that he later found out that it was "Gabe" not GADDY shooting at him.

(47) MOORE related that GADDY is a known "shooter" and nobody messes with GADDY. MOORE related GADDY ran heroin and crack cocaine out of the "559" building. MOORE related when GADDY caught his state case he quit selling out of the "559" building.

(48) MOORE related that "Big Ant" (FNU LNU) sells weed and hydro out of the Ida B. Wells buildings. MOORE related that "Big Ant" sell a pound of hydro for $5,000.00. MOORE related that "Big Ant" drives an older blue Monte Carlo. MOORE related he contacts "Big Ant" on his cellular telephone number (773) 936-6970. MOORE related "Big Ant" is a black male approximately 30 years old.

(49) MOORE related that he was involved in a shooting on April 6, 2005 at approximately 5:00 p.m. at 43rd and Federal. MOORE related that he was in a gray Grand Prix with "Dog" and they came up on Arnold COUNCIL, who was driving a white Lumina, with "Dre". MOORE related that GADDY, who was driving a red Toyota Corolla, with "Gabe" drove up to all of them. MOORE related that shots were exchange amongst them and his Grand Prix was so shot up him and "Dog" left the vehicle and ran. MOORE related that they came across a man, who works for Illinois Department of Transportation (IDOT) on the Dan Ryan Expressway and paid him $100.00 to drop him off.

(50) MOORE related that later on April 6, 2005, me met GADDY at Portillo's on Ontario in Chicago, IL. MOORE related that GADDY was with "Gabe" and "Fuzz" and GADDY, "Gabe" and "Fuzz" had firearms on their person. MOORE related that he was with "AllenJ" and he had a 9mm pistol and "AllenJ" had a .40 caliber pistol on their person. MOORE related that COUNCIL came in with firearm on his person. MOORE related that he and "AllenJ" left immediately. MOORE stated that he went to the "574" building and dropped off the 9mm pistol at the building.

(51) MOORE related that "Dre", "Gabe" and GADDY were all incarcerated together in state prison.

DEPA 'ENT OF JUSTICE
BUREAU OF ALCOHOL, TOBACCO, FIREARMS AND EXPLOSIVES
REPORT OF INVESTIGATION

ADDRESSED TO:	MONITORED INVESTIGATION INFORMATION
Special Agent in Charge Chicago Field Division	Chicago Field Division FY-05 Report 028
TITLE OF INVESTIGATION: Gangster Disciples--Ida B. Wells Housing Projects	
CASE NUMBER: 772015-04-0086	REPORT NUMBER: 28

(52) MOORE related that he heard that Cha-Chi (Roderick SMITH) and COUNCIL paid "Robert Lee" $10,000.00 each to kill him. MOORE related that it is known that "Robert Lee" has been paid to kill people.

(53) MOORE related that Sergeant WATTS worked for Housing South and worked the Ida B. Wells Housing Projects. MOORE related that he paid WATTS a total of $7,000.00. MOORE related that "Shock" usually paid WATTS. MOORE related that one time after "Shock" paid WATTS, he told someone and WATTS was upset and he would only deal with "Shock" after that. MOORE related that when the money came up short, then he knew that "Shock" had paid off WATTS. MOORE related that Chicago Police Officer Al JONES worked on WATTS's team and he also took the payments from "Shock". MOORE related that WATTS, Al JONES and Kenny never let the white officers know what is going on. MOORE related that Mohammed was on the WATTS's team but is not there now.

(54) MOORE related that on one occasion, he and "Shock" meet WATTS at 59th and Western. MOORE related that he gave WATTS two rifles and "Shock" paid WATTS $10,000.00. MOORE related that he would pay WATTS when he had caught him or one of his workers with something, referring to a firearm or narcotics.

(55) MOORE related that on one occasion he was with NOONER after NOONER had purchased a new black Lincoln Navigator. MOORE related that WATTS pulled over NOONER and him in the Navigator and when WATTS came up an saw NOONER, WATTS said "oh it's you Pat" and let them go immediately. MOORE related that NOONER and WATTS grew up together.

(56) MOORE related that he had heard that GADDY was paying WATTS money. MOORE related that GADDY decided that he was not going to pay WATTS and WATTS shot at GADDY when GADDY was running away. MOORE related that this incident occurred approximately two years ago.

(57) MOORE related that it is known that WATTS has a gambling problem. MOORE related that he has seen WATTS at the Horseshoe Casino on numerous occasions.

(58) MOORE related that about a week ago WATTS took forty (40) bags of weed from the "Chingey" on the first floor of the "559" building and turned around and sold the weed to "Shock". MOORE stated that "Shock" told him this when he purchased some weed from "Shock".

(59) MOORE related that he has about $30,000.00 in savings. MOORE related that "Tracy" has $20,000.00 and he has $10,000.00. MOORE related that "Tracy" lives on 71st and California and they have a daughter together. MOORE related that $6,000.00 is in an apartment in the "574" building and Kim BROWN, his girlfriend, has $4,000.00. MOORE related that BROWN lives at 64 West Fountain Head, Westmont, IL. MOORE related he had a chain worth $16,000.00 in the "574" building in apartment 401 with "Vicky".

DEPA ENT OF JUSTICE
BUREAU OF ALCOHOL, TOBACCO, FIREARMS AND EXPLOSIVES
REPORT OF INVESTIGATION

ADDRESSED TO:	MONITORED INVESTIGATION INFORMATION:
Special Agent in Charge Chicago Field Division	Chicago Field Division FY-05 Report 028

TITLE OF INVESTIGATION:
Gangster Disciples--Ida B. Wells Housing Projects

CASE NUMBER:	REPORT NUMBER:
772015-04-0086	28

(60) MOORE related that he has a 2001 silver CL55 Mercedes in Atlanta. MOORE related it is parked in front of 2866 Norfair Loop, Lithonia, GA. MOORE related he paid $60,000.00 for it. MOORE related that his friend Tommy JONES purchased it on his behalf at an auction about a year and a half ago. MOORE stated that he paid $3,000.00 at a time to pay off the loan. MOORE related that he also has a blue Nissan Maxima in Atlanta. MOORE related that he purchased the Nissan at the car dealership at 71st and Western, Chicago, IL. MOORE related that when he purchased the vehicle last year he put $7,000.00 as a down payment. MOORE stated that he also traded in a Nissan Maxima and a Dodge Durango. MOORE related that he still owes $11,000.00. MOORE related that he put the car in Kimerly BROWN's name.

(61) Kimberly BROWN has an Illinois state drivers license number B650-5007-9889 issued to her at 64 West Fountainhead Drive, Apartment 203, Westmont, IL, 60559. BROWN has a 2004 blue Nissan, Illinois license plate number 5942507, VIN: 1N4BA41E54C875009, registered to her at the Westmont address. BROWN has a 2003 KIA Sort, Illinois license plate number Kymmie2, VIN: KNDJD733135146289, registered to her at the Westmont address.

(62) MOORE related that he just purchased a red station wagon yesterday and he paid $900.00 for the vehicle. MOORE related that he has a connect with Alamo Rental Cars and he usually utilizes rental vehicles. MOORE related that he has not held a legitimate job since 1990 or 1992. MOORE related that his rent in Georgia is $900.00 per month and the utilities are $150.00 per month.

EXHIBIT 14

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

IN RE: WATTS COORDINATED PRETRIAL PROCEEDINGS	)	No. 19 CV 01717

The video-recorded deposition of WILLIAM CARTER, taken via videoconference and recorded via videoconference, called by the Defendants for examination, pursuant to notice and pursuant to the Federal Rules of Civil Procedure for the United States District Courts pertaining to the taking of depositions, taken before Tina M. Hickey, Certified Shorthand Reporter, on August 23rd, 2022, at 10:08 a.m.

1 APPEARANCES (via videoconference):
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6 On behalf of Plaintiffs Ben Baker; Marcus
Gibbs; Leonard Gipson; Allen Jackson; Shaun
7 James; Thomas Jefferson; Anthony McDaniels;
Andre McNairy; Lee Rainey; Jamell Sanders;
8 Frank Sanders; Christopher Scott; Taurus Smith;
Henry Thomas; Phillip Thomas; Lionel
9 White, Jr.; and Lionel White, Sr.;
10 LAW OFFICES OF KENNETH N. FLAXMAN, P.C.
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14 On behalf of Plaintiffs Ben Baker; Harvey
Blair; William Carter; Joshua Curtis; Robert
15 Forney; Rickey Henderson; Goleather Jefferson;
Nephus Thomas; George Ollie; Bruce Powell;
16 Angelo Shenault, Sr.; Angelo Shenault, Jr.;
and Vondell Wilburn;
17
HALE & MONICO, LLC
18 MR. BRIAN J. STEFANICH
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21
On behalf of Defendants Alvin Jones,
22 Kathleen Moss Hughes, Lamonica Lewis, and
Officer Kenneth Young;
23
24

1 APPEARANCES: (continued - via videoconference):
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22
On behalf of Defendant Kallatt Mohammed.
23
ALSO PRESENT: Matt Sandelin (videographer)
24

1 I N D E X

2 WITNESS PAGE

3 WILLIAM CARTER

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8

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19 No. 16..... 176

20 No. 17..... 192

21 Exhibits retained by Mr. Stefanich.

22

23

24

1 WHEREUPON:
2 WILLIAM CARTER,
3 called as a witness herein, having been first duly sworn,
4 was examined and testified via videoconference as
5 follows:
6 EXAMINATION
7 BY MR. STEFANICH:
8 **Q. Mr. Carter, my name is Brian Stefanich. I**
9 **represent some of the defendant officers in this case.**
10 **I'm going to be asking you some questions, and then my**
11 **guess is some of the other attorneys will do some**
12 **follow-up questions. If you ever need to take a break,**
13 **just let me know. We can take a break; the only caveat**
14 **being, if you're in the middle of an answer; I'm in the**
15 **middle of a question, we'll just wait until that question**
16 **and answer is finished, and then we can take a break. Do**
17 **you understand that?**
18 A. Yes.
19 **Q. Okay. I'm going to ask you already to speak**
20 **up because I'm having a tough time hearing you.**
21 A. Yes.
22 **Q. Mr. Carter, can you please state your name for**
23 **the record?**
24 A. William Carter.

1 **Q. Do you go by any nicknames?**
2 A. Yes.
3 **Q. What are the nicknames?**
4 A. Stormy, Yayo, King.
5 **Q. Stormy, Yayo. How do you spell Yayo?**
6 A. Y-A-Y-O.
7 **Q. And what was the third one?**
8 A. King.
9 **Q. Have you ever been associated with any street**
10 **gang?**
11 A. No.
12 **Q. You were never a member of the Gangster**
13 **Disciples?**
14 A. No. Ronald Watts and them put that on the
15 record. The location that I was arrested in, that's the
16 gang that was in that neighborhood, and that was one of
17 the things that the system did to keep me from getting a
18 certain type of treatment when I got in there to make
19 things extra hard.
20 **Q. So the Gangster Disciples were in the area of**
21 **the Wells; is that correct?**
22 A. Correct.
23 **Q. And you testified that Ronald Watts said that**
24 **you were a member of the Gangster Disciples; is that**

1 A. Yes.
2 **Q. Is that -- her last name Carter too?**
3 A. No.
4 **Q. What's her last --**
5 A. Maxwell.
6 **Q. You went a little too fast, so what's the**
7 **third sibling?**
8 A. Anita.
9 **Q. And is her last name Maxwell?**
10 A. Right.
11 **Q. What were the other siblings?**
12 A. Karen Johnson, Darnella Johnson, Cory Johnson,
13 and Cornell Johnson. I believe they last name Johnson.
14 Those -- the last two, they my brother's on my father's
15 side.
16 **Q. Okay. Got you. You have an aunt, Paulette**
17 **Dixon; is that correct?**
18 A. Correct.
19 **Q. She had an apartment in the Ida B. Wells; is**
20 **that correct?**
21 A. Yes.
22 **Q. Okay. And you lived with her in the Ida B.**
23 **Wells for some time; is that correct?**
24 A. Yes.

1 **Q. When did you live with her?**
2 A. I was definitely living with her in 2004,
3 2006, as well -- as well as like I be living at
4 Paulette -- between Paulette and my grandmother's house,
5 which is at 575, right down the street from her.
6 **Q. Okay. So Ms. Dixon had an apartment in the**
7 **527 building; is that right?**
8 A. Yes, Apartment 506, I believe.
9 **Q. And your grandmother had an apartment in the**
10 **575 building; is that right?**
11 A. Apartment 308, I believe.
12 **Q. What was your grandmother's name? What was**
13 **your grandmother's name?**
14 A. Elizabeth Dixon and Cornelia Lucas.
15 **Q. When you were living with Paulette Dixon in**
16 **the 527 building, who else lived in that apartment with**
17 **you?**
18 A. Her kids.
19 **Q. What were her kids' names?**
20 A. Brian, Stephanie, Valencia, and --
21 (inaudible).
22 THE REPORTER: I'm sorry. What were those last two
23 names again?
24 THE WITNESS: I don't know which two you -- I

1 **Q. Okay. What did you think the term "clean up"**
2 **meant?**
3 A. Clean up to me, it means the same thing my
4 whole life. That mean that the bad guys in blue was
5 coming and they might put something on you. You don't
6 want to be around to get trespassing or nothing. That's
7 what that means to me.
8 **Q. Okay. And to you, it doesn't mean that you**
9 **need to hide narcotics?**
10 A. No, sir.
11 **Q. Okay. When you bought marijuana from the**
12 **540 building, how would you -- who did you buy it from?**
13 A. Whoever on that day that was selling it. I
14 ain't have no personal relationship with nobody. I would
15 smoke weed. I went to the building. I ain't buy nothing
16 from nobody that day, actually, because I -- whatever. I
17 ain't never make a purchase at all that day at 540.
18 **Q. I'm sorry. I didn't understand that answer.**
19 **You --**
20 A. I never got to make a purchase when I went to
21 540 for my marijuana.
22 **Q. Okay. So I understood some of the questions I**
23 **asked you before in your interrogatories that you smoke**
24 **marijuana pretty much every day; is that correct?**

1 A. Correct.
2 **Q. Okay. And that one of the places you would**
3 **buy marijuana from is the 540 building; is that correct?**
4 A. Correct, correct.
5 **Q. Okay. I'm asking, do you recall anybody that**
6 **you bought marijuana from at the 540 building ever?**
7 A. I think a guy named Reck, but he deceased.
8 **Q. Okay.**
9 THE REPORTER: I'm sorry. What was his name again?
10 THE WITNESS: They called him "Reck" or something to
11 that name. I don't know his name.
12 BY MR. STEFANICH:
13 **Q. Okay. Besides Reck, do you recall anybody**
14 **else?**
15 A. Not by name.
16 **Q. So the only drug sales that you ever saw when**
17 **you were living at the Ida B. Wells was when you would**
18 **purchase marijuana at the 540 building?**
19 A. Correct.
20 **Q. Okay. You mentioned that you knew who Ben**
21 **Baker was; is that right?**
22 A. Yes.
23 **Q. What do you recall about Mr. Baker?**
24 A. He was a resident of the building. He has

1 them was looking for their payment. I know that Big
2 Shorty was paying them because Harold Owens told me, and
3 he was associated with him. But like I said, otherwise,
4 I know that they was coming around telling people that
5 they better pay them, shaking people down. They tried to
6 take some money from me before.
7 **Q. Okay. We'll get to that.**
8 **Mr. Carter, you testified previously that you**
9 **smoked marijuana on a daily basis; is that correct?**
10 A. Correct.
11 **Q. Did you use any other illegal drugs while you**
12 **were living at the Ida B. Wells?**
13 A. No.
14 **Q. Did you ever use ecstasy?**
15 A. Not that I recall. Maybe. I might have tried
16 it, but it wasn't no thing like marijuana. It wasn't no
17 everyday drug or, you know, nothing that I knew, to this
18 day, something I experienced -- yes, I experienced
19 ecstasy while I was living at Ida B. Wells.
20 **Q. Okay. So, Mr. Carter, I want to now turn to**
21 **some of your arrests, including the three arrests by the**
22 **Watts team. But first, I want to ask you about -- and I**
23 **know you said you weren't great with dates. But a**
24 **May 2003 arrest at the 527 building that you had an**

EXHIBIT 15

STATE OF ILLINOIS

COUNTY OF C O O K

IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS
COUNTY DEPARTMENT - CRIMINAL DIVISION

THE PEOPLE OF THE STATE OF ILLINOIS	)	
Plaintiff,	)	
vs.	)	No. 04CR09579 01
	)	04CR17677 01
WILLIAM CARTER,	)	
Defendant.	)	

REPORT OF THE PROCEEDINGS had at the hearing in the above entitled cause before the Honorable Nicholas Ford, Judge of said Court, on the 16th day of December, 2004.

PRESENT:

RICHARD A. DEVINE,
STATE'S ATTORNEY OF COOK COUNTY, by:
NOT IDENTIFIED,
ASSISTANT STATE'S ATTORNEY
appeared on behalf of the People;

ATTORNEY FOR DEFENDANT
NOT IDENTIFIED.

MICHELLE M. PIZZOFERRATO
OFFICIAL COURT REPORTER
License No. 084-001963

DO-JOINT 054603

1 THE CLERK: William Carter.

2 THE COURT: Counsel he has the matter of

3 04CR095799-01 .

4 So on this case it is one year consecutive

5 to one year. You are amending 17677 to 402C,is that

6 right, counsel

7 ASSISTANT STATE'S ATTORNEY: That is correct.

8 THE COURT: What about the one below?

9 ASSISTANT STATE'S ATTORNEY: I believe we are

10 amending that one as well.

11 THE COURT: 402C --

12 ASSISTANT STATE'S ATTORNEY: Counsel, actually

13 let me see. That is fine, yes.

14 THE COURT: So as to a total of two, one plus

15 one on probation?

16 ASSISTANT STATE'S ATTORNEY: Yes.

17 THE COURT: I will just give him two years

18 probation. So it is not a 402C, counsel on

19 04CR17677-01, that is at to Count 2 as charged?

20 ASSISTANT STATE'S ATTORNEY: As charged.

21 THE COURT: What is the class, Counsel, one?

22 THE ATTORNEY: And the other matter 9579

23 THE COURT: Is a Class 2. So you are aware,

24 you are going to plead guilty to a Class 1 and a

DO-JOINT 054604

1 Class 2 both felonies.

2 Class 1 carries a sentence between 4 and 15

3 years in the Illinois Department of Corrections, a

4 fine up to $25,000 or a period of probation.

5 We will go on Count 402 and the other one

6 is Class 1, actually, nolle one, two and three?

7 ASSISTANT STATE'S ATTORNEY: Correct.

8 THE COURT: So you are pleading to two cases,

9 do you know that?

10 THE DEFENDANT: Yes.

11 THE COURT: Both of them are Class 1 felonies.

12 I am going to give you probation on each one you can

13 get between four and fifteen years mandatory

14 supervisory release.

15 On either of them you can get up to a

16 $25,000 fine, do you know that?

17 THE DEFENDANT: Yes.

18 THE COURT: Do you want to plead guilty in

19 exchange for two years probation concurrent with

20 one.

21 THE DEFENDANT: Yes.

22 THE COURT: Do you know that when you plead

23 guilty you are giving up your right to what is

24 called a jury trial. A jury trial is where 12 of

1 your peers decide you guilt or innocence based on
2 their review of the evidence beyond a reasonable
3 doubt. And any decision that they make must be
4 unanimous, they have to all agree.
5 So not only are you giving up your right to
6 a jury trial, but also a bench where I would decide
7 your guilt or innocence.
8 Do you understand that?
9 THE DEFENDANT: Yes.
10 THE COURT: You are giving up your right to
11 confront and cross examine the witnesses,present
12 evidence on your own behalf, remain silent and have
13 the State prove your guilt.
14 Do you understand that?
15 THE DEFENDANT: Yes.
16 THE COURT: Did anyone threaten or promise you
17 anything in this case to make you plead guilty?
18 THE DEFENDANT: No.
19 THE COURT: You are pleading guilty to both
20 cases?
21 THE DEFENDANT: Yes.
22 THE COURT: Is there a stipulation to the facts
23 in the arrest report as being sufficient to prove
24 his guilt beyond a reasonable doubt?

1 THE ATTORNEY: So stipulated.
2 THE COURT: I find that sufficient for the
3 offenses as charged.
4 I also find that he understands the nature
5 of the charges against him.
6 And in both cases he understands the
7 possible sentences and his rights under the law.
8 The plea is being made freely and
9 voluntarily as it exists.
10 Is there anything further by way of
11 aggravation?
12 ASSISTANT STATE'S ATTORNEY: No.
13 THE ATTORNEY: No.
14 THE COURT: Is there anything you want to add,
15 Mr. Carter?
16 THE DEFENDANT: No, sir, I just wanted to let
17 you know that I am in the Daily Reporting Program
18 since August 20th.
19 THE COURT: And you didn't have any problems?
20 THE DEFENDANT: Yes, I have no problems.
21 THE COURT: Any way from now on you are going
22 to go on your own,you are not going to be on a Daily
23 Reporting Program. It is bad news, I mean not
24 really bad news, but you cannot pick up any new

DO-JOINT 054607

1 cases. If you pick up one case the least I can give
2 you is four years, do you understand that?
3 THE DEFENDANT: Yes, I do.
4 THE COURT: I am going to give you two years
5 probation concurrent to these two cases with fees,
6 fines and costs.
7 It is important that you know that you have
8 the right to appeal and you must do so within 30
9 days in a motion asking me to reconsider the
10 sentence, for leave to withdraw your motion. If you
11 don't file that you are waiving your right for the
12 purposes of the other case too.
13 Do you understand that?
14 THE DEFENDANT: Yes.
15 THE COURT: That is it, good luck.
16 (WHICH WERE ALL THE PROCEEDINGS HAD IN
17 THE ABOVE ENTITLED CAUSE.)
18
19
20
21
22
23
24

DO-JOINT 054608

1 STATE OF ILLINOIS)
) SS.
2 COUNTY OF C O O K)

3 IN THE CIRCUIT COURT OF COOK COUNTY,
COUNTY DEPARTMENT - CRIMINAL DIVISION
4

5 I, Michelle M. Pizzoferrato, Official Court
6 Reporter and note reader for the Circuit Court of
7 Cook County, Criminal Division- Third Municipal
8 District, do hereby certify that I transcribed the
9 foregoing Report of Proceedings from the notes of
10 V. Ondriska,a Certified Shorthand Reporter, and that
11 the foregoing is a true and correct transcript of
12 said Report of Proceedings to the best of my ability
13 as appears from the stenotype notes had before the
14 Honorable Nicholas Ford, Judge of said court.
15
16 Michelle M. Pizzoferrato
_____
17
18 Dated this 15th day of April, 2024.
19
20
21
22
23
24

EXHIBIT 16

(Rev. 06-04-2007)

FEDERAL BUREAU OF INVESTIGATION

Precedence: ROUTINE **Date:** 03/03/2008

To: Chicago

From: Chicago
WC3
Contact: Patrick L. Smith (312) 829-8819

Approved By: Cullen Peter B

Drafted By: Smith Patrick L:pls

Case ID #: 194D-CG-122761 (Pending) -39

Title: OPERATION BRASS TAX;
CSLPO-LAW ENFORCEMENT

Synopsis: To provide documents received from CPD.

Enclosure(s): February 22, 2008, report on the arrest of Arnold Council;

Original Case Incident Report on the murder of Wilbur Moore, a.k.a. "Big Shorty."

Details: On February 22, 2008, Arnold Council was arrested for the murder of Wilbur Moore. Council was subsequently released pending continuing investigation into the witnesses. Council was identified as a member of the HOBO street gang. The HOBO gang is reputed to offer their services to other gangs to rob, injure or kill rival gang members.

Wilbur Moore was killed on January 19, 2006. Moore had been arrested in a joint DEA/ATF sting targeting drug dealers in the Ida B. Wells housing complex. 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. After Moore's murder, ATF began investigating a possible leak in their task force officers.

Interviews of witnesses at the Ida B. Wells housing complex place Ronald Watts at the scene of the murder shortly after Moore's body was discovered. A review of the CPD documents does not reveal Watts as a responding or reporting officer on the scene.

♦♦

6lpls 02.cc 194D-CG-122761-39

EXHIBIT 17

CHICAGO POLICE DEPARTMENT

ARREST REPORT

3510 S. Michigan Avenue, Chicago, Illinois 60653
(For use by Chicago Police Department Personnel Only)
CPD-11. 420C(REV. 6/30)

FINAL APPROVAL

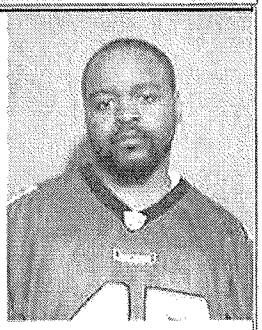
CB #: 16126768
IR #: 901905
YD #:
RD #: HL251205
EVENT #: 0508212469
SID #: 28420360
FBI #: 755126RA4

ARREST REPORTING

OFFENDER

Name: BAKER, Ben
Res: 527 E Browning Ave, #206 **Beat:** 212
Chicago, IL 60653
773-924-2809
DOB: 24 June 1972
AGE: 32 years
POB: Illinois
ARMED WITH

Male
Black
5' 09"
200 lbs
Brown Eyes
Black Hair
Short Hair Style
Medium Brown
Complexion



Marks: Scar Scar Under His Left Ear on Neck

INCIDENT

Arrest Date: 23 March 2005 15:49 **TRR Completed?** No
Location: 527 E Browning Ave **Beat:** 212
Chicago, IL 60653
122 - Cha Hallway/Stairwell/Elevator
Holding Facility: District 002 Male Lockup
Resisted Arrest? No

Total No Arrested: 1 **Co-Arrests** **Assoc Cases**
DCFS Ward ? No
Dependent Children? No

CHARGES

			Victim
1	Offense As Cited	**720 ILCS 570.0/402-A-1-A** PCS - POSSESS 15<100 GRAMS HEROIN Class 1 - Type F	A/O'S State Of Illinois
2	Offense As Cited	**720 ILCS 570.0/402-A-2-A** PCS - POSSESS 15<100 GRAMS COCAINE Class 1 - Type F	A/O'S State Of Illinois

RECOVERED NARCOTICS

Type	Approx. Weight/Quantity	Units	Estimated Street Value
Suspect Controlled Substance	70	GRAMS	$12,600.00
Suspect Controlled Substance	22	GRAMS	$1,650.00

WARRANT

NO WARRANT IDENTIFIED

IR #901905

CB #:16126768

powered by: CLEAR Technology

ARREST REPORTING

NON-OFFENDER(S)

VICTIM AND COMPLAINANT

Name: A/O'S STATE OF ILLINOIS

Injured? No Deceased? No

DOB:

Hospitalized? No

Age:

Treated and Released? No

Comments:

ARRESTEE VEHICLE

NO ARRESTEE VEHICLE INFORMATION ENTERED

PROPERTIES

Confiscated Properties :

All confiscated properties are recorded in the e-Track System. This system can be queried by the inventory number to retrieve all official court documents related to evidence and/or recovered properties.

PROPERTIES INFORMATION FOR BAKER, Ben, NOT AVAILABLE IN THE AUTOMATED ARREST SYSTEM.

INCIDENT NARRATIVE

(The facts for probable cause to arrest AND to substantiate the charges include, but are not limited to, the following)

EVENT #12469 IN SUMMARY A/O'S WHERE DIRECTED BY SGT.WATTS #2640 TO GO TO ABOVE BUILDING FOR HIGH NARCOTICS ACTIVITY. AS A/O'S REACHED THE THIRD FLOOR OF ABOVE BUILDING, THEY OBSERVED ABOVE SUBJECT HOLDING A CLEAR PLASTIC BAG CONTAINING SUSPECT NARCOTICS. AS A/O'S ANNOUNCED THEIR OFFICE ABOVE SUBJECT FLED ON FOOT DOWN THE STAIRS. A/O'S GAVE CHASE WITHOUT LOSING SIGHT OF ABOVE SUBJECT AND BT 264B APPREHENDED AND DETAINED ABOVE SUBJECT IN THE LOBBY. P.O. NICHOLS #12415 RECOVERED SAID BAG FROM HIS RIGHT HAND AND FOUND IT TO BE A CLEAR ZIPLOCK BAG CONTAINING 110 CLEAR PLASTIC BAGGIES CONTAINING WHITE POWDER SUBSTANCE SUSPECT HEROIN. THE SUBJECT WAS THEN PLACED IN CUSTODY. P.O. NICHOLS #12415 THEN PERFORMED A CUSTODIAL SEARCH OF ABOVE SUBJECT AND FOUND 1 ZIPLOC PLASTIC BAG CONTAINING 68 YELLOW TINTED BAGGIES CONTAINING WHITE LIKE ROCK SUBSTANCE SUSPECT CRACK/COCAINE IN HIS RIGHT FRONT PANTS POCKET. A/O'S FOUND $819.00 USC IN HIS LEFT FRONT PANTS POCKET SUSPECT NARCOTICS PROCEEDS. POST MIRANDA IN 002 ABOVE SUBJECT STATED TO A/O'S "THEM BLOWS WERE MINE, BUT THEM ROCKS AINT." ALL THIS OCCURED ON C.H.A. PROPERTY AND WITHIN 1,000 FEET OF DOOLITTLE GRAMMAR SCHOOL.
INVENTORIES WERE DONE BY P.O. LEANO #4303
NARCOTICS INVENTORY #10503356
U.S.C. INVENTORY #10503345

COURT INFO

Desired Court Date: 13 April 2005
Branch: 48-2 155 W 51ST ST - Room
Court Sgt Handle? No
Initial Court Date: 24 March 2005
Branch: 1 2600 S CALIFORNIA - Room100
Docket #:

BOND INFO

BOND INFORMATION NOT AVAILABLE

powered by: CLEAR Technology

ARREST REPORTING

REPORTING PERSONNEL

ATTESTING OFFICER:

I hereby declare and affirm, under penalty of perjury, that the facts stated herein are accurate to the best of my knowledge, information and/or belief.

Attesting Officer:	#12415	NICHOLS JR, D E (PC0W773)	23 MAR 2005 17:52

ARRESTING OFFICER(S):

			Beat
1st Arresting Officer:	#12415	NICHOLS JR, D E (PC0W773)	0264C
2nd Arresting Officer:	#4303	LEANO, M S (PC0V448)	0264C

APPROVING SUPERVISOR:

Approval of Probable Cause :	#609	STEVENS, M J (PC0M071)	23 MAR 2005 18:06

powered by: CLEAR Technology

ARREST PROCESSING REPORT

LOCKUP KEEPER PROCESSING

Holding Facility: District 002 Male Lockup
Received in Lockup: 23 March 2005 18:43
Prints Taken: 23 March 2005 19:45
Palmprints Taken:
Photograph Taken: 23 March 2005 19:42
Released from Lockup: 24 March 2005 09:34

Time Last Fed: 23 March 2005 18:44
Time Called:
Phone#:
Cell #: 3/4

Transport Details : 2PO 0264C 23-MAR-2005 16:15

VISUAL CHECK OF ARRESTEE

Is there obvious pain or injury?	No
Is there obvious signs of infection?	No
Under the influence of alcohol/drugs?	No
Signs of alcohol/drug withdrawal?	No
Appears to be despondent?	No
Appears to be irrational?	No
Carrying medication?	No

ARRESTEE QUESTIONNARIE

Presently taking medication?	No
(if female)are you pregnant?	No
First time ever been arrested?	No
Attempted suicide/serious harm?	No
Serious medical or mental problems?	No
Are you receiving treatment?	No

ARRESTEE PRESCRIPTION MEDICATION INFORMATION:

RETURN TO HOLDING FACILITY COMMENTS:

QUESTIONNAIRE REMARKS:

LOCKUP KEEPER COMMENTS:

EMERGENCY CONTACT

Name : REFUSED

Res:

Beat:

INTERVIEW LOG

NO INTERVIEWS LOGGED

powered by: CLEAR Technology

ARREST PROCESSING REPORT

VISITOR LOG

NO VISITORS LOGGED

MOVEMENT LOG

MOVEMENT LOG INFORMATION NOT AVAILABLE

WC COMMENTS

Watch Commander Comments:

REL w/o CHARGING

DOES NOT APPLY TO THIS ARREST

PROCESSING PERSONNEL

ARRESTEE PROCESSING PERSONNEL:

			Beat
Searched By:	#9182	DUMAS, P D (PC0F935)	
Lockup Keeper:	#9684	TUCKER, B R (PC0M382)	
Assisting Arresting Officer:	#10719	CABRALES, M C (PC0T148)	0264D
Assisting Arresting Officer:	#11737	SMITH JR, E J (PC0U037)	0264D
Assisting Arresting Officer:	#12152	GONZALEZ, R R (PC0T093)	0264B
Assisting Arresting Officer:	#15903	BOLTON, B J (PC0S472)	0264B
Assisting Arresting Officer:	#19462	JONES, A (PC0I503)	0264A
Fingerprinted By:	#9182	DUMAS, P D (PC0F935)	

APPROVAL PERSONNEL:

				Beat
Final Approval of Charges :	#499	GLATZ, E L(PC0P523)	23 MAR 2005 21:52	

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EXHIBIT 18

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF
ILLINOIS EASTERN DIVISION
JUDGE VALDERRAMA
MAGISTRATE JUDGE SHEILA M. FINNEGAN
MASTER DOCKET CASE NO. 19-CV-01717

IN RE: WATTS COORDINATED PRETRIAL PROCEEDINGS

DEPONENT: DAVID NAVARRO
DATE: JULY 18, 2023
REPORTER: SYDNEY LITTLE

role that Arthur Kirksey may have played in the investigation into Sergeant Watts?

A. It did not.

Q. Prior to interviewing Mr. Baker and Ms. Glenn, was there any sort of formal proffer agreement that you had with Mr. Baker?

A. I don't recall any formal or informal proffer agreement.

Q. Mr. Baker -- strike that. Mr. Mahoney approached you about Mr. Baker's allegations after Mr. Baker had a pending criminal case, right?

MR. OBERTS: Is this Matt or John?

BY MR. STEFANICH:

Q. Sorry, Matt.

A. Attorney Matt Mahoney approached John Mahoney about it after his -- after the -- after the arrest, yes.

Q. Okay. And during your interview with Mr. Baker, he admitted -- Mr. Baker admitted to being a drug dealer at the Ida B. Wells; is that correct?

A. That's correct.

MR. STARR: Object to form, foundation.

BY MR. STEFANICH:

Q. And he admitted that he ran the Wells Housing projects; is that correct?

MR. STARR: Form. Foundation.

A. I think in some fashion, yes.

BY MR. STEFANICH:

Q. One of the reasons you told COPA that you found Mr. Baker credible was because he made those admissions; is that correct?

MR. STARR: Form. Foundation.

MR. OBERTS: Yeah, but I'm going to object to him providing his beliefs and/or impression and/or reasoning as work product and ask him not to answer unless he could answer otherwise without providing such.

MR. STEFANICH: Well, I think he already waived any work product by answering the question to COPA.

MR. OBERTS: Well, he could answer whether he stated it, but now you're asking his -- like whether or not that seems accurate that he might have said that to COPA. That's one thing that from reading a report, but you're asking him his beliefs of this, that, or the other thing, and that I contest -- I submit it as work product because you're asking him his personal mental impressions or beliefs. So I would object to him answering with regards to that because it is his work product.

MR. STEFANICH: And I guess my position is by him -- by Judge Navarro telling COPA that he found Baker credible because of Baker's admissions about drug dealing, he has waived the work product privilege.

MR. OBERTS: Understand your position. I disagree. I'm going to assert that Judge Navarro didn't have Bill Oberts at COPA meeting.

MR. STEFANICH: But I just -- I -- I'm submitting that you're asking him this question at this deposition, and I'm asserting it as work product objection and asking him not to answer if he's going to disclose his beliefs, mental impressions.

MR. PALLES: If I may, if I may, I believe that if the court reporter read back the pending question, it seemed to me that Brian asked the question you -- that you admitted was okay, that is whether or not Judge Navarro told COPA that the Bakers were credible for one reason or another. I think the -- I think that's what the answer, I mean, the question would reflect.

MR. GAINER: Yeah, I agree. This is Brian Gainer. That's exactly what the question was.

THE WITNESS: And so --

MR. STEFANICH: Let me ask that question and make sure it's clean transcript.

BY MR. STEFANICH:

Q. Did you tell COPA that one of the reasons you found Ben Baker credible was because he made admissions about his drug dealing to you?

MR. STARR: Form. Foundation.

MR. OBERTS: Foundation. But go ahead.

A. Yes, I -- yes, I believe I made that statement to COPA.

MR. OBERTS: Okay. And I'm sorry if I missed it, I thought you said, did you believe? I didn't hear the part that did you state that --

MR. STEFANICH: Sure.

BY MR. STEFANICH:

Q. You would agree that you didn't use those admissions in any way against Mr. Baker in his criminal case; is that correct? Strike that. You would agree that you didn't tell the line ASAs assigned to Judge Toomin about those admissions; is that correct?

A. I -- I did not.

Q. Okay. You also told COPA and the FBI that you found Clarissa Glenn credible; is that correct?

A. Yes. I believe that's -- that's what's in that report. That's what I told them.

Conversations with whom? Vague and ambiguous.
A. Is it -- is it -- your question, like, whether that was on the state police side, or whether that was on the Matt Mahoney/Baker side? Is that the question?
BY MR. PALLES:
Q. Matt Mahoney, right. The Matt Mahoney -- was it -- well, was it Matt Mahoney who first suggested that his people might be willing to record conversations?
A. Well, I don't -- that seems unusual, that an attorney would have made that offer. That seems unusual. I don't -- I don't remember, but I don't remember who brought it up.
Q. Okay. Do you recall whether or not Ben Baker ever suggested to you that he would be willing to wear a wire?
A. That -- no, I don't recall him saying that ever.
Q. And how about Clarissa Glenn?
A. No, I don't recall that.
Q. Okay. All right. The -- when you met at the FBI building -- let me ask you. We talked about the federal agents. Do you have any recollection as to whether or not those officials included representatives of the Department of Justice's Civil Rights Division?
A. I don't -- I don't know.

Q. Okay.
A. It's -- it's possible, but I don't know.
Q. All right. Going back to the COPA statement and your comments about the credibility of the Bakers, what you told them. According to the report, this is a -- one of the reasons that, you know, they were credible, is that Clarissa, you know, was a -- had stuck by this guy, and she herself seemed very credible. Was that accurate about what you told them? Is that accurate and reflect --
A. I don't -- I don't remember, or I don't -- I don't understand the question. She had stuff by this guy?
Q. Stuck. Stuck by him.
A. Oh, stuck, stuck by the guy. Stuck by the guy.
Q. Yeah. Yeah.
A. If -- if that's what -- if that's what the report said.
Q. Okay.
A. Yes.
Q. All right. Well, you know, I mean when this -- when this subject matter -- well, I start with that. Matt Mahoney's described Clarissa Glenn as a force of nature. Would you agree with that?

MR. STARR: Objection. Form and foundation. Calls for speculation.
BY MR. PALLES:
Q. Based on your encounters with her.
A. I -- I don't remember. I don't know if I would -- I don't remember my impression enough to give that characterization.
Q. Okay. When you first met the Bakers and interviewed them, did you interview them separately or together?
A. Together.
Q. Okay. And also in the presence of Matt Mahoney?
A. Yes.
MR. OBERTS: Objection. Form.
BY MR. PALLES:
Q. Okay. And Ben Baker called you at that time, "Look, I -- I'm a drug dealer, but I wasn't carrying drugs this particular time." Is that true?
MR. STARR: Objection. Form and foundation.
A. I -- I don't know if he used those specific words, but in -- in sum, yes.
BY MR. PALLES:
Q. Okay. Have you ever heard any criminal defendants make similar claims?

MR. STARR: Objection. Form. Foundation. Similar -- strike that.
A. Yes.
BY MR. PALLES:
Q. Similar claims to, "The police set me up this time, sure. I have a record." You've heard that before, right?
MR. STARR: Form and foundation.
A. Well, I -- I guess it -- it --
MR. OBERTS: Objection. Vague. But go ahead.
A. In my role as a -- in Special Prosecutions, yes.
BY MR. PALLES:
Q. In addition to looking into the disciplinary -- Watts' disciplinary history, et cetera, you also -- did you also review Ben Baker's criminal history back in 2005?
MR. STARR: Form. Foundation.
MR. OBERTS: Objection. Compound. Objection, to the extent it mischaracterizes testimony, and foundation.
MR. STARR: I'll join that.
A. Did I --
BY MR. PALLES:
Q. Did you -- I'm sorry. You could answer my

1 **Mahoney approaching John Mahoney, and then you getting**
2 **assigned to this investigation; is that correct?**
3 MR. STARR: Objection to form. Foundation.
4 Mischaracterizes prior testimony.
5 A. Well, I don't know if it -- I -- I can't speak
6 to what was Matt Mahoney's impetus, but yes, the timing
7 was after -- after an arrest.
8 BY MR. GAINER:
9 **Q. Okay. Fair enough. And the allegations of**
10 **misconduct by Ron Watts, that were aired to you and that**
11 **were the topics of all of these meetings, they were also**
12 **shared with Judge Toomin during the course of the**
13 **criminal cases that Ben Baker had pending before him; is**
14 **that correct?**
15 MR. STARR: Form and foundation.
16 MR. OBERTS: Foundation and speculation. But
17 go ahead.
18 A. I don't know the extent of what was Matt
19 Mahoney's defense of Baker in the trial before Judge
20 Toomin, but I believe that the -- the defense was along
21 the lines of the -- that this was a staged or -- or put
22 on case, whatever -- however Matt characterized it to
23 Judge Toomin. Yes, similar to what had been reported --
24 detailed to me.
25 BY MR. GAINER:

1 **Q. Okay. And we saw some transcripts of you**
2 **appearing before Judge Toomin at various times, while**
3 **Ben Baker's criminal trial or criminal case was pending,**
4 **right?**
5 A. Correct.
6 **Q. And in those transcripts, do you remember -- I**
7 **seem to remember that there were discussions between**
8 **you, and Mahoney, and Judge Toomin, about the need for**
9 **IAD documents, and the need for continuances so that**
10 **Matt Mahoney could look into these allegations. Do you**
11 **remember reading that?**
12 A. Yes.
13 **Q. Okay. So at least Judge Toomin was made**
14 **aware, prior to maybe the trial that you weren't**
15 **involved in, he was made aware of, by you and Matt**
16 **Mahoney, that there were these issues outstanding, with**
17 **regard to IAD documents and allegations of misconduct by**
18 **the police, right?**
19 A. Correct.
20 **Q. And as you just said, your belief is that Matt**
21 **Mahoney's defense, ultimately when the case went to**
22 **trial, was that, for lack of a better word or better**
23 **phrase, the officers put this case on him, right?**
24 A. Correct.
25 **Q. And so the trier of fact heard Ben Baker's**

1 **version of, or Matt Mahoney's version of, Ben Baker's**
2 **allegations relating to misconduct by the police**
3 **officers, specifically Watts, who arrested him, right?**
4 MR. STARR: Form and foundation. Speculation.
5 A. Yes.
6 BY MR. GAINER:
7 **Q. And Ben Baker was found guilty anyway, right?**
8 A. Yes.
9 **Q. And your investigation then closed without any**
10 **charges being brought against Ronald Watts based on**
11 **these allegations, correct?**
12 A. Subsequently, yes.
13 MR. GAINER: All right. That's it. Thanks for
14 your time.
15 MS. MORRISON: I don't have any questions for
16 you, Judge. Thank you for your time today.
17 THE WITNESS: Thank you.
18 MS. MCGRATH: I don't have any questions for
19 you, Judge. Thanks for your time.
20 THE WITNESS: Thank you.
21 REDIRECT EXAMINATION
22 BY MR. STARR:
23 **Q. Yeah, I just -- I have one follow-up, I know**
24 **it's going to get objected to, but I'm just going to**
25 **throw it out there. Regarding your determination of**

1 **credibility on behalf of Clarissa Glenn, were there**
2 **multiple reasons why you found Ms. Glenn credible?**
3 MR. GAINER: I'll object to form. But I was
4 waiting for the other ones too, Sean.
5 MR. OBERTS: Yeah. I'm going to object to the
6 extent it calls for his work product, mental
7 impressions, or beliefs. The actual beliefs,
8 whether a number of beliefs would be work product.
9 I don't know if the actual beliefs and impressions
10 would be work product, so I'm going to object to the
11 extent it would call for disclosure of his mental
12 impressions, beliefs, and/or work product, but if
13 you can answer factually --
14 A. I don't -- I don't know that there was -- that
15 I can say that there was one thing that -- that I --
16 that I said, oh, there's -- there's one thing, or
17 there's two things, or three things. I don't know what
18 was -- at that point, what -- what -- how many things it
19 was that formed the basis of that -- that note or my
20 determining she was credible.
21 BY MR. STARR:
22 **Q. Right. But nonetheless, you found Clarissa**
23 **Glenn to be credible, correct?**
24 MR. OBERTS: Objection. Work product. I'd ask
25 him not to answer, based on his work product.

EXHIBIT 19

IN THE CIRCUIT COURT OF COOK COUNTY
CRIMINAL DIVISION

PEOPLE OF THE STATE OF ILLINOIS,	)	
	)	
Respondent	)	
	)	05 CR 8982-01
v.	)	
	)	
BEN BAKER,	)	Judge Nicholas Ford, Presiding
	)	
Petitioner.	)	

NOTICE OF FILING AND MOTION

TO: Cook County State's Attorney's Office
Post-Conviction Unit
2650 S. California Ave., 12th Floor
Chicago, IL 60608

You are hereby notified that: On September 18, 2014, I caused to be filed with the Clerk's Office at 2650 S. California Avenue, Chicago, Illinois 60608, the foregoing Petitioner Ben Baker's Motion for Leave to File Successive Amended Post-Conviction Petition and Motion to Recharacterize *Pro Se* Motion for Relief from Judgment as Post-Conviction Petition. Counsel for petitioner will present the motion before Judge Ford in his courtroom at 2650 S. California Ave., Chicago Illinois, 60608 on September 19, 2014 at 10:00am or as soon as the motion may be heard.

One of Petitioner's Attorneys

Jon Loevy
Tara Thompson
Elizabeth Wang
David Owens
THE EXONERATION PROJECT
at the University of Chicago Law School
6020 S. University Avenue
Chicago, IL 60637
(312) 789-4955 - ID: 44407
Counsel for Petitioner-Defendant Ben Baker

FILED
2014 SEP 18 PM 3:14
DOROTHY BROWN
CLERK OF THE CIRCUIT COURT
OF COOK COUNTY, IL

CERTIFICATE OF SERVICE

I, Elizabeth Wang, an attorney, hereby certify that on September 18, 2014, I caused to be served via U.S. Mail the foregoing Petitioner Ben Baker's Notice of Filing on counsel of record for the People of the State of Illinois, as listed below.

One of Petitioner's Attorneys

Persons served:

Cook County State's Attorney's Office
Post-Conviction Unit
2650 S. California Ave., 12th Floor
Chicago, IL 60608

FILED
2014 SEP 18 PM 3:14
DOROTHY BROWN
CLERK OF THE CIRCUIT COURT
OF COOK COUNTY, IL

IN THE CIRCUIT COURT OF COOK COUNTY
CRIMINAL DIVISION

PEOPLE OF THE STATE OF ILLINOIS,	)	
	)	
Respondent	)	
	)	05 CR 8982-01
v.	)	
	)	
BEN BAKER,	)	Judge Nicholas Ford, Presiding
	)	
Petitioner.	)	

PETITIONER'S MOTION FOR LEAVE TO FILE FIRST SUCCESSIVE AMENDED PETITION FOR POST-CONVICTION RELIEF

AND

MOTION TO RECHARACTERIZE *PRO SE* MOTION FOR RELIEF FROM JUDGMENT FILED FEBRUARY 26, 2014 AS PETITION FOR POST-CONVICTION RELIEF

FILED
2014 SEP 18 PM 3: 14
DOROTHY BROWN
CLERK OF THE CIRCUIT COURT
OF COOK COUNTY, IL

Jon Loevy
Tara Thompson
Elizabeth Wang
David Owens
THE EXONERATION PROJECT
at the University of Chicago Law School
6020 S. University Avenue
Chicago, IL 60637
(312) 789-4955
ID: 44407
Counsel for Petitioner-Defendant Ben Baker

Now comes Petitioner, BEN BAKER, by and through his attorneys, The Exoneration Project at the University of Chicago Law School, and hereby respectfully submits this Motion for Leave to File First Successive Amended Petition for Post-Conviction Relief and Motion to Recharacterize his *Pro Se* Motion for Relief from Judgment filed February 26, 2014 as Petition for Post-Conviction Relief. In support of these motions, Petitioner states as follows:

1. Petitioner Ben Baker was convicted of possession of a controlled substance with intent to deliver in June 2006. He is innocent of the charges. At his trial, the only evidence presented against him was the testimony of four police officers. The leader of those officers—Sgt. Ronald Watts—was convicted last year on federal corruption charges very similar to the corruption that Baker testified about at his trial. *See United States v. Watts*, 12 CR 87-1 (see documents attached to Baker's proposed petition, Exhibit 1). This newly discovered evidence shows Baker's innocence.

2. On February 26, 2014, Petitioner filed a *pro se* motion for relief from judgment pursuant to 735 ILCS 5/2-1401. In that motion, Petitioner alleged newly discovered evidence showing his actual innocence relating to Sgt. Watts' recent federal conviction on corruption charges and an ineffective assistance of counsel claim. This *pro se* 2-1401 motion is currently pending. Petitioner seeks in this motion to have his February 26, 2014 *pro se* 2-1401 motion construed as a petition for post-conviction relief and for leave to file his amended first successive petition

DO-JOINT 053002

for post-conviction relief (attached as Exhibit 1, drafted with assistance of counsel) in its place.

3. On July 31, 2014, undersigned counsel for Petitioner, The Exoneration Project at the University of Chicago Law School, filed an appearance on Petitioner's behalf. *See* Exhibit 2 (Appearance for Defendant Ben Baker). During the status hearing on that date, the court set another status hearing for August 27, 2014.

4. On August 27, 2014, the court indicated for the first time since undersigned counsel's appearance in the case that the court intended to rule on Mr. Baker's *pro se* 2-1401 motion filed in February 2014. The court set September 19, 2014 as a ruling date. Counsel did not have an opportunity to state on the record that counsel would be seeking leave to file an amended pleading on Mr. Baker's behalf.

5. "Generally, when a party asks to amend a [postconviction pleading], leave to do so is freely given." *People v. Cleveland*, 2012 IL App (1st) 101631, ¶ 57 (internal quotation marks omitted). In his *pro se* 2-1401 motion, Baker did not attach the guilty plea and sentencing transcripts from *United States v. Watts* (or *United States v. Mohammed*), because he was and is incarcerated and did not have access to them. Baker was not represented by counsel at that time. It was not until he became represented by the undersigned counsel and counsel filed an appearance on his behalf, that Baker was able to obtain the guilty plea and sentencing transcripts wherein Ronald Watts, a key officer who testified against Baker at his

DO-JOINT 053003

trial, pled guilty to stealing U.S. government funds and was sentenced to 22 months' imprisonment.

6. Attached as Exhibit 1 is Petitioner Ben Baker's Amended First Successive Petition for Post-Conviction Relief. Attached as Exhibits A-N to that petition is documentary evidence supporting Petitioner's claims.

Grounds for Permitting the Proposed Amended Successive Petition

7. The proposed amended petition, attached as Exhibit 1, alleges that newly discovered evidence in the form of Sgt. Watts' conviction on federal corruption charges, shows that Ben Baker is actually innocent of the charges.

8. As alleged in Baker's petition, the evidence presented against him at his trial consisted exclusively of the testimony of three police officers who claimed that they caught him with controlled substances in at Ida B. Wells housing project. Baker has claimed all along, and he testified at trial, that the officers who arrested him, including Ronald Watts, were corrupt and that they placed a false case on him because he refused to pay Watts $1,000.

9. In rejecting Baker's motion for a new trial, Judge Toomin indicated that the result may have been different if there had been evidence to corroborate Baker's testimony.

10. Baker now has that evidence, which he could not have discovered any earlier with due diligence, and which would probably change the result on retrial.

DO-JOINT 053004

11. Baker previously filed one *pro se* post-conviction petition on March 16, 2009. In that *pro se* petition, he raised only issues concerning his sentence. On May 1, 2009, this court dismissed Baker's *pro se* petition.

12. Petitioner's claims as set forth in his proposed petition here (*see* Exhibit 1) merit consideration under the cause and prejudice test. A successive post-conviction petition is permissible "if a petitioner demonstrates cause for his or her failure to bring the claim in his or her initial post-conviction proceedings and [that] prejudice results from that failure." 725 ILCS 5/122-1(f). Cause is defined as an objective factor, external to the defense, that impeded the defendant's effort to raise the claim in an earlier proceeding. *People v. Pitsonbarger*, 205 Ill.2d 444, 460 (2002). Prejudice is defined as an error so serious that it affected the entire trial to the extent that the resulting conviction violates due process. *Id.* at 464. Both requirements must be satisfied in order for the defendant to prevail under this test. *Id.*

13. There is manifest cause for Baker's failure to bring his claim in his initial post-conviction petition filed in 2009. At the time of his first, *pro se* petition, Ronald Watts had not yet been indicted (much less convicted) on federal charges stemming from corrupt conduct. This is an objective factor, external to Baker's defense, that prevented Baker from raising this claim earlier. Accordingly, Baker has good cause for not bringing this claim in his first petition for post-conviction relief.

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14. Prejudice is likewise readily apparent because Baker's claim is that his conviction relied exclusively on the testimony of the officers, including Sgt. Watts, who was the leader and supervisor of the officers involved in arresting Baker. The newly discovered evidence presented in Baker's amended petition demonstrates that he is actually innocent. Baker's story was that Watts put a false drug case on him because he refused to pay Watts a bribe. In July 2013, Watts pleaded guilty to stealing money from a person he thought was a courier for drug dealers but who was actually a confidential source for the FBI. The government alleged that Watts' misconduct went back to at least 2007 and that he had likely done this on other occasions. It also specifically alleged that he had threatened to falsely arrest people who did not cooperate with him and pay him bribes. If Watts' pattern and practice of misconduct had been known at the time of Baker's trial, the result may have been different. In finding Baker guilty, Judge Toomin noted that there was no evidence corroborating Baker's testimony and that it might have been different if there had been.

15. Separately, the bar against multiple petitions may be relaxed "when fundamental fairness so requires." *Pitsonbarger*, 205 Ill.2d at 458. "In order to demonstrate a miscarriage of justice to excuse the application of the procedural bar, a petitioner must show actual innocence." *People v. Edwards*, 2012 IL 111711, ¶ 23 (citing *Pitsonbarger*, 205 Ill.2d at 459). When a defendant claims actual innocence, the question is whether his motion for leave to file a successive petition and

supporting documentation set forth a colorable claim of actual innocence. *People v. Adams*, 2013 IL App (1st) 111081, ¶ 30.

16. Newly discovered evidence requires a new trial when: (1) it has been discovered since the trial; (2) it is of such a character that it could not have been discovered prior to the trial by the exercise of due diligence; (3) it is material to the issue but not merely cumulative; and (4) it is of such a conclusive character that it will probably change the result on retrial. *People v. Molstad*, 101 Ill.2d 128, 134 (1984); *People v. Coleman*, 2013 IL 113307, ¶ 96 (2013); *People v. Ortiz*, 235 Ill.2d 319, 333 (2009). When defendant raises a claim of actual innocence, he is excused from satisfying cause and prejudice in order to obtain leave to file his successive post-conviction petition. *Edwards*, 2012 IL 111711, ¶ 24.

17. Baker has satisfied these requirements here. New "means the evidence was discovered after trial and could not have been discovered earlier through the exercise of due diligence." *Coleman*, 2013 IL 113307, ¶ 96. Material evidence is anything "relevant and probative of the petitioner's innocence" and noncumulative means that the evidence "adds to what the jury heard." *Id.* To be conclusive, "evidence need not be completely dispositive of an issue to be likely to change the result upon retrial." *Id.* ¶¶ 96-97. Instead, the appropriate measure is whether the new evidence, when considered together with the trial evidence, "would probably lead to a different result." *Id.*

18. The evidence of Watts' (and his partner Mohammed's) conviction in federal court on corruption charges is new: Watts was convicted on July 19, 2013

and sentenced in October 2013. Clearly, Petitioner did not have this evidence available to him at the time of his trial in 2006. Nor did he have this evidence available to him at the time of his *pro se* post-conviction petition filed in 2009.

19. This evidence is also material: it is relevant and probative of Baker's innocence. It tends to support his version of events that he testified to at his trial—that the officers—led by Watts—planted drugs on him because he refused to pay Watts a bribe. The only evidence presented against Baker at his trial was the testimony of Officers Nichols, Gonzalez, Jones, and Watts. The only evidence that Judge Toomin had to weigh was the credibility of the officers versus the credibility of Baker. The evidence that Watts had committed this kind of misconduct on other occasions tends to corroborate Baker's testimony. Even though the conduct that Watts pleaded guilty to in 2013 stemmed from an FBI sting that occurred in 2011, the government noted in a pleading that Watts' misconduct went back to "at least" 2007, which is very close in time to Baker's conviction in 2006.

20. In addition, this evidence is noncumulative: there was no evidence of Watts' corruption presented at Baker's trial, and this evidence of Watts' federal conviction is noncumulative.

21. And finally, this evidence would probably lead to a different result on retrial: as Judge Toomin indicated, if there had been any evidence to corroborate Baker's testimony that Watts and the other cops involved in arresting him were corrupt, there might have been a different result. Petitioner alleges that this evidence would probably lead to a different result on retrial. *See People v.*

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Patterson, 192 Ill.2d 93, 139-45 (2000) (finding evidence of a pattern and practice of police conduct new, material and noncumulative evidence that would probably change the result on retrial, where that evidence did not exist until after defendant's trial). A jury could reasonably infer that Watts' misconduct took place over many years and did not simply begin in 2007.

CONCLUSION

WHEREFORE, Petitioner Ben Baker respectfully requests that this Court:

(1) recharacterize his *pro se* motion for relief from judgment pursuant to 2-1401 filed on February 26, 2014 as a petition for post-conviction relief, and

(2) grant leave to file his first successive amended petition for post-conviction relief, attached hereto as Exhibit 1.

Respectfully submitted,

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DO-JOINT 053009

CERTIFICATE OF SERVICE

I, Elizabeth Wang, an attorney, hereby certify that on September 18, 2014, I caused to be served via U.S. Mail the foregoing Petitioner Ben Baker's Motion for Leave to File Successive Amended Post-Conviction Petition and Motion to Recharacterize *Pro Se* Motion for Relief from Judgment as Post-Conviction Petition, on counsel of record for the People of the State of Illinois, as listed below.

One of Petitioner's Attorneys

Persons served:

Cook County State's Attorney's Office
Post-Conviction Unit
2650 S. California Ave., 12th Floor
Chicago, IL 60608

DO-JOINT 053010

IN THE CIRCUIT COURT OF COOK COUNTY
CRIMINAL DIVISION

PEOPLE OF THE STATE OF ILLINOIS,	)	
	)	
Respondent	)	
	)	05 CR 8982-01
v.	)	
	)	
BEN BAKER,	)	Judge Nicholas Ford, Presiding
	)	
Petitioner.	)	

AMENDED FIRST SUCCESSIVE PETITION FOR POST-CONVICTION RELIEF OF BEN BAKER

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Now comes Petitioner, BEN BAKER, by and through his attorneys, The Exoneration Project at the University of Chicago Law School, and respectfully submits this amended first successive petition for post-conviction relief pursuant to the Post Conviction Hearing Act, 725 ILCS § 5/122-1 *et seq.* Petitioner alleges and states the following:

INTRODUCTION

1. Petitioner Ben Baker was convicted of possession of a controlled substance with intent to deliver in June 2006. He is innocent of the charges. At his trial, the only evidence presented against him was the testimony of four police officers. The leader of those officers—Sgt. Ronald Watts—was convicted last year on federal corruption charges very similar to the corruption that Baker testified about at his trial. This newly discovered evidence shows Baker's innocence.

2. On March 23, 2005, Ben Baker was arrested at the Ida B. Wells public housing complex by a team of Chicago Housing Authority (CHA) police officers working under the direction of Sergeant Ronald Watts. ROP U9-U10, U20-21.[1] Following his arrest, Baker was charged by indictment on April 13, 2005, with one count of possession of heroin with intent to deliver and three counts of possession of cocaine with intent to deliver. S.C. 1-5.

[1] For purposes of this petition, the record (from the record on Baker's direct appeal, No. 06-3352) is referenced as follows: C. __: the one-volume common law record; S.C.I __: the one-volume supplemental common law record containing the indictment; S.C.II __: the one-volume supplemental common law record containing, *inter alia*, the documents inspected *in camera* by Judge Toomin; ROP __: the two-volume report of proceedings; S.R.I. __: the 8-page supplemental report of proceedings of July 7, 2005; and S.R.II. __: the 33-page supplemental report of proceedings of June 5, 2006. The ROP and S.R.II are attached for the court's convenience as Exhibits A-1 (ROP vol. 1), A-2 (ROP vol. 2), and B, respectively.

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3. The case was assigned to Judge Michael Toomin. C. 3; ROP B3. Baker took a bench trial, and his defense at trial was that he was falsely accused of the offenses after he refused to pay a bribe solicited by Sgt. Watts and that Watts and officers working with him routinely demanded bribes from persons he thought to be drug dealers at Ida B. Wells. *See* ROP U6-7. The evidence at trial consisted of Baker's testimony versus the testimony of Watts and three other police officers. In finding Baker guilty, Judge Toomin found the officers to be credible, and in denying a motion for new trial, he stated that if there had been corroboration of Baker's testimony, the result may have been different. ROP Y8.

4. There now exists newly discovered evidence corroborates Baker's testimony of being framed by corrupt police officers. In May 2012, Sgt. Watts was charged in federal court with stealing money belonging to the United States government. Exhibit C (Information filed in *United States v. Watts*, 12 CR 87-1); Exhibit D (Criminal Complaint filed in *United States v. Watts*, 12 CR 87-1). On July 19, 2013, Watts pleaded guilty to that charge. *See* Exhibit E (Plea Hearing Transcript in *United States v. Watts*, 12 CR 87-1). Specifically, Watts pleaded guilty to taking money from an individual he believed was a courier for drug dealers and giving that courier a kickback in exchange for allowing him to steal the money he thought belonged to drug dealers. *Id.* at 16-19. The courier turned out to be a confidential informant for the FBI. *Id.* at 16-18. Sgt. Watts pleaded guilty as charged. *Id.* at 19. Judge Sharon Johnson Coleman sentenced Watts to 22 months in federal prison, one year mandatory supervised release after completion of that

sentence, $5,200 in restitution and a $100 special assessment. Exhibit F (Sentencing Hearing Transcript in *United States v. Watts*, 12 CR 87-1) at 26.

Pretrial Proceedings

5. On September 28, 2005, at defense counsel's request, the court signed an order directing the Chicago Police Department's Internal Affairs Division (IAD) to deliver its "entire files, notes, complaints and any and all other information" on Chicago police sergeant Ronald Watts and officers Alvin Jones, Robert Gonzalez, and Douglas Nichols to Judge Toomin for an *in camera* inspection. C. 38.

6. On the next court date three weeks later, defense counsel represented that, after requesting IAD's files on these officers, Baker, who was on bond, had been arrested again at the direction of the same officers. ROP I3-4, *see also* C. 59. Counsel stated that the circumstances of the arrest were "highly unusual" and that a police lieutenant had asked Baker to prepare and sign a statement regarding the officers' conduct. ROP I4. Assistant State's Attorney David Navarro, who appeared for the prosecution, had no objection to Baker remaining free on an I-bond, and Judge Toomin agreed. ROP L4.

7. When Baker was arrested again in December 2005 by one of the officers whose IAD files Baker had requested (Alvin Jones), Navarro, who was "very involved" in Baker's situation, again had no objection to another I-bond, and again Judge Toomin agreed. ROP N3-N6, P4-5; C. 58. For some reason not apparent from the record, the amount of Baker's bond was increased, and the State began objecting to I-bonds. ROP P5. At defense counsel's request, Judge Toomin reduced

Baker's bail to $30,000 with the expectation that Baker would be able to make bond. ROP P6.

8. At a status hearing in April 2006, after representations by the prosecutor that Navarro was no longer involved in the case, defense counsel requested that the material previously sent to the court from IAD be released to the defense. ROP S3-S4. Judge Toomin indicated that he had not released the IAD files earlier because there was an ongoing investigation. ROP S4. The prosecutor then represented that she would contact Navarro to ascertain his position on Baker's case. *Id.* The court informed defense counsel that, if it turned out that the investigation was over, it would provide defense counsel with the subpoenaed IAD documents. *Id.* A short status date was set.

9. A week later, on April 28, 2006, defense counsel informed the court that he had been in contact with ASA Navarro, that they were at an "impasse" with respect to negotiations, and that the case should be set for trial. ROP T3. When defense counsel again brought up the subject of the material from IAD, Judge Toomin indicated he wanted to discuss the matter in chambers with ASA Navarro, who was not present, before distributing them. *Id.*

10. The documents to which Judge Toomin referred included a nine-page report generated by the United States Bureau of Alcohol, Tobacco, Firearms and Explosives ("ATF"), dated April 14, 2005, as well as several IAD reports. S.C.II, 27-35. The ATF report concerned a federal investigation of the Gangster Disciples street gang at the Ida B. Wells housing project and described an interview with an individual named Wilbert Moore, a drug dealer at the project. S.C.II, 27.

11. Moore was interviewed by federal agents on April 7, 2005, at a Chicago Police Department facility. S.C.II, 27, ¶ 1. Moore was informed that his cooperation would be brought to the attention of the United States Attorney's Office. S.C.II, 27, ¶ 2.

12. Moore stated that he and his associates sold heroin and cocaine in the Wells project. S.C.II, 27, ¶ 1. In paragraphs 53 through 58, the report summarized Moore's dealings with Sgt. Ronald Watts and members of Watts' team including Officer Alvin Jones. S.C.II, 34. According to Moore, he had personally paid Watts $7,000, had given him firearms, and had been present when his associate, Roy Bennett (aka "Shock"), paid Watts $10,000. S.C.II, 34, ¶¶ 53-54. Moore explained that he would pay Watts when Watts had caught Moore or one of his workers in possession of either firearms or narcotics. S.C.II, 34, ¶ 54.

13. Moore reported that a rival drug dealer, Willie Gaddy, was also paying Watts money. S.C.II, 34, ¶ 56. According to Moore, approximately two years previously, Gaddy decided that he was not going to continue to pay Watts, at which point Watts shot at Gaddy. *Id.*

14. At the same time he released the ATF report, Judge Toomin turned over several Chicago Police IAD reports. In one dated September 17, 2004 (approximately six months prior to Mr. Baker's arrest), IAD reported that a "Cooperating Individual" had informed IAD that officers assigned to the Public Housing Unit were demanding and receiving payment from drug dealers in exchange for allowing them to sell drugs. S.C.II, 41. The "cooperating individual" reported that one of the officers had shot at him in 2003. *Id.*

15. In a report dated three days later, IAD reported that members of the Chicago Police Department had met with members of the United States Attorney's Office; the Federal Bureau of Investigation; the Drug Enforcement Administration; and the Bureau of Alcohol, Tobacco, Firearms and Explosives. S.C.II, 45. At the meeting, it was determined that there would be a federal investigation and that the "cooperating individual" would be prosecuted in federal court. *Id.*

16. In a report dated March 9, 2005 (two weeks prior to Mr. Baker's arrest), IAD reported that Sgt. Watts had been accused of taking money from drug dealers in exchange for allowing them to remain in business. S.C.II, 67. Watts was also accused of arresting those drug dealers who refused to pay. *Id.*

17. A report dated June 28, 2005, detailed IAD's meeting with Ben Baker the previous month, during which 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. S.C.II, 70. Baker also alleged that Sgt. Watts had shot at Willie Gaddy when he refused to pay the drug "tax." *Id.* Further, the report stated, "Baker's allegations against Sergeant Watts are essentially the same as those told by two other known drug dealers at the Ida B. Wells Housing Projects, Willie Gaddy and Wilbert Moore. These three men had no knowledge the other was talking to a [*sic*] Law Enforcement Agents." *Id.* Finally, the report indicated that Willie Gaddy, who was then in federal custody and "working off a case," was brought to IAD by a federal drug enforcement

program ("HIDTA" or High Intensity Drug Trafficking Areas) and was made available to other sections of the Chicago police. *Id.*

Trial and Sentencing

18. Baker's bench trial began on May 23, 2006. ROP T3-4. Following Baker's jury waiver, the State presented, as its case-in-chief, the live testimony of a single witness and a stipulation. ROP U4-U5.

19. Chicago police officer Douglas Nichols testified that on March 23, 2005, he was working as a CHA police officer and was assigned to the Ida B. Wells complex. ROP U9. At 3:45 p.m., he and his partner, Manuel Leano, under the direction of their supervisor Sgt. Ronald Watts, went to the Wells project to check for narcotics activity. ROP U10-11, U21. The building they were searching, 527 E. Browning, had two stairwells. ROP U10, U12. According to Nichols, he and Leano began their search by ascending the rear stairway. ROP U12. He claimed that when the two officers arrived on the third floor, they observed Ben Baker standing in the hallway approximately five feet away with two other individuals. ROP U12-14. Baker was reportedly holding a clear plastic Ziploc sandwich bag, containing numerous smaller baggies of a white powder, which Nichols suspected to be narcotics. ROP U14.

20. Nichols further testified that, when the officers announced they were police, Baker fled down the stairs. ROP U11-14. According to Nichols, both he and Leano pursued Baker and, as they did so, Nichols radioed other officers that they were engaged in a foot chase. ROP U15. Nichols followed approximately three feet behind Baker and lost sight of him only momentarily as he rounded the bend in the

stairway. *Id.* When Nichols arrived in the lobby, Baker was being detained by another police unit. *Id.* Nichols acknowledged that Baker stopped for the officers in the lobby without resisting or trying to flee. ROP U24-25. Baker was still holding the clear plastic bag which contained 110 clear plastic bags of suspected heroin. ROP U15-16. Nichols then performed a custodial search and reportedly recovered another clear plastic bag containing 68 smaller bags of suspected crack cocaine and $819 in cash from Baker's pants pockets. ROP U16. Nichols did not specify the denominations of the cash.

21. Baker was transported to the Second District police headquarters. ROP U16-17. According to Nichols, Baker was then Mirandized and, in response to questioning stated, "Them blows are mine but those rocks ain't." ROP U17. "Blows" is a street term for heroin while "rocks" refers to crack cocaine. ROP U18-19. Nichols turned over the suspected narcotics to his partner, Officer Leano. ROP U19. The parties later stipulated that Leano would testify that he received and inventoried two Ziploc bags matching the description of those reportedly recovered by Nichols from Baker. ROP U28. The parties further stipulated that a forensic chemist analyzed the contents of the bags and determined that one of the bags contained at least 15.3 grams of heroin and that the other contained at least 5.3 grams of cocaine. ROP U29-30.

22. On cross-examination, Nichols stated that, although directed to the building at 527 Browning by Sgt. Watts, Watts had not told the officers to look for anyone in particular. ROP U20. Nichols stated that he worked for Sgt. Watts since November 2004, ROP U20, U26, and that as his supervisor, Watts wrote his

performance reviews, ROP U21. Nichols denied ever seeing Watts engage in criminal activities. ROP U26.

23. Baker's trial counsel called Baker to testify as the only witness for the defense. Baker recounted the interactions he had had with Sgt. Watts and his team in the months and years preceding his arrest on the present charges. Baker stated that he had lived at the Wells housing complex with his wife and three sons since 1997. ROP U33. Baker had known Watts as a Chicago police sergeant for approximately three or four years and had had conversations with Watts about narcotics activity in his apartment building on 20 or more occasions. ROP U33, U35.

24. In mid-June 2004, Baker received a call from a friend, who informed Baker that Watts and his officers were at Baker's building, had recovered heroin from a mailbox, and were threatening to "put it on" Baker when they saw him to ensure that he went to jail. ROP I37-38.

25. Shortly thereafter, on June 20, 2004, Baker had a conversation with a fellow resident of the Wells housing project named Charles Lawrence. ROP U38. Lawrence informed Baker that Sgt. Watts wanted to talk to him (Baker). ROP U39. Baker drove Lawrence to a pay phone approximately one and one-half miles from the project. ROP U39-40. There Lawrence placed a call and told the party on the other end that he was with "Little Benny" (Ben Baker), who was "ready to work it out." ROP U41. Lawrence informed Baker that Sgt. Watts said it would cost $1,000. ROP U42. Baker understood this to mean that, if he (Baker) paid Watts $1,000, he would not be arrested or charged in connection with the narcotics recovered from the mailbox earlier that month. ROP U42-43. Baker then spoke personally to Watts

on the phone to ascertain whether he and Watts would be "cool" if Baker gave Lawrence the $1,000 requested by Watts. ROP U44. Watts told Baker that Baker would still have to fight the mailbox case but that Baker would prevail. *Id.* Baker hadn't even been arrested for the mailbox case yet. ROP U44-45. Baker responded that he felt he should not have to fight the case at all if he paid Watts $1,000. ROP U45. Baker then told Watts he wouldn't pay him a bribe, hung up the phone, and left. ROP U45-46.

26. Three weeks later, in mid-July 2004, Watts and three of his men knocked at the door of the Bakers' apartment. ROP U46, U93. Baker's wife answered the door and the police officers entered the apartment with their guns drawn. ROP U46. Watts and the officers began searching the apartment. ROP U47. When Baker asked why, Watts stated it was because Baker had just been in the hallway "serving" (selling drugs), which was untrue. *Id.* Watts further stated that, if the officers found any contraband in the apartment, everyone there would be arrested; if they did not find anything illegal, Baker would be arrested and charged with possessing the narcotics from the mailbox. ROP U48. When the officers did not find anything illicit in the Baker apartment, Watts arrested and charged Baker with possessing the mailbox drugs. *Id.*

27. Baker was incarcerated for over four months in connection with that case, but eventually the State dismissed the charges following a hearing on a motion. ROP U49, U94-95. One week after Baker's release from custody, he encountered one of Watts's men, Officer Alvin Jones, whom Baker had known for three or four years. ROP U49-50. Sgt. Watts and Officer Jones frequently rode

together in the same car, and Baker had seen them together over 50 times. ROP U51-52. When Baker told Jones that the previously dismissed mailbox case had been "BS," Jones replied that it was "part of the game[;] you win some, you lose some." ROP U52. Jones explained that Baker had successfully defended against the mailbox case because Jones's partner, Kenneth Young, had "fucked up on his testimony" against Baker. *Id.* Jones assured Baker that, the next time they gave Baker a case, the officers would make it stick. ROP U53. Baker understood Jones to mean that the officers were planning to "put a case" on him. ROP U54.

28. Baker then testified regarding the circumstances of his arrest for the case for which he was on trial. On March 23, 2005, Baker was walking down the stairwell of his apartment building when he encountered two individuals, Gregory Young ("BayBay") and someone known to him only as Twanie, engaged in a drug transaction on the third floor landing. ROP U54-56, U77. Twanie was holding bags of cocaine. ROP U57. At this point, Officer Nichols came from the hallway into the stairwell with his gun drawn. ROP U56. Nichols was alone and not with his partner. *Id.* Nichols ordered the three men into the hallway and directed them to put their hands against the wall. ROP U57. The three men initially complied, but then Young fled down the closest stairwell. *Id.* Baker also fled, following Young down the stairs, because Officer Jones had previously indicated the officers were planning to give Baker another case and Baker knew that Nichols was a member of Watts' team. ROP U57-58, U81. Nichols did not follow the two men down the stairs. ROP U81.

29. When Young and Baker reached the first floor, Young turned toward the rear of the building while Baker went toward the front. ROP U90-91. As Baker arrived at the front door, he was stopped by Nichols' partner, Manny Leano, who put his hands on Baker's chest. ROP U58. Leano placed Baker in handcuffs, searched his pockets, and placed him in the back seat of a police car. ROP U59. Baker was searched by Leano, not Nichols, and he did not have narcotics or plastic bags in his hands or pockets prior to his arrest. ROP U58-60. Baker next saw Nichols when Nichols exited the apartment building, holding two bags. ROP U59-60. Nichols gave the bags to Leano who was still standing outside his vehicle. ROP U60.

30. Once Nichols and Leano were in the car with Baker, Nichols placed a call on his cell phone. ROP U61-62. Within 90 seconds, Baker saw Watts and Jones pull up in their car. ROP U63. Nichols exited his car and had a conversation with Watts. *Id.* Jones exited his vehicle, approached Baker, and stated "I told you we were going to get you" to which Baker responded that, if the officers were going to arrest him, they should do so fairly. ROP U63-64.

31. Once at the station, Baker had a conversation with Watts. At some point, Watts learned that Baker had a familial connection with another police officer known as "Bat." ROP U64. Watts explained to Baker that, if he had known that Baker was kin to Bat, he (Watts) would not have charged Baker with the case. ROP U65. Later Watts informed Baker that, while it was too late for him not to charge Baker with the case, Watts could arrange for some of the money that the officers had recovered from Baker to be placed in Baker's commissary account at the

jail. ROP U66-67, U85-87. Baker refused the money. ROP U67. Baker also denied making any admissions to the possession of narcotics. ROP U67-68.

32. On cross-examination, Baker admitted that, prior to May 2004, he had supported himself by selling narcotics but stated that he had stopped when Watts threatened him that month. ROP U72. Baker also acknowledged that he had seen Watts and members of his team on several occasions during the months preceding his arrest on the current charges but agreed that they had not arrested him on those occasions. ROP U72-77, U82.

33. In rebuttal, the State called as witnesses, Chicago police officers Robert Gonzalez, Alvin Jones, and Sgt. Watts. The State did not call Officer Manny Leano who Nichols claimed was with him when he observed Baker selling narcotics in the hallway of the housing project and who Baker stated detained him in the lobby. ROP U12-15, U58.

34. Alvin Jones stated that he had worked with Sgt. Watts for four and one-half years, and they had ridden together. ROP U100-01, U106. Jones acknowledged that he and Watts had had conversations with Baker prior to his arrest but was unsure how many and did not remember how long he had known Baker. ROP U103-04, U106. Jones denied the July 19, 2004, conversation to which Baker testified and in which Jones had reportedly said, "The next time I put a case on you it will stick; Kenny wouldn't fuck up his testimony." ROP U99-100.

35. Officer Jones testified that on the day of Baker's arrest, he went to 527 E. Browning of the Ida B. Wells project in response to a radio transmission regarding a chase. ROP U97-98. When he arrived 60 to 90 seconds later, he

observed Ben Baker in the police car under arrest. ROP U99, U109. Jones denied telling Baker at the time of his arrest, "I told you we would get you." ROP U100. Jones was not present when Baker was *Mirandized* and did not recall hearing him say anything or making the admissions ascribed to him. ROP U107.

36. On cross-examination, Jones admitted knowing an individual named "Shock" but denied knowing where he lived, denied taking drug payments from him, and denied ever witnessing Watts taking payments from drug dealers. ROP U104-106.

37. Officer Gonzalez testified that Sgt. Watts had been his supervisor for five years. ROP U118. On March 23, 2005, he and his partner, Officer Bolton, went to the Wells project to conduct a premises check. ROP U111-12. While they were in the lobby, Gonzalez heard a radio call from another officer regarding a foot chase. ROP U112. Gonzalez then observed Ben Baker exit a stairwell. *Id.* Baker stopped when he saw that the officers were in front of him. ROP U115-16. Baker made no effort to flee. ROP U116. Officer Nichols then arrived, and, along with Officer Leano, took Baker into custody. ROP U115. Gonzalez initially did not see anything in Baker's hands, but then saw Nichols recover a plastic sandwich bag from Baker's hand. ROP U113, U119. Gonzalez saw Watts and Jones arrive at the scene of the arrest but could not recall the timing of their arrival. ROP U116-17, U118-19. Gonzalez denied seeing Officer Jones engage in a conversation with Baker at the scene. ROP U116-18.

38. In response to questioning by the court, Gonzalez further testified that, following Baker's arrest, a custodial search was performed at the scene and crack cocaine was recovered from Baker's pants pocket. ROP U119-20.

39. Over defense objection, the case was continued for approximately two weeks to allow the State to bring in Sgt. Watts. ROP U121-22. On the next court date, June 5, 2006, Sgt. Watts testified in rebuttal.

40. Ronald Watts testified that, in his capacity as a police officer, he had known Ben Baker since 2003. Exhibit B, S.R.II, A10. On March 23, 2005, Watts was responsible for an eight-member tactical team, including Nichols, Leano, Bolton, Gonzalez, and Jones, and he had deployed them to the Ida B. Wells housing project to suppress gang and narcotics activity. S.R.II, A7-8. Watts denied telling any member of his team to look for anyone in particular that day. S.R.II, A8. Watts arrived at the scene with Officer Jones following Baker's arrest but denied that anyone called him on his cell phone to say they had Baker in custody. S.R.II, A8-9. Watts did not recall seeing Jones have a conversation with Baker. S.R.II, A14-15. Watts denied telling Baker either that he would not be charged because he was related to "Bat" or that Watts would give him money for his commissary account in jail. S.R.II, A9.

41. On cross-examination, Watts denied keeping large sums of cash around his house but then admitted that, in August 2004, he kept $12,400 in cash at his home. S.R.II, A13.

42. Watts denied knowing anyone named Charles Lawrence and denied ever having had a telephone conversation with Ben Baker. S.R.II, A15-16. Watts

denied ever asking Baker for money. S.R.II, A16. Watts denied accepting any money from an individual named Patrick Nooner. S.R.II, A17. Defense counsel then asked Watts whether he knew an individual named Willie Gatt.[1] S.R.II, A18. When the prosecution's objection to this question as "beyond the scope" was sustained, defense counsel asked no further questions and both sides rested. *Id.*

43. During closing arguments, defense counsel pointed out that the case involved the credibility of the officers and the defendant. S.R.II, A20-21. Defense counsel maintained that the officers' testimony regarding the circumstances of Baker's arrest and his alleged admissions was not believable. S.R.II, A24-26.

44. Defense counsel contended that Baker's testimony was credible because it was against his penal interest in that he admitted to selling drugs in the past. S.R.II A21, A26. Defense counsel also pointed out that a portion of Baker's testimony was corroborated. Specifically, Baker testified that Jones had threatened to put another case on him after the mailbox case had been dismissed because of Officer Kenny Young's testimony. S.R.II, A27-28. Defense counsel reminded Judge Toomin that he had been the judge who tried the mailbox case and that Judge Toomin had dismissed that case mid-trial following Young's testimony, just as Baker had said. *Id.* Finally, defense counsel argued that the defense had no obligation to prove that Officer Jones and Sgt. Watts were corrupt, although it was Defendant's contention that these officers were. S.R.II, A28.

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[1] The transcript phonetically spells the name as "Gatt," but the reports from the Internal Affairs Division and from ATF indicate the correct spelling is Gaddy. S.C.II, 34-35, 70, 110.

DO-JOINT 053027

45. In response, the State argued that Watts was not on trial and that, while Baker had made numerous allegations against him, not one of those allegations had been proven. S.R. A29. Following arguments, the court took the matter under advisement. S.R. A31-32.

46. On June 9, 2006, Judge Toomin found Ben Baker guilty. In announcing its decision, the court noted that the State had presented a number of officers who gave credible testimony while Ben Baker's case was "based solely upon his testimony, his self-serving testimony, which is not corroborated in any manner." ROP W7. The judge found that Baker's testimony was "contradicted by credible evidence presented by a number of police officers—Officers Nichols, Officer Gonzalez, Officer Jones, Sergeant Watts." *Id.* Judge Toomin entered findings of guilty to Counts 1 (PCS with intent to deliver 15-100 grams of heroin), 2 (PCS with intent to deliver 1-15 grams of cocaine at CHA-managed housing), and 4 (PCS), and not guilty on Count 3 (PCS with intent to deliver 1-15 grams within 1,000 feet of a school).

47. On July 7, 2006, Baker's defense counsel filed a motion for a new trial, arguing that Baker's version of events was credible and that the State did not prove him guilty beyond a reasonable doubt. ROP X4. In response, the State argued that the officers who testified, including Sgt. Watts, were credible. ROP X4-5. Judge Toomin denied the motion, stating:

> Mr. Baker told his side of the story, going back into a period of time many months of dealing with these officers, making accusations against them. They were involved in shaking him down, putting cases on him, things of that nature, which was totally uncorroborated. There was nothing to buttress that claim at all. And I believe that the police officers told a [*sic*]

> credible testimony here as to the initial observations in the CHA building, in the chase involving defendant, in the recovery of the controlled substance that followed in the lobby of the building, and additional substance recovered from his pockets as well.
>
> I think certainly those findings are within the purview of the judges and jurors day in and day out—they weigh credibility and they assess credibility they make decisions. I wasn't there, you weren't there, you don't know what the truth is. All I can go by is what I hear in the way of evidence and how I evaluate that evidence.

ROP X6.

48. The case proceeded immediately to sentencing. In allocution, Baker stated that he had had three weeks and one day left on his probation (presumably in case number 02 CR 5992) when he was charged with this case. ROP X11. He stated that he had done everything that had been asked of him while on probation and that he had stopped dealing drugs and refused to pay the officers. *Id.* Baker stated that every case he had been charged with since 2004 had been initiated by the same team of police officers. *Id.*; C. 58-60 (04 CR 19000; 05 CR 8982; 05 CR 25580; 06 CR 810). In addition, Baker's counsel argued that these police officers were corrupt and that corrupt police officers:

> facilitate drug dealing because those drug dealers who do pay the police can now rest assured that the stick the case put on them is not going to happen and the care and protection is still out there for them. I believe that carrot is unwittingly provided. That carrot stick is unwittingly provided by the court system, and this is just one more example of that.

ROP X9. Judge Toomin sentenced Baker to two concurrent terms of 18 years' imprisonment. ROP X13.

49. The defense filed a motion to reconsider sentence. In ruling on the motion, Judge Toomin stated:

> The defense simply had no merit to it. All this business about a frame, accusations made against police officers which fell on its face. Held no water at all. *If there had been some corroboration, there might have been a different story.*

ROP Y8 (emphasis added). The judge, however, did reduce the sentence from 18 to 14 years' imprisonment. *Id.; see also* C. 85 (Corrected Mittimus).

Post-Trial Proceedings

50. Baker appealed. The appellate court affirmed Baker's conviction on direct appeal. *People v. Ben Baker*, No. 1-06-3352, unpublished Rule 23 order dated December 31, 2008 (1st District, Third Division).

51. On March 16, 2009, Baker filed a *pro se* petition for post-conviction relief. In that *pro se* petition, he raised issues concerning his sentence. On May 1, 2009, this court dismissed Baker's *pro se* petition.

52. On February 26, 2014, Baker filed a *pro se* motion for relief from judgment under 735 ILCS 5/2-1401. In this motion, he argued that based upon newly discovered evidence of Sgt. Watts' corruption, he is actually innocent, and that he had received ineffective assistance of counsel. This motion is pending. Petitioner has contemporaneously filed a motion to recharacterize his pending 2-1401 motion as a petition for post-conviction relief and a motion for leave to amend it with this petition.

Newly Discovered Evidence of Sgt. Ronald Watts' Corruption

53. On July 19, 2013, Ronald Watts pleaded guilty in federal court to taking money from an individual he believed was a courier for drug dealers and giving that courier a kickback in exchange for allowing him to steal the money he

thought belonged to drug dealers. *See* Exhibit C (Plea Hearing Transcript in *United States v. Watts*, 12 CR 87-1) at 16-19. The courier turned out to be a confidential informant for the FBI. *Id.* at 16-18. Sgt. Watts pleaded guilty as charged. *Id.* at 19. Specifically, the factual basis for the plea as agreed to by Watts was that:

- On or about November 21, 2011, Sgt. Watts and his co-defendant Kallatt Mohammed stole for their own use approximately $5,200 belonging to the United States which they were not entitled to receive, in violation of 18 U.S.C. Sections 641 and 2.

- In early September 2011, a cooperating witness ("CS") told Watts that he would be transporting money for drug dealers. Watts told the CS that he wanted to know when he would be transporting money so that Watts could steal the money from the CS in exchange for a payment to the CS.

- On November 18, 2011, Watts was contacted by the CS to let him know that the CS would be transporting money for drug dealers in the near future. Watts told the CS to be sure to call him when he had more details. On November 21, 2011, the CS called Watts and told him that he would be transporting money for drug dealers that day, and he also gave Watts the details of when and where. Watts told the CS that he would be there.

- Watts contacted Mohammed and asked him to help with taking the money from the CS. Watts told Mohammed to meet the CS and take the bag, and Mohammed agreed to do so. Mohammed approached the CS and took the bag containing $5,200 from the CS. A short time later, Watts and Mohammed met in the area of 5700 South Princeton Avenue in Chicago, where Watts took a portion of the money from the bag.

- After Mohammed took the bag from the CS, the CS called Watts to arrange to meet so that CS could be paid a portion of the money that had been taken. Watts later met with the CS in the parking lot of a Walgreens near 22nd Street and Canal Street in Chicago, and he gave the CS $400 in case, which was a portion of the $5,200 taken from the CS earlier that day.

Id. at 16-18; *see also* Exhibit G (Government's Proposed Statement of the Case in *United States v. Watts*, 12 CR 87-1).

54. Watts filed a sentencing memorandum, and the government filed a response. *See* Exhibit H (Government's Response to Defendant Ronald Watts' Sentencing Memorandum dated October 2, 2013). As the government explained, when Watts gave the CS money from the funds he had stolen, the CS said to Watts, "About time ... Man, I thought you was fittin' to mess over me, man." *Id.* at 5. Watts said, "No, never doubt, brother a'ight? Who always takes care of you?" *Id.* The CS replied, "You do, Watts." *Id.* Then Watts said "There's five large, brother," and handed the CS $400. *Id.* at 5-6.

55. The government argued that "[f]or years," "the defendant used his badge and his position as a sergeant with the Chicago Police Department to shield his own criminal activity from law enforcement scrutiny. He recruited another CPD officer into his crimes, stealing drug money and extorting protection payments from the drug dealers who terrorized the community that he, the defendant, had sworn to protect." *Id.* at 1. Furthermore, the government stated that, "As set forth in the government's version of the offense and admitted by co-defendant Kallatt Mohammed, beginning no later than December 11, 2007 through at least May 22, 2008, the defendant and Watts [*sic*] covered the Ida B. Wells public housing complex as part of the duties with the Chicago Police Department." *Id.* at 2. Instead of protecting the residents, however, "they protected the heroin and crack cocaine dealers, extorting protection payments from them in exchange for agreeing not to arrest them. Mohammed estimated that he picked up between $20,000 and $25,000 in these protection payments for the defendant and at the defendant's direction." *Id.*; *see also* Exhibit F at 10-11.

56. According to the government's cooperating source (CS), the CS first met Watts in 2007 or 2008, when Watts and Mohammed approached him in a building at Ida B. Wells and tried to get the CS to give them information about drug-dealing activities in the complex. Exhibit H at 2-3. Watts "wanted to seize drugs in the complex to either sell or use to pay off other individuals who were giving him information about drug activities in the complex." *Id.* at 3. "At times, the defendant [Watts] threatened to plant drugs on the CS and then arrest him for them. At one point, the defendant had other officers falsely arrest the CS on drug charges." *Id.*; Exhibit F at 11 (government stating that Watts "did other things such as putting a false case on the confidential source that was involved in our investigation. Had him arrested on drug charges.").

57. The government also detailed an undercover operation that occurred in March 2010 similar to the one that occurred in November 2011. In March 2010, the CS and Watts discussed when and where CS would carry purported drug proceeds for drug dealers. Exhibit H at 3-4. On March 31, 2010, the FBI equipped the CS with a bag containing $11,650 in federal law enforcement funds (the purported drug proceeds). *Id.* at 4. Watts later pretended to arrest the CS, took the bag containing the money, and then handed the CS a stack of cash from the bag ($770) and let him go. *Id.*

58. As the government argued at Watts' sentencing hearing, "When he [Watts] was approached by someone that he believed to be a courier for drug dealers, he jumped right on the idea of stealing what he believed to be drug proceeds from the courier and then kicking back a portion to the courier. He did this

twice with apparently no second thoughts from what we see on the recordings, and which leads you to wonder how many times he might have done something similar when the government was not involved." Exhibit F at 10.

59. On October 9, 2013, Judge Sharon Johnson Coleman sentenced Ronald Watts to 22 months' imprisonment. *Id.* at 26; *see also* Exhibit I (Judgment Order in *United States v. Watts*, 12 CR 87-1, entered October 18, 2013). The judge stated to Watts, "Your actions, sir, were a betrayal to your oath as a police officer. You betrayed your community, both your law enforcement community, the African-American community, that south side community. Your actions were a betrayal. It is a serious offense." Exhibit F at 24-25.

60. Officer Kallatt Mohammed earlier pleaded guilty and been sentenced to 18 months' imprisonment. *See* Exhibit J (Plea Hearing Transcript in *United States v. Mohammed*, 12 CR 87-2, dated August 17, 2012) at 13-15; Exhibit K (Sentencing Hearing Transcript in *United States v. Mohammed*, 12 CR 87-2, dated October 26, 2012) at 20; Exhibit L (Plea Agreement in *United States v. Mohammed*, 12 CR 87-2, filed August 17, 2012); Exhibit M (Judgment Order in *United States v. Mohammed*, 12 CR 87-2, entered October 26, 2012).

CLAIMS FOR RELIEF

CLAIM I: ACTUAL INNOCENCE

BEN BAKER'S CONVICTION AND CONTINUED DETENTION VIOLATE HIS RIGHT TO DUE PROCESS OF LAW BECAUSE NEWLY DISCOVERED EVIDENCE PROVES HIS INNOCENCE

61. Petitioner re-alleges every paragraph of this petition and expressly incorporates them as if they were fully set forth herein.

DO-JOINT 053034

62. Ben Baker is innocent of the crime for which he was convicted. The documents attached to this petition make Baker's innocence demonstrably clear.

63. As Judge Toomin stated when he denied Petitioner's motion for a new trial, if there had been evidence corroborating his testimony that the officers who testified against him were lying, then the result (at the bench trial) may have been different.

64. There is now such evidence: Sgt. Ronald Watts pleaded guilty in federal court to a charge of stealing money from someone he thought was a drug courier and then paying that courier (who turned out to be a CS for the government) a kickback in exchange. As explained in the pleadings filed in federal court discussed above, Watts had a pattern and practice of extorting protection payments from drug dealers and persons he thought to be drug dealers at Ida B. Wells. Watts also had a pattern and practice of putting and threatening to put false cases on people who did not cooperate with him.

65. It is well-established that Illinois has no interest in wrongfully incarcerating innocent persons. Indeed, to do so would be "fundamentally unfair" as a matter of procedure and, as a matter of substance, would be "so conscience shocking as to trigger the operation of substantive due process." *People v. Washington*, 171 Ill.2d 475, 487-88 (1996); *see also* U.S. CONST. AMEND. V, XIV.

66. Accordingly, an actually innocent defendant may bring a free-standing claim of actual innocence, seeking reversal of his conviction. To prevail, the petitioner "must present new, material, noncumulative evidence that is so

DO-JOINT 053035

conclusive it would probably change the result on retrial." *People v. Coleman*, 2013 IL 113307, ¶ 96 (2013) (citing *Washington*, 171 Ill.2d at 489).

67. New "means the evidence was discovered after trial and could not have been discovered earlier through the exercise of due diligence." *Id.* Material evidence is anything "relevant and probative of the petitioner's innocence" and noncumulative means that the evidence "adds to what the jury heard." *Id.* To be conclusive, "evidence need not be completely dispositive of an issue to be likely to change the result upon retrial." *Id.* ¶¶ 96-97. Instead, the appropriate measure is whether the new evidence, when considered together with the trial evidence, "would probably lead to a different result." *Id.* Baker has satisfied each of these requirements.

68. The evidence of Watts' (and his partner Mohammed's) conviction in federal court on corruption charges is new: Watts was convicted on July 19, 2013 and sentenced in October 2013. Clearly, Petitioner did not have this evidence available to him at the time of his trial in 2006. Nor did he have this evidence available to him at the time of his *pro se* post-conviction petition filed in 2009.

69. This evidence is also material: it is relevant and probative of Baker's innocence. It tends to support his version of events that he testified to at his trial—that the officers—led by Watts—planted drugs on him because he refused to pay Watts a bribe. The only evidence presented against Baker at his trial was the testimony of Officers Nichols, Gonzalez, Jones, and Watts. The only evidence that Judge Toomin had to weigh was the credibility of the officers versus the credibility of Baker. The evidence that Watts had committed this kind of misconduct on other

occasions tends to corroborate Baker's testimony. Even though the conduct that Watts pleaded guilty to in 2013 stemmed from an FBI sting that occurred in 2011, the government noted in a pleading that Watts' misconduct went back to "at least" 2007, which is very close in time to Baker's conviction in 2006.

70. In addition, this evidence is noncumulative: there was no evidence of Watts' corruption presented at Baker's trial, and this evidence of Watts' federal conviction is noncumulative.

71. And finally, this evidence would probably lead to a different result on retrial: as Judge Toomin indicated, if there had been any evidence to corroborate Baker's testimony that Watts and the other cops involved in arresting him were corrupt, there might have been a different result. Petitioner alleges that this evidence would probably lead to a different result on retrial. *See People v. Patterson*, 192 Ill.2d 93, 139-45 (2000) (finding evidence of a pattern and practice of police conduct new, material and noncumulative evidence that would probably change the result on retrial, where that evidence did not exist until after defendant's trial). A jury could reasonably infer that Watts' misconduct took place over many years and did not simply begin in 2007.

CLAIM II: INEFFECTIVE ASSISTANCE OF TRIAL COUNSEL

BAKER WAS DENIED HIS CONSTITUTIONAL RIGHT TO EFFECTIVE ASSISTANCE OF COUNSEL

72. Petitioner re-alleges every paragraph of this petition and expressly incorporates them as if they were fully set forth herein.

DO-JOINT 053037

73. The Sixth and Fourteenth Amendments to the U.S. Constitution guarantee a person accused of a crime the right to counsel, as does Article I, Section 8 of the Illinois Constitution of 1970. U.S. CONST. AMEND. VI & XIV; Ill. Const. 1970, art. I, sec. 8. This right to counsel is a fundamental right aimed at protecting the right to a fair trial, and it includes the right to effective representation. *Strickland v. Washington*, 466 U.S. 688 (1984); *People v. Perez*, 148 Ill.2d 168 (1992).

74. To show ineffective assistance of counsel, a defendant must demonstrate that the result of the proceedings would have been different absent counsel's errors. *Strickland*, 466 U.S. at 687. "A reasonable probability is a probability sufficient to undermine confidence in the outcome." *Id.* at 694.

75. Here, counsel's performance fell far below the constitutional standard outlined in *Strickland*. Specifically, Petitioner believes that trial counsel was ineffective for his failure to investigate, interview, and present witnesses who would have testified at Baker's trial to corroborate his version of events and/or that Watts was corrupt, including Gregory Young, Twanie, Roy Bennett, Charles Lawrence, Wilbert Moore, and Willie Gaddy.[2] The Illinois Supreme Court has repeatedly made clear that "[t]he failure to interview witnesses may indicate actual incompetence, particularly when the witnesses are known to trial counsel and their testimony may be exonerating." *People v. Steidl*, 177 Ill.2d 239, 256 (1997); *see also Hinton v.*

[2] Given that undersigned counsel for Petitioner first entered their appearance for Petitioner on July 31, 2014, and that the court first indicated on August 27, 2014 that it would rule on Petitioner's *pro se* 2-1401 motion on September 19, 2014, the undersigned counsel has not had sufficient time to gather affidavits from these individuals that would likely support Petitioner's ineffective assistance of counsel claim. If the court would allow additional time for Petitioner's counsel to investigate prior to ruling, counsel could attempt to gather relevant affidavits in support of this claim and supplement this petition accordingly.

DO-JOINT 053038

Alabama, 134 S. Ct. 1081 (2014). The failure to conduct such investigation and present such witnesses could not be attributed to trial strategy, and Petitioner was prejudiced at trial as a result.

CLAIM III: INEFFECTIVE ASSISTANCE OF APPELLATE COUNSEL

TO THE EXTENT THAT ANY OF THE CLAIMS ASSERTED HEREIN OR IN BAKER'S PRIOR *PRO SE* POST-CONVICTION PETITION ARE DEEMED WAIVED FOR FAILURE TO PRESENT THEM PREVIOUSLY, BAKER RECEIVED INEFFECTIVE ASSISTANCE OF APPELLATE COUNSEL AND FUNDAMENTAL FAIRNESS REQUIRES THEIR REVIEW

76. Petitioner re-alleges every paragraph of this petition and expressly incorporates them as if they were fully set forth herein.

77. To the extent that any of the claims asserted herein are deemed waived for failure to present them on direct appeal, Baker received ineffective assistance of appellate counsel. The *Strickland* standard for ineffectiveness of trial counsel applies equally to claims of ineffective assistance of appellate counsel. *See, e.g., People v. Makiel*, 358 Ill. App. 3d 102, 112 (1st Dist. 2005).

78. Additionally, fundamental fairness requires that this court review any claims that counsel may have, ineffectively failed to raise previously. *See People v. Pitsonbarger*, 205 Ill.2d 444, 458 (2002).

CLAIM IV: CUMULATIVE ERROR

CONCERNS OF FUNDAMENTAL FAIRNESS AND CUMULATIVE ERROR DEMAND THAT BAKER BE GRANTED A NEW TRIAL

79. Petitioner re-alleges every paragraph of this petition and expressly incorporates them as if they were fully set forth herein.

DO-JOINT 053039

80. Even if individually the errors and other matters alleged here are not found to be sufficiently prejudicial to grant Baker post-conviction relief, the cumulative effect of all the matters alleged in this petition deprived Baker of his fundamental due process right to a fair trial. *See People v. Jackson*, 205 Ill.2d 247, 283 (2001) ("individual errors may have the cumulative effect of denying a defendant a fair hearing."). Accordingly, where, as here, cumulative error is present, the Illinois Supreme Court "has reversed convictions and sentences when it was clear that the cumulative effect of the errors deprived the defendant of due process." *Id.*

CONCLUSION

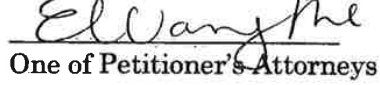
WHEREFORE, Petitioner Ben Baker, by and through his attorneys, move this court to consider the prejudicial impact of each of the above-stated deprivations of his constitutional rights singly, or in combination with one another. Accordingly, Petitioner respectfully requests the following:

(1) An evidentiary hearing in which proof may be presented concerning the allegations contained in his petition; and

(2) Vacation of his conviction followed by the grant of a new trial; or

(3) Reversal of his conviction.

Respectfully submitted,



One of Petitioner's Attorneys

DO-JOINT 053040

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DO-JOINT 053041

List of Exhibits to

Petitioner's First Successive Amended Petition for Post-Conviction Relief

Exhibit A-1: Report of Proceedings, volume 1, *People v. Baker*, Appeal No. 06-3352

Exhibit A-2: Report of Proceedings, volume 2, *People v. Baker*, Appeal No. 06-3352

Exhibit B: Supplemental Report of Proceedings (hearing dated June 5, 2006), *People v. Baker*, Appeal No. 06-3352

Exhibit C: Information filed in *United States v. Watts*, 12 CR 87-1

Exhibit D: Criminal complaint filed in *United States v. Watts*, 12 CR 87-1

Exhibit E: Plea hearing transcript in *United States v. Watts*, 12 CR 87-1

Exhibit F: Sentencing hearing transcript in *United States v. Watts*, 12 CR 87-1

Exhibit G: Government's Proposed Statement of the Case in *United States v. Watts*, 12 CR 87-1

Exhibit H: Government's Response to Defendant Ronald Watts' Sentencing Memorandum *United States v. Watts*, 12 CR 87-1

Exhibit I: Judgment Order in *United States v. Watts*, 12 CR 87-1

Exhibit J: Plea Hearing Transcript in *United States v. Mohammed*, 12 CR 87-2

Exhibit K: Sentencing Hearing Transcript in *United States v. Mohammed*, 12 CR 87-2

Exhibit L: Plea Agreement in *United States v. Mohammed*, 12 CR 87-2

Exhibit M: Judgment Order in *United States v. Mohammed*, 12 CR 87-2

Exhibit N: Affidavit of Ben Baker

EXHIBIT 20

Illinois State Police
Statewide Terrorism & Intelligence Center
Intelligence Contribution Report

Topic: *FINCEN File*
Report Title: *WATTS, Ronald*
Purpose: *FinCEN request related to an internal affairs investigation.*
Source: *HOLLIDAY, Calvin Police Agent*
Reporting Agt: *HOLLIDAY, Calvin Agent*
Report Date: *July 27,2005*
VITAL Control #: *432680*

Data Evaluation Scale
Source Reliability: *B. Usually Reliable*
Validity Assessment: *2. Possibly True*

Data Sensitivity Level
Internal Access: *Full Access*
External Access: *Notification*

Related Case Numbers: *Chicago P.D. ---> 300778 Dism ---> 62238 Gateway ---> 05113*

Reported on Control #: *432680*

Narrative

FinCEN/Gateway Request: On July 13, 2005, Police Agent Calvin Holiday, Chicago Police Department, 3510 South Michigan, Chicago, Illinois 60653, Telephone 312-746-4170, requested a Gateway inquiry regarding an active criminal investigation of a suspect of a narcotics or drug related investigation (C.P.D. Case #300778). The request was also signed by Sergeant Ray Broderdorf, Chicago Police Department. The primary suspect of the case was listed as Ronald Watts, SSN/353-64-2157, MB, DOB: 07/02/1963 of 8019 South Sangamon, Chicago, IL, Phone (773) 874-5889. Overview of Criminal Activity: This is an active criminal investigation involving an internal affairs investigation and a suspected narcotics or drug-related investigation.

Response:

-Inquiry to LEADS/NCIC located FBI/515837DA4 and SID/CO253354 assigned to Ronald Watts, SSN/353-64-2157, MB, DOB: 07/02/1963. The criminal history information can be obtained through the Interstate Identification Index by using the appropriate LEADS or NCIC transaction.

An inquiry to ISP FOID records located Valid FOID Card 51880145, assigned to Ronald Watts, Male, DOB: 07/02/1963 of 8019 South Sangamon, Chiago, IL.

Experian inquiry located the following previous addresses associated with Ronald Watts, SSN/353-64-2157: 8827 Southeast End Avenue, Chicago, Illinois; 7953 South Muskegon Avenue Apt # 2D, Chicago, Illinois, and 8234 South Ellis Avenue Apt # 3, Chicago, Illinois.

Inquiry to the FinCEN/Gateway CBRS system located one (1) Currency Transaction Report by Casino - Form 8362 for SSN/353-64-2157, Ronald Watts, Male, DOB: 07/02/1963 . The subject was entered into the system for reference and inquiry matches. The report is provided below:

CBRS CURRENCY TRANSACTION REPORT BY CASINO - 8362
DCN: 19991230134840 UPD: / /
PATRON: WATTS/RONALD SSN: 353642157 1 OF 1
ORG: EIN:

Continued on next page...

Entered by: *LINGLER* **District/Office:** *Chicago Police Department* **Workgroup:** *INTEL*
Approved by: *HARNEYT* **Approved Date:** *July 27, 2005* **Printed on:** *July 28, 2005 by LINGLER*

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Illinois State Police
Statewide Terrorism & Intelligence Center
Intelligence Contribution Report

Reported on Control #: *432680*

Narrative

ADDR: 8019 SANGAMON ST CHICAGO IL 60620 US
ID METHOD: EXAMINED ID CRED/DOCMNT OCC/BUS:
ID: DRIVERS LICENSE ISSR: IL NUM: W32072063188
ACCT: 142876701 DOB: 07/02/1963
AGENT: SSN: OF
ADDR:
ID METHOD: OCC/BUS:
ID: ISSR: NUM: DOB: / /

MULT TRNS: TRNS TYPE: PURCH OF CHIPS TOKENS GAMING INSTR AMT: 10100
TOTAL CASH IN: 10100 LRG BILLS IN: DOT: 04/20/1999
TOTAL CASH OUT: LRG BILLS OUT:
FOREIGN CURRENCY COUNTRY AMT: OF
CK PAYEE: AMT: DTE: / / OF
MAKER: BK: CTY:
CASINO: EMPRESS CASINO HAMMOND CORPORATION EIN: 363865868
LEGAL NAME:
ADDR: 825 EMPRESS DRIVE HAMMOND IN 46320 US
GO TO CASINO SIGNATURE INFO SCREEN:
NEXT RESPONSE: OF INTEREST: _ <ENTER> TO RETURN OR INPUT NEXT RESPONSE

The above information was forwarded to Police Agent Calvin Holliday, Chicago Police Department by CIA II Richard Lingle, Illinois State Police. Refer to ISP Vital Dism #62238, FinCEN/Gateway Case #05113.

Note: The enclosed Financial Database information was collected and disseminated under provisions of the Bank Secrecy Act (the BSA) and U.S. Department of Treasury regulations implementing the BSA. See U.S.C., et a seq.; 31 CFR Part 103. The information is sensitive in nature, and is to be treated accordingly. The information may be used only for a purpose related to a criminal, tax, or regulatory investigation or proceeding, or in the conduct of intelligence or counterintelligence activities to protect against international terrorism. See 31 U.S.C. 5311. The information cannot be further released, disseminated, disclosed, or transmitted without prior approval of the Secretary of the Treasury or his authorized delegate. Suspicious activity reports filed under the BSA must be treated with particular care given that they contain unsubstantiated allegations of possible criminal activity, akin to confidential informant tips. Such reports, or the fact they have been filed, may not be disclosed by a government employee to any person involved in the transaction, "other than as necessary to fulfill the official duties of such officer or employee." 31 U.S.C. 5318 (g) (2) (ii). Unauthorized release of information collected under the BSA may result in criminal or civil sanctions.

Suspicious Activity Reports (SARs) filed by financial institutions may be used in the conduct of investigations, prosecutions, and related law enforcement activities. As a general rule, SARs should be treated and used in a manner similar to the utilization of confidential informant or source information. The SARs should be used as lead information that, when further investigated, may produce evidence of criminal activity.

Law enforcement personnel may use the information reported on a SAR in connection with any official investigation or

Continued on next page...

Entered by:	*LINGLER*	**District/Office:**	*Chicago Police Department*	**Workgroup:**	*INTEL*
Approved by:	*HARNEYT*	**Approved Date:**	*July 27, 2005*	**Printed on:**	*July 28, 2005 by LINGLER*

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Reported on Control #: *432680*

Narrative

other law enforcement functions; however, there may be no disclosure of the fact that a SAR exists, or that a SAR has been filed, to any person outside of the law enforcement agency (except as noted below).

For example, disclosures to the subject of the SAR, to third-party agencies (i.e., non-law enforcement), or to persons who seek information as part of discovery requests or subpoenas, are generally prohibited. Therefore, law enforcement personnel that use SAR information as part of their investigative efforts may not:

confront a customer of a financial institution with a SAR or include a SAR as an attachment to an affidavit or other legal document

If it is anticipated that there may be a need to disclose the actual SAR filing as part of a judicial proceeding, law enforcement personnel must coordinate that potential disclosure with the appropriate Federal bank supervisory agency and FinCEN.

The prohibition regarding SAR disclosure does not preclude law enforcement personnel from discussing a SAR, or the contents of a SAR, with Federal bank supervisory personnel. The Federal bank supervisory agencies, along with FinCEN, promulgated the regulations that require financial institutions to report suspicious activity by filing SARs. Therefore, the Federal bank supervisory agency personnel have access to SARs and have the authority to provide direction with regard to the handling and disclosure of SARs. Additionally, law enforcement personnel may without authorization, disclose a SAR to other law enforcement personnel or prosecutors working on the same or related investigations, or who may be able to provide assistance in the matter under investigation, provided the disclosing agency document such disclosures in accordance with law.

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PL JOINT 010913 BAKER GLENN 010913

Illinois State Police
Statewide Terrorism & Intelligence Center
Intelligence Contribution Report

Reported on Control #: 432680 **Subject List**

[redacted]

Illinois State Police
Statewide Terrorism & Intelligence Center
Intelligence Contribution Report

Reported on Control #: *432680*

Person Information

Name: *Watts, Ronald* **DOB:** *07/02/1963*

Sex: *Male* **Height:** *5' 11"* **Hair:** *Black*
Race: *Black* **Weight:** *240* **Eyes:** *Brown*
Skin: *Dark* **Build:**
Title: **Suffix:** **Degree:**
Birthplace: *ILLINOIS*

SSN: *353-64-2157* **DLN:** *W320-7206-3188* **DLN State:** *ILLINOIS*
SID: *CO253354* **FBI:** *515837DA4* **IR:**
Miscellaneous Numbers:
51880145 ---> FOID

Notes:

Scars, Marks, Tattoos:
Glasses (prescription) ---> Corrective Lenses
Scar(s) on abdomen --->

Alias Names / Nicknames:

Alias DOBs:

IDOC Information:

LEADS Information:

Criminal Group Affiliations:

Employment Information:

Flags:

Marital Status:

Reason of Interest: *Suspect*

Criminal Activity Information:
Drugs - Unknown ---> Any unknown drugs or non-specific drug violations

Entered by: *LINGLER* **District/Office:** *Chicago Police Department* **Workgroup:** *INTEL*
Approved by: *HARNEYT* **Approved Date:** *July 27, 2005* **Printed on:** *July 28, 2005 by LINGLER*

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Illinois State Police
Statewide Terrorism & Intelligence Center
Intelligence Contribution Report

Reported on Control #: *432680*

Address Information

Address: *8019 South Sangamon*
City, St ZIP: *Chiago, IL 60620-*
County:

Apt. Number:
Name on Mailbox:
Building:

Highway:
Milemarker:
County Mile Markers:

Country:
International Zip:

Infrastructure Category:
Infrastructure SubCategory:

Description:
FinCEN request list this address for Ronald Watts

Reason of Interest: *Suspect Address*

Criminal Activity Information:
Drugs - Unknown ---> Any unknown drugs or non-specific drug violations

Entered by:	*LINGLER*	**District/Office:**	*Chicago Police Department*	**Workgroup:**	*INTEL*
Approved by:	*HARNEYT*	**Approved Date:**	*July 27, 2005*	**Printed on:**	*July 28, 2005 by LINGLER*

[redacted]

Illinois State Police
Statewide Terrorism & Intelligence Center
Intelligence Contribution Report

Reported on Control #: *432680*

Address Information

Address: *8827 Southeast End Avenue*
City, St ZIP: *CHICAGO, IL 60617-*
County: *COOK*

Apt. Number:
Name on Mailbox:
Building:

Highway:
Milemarker:
County Mile Markers:

Country: *United States of America*
International Zip:

Infrastructure Category:
Infrastructure SubCategory:

Description:
Experian list this address for Ronald Watts

Reason of Interest: *Previous Address*

Criminal Activity Information:
Drugs - Unknown ---> Any unknown drugs or non-specific drug violations

Entered by: *LINGLER* **District/Office:** *Chicago Police Department* **Workgroup:** *INTEL*
Approved by: *HARNEYT* **Approved Date:** *July 27, 2005* **Printed on:** *July 28, 2005 by LINGLER*

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Illinois State Police
Statewide Terrorism & Intelligence Center
Intelligence Contribution Report

Reported on Control #: *432680*

Address Information

Address: *7953 South Muskegon Avenue*
City, St ZIP: *CHICAGO, IL 60617-*
County: *COOK*

Apt. Number: *2D*
Name on Mailbox:
Building:

Highway:
Milemarker:
County Mile Markers:

Country: *United States of America*
International Zip:

Infrastructure Category:
Infrastructure SubCategory:

Description:
Experian list this address for Ronald Watts

Reason of Interest: *Previous Address*

Criminal Activity Information:
Drugs - Unknown ---> Any unknown drugs or non-specific drug violations

Entered by:	*LINGLER*	**District/Office:**	*Chicago Police Department*	**Workgroup:**	*INTEL*
Approved by:	*HARNEYT*	**Approved Date:**	*July 27, 2005*	**Printed on:**	*July 28, 2005 by LINGLER*

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Illinois State Police
Statewide Terrorism & Intelligence Center
Intelligence Contribution Report

Reported on Control #: *432680*

Address Information

Address: *8234 South Ellis Avenue*
City, St ZIP: *CHICAGO, IL 60619-*
County: *COOK*

Apt. Number: *3*
Name on Mailbox:
Building:

Highway:
Milemarker:
County Mile Markers:

Country: *United States of America*
International Zip:

Infrastructure Category:
Infrastructure SubCategory:

Description:
Experian list this address for Ronald Watts

Reason of Interest: *Previous Address*

Criminal Activity Information:
Drugs - Unknown ---> Any unknown drugs or non-specific drug violations

Entered by: *LINGLER*	**District/Office:** *Chicago Police Department*	**Workgroup:** *INTEL*
Approved by: *HARNEYT*	**Approved Date:** *July 27, 2005*	**Printed on:** *July 28, 2005 by LINGLER*

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Reported on Control #: *432680*

Telephone Information

Phone Number: *(773)874-5889*

Owner Type: *Residential*
Phone Type: *Land Line*

International Phone Number:

Notes:
FinCEN request list this phone number for Ronald Watts

Reason of Interest: *Suspect Phone Number*

Criminal Activity Information:
Drugs - Unknown ---> Any unknown drugs or non-specific drug violations

Entered by: *LINGLER*	**District/Office:** *Chicago Police Department*	**Workgroup:** *INTEL*
Approved by: *HARNEYT*	**Approved Date:** *July 27, 2005*	**Printed on:** *July 28, 2005 by LINGLER*

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Illinois State Police
Statewide Terrorism & Intelligence Center
Intelligence Contribution Report

Reported on Control #: *432680*

Event Information

Type: *Currency Transaction Report*

Start Date/Time: *04/20/1999*
End Date/Time: *04/20/1999*
Reported: *04/20/1999*

Prosecuting Court:

Description:
CBRS CTR BY CASINO - 8362
DCN: 19991230134840
PATRON: WATTS/RONALD
SSN: PURCH OF CHIPS TOKENS GAMING
TOTAL CASH IN: $10100
DOT: 04/20/1999

Reason of Interest: *Involves Suspect*

Criminal Activity Information:
Drugs - Unknown ---> Any unknown drugs or non-specific drug violations

Entered by: *LINGLER*	**District/Office:** *Chicago Police Department*	**Workgroup:** *INTEL*
Approved by: *HARNEYT*	**Approved Date:** *July 27, 2005*	**Printed on:** *July 28, 2005 by LINGLER*

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Illinois State Police
Statewide Terrorism & Intelligence Center
Intelligence Contribution Report

Reported on Control #: *432680*

Event Information

Type: *Criminal Incident*

Start Date/Time: *07/13/2005*
End Date/Time:
Reported: *07/13/2005*

Prosecuting Court:

Description:
Police Agent Calvin Holliday, C.P.D. requested a FinCEN/Gateway inquiry regarding an investigation of a drug or narcotic investigation and internal investigation (Case #300778)

Reason of Interest: *Criminal Act*

Criminal Activity Information:
Drugs - Unknown ---> Any unknown drugs or non-specific drug violations

Entered by: *LINGLER*	**District/Office:** *Chicago Police Department*	**Workgroup:** *INTEL*
Approved by: *HARNEYT*	**Approved Date:** *July 27, 2005*	**Printed on:** *July 28, 2005 by LINGLER*

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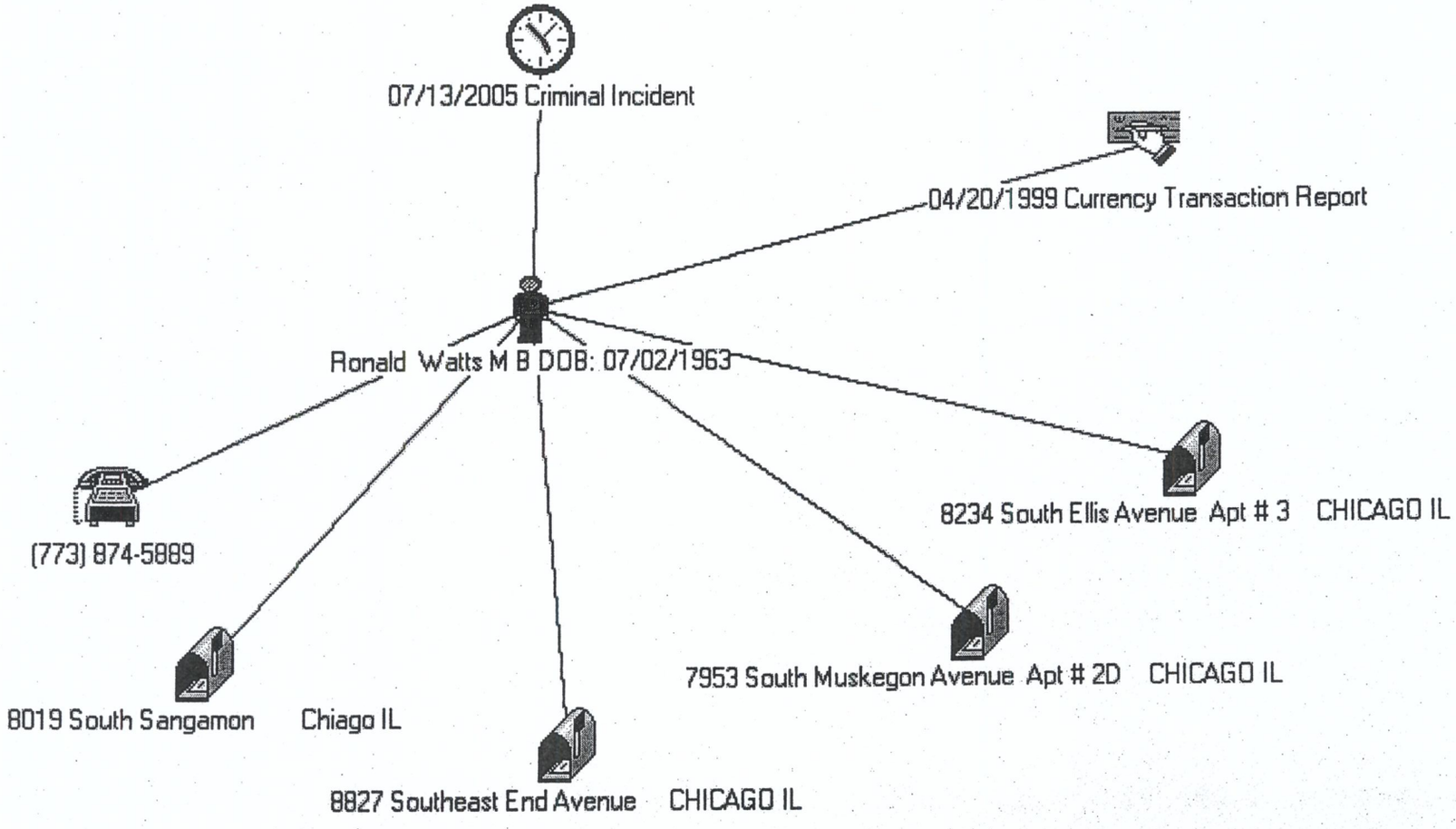
Statewide Terrorism Intelligence Center
Printed on July 28, 2005 by LINGLE, RICH



FinCEN

ILLINOIS STATE POLICE

ISP Vital Ctrl #432680
ISP Dism #. 62238
Gateway Case # 05113

FinCEN Coordinator: Dora Tyrrell

Telephone: 217/558-~~2308~~ 2306
FAX: 217/557-2557

Illinois State Police
Intelligence Bureau
400 Iles Park Place, Suite 300
Springfield, IL 62718-1002

FinCEN/GATEWAY REQUEST FORM

(Please print or type all information)

Case Information - Primary Subject of Investigation (individual or business):

Name: WATTS (Last) Ronald (First) - (Middle)

Address: 8019 So. Sangamon (Number, Street, Apt. or Ste. #)
Chicago (City) Illinois (State) 60620 (Zip) USA (Country)

DOB: 7/2/63 POB: City_____ State:_____ Country_____

one(1) match

SSN or EIN# 353-64-2157 FBI# 515837DA4 SID# C0253354

Phone # 773 874 5889 Other DLN/W320-7206-3188 (Illin
Specify

Race/Ethnicity B Sex M Height 5'11" Weight 240 Eyes Brn Hair Blk

Check which one type of case is represented by this request:

- ✓ Active criminal investigation
- __ Civil action from criminal case (e.g., asset forfeiture)
- __ Other - Describe: _____

Check all that apply:

- ✓ This is a narcotics or drug-related investigation
- __ A major focus is to establish the existence of a financial Violation

Do you require manual review before release of case data? Yes _____ No _____

investigation is a priority for your agency and if any information is protected by grand jury secrecy. (Attach additional sheets if necessary.)

Requestor Information

Requestor Case No.: 300778

Name: HOLLIDAY, Calvin Title: Police Agent

Agency: Chicago Police Dept Telephone: 312 746-4170 Fax: 312 746 4174

Address: 3510 South Michigan Chgo, Ill 60653

Requestor's Signature: Calvin Holliday Date: 13 July 2005

Supervisor Information

Name: BRODERDORF, Ray Title: Sergeant

Agency: Chicago Police Dept Telephone: 312 746-4170 Fax: 312 746 4174

Address: 3510 South Michigan Chgo. Ill 60653

Supervisor's Signature: SGT. [illegible] #[illegible] Date: 13 Jul 05

OFFICE OF THE SUPERINTENDENT
INTERNAL AFFAIRS DIVISION
CONFIDENTIAL INVESTIGATIONS SECTION

FAX MESSAGE

DATE: 19 July 2005

TO: Tim Harney fax 217 558 7152

FROM: Calvin Holliday

SUBJECT: fin Con

PAGES: 3 *(including this cover)*

call me if you need more info.

3510 S. Michigan
Chicago, Ill. 60653
Bell: 312 746-8130
Fax: 312 746-4174
Pax: 4057

IDN: EXACT: GENERIC: X 07/27/2005 PAGE: 1

YR: MONTH: THRU: OWNR: TRNSCTR: FILR: COUNT: 1

SAR: SARM: SARS: SARC: RMSB:

CTR: HCTR: CASINO: CMIR: FBAR: 8300: EXMPT: EXC: FCF:

DCN	ASSOCIATED NAME	ST	NO	AMOUNT	DOT	S
**** 353642157 ****						
19991230134840	WATTS/RONALD	IL	2	10,100	04/20/1999	

NEXT RESPONSE: OBJECT: 353642157

CBRS CURRENCY TRANSACTION REPORT BY CASINO - 8362 07/27/2005

DCN: 19991230134840 UPD: / /

PATRON: WATTS/RONALD SSN: 353642157 1 OF 1

ORG: EIN:

ADDR: 8019 SANGAMON ST CHICAGO IL 60620 US

ID METHOD: EXAMINED ID CRED/DOCMNT OCC/BUS:

ID: DRIVERS LICENSE ISSR: IL NUM: W32072063188

ACCT: 142876701 DOB: 07/02/1963

AGENT: SSN: OF

ADDR:

ID METHOD: OCC/BUS:

ID: ISSR: NUM: DOB: / /

MULT TRNS: TRNS TYPE: PURCH OF CHIPS TOKENS GAMING INSTR AMT: 10100

TOTAL CASH IN: 10100 LRG BILLS IN: DOT: 04/20/1999

TOTAL CASH OUT: LRG BILLS OUT:

FOREIGN CURRENCY COUNTRY AMT: OF

CK PAYEE: AMT: DTE: / / OF

MAKER: BK: CTY:

CASINO: EMPRESS CASINO HAMMOND CORPORATION EIN: 363865868

LEGAL NAME:

ADDR: 825 EMPRESS DRIVE HAMMOND IN 46320 US

GO TO CASINO SIGNATURE INFO SCREEN:

NEXT RESPONSE: OF INTEREST: _ <ENTER> TO RETURN OR INPUT NEXT RESPONSE

experian

Subscriber Services

CREDIT | PRESCREEN | USAGE

NEW INQUIRY

LOGOUT

Your Results

new inquiry x

Social Search

Printer-Friendly Format | PDF version

Inquiry :

9-353642157;CHECK;H-N;Q-ECICDS02005072602302600CICSCSTGICDS0000000

```
PAGE 1   DATE  7-26-2005  TIME 14:30:25  V601  TIL1

 RONALD WATTS                      SS: 353-64-2157
 8019 S SANGAMON ST                DOB: 07/02/63
 CHICAGO IL 606202534              SP: D
 RPTD: 8-98 TO 7-05 15X

 8827 S EAST END AVE
 CHICAGO IL 606172806
 RPTD: 3-93 TO 10-99

 7953 S MUSKEGON AVE APT 2D
 CHICAGO IL 606171428
 RPTD: 3-95 TO 4-99

 8018 S SANGAMON ST
 CHICAGO IL 606202533
 RPTD: 10-98

 8234 S ELLIS AVE APT 3
 CHICAGO IL 606195557
 RPTD: 1-92

 BORROWER S SANGAMON ST
 CHICAGO IL 60620
 RPTD: 4-03

 WATTS UP 8019 S SANGAMON
 CHICAGO IL 60620
 RPTD: 9-98

 RONALD WATTS SR, RONALD WALTS

 --------------------------- FRAUD SHIELD SUMMARY ---------------------------
 INPUT SSN ISSUED 1976-1979

 END -- EXPERIAN SOCIAL SEARCH
```

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)5.207 11.06.21
FOID RESPONSE
'ID 31780356 EXPIRES 06/01/2007
STATUS VALID FOID CARD

JAME WOODS,ROBERT L SEX MALE DOB 07/02/1963
STREET ADDRESS 931 W VANDEVEER
CITY TAYLORVILLE COUNTY CHRI ZIP 62568
HEIGHT 507 WEIGHT 160 HAIR BRN EYES HAZ
JO FORMER NAME

)5.207 11.06.21
FOID RESPONSE
'ID 51880145 EXPIRES 07/01/2009
STATUS VALID FOID CARD

JAME WATTS,RONALD SEX MALE DOB 07/02/1963
STREET ADDRESS 8019 S SANGAMON ST
CITY CHICAGO COUNTY COOK ZIP 60620
HEIGHT 511 WEIGHT 235 HAIR BLK EYES BRN
JO FORMER NAME

M/ .NO TIPS WATTS,RONALD

SQO.
SALOON - NO REC NAME WATTS,RONALD

DCI 072605 1024
NO RECORD IN FILE FOR:
LNAME/WATTS FNAME/RONALD
SEX/M ORIGIN/BLK
DOB/070263

RESPONSE MAY INCLUDE JUVENILE (SUSPECTS/
DEFENDANTS/VICTIMS/WITNESSES) INFORMATION AND
SHOULD NOT BE DISSEMINATED OUTSIDE OF LAW
ENFORCEMENT. RESPONSE DOES NOT INCLUDE CHECK
OF GENERAL(CARD FILES), CS, OR PRE-2000
JUVENILE FILES WHICH MUST BE DONE MANUALLY

CHF 072605 1024

CAB NO REC LEADS NAM/WATTS,RONALD SEX/M
DOB/070263

CHF 072605 1024

CAB NO REC LEADS NAM/WATTS,RONALD SEX/M
DOB/070263

SOS 07262005 1024

DL/IP STA/VALID
TDL/TIP STA/SEE ILOLNHELP
CDL/CIP STA/SEE ILOLNHELP
SCHLBUS STA/NOT A SCHOOL BUS DRIVER (SEE ILOLNHELP)

WATTS RONALD
8019 S SANGAMON CHICAGO 60620
SEX/M DOB/07021963 HGT/5'11" WGT/240 HAI/BLK EYE/BRO
OLN/W320-7206-3188 OLC/D* OLT/ORIG EXP/07022006 ISS/07152002
RES-PID CLASS/CORRECTIVE LENSES
NO STOPS IN EFFECT
NO CONV LAST 12 MO
DIGITAL ISSUE
END

1L01 NCIC RESPONSE
IL08443C1

NO NCIC PROTECTION ORDER FILE RECORD NAM/WATTS,R0NALD D0B/19630702
SEX/M

1L01 NCIC RESPONSE
IL08443C1

NO NCIC WANT NAM/WATTS,R0NALD D0B/19630702 SEX/M

CAB NO REC LEADS NAM/WATTS,RONALD SEX/M
DOB/070263

M/ REQ/LINGLER
3L01CAB80
IL0849700
THIS NCIC INTERSTATE IDENTIFICATION INDEX MULTIPLE RESPONSE IS THE
RESULT OF YOUR INQUIRY ON NAM/WATTS,RONALD SEX/M RAC/B DOB/19630702
PUR/C

NAME	FBI NO.	INQUIRY DATE
WATTS,RONALD	515837DA4	2005/07/26

SEX	RACE	BIRTH DATE	HEIGHT	WEIGHT	EYES	HAIR	BIRTH PLACE	PHOTO
M	B	1963/07/02	509	176	BRO	BLK	ILLINOIS	N

FINGERPRINT CLASS	PATTERN CLASS
20 13 16 17 15	RS RS RS RS RS LS WU LS WU LS
13 PI 13 CI 13	WU WU LS WU

SCARS-MARKS-
TATTOOS SOCIAL SECURITY
SC ABDOM 353-64-2157

IDENTIFICATION DATA UPDATED 2002/01/07

THE CRIMINAL HISTORY RECORD IS MAINTAINED AND AVAILABLE FROM THE
FOLLOWING:
COLORADO - STATE ID/CO253354

END -

1L01 NCIC RESPONSE
IL08443C1

NO NCIC WANT NAM/WATTS,R0NALD D0B/19630702 SEX/M

M/LINGLER REQ/LINGLER
EL01CABMALINGLER
IL08443C1
THIS INTERSTATE IDENTIFICATION INDEX RESPONSE IS THE RESULT OF YOUR
RECORD REQUEST FOR FBI/515837DA4. THE FOLLOWING WILL RESPOND TO YOUR
AGENCY:
COLORADO - STATE ID/CO253354
END

/LINGLER
AB* 10.37.12 07/26/05 CO1110000
L08443C1

DR/2L01CABMALINGLER
TN/LINGLER
TTENTION: LINGLER
COLORADO BUREAU OF INVESTIGATION - CRIME INFORMATION CENTER
690 KIPLING STREET, #3000, DENVER, COLORADO 80215 303/239-4208
HIS IDENTIFICATION RECORD, FOR LAWFUL USE ONLY, SUMMARIZES INFORMATION SENT TO
HE CBI BY FINGERPRINT CONTRIBUTORS IN COLORADO. WHERE THE DISPOSITION IS NOT
HOWN OR FURTHER EXPLANATION OF A CHARGE OR DISPOSITION IS DESIRED, CONTACT THE
GENCY THAT FURNISHED THE FINGERPRINTS. ONLY THE COURT OR DISTRICT ATTORNEY IN
HOSE OFFICE A FINAL DISPOSITION OCCURRED CAN PROVIDE A CERTIFIED COPY OF THAT
ISPOSITION. STATE LAW GOVERNS ACCESS TO SEALED RECORDS. UNLESS FINGERPRINTS
CCOMPANIED YOUR INQUIRY, WE CANNOT GUARANTEE THIS RECORD RELATES TO THE PERSON
N WHOM YOU HAVE AN INTEREST. BECAUSE ADDITIONS AND DELETIONS MAY BE MADE AT
NY TIME, A NEW COPY SHOULD BE REQUESTED WHEN NEEDED FOR SUBSEQUENT USE.
COLORADO STATE ID #: 253354 FBI#: 515837DA4 SINGLE STATE OFFENDER
NAME(S) USED: WATTS, RONALD
PHYSICAL: B M 509 176 BLK/BRO SKIN:DRK
DATE(S) OF BIRTH: 070263
PLACE(S) OF BIRTH: IL
SCARS/MARKS:
SC ABDOM / /
SOCIAL SECURITY NO(S): 353642157

ORI / CONTRIBUTOR ARREST# / CASE#	NAME / DATE / MNU	CHARGE / DISPOSITION
CO0210100 COLORADO SPRINGS PO LICE DEPARTMENT ARREST # SPD110716	WATTS, RONALD DATE - 11/18/84	OBSTRUCT POLICE INTERFERENCE OFFENSE DATE: 11/18/84 DISPO: HELD ITEM #001/001

ADDITIONAL
ADDRESSES: 111884 HHC 1/10TH INF
FT CARSON

---- END OF RECORD ----
------- 07/26/05 ------ 0938MT -----
*** THE ABOVE INFORMATION IS PROVIDED STRICTLY FOR AND IS LIMITED ***
*** TO THE OFFICIAL USE OF CRIMINAL JUSTICE AGENCIES ***
* FALSIFYING OR ALTERING THIS RECORD WITH THE INTENT TO MISREPRESENT THE *
* CONTENTS OF THE RECORD IS PROHIBITED BY LAW, AND MAY BE PUNISHABLE AS *
*** A FELONY WHEN DONE WITH THE INTENT TO INJURE OR DEFRAUD ANY PERSON.***
--- THERE MAY BE ADDITIONAL CHARGES NOT INCLUDED ON THIS RECORD. NOTIFY---
- THE CBI VIA CCIC MESSAGE (ON-LINE RAP) IF YOU NEED ALL CHARGES AUTOMATED. -

EXHIBIT 21

FD-302 (Rev. 10-6-95)

FEDERAL BUREAU OF INVESTIGATION

Date of transcription 12/06/2005

The following information was obtained through research conducted by Investigative Analyst (IA) MICHAEL PACH on October 4, 2005. The source of this information was the Financial Crimes Enforcement Network (FinCEN).

The following subject was queried for financial activity:

NAME:	RONALD WATTS
Sex:	Male
Address:	(P-1), (S)
DOB:	
SSN:	
Drivers License Number:	

The review of a Currency Transaction Report for EMPRESS CASINO HAMMOND CORPORATION revealed that WATTS purchased $10,100.00 of chips/tokens on April 20, 1999. FinCEN generated no other transaction activity for RONALD WATTS.

The FinCEN output associated with this analysis was placed into an FD-340 1A envelope and will be maintained as part of this file.

Investigation on 12/06/2005 at Chicago, Illinois

File # 194D-CG-122761-1D Date dictated

by SA Matthew J. Kern MK

This document contains neither recommendations nor conclusions of the FBI. It is the property of the FBI and is loaned to your agency; it and its contents are not to be distributed outside your agency.

SUBJECT TO PRIVACY ACT ORDER

FBI000337

EXHIBIT 22

05CR-8982

PCS WITH INTENT TO DELIVER

DEFENDANT	ARRESTED	BAIL	AGE	
BEN BAKER	3/23/2005		32	

Filed 4-27-05

G.J.= MAR 2655 RETURNED: SJM

BAKER GLENN 010666

DEFENDANT	ARGNO	ATTORNEY
BEN BAKER	05CR-8982	Matt Mahoney

Transcript ☒

VOP pending in Toomin (on Toomin's gang intervention prob
02CR-5992

non-probationable by bkgnd

ON _____ DEF. _____ WAS ADVISED BY COURT THAT ESCAPE OR BAIL JUMPING WILL RESULT IN TRIAL IN ABSENTIA. A.S.A. _____

P. BIEBEL, JR. 4/27/2005 OA 4.27.05

4.27.05 Kirby (B) /C w/ Matt Mahoney
☑ D arraigned / WFR / PNG
☑ State files MD & AD
☑ Discovery tendered
☑ Transcript tendered

BA 5.31.05 X
ACC

yes
IDOC
Ct.1
OR
Ct 2

☒ transfer to J. Toomin directly on their WCD (5.20.05) per J. Toomin's orders

5/31/05 Kirby (B/C) w/ atty transferred to Toomin instan
5/31/05 Toomin / Lynch (B) /C w/ Atty ba 6.28.05 X
State elects on substantive case
going to BR. 3 21 ST
6/28/05 (B)
Prob asks leave to file a VOP

ATM WANTS
~~9/28/05~~ X

BA
~~MD~~ 7/7/05 X

7-7-05 Toomin

(B)

Δ asks to modify curfew due to new night time job.

8/16/05 Toomin / NEN (B'E)

S/N Nichols
S/N Leano

BA 8-16-05a

Atty Matt Mahoney

Δ atty says he'll file ATD
" " " no affirmative defenses + no witness

BA 9-28-05
WF

9/28/05 Toomin / Laskaris (B'E)

(S) (N)

Furloughs

Cabrales	#10719 -	none
Leano	#4303 -	~~none~~ (Nov 8-18)
Watts	#2640 -	~~end~~ all Nov
	L773-848-4761	
Nichols	#12415 -	none
	L708-420-5151	
Jones	#19462 -	all Nov
Bolton	#15903 -	none
Smith	#11737 -	end Oct
	L773-355-0132	

POS 1/C

Atty Mahoney 1/C

Δ atty wants to subpoena IAD records
— says ASA Navar knows at this

* most subponad by Δ officers ask that we subpoena next time

BA 10-17-05x

DEFENDANT	ARGNO	ATTORNEY

10/17/05 Toomin/ (C) — [pvt Matt Mahoney
BA 10-31-05 X

Δ has new case
in BR 44 on 10/19

Lt in new case had Δ
sign stmt in this case??

N/F

▷ order tx?

SOS? or Saturation

(S) P/O's for NCD
to talk about knowledge
of new case

10/31/05 Toomin/NEN (C) — Atty Matt Mahoney ½

ASA
Navarro ½
+ speaks on
record
re: IAD
subpoena

Δ atty is still waiting
for IAD records

P.O. Nichols ½ (708) 420-5151
cell

→ knows ∅ about new case
other than it was a
WW/F. → nolled in BR 44
on 10/28? ☐ Check this.
original bond reinstated

IAD File to be delivered 10/31

Leave to w/draw VOBB allowed

☒ talk to ASA Navarro re: case + IAD invest.

B/A 11/28 X
ASA Navarro

11/28/05 Toomin (C)

☐ ASA note = Do NOT
402 this case!
(yet)

BA 12/8/05 X

12/8/05 Toomin (C ½) — Atty ½?

date? → BA 1-5-06 X

BAKER GLENN 010669

F5-06 Toomin / Laskaris — RA atty Matt Mahoney

BA 1/20/06 x

1/20/06 Toomin / Nazarian (C) ½ — Atty Mahoney

Δs new case (06 CR810) is arraigned today

S N Nichols

S N Leana

1 — BA 3-9-06 x WFE

S N

3/9/06 Toomin NIC / NEN (B½) — Atty Paul Marcovi ½ for Mahoney

No judge

Mahoney in accident — injured!

BA 3-27-06 x

P Δs, Nichols ½ — Ø furlough

[illegible] ready

TERM COUNTER

DEFENDANT: _____ CUSTODY: _____

ARREST DATE: 3-23 DEMAND DATE: _____ BOND: _____

3-23 1	2	3	4	5	6	7	8	9	4-1 10	11	12	13	14	15	16	17	18	19	20
4-12 21	22	23	24	25	26	27	28	29	30	31	32	33	34	35	36	37	38	39	40
41	42	43	44	45	46	47	48	49	50	51	52	53	54	55	56	57	58	59	60
61	62	63	64	65	66	67	68	69	70	71	72	73	74	75	76	77	78	79	80
81	82	83	84	85	86	87	88	89	90	91	92	93	94	95	96	97	98	99	100
101	102	103	104	105	106	107	108	109	110	111	112	113	114	115	116	117	118	119	120
121	122	123	124	125	126	127	128	129	130	131	132	133	134	135	136	137	138	139	140
141	142	143	144	145	146	147	148	149	150	151	152	153	154	155	156	157	158	159	160

EXTENSION

1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21

NOTES

MOTION DEFENDANT

_____ TO _____
_____ TO _____
_____ TO _____
_____ TO _____

BY AGREEMENT

_____ TO _____
_____ TO _____
_____ TO _____
_____ TO _____

MOTION STATE / ORDER OF COURT

_____ TO _____
_____ TO _____
_____ TO _____
_____ TO _____

BFW ENTERED _____

BFW VACATED _____

BAKER GLENN 010671

4/24/06 - ASA Nazarian spoke to ASA Navarro (Jane)
Per Navarro: it's okay for judge to distribute IAD records to parties ... and it's okay to proceed w/trials
There are no surprises in records, per Navarro.
ie. Δ atty already knows the contents.

4-28-06 Toomin/MB (B1/C) — pvt Mahoney
BA 5-23-06 WFB

(S) (W) Gonzalez
(S) (W) Smith
(S) (W) Cabrales
(S) (W) Nichols
(S) (W) Leano
(S) (W) Jones
(S) (W) Bolton

5-23-06 Toomin/PC

P.O. Jones 1/C
P.O. Gonzales 1/C — in lobby
P.O. Smith 1/C
P.O. Leano 1/C
P.O. Cabrales 1/C

6-7
7-6 } unavailable

St. Ofer Nichols
Stipulation
~~Δ Ben Baker~~ State Rests
Mm DV dem

Δ: Ben Baker
Rebuttal - R/O Alvin Jones
R/O Gonzalez

(S) (W) Ofer Watts

BA 6-5-06 CTC

6-5-06 Toomin/BL (B1/C) — pvt Mahoney
Complete trial
BA 6-9-06 X
Ruling

ST Rebuttal
Sgt. Watts
ARG by Δ / ARG by ST

** INFORMATION INDICTMENT RETURN SHEET **

CASE NO.	IR	DEFENDANT	NO.	ARRAIGNMENT DATE
05CR-8982	901905	BEN BAKER	1	MS4 04/27/2005

GJ- 2655

FBI-755126RA4 Sex: M Race: B DOB: 06/24/1972
ISB-28420360 Add: 527 E Browning #206
CB-16126768 Chicago, IL 60653 05-1115896
RD/AR: HL251205 Arrest Agy: C P D Area 1 Dist 2
Arrest Date: 03/23/2005
Hgt: 5'09" Wgt: 200 Hair: BLK Eyes: BRO
DIRECT INDICTMENT 04/07/2005
ASA: Sean Connolly Unit: Branch 48
Chg: 1 Manu/Del 15<100 Gr Heroin/Anlg
720-570\401(A)(1)(A) 0005095020 Class: X
Chg: 2 Manu/Del Cocaine/Sch/Pub Hs/Pk
720-570\407(B)(1)1 0005125383 Class: X — CHA
Chg: 3 Manu/Del Cocaine/Sch/Pub Hs/Pk
720-570\407(B)(1)1 0005125383 Class: X SCHOOL
Chg: 4 Manue/Del 01-15 Gr Cocaine/Anlg
720-570\401(C)(2) 0005096200 Class: 1

6-9-06 Toomin / Laskaris - Bond revoked - Δ taken into custod

FG - Ct 1
Ct 2
Ct 4

FNG Ct 3

BA 7-7-06
BT

7-7-06 Toomin / Laskaris

18 yrs IDOC on Ct 1, Ct 2
Ct 4 - merges

BA 7-28-06 WFM
(New Trial)

7/28/06 Toomin / BL

C'E — Atty Mahoney
- Mot for ~~[illegible]~~ reduction sent - grant
= sentenced modified to 14 yrs IDOC

~~BA~~

EXHIBIT 23

IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS

ENTERED
JUDGE MICHAEL TOOMIN-0
SEP 27 2005
DOROTHY BROWN
CLERK OF THE CIRCUIT COURT
OF COOK COUNTY, IL
DEPUTY CLERK

State

v.

Ben Baker

No. 05CR 8982

ORDER

This cause coming to be heard on the motion of Δ, the Court being fully advised in the premises, It is Hereby Ordered:

That the Chicago Police Department, Internal affairs Division, ~~[illegible]~~ deliver to the Honorable Michael P. Toomin, 26th + California, Room 400 the entire files, notes, complaints and any and all other information on officers Sgt. Watts #2460, P.O. Jones #19462, P.O. Gonzales #12152 and P.O. De Michaels 12415 on or before Oct. 17, 2005 for an in-camera inspection.

/ / / / / / / / /

Atty. No.: 17827

Name: Matt Mahoney

Atty. for: Δ Ben Baker

Address: 820 W. Jackson Suite 300

City/State/Zip: Chicago Il 60607

Telephone: 312 669-1700

ENTERED:

Dated: Sept 23, 2005

Judge 0501 Judge's

C 38

EXHIBIT 24

INTERNAL AFFAIRS DIVISION
Confidential Investigation Section

09 MARCH 2005
CR# 300778

TO: Commanding Officer
Internal Affairs Division
Confidential Investigation Section

FROM: Police Agent Calvin HOLLIDAY, Star 10865
Internal Affairs Division
Confidential Investigations Section

SUBJECT: Integrity Check

ALLEGATION: It is alleged, while assigned to Unit 715, Sergeant Ronald WATTS, Star 2640 and Police Officer Kallatt MOHAMMED, Star 14122, were taxing drug dealers (taking money); allowing them to remain in business.

The before mentioned officers, formerly assigned to Unit 715, presently assigned to the 2nd District, are to be the subject(s) of an Integrity Check. The goal of the now unnamed operation is to give the accused members an opportunity to prove or disprove the allegation against them.

The information given suggests the officers know or make it a point to get to know, all drug dealers in the area of their assigned duties. It is said the officers take money from those drug dealers who wish to work in their area. Those who do not cooperate are arrested.

The objective of this exercise is to provide an undercover officer with a large sum of currency, placing him in an undercover vehicle, in the area of the accused officers work assignment. He will have the appearance of a working drug dealer and be prepared to have an evasive conversation, to arouse suspicion, upon being approached.

The undercover officer will be in full view of a surveillance team assigned to him as well as the group of Internal Affairs Division personnel working the operation. The operation will be conducted with set guidelines, under the direction of one named, on the scene supervisor. Information has been gathered regarding the accused. Before implementing the plan, every necessary piece of information will have been gone over by the participating members and approving supervisory personnel up to and including the deputy of the Internal Affairs Division.

Operational considerations are as follows

1 Duty hours
2. Daily mission assignments
3. Geographic locations

Complaint Register # 300778
Confidential # 259476
Attachment #

4. Uniform of the day
5. Possible inventory
6. Surveillance responsibilities and assignments
7. Officer Safety

These considerations and any others that come into play, will be addressed. The plan will allow for a certain degree of flexibility but will never compromise the safety of any person involved.

The plan of attack is to have the undercover officer appear to be a drug dealer, looking for one of his customers, while in the given work area of the accused. He will never be out of view of his personal surveillance officer(s). In his possession will be a sum of pre recorded currency. The undercover officer will be directed, by the supervisor on the scene, to the location that will place him in the view of the accused. If all goes according to plan, the accused officer will make contact. The undercover officer will be advised and reminded to not say anything that would be considered entrapment. The plan is such that if the undercover officer is taken into custody, he will be allowed to be transported to the 2nd District. If an attempt is made to transport him any place other than the 2nd District, a tactical unit from Internal Affairs Division will make the stop on the transporting unit.

There will be approximately ten (10) persons involved in addition to the undercover officer. They will have one common goal, the safety of the Undercover Officer.

Equipment necessary for the execution of this plan will be furnished by the Confidential Investigation Section of the Internal Affairs Division.
Styx and Zone radios
Covert and Tactical vehicles
Photographic equipment
United States Currency (amount as yet undetermined)
Drug paraphernalia

Complaint Register # 300778
Confidential # 259476
Attachment #

(Continued for signature only)

Police Agent Calvin HOLLIDAY
Internal Affairs Division
Confidential Investigations Section

APPROVED:

734

Commanding Officer
Confidential Investigation Section
Sit. RB.

Complaint Register # 300778

Confidential # 259476

Attachment # ____

BAKER GLENN 000189

EXHIBIT 25

STATE OF ILLINOIS)
) SS
COUNTY OF COOK)

AFFIDAVIT

I, Matthew L. Mahoney, being first duly sworn on oath, depose and state the following:

1. I am an attorney licensed to practice law in the State of Illinois. On March 23, 2005, Ben Baker was arrested and charged with four counts of possession of a controlled substance with intent to deliver (05 CR 8982(01)). In April 2005, I was retained by Ben Baker to represent him on these charges. The case was assigned to Judge Michael Toomin.

2. In the course of my representation, Mr. Baker informed me that the pending charges were the result of his refusal to pay a bribe to a Chicago police sergeant. Specifically, Mr. Baker told me that one of the officers involved in his arrest, Sergeant Ronald Watts, had previously solicited money from him in June 2005, and, when he refused to pay it, Sgt. Watts falsely arrested Mr. Baker for possession of narcotics.

3. Based on Mr. Baker's information, I requested and obtained a court order from Judge Toomin for the files, notes, complaints, and any other information in the possession of the Chicago Police Department, Internal Affairs Division (IAD), regarding the officers involved in Mr. Baker's arrest, namely, Sergeant Watts, Officer Alvin Jones, Officer Bob Gonzales, and Officer Douglas Nichols. The order was dated September 28, 2005, and required that Internal Affairs deliver the documents to Judge Toomin for an *in camera* inspection.

4. In April 2006, I requested that Judge Toomin release the documents he had received from the Internal Affairs Division. Judge Toomin indicated that he had not released them to me

because there was an ongoing investigation. However, after an *in camera* inspection, Judge Toomin turned over to me the documents received from the Internal Affairs Division. Based on a review of the relevant transcripts, I believe that the documents were turned over to me immediately before the bench trial commenced on May 23, 2008.

5. The documents included a nine-page "Report of Investigation" from the United States Bureau of Alcohol, Tobacco, Firearms and Explosives ("ATFE"), dated April 14, 2005. The report concerned an investigation of the Gangster Disciple street gang at the Ida B. Wells Housing Projects and described an interview with an individual named Wilbert Moore, a drug dealer at the Wells project.

6. Moore was interviewed on April 7, 2005, while in the custody of the Chicago Police Department. Moore was informed that his cooperation and the information he provided would be brought to the attention of the United States Attorney's Office.

7. Moore stated that he and his associates sold heroin and cocaine in the Wells project. In paragraphs 53 through 58, the report summarizes Moore's allegations concerning Sgt. Watts and members of Watts' team including Officer Alvin Jones. According to Moore, he had personally paid Watts a total of $7,000. Moore alleged that on one occasion he and his associate Roy Bennett ("Shock") met Watts at 59th and Western. Moore gave Watts two rifles and Bennett paid Watts $10,000. According to Moore, he would pay Watts when Watts had caught Moore or one of his workers in possession of either firearms or narcotics.

8. According to Moore, his associate Roy Bennett usually paid off Sgt. Watts. Moore stated that whenever the money came up short, he knew that Bennett had paid off Watts. Moore reported that Bennett also gave payments to a member of Watts' team named Alvin Jones. Bennett informed Moore that Sgt. Watts confiscated marijuana from other drug dealers and then sold it himself.

9. Moore alleged that he had heard that a rival drug dealer, Willie Gaddy, was also paying Watts money. According to Moore, approximately two years previously, Gaddy decided that he was not going to continue to pay Watts, at which point Watts shot at him. Gaddy was arrested on February 6, 2004, for possession of a controlled substance, C.B. No. 15721799/15721825.

10. Moore stated that Watts was known to have a gambling problem and that Moore had personally seen Watts at the Horseshoe Casino on numerous occasions.

Police Department had met with members of the United State's Attorney's Office; Federal Bureau of Investigation; Drug Enforcement Administration; and the Bureau of Alcohol, Tobacco and Firearms. At the meeting, it was determined that there would be a federal investigation and that the informant would be prosecuted in federal court.

13. In a report dated March 9, 2005 (two weeks prior to Mr. Baker's arrest), IAD reported that Sgt. Watts had been accused of taking money from drugs dealers in exchange for allowing them to remain in business. Watts was also accused of arresting those drug dealers who refused to pay.

14. A report dated June 28, 2005, detailed IAD's meeting with Mr. Baker the previous month, during which Mr. 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) Mr. Baker had refused; and (3) Sgt. Watts had then fabricated a case against him as a result of the refusal. Mr. Baker also alleged that Sgt. Watts had shot at Willie Gaddy when he refused to pay the drug "tax." Further, the report stated, "Baker's allegations against Sergeant Watts are essentially the same as those told by two other known drug dealers at the Ida B. Wells Housing Projects, Willie Gaddy and Wilbert Moore. These three men had no knowledge the other was talking to a [*sic*] Law Enforcement Agents." Finally, the report indicated that Willie Gaddy was then "working off a case" and was brought in by HIDTA ("High Intensity Drug Trafficking Areas", a federal drug enforcement program) and made available to other sections of the Chicago police.

15 Attached to this affidavit are copies of the ATFE and IAD reports submitted by IAD to Judge Toomin, who in turn released them to me following his *in camera* inspection.

16. I did not have copies of the above reports until Judge Toomin released them to me. I did not present the information contained in these reports as evidence at trial because I concluded that the reports were inadmissible.

FURTHER AFFIANT SAITH NOT.

Matthew Mahoney
MATTHEW L. MAHONEY
Attorney at Law

SUBSCRIBED AND SWORN TO BEFORE ME
on April 15, 2008.

NOTARY PUBLIC

NOTARY PUBLIC OFFICIAL SEAL STATE OF ILLINOIS
TRACEY A. DAVIS
MY COMMISSION EXPIRES
MARCH 12, 2011

DEPARTMENT OF JUSTICE
BUREAU OF ALCOHOL, TOBACCO, FIREARMS AND EXPLOSIVES

REPORT OF INVESTIGATION

ADDRESSED TO: Special Agent In Charge Chicago Field Division	MONITORED INVESTIGATION INFORMATION: Chicago Field Division FY-05 Report 028
TITLE OF INVESTIGATION: Gangster Disciples–Ida B. Wells Housing Projects	
CASE NUMBER: 72015-04-0086	REPORT NUMBER: 28

TYPE OF REPORT: *(Check Applicable Boxes)*

X	REPORT OF INVESTIGATION		COLLATERAL REPLY
	REPORT OF INTELLIGENCE		

SUBMITTED BY *(Name)* Susan M. Bray	SUBMITTED BY *(Title and Office)* Special Agent, Chicago III Field Office	SUBMITTED BY *(Date)* 04/14/2005
REVIEWED BY *(Name)* Eric A. Ellis	REVIEWED BY *(Title and Office)* Resident Agent in Charge, Chicago III Field Office	REVIEWED BY *(Date)* 04/14/2005
APPROVED BY *(Name)* Andrew L. Traver	APPROVED BY *(Title and Office)* Special Agent in Charge, Chicago Field Division	APPROVED BY *(Date)* 04/14/2005

DESCRIPTION OF ACTIVITY: Interview of Wilbert MOORE.

SYNOPSIS: On April 7, 2005, ATF Special Agent (S/A) Susan Bray, DEA S/A William Warren, Jr. and Chicago Police Sergeant (Sgt.) Joseph Gorman, Chicago Sergeant Tony Di Cristofano, and Chicago Gang Specialist Alonzo Harris interviewed Wilbert MOORE regarding his knowledge of and association with the individuals trafficking firearms and narcotics in the Ida B. Well Housing Project in Chicago, Illinois (IL).

NARRATIVE:

(1) On April 7, 2005, ATF S/A Susan Bray, DEA S/A William Warren, Jr. and Chicago Police Sergeant (Sgt.) Joseph Gorman, Chicago Sergeant Tony Di Cristofano, and Chicago Gang Specialist Alonzo Harris interviewed Wilbert MOORE regarding his knowledge of and association with the individuals trafficking firearms and narcotics in the Ida B. Wells Housing Project in Chicago, IL at the Chicago Police Department Homan Square facility located at 3340 West Filmore, Chicago, IL.

(2) S/A Bray read MOORE his Constitutional rights via ATF Form 3200.4 and MOORE signed an Advice of Rights and Waiver. MOORE verbally waived his rights and S/A Warren began the interview by stating to MOORE that no promises could or would be made to MOORE. S/A Warren related that any cooperation and information provided by MOORE would be brought to the attention of the Assistant United States Attorney's office.

(3) The following is MOORE's statement, in summary, regarding his knowledge of and association with the individuals trafficking firearms and narcotics in the Ida B. Wells Housing Project in Chicago, IL:

DEPARTMENT OF JUSTICE
BUREAU OF ALCOHOL, TOBACCO, FIREARMS AND EXPLOSIVES

REPORT OF INVESTIGATION

ADDRESSED TO:	MONITORED INVESTIGATION INFORMATION:
Special Agent in Charge Chicago Field Division	Chicago Field Division FY-05 Report 028

TITLE OF INVESTIGATION:
Gangster Disciples--Ida B. Wells Housing Projects

CASE NUMBER:	REPORT NUMBER:
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(4) MOORE related he is a member of the Gangster Disciple street gang in the Ida B. Wells Housing Project extension buildings. MOORE related that he is currently unemployed and that he supports himself by selling heroin and cocaine on a daily basis. MOORE related that he has been selling narcotics in Ida B. Wells for 15-20 years.

(5) MOORE related that he controls the "574" building and up until three months ago he sold heroin on a daily basis from the building. He related that things became "too hot" at the building so he temporarily ceased trafficking heroin out of this building. MOORE stated that it became "too hot" after the shooting between him and Cha-Chi (Roderick SMITH) that occurred in September of 2004 at the Ida B. Wells Housing Projects. MOORE related that after the shooting, the police were very present at the extension buildings and the police were doing a lot of raids. MOORE related that he moved to Atlanta and began working at Harold's Chicken. MOORE related this friend Andre SIMMONS, a.k.a. "Dre", owns the Harold's Chicken and he invested $15,000.00 in the business. MOORE related that he is living with Cedric Benjamin, Dre's nephew, at 2866 Norfair Loop, Lithonia, Georgia (GA).

(6) SIMMONS, Andre, black male, 6'2, 165 lbs, brown eyes, black hair, DOB: 6/20/1968, IR: 980228, SID: IL30925100, FBI: 579163NA4, IDOC: B74775, convicted felon, currently on parole, 2951 Clearbrook Drive, Marietta, GA.

(7) MOORE related that he came back to Chicago when Patrick NOONER, a.k.a. "PT", ask him to come back to Chicago to show him how to mix the heroin and help run the heroin distribution operation. MOORE related that "PT" paid for his airline ticket.

(8) MOORE related that "Tywann" (Tywann BROUGHTON), "Shock" (Roy BENNETT), "Dog" (Harry SEALS), "Harold" (Harold OWENS) and himself run the heroin line known as "Renegade" out of the "574" building. MOORE related the cocaine line is known as "7-11". MOORE related that he sold approximately $10.000.00 of heroin a day out of this building and the profit is divided amongst the five of them. MOORE stated he made approximately $400.00 per day selling heroin. MOORE stated that he and "Dog" mixed the heroin, "Shock" distributes the product out and "Tywann" collects the money.

(9) MOORE related that "Dog" lives at 67th and Seeley and his aunt lives at 38th and Vernon. MOORE related that "Dog" drives a gray Aurora.

(10) MOORE related that "Tywann" lives at 55th and Woods with his girlfriend "Tina". MOORE related "Tywann" drives a white Chevrolet Impala. MOORE related "Twyann" goes with NOONER's sister. MOORE related "Big Folk" in his cellular telephone is "Twyann". MOORE related that he contacts "Twyann" on his cellular telephone number (773) 217-8203 and on his home telephone number (773) 476-5044.

(11) MOORE related that no heroin is currently being sold out of the "574" building. MOORE stated that

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BUREAU OF ALCOHOL, TOBACCO, FIREARMS AND EXPLOSIVES
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Chicago Field Division
FY-05
Report 028

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772015-04-0086

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(12) MOORE related that one source of supply for heroin is Antoinette ROJAS. MOORE related that he was previously supplied heroin from Patty ROJAS, Antoinette's sister. MOORE related that Patty is now deceased. MOORE related Patty and Antoinette ROJAS are Columbian. MOORE stated that he purchased 500 grams to one kilogram of heroin from Patty ROJAS on approximately thirty (30) to forty (40) occasions. MOORE related that he has been purchasing heroin from Patty ROJAS since 1999. MOORE related that he would purchase one kilogram of heroin from ROJAS for $82,000.00. MOORE related that he began dealing with Antoinette ROJAS when Patty became too ill and confined to a wheelchair. MOORE described Antoinette ROJAS as black female, 28-30 years old, 5'5", heavy set.

(13) MOORE related that he met Antoinette ROJAS at the Portillo's restaurant on Ontario in Chicago, IL a few weeks prior to Romell LAWRENCE's arrest on March 8, 2005. MOORE related that ROJAS showed up with one kilogram of heroin. MOORE related that ROJAS fronted him the kilogram of heroin. MOORE related that he agreed to pay ROJAS the $82,000.00 in installments. MOORE related that he gave the kilogram of heroin to Rashaun LAWRENCE, a.k.a. "Jigger". MOORE related that a week later LAWRENCE gave him $30,000.00 to pay ROJAS and he stated he paid ROJAS the money. MOORE related that he would make $5,000.00 on the heroin transaction. MOORE stated that he contacts ROJAS on her cellular telephone number (773) 443-2207. MOORE stated that ROJAS drives a white Porsche truck and a blue minivan. MOORE stated that he also contacts ROJAS at her friend's cellular telephone number (773) 443-6205.

(14) MOORE related that he usually meets ROJAS at "Suzies" a hot dog stand at the intersection of Interstate 90 and Montrose to purchase the heroin. MOORE related ROJAS lives nearby this area.

(15) LAWRENCE, Rashaun, a.k.a. "Jigger", black male, DOB: 4/4/1975, 6'1, 235 lbs, brown eyes, black hair, IR: 992596, SID: 31008150, FBI: 271188PA9, a convicted felon, 525 East 37th Street, Chicago, IL.

(16) Rashaun LAWRENCE has a 2004 Pontiac 4-door, Illinois license plate 7786642, VIN: 2G2WP542841168224, registered to him at 575 East Browning, Chicago, IL, 60653. LAWRENCE has Illinois driver's license L652-7207-5097 issued to him at 525 East 37th Street, Chicago, IL, 60653.

(17) MOORE related that Romell LAWRENCE was arrested with 500-600 grams of heroin and it was Rashaun's heroin (C.B. No. 16112562, R.D. No. HL-223206, dated March 8, 2005). MOORE related that Rashaun LAWRENCE posted $30,000.00 for Romell's bond.

(18) MOORE related that LAWRENCE still owes ROJAS $44,000.00. MOORE related that LAWRENCE is trying to sell his van and jewelry to make money to pay back ROJAS. MOORE related that a week ago LAWRENCE gave him $8,000.00 to pay ROJAS and he stated he paid ROJAS the money.

DEPARTMENT OF JUSTICE
BUREAU OF ALCOHOL, TOBACCO, FIREARMS AND EXPLOSIVES
REPORT OF INVESTIGATION

ADDRESSED TO:	MONITORED INVESTIGATION INFORMATION:
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(19) MOORE related that LAWRENCE does not have a line in any of the buildings. MOORE related that LAWRENCE bags up his heroin and sells it under other people's lines in the extension buildings. MOORE related LAWRENCE pays the workers on the other lines to sell his heroin. MOORE related that LAWRENCE told him, "I needs to make money". MOORE stated LAWRENCE said he needs to get the debt to ROJAS paid so he can purchase more heroin from her.

(20) MOORE related that LAWRENCE is trying to sell his 1998 black and gray conversion van for $15,000.00. MOORE related LAWRENCE also drives a 2000 or 2002 black Grand Prix with tinted windows. MOORE related that he contacts LAWRENCE on his cellular telephone number (773) 297-4703.

(21) MOORE related that after Patty ROJAS passed away six months prior, he started to purchase heroin from Patrick NOONER, a.k.a. "PT". MOORE related that for the first two weeks he purchased 100 grams of heroin everyday from NOONER for $8,500.00. MOORE stated that for the next following week he purchased 200 grams of heroin from NOONER for $17,000.00. MOORE related that he then purchased a kilogram of heroin for $85,000.00 every ten (10) days to two weeks from NOONER.

(22) MOORE related that on one occasion he met with NOONER off the expressway right after NOONER had received a shipment of narcotics. MOORE related that NOONER was driving his white van. MOORE stated he saw NOONER in possession of fifty (50) kilograms of cocaine and three (3) kilograms of heroin. MOORE related that NOONER gave him a kilogram of heroin and ten (10) kilograms of cocaine. MOORE related that NOONER has a long white van that he utilizes when he is going to pick up a load of narcotics. MOORE related that NOONER usually parks the van in front of the "540" building. MOORE related that NOONER also drives a blue minivan and black Dodge truck.

(23) MOORE related that NOONER would bring him a sample of heroin to show him and to ask him what he could do with it. MOORE related that it is known that he knows "dope".

(24) Patrick NOONER has a 2001 Chevrolet carryall, Illinois license plate number 6039488, registered to him at 16781 Torrence Avenue, Apartment 207, Lansing, IL, 60438. NOONER has 2005 Dodge carryall, Illinois license plate number 6968672 registered to him at the Lansing address. NOONER has Illinois drivers license number N560-6657-1099 issued to him at the Lansing address.

(25) MOORE related that he gave the ten (10) kilograms of cocaine to Arnold COUNCIL. MOORE related that COUNCIL ran the crack line known as "Pink Panther" out of the 4429 Federal building. MOORE related that NOONER would give him one kilogram of heroin and five (5) kilograms of cocaine at a time. MOORE related that he gave the "C", referring to cocaine, to COUNCIL. MOORE stated that he did not deal cocaine but sells cocaine in weight. MOORE stated that he would front COUNCIL the five (5) kilograms of cocaine. MOORE stated that NOONER would sell the five kilograms of cocaine to him for $100,000.00. MOORE related that COUNCIL drives a blue Concorde or a dodge Intrepid.

DEPARTMENT OF JUSTICE
BUREAU OF ALCOHOL, TOBACCO, FIREARMS AND EXPLOSIVES
REPORT OF INVESTIGATION

ADDRESSED TO:	MONITORED INVESTIGATION INFORMATION:
Special Agent in Charge Chicago Field Division	Chicago Field Division FY-05 Report 028

TITLE OF INVESTIGATION:
Gangster Disciples--Ida B. Wells Housing Projects

CASE NUMBER:	REPORT NUMBER:
772015-04-0086	28

(26) COUNCIL, Arnold, black male, DOB: 8/14/1976, 5"10", 160 lbs, brown eyes, black hair, IR: 1027565, SSN: 353-64-6539, SID: IL34024590, FBI: 577940RA7. COUNCIL has Illinois drivers license number C524-01276231 issued to him at 3714 South Indiana, Chicago, IL, 60653.

(27) MOORE related that he believes that COUNCIL had someone break into his apartment in the "574" building and steal $85,000.00. MOORE related that he was out of town and "Dog" (Harry SEALS) was staying at his place. MOORE related that COUNCIL called "Dog" and asked him to meet him. MOORE related that while "Dog" went to meet with COUNCIL the break-in occurred. MOORE related that a search warrant was executed at COUNCIL's residence in May of 2004 and since this time he and COUNCIL have had their differences. MOORE related that COUNCIL is associated with Torrence COOKS.

(28) MOORE related that NOONER is supplying "L" (Lamont WATSON) with cocaine and heroin to sell out of the "540" building. MOORE related that NOONER supplies WATSON with one kilogram of heroin and five (5) kilograms of cocaine at a time. MOORE related that his heroin line is known as "red line" or "Powerball". MOORE related that "Mac", WATSON's brother, is selling out of the "540" building. MOORE related that WATSON does his operation all himself. MOORE related that WATSON drives a blue Chevrolet Lumina with tinted windows and a maroon Impala, which is a rental car. MOORE related WATSON lives in Lake Meadows near 35ths Street and Rhodes, Chicago, IL.

(29) MOORE related that he contacts WATSON on his cellular telephone number (773) 908-9615.

(30) MOORE stated that Jovan TOWERS, a.k.a. "Vonnie or V-Lo" is selling narcotics out of the "540"

DEPARTMENT OF JUSTICE
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(34) MOORE stated that "Taupe" (Tulorn FUMBANKS) was arrested with "Gabe's" firearm (FUMBANKS was arrested on December 30, 2004 for Aggravated Unlawful Use of a Weapon, C.B. No. 16047306).

(35) MOORE related that Bobby COLEMAN and Willie GADDY caught a state case together (GADDY and COLEMAN were arrested on February 6, 2004 for Possession of a Controlled Substance, C.B. No. 15721799/15721825). MOORE related that COLEMAN works for GADDY.

(36) MOORE related that "Stank" (FNU LNU) controls the "575 building. MOORE stated that Allen JACKSON, a.k.a. "AllenJ", and Brian FORD, a.k.a. "B-Lo", work for "Stank" in the "575" building. MOORE related that "B-Lo" goes to NOONER when "Stank" does not have any narcotics.

(37) MOORE related "Big Cuz" in his cellular telephone is Brian FORD. MOORE related that he contacts FORD on his cellular telephone number (312) 208-9514.

(38) MOORE related that "Little Reggie" (FNU LNU) works in the "527" building and he is working for Torrence COOKS.

(39) COOKS, Torrence, black male, DOB: 3/5/1973, 6'1", 260 lbs, brown eyes, black hair, IR: 930227, SID: IL29272030, FBI: 809183NA6, SSN: 340-62-1312, 18110 Orleans Drive, Hazel Crest, IL.

(40) MOORE related "Fat Mac" in his cellular telephone is COOKS. MOORE related that he has not spoken with COOKS in approximately four months. MOORE related that he contacts COOKS on his cellular telephone number (773) 787-9799 or on COOKS girlfriend's cellular telephone number (773) 339-1239. MOORE related that he has attempted to meet with COOKS to settle the conflict with Arnold COUNCIL.

(41) MOORE related that "Ben" is selling in the "527" building and his selling work for "Bird", a Black Disciple. MOORE related that he contacts "Bird" on his cellular telephone number (708) 653-7854.

(42) MOORE related that NOONER supplies cocaine to "Mike" (Mike WILSON) from the Ickes Housing Project. MOORE related "Mike" caught a state case for a kilogram of cocaine and $10,000.00 about two or three years ago and has served his time and is back "hustling".

(43) MOORE related that there are two firearms in the "574" building and different people take them home every night. MOORE related that he has had a Glock 9mm semi-automatic pistol with a sixteen (16) round clip for approximately three (3) years and "AllenJ" has a S & W .40 caliber semi-automatic pistol.

(44) MOORE related that "Youngin" (Glenn ROGERS) is known as a "stick up" guy and breaks into houses. MOORE related that he never purchased any firearms from ROGERS. MOORE stated that he tried to purchase firearms from ROGERS but ROGERS told him that he would get more money for the firearms from NOONER. MOORE related that most of the firearms [illegible]

DEPARTMENT OF JUSTICE
BUREAU OF ALCOHOL, TOBACCO, FIREARMS AND EXPLOSIVES
REPORT OF INVESTIGATION

ADDRESSED TO:	MONITORED INVESTIGATION INFORMATION:
Special Agent in Charge Chicago Field Division	Chicago Field Division FY-05 Report 028

TITLE OF INVESTIGATION:
Gangster Disciples--Ida B. Wells Housing Projects

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772015-04-0086	28

because NOONER paid the most for the firearms. MOORE related that ROGERS sold firearms to GADDY. MOORE related that on one occasion he had asked ROGERS about some firearms and ROGERS told him that the firearms were for GADDY.

(45) MOORE related that most of the firearms acquired by individuals in the Ida B. Wells Housing Project are purchased from "hypes". MOORE related that Billy WASHINGTON was known to have a firearm connection from Mississippi and firearms have been purchased from WASHINGTON. MOORE stated that WASHINGTON is currently incarcerated on a state firearms charge.

(46) MOORE related that "Gabe" (Gabriel BUSH) has recently been shooting at him. MOORE stated that at first he thought it was Willie GADDY shooting at him and he called GADDY and accused GADDY of shooting at him. MOORE related that he later found out that it was "Gabe" not GADDY shooting at him.

(47) MOORE related that GADDY is a known "shooter" and nobody messes with GADDY. MOORE related GADDY ran heroin and crack cocaine out of the "559" building. MOORE related when GADDY caught his state case he quit selling out of the "559" building.

(48) MOORE related that "Big Ant" (FNU LNU) sells weed and hydro out of the Ida B. Wells buildings. MOORE related that "Big Ant" sell a pound of hydro for $5,000.00. MOORE related that "Big Ant" drives an older blue Monte Carlo. MOORE related he contacts "Big Ant" on his cellular telephone number (773) 936-6970. MOORE related "Big Ant" is a black male approximately 30 years old.

(49) MOORE related that he was involved in a shooting on April 6, 2005 at approximately 5:00 p.m. at 43rd and Federal. MOORE related that he was in a gray Grand Prix with "Dog" and they came up on Arnold COUNCIL, who was driving a white Lumina, with "Dre". MOORE related that GADDY, who was driving a red Toyota Corolla, with "Gabe" drove up to all of them. MOORE related that shots were exchange amongst them and his Grand Prix was so shot up him and "Dog" left the vehicle and ran. MOORE related that they came across a man, who works for Illinois Department of Transportation (IDOT) on the Dan Ryan Expressway and paid him $100.00 to drop him off.

(50) MOORE related that later on April 6, 2005, me met GADDY at Portillo's on Ontario in Chicago, IL. MOORE related that GADDY was with "Gabe" and "Fuzz" and GADDY, "Gabe" and "Fuzz" had firearms on their person. MOORE related that he was with "AllenJ" and he had a 9mm pistol and "AllenJ" had a .40 caliber pistol on their person. MOORE related that COUNCIL came in with firearm on his person. MOORE related that he and "AllenJ" left immediately. MOORE stated that he went to the "574" building and dropped off the 9mm pistol at the building.

(51) MOORE related that "Dre", "Gabe" and GADDY were all incarcerated together in state prison.

DEPA 'ENT OF JUSTICE
BUREAU OF ALCOHOL, TOBACCO, FIREARMS AND EXPLOSIVES
REPORT OF INVESTIGATION

DDRESSED TO: Special Agent in Charge Chicago Field Division	MONITORED INVESTIGATION INFORMATION Chicago Field Division FY-05 Report 028
TITLE OF INVESTIGATION: Gangster Disciples--Ida B. Wells Housing Projects	
CASE NUMBER: 772015-04-0086	REPORT NUMBER: 28

(52) MOORE related that he heard that Cha-Chi (Roderick SMITH) and COUNCIL paid "Robert Lee" $10,000.00 each to kill him. MOORE related that it is known that "Robert Lee" has been paid to kill people.

(53) MOORE related that Sergeant WATTS worked for Housing South and worked the Ida B. Wells Housing Projects. MOORE related that he paid WATTS a total of $7,000.00. MOORE related that "Shock" usually paid WATTS. MOORE related that one time after "Shock" paid WATTS, he told someone and WATTS was upset and he would only deal with "Shock" after that. MOORE related that when the money came up short, then he knew that "Shock" had paid off WATTS. MOORE related that Chicago Police Officer Al JONES worked on WATTS's team and he also took the payments from "Shock". MOORE related that WATTS, Al JONES and Kenny never let the white officers know what is going on. MOORE related that Mohammed was on the WATTS's team but is not there now.

(54) MOORE related that on one occasion, he and "Shock" meet WATTS at 59th and Western. MOORE related that he gave WATTS two rifles and "Shock" paid WATTS $10,000.00. MOORE related that he would pay WATTS when he had caught him or one of his workers with something, referring to a firearm or narcotics.

(55) MOORE related that on one occasion he was with NOONER after NOONER had purchased a new black Lincoln Navigator. MOORE related that WATTS pulled over NOONER and him in the Navigator and when WATTS came up an saw NOONER, WATTS said "oh it's you Pat" and let them go immediately. MOORE related that NOONER and WATTS grew up together.

(56) MOORE related that he had heard that GADDY was paying WATTS money. MOORE related that GADDY decided that he was not going to pay WATTS and WATTS shot at GADDY when GADDY was running away. MOORE related that this incident occurred approximately two years ago.

(57) MOORE related that it is known that WATTS has a gambling problem. MOORE related that he has seen WATTS at the Horseshoe Casino on numerous occasions.

(58) MOORE related that about a week ago WATTS took forty (40) bags of weed from the "Chingey" on the first floor of the "559" building and turned around and sold the weed to "Shock". MOORE stated that "Shock" told him this when he purchased some weed from "Shock".

(59) MOORE related that he has about $30,000.00 in savings. MOORE related that "Tracy" has $20,000.00 and he has $10,000.00. MOORE related that "Tracy" lives on 71st and California and they have a daughter together. MOORE related that $6,000.00 is in an apartment in the "574" building and Kim BROWN, his girlfriend, has $4,000.00. MOORE related that BROWN lives at 64 West Fountain Head, Westmont, IL. MOORE related he had a chain worth $16,000.00 in the "574" building in apartment 401 with "Vicky".

DEPA ENT OF JUSTICE
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REPORT OF INVESTIGATION

DDRESSED TO: pecial Agent in Charge hicago Field Division	MONITORED INVESTIGATION INFORMATION: Chicago Field Division FY-05 Report 028
TLE OF INVESTIGATION: angster Disciples–Ida B. Wells Housing Projects	
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(60) MOORE related that he has a 2001 silver CL55 Mercedes in Atlanta. MOORE related it is parked in front of 2866 Norfair Loop, Lithonia, GA. MOORE related he paid $60,000.00 for it. MOORE related that his friend Tommy JONES purchased it on his behalf at an auction about a year and a half ago. MOORE stated that he paid $3,000.00 at a time to pay off the loan. MOORE related that he also has a blue Nissan Maxima in Atlanta. MOORE related that he purchased the Nissan at the car dealership at 71st and Western, Chicago, IL. MOORE related that when he purchased the vehicle last year he put $7,000.00 as a down payment. MOORE stated that he also traded in a Nissan Maxima and a Dodge Durango. MOORE related that he still owes $11,000.00. MOORE related that he put the car in Kimerly BROWN's name.

(61) Kimberly BROWN has an Illinois state drivers license number B650-5007-9889 issued to her at 64 West Fountainhead Drive, Apartment 203, Westmont, IL, 60559. BROWN has a 2004 blue Nissan, Illinois license plate number 5942507, VIN: 1N4BA41E54C875009, registered to her at the Westmont address. BROWN has a 2003 KIA Sort, Illinois license plate number Kymmie2, VIN: KNDJD733135146289, registered to her at the Westmont address.

(62) MOORE related that he just purchased a red station wagon yesterday and he paid $900.00 for the vehicle. MOORE related that he has a connect with Alamo Rental Cars and he usually utilizes rental vehicles. MOORE related that he has not held a legitimate job since 1990 or 1992. MOORE related that his rent in Georgia is $900.00 per month and the utilities are $150.00 per month.

OFFICE OF THE SUPERINTENDENT
Internal Affairs Division

17 SEPTEMBER 2004

TO: Commanding Officer
Internal Affairs Division
Confidential Investigation Section

FROM: Police Agent Calvin HOLLIDAY, Star 10865
Internal Affairs Division
Confidential Investigation Section

SUBJECT: Case Initiation

Complaint Register Number: 300778
Confidential Number: 259476

On 16 September 2004, the undersigned agent was made aware of unknown Public Housing Unit officers taking (tax) money from drug dealers, allowing them to sell their product. The information was obtained from Sergeant Henry HARRIS, Star 2602, of HIDTA. In the debriefing of a Cooperating Individual, this information was obtained.

The C.I. told Lieutenant Juan RIVERA, Star 734, Sergeant Kenneth BIGG, Star 1135 and Police Agent Calvin HOLLIDAY, Star 10865 the officers had approached him and requested payment for his doing business, selling drugs, in their area. Allegedly, one of the officers had shot at him in the year 2003 because he ran away from the officer. They later returned to speaking terms. The C.I. said this is an on going incident and many of the larger drug dealers in the area are paying tax (money) to these officers. Given this information, a Confidential Complaint Register Number is requested.

Calvin Holliday

Calvin HOLLIDAY
Internal Affairs Division
Confidential Investigation Section

APPROVED:

J. Rivera 734

Lieutenant Juan RIVERA
Commanding Officer

OFFICE OF THE SUPERINTENDENT
Internal Affairs Division

21 SEPTEMBER 2004

TO: Commanding Officer
Internal Affairs Division
Confidential Investigation Section

FROM: Police Agent Calvin Holliday, Star 10865
Internal Affairs Division
Confidential Investigation Section

SUBJECT: Status Report

ALLEGATION: It is alleged officers in the Public Housing Unit are accepting money from drug dealers, allowing them to continue to sell narcotics.

On 20 September 2004, a meeting occurred with the purpose of implementing some type of strategy for the investigation of this case. After meeting with representatives from the United States Attorneys Office, Federal Bureau of Investigations, Drug Enforcement Administration, Alcohol, Tobacco and Firearms and the Chicago Police

INTERNAL AFFAIRS DIVISION
Confidential Investigation Section

09 MARCH 2005
CR# 300778

TO: Commanding Officer
Internal Affairs Division
Confidential Investigation Section

FROM: Police Agent Calvin HOLLIDAY, Star 10865
Internal Affairs Division
Confidential Investigations Section

SUBJECT: Integrity Check

ALLEGATION: It is alleged, while assigned to Unit 715, Sergeant Ronald WATTS, Star 2640 and Police Officer Kallatt MOHAMMED, Star 14122, were taxing drug dealers (taking money); allowing them to remain in business.

The before mentioned officers, formerly assigned to Unit 715, presently assigned to the 2nd District, are to be the subject(s) of an Integrity Check. The goal of the now unnamed operation is to give the accused members an opportunity to prove or disprove the allegation against them.

The information given suggests the officers know or make it a point to get to know, all drug dealers in the area of their assigned duties. It is said the officers take money from those drug dealers who wish to work in their area. Those who do not cooperate are arrested.

The objective of this exercise is to provide an undercover officer with a large sum of currency, placing him in an undercover vehicle, in the area of the accused officers work assignment. He will have the appearance of a working drug dealer and be prepared to have an evasive conversation, to arouse suspicion, upon being approached.

The undercover officer will be in full view of a surveillance team assigned to him as well as the group of Internal Affairs Division personnel working the operation. The operation will be conducted with set guidelines, under the direction of one named, on the scene su[redacted] Information has been gathered regarding the accused. Before

4. Uniform of the day
5. Possible inventory
6. Surveillance responsibilities and assignments
7. Officer Safety

These considerations and any others that come into play, will be addressed. The plan will allow for a certain degree of flexibility but will never compromise the safety of any person involved.

The plan of attack is to have the undercover officer appear to be a drug dealer, looking for one of his customers, while in the given work area of the accused. He will never be out of view of his personal surveillance officer(s). In his possession will be a sum of pre recorded currency. The undercover officer will be directed, by the supervisor on the scene, to the location that will place him in the view of the accused. If all goes according to plan, the accused officer will make contact. The undercover officer will be advised and reminded to not say anything that would be considered entrapment. The plan is such that if the undercover officer is taken into custody, he will be allowed to be transported to the 2nd District. If an attempt is made to transport him any place other than the 2nd District, a tactical unit from Internal Affairs Division will make the stop on the transporting unit.

There will be approximately ten (10) persons involved in addition to the undercover officer. They will have one common goal, the safety of the Undercover Officer.

Equipment necessary for the execution of this plan will be furnished by the Confidential Investigation Section of the Internal Affairs Division.
Styx and Zone radios
Covert and Tactical vehicles
Photographic equipment
United States Currency (amount as yet undetermined)
Drug paraphernalia

Complaint Register # 300778
Confidential # 259476
Attachment #

(Continued for signature only)

Police Agent Calvin HOLLIDAY
Internal Affairs Division
Confidential Investigations Section

APPROVED:

734

Commanding Officer
Confidential Investigation Section

Complaint Register # 300778

Confidential # 259476

Attachment #

INTERNAL AFFAIRS DIVISION
Confidential Investigation Section

28 JUNE 2005

TO: Commanding Officer
Internal Affairs Division
Confidential Investigation Section

FROM: Police Agent Calvin HOLLIDAY, Star 10865
Internal Affairs Division
Confidential Investigations Section

SUBJECT: Case Information

REFERENCE: Complaint Register Number 300778
Confidential Number 259476

ACCUSED: Sergeant Ronald WATTS, Star 2640

It is alleged Sergeant Ronald WATTS is taking drugs and money from high ranking drug dealers and allowing them to remain in business. It is also alleged that Sergeant WATTS takes drugs and then tells that person they owe him the total street value of the seized drugs or they will go to jail for possession.

The undersigned, in May 2005, met with Assistant States Attorney David NAVARRO (773 869 2897), private attorney Matthew MAHONEY, his client, gang member and drug dealer, Ben BAKER (IR # 901905), his wife, and Sergeants Ray BRODERDORF and Kenneth BIGG at 2650 South California. BAKER spoke of WATTS wanting BAKER to pay WATTS to stay in business and of BAKER'S resisting to do so. BAKER alleged his present case in court was placed on him by Sergeant WATTS. BAKER pledged his co-operation in our investigation and to work as a CI. BAKER stated he would immediately contact the undersigned if he had any contact with Sergeant WATTS. BAKER also spoke of Sergeant WATTS having shot at Willie GADDY for not paying him protection money. BAKER spoke of others selling drugs in the Ida B Wells Housing Projects and that these individuals paid Sergeant WATTS in order to continue to deal drugs. BAKER'S allegations against Sergeant WATTS are essentially the same as those told by two other known drug dealers at the Ida B Wells Housing Projects, Willie GADDY and Wilbert MOORE. These three men had no knowledge the other was talking to a Law Enforcement Agents.

To date, the undersigned has heard nothing from Ben BAKER or his attorney. Another method of investigation, possibly an integrity check, will be sought.

Previously, the undersigned had interviewed drug dealer Willie GADDY, IR # 974447. GADDY was brought in by HIDTA and made available to other Chicago Police Department sections. He was working off a case. He spoke of having been shot at by Sergeant WATTS for not paying protection money while GADDY was selling drugs. He

Complaint Register # 300778
Confidential # 259476
Attachment # (1)

No. 1-06-3352

IN THE
APPELLATE COURT OF ILLINOIS
FIRST DISTRICT

PEOPLE OF THE STATE OF ILLINOIS,	)	Appeal from the Circuit Court
	)	of Cook County, Illinois.
Plaintiff-Appellee,	)	
	)	
-vs-	)	No. 05 CR 8982.
	)	
BEN BAKER,	)	Honorable
	)	Michael P. Toomin,
Defendant-Appellant.	)	Judge Presiding.

ORDER

This matter coming to be heard on Appellant's motion, all parties having been duly notified, and the Court being advised in the premises,

IT IS HEREBY ORDERED:

That the motion to supplement the record with 2 volumes of record instanter, consisting of:

(1) a 195-page volume containing, inter alia, documents produced by the Chicago Police Department's Internal Affairs Division, and

(2) an 8-page volume of the report of proceedings from July 7, 2005

is hereby ALLOWED/DENIED.

_____
PRESIDING JUSTICE

_____
JUSTICE

DATE: _____

_____
JUSTICE

ANNE E. CARLSON
Deputy Defender
Office of the State Appellate Defender
20 North Clark Street - Suite 2800
Chicago, Illinois 60602
(312) 814-5100

COUNSEL FOR DEFENDANT-APPELLANT

EXHIBIT 26

U.S. Department of Justice

Federal Bureau of Investigation

In Reply, Please Refer to
File No.

194D-CG-122761

219 South Dearborn Street
Chicago, Illinois 60604
February 10, 2006

RONALD WATTS,
POLICE SERGEANT,
CHICAGO POLICE DEPARTMENT;
CSLPO - LAW ENFORCEMENT - DRUG RELATED;
OO: CHICAGO

Captioned investigation was initiated in September of 2004. FBI Chicago received information of an ongoing joint investigation conducted by the Chicago Police Department Internal Affairs Division (CPD-IAD), Drug Enforcement Agency (DEA) and Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF). The investigation involved alleged criminal activity of Chicago Police Department Sergeant Ronald Watts.

An ATF source alleged that, in the past, Watts attempted to extort him for bribe payments to permit him to continue his drug trafficking activity. The ATF source also stated that Watts was currently receiving bribe payments from another individual involved in drug trafficking in the Ida B. Wells housing development, Wilbur Moore.

Shortly after the investigation was initiated, the unit that Watts was assigned to, which covered the Ida B. Wells housing project, was disbanded and Watts was transferred to another area. During the course of the investigation, allegations against Watts were never able to be substantiated or collaborated.

In December of 2005, a query of the Financial Crimes Enforcement Network was conducted for Watts. The results of this query were negative.

On January 20, 2006, Cook County State's Attorney Dave Navarro contacted the reporting Agent to advise that Moore had been murdered. Navarro related that his office had been investigating Chicago Police Department Sergeant Ronald Watts and that Moore's name surfaced during the course of the Watts investigation.

This document contains neither recommendations nor conclusions of the FBI. It is the property of the FBI and is loaned to your agency; it and its contents are not to be distributed outside your agency.

SUBJECT TO PRIVACY ACT ORDER

T:\DRAFTS\WC3\MJKEEN\020MJK01.LHM

On January 20, 2006, the investigative status of this case was presented to Assistant United States Attorney (AUSA) Gayle E. Littleton. AUSA Littleton advised that she would decline prosecution because of parallel State prosecution and because the case lacked federal prosecutive merit.

SUBJECT TO PRIVACY ACT ORDER

EXHIBIT 27

SUMMARY REPORT DIGEST-
COMPLAINT REGISTER INVESTIGATION NO.: 309282
CHICAGO POLICE DEPARTMENT

DATE OF REPORT (DAY-MO.-YEAR): 03 November 2005

To be used in all cases that are to be classified as either EXONERATED, UNFOUNDED, NOT SUSTAINED or in SUSTAINED cases where the Disciplinary Recommendation does not exceed FIVE (5) DAYS SUSPENSION.

SUBMIT ORIGINAL AND 3 COPIES IF ASSIGNED TO SAME UNIT AS ACCUSED.
SUBMIT ORIGINAL AND 4 COPIES IF NOT ASSIGNED TO SAME UNIT AS ACCUSED.

TO: SUPERINTENDENT OF POLICE
ATTENTION ☐ ADMINISTRATOR IN CHARGE, OFFICE OF PROFESSIONAL STANDARDS
☒ ASSISTANT DEPUTY SUPERINTENDENT, INTERNAL AFFAIRS DIVISION

FROM-INVESTIGATOR'S NAME	RANK	STAR NO.	SOCIAL SEC. NO.	EMPLOYEE NO.	UNIT ASSIGN.
Mann Kenneth E.	Lt.	476		[redacted]	002

ADDRESS OF INCIDENT	DATE OF INCIDENT -TIME	BEAT OF INC I DENT	LOCATION CODE*
527 E. Browning 206	20 August 2005/1400 hrs	212	19

ACCUSED

NAME	RAN K	STAR NO.	SOCIAL SEC. NO.	EMPLOYEE NO.	UNIT ASSIGN.
1. Watts, Ronald	Sgt	2640		[redacted]	002
2.					

SEX/RACE	D.O.B.	DATE OF APPOINTMENT	DUTY STATUS (TIME OF INCIDENT)			PHYS. COND. CODE†
1. M/B	[redacted]	18 Jan 94	☒ ON DUTY	☐ OFF DUTY	☒ SWORN ☐ CIVILIAN	01
2.			☐ ON DUTY	☐ OFF DUTY	☐ SWORN ☐ CIVILIAN	

IF APPLICABLE - DATE ARRESTED/INDICTED	CHARGES	COURT BRANCH	DISPOSITION & DATE
1.			
2.			

COMPLAINANTS

NAME	ADDRESS** CITY STATE	TELEPHONE	SEX/RACE	D.O.B./AGE	PHYS. COND. CODE†
Glenn, Clarissa	527 E. Browning #204, Chicago, Il 60653	773 410 7557	F/B	30 Aug 71/34	01

VICTIMS

NAME	ADDRESS** CITY STATE	TELEPHONE	SEX/RACE	D.O.B./AGE	PHYS. COND. CODE†

WITNESSES

NAME	ADDRESS** CITY STATE	TELEPHONE	SEX/RACE	D.O.B./AGE	PHYS. COND. CODE†
"Sambo"	527 E. Browning 204	773 440 5561	M/B	unk	unk

☐ SEE ATTACHED SHEET FOR ADDITIONAL ACCUSED, COMPLAINANTS, VICTIMS, WITNESSES.

ALLEGATIONS

Allegation #1, Accused searched her residence without a warrant or her permission on 20 August 2005.

Allegation #2, That the accused had the witness tell the victim that the accused would cause her bodily, and that he would arrest her for no reason. This allegation was to have happened on 23 October 2005.

I.A.D. LOCATION CODES*

01	Food Sales/Restaurant	11	Public Transportation Veh./Facility
02	Tavern/Liquor Store	12	Park District Property
03	Other Business Establishment	13	Airport
04	Police Building	14	Public Property Other
05	Lockup Facility	15	Other Private Premise
06	Police Maintenance Facility	16	Expressway/Interstate System
07	CPD Automotive Pound Facility	17	Public Way - Other
08	Other Police Property	18	Waterway, Incl. Park District
09	Police Communications System	19	Private Residence
10	Court Room		

I.A.D. PHYSICAL CONDITION CODES†

01	No Visible Injury - Apparently Normal
02	No Visible Injury - Under Influence
03	Injured, Not Hospitalized
04	Injured, Not Hospitalized - Under Influence
05	Injured, Hospitalized
06	Injured, Hospitalized - Under Influence
07	Injured, Refused Medical Aid
08	Injured, Refused Medical Aid - Under Influence
09	Deceased
10	Deceased - Under Influence

** IF CPD MEMBER, LIST RANK, STAR, SOCIAL SECURITY, EMPLOYEE NOS. IN ADDRESS BOX, PAX/BELL IN TELEPHONE BOX.

CPD-44.112A (1/84)

C.R. NO. 309282

SUMMARY

Briefly summarize the investigation describing your efforts to prove or disprove the allegation(s). Indicate whether witnesses or evidence support or do not support the allegation(s).
In sustained cases ONLY, copies of the accused member's Summary of Previous Disciplinary Actions and Record of Previous Complimentary History will be included as attachments.

Reporting received for investigation the above listed complainant register number and after a review of reports the following is being submitted for review and approval.

Reporting called the listed number number and left a detailed message on the complainants voice mail. On 05 November 2005 ,, reporting mailed the complainant a certified letter detailing how to get in contact with the reporting and expressing the need for her to contact the reporting so that this investigation could be completed. Reference article number 7003 3110 0006 3190 6224.

As of this writing the complainant has failed to contact the reporting, nor has she left any information as to how to get in contact with her. Reporting requests that this investigation be classified as unfounded due to the lack of cooperation from the complainant.

ATTACHMENTS

INVESTIGATIVE REPORTS-SUPPORTING ALLEGATION LIST ATTACHMENT NUMBERS:	INVESTIGATIVE REPORTS-SUPPORTING ACCUSED MEMBER(S) LIST ATTACHMENT NUMBERS:	PHYSICAL EVIDENCE LIST ATTACHMENT NUMBERS:	TOTAL NUMBER OF ATTACHMENTS SUBMITTED WITH THIS FILE:
1	0	0	7

FINDINGS—RECOMMENDATIONS

Summarize the findings and recommendations. Rule violations will be cited by number only. One overall recommendation for Disciplinary Action will be made by the investigator. The recommendation will be for ALL sustained findings; recommendations will NOT be made for each sustained allegation.
Example: 1. Violation noted, no disciplinary action warranted. 2. That the accused member be reprimanded. 3. That the accused member be suspended for ..... days (not to exceed 5 days).

Findings: Unfounded

Recommendation: No disciplinary action

DATE INITIATED (DATE COMPLAINT WAS RECEIVED FOR INVESTIGATION)	DATE COMPLETED (DATE OF THIS REPORT)	ELAPSED TIME (TOTAL TIME, EXPRESSED IN DAYS)
02 Nov 05	03 November 2005	32

Investigator will initiate the Command Channel Review form by completing the Investigator's Section.

INVESTIGATOR'S SIGNATURE

IF NECESSARY, USE AN 8½ x 11" SHEET OF WHITE PAPER TO CONTINUE ANY ITEM

COMPLAINT AGAINST DEPARTMENT MEMBER
CHICAGO POLICE DEPARTMENT

INITIAL COMPLAINT CATEGORY	C.R.NO.
03C	309282

TO COMMANDING OFFICER INVESTIGATING UNIT	UNIT	MANNER COMPLAINT RECEIVED
2nd District	002	☐ BELL ☐ PAX ☐ LETTER ☒ IN PERSON

RECEIVED FROM COMPLAINANT BY-NAME	RANK	STAR/EMPL. NO	UNIT NO.	DAY OF WK.	DATE	TIME
WILSON, Grace L.	Inv.	[redacted]	113	Mon.	24 Oct 05	14:08

REGISTERED WITH O.P.S. BY-NAME	RANK	STAR/EMPL. NO	UNIT NO.	DAY OF WK	DATE	TIME
WILSON, Grace L.	Inv.	[redacted]	113		SAME	

ACCUSED

	NAME	RANK	STAR NO.	UNIT NO.	SOCIAL SECURITY NO.	DUTY STATUS
1.						☐ ON ☐ OFF
2.						ON ☐ OFF ☐
3.						ON ☐ OFF ☐
4.						ON ☐ OFF ☐
5.						ON ☐ OFF ☐

LOCATION OF INCIDENT	DAY OF -	DATE	TIME	TOTAL ACCUSED	TOTAL COMPL. TOTAL WIT.
527 E. Browning Apt. 206 002	Sat.	20 Aug. 05	14:00		

COMPLAINANT

NAME	*ADDRESS (STREET, APT. NO., CITY, STATE)	ZIP CODE
Clarissa Glenn F/B DOB: 8-30-71	527 East Browning #206	60653

HOME PHONE NO.	CONTACT AT	TIME	PHONE NO.
773/410-7557			

ADDITIONAL COMPLAINANT/VICTIM/WITNESS

CHECK ONE C	V	W	NAME	* ADDRESS (STREET, APT. NO., CITY, STATE)	PHONE NO.
		x	Witness to 2nd incident: "Sambo" M/B	527 East Browning #204	773/440-5561

FOR ADDITIONAL ACCUSED, COMPLAINANTS (C), VICTIMS (V), WITNESSES (W), USE ANOTHER FORMSET.
* IF CPID MEMBER, LIST RANK, STAR/EMPLOYEE, SOCIAL SECURITY NOS. IN ADDRESS, PAX/BELL IN PHONE NO. BOX.

NARRATIVE OF ALLEGATIONS

The complainant alleges that on the above date, two male/black casually-dressed officers entered and searched her residence witout a warrant or her permission. It is further alleges that on 23 October 2005, at approximately 1330 hours, one of the accused officers gave the witness a threatening message for the complainant. According to the complainant, the accused officer (whose name is possibly Ronald Watts) threatened her with bodily harm and arrest for no reason.

No Arrest

INVESTIGATOR ASSIGNED	RANK	STAR/EMPL. NO.	UNIT NO.	SOCIAL SECURITY NO.
1. HANN, KENNETH E	LT	476[redacted]	002	—
2.				

DATE ASSIGNED - TIME	DAY OF WK.	DATE ASSIGNED - TIME	DAY OF WK.
1. 02 NOV 05 1350	WEDS	2.	

CPD-44.202 (Rev. 11/84) INVESTIGATOR'S COPY ATTACHMENT 1 C.R. NO.

CONFIDENTIAL - Subject to Protective Order Entered in Case No. 16 C 8940

002nd District

03 November 2005

To: Walther A. Green
Commander
002nd District

From: Kenneth E. Mann
Lieutenant
002nd District

Subject: Complaint Register Number 309282

Reporting Lieutenant received for investigation the above listed complaint and after a review of reports the following is being submitted.

Reporting called the listed number for the complainant on several occasions and left a message on her voice mail. Reporting mailed a certified letter on 05 November 2005, article number 7003 3110 006 3190 6224, and as of this writing no contact has been made with the complainant.

Kenneth E. Mann
Lieutenant
002nd District

Attachment# 2
CR# 309282

CONFIDENTIAL - Subject to Protective Order Entered in Case No. 16 C 8940

UNITED STATES POSTAL SERVICE

Home | Help

Track & Confirm

Track & Confirm

Search Results

Label/Receipt Number: **7003 3110 0006 3190 6224**
Status: **Notice Left**

We attempted to deliver your item at 1:13 pm on November 15, 2005 in CHICAGO, IL 60653 and a notice was left. It can be redelivered or picked up at the Post Office. If the item is unclaimed, it will be returned to the sender. Information, if available, is updated every evening. Please check again later.

Additional Details > | Return to USPS.com Home >

Track & Confirm

Enter Label/Receipt Number.

Notification Options

Track & Confirm by email

Get current event information or updates for your item sent to you or others by email. Go >

POSTAL INSPECTORS
Preserving the Trust

site map contact us government services jobs National & Premier Accounts

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Attachment#3
CR# 309282

CITY-BG-012907

CONFIDENTIAL - Subject to Protective Order Entered in Case No. 16 C 8940

UNITED STATES POSTAL SERVICE

Home | Help

Track & Confirm

Track & Confirm

Search Results

Label/Receipt Number. 7003 3110 0006 3190 6224
Detailed Results:

- Notice Left, November 15, 2005, 1:13 pm, CHICAGO, IL 60653
- Arrival at Unit, November 14, 2005, 9:41 am, CHICAGO, IL 60653

Track & Confirm

Enter Label/Receipt Number.

< Back

Return to USPS.com Home >

Notification Options

Track & Confirm by email

Get current event information or updates for your item sent to you or others by email. Go >

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Attachment#4
CR# 309282

CONFIDENTIAL - Subject to Protective Order Entered in Case No. 16 C 8940

UNITED STATES POSTAL SERVICE

Home | Help

Track & Confirm

Track & Confirm

Search Results

Label/Receipt Number: 7003 3110 0006 3190 6224
Detailed Results:

- Forwarded, November 22, 2005, 2:58 pm, CHICAGO, IL
- Notice Left, November 15, 2005, 1:13 pm, CHICAGO, IL 60653
- Arrival at Unit, November 14, 2005, 9:41 am, CHICAGO, IL 60653

Track & Confirm

Enter Label/Receipt Number.

< Back

Return to USPS.com Home >

Notification Options

Track & Confirm by email

Get current event information or updates for your item sent to you or others by email. Go >

POSTAL INSPECTORS
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Attachment# 5
CR# 309282

CITY-BG-012909

7003 3110 0004 3190 6224

U.S. Postal Service™
CERTIFIED MAIL™ RECEIPT
(Domestic Mail Only; No Insurance Coverage Provided)

For delivery information visit our website at www.usps.com®

OFFICIAL USE

Postage	$
Certified Fee	
Return Receipt Fee (Endorsement Required)	
Restricted Delivery Fee (Endorsement Required)	
Total Postage & Fees	$

Postmark Here

Sent To Ms. Clarissa Glenn
Street, Apt. No.; or PO Box No. 527 E. Browning, Apt 206
City, State, ZIP+4 Chicago, IL 60653

PS Form 3800, June 2002 See Reverse for Instructions

Attachment 6
CR# 309282

REQUEST FOR TIME EXTENSION - COMPLAINT REGISTER INVESTIGATION NO.: CHICAGO POLICE DEPARTMENT 309282

DATE OF REQUEST: 03 November 2005

TO: SUPERINTENDENT OF POLICE
ATTENTION: ADMINISTRATOR IN CHARGE, OFFICE OF PROFESSIONAL STANDARDS
ASSISTANT DEPUTY SUPERINTENDENT, INTERNAL AFFAIRS DIVISION

FROM - INVESTIGATOR'S NAME	RANK	STAR NO.	UNIT
Mann, Kenneth E.	Lieutenant	476	002

AN EXTENSION OF 30 DAYS IS REQUESTED TO COMPLETE THIS COMPLAINT REGISTER INVESTIGATION FOR REASON(S) INDICATED BELOW:

- ☐ ACCUSED UNAVAILABLE FOR INTERVIEW (GIVE REASON AND EXPECTED DATE OF RETURN)
- ☒ COMPLAINANT/WITNESS UNAVAILABLE FOR INTERVIEW (GIVE NAME AND REASON) Certified letter was re directed by the USPS.
- ☐ REPORTS, RECORDS, STATEMENTS, LABORATORY TESTS UNAVAILABLE (SPECIFY) DATE CERTIFIED LETTER SENT: 7003 3110 0006 3190 6224
- ☐ OTHER (DESCRIBE)

DATE CASE ASSIGNED	ELAPSED TIME OF INVESTIGATION DAYS	NO. OF PRIOR REQUESTS
02 November 2005	32	0

INVESTIGATOR'S SIGNATURE: K.E. Mann

APPROVED - UNIT COMMANDING OFFICER:

ADDITIONAL REQUEST FOR TIME EXTENSION

DATE OF REQUEST:

FROM - INVESTIGATOR'S NAME	RANK	STAR NO.	UNIT

AN EXTENSION OF 30 DAYS IS REQUESTED TO COMPLETE THIS COMPLAINT REGISTER INVESTIGATION FOR REASON(S) INDICATED BELOW:

- ☐ ACCUSED UNAVAILABLE FOR INTERVIEW (GIVE REASON AND EXPECTED DATE OF RETURN)
- ☐ COMPLAINANT/WITNESS UNAVAILABLE FOR INTERVIEW (GIVE NAME AND REASON)
- ☐ REPORTS, RECORDS, STATEMENTS, LABORATORY TESTS UNAVAILABLE (SPECIFY) DATE CERTIFIED LETTER SENT:
- ☐ OTHER (DESCRIBE)

DATE CASE ASSIGNED	ELAPSED TIME OF INVESTIGATION DAYS	NO. OF PRIOR REQUESTS

INVESTIGATOR'S SIGNATURE:

APPROVED - UNIT COMMANDING OFFICER:

ADDITIONAL REQUEST FOR TIME EXTENSION

DATE OF REQUEST:

FROM - INVESTIGATOR'S NAME	RANK	STAR NO.	UNIT

AN EXTENSION OF 30 DAYS IS REQUESTED TO COMPLETE THIS COMPLAINT REGISTER INVESTIGATION FOR REASON(S) INDICATED BELOW:

- ☐ ACCUSED UNAVAILABLE FOR INTERVIEW (GIVE REASON AND EXPECTED DATE OF RETURN)
- ☐ COMPLAINANT/WITNESS UNAVAILABLE FOR INTERVIEW (GIVE NAME AND REASON)
- ☐ REPORTS, RECORDS, STATEMENTS, LABORATORY TESTS UNAVAILABLE (SPECIFY) DATE CERTIFIED LETTER SENT:
- ☐ OTHER (DESCRIBE)

DATE CASE ASSIGNED	ELAPSED TIME OF INVESTIGATION DAYS	NO. OF PRIOR REQUESTS

INVESTIGATOR'S SIGNATURE:

APPROVED - UNIT COMMANDING OFFICER:

ATTACHMENT NO.	C.R. NO
7	309282

CPD-44 .114 (REV. 2/04)

CONFIDENTIAL - Subject to Protective Order Entered in Case No. 16 C 8940

Internal Affairs Division
Confidential Investigations Section

15 June 2010

TO: Juan Rivera
Chief
Internal Affairs Division

Attention: Sergeant Phyllis Muzupappa
Commanding Officer
Records Section

FROM: Sergeant Paul Farrell
Administrative Sergeant
Confidential Investigations Section

SUBJECT: CR # 309282
Administrative Processing

A detailed report authored by Sergeant Thomas Chester # 1282 of this Command dated 21 January 2010 requested the administrative closure of CR# 309282. This same report indicated the contents of CR# 309282 would be incorporated within CL# 1015941 and addressed as an allegation within CL# 1015941.

This report was ultimately signed and approved by Lieutenant Samuel Ramirez, Commander Robert Klimas, and Chief Juan Rivera. The report of Sergeant Chester however contained detailed information regarding an on-going confidential and criminal investigation. This report, if forwarded to process this administrative closing request, could compromise the on-going investigation as it would be included within the files of CR# 309282.

In an effort to effectively process this request, the undersigned has redacted sensitive portions of a copy of Sergeant Chester's report. The original un-redacted report was placed within the original investigative file relevant to CL# 1015941 for proper and secure retention as this investigation proceeds.

It is respectfully requested this report with its attachment be reviewed and forwarded to the Records Section so that the previously approved request to Administratively Close CR# 309282 and incorporate said within CL# 1015941 can be processed without compromising any current investigation.

Signature Page Attached
Redacted Copy of Report Dated 21 January 2010 Attached

CONFIDENTIAL - Subject to Protective Order Entered in Case No. 16 C 8940

Signature Page Only

SUBJECT: CR # 309282
Administrative Processing

Sergeant Paul Farrell
Confidential Investigations Section
Internal Affairs Division

Approved:

#306
Lieutenant Samuel Ramirez
Commanding Officer
Confidential Investigations Section

Commander Robert Klimas
Director of Investigations
Internal Affairs Division

for Juan Rivera
Chief
Internal Affairs Division

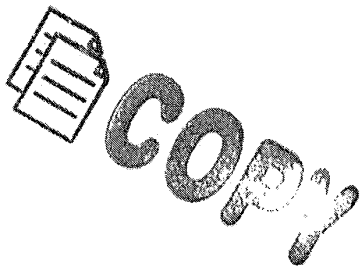
CONFIDENTIAL - Subject to Protective Order Entered in Case No. 16 C 8940

Bureau of Professional Standards
Internal Affairs Division
Page 1of 2

21 January 2010

TO: Juan Rivera
Chief
Internal Affairs Division

FROM: Sergeant Thomas A. Chester #1282
Confidential Investigations Section
Internal Affairs Division



SUBJECT: CR# 300778

ACCUSED: [redacted]

The Reporting Sergeant (R/S) was re-assigned the above investigation due to the nature of the case and the involvement of the Federal Bureau of Investigation (FBI).

The incident in question is in regards to the allegation that [redacted] This investigation was being worked in conjunction with the FBI and the Internal Affairs Division.

The investigation into [redacted] is still ongoing and the FBI is still involved in the investigating into this allegation along with other allegations. There are a total of three open Complaint Registered Numbers on [redacted] all alleging misconduct and illegal acts.

The R/S is requesting that the three numbers be combined and maintained into one number, Complain Register #1015941 as the allegations within each case are similar in nature and involve similar complainants. The files of CR# 300778 and 309282 will be kept with the file and addressed as separate allegations in CR #1015941.

#1282

Sergeant Thomas A. Chester #1282
Confidential Investigations Section
Internal Affairs Division

CONFIDENTIAL - Subject to Protective Order Entered in Case No. 16 C 8940

SIGNATURE PAGE ONLY

Approved by:

Commanding Officer
Confidential Investigations Section
Internal Affairs Division

Commander
Internal Affairs Division

Chief
Internal Affairs Division

COPY

COMPLAINT AGAINST DEPARTMENT MEMBER
CHICAGO POLICE DEPARTMENT

INITIAL COMPLAINT CATEGORY	C.R.NO.
03C	309282

TO COMMANDING OFFICER INVESTIGATING UNIT	UNIT	MANNER COMPLAINT RECEIVED
Internal Affairs Division - CIS	121 - CIS	☐ BELL ☐ PAX ☐ LETTER ☒ IN PERSON

RECEIVED FROM COMPLAINANT BY-NAME	RANK	STAR/EMPL. NO	UNIT NO.	DAY OF WK.	DATE	TIME
WILSON, Grace L.	Inv.	[redacted]	113	Mon.	24 Oct 05	14:08

REGISTERED WITH O.P.S. BY-NAME	RANK	STAR/EMPL. NO	UNIT NO.	DAY OF WK	DATE	TIME
WILSON, Grace L.	Inv.	[redacted]	113		SAME	

ACCUSED

NAME	RANK	STAR NO.	UNIT NO.	SOCIAL SECURITY NO.	DUTY STATUS
1.					☐ ON ☐ OFF
2.					ON ☐ OFF ☐
3.					ON ☐ OFF ☐
4.					ON ☐ OFF ☐
5.					ON ☐ OFF ☐

LOCATION OF INCIDENT	DAY OF -	DATE	TIME	TOTAL ACCUSED	TOTAL COMPL. TOTAL WIT.
527 E. Browning Apt. 206 002	Sat.	20 Aug. 05	14:00		

COMPLAINANT

NAME	*ADDRESS (STREET, APT. NO., CITY, STATE)	ZIP CODE
Clarissa Glenn F/B DOB: 8-30-71	527 East Browning #206	60653

HOME PHONE NO.	CONTACT AT	TIME	PHONE NO.
773/410-7557			

CHECK ONE C	V	W	ADDITIONAL COMPLAINANT/VICTIM/WITNESS NAME	* ADDRESS (STREET, APT. NO., CITY, STATE)	PHONE NO.
		x	Witness to 2nd incident: "Sambo" M/B	527 East Browning #204	773/440-5561

FOR ADDITIONAL ACCUSED, COMPLAINANTS (C), VICTIMS (V), WITNESSES (W), USE ANOTHER FORMSET.
* IF CPID MEMBER, LIST RANK, STAR/EMPLOYEE, SOCIAL SECURITY NOS. IN ADDRESS, PAX/BELL IN PHONE NO. BOX.

NARRATIVE OF ALLEGATIONS

The complainant alleges that on the above date, two male/black casually-dressed officers entered and searched her residence witout a warrant or her permission. It is further alleges that on 23 October 2005, at approximately 1330 hours, one of the accused officers gave the witness a threatening message for the complainant. According to the complainant, the accused officer (whose name is possibly Ronald Watts) threatened her with bodily harm and arrest for no reason.

No Arrest

INVESTIGATOR ASSIGNED	RANK	STAR/EMPL. NO.	UNIT NO.	SOCIAL SECURITY NO.
1.				
2.				

DATE ASSIGNED – TIME	DAY OF WK.	DATE ASSIGNED - TIME	DAY OF WK.
1.		2.	

CONFIDENTIAL - Subject to Protective Order Entered in Case No. 16 C 8940

OFFICE OF THE SUPERINTENDENT
Internal Affairs Division

05 September 2006

TO: Commanding Officer
Unit 121

FROM: Debra Kirby
Assistant Deputy Superintendent
Internal Affairs Division

SUBJECT: Reassignment of Complaint Register Number 309282

Complaint Register Number 309282 will be reopened and assigned to Confidential Investigations Section, Unit 121, effective 05 September 2006.

Immediately upon receipt of this reassignment, kindly provide the information listed below and return the 2nd copy to the Internal Affairs Division, Records Section.

INVESTIGATOR ASSIGNED: _____

STAR/EMPLOYEE: _____

UNIT: _____

SOCIAL SECURITY NUMBER: _____

DATE and TIME ASSIGNED: _____

Debra Kirby
Assistant Deputy Superintendent
Internal Affairs Division

DK/mdr

1 /2006 DM

Thank you for taking time out to Read my Letter. My name is Clarissa Glenn an old Resident of Ida B Wells Extension, a mother of three boys, Currently a wife of five months and an administrative assistant.

On October 28, 2005 I made an complaint on two officers of the law Ronald Watts and Alvin Jones. I was physically threaten and abused. I was shoved against the wall by Alvin Jones and verbally threaten by Ronald Watts.

Later I did Recieve a follow up call about my complaint but, I did not React on it because, of more threats I Recieved from the officers. which later on December 9, 2005 led to my arrest a few weeks after my complaint was made.

I've Recently moved on June 06 and now I can follow up on my complaint. Please Reopen my case my family and I are dealing with the embarrassment from this ordeal for no Reason at

all. This is very painful and stressful and a high cost which I should not have to pay.

Thank you again for Reading my letter,

Clarissa Howard
312-791-4405 work 9am-5pm
773-924-2809 home
309359 complaint number
773-410-7557 cell anytime

Sorry I didn't leave my address but, I don't want the officers to know where I've moved. Thank you.

CONFIDENTIAL - Subject to Protective Order Entered in Case No. 16 C 8940

CLEAR Data Warehouse Arrestee Name Check For Year(s) ALL

Date From= 08-DEC-2005 - 08-FEB-2006
Name Like GLENN
For Districts, CityWide All Beats
Report Date= 8/30/2006 Requested By= pc0i634

NARRATIVE	IR_NO	CB_NO	CHARGES	ARR_DATE	ARRESTEE_ADDR	CITY	ST	BEAT	LNAME	FNAME	NICKNAME	SI
14205553	1757074	16389870	PCS - MFG/DEL-15 + GRMS - HEROIN	11-DEC-2005	527 E BROWNING AVE	CHICAGO	IL	0212	GLENN	CLARISSA		F/BL

This results table currently has 1 records in it.
For Official Police Use Only! Not For Dissemination!

CONFIDENTIAL - Subject to Protective Order Entered in Case No. 16 C 8940

CLEAR Data Warehouse
Arrest Narrative For Arrest ID 14205553
Report Date= 8/30/2006

The narrative contained herein has been transcribed from the original arrest report and is therefore not official!

NARRATIVE
EVENT#08459 THIS IS AN ARREST BY 002 TACT UNITS BTS. 264D & 264C. DURING A NARCOTICS SURVEILLANCE, THE ABOVE SUBJECT WAS OBSERVED IN A VEHICLE FAILING TO STOP AT A STOP SIGN. THE VEHICLE WAS CURBED BY BT.211 AT THE ABOVE LOCATION AS A/O'S ARRIVED IN A COVERT VEHICLE. A/O'S AT THIS TIME OBSERVED THE ABOVE SUBJECT HAND A CLEAR PLASTIC BAG WITH SUSPECT NARCOTICS TO SUBJECT KNOWN AS BAKER,BEN M/1/33. THE SUBJECT BAKER PLACED THE SUSPECT NARCOTICS INSIDE THE DRIVER'S SIDE ARM REST CONSOLE. A/O'S HAD BOTH SUBJECTS TO EXIT THE VEHICLE AND THEN RECOVERED THE SUSPECT NARCOTICS. FURTHER INVESTIGATION OF THE NARCOTICS REVEALED IT TO BE A CLEAR PLASTIC BAG WITH 50 ZIPLOCK BAGGIES WITH WHITE POWDER SUSPECT HEROIN. THE SUBJECT WAS PLACED IN CUSTODY AND TRANSPORTED TO THE 002 DISTRICT. THE SUBJECT SEARCHED BY P.O. G.HURT#18673. ALL THESE EVENTS OCCURRED WITIHIN THE CHA COMPLEX IDA B. WELLS AND WITHIN 1000 FT. OF DOOLITTLE ELEMENTRY SCHOOL. INVENTORY #10659055.

CONFIDENTIAL - Subject to Protective Order Entered in Case No. 16 C 8940

CLEAR Data Warehouse

GLENN, CLARISSA
CB# 16389870

Charge(s) = PCS - MFG/DEL- 15+ GRMS - HEROIN

IR# = 1757074

F/BLK/34 - Height 504 / 128 lbs.

DOB = 30-AUG-1971

Arrest Date = 11-DEC-2005

Address of Arrest= 511 E BROWNING AVE

Beat of Arrest = 0212

LKA = 527 E BROWNING AVE

City = CHICAGO, IL

Beat of Residence = 0212

REQUESTED BY= PC0I634 on 30-August-2006 @ 2:55:17 PM
FOR OFFICIAL POLICE USE ONLY! NOT FOR DISSEMINATION!

[redacted]

Query/Update Watch Info: Window 0

Chicago Police Department

CLEAR

Exit

DASFM002_W_Form FA181

Welcome-- KENNEDY MAUREEN

Query Watch Information

Information Services Div

Star No: 2640 Employee No: [redacted] S.S.N: [redacted] Position: 3 Race: N Sex: M

Last Name: WATTS First Name: RONALD MI: Unit Assigned: 002

PC No: [redacted] Title Code: 9171 Title Description: SERGEANT OF POLICE

Appointment Date: 18-JAN-1994 Seniority Date: 25-MAY-2000 Date of Birth: [redacted]

Address: [redacted] Home Phone# [redacted] District of Residence: 6

Watch: 4 Unit of Detail: Detail Date: Unit Telephone No: 3127478366

F1: 06B F2: 13A FULL: Furlo Year: 2006

Day Off Group: 2 Locker No: Court-Key U Start Time 1: 1800 Start Time 2:

Jan-Jun: 20-02 Evaluation: 98.6 Beat: 264 Vehicle No: 3851

Jul-Dec: 20-02 Evaluation: Lunch: 2130 Type Car: 1 MAN UNMARK

Gas Mask # A6063 Riot Equipment # M0792 Bid/Management(Dist-Watch-Bid-Position) 002 TAC

Nature of Assignment TACTICAL TEAM SERGEANT PUB PRI PAROCHIAL Modified Date: 25-AUG-2006

Location

F7 = Clear Screen F8 = Retrieve Record

Query/Update Watch Info: Window 0

Chicago Police Department

CLEAR

Exit

DASFM002_W Form Rel 61

Welcome-- KENNEDY MAUREEN

Query Watch Information

Information Services Div

Star No: 19462 Employee No: [redacted] S.S.N: [redacted] Position: 4 Race: N Sex: M

Last Name: JONES First Name: ALVIN MI: Unit Assigned: 002

PC No: [redacted] Title Code: 9161 Title Description: POLICE OFFICER

Appointment Date: 18-MAR-1996 Seniority Date: 18-MAR-1996 Date of Birth: [redacted]

Address: [redacted] Home Phone#: [redacted] District of Residence: 22

Watch: 4 Unit of Detail: Detail Date: Unit Telephone No: 3127478366

F1: 06B F2: 11B FULL: Furlo Year: 2006

Day Off Group: 2 Locker No: Court-Key H Start Time 1: 1800 Start Time 2:

Jan-Jun: 20-02 Evaluation: 97.6 Beat: 264B Vehicle No: 4020

Jul-Dec: 20-02 Evaluation: Lunch: 2200 Type Car: 2 MEN UNMARKI

Gas Mask # A6039 Riot Equipment # Bid/Management(Dist-Watch-Bid-Position) 002 TAC

Nature of Assignment TACTICAL TEAM OFFICER PUB PRI PAROCHIAL Modified Date: 25-AUG-2006

Location

F7 = Clear Screen F8 = Retrieve Record

Complaint Register

Complaint | Accused | Complainant | Allegation | Investigation | Association

COMPLAINT

Override? ☐

Hold No.		CR No.	309282	Complaint Date	24-OCT-2005	Complaint Finding	UN UNFOUNDED
Unit Assigned	121	BUREAU OF INTE		Incident Date	20-AUG-2005 14:00	Date Sent to Records	28-JUN-2010
Initial Complaint Code	03C	SEARCH OF PREM		Received IAD Date	25-OCT-2005	Date Closed	28-JUN-2010
Final Complaint Code	03C	SEARCH OF PREM		Confidential No.		Purge Hold ☐	Date 20-AUG-2010
Complaint Received	IP	IN PERSON/WALK		Number of Accused	0	Police Shooting? ☐	
Complaint Initiated	CZN	CITIZEN				Civil Suit ☐	
Complaint Assignment	CIS	CONFIDENTIAL IN		Narrative	BEING INVESTIGATED IN CL 1015941		

INCIDENT LOCATION

Loc	Description	Street #	Dir.	Street Name	Apt.	City	St.	Zip	Beat	District
19	PRIVATE RESIDENC	527	East	BROWNING AVE	206	CHICAGO	IL		0212	002

COMPLAINT STATUS

Status	Description	Date	Last Name	First Name	M	Unit	Sent/Rec	Comments
ACT	ACTIVE	25-OCT-2005 08:32						
ADV	ADVOCATE	19-DEC-2005 08:47						
CLO	CLOSED	21-APR-2006 12:02						NO AFF

Add Complainant

Complaint Register

Complaint | Accused | Complainant | Allegation | Investigation | Association

COMPLAINT

CR No. 309282

COMPLAINANT

CPD Type	Last Name	First Name	M	Sex	Race	Date of Birth	Street #	Dir	Street Name	Apt	City	ST	Zip
	CLARISSA	GLENN		F	BLK	30-AUG-1971	527	East	BROWNING	206	CHGO	IL	60653
WIT	UNKNOWN	SAMBO		M	BLK		527	East	BROWNING	204	CHICAGO	IL	

AT TIME OF INCIDENT

Last Name	First Name	M	Employee	Star	Assigned	Detail	Rank	Description

View Complainant | Add Complainant

Complaint Register

Complaint | Accused | Complainant | Allegation | Investigation | Association

COMPLAINT

CR No. 309282

INVESTIGATIVE ASSIGNMENTS

Assigned Date	SSN	Last Name	First Name	M	Unit	End Date	Ext. Date	Advct. Dat
16-SEP-2009 03:38	[redacted]	CHESTER	THOMAS	A	192	28-JUN-2010		
14-SEP-2006 10:42	[redacted]	BARNES JR	JOE	E	003			
02-NOV-2005 13:50	[redacted]	MANN	KENNETH	E	002	03-NOV-2005		19-DEC-20

Narrative

INVESTIGATIVE FINDINGS

Rule	Category		Last Name	First Name	M	Initial Finding		Initial Recommendation	

Advocate Processing

EXHIBIT 28

U.S. Department of Justice

Federal Bureau of Investigation

In Reply, Please Refer to
File No.

194D-CG-122761

2111 West Roosevelt Road
Chicago, Illinois 60608
February 8, 2007

RONALD WATTS,
POLICE SERGEANT,
CHICAGO POLICE DEPARTMENT;
CSLPO - LAW ENFORCEMENT - DRUG RELATED;
OO: CHICAGO

Captioned investigation was initiated in September of 2004. FBI Chicago received information of an ongoing joint investigation conducted by the Chicago Police Department Internal Affairs Division (CPD IAD), Drug Enforcement Agency (DEA) and Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF). The investigation eventually lead to the alleged criminal activity of Chicago Police Department Sergeant Ronald Watts.

Shortly after FBI Chicago initiated the investigation, the unit that Watts was assigned to, which covered the Ida B. Wells housing project, was disbanded and Watts was transferred to another area. During the course of the investigation, allegations against Watts were never able to be substantiated or collaborated. The case was closed in February of 2006.

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.

The second complainant also stated that it was common for Watts to keep narcotics on his person while on duty. The second complainant knew that Watts maintained possession of narcotics so that Watts could use the narcotics as leverage to extort people.

194D-CG-122761- 16

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SUBJECT TO PRIVACY ACT ORDER

INITIAL INVESTIGATIVE STRATEGY

The initial investigative strategy will be to use available resources to identify all Police Officers involved in the alleged corrupt activities with Watts. A comprehensive financial review of Watts will also be conducted to determine any unusual earning/spending patterns.

Additional investigative scenarios may include the development of one of the complainants into a Cooperating Witness to interact and potentially record conversations with Watts. Also, the Chicago Police Department 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 the public housing project.

AUSA OPINION

On December 20, 2006, Assistant United States Attorney (AUSA) Gayle E. Littleton was advised of the new information recently developed regarding this matter. AUSA Littleton advised that this case was prosecutable if additional evidence could be developed.

SUBJECT TO PRIVACY ACT ORDER FBI000348

EXHIBIT 29

FD-302 (Rev. 10-6-95)

P.1,2,3

FEDERAL BUREAU OF INVESTIGATION

Date of transcription 11/20/2006

(E) (protect identity), nee (E), home address (E) date of birth (E) Social Security Account Number (P-1), cellular telephone number (E) was interviewed at the Chicago Field Office of the Federal Bureau of Investigation (FBI), 2111 West Roosevelt Road, Chicago, Illinois, 60608 by Special Agent (SA) Matthew J. Kern and Chicago Police Department, Internal Affairs Division (CPD IAD) Sergeant (SGT) Joe Barnes. After being advised of the identity of the interviewing Agent and Officer and the nature of the interview, (E) provided the following information:

(E) has lived at the above address since June 9, 2006. Previously, (E) and (E) were residence of the IDA B. WELLS public housing development, living at (E) advised that (E) (E)

(E) stated that (E) was currently employed at (E) (E) located at (E) (E) telephone number (E)

(E) began hearing rumors about CPD SGT RONALD WATTS in 2004. The rumors (E) heard alleged that WATTS was corrupt and that he routinely used his position as a Police Officer to extort individuals at the IDA B. WELLS public housing development. (E) added that it was also in 2004 that her husband, (E), although on probation, began selling narcotics, namely heroin and cocaine, at the IDA B. WELLS public housing development.

The first time (E) actually came into contact with WATTS was during the summer of 2004. WATTS came to (E) apartment and asked for (E) told WATTS that (E) (E) was not at home, then asked WATTS why he was looking for (E) WATTS told (E) "I heard that you were the only ones over here eating." clarified that (E) understood WATTS' statement to mean that he (WATTS) was aware of (E) narcotics activities and knew that (E) was making money dealing narcotics.

Investigation on 11/16/2006 at Chicago, Illinois

File # 194D-CG-122761-302 Date dictated

by SA Matthew J. Kern

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SUBJECT TO PRIVACY ACT ORDER

In March of 2005, (E) was in the stairwell of his residence at IDA B. WELLS when he was arrested by two CPD Officers. (E) knew one of the arresting Officers only as RODRIGUEZ, but did not know the name of the second Officer. (E) described both arresting Officers as members of WATTS' "crew." Although WATTS was not originally at the scene of (E) arrest in the stairwell, RODRIGUEZ called WATTS to the scene. (E) advised that although (E) was not in possession of narcotics at the time of his arrest, he was in possession of a large amount of money. (E) stated that the report associated with (E) stated that (E) (E) was in possession of narcotics. The report also stated that (E) acknowledged that the narcotics that were in his hand at the time of his arrest belonged to him, but that the narcotics that were in his pocket at the time of his arrest did not belong to him. (E) stated that the unreasonableness of the police report (i.e. that (E) claimed the drugs in his hand were his but that the drugs in his pocket were not his) supported the fact that (E) was not in possession of narcotics at the time of his arrest and that WATTS and the other Police Officers planted narcotics on (E).

On another occasion in 2005, WATTS was at IDA B. WELLS and recovered heroin from a mailbox at one of the buildings. After finding the heroin, WATTS told (E) to tell (E), "I got something for him." (E) understood this statement to mean that WATTS intended to use the narcotics he recovered to extort (E) (E) stated that this understanding was supported by the fact that, following the incident, several of her neighbors and several of (E) friends called to inform the (E) that WATTS was looking for (E). These neighbors and friends also suggested to (E) and (E) that they not return to IDA B. WELLS for a few days, until WATTS' interest in locating (E) passed. To avoid WATTS, (E) and (E) stayed in a hotel for several days following this incident.

Several days after the mailbox incident, and after (E) and (E) had returned to their residence at IDA B. WELLS, an individual named CHARLIE HAYNES came to the (E) apartment. (E) advised that HAYNES was a drug user and an informant for WATTS. During this visit, HAYNES told (E) that WATTS wanted (E) to call him (WATTS). (E) later contacted WATTS to find out what it was that WATTS wanted. WATTS told (E) that the narcotics recovered from the mailbox belonged to him (E) (E). WATTS also told (E) that he (WATTS) wanted "lunch",

meaning $1,000.00, from (E) WATTS informed (E) that the police report associated with the mailbox narcotics recovery had already been completed, therefore, even after (E) gave WATTS the $1,000.00, (E) would have to fight the case in court. (E) refused to give WATTS the $1,000.00.

Approximately one month after the mailbox incident, WATTS came to the (E) apartment again. Accompanying WATTS were four other CPD officers, MOHAMED (known to be KALLAT MOHAMMED), AJ (known to be ALVIN JONES), one "fat" black male Officer and one white male Officer. (E) advised that the white Officer entered her residence and handcuffed (E) was arrested for the heroin that WATTS recovered from the mailbox. (E) ended up in the Cook County Jail following the arrest. Although (E) (E) eventually beat the case, he spent four months in the Cook County Jail before the case was resolved.

In the fall of 2005, and after the mailbox incident, (E) (E) was arrested by what (E) described as Agents from the Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF). This arrest (known to have actually been performed by the CPD Special Operations Section) took place in front of (E) apartment at IDA B. WELLS. (E) stated that although the arresting party did not include WATTS, WATTS suddenly appeared at the scene and attempted to intervene with (E) arrest. Initially, WATTS did not identify himself as law enforcement and attempted to prevent (E) (E) from getting arrested. As a result of this interference, WATTS became involved in a pushing altercation with one of the arresting law enforcement officials. WATTS eventually identified himself as law enforcement and the pushing altercation ended. Although (E) eventually beat the case, he spent one week in the Cook County Jail before the case was resolved.

In December of 2005, WATTS and AJ (ALVIN JONES) conducted a vehicle stop of (E) in the vicinity of the IDA B. WELLS public housing development. WATTS claimed that following a search of (E) vehicle, one bundle of heroin was recovered from the driver's side door. (E) stated that (E) was not in possession of narcotics at the time of this vehicle stop and added that if narcotics were actually recovered from (E) vehicle, they were planted in (E) vehicle by WATTS. (E) was eventually charged with this offense and received one year probation.

EXHIBIT 30

(Rev. 01-31-2003)

FEDERAL BUREAU OF INVESTIGATION

Precedence: ROUTINE **Date:** 01/18/2007

To: Chicago

From: Chicago
WC-3
Contact: SA Matthew J. Kern, 312-829-8837

Approved By: Grant Robert D
Monroe William C
Cullen Peter B

Drafted By: Kern Matthew J:mjk MK

Case ID #: 194D-CG-122761 (Closed) -14

Title: RONALD WATTS,
POLICE SERGEANT,
CHICAGO POLICE DEPARTMENT;
CSLPO - LAW ENFORCEMENT - DRUG RELATED;
OO: CHICAGO

Synopsis: To request SAC authority to re-open a public corruption investigation that was closed in February, 2006.

Details: On November 16, 2006, SA Kern and Chicago Police Department, Internal Affairs Division Sergeant Joe Barnes interviewed a complainant regarding drug-related law enforcement corruption in Chicago, Illinois.

In 2004, the complainant and the complainant's spouse were residents of the Ida B. Wells public housing development in Chicago, Illinois. During 2004, complainant began hearing rumors circulating throughout Ida B. Wells that Chicago Police Department Sergeant Ronald Watts was a corrupt Police Officer and that Watts, along with other members of his team, routinely used their positions as Police Officers to extort individuals at Ida B. Wells. Although the complainant's [redacted] began selling narcotics, namely heroin and cocaine at Ida B. Wells.

Later in 2004, complainant was approached directly by Watts. Watts told the complainant that he was looking for [redacted] and stated, "I heard that you were the only ones over here eating." Complainant understood Watts' statement to mean that Watts was aware of the [redacted]. Complainant believed that Watts

Re-open
pbc
CPOLE
Source #5 Sgh 1/31/07
pbc 1/23/07

SA Kern MK Case Agent LHM 30 days
SA Samuel KSS investigator
SA Ashcraft investigator

194D-CG-122761-14

intended to extort (E)
(E)

In 2005, Watts recovered heroin from an Ida B. Wells mailbox. After recovering the heroin, Watts told the complainant (E)

Soon after the above described encounter, the (E) Watts told the (E)
(E)

In December of 2005, Watts conducted a vehicle stop of the complainant in the vicinity of Ida B. Wells. Watts claimed that following a search of the complainant's vehicle, (E)
(E) Complainant stated that there were no narcotics in the vehicle at the time of this vehicle stop and added that if narcotics were actually recovered from the vehicle, they were planted in the vehicle by Watts. (E)
(E) The complainant believed that Watts fabricated this case in retaliation for the (E)
(E)

On November 21, 2006, SA Kern and Chicago Police Department, Internal Affairs Division Sergeant Joe Barnes interviewed a second complainant regarding Watts.

The second complainant stated that he (E)
(E). Since his release, Watts had taken money from the second complainant on two occasions. On the first occasion, Watts confronted the second complainant at Ida B. Wells and took $830.00 from him. During the confrontation, Watts asked the second complainant if he was currently on parole. The second complainant told Watts that he was on parole and reminded Watts that he had locked him up on several occasions in the past. After the second complainant told Watts that he had just been released on parole, Watts pulled a bundle of heroin out of his pocket (Watts' pocket) and told the second complainant, "You

SUBJECT TO PRIVACY ACT ORDER

going back." It was at this point that the second complainant gave Watts the $830.00. Watts did not arrest the second complainant after Watts was given the $830.00.

On the second occasion, Watts took $4,255.00 from the second complainant. On this occasion, Watts was accompanied by several other Chicago Police Department Police Officers at Ida B. Wells. The second complainant recognized that some of the Police Officers on the scene were not part of Watts' usual team. The second complainant noticed that when the $4,255.00 was given to Watts, several CPD Officers saw the second complainant remove the money from his pocket and give it to Watts. The second complainant believed that since so many Police Officers witnessed the exchange, rather than keep the money for himself, Watts inventoried the money. On this second occasion, Watts provided the second complainant with a receipt for the $4,255.00.

The second complainant also stated that it was common for Watts to keep narcotics on his person while on duty. The second complainant knew that Watts maintained possession of narcotics so that Watts could use the narcotics as leverage to extort people.

AUSA Opinion: On December 20, 2006, Assistant United States Attorney (AUSA) Gayle E. Littleton was advised of the new information recently developed regarding this matter. AUSA Littleton advised that this case was prosecutable if additional evidence could be developed.

Initial Investigative Strategy: The initial investigative strategy will be to use available resources to identify all Police Officers involved in the alleged corrupt activities. A comprehensive financial review of Watts will also be conducted to determine any unusual earning/spending patterns. Additional scenarios may include the development of one of the complainants into a Cooperating Witness to interact and potentially record conversations with Watts.

Additionally, the Chicago Police Department 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.

Administrative: It is requested that this case be opened and assigned to SA Kern.

♦♦

SUBJECT TO PRIVACY ACT ORDER

EXHIBIT 31

FD-302 (Rev. 10-6-95)

FEDERAL BUREAU OF INVESTIGATION

Date of transcription 11/01/2007

(E) (protect identity), date of birth (E) (E) Social Security Number (P-1) residing at (E) (E) cellular telephone number (E) (E) home telephone number (E) work telephone number (E) was interviewed from her place of employment. After being advised of the identity of the interviewing Agent and the nature of the interview, (E) voluntarily provided the following information:

(E) spoke with TWEEK (known to be JAMAR LEWIS) on October 31, 2007, at her home. TWEEK claimed he was closer to arranging a payment to Chicago Police Department (CPD) Police Officer (PO) KALLAT MOHAMMAD. TWEEK spoke with his associate "ART" (believed to be ARTHUR CURTSEY [phonetic]), several days ago and discovered that ART was paying MOHAMMAD approximately $1,000 every two weeks without TWEEK's knowledge. TWEEK told (E) that ART has been territorial since he discovered that BENJAMIN BAKER was the individual requesting ART and TWEEK's help. TWEEK believed ART was concerned BENJAMIN BAKER would use his cooperation to get out of jail early. (E) explained that BENJAMIN BAKER ran the drug line that TWEEK and ART run prior to his incarceration. (E) believed that ART was concerned BENJAMIN BAKER would take over ART's "line" if he was released from jail.

ART continued to pay MOHAMMAD and his Sergeant, RONALD WATTS, because of a dispute with drug dealers in the building ART was running a drug line from. TWEEK and ART went to the building on October 31, 2007, expecting a gun fight but left after confronting the competing drug dealers. ART returned to the building without TWEEK later that afternoon an confronted the drug dealers again. ART was severely beaten in this confrontation. ART told TWEEK that WATTS was on the scene and failed to do anything but watch. TWEEK believed WATTS' failure to protect ART upset ART.

TWEEK told (E) he would like to stay on the drug site himself but he was told by some CPD officers that he was on a "list" of people to be indicted. (E) was asked about an earlier explanation that TWEEK was avoiding the building due to a gang fight. (E) claimed that was her misunderstanding about who TWEEK was avoiding at the IDA B. WELLS housing project.

Investigation on 11/01/2007 at CHICAGO, ILLINOIS (telephonically)

File # 194D-CG-122761-302 -8 Date dictated 11/01/2007

by SA PATRICK L. SMITH

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SUBJECT TO PRIVACY ACT ORDER

FBI000250

FEDERAL BUREAU OF INVESTIGATION

Date of transcription 09/27/2007

CLARISSA BAKER, date of birth, (P-1) Social Security Number (P-1) residing at (P-1) Chicago, Illinois, cellular telephone number (P-1) home telephone number (P-1) was interviewed at the FBI offices located at 2111 West Roosevelt, Chicago, Illinois 60608. Present for the interview was Chicago Police Department Internal Affairs Sergeant Joe Barnes. After being advised of the identity of the interviewing Agent and the nature of the interview, BAKER voluntarily provided the following information:

BAKER was in contact with "TWEEK" (known to be JAMAR LEWIS) and "ART," narcotics dealers in the IDA B. WELLS housing project. TWEEK and ART both worked out of the 527 building and have several low level dealers working for them. BAKER believed they were "doing well for themselves money-wise."

Both TWEEK and ART have been approached by Chicago Police Department (CPD) Police Officers (POs) RONALD WATTS and KALLAT MOHAMMED for money. WATTS and MOHAMMAD were both aware that TWEEK and ART were narcotics dealers. TWEEK and ART provided WATTS and MOHAMMED with money from their drug sales with the understanding that WATTS and MOHAMMED would continue to allow TWEEK and ART to sell drugs in the IDA B. WELLS projects.

Over the Labor Day weekend, MOHAMMAD approached ART for a $5,000 payment. MOHAMMAD contacted ART on ART's cell phone. ART met with MOHAMMAD in a van near the 527 building at the IDA B. WELLS projects. ART told BAKER that MOHAMMAD seemed suspicious when he was sitting in ART's van and asked ART to "take a walk." BAKER believed ART was worried MOHAMMAD felt ART's car was wired. ART provided MOHAMMAD with $2,500 at this meeting and then paid MOHAMMAD $2,500 a few days later. ART tried to record the transactions on his cell phone unsuccessfully.

Prior to this meeting MOHAMMAD met with TWEEK on the fourth floor of the 527 building. MOHAMMAD told TWEEK he was "broke" and asked TWEEK what he had in his pocket. TWEEK told MOHAMMAD that he only had $500 to $1,000. MOHAMMAD told TWEEK to give him half. TWEEK told MOHAMMAD he could only give him a quarter. MOHAMMAD responded that TWEEK needed to give MOHAMMAD

Investigation on 09/27/2007 at CHICAGO, ILLINOIS

File # 194D-CG-122761-302 -7 Date dictated 09/27/2007

by SA PATRICK L. SMITH

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SUBJECT TO PRIVACY ACT ORDER

FBI000251

half with a quarter going to MOHAMMAD and a quarter going to WATTS. TWEEK told BAKER that he provided the money to MOHAMMAD.

BAKER believed TWEEK and ART were approached by MOHAMMAD on a consistent basis to pay for their ability to sell drugs at IDA B. WELLS without being arrested. BAKER has been in contact with both TWEEK and ART and believes that they were willing to provide additional information regarding the activities of WATTS and MOHAMMAD.

EXHIBIT 32

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

BEN BAKER and CLARISSA GLENN,	)	
	)	
Plaintiffs,	)	
	)	Case No. 16 CV 8940
v.	)	
	)	Judge Franklin U. Valderrama
CITY OF CHICAGO, et al.,	)	
	)	Magistrate Judge Sheila M. Finnegan
Defendants.	)	
	)	(This case is part of In re: Watts
	)	Coordinated Pretrial Proceedings. Master
	)	Docket Case No. 19 C 1717)

CITY'S SECOND AMENDED ANSWER TO PLAINTIFF CLARISSA GLENN'S JUNE 7, 2017 INTERROGATORIES TO DEFENDANT CITY OF CHICAGO

Defendant, the City of Chicago, ("City"), by its attorney, Terrence M. Burns of Reiter Burns LLP, for its second amended answer to Plaintiff Clarissa Glenn's June 7, 2017 Interrogatories to Defendant City of Chicago, states as follows:

1. Did the Chicago Police Department participate in, direct, and/or support a federal investigation of criminal activity by Ronald Watts in any way? If so, (a) describe all steps that any agent of Chicago Police Department took to participate in, direct, and/or support the federal investigation, (b) provide approximate dates for each such step, and (c) identify the individuals involved in each step.

ANSWER: The City objects to this interrogatory as vague, ambiguous, overly broad, unduly burdensome, and premature. To fully and completely respond, the interrogatory as drafted would require the City's attorneys to depose and/or interview dozens of law enforcement officials from the U.S. Attorney's Office ("USAO"), the Federal Bureau of Investigation ("FBI"), the Bureau of Alcohol, Tobacco and Firearms ("ATF"), the Drug Enforcement Administration ("DEA"), the High Intensity Drug Trafficking Areas program ("HIDTA), the Cook County State's Attorney's Office ("CCSAO"), retired and current personnel from the Chicago Police Department ("CPD"), confidential informants, and potentially others. In essence, the interrogatory (improperly and impossibly) asks the City to describe the contents of the information that might be learned in discovery from dozens of people who have been disclosed by the parties prior to their depositions proceeding and/or individuals referenced in documents produced in this case, some of whose names have been redacted. The City further objects as there is information responsive to this interrogatory which the federal government (the "Government") has declined to disclose at this time, which the Government has instructed the City not to disclose, and/or which information the Government has redacted in response to prior production of documents made to plaintiff's

attorneys and subpoena in this case. The information the Government redacted and/or declined as of this time to produce, if available, may be included in this interrogatory response. In addition, the City objects to the extent the interrogatory seeks attorney client privileged information and/or work product. Subject to and without waiving these objections, and with the express understanding that this interrogatory is premature and is impossible to respond to as drafted, the answer is yes, and the City provides the following preliminary information. The City also references any additional documents in the Government's possession which contain information responsive to this inquiry, the documents cited below, certain documents (including handwritten notes) produced by Shannon Spalding in a prior lawsuit to the extent related to investigative activities taken during the subject investigation, and depositions expected to proceed in this case, as well as any trial testimony. As drafted, however, the interrogatory is improper, and the City reserves the right to object to the use of this interrogatory at later stages of this proceeding.

DATE	**DESCRIPTION**
1/19/94	Ronald Watts joins the Chicago Police Department ("CPD").
4/20/99	Ronald Watts purchases $10,100 in chips from Empress Casino as learned later after the investigation began in September 2004. (See FBI 337, which is a 12/6/05 report memorializing the result of a FinCEN search by FBI Investigative Analyst Michael Pach).
7/11/04	Plaintiff Ben Baker was arrested, allegedly by Defendants Jones, Mohammed, and Watts. The arrest report indicates arresting officers were Alvin Jones and K. Young. The listed address is 527 E. Browning (at the Ida B. Wells housing complex). According to plaintiff in his complaint, he accuses the arresting officers of planting drugs in a mailbox. The complaint alleges Baker's motion to suppress was granted mid-trial, and the State dismissed the case following the Court's ruling barring the drugs recovered that were attributed to Baker.
7/21/04	Letter from Ron Hensley to the CPD, complaining about Watts's handling of an incident in which a police car struck and damaged his van. Watts purportedly came to the scene to investigate the incident, and referred Mr. Hensley to a Patrick Nooner who would take care of the damage. According to Hensley, he filed a complaint with OPS or IAD regarding the incident. (See BAKER GLENN 010863). Nooner was an area drug dealer who, according to the CPD's Organized Crime Division Narcotic and Gang Investigation Section's investigation of drug dealing at the Ida B. Wells buildings (known as "Sin City") supplied illegal drugs to a drug operation operated by Wilbert "Big Shorty" Moore at Ida B. Wells. The Sin City operation was initiated in January 2005 in response to an increase in gang violence in the Ida B. Wells Housing Development extension buildings, as well as a continuous flow of narcotic sales complaints received from the residents of the area. These complaints stated that members of the Gangster Disciples Street Gang had taken over most of the lobbies of the Ida B. Wells extension buildings in order to conduct the sale of narcotics. It was an

	area that was encompassed by schools, parks, and churches. Residents complained that gang members would sell and use narcotics in their presence and the presence of their children. The residents no longer felt safe entering or exiting their buildings, in that they were fearful their families could fall victim to the gang violence that was normally present each day. During the initial stages of Sin City, it was learned that Moore and his organization were planning a major takeover of all five of the active extension buildings. This takeover stemmed from the arrests of a major competitor, Willie Gaddy, and an adversary named Roderick Smith (aka Cha Chi). With Gaddy and Smith out of the way, Moore created a well-managed and organized structure, with two lieutenants responsible for collecting the money and delivering the narcotics to the buildings, and each building was controlled by at least two building managers who would keep each building running smooth and profitable. Each building usually had the same pack workers and security personnel working every day. In order to keep all the locations profitable, each building had different "Line" names and packaging for the heroin and crack cocaine being sold there. Although the narcotics were the same, this strategy created an illusion to customers that each building sold a different quality of narcotics, resulting in the capture of a large portion of the open-air drug market in the area and control over the competition in the extension buildings. As a result, Operation Sin City I-V was pursued at the buildings: (I) 574 E. 36th; (II) 575 E. Browning; (III) 559 E. Browning; (IV) 540 E. 36th; and (V) 527 E. Browning. According to a Chicago HIDTA Investigative Support Center chart, Roy "Shock" Bennett was a Lieutenant working under Moore who controlled money, and Harry Seals controlled narcotics. Harold Owens was the Building Manager at 574 E. 36th, Allan Jackson and Brian Ford were the Building Managers at 575 E. Browning, Valentino Welbourn was the Building Manager at 559 E. Browning, Jovan Towers was the Building Manager at 540 E. 36th, and Tolorn Fumbanks, Ben Baker, and Elgin Moore were the Building Managers at 527 E. Browning. In addition to many CPD personnel identified in Sin City related documents produced in discovery, ASA Kevin Hughes, Kelly A. Freeman of HIDTA, and Eric Phillipson of DEA/HIDTA are identified as involved. (CITY-BG-028596-98, 028602).
9/16/04	An FBI report dated October 18, 2004 reflects a 9/16/04 conversation between two individuals whose names are redacted, and states that "This conversation was recorded as a consensually monitored conversation by Chicago Police Department (CPD). A copy of this recording is entered into evidence on 11/03/2004 as exhibit 1D-2."
9/17/04	Memorandum by Calvin Holliday of the Internal Affairs Division, Confidential Investigations Section ("CIS"), initiating Complaint Register #300778, to the Commanding Officer of CIS, Lt. Juan Rivera. The memo also references a confidential number (259476). According to the memo, Holliday was made aware of unknown Public Housing Unit officers taking money from drug dealers to allow them to sell their product. The information was obtained from Sgt. Henry Harris of HIDTA. Holliday, Lt. Juan Rivera, and Sgt. Kenneth Bigg

	met with a confidential informant who indicated officers approached him and requested payment for him to continue selling drugs in the area. The CI claimed one of the officers had shot at him in 2003 because he ran away from the officer (subsequent memos suggest this CI was Willie Gaddy: CITY-BG-023849-51). The CI also said this conduct was ongoing and many larger drug dealers were paying tax money to the officers. (See BAKER GLENN 010946). There is a CLEAR Data Warehouse printout from September 20, 2004 of an arrest of Gaddy dated February 6, 2004 indicating Gaddy's address as 5020 S. Spaulding.
9/20/04	ATF six-page memo submitted by Special Agent, Chicago II (Firearms Trafficking) Field Office to the Special Agent in Charge of the Chicago Field Division regarding a post-arrest interview of a CI who supplied information that the 574 E. 36th building was run by Watts, and that dealers had to pay Watts to sell their narcotics out of the building. The majority of this memorandum is redacted; this response will be supplemented if and when this ATF memo is produced unredacted. (See BAKER GLENN 002086-92). See also description of meeting on this date in the entry below.
9/21/04	Holliday memo in CR #300778 to Lt. Rivera. (See BAKER GLENN 010844; ATF-Baker38.2)). The memo details a meeting on September 20, 2004, between IAD (Calvin Holiday, Lt. Juan Rivera, Sgt. Ken Bigg), the United States Attorney's Office (AUSA Mark Prosperi, Gayle Littleton, David Hoffman), the FBI Daria Ringo, Jim McNally), the DEA (Scott Masumoto), ATF (Susan Bray, Billy Warren) and Sgt. Henry Harris of the HIDTA . Per the 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." See also Complaint Against Department Member form regarding the confidential investigation referred to above, received from Officer M. Skipper and registered with Agent Diane Wolfe. (See BAKER GLENN 010941). An FBI report also reflects 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." (FBI 331). This FBI report 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*. The "Investigative Strategy" reflected by this report states that "FBI Chicago will supervise ATF source in conducting consensually monitored telephone recordings. Information gathered during

	these conversations will be used to corroborate Watts's involvement in receiving payments in exchange for allowing drug trafficking activity in the Ida B. Wells housing project." *Id*. As stated above, later documents indicate the source was Mr. Gaddy.
9/22/04	Ron Hensley letter to Calvin Holliday, in which Hensley indicates his nephew, Quincy Campbell, told him that Watts was forcing Patrick Nooner, a drug dealer, to pay him off to continue to sell drugs at Ida B. Wells. Hensley states that he was aware of others at Wells who could vouch for Watts's behavior. (See BAKER GLENN 010861).
9/24/04	FBI 302 Report reflecting information from an informant (believed to be William Gaddy) during an interview at the Dirksen Building on September 21, 2004 that drug dealers at the Ida B. Wells housing complex were paying off Watts to continue to sell drugs there. The informant (a GD who has hustled, or sold drugs, as his only means of support) was being held at the Oak Lawn police department and was as of that time "operating as a cooperating witness of the ATF in an on-going collaborative investigation along with [IAD and DEA]." The report states that Watts has eight CPD officers who report to him, and also mentions Mohammed, Mackintosh (phonetic) and Sanez (phonetic) by name. It states that Watts received weekly payments from drug dealers, typically in the amount of $5,000. (See FBI 326; BAKER GLENN 002103-04). The report also states: "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." The informant stated that Moore and Patrick Mooney (believed to be Patrick Nooner) use Watts' cell phone to contact him to make arrangements for "bribe payments." Andre Simmons, another drug dealer who is completing his parole in Atlanta, also made payments to Watts. *Id*.
9/27/04	Memorandum from Holliday to Lt. Rivera (signed by R.B.; Sgt. Ray Broderdorf worked at IAD at the time) regarding Quincy Campbell as a possible informant. This memo reflects the information provided to Holliday by Ron Hensley. (See BAKER GLENN 010877; see also 010860-10911 regarding investigation of Hensley's claim).
9/27/04	FBI Report drafted by Agent Matthew J. Kern and approved by Thomas Kneir, Joseph Ways, and James McNally, reflecting a request for approval to open an investigation of Watts following a meeting with an AUSA. The 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" whose name was redacted (believed to be Gaddy).. The 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. To date, information provided by the ATF source has resulted in the successful recovery of firearms." According to the report, the source "stated that Watts was currently receiving payments from other individuals involved in drug trafficking in the Ida B. Wels housing development." The report also states that AUSA Littleton "has related that the above described matter has prosecutorial potential if further evidence of criminal activity is uncovered." The AUSA would seek prosecution under 18 U.S.C. Sec. 872. An "Investigative Strategy" is also detailed stating 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. Furthermore, agents will supervise source in conducting consensual telephone recordings. Information gathered during these conversations will be used to corroborate Watts' involvement in receiving payments in exchange for the allowance of continued drug trafficking activity in the Ida B. Wells housing project." (See FBI 326; BAKER GLENN 002106-07).
10/05/04	An October 14, 2004 FBI report reflects that a redacted source "participated in a consensual recorded telephone conversation with" CPD "Officer John P. Dolan." The content of the call is redacted. (FBI 327).
10/09-10/04	Agent Kern report relating to the Watts investigation dated October 18, 2002 reflecting 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." (FBI 328). Agent Kern's report reflected that ATF agents intended to use the source to facilitate a purchase of firearms on October 14, 2004, but it did not occur as planned and would be attempted again. Agent Kern's report also states that AUSA Littleton "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. 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*.
10/15/04	FBI Report concerning the strategy to attempt to corroborate Watts's involvement in receiving payoffs from drug dealers. The proposed strategy is redacted from the report. An AUSA was monitoring the investigation. (See BAKER GLENN 002108). The federal file number is 194D-CG-122761.
10/28/04	FBI report refencing the submission of "opening LHM." (See BAKER GLENN 002841-42). The report states "<u>CRIMINAL INVESTIGATIVE AT WASHINGTON, DC</u> Read and clear."

11/01/04	FBI report on the topic of submission of opening LHM. (See BAKER GLENN 002839).
12/06/04	FBI report to update case assignment from WC-2 to WC-3. "As writer was transferred from WC-2 to WC-3 effective 11/29/2004, it is requested that case assignment for the above referenced case be updated accordingly." (See BAKER GLENN 002843).
3/09/05	Memorandum from Calvin Holliday regarding a proposed integrity check under CR #300778. The allegation was that Watts and Mohammed were taxing drug dealers (taking money) to allow them to remain in business. The goal of the integrity check operation was to give the accused members an opportunity to prove or disprove the allegations against them. It was alleged the officers took money from drug dealers who wished to work in their area. Those who did not cooperate were arrested. The memo reflects an undercover operation to be conducted in full view of a surveillance team. The objective of the operation was to provide an undercover officer with a large sum of money, placing him in an undercover vehicle, in the area of the accused officers work assignment. He would have the appearance of a working drug dealer and was prepared to have an evasive conversation to arouse suspicion upon being approached. The proposed operation would involve approximately 10 persons in addition to the undercover officer. The memo was approved by Lt. Rivera (with the initials of Sgt. R.B.). (See BAKER GLENN 010856-59).
3/23/05	Plaintiff Baker was arrested at 527 E. Browning by Officers Nichols and Leano. According to police reports, the arresting officers were instructed to go to the location by Sgt. Watts. Baker was charged with possession of 15.3 grams of heroin and 13.9 grams of cocaine. According to the plaintiff's complaint in this lawsuit, Officers Nichols, Gonzalez, Jones, and Watts testified against Baker at the 2006 criminal trial resulting from these charges before Judge Toomin, which resulted in Baker's conviction.
4/06/05	Armed standoff at Portillo's Restaurant on Ontario Street involving armed drug dealers from Ida B. Wells, including William "Big Shorty" Moore, William Gaddy, Leonard "Fuzz" Gipson, Allen Jackson, Gabe, and Arnold Council described in ATF Agent Bray's memo below. (See BAKER GLENN 004151-59).
4/07/05	ATF Special Agent Susan Bray conducted an interview of Wilbert "Big Shorty" Moore regarding his knowledge of drug dealing and gun trafficking at the IBW. Present during Bray's interview were DEA Special Agent William Warren, CPD Sgt. Joseph Gorman, CPD Sgt. Tony Di Cristofano, and CPD Gang Specialist Alonso Harris. It was conducted at Homan Square. The extensive report contains 62 separate paragraphs. Moore was read his Miranda rights and was told that any cooperation and information provided by Moore would be brought to the attention of the AUSA's office. Among other things,

	according to Moore, he was a member of the GDs, and had been selling heroin and cocaine on a daily basis at IBW for 15-20 years. Moore admitted that he controlled the "574" building, that he sold heroin there, but that things had become "too hot" at the building so he temporarily ceased trafficking heroin out of "574." Moore said it became too hot after the shooting between him and Roderic Smith (aka Cha-Chi) that occurred in September 2004. Moore moved to Atlanta as a result and began working at a Harold's Chicken owned by his friend Andre Simmons (aka "Dre.") Moore said he invested $15,000 in the restaurant. Moore returned to Chicago when Patrick Nooner (aka "PT") asked him to come back to Chicago to show him how to mix the heroin and help run the heroin distribution operation. Nooner paid for Moore's airline ticket. Moore said that Tywann Broughton, Roy Bennett, Harry "Dog" Seals, Harold Owens, and himself run the heroin line known as "Renegade" out of the 574 building. Moore said the cocaine line was known as "7-11." Moore said he sold about $10,000 of heroin per day out of 574 and the profit was divided among the five of them. Moore said he and Dog mixed the heroin, Shock distributed the heroin, and Tywann collected the money. Moore said one source of supply for the heroin was Antoinette Rojas; Patty Rojas, Antoinette's sister, previously supplied him heroin since 1999. The Rojas sisters were Columbian. Moore went on to provide additional information about the drug trade and those involved at IBW. Among other things, Moore also said one of his heroin suppliers was Patrick Nooner. Moore also said that Little J-J (aka Killer) had a line in the 540 building. Moore said Little J-J was involved in a shooting with Gaddy on March 23, 2005. Moore said Little J-J followed Gaddy who was with "Gabe" (Gabriel Bush who had a line at the 559 building) and "Fuzz" (Leonard Gipson), Gaddy shot at Little J-J, and Little J-J shot back. Gabe worked for Gaddy and had been involved in numerous shootings, and had recently been shot by "Ta." Bobby Coleman also worked for Gaddy, and both of them caught a case on February 6, 2004 for PCS. (¶31). Moore said Gabriel Bush had recently been shooting at him. (¶46). Moore said that on April 6, 2005 he met Gaddy at Portillo's on Ontario Street. Moore said Gaddy was with Gabe and Leonard Gipson ("Fuzz"). Moore said he was with Allen Jackson, and both had guns. Arnold Council also was present and had a gun. (¶50). Moore said Allen Jackson (aka "Allen") and Brian Ford (aka "B-Lo") work for "Stank" controlling the 575 building. Brian Ford went to Patrick Nooner sometimes to get narcotics. (¶40). Moore said there are two firearms at the 574 building, and different people take them home each night. He had a Glock 9mm semi-automatic pistol. Allen Jackson had a Smith & Wesson .40 caliber semi-automatic pistol. (¶43). Moore said most of the firearms are purchased from "hypes."

	In paragraph 41, Moore says "Ben" was selling in the "527 building." It is believed Ben is plaintiff Baker, who was arrested twice for selling drugs at the 527 E. Browning building, and who was a building manager of the 527 E. Browning building per the Sin City operation. Ben purportedly worked for an individual known as "Bird," a Black Gangster Disciple. Moore contacted Bird on his cell phone. Paragraphs 53-58 of the report refer to Watts and his conduct in taking payments from drug dealers. Moore said he paid Watts $7,000. Moore said Roy "Shock" Bennett also paid Watts. Moore said that Watts became upset with him after Moore told someone that Shock had paid Watts. According to Moore, Police Officer Al Jones was said to work on Watts's team, and also allegedly took payments. According to Moore, Watts, Jones, and "Kenny" never let the white officers on the team know what was going on. Moore also mentioned that Mohammed was on Watts's team, but was no longer a member. Moore heard that Willie Gaddy also was paying Watts, and that Watts once shot at Gaddy who was running away from him after he refused to pay. Moore indicated that Watts had a gambling problem, and frequented the Horseshoe Casino. Moore claimed to have paid Watts $7,000 on one occasion, and referenced another payment of two rifles and $10,000 on another occasion through Shock. Moore said that he would pay Watts when Watts caught him or one of his workers with something, referring to a firearm or narcotics. Moore also told of an incident in which Watts took 40 bags of weed from "Chingey" and then sold it to Shock. In addition, Moore said once he was with Patrick Nooner after Nooner had bought a new black Lincoln Navigator. Moore said Watts pulled over Nooner and Moore in the Navigator and when Watts saw Nooner, Watts said "oh it's you Pat" and let them go immediately. Moore said Nooner and Watts grew up together. Moore also mentioned the name Kimberly Brown, including that he put a car in her name. (See BAKER GLENN 004151-59).
5/03/05	Meeting with Wilbert Moore, Calvin Holliday, CPD Internal Affairs, Matt Kern, FBI, Justin Williams, DEA/HIDTA regarding targets relating to Williams case and Sgt. Watts and P.O. Al Jones. (ATF-Baker 41.2).
5/04/05	Sissy from ATF faxed Agent Bray's memo to IAD Agent Holliday. Shock's CLEAR Data Warehouse photo from an arrest on 8/14/02 was pulled on May 4, 2005 as well, and includes handwritten notes as follows: "Per Big Shorty," among other things.
5/05/05	Attorney Matthew Mahoney sent a letter to ASA John Mahoney, in which he identified Watts as a "dirty" officer who needed to be caught. Attorney

	Mahoney referenced individuals in the area of 527 E. Browning who claimed to be victims of Watts. (See BAKER GLENN 010074).
5/11/05	Memorandum from Sgt. Maureen Kennedy of IAD to Debra Kirby, Assistant Deputy Superintendent of IAD. The memo indicates David Navarro of the SAO called to inform IAD that he was approached by a complainant who alleged Sgt. Watts had been shaking down drug dealers for money. (See BAKER GLENN 010850).
5/24/05	Memos indicating that Calvin Holliday, in CR #300778, was requesting photographs of Watts, Kenneth Young, Alvin Jones, Brian Bolton, Robert Gonzalez, Doug Nichols, Manuel Leano, Elsworth Smith, and Miguel Cabrales for a photo lineup. The photo lineup was to be viewed by an informant who was unable to enter the police facility. (See BAKER GLENN 010833).
5/05	Meeting of IAD Agent Calvin Holliday, ASA David Navarro, Sgt. Ray Broderdorf, Sgt. Kenneth Bigg, Ben Baker, Baker's wife, and Baker's lawyer Matthew Mahoney at 2650 S. California. The meeting is summarized in the June 28, 2005 memo of Agent Holliday, discussed below.
5/24/05	Agent Holliday requested photographs of 002nd District Tactical Team "D." (PL JOINT 000163-64).
6/28/05	Memorandum from Calvin Holliday in CR #300778; signed by Sgt. Keith Calloway, Acting Commanding Officer of CIS. In the two-page memorandum, Holliday referenced a meeting in May 2005 at 26th and California with ASA Navarro, Attorney Matt Mahoney, "gang member and drug dealer" Ben Baker, Baker's wife, and Sergeants Ray Broderdorf and Kenneth Bigg. During the interview, Baker claimed Watts wanted a payoff for Baker to stay in business and Baker resisted. As a result, Watts put a case on Baker. Baker indicated during the meeting that he agreed to work as a CI. Baker also told of Watts's shooting at Gaddy. As of the date of the memo, Holliday had not heard anything back from Baker or his attorney regarding their cooperation. Holliday noted that Baker's allegations against Watts were essentially the same as told by two other known drug dealers, Gaddy and Wilbert Moore. According to Holliday, the three men had no knowledge that the others were talking to law enforcement. Gaddy had been brought in by HIDTA and made available to other CPD units. Holliday wrote that Gaddy was never able to assist Holliday because he was being worked by the Narcotic and Gang Investigations Section of CPD. Holliday's memo referenced the prior interview with Gaddy, and also described the interview on April 7, 2005, of Wilbert Moore by ATF Agent Susan Bray. Moore told the agents of Watts taking money from drug dealers at the Ida B.

	Wells housing project to allow them to remain in business. Moore also mentioned that Watts shot at Gaddy for not paying him. Moore mentioned Officer Mohammed, but did not accuse him of taking money. However, Moore was unable to assist Holliday in his investigation. Moore was identified by an officer who worked for Sgt. Watts on his tactical team, who was detailed to NAGIS. This officer told Watts of Moore's cooperation. Moore said that when he was at Ida B. Wells, Watts would see him and not speak. Moore said that if he were with other people, Watts would make the others get out of the car and go through them, but Moore had to remain in the car and wouldn't be searched. Holliday indicated he spoke with Moore separate from the interview Moore gave to ATF Agent Wray and others. In the final paragraph, Holliday notes that Watts, Alvin Jones, and Mohammed were previously assigned to Public Housing South, which had since been deactivated. The three then went to the 2nd District. When Holliday spoke with Cmdr. Walter Green of the 2nd District, Green said he was under the impression it would be prudent to assign Watts to work with a tactical team as he was knowledgeable of the area. (See BAKER GLENN 010947-48).
7/26/05	Watts's CR history is printed. (See BAKER GLENN 010945-46). In addition, on an unidentified date, Sgt. Louis Velez of IAD viewed in CLEAR background information on Watts, including that he was appointed to CPD on January 19, 1994, with a handwritten note he was in "Beat 264" and an identification of Watts's day off group. (See BAKER GLENN 010942-43).
7/27/05	Illinois State Police report (Suspicious Activity Report) from Empress Casino in Hammond regarding Watts provided to IAD Agent Holliday by CIA II Richard Lingley of the ISP and referencing CR#300778. (See BAKER GLENN 010912-35). Per the Description, "Police Agent Calvin Holliday … requested a Fin/CEN/Gateway inquiry regarding an investigation of a drug or narcotic investigation and internal investigation (Case #300778). "Reason of Interest: Criminal Act." BAKER GLENN 010923 is a diagram referencing a July 13, 2005 criminal incident, with Watts identified in the middle of the page, and personal information of Watts identified. Sgt. Ray Broderdorf of IAD is identified as the approving supervisor of Holliday's FinCEN request. BAKER GLENN 010925. (BAKER GLENN 010935 references an arrest of Ronald Watts for "obstruct police interference on 11/18/84.
8/11/05	Memo from Calvin Holliday in CR #300778. It was brought to Holliday's attention by Sgt. Keith Calloway that Watts was reporting a theft from his residence of cash and other items in a total amount of over $17,000. The alleged offender was Lelissa Jackson, the alleged girlfriend of Sgt. Watts. Because the loss was peculiar, Holliday attempted to find Ms. Jackson, and Sgt. Bigg requested her photo. (See BAKER GLENN 023974-81, consisting of

	Holliday's memo and the police reports relating to the incident). The memo appears to be signed by Sgt. Ray Broderdorf.
9/12/05	Det. Kathleen Chigaros exceptionally cleared closed the theft investigation listing Watts as the victim because Watts refused to prosecute the alleged offender. (See RD#HL538608).
9/28/05	In a half sheet entry by Judge Toomin in Case 05 CR 8982, he indicated Defendant Ben Baker's attorney wanted to subpoena IAD. According to the entry, "ASA Navarro knows of this." Judge Toomin then 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.
10/04/05	Attorney Matt Mahoney issued a subpoena to Debra Kirby, Assistant Deputy Superintendent, Internal Affairs Division, for records, notes, and all other information pertaining to Officers Watts, Jones, Gonzalez, and Nichols "per the attached court order."
10/14/05	Sgt. Kenneth Bigg of IAD pulled information from CLEAR regarding Baker, including his CLEAR Data Warehouse arrest printout from October 12, 2005, his arrest report, and name check.
10/17/05	A "CL Report" (CL #050448) referencing ASA Dave Navarro and source Matthew Mahoney. (BAKER GLENN 009959). According to the report, Mahoney contacted the SAO stating that over the past one and a half years, he represented several clients in narcotics cases, all of whom independently stated they had been victimized by Sgt. Watts in a similar fashion. Watts is a 2nd District sergeant with the CPD who regularly patrols the 527 E. Browning building. Victim One (identified as Ben Baker) claims that as a result of his failure to pay Watts, he was arrested three times and charged with felonies. "Witness One" was deemed credible and corroborated Baker's claims "to a large extent." According to Baker, several other victims had lodged complaints with OPS about Watts. Baker's 10/12/05 arrest report is also printed by Sgt. Kenneth Bigg. (BAKER GLENN 010973-78). Wilbert "Big Shorty" Moore's criminal history report is also printed by Sgt. Kenneth Bigg. (BAKER GLENN 010958-64).
10/21/05	Agent Holliday attempted to reinterview William Gaddy at the MCC in Chicago where Gaddy was awaiting sentencing. Gaddy refused to be interviewed. (CITY-BG-023850). Holliday previously interviewed Gaddy on 9/17/04 as referenced above.
10/24/05	Clarissa Glenn initiates CR #309282 regarding an incident on August 20, 2005, in which she alleged two male black casually dressed officers entered and searched her residence without a warrant or permission. Glenn also alleged that on October 23, 2005 an officer gave her a threatening message of bodily harm

	or arrest for no reason. Assigned to Lt. Kenneth Mann in the second district. Lt. Mann unsuccessfully attempted to have Glenn contact him, and he requested the CR be classified as unfounded due to lack of cooperation as of November 3, 2005. The file also contains a handwritten letter from Glenn (CITY-BG-012918-19) in which she re-contacts IAD, likely in or around August 2006, acknowledges her previous lack of cooperation with investigators because of her fear of Officers Watts and Alvin Jones, references her subsequent arrest after her previous complaint was made, says she moved as of June 6, and asked that her case be re-opened. In a memo dated September 5, 2006, Debra Kirby directed that CR #309282 be reopened and assigned to CIS. (*See* entries of 1/21/10 and 6/15/10, *infra*, regarding incorporation of this investigation into CL # 1015941).
10/28/05	Clarissa Glenn initiates CR #309359. Also assigned to Lt. Kenneth Mann. (It appears he jointly investigated this CR along with CR #309282.) Glenn accused Watts of searching her apartment without a warrant or her permission on a previous date, and then continuing to harass her and on 10/28, threaten to take her to jail. The investigator attempted to have Glenn contact him, but to no avail, and he eventually requested the CR be classified as unfounded due to lack of cooperation.
10/31/05	Judge Toomin's court sends a fax to Lt. Clark of the CPD attaching Attorney Mahoney's subpoena and Judge Toomin's court order of September 28, 2005, requesting IAD records for Watts, Jones, Gonzalez, and Nichols. According to a half sheet entry of the same date, ASA Navarro spoke on the record regarding the IAD subpoena, and the IAD file would be delivered on October 31. Also on this date, Holliday took a statement from Ben Baker in courtroom #400 at 2650 S. California. Baker said he was constantly being framed by Watts for PCS, that he has known Watts as the police for four years, that Watts offered to help Baker with a 2003 case if Baker paid Watts $1,000 during a telephone conversation, and that Baker had seen Watts and other police officers running a narcotics sales operation. (CITY-BG-023849-51).
12/06/05	See FBI 337, which is a 12/6/05 report memorializing the result of a FinCEN search by FBI Investigative Analyst Michael Pach. The report details that Watts purchased $10,100 of chips on April 20, 1999 at Empress Casino in Hammond. It also states that "FinCEN generated no other transaction activity for" Watts. FBI 302 report, redacted, indicating information was obtained through research conducted by an FBI Investigative Analyst on 10/4/05 regarding Watts. (BAKER GLENN 002844).

12/11/05	Plaintiff Baker and Plaintiff Glenn are arrested by Officers Jones and Mohammed. They claim Sgt. Watts planted drugs in their car. They were charged with felony possession of heroin. (Both Baker and Glenn entered guilty pleas on September 18, 2006 in 06 CR 810).
1/19/06	Wilbert "Big Shorty" Moore is killed. Hobos gang members Arnold Council and Paris Poe were subsequently indicted for Moore's murder.
1/20/06	FBI Report "to provide an update of case developments" relative to the Watts investigation. The reporting agent was contacted by the CCSAO regarding an investigation of Sgt. Watts and that Moore's name surfaced during that investigation. The memo references a rumor on the street that when Wilbur Moore's body was discovered, "he was wearing a wire (recording device) and that Moore had been cooperating with federal law enforcement. Reporting Agent [Kern] advised Navarro that Moore was not a Cooperating Witness (CW) for the [FBI] and that Moore had not made any recordings for the FBI."(FBI 338).
2/10/06	FBI redacted report regarding status of Watts investigation. The report indicates that the investigation was initiated in September 2004, and states that the FBI received information of an ongoing joint investigation conducted by IAD, DEA and ATF involving alleged criminal activity by Watts. "An ATF source alleged that, in the past, Watts attempted to extort him for bribe payments to permit him to continue his drug trafficking activity. The ATF source also stated that Watts was currently receiving bribe payments from another individual involved in drug trafficking in the Ida B. Wells housing development, Wilbur Moore." Shortly after the investigation was initiated in 2004, the unit that Watts was assigned to, which covered the Ida B. Wells housing project, was disbanded and Watts was transferred to another area. "During the course of the investigation, allegations against Watts were never able to be substantiated or collaborated (sic)." The redacted memo states that "In December of 2005, a query of [FinCen] was conducted for Watts. The results of this query were negative." The report also states that on January 20, 2006, the CCSAO related that it had been investigating Watts and that Moore's name surfaced during the course of the Watts investigation. The investigative status was presented to AUSA Gayle Littleton, who advised that she would decline prosecution because of the parallel state prosecution and because the case lacked federal prosecutive merit. (FBI 339; BAKER GLENN 002110-11). Another FBI report from this date references the "submission of closing LHM." (BAKER GLENN 002848).

4/21/06	A half sheet entry by Judge Toomin (05 CR 8982) states, "Contact Dave Navarro – is there an IAD investigation still?"
4/24/06	Half sheet entry by Judge Toomin. Per Navarro, it was okay for the judge to distribute the IAD records to the parties. "No surprises." (BAKER GLENN 010672)
5/23/06	Baker's bench trial begins in 05 CR 8982. In a subsequent affidavit, Attorney Mahoney acknowledged that Judge Toomin had released the IAD materials to criminal defense counsel prior to the trial beginning.
5/24/06	ADS Lee Epplen prepared a report under RD#HM369142 for a bribery investigation, involving Watts. The indictment was initially witnessed by Officer Alvin Jones and eventually by Sgt. Tony Brown, #916. In essence the allegation was that Roy "Shock" Bennett (a drug dealer operating at IBW referenced above), offered $800 as a bribe to Watts through a third party named Charlene Campbell of 575 E. Browning. The witnesses to the incident were Charlene Campbell, Watts, and Officer Jones. Per the reports, upon recognition of an attempted bribe, Watts summoned 002nd District Tactical Sgt. Tony Brown to the scene to serve as a witness. The incident was reported, the suspect money was inventoried, and proper notifications were made. (CITY-BG-023849-51)(See also To/From Report from ADS Lee Epplen to First Deputy Supt. Dana Starks which indicates further that ADS Epplen was contacted by Captain Edward Griffin of the 2nd District regarding the possible bribery investigation. ADS Epplen's report indicates he contacted Area One Detective Division for a bribery investigation (assigned to Det. James Dowling), as well as Lt. Keith Calloway of IAD, who responded to the 2nd District where he was briefed on the circumstances of the incident and investigation. (CITY-BG-023992-024000)
6/09/06	Baker is found guilty in a bench trial of two counts of possession of a controlled substance. He is sentenced on July 7, 2006, to two 18-year terms. (Judge Toomin reportedly cut Baker's sentence to 14 years a few weeks later.)
8/30/06	After IAD received Clarissa Glenn's letter (CITY-BG-012918-19), it looks for the prior complaint and pulls other materials. (CITY-BG-012920-26).
9/05/06	In a memo dated September 5, 2006, Debra Kirby directed that CR #309282 be reopened and assigned to CIS to be investigated with the ongoing criminal investigation. (CITY-BG-012917).
09/14/06	Sgt. Joe Barnes of CIS is assigned the reopened Clarissa Glenn CR#309282. (CITY-BG-012927). Among other things, Sgt. Barnes pulls background materials pertaining to Glenn, Arthur Kirksey, Ben Baker, Roy "Shock" Bennett, and photos of Watts, Mohammed, Jones and Young. (CITY-BG-023940-63, 023982-91).
10/11/06	Roy "Shock" Bennett's criminal history report reviewed and printed. (BAKER GLENN 023959-63).

	Also, photos of Watts, Mohammed, Alvin Jones, and Kenneth Young printed. (CITY-BG-023936-39)
11/16/06	According to an FBI report dated February 8, 2007, "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." (FBI 347-48). FBI special agent Matthew Kern and and IAD Sgt. Joe Barnes interviewed, upon information and belief, Clarissa Glenn. Glenn stated she has lived at her current address since June 9, 2006, and had previously lived with Ben Baker at IBW. Glenn stated she began hearing rumors that Watts was corrupt in 2004. Glenn stated that her husband Ben Baker, although on probation, began selling heroin and cocaine at IBW in 2004. 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. Watts allegedly said: "I heard that you were the only ones over here eating," which meant making a profit from the drug trade. Glenn said Baker was arrested in March 2005 in a stairwell at IBW, claimed he didn't possess the drugs, but admitted he had a large quantity of money. Glenn also discussed a "mailbox" case, which she said occurred in 2005. Glenn said Watts's informant Charlie Haynes, a drug user, came to the apartment after the "mailbox case" and said Watts wanted Baker to call Watts, and that Watts wanted "lunch," meaning $1,000. Glenn also discussed an incident where Baker was arrested by ATF in the Fall 2005, although the report indicates the actual arresting officers were from CPD Special Operations. Glenn said Watts came on the scene and attempted to intervene, which resulted in a pushing altercation between Watts and another officer. Glenn also described her arrest along with Baker in December 2005 by Alvin Jones (who she called AJ) and Watts. Glenn claimed the heroin the officers claimed they found was planted. (FBI000263-65).
11/21/06	FBI Agent Matthew Kern and Sgt. Joe Barnes interviewed an individual (name redacted) who asserted that Watts extorted money from him on two occasions, once in the amount of $830 and once in the amount of $4,255. Watts allegedly threatened to plant heroin on this person. With respect to the alleged theft of $4,255, the interviewee stated the money was inventoried because Watts was with officers he didn't usually work with. The individual also stated that Watts

	had arrested him three times before. He also said Watts had some type of relationship with a woman named Osborne, one of the building managers at IBW. The report further states: "Watts maintained possession of narcotics so that he could use the narcotics as leverage to extort people," and that "Watts displayed the same personality characteristics and mannerisms as someone that used narcotics." ((FBI000261-2).
12/20/06	The U.S. Attorney's Office was advised of new information regarding Watts and "advised that this case was prosecutable if additional evidence could be developed." (See BAKER GLENN 002112-14).
2006 (unk date)	Sgt. Joe E. Barnes prepared an Application for a pen register to be presented to a Judge of the Circuit Court of Cook County on telephone number 773/848/4761, as well as gathering other information on that phone number, relative to Watts. (CITY-BG-023841-48)
1/18/07	FBI report authored by Agent Kern, reporting the interview of November 16, 2006, and further requesting that an investigation be reopened of Sgt. Watts based on the new allegations. The memo requests "SAC authority to re-open a public corruption investigation that was closed in February 2006." (BAKER GLENN 002112-14; FBI 343-45). The report states that in 2004, the complainant began hearing rumors circulating throughout IBW that Watts was corrupt and that he, along with other members of his team, used their positions as police officers to extort individuals at IBW. The redacted memo further states that Watts was aware of narcotics activities and knew a person (whose name is redacted) was making money dealing narcotics. At the end of the three page memo, it states 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*. The initial investigative strategy is redacted as is the assigned FBI agent. The investigation was reopened by the FBI on January 18, 2007 "based on information received from several witnesses and confidential sources (CSs) regarding drug-related law enforcement corruption in Chicago." (BAKER GLENN 002120-21). An FBI report reflects that the "captioned investigation is the priority police corruption case on squad WC-3. The Chicago Division is committed to fully support this Title III investigation to its logical conclusion." *Id*. Agent Kern's report also discusses an interview with a second complainant who he and IAD Sgt. Barnes interviewed on November 21, 2006. This person said he paid Watts to allow him to continue selling drugs and at one point Watts pulled a bundle of heroin out of his pocket and said, "You going back" to jail. (FBI 345). Watts did not arrest him when he paid $830. On another occasion, the second complainant stated Watts inventoried $4,225 he recovered from the second complainant discussed in the report, when Watts was patrolling with team members he did not recognize. "The second complainant also stated that it

	was common for Watts to keep narcotics on his person while on duty. The second complainant knew that Watts maintained possession of narcotics so that Watts could use the narcotics as leverage to extort people." *Id*. AUSA Littleton reopened the investigation. As for the Initial Investigative Strategy, it will "be to use available resources to identify all Police Officers involved in the alleged corrupt activities." The report also discusses checking FinCEN and also using a Source to "potentially record conversations with Watts." The report 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. Johnnie (aka Blood) Tolliver was interviewed by Agent Kern and IAD Sgt. Kenneth Bigg. Tolliver said he sold the drug line called "Pay Back" at IBW for "Big Ant." Big Ant paid Tolliver $500 per day, and the Pay Back drug line made about $17,000 per day. Tolliver learned that Big Ant paid Watts $3,000 twice a week to sell drugs. Tolliver said he was beaten in January 2007 by four men in an abandoned building at East 38th Street and S. Vernon for snitching. Tolliver said he had been arrested by unidentified members of Watts's team for a small amount of heroin, and he supplied information on where the money and drugs were located. Tolliver learned Watts recovered the $15,000 and 18 bundles of heroin. Tolliver said he went to Provident Hospital due to the beating, at which time two CPD detectives told him not to press charges as Watts would take care of him. Tolliver added that Watts used drugs himself, and would meet drug dealers at the Sunrise convenient store on 39th Street. (FBI000257-260).
2/07/07	FBI memo "to advise FBIHQ of anticipated Title III coverage in captioned investigation." The memo states that the AUSA assigned "concurs with the proposed utilization of a Title III wiretap." (BAKER GLENN 002120-21). An FBI memo also requests the opening of sub-files regarding the Watts investigation, including as a repository for 302 reports, Grand Jury Subpoenas, and Grand Jury materials. (BAKER GLENN 002853).
2/08/07	FBI report reflecting the investigative strategy to investigate Watts. . An AUSA signed off on the plan, advising that the case was prosecutable if additional evidence could be developed. The memo provides some history of the investigation as well. It states that "new allegations against Watts were brought to the Chicago FBI by CPD IAD…" (FBI 347-48; BAKER GLENN 002115-16).

	Another FBI report from this date references the submission of an opening Letterhead Memorandum (LHM) in the above captioned case." (BAKER GLENN 002856).
5/29/07	DEA memo referencing DEA Group 43 currently working a high-profile gang investigation involving members of the GDs that is distributing large amounts of heroin and cocaine on a daily basis from IBW. The remainder of the memo is redacted. (BAKER GLENN 002082).
5/30/07	FBI memo regarding Watts stating that due to the transfer of an Agent Kern, that it is requested that the case be reassigned to an agent currently assigned to WC-3. (FBI 350; BAKER GLENN 002857).
6/01/07	DEA memo to the Deputy Chief Inspector Office of Professional Responsibility from the Special Agent in Charge of the Chicago Field Office referencing the May 29, 2007 memo by the Group Supervisor, which reflects that the FBI Public Corruption Unit has been notified as well as an AUSA and IAD. (BAKER GLENN 002081).
6/07/07	FBI memo documenting meeting with five members of the U.S. Attorney's Office and two Sergeants from IAD at 219 S. Dearborn and the FBI, and the DEA. The purpose of the meeting was to discuss information the DEA developed regarding Watts. The following people were present: Agent Ken Samuel; SSA Peter Cullen; AUSAs Sonny Pasquale, Tom Shakeshaft, Joe Alesia, John Lausch, and Brion Netols; two DEA personnel; IAD Sgt. Tom Chester. (FBI 351-52; BAKER GLENN 002080). The memo references the DEA's investigation, with the assistance of a CW, of the sale of heroin and crack at IBW. The report states that "the CW has observed and overheard CPD officer KALLATT MOHAMMED make telephone calls to drug dealers in order to warn them that they should clean up because the police are coming down. The CW has also seen captioned subject with CPD officers MOHAMMED and MONICA LOUIS, who is known on the street as "COCO", telling drug dealers the area is clear (of legitimate police) and that they can set up security. Shortly after security is set up, captioned subject and MOHAMMED proceed to search guys and steal their money. The CW advised that it is common knowledge that captioned subject protects "SCOTT's" heroin line and that captioned subject allows anyone to sell drugs in return for weekly cash payments. "SA Warren advised that on the days captioned subject shakes down and extorts drug dealers, captioned subject wears Starter jerseys in order to blend in. On days he's working with legitimate police officers conducting legitimate police business, captioned subject wears mainstream clothing." The report discusses using Patrick Nooner to get to Watts, as Watts is paying Nooner, and they are childhood friends.

	Sgt. Barnes' idea of putting secret cameras in the emergency exit sign at the 527 building, and Agent Warren's concurrence to put cameras in all five buildings, was disagreed with by ASA Netols who "questioned the value of the cameras insofar as captioned subject and other corrupt officers probably collect money in places other than the lobbies." (FBI 351-52).
6/25/07	Automated Arrest data for Activity Records Program printed for the following officers: Bolton; Gonzalez; Jones; Leano; Lewis; Mohammed; Nichols Jr., Smith Jr., Watts, Young Jr. (CITY-BG-023905-06). At some unidentified date the complaint history of Mohammed and Watts was also checked and printed. (CITY-BG-023909-19).
6/26/07	Handwritten Notes of Debra Kirby regarding the investigation of Watts, etc. dated June 26, 2007, reflecting meeting with Cullen, Samuel, Shakeshaft, Brown, Barnes, Chester, Maher, Todd, Lausch, and others. (CITY-BG-023902-04). Kirby's notes reference several different matters being told to her regarding the investigation, including the following: the murder of "Big Shorty" Moore discussed above (which the notes indicate ASA Dave Navarro is investigating); Bernard Brown (who is the subject of an FBI 302 report in 2009 described below); Owens, whose mother is Vera Owens, and who is "sick of shake down" and is talking to CPD; Allen Jackson; Matt Camden, who the notes indicate got transferred from the team because he didn't want to get arrested; Dwayne Holmes is referenced; Roy "Shock" Bennett is referenced; possible investigation strategies are referenced (such as GPS, I-Pass relative to the casinos; Tax Returns, surveillance. The notes also state that "GD/BG war is a barrier." *Id*. (See also CITY-BG-023839-40).
6/29/07	FBI Investigative Analyst Pat Chambers query of Watts, Mohammed, Jones, Smith, Bolton, Gonzales, Lamonica Lewis, reported on 7/11/07 as reflected below. (FBI000255-56). Lewis cashed or deposited three large amounts of money of $12,000, $14,000, and $23,000 in 2003 and 2004.
7/11/07	FBI 302 report regarding a June 29, 2007 Investigative Analyst query of any financial activity identifiable with Watts and Mohammed. (BAKER GLENN 002810-11).
7/23/07	FBI printout relative to 7/11/07 Investigative Analyst query. (BAKER GLENN 002858).
8/14/07	Grand Jury subpoenas issued by U.S. Attorney's Office. (BAKER GLENN 002753-62).
9/05/07	Meeting of Agent Smith, AUSAs Joseph Alesia, Thomas Shakeshaft, Jon Lausch, DEA agent, Sgt. Chester and Sgt. Barnes. Agent Smith provided that the FBI interviewed two Chicago police officers, believed to be Shannon Spalding and Daniel Echeverria, who offered to utilize a cooperating witness familiar with the area Watts patrols to identify the pattern of drug deals and shakedowns conducted by Watts. The police officers 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." (FBI 357-58). DEA stated they have made several buys of crack into Gerald Scott, aka Cool, who they are targeting as well as his close associate Roy Bennett, aka Shock. The DEA's cooperating witness saw Scott buy 1KG of powder cocaine from Marvin (lnu). Bennett is a drug dealer who paid Watts for protection. DEA and FBI sources have provided information that Watts sold drugs to Bennett and others in Bennett's "tower." *Id*. AUSA Shakeshaft informed the FBI that ATF provided an additional cooperating witness familiar with the drug trade at the IBW, who had witnessed Watts demand $1,000 of a drug dealer to continue to deal. "AUSA Shakeshaft provided the information to DEA prior to informing the FBI. Asa a result the DEA has opened the cooperating witness for purpose of their target in the IDA B. Wells project. DEA has agreed to allow the FBI access to the cooperating witness to debrief him on his encounters with Watts." *Id*. IAD Sgt. Barnes received a call regarding the potential cooperation of Johnnie Tolliver and Jamar Lewis. Watts recently approached them and demanded a $3,000 payment for them to sell drugs, which they intended to pay. Barnes asked to talk to Tolliver and Lewis before they met with Watts, but hadn't heard from them. Agent "Smith was not informed of the potential meeting until September 5, 2007. Sergeant Barnes agreed to provide SA Patrick Smith with any future updates prior to any scheduled meetings." *Id*. It was requested that Agent Smith be reassigned the case agent with Agent Samuel as co-case agent. *Id*.
9/10/07	FBI memo providing case update, referencing a reassignment of the case agent.
9/13/07	FBI memo dated 2/22/08 references that an anonymous correspondence was forwarded from the AUSA's office on 9/13/07 regarding drug dealing being done by Chicago Police officers. (BAKER GLENN 002139). The memo referenced previously received anonymous communications. *Id*.
9/27/07	FBI Agent Patrick Smith and Sgt. Joe Barnes interviewed Clarissa Glenn (aka Clarissa Baker). Glenn stated she was in contact with Jamar "Tweek" Lewis and Art Kirksey, who later reports indicate had taken over management of the drug trade at 527 E. Browning from Ben Baker. (FBI000250-52). Per Glenn, both Tweek and Art had been approached by Mohammed who was seeking a bribe payment. Glenn stated that over Labor Day weekend 2007 Art paid Mohammed $2,500. *Id*.
10/02/07	FBI Agent Patrick Smith and Sgt. Joe Barnes interviewed Jamar "Tweek" Lewis. Tweek stated that Watts and Mohammed had approached him and his boys for payments related to their drug trade, and he would sometimes pay

	Mohammed. (FBI000253-54). Tweek agreed to assist the investigation for one or two "pops" (by which he meant undercover operations), but did not want to work with the FBI on a long term basis because of gang repercussions. *Id*.
10/24/07	FBI Agent Patrick Smith interviewed, upon information and belief, Clarissa Glenn. Glenn said she had contacted Tweek on October 23, 2007. Tweek said he was not present at IBW due to a gang war, and also that Art Kirksey told Tweek he was no longer paying Mohammed (which Tweek doubted). Per Glenn, Tweek claimed Art was distracted because his brother was recently arrested for a drug charge after serving 10 years on a gun charge. Tweek also told Glenn that he was concerned Watts was connected to the shooting of Patrick Nooner in the head. Glenn knew Nooner from the drug trade at IBW. Per Glenn, Nooner survived the shooting but remained hospitalized. (FBI000247-48).
10/26/07	FBI memo regarding the status of the investigation of Watts, Mohammed, and "others yet unknown." According to the memo, "several leads have developed which target Watts and Mohammed's crimes" in the course of the investigation. The memo also notes that the Ida B. Wells projects became the subject of a gang war between the Black Gangster Disciples and the Vice Lords. (BAKER GLENN 002859). Agent Smith memo of this date states in part as follows: Jamar Lewis "claimed that when he began making more money from his drug trade, Watts and Mohammed consistently attempted to secure $5,000 from him. Mohammed made the requests approximately once a week. Based on the above information, Lewis agreed to engage in an undercover scenario targeting Mohammed." (FBI 359-60). Subsequently, the IBW became the subject of a gang war between the GDs and the Vice Lords. Patrick Nooner was shot. "Lewis informed Baker that he believed he was a target in this gang war." … "Lewis attempted to continue to pursue the undercover operation by enlisting the assistance of Jamie Tolliver, a.k.a. "Art." Tolliver has been "approached by Mohammed in the same capacity as Lewis and is considered Lewis' second-in-command." Agent Smith is requesting an extension to pay the bribe to November 14, 2007. *Id*. The memo also indicates the funds authorized for "FY 2004" was $100,000 and $95,000 was remaining after this $5,000 request. *Id*.
10/30/07	FBI memo to provide a case update. The memo indicates that on October 24, 2007 an AUSA provided the agent a September 9, 2004 Report of Investigation ATF, and a September 9, 2004 Report of Investigation DEA, in response to an interview with a person whose name is redacted. The two 9/9/04 reports indicate that Watts "runs" the 574 building at IBW, and takes a percentage of drug money from the people selling drugs in the building. (BAKER GLENN 002084-88; see also FBI 361-62). FBI Agent Patrick Smith interviewed, upon information and belief, Clarissa Glenn, who had again contacted Tweek to determine if bribe payments had been made to Watts and Mohammed. Tweek said the drug line he was running

	had been disrupted since the Chicago Housing Authority closed several of the IBW buildings. Art was trying to sell for Tweek out of another building, but was running into problems from other drug dealers. Tweek did not think Art had paid Mohammed since September 2007. Upon information and belief since it is redacted, Glenn added that Ben Baker, who was incarcerated on a drug charge, was requesting that Tweek cooperate with the FBI. Glenn believed that Tweek, and Art, respected Baker's request. (FBI000249).
11/01/07	FBI Agent Patrick Smith interviewed, upon information and belief, Clarissa Glenn, who had once again contacted Tweek. Tweek told Glenn he had learned that Art Kirksey had been paying Mohammed approximately $1,000 every two weeks without Tweek's knowledge. Glenn said that Tweek told her that Art had been "territorial since he discovered that Benjamin Baker was the individual requesting Art and Tweek's help. Tweek believe Art was concerned Benjamin Baker would use his cooperation to get out of jail early. [Glenn] explained that Benjamin Baker ran the drug line that Tweek and Art run prior to his incarceration [Glenn] believes that Art was concerned Benjamin Baker would take over Art's "line" if he was released from jail." (FBI000250). Art continued to pay Mohammed and Watts because of a dispute with other drug dealers in the building where Art was running a drug line. On October 31, 2007, Art was severely beaten during a confrontation with other drug dealers, and was upset that Watts, who was present, failed to protect him. Tweek wanted to stay on the drug site himself but had been told by a CPD officer he was on a list to be indicted. Glenn explained that her earlier statement that Tweek was avoiding IBW due to a gang war was a "misunderstanding." *Id*.
11/02/07	FBI memo reflecting contact made with a DEA case agent by an FBI agent regarding the Watts investigation, and referencing an investigation of the DEA. Much of the memo is redacted, but the memo indicates that the FBI agent informed the DEA that the FBI was pursuing an individual known to pay Watts for a possible undercover scenario, and that this individual was told to keep away from the IBW projects because he was on a "list" of people targeted to be indicted. Bennett is named. (BAKER GLENN 002093-94; see also FBI000250). Agent Smith also informed DEA of the use of Jamar Lewis. (FBI 379-80). After the discussion, AUSA Shakeshaft called Agent Smith to advise that DEA was concerned regarding the FBI "use of a drug dealer in the Ida B. Wells project." Agent Smith informed Sgt. Barnes and informed him of the meeting. "Barnes informed the FBI that DEA scheduled a meeting on Friday, November 2, 2007 to discuss the Title III wire. The FBI received no notification of this meeting." *Id*. FBI Agent Patrick Smith interview of, upon information and belief, Clarissa Glenn, who met with Tweek on November 1, 2007. Tweek told Glenn his last meeting with Watts was several weeks ago, when he and Art Kirksey were arrested by Alvin Jones and brought to the police station. Tweek said he spoke

	to Watts at the station, and was released on a misdemeanor drug charge later that day. Tweek told Glenn that Watts was part of a motorcycle club involving many of his co-workers. Tweek identified Coco as a CPD female police officers who was engaging in the same "pay for protection" as Watts. Tweek told Glenn Watts believed a white female police officer assigned to his team had been put there by Internal Affairs. (FBI000246).
11/05/07	Grand Jury subpoena issued by U.S. Attorney's Office. (BAKER GLENN 002763).
11/06/07	FBI memo to provide synopsis of USAO, IAD, DEA, ATF and FBI status meeting regarding Watts investigation and reflecting a meeting with said agencies on the same date (including AUSAs Lausch, Alesia, Shakeshaft, ATF Agent Susan Bray, DEA (redacted), Deputy Chief Kirby, Sgts. Chester, Barnes, and Richard Maher. The unredacted portion of the memo states that within one to two weeks, DEA expects to begin monitoring under a Title III order on a drug dealer at IBW. (FBI 381-82; BAKER GLENN 002095). The memo also mentions that "M. Smith works of Teiwan Broughton, an upper echelon drug dealer. Broughton was mentioned in previous interviews with ATF and DEA as a close associate of Watts." Id. "Surveillance of any activity in the Ida B. Wells projects will be handled by a task force of CPD officers identified by CPD IAD. The administrative duties for the initial line will be maintained by DEA." "The FBI is pursuing a potential bribe payment through Jamar Lewis, aka "Tweek," a known drug dealer in the Ida B. Wells projects. DEA expressed some concern that Lewis presented a potential to leak information to Watts or an individual associated with Watts. USAO explained that the risk of affecting the drug case was minimal and the potential evidence derived from using Lewis outweighed the risk." "The FBI assured the DEA that Lewis was compartmentalized and received only minimal information related to Watts. Lewis will only be used for a payment that would be made in his normal course of business. Following that payment, the FBI expects to hold this evidence until the completion of the drug and corruption case in whole." *Id*.
11/06/07	Debra Kirby notes of meeting regarding Watts investigation identifying Barnes, Alesia, Lausch, Maher, Calloway, Pat Collins, Chester, 5 others, and that ATF, DEA, FBI, and AUSA all present. (CITY-BG-023833-36). Among other things, the notes reference Baker, Clarissa, Tweek and Art and discusses potential strategy (including wires, etc.). The notes also indicate that Gaddy was the initial link to Watts three years before. The notes also state "$ to Mohammed (do we have this)". *Id*.

11/07/07	FBI memo regarding providing photos of subjects Watts and Mohammed. (BAKER GLENN 002874-78).
11/13/07	FBI Agents Patrick Smith and Timothy Keese interview of Art Kirksey in the presence of Clarissa Baker (aka Clarissa Glenn) in the agent's car while parked at a CITGO gas station on Martin Luther King, Jr. drive off of 56th Street. Tweek was present for the first 10 minutes of the interview. Art described making payments to Mohammed, and one payment of $1,000 to Watts. Art signed forms authoring the use of a recording device on his person and phone. Art gave Mohammed cell phone as 773-220-7889. (FBI000244-45).
11/14/07	FBI memo intended to document something relative to the investigation; the entire narrative is redacted. (BAKER GLENN 002860).
11/16/07	FBI Agent Patrick Smith report indicating Art Kirksey was arrested that day or the night before, per, upon information and belief, Clarissa Glenn (FBI000243).
11/19/07	Upon information and belief, Clarissa Glenn told Agent Patrick Smith that Art Kirksey called her to advise that Mohammed had contacted him to set up a meeting. (FBI000242).
11/30/07	FBI Agents Patrick Smith and Julie Anderson interviewed Art Kirksey in the presence of his attorney Matthew Mahoney. Art had recently been arrested for possession of two firearms and 73 grams of crack and/or cocaine, subsequent to his agreement to work with the investigation of Watts and Mohammed. Art explained how he sometimes tried to delay payments to Mohammed, that he would contact Mohammed on his cell phone, and the last few times they met it was near 76th Street and Wentworth Drive, outside of IBW. Art claimed that in addition to Mohammed, Coco (later identified as Officer Lamonica Lewis) extorted payments from him and other drug dealers. (FBI000240-41).
12/03/07	Letter from U.S. Attorney's Office indicating to an unidentified entity that your names have been disclosed to Judge Holderman as a person who has been and will be given access to materials obtained through the powers of a Federal Grand Jury inquiring into possible Federal crimes, that the Grand Jury investigation is criminal and that Grand Jury proceedings are secret, and that the unauthorized disclosure of Grand Jury matters is punishable by contempt proceedings. The letter also states that "Grand Jury matters include the identities of witnesses, their testimony and the nature and content of documents and physical evidence obtained through the Grand Jury investigation," and that "No Grand Jury material may be disclosed or used for any civil or administrative purpose or for any purpose other than for the Grand Jury investigation, except by order of the Court." Grand Jury subpoenas issued by U.S. Attorney's Office. (BAKER GLENN 002767).
12/09/07	FBI Agent Patrick Smith interview of Richard Hale in the presence of his attorney Michael Schmiege. Hale said he has seen Watts in the Harold Ickes housing development before and that Watts was rumored to run a drug line there. Hale heard Watts took money and drugs off of various dealers to allow them to sell drugs. Hale was shown a photo array: he identified Watts,

	Mohammed, and Elsworth Smith, Jr. as officers who would plant drugs on individuals to support an arrest. Hale asserted that Mohammed would beat people too. Hale did not recognize Jones, Bolton, or Leano; Hale recognized Lamonica Lewis and Nichols but did not accuse them of misconduct, and Hale said he knew Gonzalez and that he did not believe Gonzalez engaged in illegal activity. (FBI000077-88).
12/11/07	Mohammed was paid $1,000 by a CI working for the FBI. (CITY-BG-023858). FBI Agent Patrick Smith reported of the specifics of this event, including that the CI, believed to be Art Kirksey, wore a wire, and that Coco was patrolling with Mohammed at the time the money was tendered, but stayed in the police car when Mohammed entered the car with Art. (FBI000218-227).
12/18/07	Mohammed was paid $700 by a CI working for the FBI at a Popeye's Restaurant off of 75th Street. (CITY-BG-023858). See also FBI Agent Patrick Smith's report of this event at FBI000231-237.
12/19/07	FBI memo regarding request for assignment of co-case agent to Agent Julie Anderson. The memo states in part: "The above titled case is investigating allegations of corruption by Chicago Police sergeant Ronald Watts and his partner Kallatt Mohammed. Sources have alleged that Watts and Mohammed are extorting payments from drug dealers in the Ida B. Wells Housing Projects in exchange for allowing the drug trade to continue." (FBI 386; BAKER GLENN 002862).
1/04/08	Mohammed was paid $1,000 by a CI working for the FBI. (CITY-BG-023858).
1/21/08	Mohammed was paid $1,000 by a CI working for the FBI. (CITY-BG-023858). See also FBI Agents Patrick Smith and Julie Anderson's report regarding this event. Although redacted, the CI is believed to be Art Kirksey (FBI000228-29). An FBI memo dated 1/21/08 states: "Several bribe payments have been made to Mohammed on a biweekly basis in exchange for Mohammed and Watts' protection." (BAKER GLENN 002865).
1/22/08	Agent Julie Anderson memo regarding planned surveillance on movements of Watts as well as coverage of a possible controlled bribe payment. (FBI 387-90).
1/26/08	FBI Agents Patrick Smith and Julie Anderson interviewed Jamar "Tweek" Lewis, who advised that his girlfriend told him that Mohammed was attempting to speak with him. Tweek thought he was contacted because Watts learned Tweek was involved in some recent criminal activity, which he refused to disclose to the agents. Tweek was provided with a recording device to attach to his phone, although he refused to tell the agents his phone number. Tweek called Mohammed, and then Watts at 773-848-4761. Watts informed Tweek that a police officer was looking for him and told Tweek to meet with the officer. Tweek asked Watts if some "paper" could make it go away, and Watts said that was between him and the other officer. (FBI000230).

2/04/08	FBI memo stating that the "investigation is expected to expand to Title III monitoring in the near future which would require analytical assistance." (BAKER GLENN 002863-64). The memo therefore requests that a lead (Patricia Chambers) be assigned to IA to provide analytical assistance in the matter. (FBI 391-92).
2/05/08	FBI memo requesting a pre-Title III search of ELSUR (electronic surveillance) indices. (BAKER GLENN 002451).
2/07/08	FBI Agent Smith memo describing the synopsis of the overall investigation, that the investigation is a priority within the Chicago Field Office, and including a proposal for wire taps (approved by an AUSA). Among other things, the synopsis recaps the background of the case and mentions drug dealers CS1 And CS2 getting extorted by Watts and that "Failure to pay the extortion was met with threats to "place a case" on the dealers. The memo states that "Based on the information from CS1 and CS2 as well as Pen Data analysis and witness interviews, it is believed that RONALD WATTS and KALLATT MOHAMMEDD have conspired to extort payments from drug dealers." The memo also has a section titled "CHARACTERIZATION OF THE INTERCEPTEES/VIOLATORS and lists Mohammed, Watts, Lamonica Lewis, and Brian Bolton. (FBI 394-97; BAKER GLENN 002866-69). Agent Smith wrote another memo this date to request "SAC concurrence" …" Among other things, this memo references IAD's involvement and that DEA is "working a parallel investigation targeting narcotics dealers" at IBW. (FBI 398-401)
2/11/08	FBI memo requesting search of the FBI's ELSUR Records System in the "Details" for all records. (BAKER GLENN 002152-53).
2/13/08	FBI memo to provide the results of the Pre-Title III ELSUR checks of the FBI. (BAKER GLENN 002154-57).
2/14/08	FBI memo to provide copies of documentation authorizing the use of a Title III wiretap in the Watts investigation. (BAKER GLENN 002164).
2/15/08	FBI memo from the ELSUR Operations Unit. (BAKER GLENN 002135).
2/20/08	FBI memo to provide the results of the Pre-Title III ELSUR checks of the FBI. (BAKER GLENN 002159-62).
2/22/08	FBI memo indicating that "the above phone was intercepted in pen register coverage…." (BAKER GLENN 002139). The results of the pen register were analyzed. (BAKER GLENN 002187).

2/26/08	FBI memo requesting an additional search of the FBI's ELSUR Records System in the "Details" for all records, including a request of outside agencies. (BAKER GLENN 002165-67).
2/27/08	FBI memo to provide the results of the Pre-Title III ELSUR checks of the FBI. (BAKER GLENN 002175-77).
3/03/08	FBI memo to provide the results of additional Pre-Title III ELSUR checks of the FBI. (BAKER GLENN 002179-83). Another memo from Agent Smith refers to Arnold Council's arrest for the murder of Wilbur Big Shorty Moore. Arnold Council was a member of the Hobos street gang. (FBI 405). "Interviews of witnesses at the Ida B. Wells housing complex place Ronald Watts at the scene of the murder shortly after Moore's body was discovered." *Id*.
3/04/08	FBI memo referencing that the Northern District of Illinois authorized a Title III wiretap. (BAKER GLENN 002170).
3/06/08	FBI memo to provide the results of additional Pre-Title III ELSUR checks of the FBI. (BAKER GLENN 002171-73).
3/17/08	IAD memo from Sgt. Thomas Chester to Chief Tina Skahill regarding Updates on Federal Cases referencing, among other cases, the investigation of Watts and Mohammed, and stating that "The FBI has made three controlled payments into Mohammed and are attempting to get payments into Watts. At present the FBI along with IAD are working on two wires, one on Watts and one on Mohammed." (CITY-BG-024099).
3/18/08	FBI Agent Smith memo approved by Peter Cullen providing a summary of the investigation. (FBI 450-55; BAKER GLENN 002221-26). Among other things, the memo indicates that Watts is the target of the investigation along with Mohammed who was also accused of participating in the extortion scheme. The memo states that Mohammed, Lewis, Alvin Jones, and Brian Bolton "have been accused of participating in the extortion scheme." The memo states that Watts was considered a "high level target due to his position as a ranking officer in the Chicago Police Department and the suspected influence he has had on developing an atmosphere of corruption within the ranks he is charged with supervising." *Id*. The memo discusses a source in 2004 who Agent Kern determined provided inconsistent statements "regarding the manner of the extortion which prevented using" the source in future attempts. Relative to the cooperation of Big Shorty, the memo indicates that Agent Kern "discovered that a task force officer assigned to ATF revealed the cooperation of Moore to an individual later believed to be associated with Watts." The memo references an interview with an individual in 2006 who claimed that Watts manufactured a case against him when he would not pay Watts an extortion payment. The memo also states that the FBI agent

	interviewed another individual with the assistance of an IAD officer. The memo also indicates two FBI case agent transfers while the case was pending, and that the FBI agent coordinated an attempt to work with DEA in a parallel drug investigation targeting the same drug dealers allegedly paying extortion payments to Watts. The memo goes on to reference the recording of certain payments, and that "An examination of the recordings revealed [redacted in FBI memo] Watts as an active and knowing participant in the extortion of the drug payments." *Id*. at 2223. The memo states: "In February 2008, DEA informed the FBI that they were no longer interested in Broughton, but were targeting Allen Jackson, a separate drug dealer in the Wells complex. Jackson was also implicated in the payment of bribes to Watts." In addition, the memo references contacts with the CCSAO. *Id*. Other topics of the memo included the participation of "CPD Undercover Police Officers" in the investigation, and states that "the CPD IAD agreed to use their influence to effect the transfer" of CPD personnel. *Id*. at 1225. The memo concludes with a section discussing Investigative Strategy, including tasking CPD officers to assist. *Id*. at 2226. (See FBI 450-55). Another FBI memo indicates that the discs for the designated period of Title III wiretaps was sealed in the presence of Judge Holderman. (BAKER GLENN 002185).
3/24/08	FBI Agent Patrick Smith interview of an unidentified female. It was reported that Art Kirksey remains in Cook County Jail on a hold by the CCSAO, but that Kirksey believes he could still approach Watts if he were released. Per the report, Tweek has stayed away from IBW since Art was arrested. A street level dealer working with Art by the name of Eldridge was identified as a person who was no longer working at IBW. A street level dealer named Jelly Roll was also mentioned. Jelly Roll is believed to be Eric Brown, per reports. (FBI000216, 268).
04/02/08	FBI memo to request another search of the FBI's ELSUR database. (BAKER GLENN 002192). FBI memo memorializing the request to continue the Title III, which was authorized by the AUSA. (BAKER GLENN 002880-81).
4/03/08	FBI Agents Julie Anderson and Patrick Smith interviewed Ben Baker at the Western Illinois Correctional Center. (FBI000206-209). Baker claimed he was falsely arrested by Watts and his team members on the three occasions he raises in his current civil complaint. Baker stated that Watts puts many "trespass" cases on people who are paying him. Baker provided the name Charles Lawrence as a source for Watts. He also identified "Gatt" who he knew to pay Watts, and he named Ant (aka Jelly Roll) as a drug dealer whose sister was "hooked up with Gatt." Baker said Lamonica "Coco" Lewis was not around when Watts extorted him. Baker named the following officers as involved in criminal activity: Watts, Jones, Nichols, Young, Gonzalez, Bolton, and a Latino or Filipino officer. Baker said another police officer known as "Bob Marley"

	was Watts's competition, and that Bob Marley had recently arrested Stacy. *Id*. Per FBI000191, Bob Marley is Officer Robert Stegmiller.
4/04/08	FBI Agent Smith interviewed an unidentified female, who referenced the Stateway Boys gang of drug dealers active at IBW and the Harold Ickes development. The female also said K-Dog of the Stateway Boys had an illegal relationship with Watts. She also reported that Stacy, Art's girlfriend, was recently arrested. (FBI000212).
4/07/08	FBI Agent Smith interviewed an unidentified female, who again discussed the arrest of Stacy Graham, Art Kirksey's girlfriend. (FBI000213-14). The female said Stacy Graham was a drug dealer and was arrested with 200 grams of drugs, that Graham paid off Watts in the past, that Graham was present for Mohammed's December 11, 2008 payment to Mohammed, that Watts and/or Mohammed had talked to Graham since her arrest and indicated they would not show up for her arraignment. The female also reported that Jamar "Tweek" Lewis was arrested by Officer "Bob Marley" on April 4, 2008 for shooting a person at IBW. *Id*.
4/08/08	FBI memo stating that the Court authorized the Title III wiretaps. (BAKER GLENN 002192).
4/09/08	FBI memo to provide the results of Pre-Title III ELSUR checks. (BAKER GLENN 002196). Judge Sporkin of the District Court of Columbia is reported to have authorized Title III wiretaps. (BAKER GLENN 002198).
4/14/08	FBI memo regarding interview with a source with three FBI agents and an IAD Sergeant. (BAKER GLENN 00002812). FBI Agent Patrick Smith interviewed an unidentified female, who discussed speaking with Jamar "Tweek" Lewis, who told her Watts also protected a drug line at the Harold Ickes development. (FBI000215). An unidentified subject known as "B-Low" (possibly Brian Ford) was selling the "line" of drugs. Also on this date, IAD Sgt. Joe Barnes contacted OPS and determined that on April 12, 2008 a complaint register was opened against Watts for illegally searching apartment 301 at 575 E. Browning and physically abusing a minor. (FBI000210). The alleged victims of the CR were Lee Rainey and Deangelo Campbell. (CITY-BG-017609-752). FBI Agent Patrick Smith and IAD Sgt. Barnes interview of a CI. The CI identifies drug dealers he thinks are paying off Watts, but the names of those drug dealers are redacted. (FBI000201-205
4/16/08	FBI memo regarding an interview with an individual who provided information. (BAKER GLENN 002817-18).

4/21/08	FBI Agents Chris Straub and James Roache interview of a CI, who stated that Watts and his crew locked up a "worker" (meaning drug dealer) of Zach behind a Catholic school at 41st Street, but then let the drug dealer go because Zach paid Watts $1,500. (FBI000211).
3/08-4/08	60 Day Title III conducted. "Information obtained not sufficient to bring charges against Watts/Mohammed or any other individuals."
4/28/08	Proffer of Stacy Graham to AUSA Tom Shakeshaft, FBI Agents Julie Anderson and Patrick Smith, in the presence of attorney Matt Mahoney. (See reference to Stacy Graham's recent arrest above). Graham stated she was present for two payments Mohammed made to her boyfriend Art Kirksey. She said Watts and Coco were in a police vehicle next to the vehicle where the money was exchanged, and she believes Watts and Coco knew of the illegal activity. Graham stated Alvin Jones has never been present for a payment, but that Jones knows what is going on because she heard him say "don't put his name on that shit," on prior occasions. Graham said Watts harassed Brian Ford (aka B-Low) to make payments. She also said Officer Robert Stegmiller (aka Officer Bob Marley) was engaged in illegal activity separate from Watts. (FBI000189-95).
4/29/08	FBI memo of interview with an individual who provided information relative to Watts's alleged misconduct. (BAKER GLENN 002813-16). The source identified Anthony Mays as a drug dealer at IBW affiliated with the Stateway gang. (FBI000197-99).
5/2/08	Agent Smith report to inform squad of the loss/destruction of unidentified equipment. (FBI 460-63).
5/07/08	Memo referencing a spreadsheet relating to the disk that is to be sealed. (BAKER GLENN 002675).
5/08/08	FBI Agent Smith memo providing a synopsis of overall investigation. Among other things, the memo states that several drug dealers hold money for the subjects of the investigation and that "Agents have determined that the criminal activity the subjects are involved in occurs while the subjects are on a 'day' shift. The subjects have recently been transferred to a scheduled 'night' shift and are expected to be on this shift for the next 15 to 20 days." (FBI464-66; BAKER GLENN 002885-86).
5/16/08	FBI Agents Patrick Smith and Karen Kelly interviewed a CI, who described a conversation with Mohammed in the presence of Watts, concerning Art Kirksey. Mohammed reportedly said the IBW was closing in a few weeks. The CI said the majority of the drug dealers at IBW were going to the Harold Ickes development or to 178th Street to sell drugs. (FBI000180-81).
5/20/08	Agent Anderson reports summarizing CHS calls, and an authorization form to listen to calls of Mohammed, Watts, and Officer Bob Stegmiller. (FBI 473-77).

5/22/08	Mohammed was paid $500 by a CI working for the FBI. (CITY-BG-023858). See FBI Agents Julie Anderson and Patrick Smith report of interview regarding same. (FBI000129-30).
5/20/08	FBI Agent Julie Anderson and Patrick Smith interviewed, upon information and belief, Clarissa Glenn regarding her conversation with Lynette Ewing. Ewing reportedly said that Watts put a case on her son and tried to extort money from him. The female reportedly said that Watts put a case on her husband, and that if Watts went to jail, her husband's case would go away. Ewing said she was working with "Todd," not "Pat." (FBI000182-83).
6/02/08	FBI memo requesting additional ELSUR search. (BAKER GLENN 002690-92).
6/03/08	FBI Agents Patrick Smith and Karen Kelly interviewed, upon information and belief, Stacy Graham, who stated that Jamar "Tweak" Lewis is angry with Art Kirksey because Tweak believed Kirksey identified Tweak as a drug dealer to the CPD. Graham was provided a recording device and spoke to Mohammed. (FBI000131). Report of FBI Agent Patrick Smith indicating a source met with "Johnny Earl." (FBI000196).
6/05/08	Mohammed was paid $500 by a CI working for the FBI. (CITY-BG-023858). See FBI000184 regarding this payment which was paid, upon information and belief, by Stacy Graham. *Id*. FBI Agent Patrick Smith report indicating one of his CIs called to discuss she was attacked by a woman and her mother (whose names are redacted). Smith declined to pick-up the CI from IBW because it would potentially compromise her role as a CI. (FBI000185).
6/09/08	FBI memo pertaining to the Watts investigation. According to the memo, Watts supervised 9 to 10 officers at any given time at the Ida B. Wells complex, including Officer Mohammed, a tactical officer "regularly paired with Watts during patrols." This memo provides the following: "Mohammed identified Watts as the individual directing the requests for payment;" agents previously attempted to target Watts' extortion activities, but "agents were unable to provide a direct link to Watts;" "agents believe Watts is wary of internal and external investigations into his activity and will not deal directly with an individual he does not have a history of discussing illegal activities with." (BAKER GLENN 002890-92).
6/12/08	FBI memo to provide the results of pre-Title III ELSUR checks. (BAKER GLENN 002693-97).
6/26/08	FBI memo to provide the results of pre-Title III ELSUR checks. (BAKER GLENN 002702-04).

7/09/08	FBI memo regarding the beginning of another Title III wiretap relative to the Watts investigation. (BAKER GLENN 002701).
7/16/08	FBI Agents Patrick Smith and Julie Anderson met with a confidential human source ("CHS") who was equipped with a body recorder and directed to contact Charlie LNU. The body of this report is redacted FBI000176-77).
7/17/08	On this date, Watts and members of his team, as well as other police officers, executed a search warrant at 10125 S. Van Vlissingen Road where in excess of $31,000 had been located pursuant to an undercover operation. (FBI000139). Items inventoried included 2 gift cards, a scale, 65 phone cards, baggies, rubber bands, a black bag, and $25,000, but several thousand dollars was not inventoried. The video of the search was interrupted by a search into the area containing the covert recording devices. The audio remained active for several minutes further until the recording was deactivated by the officers. *Id*. Later, the agents confirmed with Chase Bank, where CPD makes certain deposits, that the inventoried money was the money from the stash house. (FBI000166-67; see also FBI 491, 545).
7/22/08	Sealing of Title III audio and visual recordings. (BAKER GLENN 002713).
7/25/08	FBI Agents Julie Anderson and Patrick Smith interviewed a CI who came with his attorney. The CI made multiple statements regarding drug dealers paying Watts, and mentioned the names Moye (a heroin dealer at IBW who sold the "Obama line"), Kamane "Insane" Fears (a heroin dealer at IBW who worked with Moye), K-Dog (a heroin dealer at IBW who worked with Moye, and Lemo (heroin dealer at IBW). B-Low (Brian Ford who was involved in managing the 575 building) was also mentioned. Among other things, the CI stated that Watts "attacked" a clean-up man on July 18, 2008. When the police approach a building, it is the job of the clean-up man to yell "clean-up," which notifies the drug dealers to conceal their drugs in a soda bottle or in an incinerator chute. The CI mentioned Donny LNU as a clean-up man as well. The CI claimed Watts on one occasion had taken drugs from clean-up man Donny and planted them on Moye. The CI also stated that Moye had Anthony Mays and John LNU watching the building where he sold drugs. The CI also stated that Watts received an extortion payment from Kamane Fears in exchange for pressuring a witness from filing assault charges against Fears. Specifically, Fears had assaulted Wayne LNU by hitting him in the face after Wayne drove his car into Fears' car. Per the CI, Wayne needed surgery to insert a plate into his head due to Fears' assault. Watts arranged a meeting with Fears, Wayne, and Moye, at which time Fears paid Wayne about $3,000 to resolve the dispute as well as about $1,200-$1,500 to Watts. Another person mentioned by the CI as paying Mohammed and/or Watts was "Shock." Also, the CI said Watts used various drug dealers as sources to find out who the other drug dealers at IBW were. One such person was Charlie Miller. (FBI000168-171).

7/08	IAD memo from Sgt. Thomas Chester to Chief Tina Skahill of IAD relative to CL#309820/300778 referring to FBI Agent Patrick Smith, AUSA Tom Shakeshaft, and IAD Sgt. Joe Barnes in connection with an investigation of department members Watts and Mohammed. The allegation in the memo is that the accused are alleged to be running a drug operation in the IBW, and that Watts and members of his team are shaking down drug dealers in the IBW demanding a street tax and they are also selling dope that they steal from the dealers. An update provided in the memo was that the FBI set up an apartment with money and fake drugs, and that Watts did a John Doe warrant on a house. "Drugs and five thousand dollars not inventoried." (CITY-BG-024101).
7/25/08	FBI Agents Julie Anderson and Patrick Smith interviewed a CI, who they equipped with electronic equipment. The CI spoke with Mohammed about Watts, as well as Charlie Miller, identified in the report as Watts's "right hand man." (FBI000178-79).
8/06/08	FBI Agents Julie Anderson and Patrick Smith interviewed a CI at Cook County Jail in the presence of his attorney, who claimed he had paid Watts and Mohammed extortion payments to sell drugs. The CI identified Watts, Mohammed, Nichols, Jones, Elsworth Smith (who he claimed planted drugs on him), Bolton, Lamonica Lewis, Leano, and Gonzalez. The CI said Big Shorty and Shock paid Watts. The CI said he had offered Watts $400-$500, but Watts arrested him anyway. The CI claimed that the drugs Watts planted on him were not from his "Obama line" of drugs, which is contained in purple packaging; Watts was planting drugs from the "USDA line," which are packaged in black. The CI provided other information contained in the report. The CI said Watts put a "rape case" on Mister Lucky Pearson. (FBI000150-165).
8/12/08	FBI memo to provide the late submission of valuable evidence. (BAKER GLENN 002895).
8/21/08	FBI memo to provide an EC documenting the late submission of evidence (disks) on this date. (BAKER GLENN 002708).
9/09/08	FBI memo to document the receipt of a transcript of testimony from Michael Schmiege. (FBI [bates stamp not legible]; BAKER GLENN 002898).
9/10/08	FBI memo to document the receipt of a transcript and arrest history from a person/entity whose name is redacted. (BAKER GLENN 002899)
10/02/08	FBI memo referencing a review of the file and monitoring by case agents of Title III wire. (BAKER GLENN 002717)
10/06/08	FBI memos referencing a review of the file revealing certain redacted information and a review of the Title III wire. (BAKER GLENN 002718, 2720)

10/16/08	FBI memo referencing the documentation of certain information that is redacted. (BAKER GLENN 002721).
12/04/08	FBI Agent Patrick Smith interviewed a CI, who stated he was aware that Big Shorty, Art Kirksey, Ben Baker, Tweet (aka Tweak) paid Watts or were approached by Watts to pay. (FBI000051-62). Other unidentified individuals were present for the interview. *Id*.
12/05/08	FBI 302 report regarding interview of a source by FBI agents along with Chicago Police Officers supplying information on Watts, which states, among other redacted information, that Watts was a "gangster who grew up in the Wells complex" and that "it was well known that drug dealers paid Watts to continue to work in the Wells complex." (BAKER GLENN 002819-20).
12/29/08	FBI memo to document the late submission of evidence and further referencing intercepts of calls. (BAKER GLENN 002716)
Undated	Per a memo that does not identify when this determination was made, there were "potential administrative issues with the previous evidence." (CITY-BG-023858).
1/09	IAD memo from Sgt. Thomas Chester to Chief Tina Skahill of IAD referencing FBI Agent Patrick Smith, AUSA Tom Shakeshaft, and IAD Sgt. Joe Barnes in connection with CL#309820/300778 and indicating that "the case has been on hold due to Watts being on the Medical for his IOD." (CITY-BG-024103).
1/08/09	FBI memo changing the title of the investigation from Watts to "Operation Brass Tax" to reflect that the investigation has implicated subjects beyond the named individual and to reflect "the expanding nature of the investigation." (FBI 678; BAKER GLENN 002900).
1/23/09	FBI memo regarding review of Title III wire. (BAKER GLENN 002722). An additional memo this date references the notification of "HQ of anticipated Title III." (BAKER GLENN 002722).
1/26/09	FBI memo documenting the submission of FD-699 reports, including a reference that the submitted checklists are "absent several 10 day reports which were completed by AUSAs." (BAKER GLENN 002901).
2/11/09	FBI memo to document aspect of investigating and referencing a Title III wiretap. (BAKER GLENN 002680).
2/23/09	FBI memo requesting an extension on an aspect of the matter on February 10, 2009. (BAKER GLENN 002902).
2/29/09	FBI memo advising FBIHQ of anticipated Title III. (BAKER GLENN 002724-25).

3/24/09	FBI 302 indicating that drug dealers were using the Amber Inn Hotel at 3901 S. Michigan Avenue as a spot to meet and exchange drugs. David Holmes was a drug dealer using the Amber Inn. (FBI000063) FBI Agents Patrick Smith and Julie Anderson, with Officers Shannon Spalding and Daniel Echeverria, interviewed Daniel Hopkins (aka Chewy). Hopkins said he is homeless, and spent time living in the corridors of the IBW. Hopkins described the role of the clean-up people at IBW. In April 2008 he recalled being approached by Mohammed with a baseball bat, who was with Tanisha (aka Little-T), a drug dealer who provided Watts and Mohammed with information on who was selling drugs. Mohammed asked for the key to the incinerator, which Hopkins did not provide as he said it was not on his person. Tanisha told Mohammed that Hopkins clothes were on the 7th floor, so they went to the 7th floor and recovered the key to the incinerator in Hopkins' clothing. Hopkins knew Mohammed wanted the key because criminals hid guns and drugs in the incinerator area when the clean-up people warned them the police were present. Drugs were found, but not guns. In May 2008, Hopkins said he was "cleaning" the hallways with his girlfriend, Donetta Watts (who is not a relation to Ronald Watts). Hopkins claimed that he was approached by four police officers (three white and one black), at which point he denied seeing several males run away. Hopkins was arrested and brought to the police station, at which point the black officer asked Watts "How much?" Hopkins claimed that other offices were in the vicinity during this conversation. Hopkins also stated he was arrested with Felicia LNU, a homeless female. Hopkins said he saw Watts accept extortion payments from drug dealers at IBW. He said Watts would take drugs from the "workers" (who sold the drugs to customers) and take them to the "head man" or "drug line manager." Watts would then extort the head line manager to pay a bribe (i.e., "bond out now") or go to jail. Hopkins also said Watts sold drugs through a drug dealer known as "Ra-Ra." Hopkins said Kamane Fears (aka "Shorty") paid Watts until the Winter 2008. When he refused at that time to pay because, according to Hopkins, Watts was "greedy," Fears was murdered, and Hopkins suspected Watts. Hopkins claimed he spoke to a witness to the shooting ("Linda") who identified Watts as the shooter. Hopkins claimed Fears' brother hit Watts with an automobile. Hopkins identified "T-Dog" as the head runner for the Obama drug line. Hopkins said Watts extorted T-Dog. (FBI000044-49).
4/16/09	FBI 302 regarding an interview of an individual stating, among other redacted things, that "Watts has been seen in the Second District extorting payments from drug dealers and drug users," and that "Watts will take sums as low as $40 to allow a drug dealer or drug user avoid arrest." (BAKER GLENN

	002822). Per the report, Watts lost contact with several of the drug dealers who paid him when IBW closed. (FBI0000042).
4/22/09	Agent Smith report stating, though mainly redacted, "Richard Hale is a drug dealer who was recently arrested on drug possession." (FBI 682).
4/24/09	FBI Agent Patrick Smith interview of a CI mentioning, among other things, K-Dog.
6/01/09 and 6/03/09	IAD received and provided documentation/information to the FBI regarding allegations of police corruption regarding the investigation. (BAKER GLENN 002911, 2129).
6/04/09	FBI memo reflecting that IAD provided a criminal history report of a complainant to the FBI. It appears the complainant provided information to IAD regarding allegations of corruption on June 1, 2009, and IAD provided the criminal history of the complainant to the FBI on June 3, 2009. (See BAKER GLENN 002911).
8/07/09	FBI Special Agent Patrick Smith interviewed Bernard Brown; Chicago police officers Spalding and Echeverria were present for the interview, which occurred at 2111 W. Roosevelt Road. According to Brown, Watts was a former street gang member and part of the Goon Squad before becoming a police officer. Based on information provided to Brown by other dealers, Watts extorted and robbed drug dealers. In 2000, Watts was running a drug line in the Ida B. Wells buildings using Big Shorty (Wilbert Moore). According to Brown, the Hobos street gang stole money from Watts's drug line in or around 2000, and Big Shorty told Watts about the robbery. As a result, Watts targeted the Hobos for arrests. Because the Hobos believed Big Shorty had told Watts of the Hobos' involvement in the robbery, the Hobos murdered Big Shorty. Watts continued to target drug dealers, directing them to pay him off or go to jail. Watts purportedly worked for a white sergeant with a "box" haircut. Watts also used dealers and drug users to support his requests for search warrants. Brown provided the names "Jim Dog," "Piggy," "Little Johnny," "Don Don," Jamal Smith (aka "MB"), and Jarvis Perkins as drug dealers who, directly or indirectly, provided Brown with information about Watts. Per Brown, "Watts continued to extort and/or steal money from drug dealers after Big Shorty's death. Watts used his sources to find out who was making money off of drug sales. Watts then targeted the drug dealers his sources identified for arrests. Watts offered the drug dealers the option to pay Watts a portion of their drug profits or to go to jail. Brown knew that "Ghost Face," "Gambino," and "Zeke" paid Watts to remain out of jail. Brown was shown a series of photographs of police officers; Brown was reported of either not knowing several of the officers and/or was not reported as accusing the following officers of misconduct that he may have recognized: 1-

	4, and 6-9. Brown identified the officer in photo 5 who arrested an associate of Brown's, and also knew the officer from his involvement in accepting guns from targets to allow them to leave without being arrested. Brown explained that Watts and his team would arrest certain targets and offer to let them leave if they could provide a gun. The target would direct a friend or worker to put the gun in a trash can or other location. The officer in photo 5 would go to this location and pick up the gun. The target would be allowed to leave or would receive a lesser charge after the gun was retrieved. Brown said he was involved in providing a gun for the arrest of Kadmil Barney. Barney was arrested with 60 bags of drugs while in the IBW; Barney called Brown and told Brown that Officer Rodriguez, on Watts's team, arrested Barney and wanted Barney to provide an AK47 to reduce Barney's charges to a misdemeanor. Brown did not have an AK47 but did provide an SAS. Barney was allowed to leave the station on a misdemeanor after the SAS was recovered. (BAKER GLENN 001092-1106)(the document is also bates-stamped SPALDING 000008-22).
8/14/09	Date of FBI 302 report of interview of Bernard Brown. *Id.*
9/15/09 9/16/09	FBI 302 summarizing surveillance on September 1, 2009 by TFOs of drug transactions, which they brought to the attention of Watts at the Second District, who called over Jones and Smith and instructed them to follow up on the information. The TFOs later observed Mohammed and Watts detain a subject in the area of 55th and Wabash, then place a subject in the vehicle and drive south out of their view. The TFOs called Officer Jones to inform him the subject was standing at 55th and State, and Jones and Smith went to the location, made contact with the individual, and arrested him. At the station the TFOs asked Jones and Smith what they recovered from the person, and Jones replied "only weed." The report states that "TFO's noticed that the demeanor of Jones changed, he appeared to be reluctant to interact with TFO's at this point." (FBI 727-28). TFO and Sgt. Tom Chester assigned CR#309282. (CITY-BG-12927).
11/16/09	FBI 302 reporting on an interview of more than one person on November 13, 2009, though the report is redacted. (FBI 734).
1/21/10	Sgt. Thomas Chester of IAD/CIS memo to Chief Juan Rivera regarding CR #300778. According to the memo, Chester was reassigned the investigation due to the nature of the case and the involvement of FBI. The investigation was being worked in conjunction with the FBI and IAD. The investigation was still ongoing and the FBI was still involved in investigating the allegation along with other allegations. There was a total of 3 open complaint register numbers, all alleging misconduct and illegal acts. Accordingly, Chester requested that the three numbers be combined and maintained into one number, Complaint Register #1015941, as the allegations were similar in nature and involved similar complainants. Chester requested that the files of CR #300778 and CR

	#309282 be kept with the file and addressed as separate allegations in CR #1015941. (CITY-BG-011616).
2/12/10	FBI memo requesting the assignment of a co-case agent. (BAKER GLENN 002800).
2/22/10	Agent Bryan Butler report requesting a covert vehicle for use in a planned covert operation to catch Watts stealing drug money to proceed between March 1-4, 2010.
3/18/10	FBI 302 report that on March 17, 2010 a memorandum was provided by others involved in the investigation documenting their observations of drug activities in the Second District. The memo also states that the two officers "have significant experience conducting surveillance on illegal narcotics activity and are familiar with many of the drug dealers in the Second District." (BAKER GLENN 002917-19). The memo indicates that TFO's observed the level of narcotics activity was minimal while the Targets were off duty, but the narcotics activity was much higher when the Targets were on duty. *Id.*; see also FBI 743-44. Photos of Watts and Mohammed are attached to the report.
3/24/10	FBI 302 of Agent Smith reflecting an interaction between a source and Watts while the source was equipped with a recording device. (FBI 755). The report states among other things that Watts had used homeless individuals and drug addicts to provide him information on drug dealers in IBW. Watts also used drug dealers to sell drugs he had in his possession. *Id*.
3/26/10	Agent Smith FBI 302 summarizing surveillance on March 25, 2010. (FBI 757).
3/31/10	"Money rip" scenario conducted with Watts and Mohammed. A CI, carrying $11,050 of "drug proceeds," was stopped by Watts at which time Watts took the $11,050 from the CI. "This scenario was audio taped however surveillance never observed Watts take the money from the CI. USAO unwilling to prosecute this case without further evidence." (CITY-BG-023858). See also FBI 000037-39 for a chronological summary of the event, including mentioning Dannie Hopkins and David Holmes as CIs involved in the operation. The agents involved in surveillance included: Julie Anderson, Patrick Smith, Jeremy Ashcroft, Joan Hyde, Timothy Keese, Dana Depooter, Bryan Butler, Keith Hennins, Jeffrey Moore, and Eugene Jackson. See also FBI 745-49 entitled Operations Plan Form which states, among other things, that "Subject is a Sergeant for a team of eight tactical officers." Subject has worked closely with PO Kallatt Mohammed and PO Alvin Jones in the commission of corrupt activity."
5/04/10	Memo referencing the acquiring of certain drugs. (BAKER GLENN 002439).
5/05/10	FBI 302 dated May 7, 2010 reflecting a phone call on May 5, 2010 wherein information was learned that a BM2 who was armed ordered a BM1 into his car while on the street, and a second individual may have seen BM2 drive BM1

	from the scene. (BAKER GLENN 002920).Hardy Cheatham, an employee of Best Neon at 6025 S. New England provided the information. (FBI 766).
6/15/10	Memo from Sgt. Paul Farrell, administrative sergeant of CIS, to Chief Juan Rivera, regarding the administrative processing of CR #300778. The memo references Sgt. Chester's request for the administrative closure of CR #300778, and that it would be incorporated within CL #1015941. The memo states in part that the memo of Sgt. Chester "contained detailed information regarding an on-going confidential and criminal investigation. This report, if forwarded to process this administrative closing request, could compromise the on-going investigation as it would be included within the files of CR#309282. In an effort to effectively process this request, the undersigned has redacted sensitive portions of a copy of Sergeant Chester's report." The report was signed and approved by Lt. Samuel Ramirez, Cmdr. Robert Klimas, and Chief Juan Rivera. The memo requests that the report and its attachment be reviewed and forwarded to the Records Section and incorporated within CL #1015941. (CITY-BG-011614-15). An identical memo exists regarding the administrative closure of CR #309282. (CITY-BG-012912-13).
6/22/10	FBI memo to provide an EC documenting the late submission of certain disks. (BAKER GLENN 002922).
6/28/10	Computer printouts reflect that CR #300778 and CR #309282 were closed, effective this date. (CITY-BG-011620; CITY-BG-012925).
7/22/10	Agent Smith memo to document the loss of equipment used in undercover recordings. (FBI 763-64).
9/08/10	FBI memo to document the removal of a Co-Case Agent from the investigation. (BAKER GLENN 002933).
9/21/10	Agent Smith FBI 302 reporting surveillance of 8019 S. Sangamon. (FBI 799).
9/27/10	Form authorizing consensual overhears with Watts, Mohammed and Jones. (FBI 805).
10/4/10	FBI 302 of Agent Smith and Anderson reporting interview of source documenting that young boys who traffic drugs will pay Watts to allow them to sell. (FBI 801). Either Watts or another person will collect the money. *Id*.
10/7/10	Agent Smith report to document the identification of drug dealers and informants involved with the Second District Tactical Team. (FBI 807-09). The 14 drug dealers/informants names are redacted.
11/19/10	FBI Agent Smith memo regarding requested transfer of Watts investigation. The memo states that Watts was the "main target" of the investigation, and also references Mohammed was implicated in the collection of extortion money for Watts. The memo indicates that based on information developed by special agents, it was determined that Watts's activities included the systematic extortion of drug dealers, theft, the possession and distribution of drugs for money, planting drugs on subjects, and paying informants with drugs. Page 3 of the report indicates that the agent writing the report advised the AUSA of his

	transfer as the case agent, and requested that the case be transferred to WC-2. The report also details the prior case agents' transfer on the matter. (FBI 881-83; BAKER GLENN 002924-26).
12/10/10	Meeting with the USAO and IAD. (BAKER GLENN 002927). The purpose of the meeting was to introduce the new case agent and formulate a strategy for the investigation. (BAKER GLENN 002927).
12/15/10	FBI Agent Michael Ponicki report to document meeting with AUSAs Shakeshaft, Ben Langer and Sgt. Allen Boehmer, and to introduce the writer as the new case agent. Per the report, AUSA Shakeshaft believes there is sufficient evidence to charge Mohammed for accepting bribes and he will review the evidence as to Watts, at which point a decision will be made whether to charge Watts. (FBI 884).
1/21/11	Agent Ponicki report summarizing his efforts to move forward with a CHS, including his contacts with Agent Smith and Williamson regarding same. (FBI 885).
2/11/11	FBI Agent Patrick Smith interview of Officer Shannon Spalding regarding her contact with drug dealer Monk Fears (see references to Kamane Fears above). Monk Fears claimed that Watts continued to take money from drug dealers, including Fears, in the CPD's Second District. Per the report, "Watts would either take the money directly or send Officer Kallett Mohammed to collect the money." The report also states that "Spalding met with Mohammed on a separate occasion. Mohammed claimed that Watts was pursuing a position as a Lieutenant with the CPD." (FBI000036)..
2/18/11	FBI Agent Ponicki memo regarding Watts and referencing the assigned FBI agent and IAD TFO Sgt. The memo indicates the main target was Watts, and another target in the investigation was Mohammed, who had been implicated in the collection of extortion money for Watts. (FBI 887-88).The memo states: the USAO "supports a charge of extortion, but has advised against arresting Mohamed in favor of implicating Watts or another officer on Watts' team to support a RICO charge."
3/08/11	FBI memo dated March 14, 2011 to document a meeting with the USAO, the FBI, and IAD, including AUSAs Shakeshaft, Langer, and Sgt. Boehmer (FBI 890-91). The memo states: "The USAO is of the opinion due to the lack of evidence, and the fact that it has occurred only on one occasion, that it will not be charged at this time. Therefore, it is proposed, that the [redacted] be utilized in a similar scenario, to gather additional evidence and also show a pattern of behavior relating to Watts and Mohammed." The memo also states that "It was also discussed that a complaint be filed on Mohammed…. It was decided that the complaint be filed and the arrest warrant sealed for Mohammed, prior to the aforementioned operational scenario involving Watts. The writer is in the process of gathering all the supporting documentation for the bribe payments

	made to Mohammed, and will be providing copies of all the evidence to the USAO." *Id*.
3/14/11	FBI memo requesting that an FBI paralegal specialist be assigned to assist with the investigation to conduct asset forfeiture analysis for Watts. (BAKER GLENN 002932-33).
4/14/11	Agent Ponicki and Sgt. Boehmer met with the DEA to attempt to develop new information on Watts and his team's alleged illegal activities. Agent Ponicki noted that at one point during the investigation a [name redacted] had provided information to the FBI, which "abruptly ended due to a misunderstanding between [name redated] and the previous case agent." (FBI 909-11).
4/25/11	FBI memo to request financial analysist/forensic accountant assistance, which had been discussed on April 22, 2011. The memo states that the main target of the investigation of Watts, and that another target is Mohammed. (BAKER GLENN 002935-38). The criminal histories and vehicle reports had already been gathered per the memo.
5/04/11	FBI Agent Ponicki memo to document meeting with two Chicago Police officers and the IAD Task Force Officer. (BAKER GLENN 002939). In addition, there is an FBI memo to establish the scope of analysis to be performed by the Financial Analyst. The memo indicates Watts and Mohammed are the targets, and that "over the course of 2008 through 2009, Agents conducted several recorded bribe payments to Mohammed. The United States Attorney's Office (USAO) supports a charge of extortion…." The memo also indicates, to the extent it is not redacted, that "at this time there were no financial records provided to" the Financial Analyst. (BAKER GLENN 002740-41).
5/05/11	IAD memo from Sgt. Thomas Chester to the Commanding Officer of CIS/IAD regarding CR#1015941. The memo references Officers Spalding and Echeverria assisting the FBI with the Watts case and that this is an ongoing investigation. The memo states that the two officers were assisting the FBI with a source of theirs. "The plan is that the FBI is going to try and use the source to make a second payment into Watts. The source did make one payment into Watts. The officers did assist the FBI with surveillance and information gathering as they had many sources in the area where Watts was/is conducting alleged misconduct." (CITY-BG-023852). The memo further states that "The back up to this plan is that a complaint is being drafted as I write for the second officer involved in this case, Kallat Mohammed, who has all ready taken payments. The back up plan is if the source cannot get into Watts they will pinch Mohmmed and try and flip him into Watts." *Id*. "The SA involved in this incident believes that by the end of June we will have made the payment or arrested Mohammed. If Mohammed flips this may last longer.

	Also according to the SA the source has now been signed up as a Federal Source." *Id.*
5/09/11	FBI memo detailing the issuance of certain grand jury subpoenas. (BAKER GLENN 002940-41).
5/16/11	FBI memo dated May 26, 2011 documents a meeting on this date with the USAO and the Financial Analyst and an investigator. The memo indicates that in 2004 an AUSA was initially assigned to an investigation that targeted Watts, that the referenced AUSA left the USAO in 2008 and supplied all documents relating to the investigation to a different AUSA. The second AUSA, after reviewing the documents, determined that a financial investigation was started, but was not completed. The memo then indicates that two AUSAs are going to take some action in an attempt to better understand their financial status. In addition, the memo indicates that the investigator will review the financial documents and determine what appropriate steps need to be taken to complete the financial investigation, and to then coordinate with the agent and the Financial Analyst. (BAKER GLENN 002942-43; see also FBI 903-06).
7/01/11	FBI memo dated July 11, 2011 to document a telephone conversation this date with an AUSA and to update the case file. The redacted memo references the May 16, 2011 meeting and appears to indicate that certain financial analysis remains to be done. (BAKER GLENN 002944-45).
7/11/11	Agent Ponicki report to document a phone call with AUSA Shakeshaft wherein Ponicki was told, among other things, that the financial review of members of Watts' team "has not been able to find any substantial wealth that has been accumulated." (FBI 907-08). The individuals whose financial history was investigated included Officers Samuel Kendrick, Jr., Joseph Avila, Douglas Nichols, Jr., Gina Hurt, James Martin, Cany Murray, Jr., Donald Jones, Jr., Anthony Brown, Elsworth Smith, Jr., Lamonica Lewis, Alvin Jones, and Brian Bolton. (FBI 904-06).
7/13/11	FBI Agent Ponicki memo stating that "Due to the transfer of the writer to FBIHQ, it is requested the case be reassigned to another agent on squad WC-2." The memo also indicates that the agent had been working on the case since December 2010, and also mentions that an FBI Paralegal Specialist was working on the case in addition to the FBI Financial Analyst. (FBI 909-11; BAKER GLENN 002946-47).The memo states, 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." As for a prior operation, the 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." Agent Ponicki stated that he initially wanted to attempt another scenario, but due to the difficulty surveilling the CHS, and controlling the scenario, he and AUSA Shakeshaft decided "to file extortion charges on

	Mohammed and attempt to obtain his cooperation, against Watts." The memo further reflects that on April 14, 2011 he and Sgt. Boehmer met with the DEA to attempt to develop new information on Watts and his team's alleged illegal activities. Agent Ponicki noted that at one point during the investigation a [name redacted] had provided information to the FBI, which "abruptly ended due to a misunderstanding between [name redated] and the previous case agent." *Id*. The new case agent assigned was Agent Craig Henderson.
9/6/11	FBI 302 report of TFO Sgt. Allen Boehmer and FBI Agents Raymond Hart and Craig Henderson regarding an interview of Officer Shannon Spalding. (FBI000031-32).
9/16/11	FBI Agent Henderson memo addressing the reassignment of the case to a new agent, and referencing the assignment of Agent Hart and CPD TFO Sergeant Boehmer to be assigned to the co-case agents. (FBI 912-14; BAKER GLENN 002948). The report states in part that Henderson and Boehmer "refined a scenario that they would like to implement" against Watts and his tactical team, mirroring a previous money rip approximately 1/1/2 years ago, but also installing a tracking device in the duffel bag containing the money. *Id*. AUSA Shakeshaft concurred.
9/20/11	FBI 302 report referencing the issuance of a grand jury subpoena, including a redacted copy of the subpoena. (BAKER GLENN 002768-72).
11/09/11	FBI memo to request the assistance of a vehicle in the investigation. (BAKER GLENN 002950).
11/15/11	FBI report reflecting information provided by a CHS, whose name and information were redacted. (FBI 918
11/17/11	FBI 302 report reflecting that pen register data was emailed. (BAKER GLENN 002796).
11/18/11	A cooperating witness identified in the Affidavit of Special Agent Craig Henderson as CS5 placed a recorded telephone call to Watts. CS5 told Watts, "I got one going on." Watts responded: "When?" CS5 said that it was going to happen no later than "Monday" [November 21, 2011]. Watts said, "Make sure you call me." (BAKER GLENN 002245-54).
11/21/11	In an undercover operation, Watts and Mohammed are caught by the FBI stealing money they believed to be drug proceeds, as further described in the Affidavit of Special Agent Craig Henderson. (BAKER GLENN 002245-54; see also FBI000014-16). The report of TFO Sgt. Allen Boehmer and FBI Agents Raymond Hart and Craig Henderson states that the purpose of the "investigative operation was to determine if CPD police officers RONALD WATTS, KALLATT MOHAMMED, ALVIN JONES and others yet unknown, would steal $5,200 from" a confidential source. (*Id*.) In an unredacted portion

	of the report, it states that "Present at this meeting were Special Agents Craig Henderson, Raymond B. Hart and Sean MacManus, CPD-IAD Sgts. Allen J. Boehmer and Luce Nieves, CPD-IAD officers Daniel Willis and Mike Carroll, CPD police officers Shannon Spalding and Daniel Echeverria," and a name that is redacted. (*Id.*) A report of FBI Agent Ginger Miller states that Special Agents Don Anderson, Phillip Andrew, Lorenzo Benedict, Ginger Miller, Brendan O'Leary, and Stephen O'Reilly were part of a physical surveillance during the operation. (FBI000021-22).
11/28/11	FBI 302 report referencing the issuance of a grand jury subpoena, with a redacted copy of the grand jury subpoena. (BAKER GLENN 002773-80). FBI memo to request search of the FBI's ELSUR Records System. (BAKER GLENN 002728-30).
11/29/11	FBI email indicating that an agent is in the process of drafting a Title III, and also expects to initiate a consensual Title III. The email also provides some historical information, including that the initial investigation was opened in 2004 and closed in January 2006 because of insufficient corroborating information and a declination from the" USAO, but that the investigation was reopened in November 2006 based upon witness information that Watts had been stealing both drugs and drug proceeds from drug dealers and couriers around IBW, which investigation led to the belief that Watts and Mohammed had stolen drugs and drug proceeds from drug dealers and drug couriers. The email states that in November 2010, the investigation was transferred to Squad WC-2/City Public Corruption Task Force," and indicates the assignment was thereafter transferred from one agent to another. (BAKER GLENN 002141-42). Also on this date, an FBI 302 report indicates that the case agent conducted a check through the CPD computer system to ascertain the work status of Watts and Mohammed, and indicated that a copy of the CPD records obtained would be placed in the case file. (BAKER GLENN 002824). In addition, an FBI 302 report of TFO Sgt. Allen Boehmer states that a search of CPD's CLEAR database did not show that the money from the November 21, 2011 was inventoried. (FBI000020). An additional report of FBI Agents Raymond Hart and Craig Henderson states that "SA [name redacted] was aware that the DEA and FBI had previously shared information related to WATTS and MOHAMMED, but was not aware of any pending case specifically targeting them." (FBI000019).
11/30/11	Letter from Special Agent Robert Grant to U.S. Attorney Patrick Fitzgerald. The redacted letter discusses the continued cooperation by an individual regarding the allegations of corruption in the CPD by Watts and Mohammed

	and concurrence and support for the proposed application for court authorization to take certain action. The letter states: "The investigation involves allegation of systemic corruption within the Chicago Police Department Second District. It is believed that CPD officers, specifically Sergeant Ronald Watts and police officer Kallatt Mohammed, are involved in the theft of illegal drugs and illegal drug sale's proceeds from drug dealers in an around the vicinity of" IBW. (BAKER GLENN 002132-34). Also, on this date, an individual was assigned as co-case agent to the investigation. (BAKER GLENN 002951).
12/01/11	FBI 302 report referencing the issuance of a grand jury subpoena, with a redacted copy of the grand jury subpoena. (BAKER GLENN 002781-83). FBI memo to provide the results of Pre-Title III ELSUR checks of the FBI. . (BAKER GLENN 002731-33).
12/04/11	FBI email regarding the SAC concurring with the Title III, indicating that a revised draft would be sent to the AUSAs the next day (Monday morning), and that the document was expected to be sent to OEO the afternoon of Monday, December 5, 2011. (BAKER GLENN 002737).
12/05/11	FBI 302 report regarding contact with the DEA on November 29-30, 2011 to determine if the DEA had a pending case against Watts and Mohammed. The redacted memo reflects that the DEA agent indicated "that the DEA does not have a case specifically targeting Watts, Mohammed…." The report further states that the FBI would apprise the DEA of developments "on the Watts/Mohammed investigation so as not to interfere in the DEA case." Likewise, the report indicates the reporting FBI agents were told they would be kept apprised of development in the DEA case. (BAKER GLENN 002102).
12/09/11	FBI memo to request SAC authority for an action. This memo refers to the fact that "Watts and Mohammed are accused" of certain misconduct. (BAKER GLENN 002956).
12/22/11	FBI 302 reports referencing the issuance of a grand jury subpoena, with redacted copy of the grand jury subpoena. (BAKER GLENN 002786-92).
1/12/12	Letter from Robert Grant, Special Agent in Charge, to U.S. Attorney Patrick Fitzgerald regarding the investigation, and expressing concurrence and support for the proposed application for court authorization for a redacted subject. (BAKER GLENN 002959-61). For related documents, see also FBI 961-63, 964-66, and others.
1/18/12 and 2/2/12	Additional Operational scenarios. See e.g., FBI 964-66, 984-85, 1000-09, 1010-12, 1158-61, 1035-36,1038-41, 1030-32, 1075-84,1085-89. For instance, see report of FBI Agent Raymond Hart discussing another scenario to take place on

	January 5, 2012. (FBI 984-85). Additional documents reflect further discussion of 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 other yet unknown and it is anticipated that the CHS's money will be stolen by the officers." (FBI 1000-09). See also FBI 1010-12: "On 1/18/2012, Squad WC-2 will conduct another investigative operation … targeting CPD officers Watts, Mohammed, Jones and others yet unknown…." See also surveillance log FBI 1158-61 dated January 18, 2012. In addition, see FBI 1038-41, FBI 1075-84, and FBI 1085-89 discussing a scenario to take place on February 2, 2012: "On 2/2/12, a third investigative operation will be attempted which will be similar to the 1/18/2012 scenario."
1/31/12	FBI memo regarding the submission of 1D evidence past the 10 day deadline due to the case agent being involved in other case related duties. (BAKER GLENN 002738).
2/03/12	FBI 302 report of Agents Raymond Hart and Craig Henderson regarding interview of Kallatt Mohammed. (FBI000005-9).
2/06/12	Watts and Mohammed are criminally charged/indicted. (CITY-BG-000249-51; CITY-BG-000281-91).
2/08/12	Mohammed is relieved of his police powers pursuant to the order of Cmdr. Klimas. (CITY-BG-000213).
2/12/12	Watts and Mohammed are arrested. (CITY-BG-000276-80; CITY-BG-000216-20; FBI000319-22). See FBI 1099-1101 discussing a "cascading arrest plan." See also re FBI 302 report of Agents Raymond Hart and Craig Henderson regarding interview of Kallatt Mohammed in which Mohammed admits to certain criminal activity that he committed with Watts as further described in the report. (FBI000305-13). Among other things, in addition to the November 21, 2011 incident, Mohammed admitted to accepting bribes from drug dealers Art Kirksey and Stacy Graham, as referenced above, and identified an incident at 9623 S. Union. Mohammed "did not believe that Watts was running protection for the Gangster Disciples or any other street gang." Mohammed said he was not previously tipped off to the investigation. Mohammed denied knowledge of any other police offices or persons who were involved in criminal activity with Watts. Mohammed said that if the drug dealers did not pay bribes to Watts or Mohammed in return for protection of their drug dealing business, they would not do anything to them that was beyond their normal police duties. See also FBI 302 detailing surveillance of Mohammed. (FBI000317-18).
2/13/12	Watts is relieved of his police powers. (CITY-BG-000273).

	See also FBI 302 report of today's date documenting the arrests of Watts and Mohammed, with the participation of IAD. (BAKER GLENN 002589-92). Watts was interviewed on this date. Watts invoked his right to remain silent and right to an attorney. (FBI000314-16). Also on this date, the USAO issued a press release regarding the arrests of Watts and Mohammed which stated in part that "the police department's Internal Affairs Division participated in the investigation." (BAKER GLENN 002259-61). The arrests and charges were announced by Patrick Fitzgerald, Robert Grant, and Superintendent Garry McCarthy. *Id*.
2/14/12	FBI 302 report regarding interview of Watts. (BAKER GLENN 002595-97).
2/15/12	Agent Hart report stating in part: "In determining whether a predicate offense existed, the U.S. Attorney's Office preferred to rely on the more recent investigative activity conducted by WC-2, as opposed to relying on previous investigative activity conducted by WC-3, which occurred prior to November 2010." FBI 1180-
2/21/12	FBI 302 report regarding an interview by FBI Agents Raymond Hart and Craig Henderson with Officer Alvin Jones, who advised that he had no knowledge that Watts nor Mohammed ever took money or drugs from drug dealers. (FBI000299-304). Jones also stated that he "knows of no other tactical team members who have stolen money or drugs from drug dealers." *Id*. The report also states that "Jones has no knowledge of any wrong doing or criminal activity by any of his tactical team members." Jones described an incident where Charlene Campbell called him to advise that drug dealer Roy "Shock" Bennett had left an envelope for Watts. Jones said that when Campbell called Jones and told him about the envelope, Jones told Watts he better handle it right away and request a supervisor. The report details the investigation that ensued, including referencing an arrest of Shock on November 3, 2006 for this incident (which occurred on May 23, 2006 at about 6:15p.m. at 575 E. Browning, apt. 102 at IBW), although the CCSAO refused to charge Shock for the incident. *Id*. Jones said he recalled a court case in 2006 where the defense counsel asked Jones if he took drug protection payments, which Jones denied. As to Shock, Jones said Shock routinely gave stolen clothes and liquor to Watts. Once, Watts asked Jones to take some of the clothes to the cleaners, and Jones refused, saying it was "bull shit." Jones was asked about the search warrant on Van Vlissingen Road. Jones said he wrote the search warrant based on information from one of Watts's sources, Charlie Miller. Jones said he found the money in the basement, and because CPD directives require a supervisor be called when money in excess of $10,000 was found, Watts was summoned to the basement. Jones also said he found electronic equipment in the attic, but did not recover it. Jones said he had a

	feeling that the event might be a set up by federal law enforcement, and noted that the layout of the house was different as that described by Charlie Miller. Jones wrote the case report for the incident, and was provided the amount of money recovered by an asset forfeiture officer, who counted the money twice (it took her an hour to get to the station). Jones thought there was about $30,000 recovered and personally delivered the money to ERPS. Jones denied taking any of the money, and was unaware that only $26,000 was found in the inventory. *Id*.
2/22/12	FBI 302 report authored by FBI Agents Raymond Hart and Craig Henderson regarding an interview with Officer Lamonica "Coco" Lewis who advised that she had no knowledge that Watts or Mohammed ever took money or drugs from drug dealers, but had heard rumors that she didn't pay attention to. (FBI000295-98). As for the event where Mohammed took money from Art Kirksey, she denied knowledge that it happened, and stated it was not unusual for Mohammed or Watts to go off to the side with gang members to get information from them. Lewis stated she has no knowledge of criminal activity being conducted by Officers Jones, Gonzalez, Bolton, Leano, Nichols, Dorian Smith, or Elsworth Smith. Lewis said that Kenny Young was on the tactical team before her. Darryl Edwards was also a former tactical team member.
2/24/12 (Report typed on 3/1/12)	FBI 302 report authored by FBI Agents Raymond Hart and Craig Henderson regarding an interview with Officer Brian Bolton, who advised that he had no knowledge that Watts nor Mohammed ever took money or drugs from drug dealers. Bolton denied participating in criminal conduct or being aware of misconduct of any other officer. Bolton said no one told him to lie to the FBI. (FBI000290-91). FBI 302 report authored by FBI Agents Raymond Hart and Craig Henderson regarding an interview with Officer Dorian Smith, who advised that he had no knowledge that Watts or Mohammed ever took money or drugs from drug dealers. Dorian Smith denied participating in criminal conduct or being aware of misconduct of any other officer. (FBI000292-94).
2/28/12	FBI 302 report regarding an interview with a police officer, who advised that he had no knowledge that Watts or Mohammed ever took money or drugs from drug dealers. (BAKER GLENN 002618-20).
2/22/12	DISRUPTIOIN OR DISMANTLEMENT OF AN ORGANIZATION report of Agent Raymond Hart. This report states in part that "Members of the Chicago Police Department 2nd District Tactical team were extorting + stealing money from drug dealers. The offending members were arrested on 2/12/12." (FBI 1126-29).
3/01/12	FBI 302 report regarding an interview with a police officer, who advised that he had no knowledge that Watts nor Mohammed ever took money or drugs from drug dealers. (BAKER GLENN 002615-17).

3/8/12	FBI 302 report authored by FBI Agents Raymond Hart and TFO Sgt. Al Boehmer regarding an interview of Troy Clark in the presence of his attorney Phillip Turner and ASA Dan Maloney (FBI000284-85). Troy Clark said he saw Mohammed's photo on the news recently. He recognized Mohammed because Mohammed stole $2,500 from him sometime between 2004 and 2006. Clark also claimed he was aware of other police misconduct, and also stated Alderman William Beavers implied to Clark that he would need to pay a bribe to secure a certain piece of property. *Id*.
3/19/12	FBI 302 report authored by FBI Agents Raymond Hart and Craig Henderson regarding an interview with IAD Officer Timothy Moragne. (FBI000281-83). Officer Moragne was interviewed because of some phone calls and texts with Mohammed after Mohammed was stripped. Moragne had known Mohammed a long time. Mohammed called him after he was stripped and asked Moragne if he knew if Mohammed was under investigation at IAD. When Moragne told Mohammed he didn't know, Mohammed asked him to look into it. Moragne told Mohammed he would look into it, but never did. Moragne also denied any prior knowledge of misconduct by Watts and Mohammed. *Id*.
4/04/12	FBI memo indicating an IAD Sgt. Provided documents related to name checks conducted by the CPD to place into the file. (BAKER GLENN 002267). FBI 302 report regarding an interview with a police officer, who advised that he had no knowledge that Watts or Mohammed ever took money or drugs from drug dealers. (BAKER GLENN 002622-24).
4/11/12	FBI 302 report authored by FBI Agents Craig Henderson and TFO Sgt. Al Boehmer regarding an interview of Robert Lindsay. (FBI000277-80). Lindsay claimed Watts falsely arrested him in 2009 along with Jermaine Sims. He also said Watts stole $3,500 from him. Lindsay said he was a drug dealer at IBW from 1998 until it closed. Lindsay said he never paid Watts. He added he would drop guns in a garbage can for Watts to recover.
5/3/12	Mohammed proffer to AUSA Benjamin Langner and Margaret Schneider, as well as Mohammed's lawyer Jim Graham. Also present were FBI Agents Raymond Hart and Craig Henderson. Mohammed said that his friend, IAD Agent Timothy Moragne, told him to get off of Watts's team at one point. Moragne never disclosed the investigation of Watts and Mohammed to Mohammed. Mohammed discussed the criminal activity he was aware of and participated in. He described interaction with a drug dealer named Jelly Roll, who the agents believed to be Eric Brown. He admitted taking about eight extortion payments from Art Kirksey and Stacy, which he believed were from 2006 to 2008. He said he gave the money to Watts, but that Watts didn't share any of the money. He said Watts would let him take personal leave instead. Mohammed admitted to having telephone conversations with Kirksey regarding the payments, and not arresting Kirksey's associates in return. However, Mohammed said Watts

	would sometimes arrest them anyway. Mohammed admitted to stealing money only one time, on November 21, 2011. Mohammed denied taking any money in connection with the March 2010 incident, stating he had been called by Watts to watch out for the "dumpster guy" that day while he was at a car dealership. Mohammed discussed the execution of the search warrant at the Van Vlissingen Road stash house. After the search, he recalls seeing someone who worked for IAD driving down the street and Jones thought the house was a set up. According to Mohammed, Jones told him "to let Ron (Watts) take it all." Mohammed said he didn't know how much money was recovered, but that about one year after the search, Watts told him he got money from the search. Mohammed discussed other activities as well, including that Watts received an insurance settlement from getting hit by a car (though he wasn't actually hit). Mohammed said the car was driven by a drug dealer who Watts knew, and the car was registered to the drug dealer's girlfriend Shabooka (ph). Mohammed did not know of any other officers who were engaging in criminal activity with Watts. (FBI000267-76).
8/24/12	Mohammed resigns from the CPD. (CITY-BG-000257-58).
10/26/12	Mohammed pleads guilty before Judge Sharon Coleman. It is a blind plea. Mohammed was sentenced to 18 months in prison. (CITY-BG-000200)
12/10/12, 1/30/13	CHS debriefing reports that are redacted. (FBI 1244-46).
6/05/13	CR #1062684 is initiated against Watts by Sgt. Allen Boehmer of the Bureau of Internal Affairs, Confidential Investigations Section. The complaint was based on Watts's theft of money on November 21, 2011. The complaint was sustained, and IAD recommended separation from CPD. (CITY-BG-000262-301).
7/15/13	Watts resigns from CPD. (CITY-BG-000299).
7/19/13	Watts pleads guilty before Judge Coleman. It is a blind plea. Watts was sentenced to 22 months in prison. (CITY-BG-000295-96).
3/20/14	Report of Agent Henderson to provide a case update stating in part that both Watts and Mohammed pled guilty, and that "As all subjects have pled guilty, the case will be closed." (FBI 1272-74).
9/25/14	Report of Agent Henderson reflecting that Operation Brass Tax was being closed "as all investigation has been completed and the evidence has been properly disposed of." The report stated in part: "This investigation was based on 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." (FBI 1279-81).
10/20/15	CR #1077632 is initiated by Sgt. Tim Moore against Mohammed. The CR is based on the theft of money on November 21, 2011. BIA recommends a finding of sustained as well as separation for Mohammed. The file contains a memo dated February 8, 2012, that references Log number 1015941. CR #1077632 is closed October 26, 2015. (CITY-BG-000196-261).

Respectfully submitted,

By: s/ Daniel Noland
One of the Attorneys for Defendant,
CITY OF CHICAGO

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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 CV 8940
v.	)	
	)	Judge Andrea R. Wood
CITY OF CHICAGO, et al.,	)	
	)	Magistrate Judge Sheila M. Finnegan
Defendants.	)	

VERIFICATION

DEFENDANT CITY OF CHICAGO'S SECOND AMENDED ANSWERS TO PLAINTIFF CLARISSA GLENN'S JUNE 7, 2017 INTERROGATORIES TO DEFENDANT CITY OF CHICAGO

Pursuant to 28 U.S.C. § 1746, Sergeant Daniel O'Brien, assigned to the Office of Legal Affairs, Chicago Police Department, certifies that he signed the foregoing Defendant, City of Chicago's Second Amended Answers to Plaintiff Clarissa Glenn's June 7, 2017 Interrogatories Directed to the City, that he is duly authorized to do so; that the matters stated in the foregoing response are not within his personal knowledge and belief; that there is no employee of the City of Chicago who has personal knowledge of all such matters; and that the statements set forth in the foregoing response to Plaintiff Clarissa Glenn's June 7, 2017 Interrogatories are based on documents and information which has been assembled by authorized employees and counsel of the City of Chicago, and that he is informed and believes that the statements set forth in the foregoing response are true and accurate to the best of his knowledge, information and belief.

Sergeant Daniel O'Brien
Office of Legal Affairs
Chicago Police Department

CERTIFICATE OF SERVICE

I hereby certify that I caused a copy of the foregoing City of Chicago's Second Amended Answers to Plaintiff Clarissa Glenn's June 7, 2017 Interrogatories to Defendant City of Chicago to be upon the following counsel of record via email on November 23, 2022:

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s/ Daniel Noland

EXHIBIT 33

(Rev. 05-01-2008)

UNCLASSIFIED

FEDERAL BUREAU OF INVESTIGATION

Precedence: ROUTINE **Date:** 07/13/2011

To: Chicago

From: Chicago
WC-2
Contact: SA Michael Ponicki, x4740

Approved By: Byers Keith A KAB

Drafted By: Ponicki Michael:mp MMP

Case ID #: 194D-CG-122761-124 (Pending)

Title: RONALD WATTS,
POLICE SERGEANT,
CHICAGO POLICE DEPARTMENT;
CSLPO-LAW ENFORCEMENT-DRUG RELATED;
OO: CHICAGO

Synopsis: To request the transfer of above captioned investigation to another agent on Squad WC-2.

Details: Due to the transfer of the writer to FBIHQ, it is requested the case be reassigned to another agent on Squad WC-2.

Since being assigned the investigation in 12/2010, SA Ponicki has worked with Assistant United States Attorney (AUSA) Thomas Shakeshaft to formulate a prosecutive strategy for captioned investigation. Since the inception of the case, multiple strategies and techniques have been used to corroborate the allegations that Sgt. RONALD WATTS and members of his Chicago Police Department (CPD) tactical team, have engaged in systematic corruption through extortion of drug dealers in the CPD, Second District. WATTS and his team are also alleged to have committed theft, possession and distribution of drugs for money, "planting" drugs on individuals and paying informants with drugs.

(B)
(B)
(B) . These payments were consensually recorded. It is believed that MOHAMMED is responsible for collecting extortion money on behalf of WATTS, from drug dealers, who receive "protection" from being arrested by WATTS and his

UNCLASSIFIED

SST,
Please reassign SA Ponicki as case agent. This matter will be assigned to another WC-2 agent in the future. KAB 7/14/2011

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team. The consensually recorded evidence has been reviewed, and included in a complaint that has been submitted to the United States Attorney's Office (USAO), charging MOHAMMED with extortion in violation of Title 18, United States Code, Section 1951. The USAO supports the extortion charge, but elected to delay filing the complaint until further evidence could be obtained implicating WATTS.

(B)
(B)
(B) . A successful consensual recording of the event was gathered by the CHS, but do 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. Therefore, it was the opinion of the USAO, that the evidence is insufficient to charge WATTS with extortion.

Initially, the writer supported the idea to execute the above mentioned scenario on a second occasion, but due to difficulty surveilling the CHS, and controlling the scenario, another extortion payment to WATTS was not attempted. Therefore, the writer and AUSA Shakeshaft have decided to file extortion charges on MOHAMMED and attempt to obtain his cooperation, against WATTS.

On 04/14/2011, the writer and Task Force Officer, Sgt. Allen Boehmer, met with Drug Enforcement Agency (DEA) (O-1) (O-1) and DEA (O-1) , cellular telephone number: (S) in an attempt to develop new information on WATTS and his team's alleged illegal activities. At one point during the investigation, (O-1) had already been providing information to the FBI, which abruptly ended due to a misunderstanding between (O-1) and the previous case agent. The writer and TFO Boehmer opened a new line of communication between the DEA and the FBI, and requested to be notified of any new information that develops that would assist in the FBI investigation.

During AUSA Shakeshaft's review of the criminal complaint, which was drafted by the former case agent, FBI

To: Chicago From: Chicago
Re: 194D-CG-122761, 07/13/2011

Special Agent Patrick Smith, AUSA Shakeshaft requested an additional financial background investigation of assets associated with WATTS, MOHAMMED and other team members associated with WATTS' CPD tactical team. It is 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. AUSA Shakeshaft has requested assistance of USAO Investigator Thomas Moriarty, who is currently reviewing the financial documents. In addition, Investigator Moriarty has recommended AUSA Shakeshaft draft an Ex Parte request for new tax records relating to WATTS and MOHAMMED. The writer has obtained the assistance of FBI Paralegal Specialist (PS) Sheryl Marie Soberano, and FBI Financial Analyst (FA) JaCynthia Jemine, who are currently reviewing all financial documents and providing the results to the case file in the FF and FA subfiles, respectively.

Once AUSA Shakeshaft receives the results of the Ex Parte requests for WATTS and MOHAMMED, and PS Soberano and FA Jemine complete their analysis, the newly assigned case agent and AUSA Shakeshaft should discuss the results and formulate a strategy to prosecute all or some of the subjects in the investigation.

♦♦

SUBJECT TO PRIVACY ACT ORDER

EXHIBIT 34

UNITED STATES DISTRICT COURT)
) ss
NORTHERN DISTRICT OF ILLINOIS)

AFFIDAVIT

I, CRAIG HENDERSON, being duly sworn, state as follows:

1. I am a Special Agent with the Federal Bureau of Investigation ("FBI") and have been so employed since approximately 1994. I am currently assigned to The FBI's City Public Corruption Squad, and my responsibilities include the investigation of public corruption offenses.

2. This affidavit is submitted in support of a criminal complaint alleging that Ronald WATTS and Kallatt MOHAMMED have violated Title 18, United States Code, Sections 641 and 2. Because this affidavit is being submitted for the limited purpose of establishing probable cause in support of a criminal complaint charging WATTS and MOHAMMED with theft of government funds, I have not included each and every fact known to me concerning this investigation. I have set forth only the facts that I believe are necessary to establish probable cause to believe that the defendants committed the offense alleged in the complaint.

3. The information in this Affidavit is based on interviews of witnesses, my own observations and actions, information received from other law enforcement agents, my experience and training, and the experience of other agents.

PL JOINT 002245 BAKER GLENN 002245

PROBABLE CAUSE

4. As set forth below, the evidence collected during this investigation revealed that Chicago Police Officers Ronald WATTS and Kallatt MOHAMMED stole money that they believed to be drug proceeds from an individual who they believed to be associated with narcotics traffickers. Specifically, on November 21, 2011, after being notified by a Cooperating Witness ("CS5")[1]—who unbeknownst to WATTS and MOHAMMED was working with the FBI—that s/he (CS5) was tasked by narcotics traffickers with transporting drug proceeds from one location to another, WATTS and MOHAMMED took the money from CS5 and then, later, paid CS5 a portion of the money in exchange for allowing them to steal the drug proceeds. The money stolen from CS5 was government funds that had been given to CS5 by the FBI.

I. *November 21, 2011 Theft*

5. According to CS5, in approximately early September 2011, CS5 spoke with WATTS in an unrecorded conversation. According to CS5, WATTS wanted to know if anything was going on. WATTS told CS5 that if CS5 found out something was going to

---

[1] CS5 is homeless and lives on the streets of Chicago. The information that CS5 provided to law enforcement regarding his/her telephonic and in person conversations with WATTS has been corroborated through surveillance, recorded conversations, and telephone subscriber records. CS5 participated in multiple FBI covert operations in which WATTS and MOHAMMED have stolen alleged drug proceeds from CS5. According to CS5's CPD criminal history, CS5 has been arrested 99 times and has a total of 16 convictions, including convictions for theft, armed robbery and multiple drug-related offenses. CS5 is working with the FBI in exchange for monetary payments. To date, CS5 has been paid approximately $3,250.00 in relation to this investigation. According to CS5, CS5 has known WATTS for several years and has been stopped by WATTS on multiple occasions and has had conversations with WATTS about CS5's role as a drug courier.

happen, CS5 should call him or go to the station and ask for WATTS or MOHAMMED. Based on CS5's prior dealings with WATTS, including a prior instance where WATTS and CS5 engaged in a transaction similar to the one discussed herein, CS5 interpreted this to mean that WATTS wanted to know when CS5 would be transporting money for drug dealers so that WATTS could steal the money from CS5 in exchange for a payment to CS5.

6. On November 18, 2011, at approximately 1:25 p.m., CS5 placed a recorded telephone call to WATTS at phone number (773) 848-4761, which is subscribed to in the name of RONALD WATTS ("Target Phone 2").[2] During the ensuing conversation, after CS5 confirmed that s/he was speaking to "Sergeant Watts," CS5 told WATTS, "I got one going on."[3] WATTS responded, "When?" CS5 said that it was going to happen no later than "Monday" [November 21, 2011]. WATTS then said, "Make sure you call me."

---

[2] At various points in the Affidavit, I will offer my interpretations of certain recorded conversations. My interpretations of these conversations are based on my knowledge of the investigation to date, the contents and context of the conversations, prior and subsequent conversations, the results of physical surveillance, conversations with other officers and agents and my training and experience. Some of these summaries do not include references to all the topics covered during the course of the conversations. In addition, the summaries do not necessarily include references to all statements made by the speakers on the topics that are mentioned. For these recorded conversations, I have relied on draft - not final - transcriptions of the conversations, as well as my own review of the recordings.

[3] The identification of WATTS's voice is based on the following: (a) CS5 identified the individual to whom s/he spoke as WATTS; (b) during a recorded phone call, the CS5 asks if s/he is speaking to "Watts" and WATTS confirms his identity; (c) FBI Agents who listened to the recording of that phone call confirmed that the same voice is speaking wherever a statement herein is attributed to WATTS; and (d) the phone is subscribed in WATTS's name.

7. On November 21, 2011, at approximately 12:45 p.m., CS5 placed a recorded phone call to WATTS at Target Phone 2. During the call, CS5 told WATTS, "It's gonna go on. I got to meet them at McDonald's on twenty-sixth." WATTS confirmed that CS5 was talking about the McDonald's near the intersection of 26th Street and Martin Luther King Drive in Chicago. CS5 told WATTS that s/he was going to pick up a bag from one car and walk it to another car on 29th Street. CS5 said that s/he was supposed to be at McDonald's in one hour. WATTS then told CS5 that he was also going to be there in his car.

8. According to pen register records for Target Phone 2, at approximately 12:49 p.m., Target Phone 2 called telephone number (708) 527-7823, which is subscribed to in the name of KALLATT MOHAMMED ("Target Phone 1"). The call lasted 2 minutes and 12 seconds. Based on the timing of this phone call in relation to the calls between CS5 and WATTS, I believe that WATTS was calling MOHAMMED to coordinate MOHAMMED's participation in stealing the drug money allegedly being delivered by CS5.

9. At approximately 12:55 p.m., CS5 placed another recorded phone call to WATTS at Target Phone 2 and during the ensuing conversation, WATTS asked CS5 if s/he was "headed up that way now?" CS5 responded, "In a few minutes." WATTS then told CS5, "I'll be in the area."

10. At about 1:13 p.m., CS5 was dropped off by law enforcement agents near the intersection of 26th Street and Martin Luther King Drive, Chicago, Illinois.[4]

11. According to pen register records for Target Phone 2, at approximately 1:15 p.m., Target Phone 2 received an incoming call from Target Phone 1. The duration of this call was 1 minute and 2 seconds.

12. According to pen register records for Target Phone 2, at approximately 1:32 p.m., Target Phone 2 called Target Phone 1, and the duration of the call was 9 seconds. A few seconds later, Target Phone 1 called Target Phone 2, and this call lasted approximately 1 minute and 5 seconds. Shortly thereafter, a third call was made by Target Phone 2 to Target Phone 1, which lasted 52 seconds.

13. At approximately 1:44 p.m., a law enforcement officer working with the FBI and acting in an undercover capacity, approached CS5 in a vehicle at the McDonald's restaurant located in the vicinity of 26th Street and Martin Luther King Drive in Chicago, and handed CS5 a black bag containing approximately $5,200. The bag also contained a court-authorized tracking device. CS5 then walked south along Martin Luther King Drive, turned east on 29th Street, and then turned north on South Vernon Street.

14. Based on pen register records for Target Phone 2, WATTS made two attempts to contact CS5 between 1:47 p.m. and 1:56 p.m., but CS5 did not answer these phone calls

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[4] Prior to being dropped off, CS5 was searched by the FBI for the presence of excess paper currency and none was found. CS5 was provided two recording devices, which were turned on by an FBI Agent.

because during this time CS5 was "transporting the drug proceeds" and was instructed by FBI Agents not to answer the telephone.

15. At approximately 1:56 p.m.,[5] based on surveillance video captured by a camera operated by an FBI agent near the car to which CS5 was supposed to deliver the "drug proceeds," MOHAMMED approached CS5 near 2795 South Vernon in a black four door Hyundai Azera bearing Illinois license plate 918 1182,[6] and took the bag containing $5,200 from CS5. Based on recordings of the conversation between MOHAMMED and CS5, the following is a partial transcript:[7]

MOHAMMED:	Where it at, where it at? In the bag?
CS5:	Grab the bag.
MOHAMMED:	Fuck it, I'm gone.
CS5:	Sir.
MOHAMMED:	Get the fuck out of here.

---

[5] Based on a review of pen register information and the results of the recording devices, I believe that the time stamp on the recording device, which indicated that the seizure occurred at 2:01 p.m., was running approximately 5 minutes behind the actual time. Similar time adjustments have been made to all events described herein where I am relying on the recording device for an approximation of the time.

[6] A search of the Illinois Secretary of State database shows Illinois license plate 918 1182 is registered to KALLATT MOHAMMED,

[7] The identification of MOHAMMED's voice is based on: (a) CS5's identification of the speaker as MOHAMMED; (b) the fact that MOHAMMED is clearly visible on the video recording of this conversation; and (c) CPD IAD Officers who have listened to the recording confirmed that MOHAMMED is speaking wherever a statement herein is attributed to MOHAMMED.

CS5:	Sir, can I get some money, sir. Hey, hey, I thought you was going to give me some money.
MOHAMMED:	Get the fuck out of here.
CS5:	Uh uh, c'mon. I don't get no money?
MOHAMMED:	No, you don't get shit. But meet...meet me over off King Drive.
CS5:	What?
MOHAMMED:	Meet me on King Drive.
CS5:	Okay.
MOHAMMED:	30th.
CS5:	30th, okay.

16. According to pen register records for Target Phone 2, at approximately 1:57 p.m., Target Phone 1 called Target Phone 2, and the duration of the call was 7 minutes and 23 seconds.

17. At approximately 2:04 p.m., CS5 placed a phone call to WATTS at Target Phone 2. The conversation was not recorded. However, CS5's portion of the conversation was recorded by the two recording devices that FBI agents placed on CS5. During the ensuing conversation, CS5 said the following:

> Hey WATTS, he told me to meet, he told me to meet him on, on 30th. He ain't gave me no, no money yet man. (Pause) Oh, okay. I mean, man, c'mon on now, I did everything right man. (Pause) Huh. (Pause) Okay, man. (Pause) on State? (Pause) Okay. By, by the El. How about White Castle or something?

> (Pause) Yeah (Pause). Man, c'mon be there now Watts, alright? But I'm going around, I'm going around the other way, cause, I... (Pause) I didn't see the, I didn't see the car that I was supposed to went to anyway, so, okay. So, I'm, but I mean I got to move from the El. (Pause) So, I got me somebody snatching me in the car or something. (Pause) I'm on my way right now. C'mon on don't do me now. (Pause) Okay, my man. I'm, I'm on my way, I'm on my way, I'm on my way.

18. According to pen register records for Target Phone 2, at approximately 2:06 p.m., Target Phone 2 called Target Phone 1. This call had a duration of 1 minute and 17 seconds.

19. At about 2:08 p.m., law enforcement agents conducting surveillance observed WATTS and MOHAMMED meeting together in the area of 5700 and 5800 South Princeton Avenue, Chicago, Illinois. WATTS was observed driving a Cadillac bearing Illinois license plate G92 3987.[8] Based on the court-authorized tracking device, agents were able to recover the bag that MOHAMMED had seized from CS5 from an alley behind 5924 South LaSalle Street, Chicago, Illinois, which is approximately a half mile from the location where agents observed WATTS and MOHAMMED meeting, about twenty minutes after the meeting.[9]

20. Shortly after the surveilled meeting between WATTS and MOHAMMED, according to pen register records for Target Phone 2, Target Phone 2 called Target Phone 1. This call had a duration of 6 minutes and 9 seconds.

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[8] A check of the Illinois Secretary of State database revealed that Illinois license plate G92 3987 is registered to RONALD WATTS,

[9] Surveillance agents later observed MOHAMMED returning to his residence, located at , at approximately 2:42 p.m.

21. At approximately 2:29 p.m., CS5 again placed a phone call to WATTS at Target Phone 2 and only CS5's side of the conversation was captured by the recording devices. During this conversation, CS5 said the following:

> Hey, I'm right across the street from White Castle. What you in, what you in? (Pause) What, what? (Pause) You what? (Pause) Like, walk over there, like what? (Pause) Walgreens? This is White Castle. (Pause) Oh, oh okay, okay.

22. At approximately 2:42 p.m., CS5 met with WATTS in the parking lot of a Walgreens store near the intersection of 22nd Street and Canal Street, Chicago, Illinois. Based on recordings of the conversation, CS5 told WATTS "about time. ...Man I thought you was going to (UI)." WATTS responded "No, never doubt brother, (UI). Who always takes care of you?" CS5 replied "You do, WATTS." WATTS then said "There's five large brother," and, according to CS5, handed CS5 some money.

23. At approximately 2:54 p.m., CS5 provided agents with $400 which, according to CS5, CS5 received from WATTS. CS5's person was searched at that time and he was not in possession of any additional paper currency. During a debrief of CS5, CS5 stated that WATTS met him/her in the Walgreens parking lot and provided him with the money, which CS5 did not count and simply placed into a pocket.[10]

24. According to pen register records, Target Phone 2 and Target Phone 1 were in contact on two other occasions on November 21, 2011. At approximately 2:58 p.m., Target

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[10] FBI agents confirmed that the serial numbers on the money received from CS5 matched the serial numbers on the money that FBI agents placed in the black bag seized by MOHAMMED.

Phone 2 placed a phone call to Target Phone 1, which lasted for 1 minute and 54 seconds. At approximately 3:14 p.m., Target Phone 2 received an incoming telephone call from Target Phone 1, and this call had a duration of 1 minute and 7 seconds.

CONCLUSION

25. Based on the facts set forth above, there is probable cause to believe that defendants Ronald WATTS and Kallatt MOHAMMED stole, purloined, and knowingly convert to their own use money belonging to the United States, namely, approximately $5,200 in funds belonging to the United States, which funds defendants were not entitled to receive, in violation of Title 18, United States Code, Sections 641 and 2.

FURTHER AFFIANT SAYETH NOT.

CRAIG HENDERSON
Special Agent, Federal Bureau of Investigation

SUBSCRIBED AND SWORN to before me on February 6, 2012.

Maria Valdez
United States Magistrate Judge

EXHIBIT 35

FD-302 (Rev. 10-6-95)

FEDERAL BUREAU OF INVESTIGATION

Date of transcription 11/23/2011

On 11/21/2011, Special Agents of the Federal Bureau of Investigation, and Chicago Police Department (CPD) Internal Affairs Division (IAD) officers conducted an investigative operation in the vicinity of the of the [redacted] (B) [redacted] (B) The purpose of this investigative operation was to determine if CPD police officers RONALD WATTS, KALLATT MOHAMMED, ALVIN JONES and others yet unknown, would steal $5,200.00 from a [redacted] (B) The following is a log of the approximate pertinent times and events associated with the investigative operation:

9:30a.m. Special Agents of the Federal Bureau of Investigation and Chicago Police Department (CPD) Internal Affairs Division (IAD) officers met for the briefing of the investigative operation. CPD-IAD police officer [redacted] (H) and [redacted] (B) (B) signed the respective FD-472's relating to their participation in the investigative operation.

12:00p.m [redacted] (B) (B) Present at this meeting were Special Agents Craig Henderson, Raymond B. Hart and Sean MacManus, CPD-IAD Sgts. Allen J. Boehmer and Luce Nieves, CPD-IAD officers Daniel Willis and Mike Carroll, CPD police officers Shannon Spalding and Daniel Echeverria, and [redacted] (B)

12:30p.m. [redacted] (B), (S)

12:39p.m.

12:45p.m.

12:51p.m.

327 ch 01. 302. overall surv. wpd

Investigation on 11/21/2011 at Chicago, Illinois

File # 194D-CG-122761-302-129 Date dictated N/A

by TFO Sgt. Allen J. Boehmer
SAs Raymond B. Hart and Craig Henderson:ch

This document contains neither recommendations nor conclusions of the FBI. It is the property of the FBI and is loaned to your agency; it and its contents are not to be distributed outside your agency.

SUBJECT TO PRIVACY ACT ORDER

(B)

12:52p.m.

12:55p.m.

1:03p.m.

1:13p.m

1:30p.m

2:40p.m.

4:10p.m.

A surveillance log of the investigative operation involving CHS and others will be the subject of a separate surveillance log/report.

Photographs were taken, and photocopies were made of the $5,200.00 used in the investigative operation. (B) (B) (B) The photographs and photocopies have been placed in the 1A Section of this file.

It should be noted that the times in this report are approximate, and that times from recording devices and surveillance logs may differ by a few minutes.

EXHIBIT 36

 LS

AO 91 (REV.5/85) Criminal Complaint

AUSA Benjamin F. Langner (312) 353-2817
AUSA Margaret J. Schneider (312) 353-1875

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

UNITED STATES OF AMERICA

v.

RONALD WATTS and
KALLATT MOHAMMED

Corrected 2/13/12 BEL
CRIMINAL COMPLAINT

CASE NUMBER:
12 CR 87
UNDER SEAL

FILED
2-6-12
FEB 06 2012
MAGISTRATE JUDGE MARIA VALDEZ
UNITED STATES DISTRICT COURT

I, the undersigned complainant, being duly sworn on oath, state that the following is true and correct to the best of my knowledge and belief: On or about November 21, 2011, at Chicago, in the Northern District of Illinois, Eastern Division, RONALD WATTS and KALLATT MOHAMMED defendants herein:

> stole, purloined, and knowingly converted to their own use money belonging to the United States, namely, approximately $5,200 in funds belonging to the United States, which funds defendants were not entitled to receive;

in violation of Title 18, United States Code, Sections 641 and 2. I further state that I am a Special Agent with the Federal Bureau of Investigation, and that this complaint is based on the facts contained in the Affidavit which is attached hereto and incorporated herein.

Signature of Complainant
CRAIG HENDERSON
Special Agent, Federal Bureau of Investigation

Sworn to before me and subscribed in my presence,

February 6, 2012 at Chicago, Illinois
Date City and State

Maria Valdez, U.S. Magistrate Judge
Name & Title of Judicial Officer

Signature of Judicial Officer

UNITED STATES DISTRICT COURT)
) ss
NORTHERN DISTRICT OF ILLINOIS)

AFFIDAVIT

I, CRAIG HENDERSON, being duly sworn, state as follows:

1. I am a Special Agent with the Federal Bureau of Investigation ("FBI") and have been so employed since approximately 1994. I am currently assigned to The FBI's City Public Corruption Squad, and my responsibilities include the investigation of public corruption offenses.

2. This affidavit is submitted in support of a criminal complaint alleging that Ronald WATTS and Kallatt MOHAMMED have violated Title 18, United States Code, Sections 641 and 2. Because this affidavit is being submitted for the limited purpose of establishing probable cause in support of a criminal complaint charging WATTS and MOHAMMED with theft of government funds, I have not included each and every fact known to me concerning this investigation. I have set forth only the facts that I believe are necessary to establish probable cause to believe that the defendants committed the offense alleged in the complaint.

3. The information in this Affidavit is based on interviews of witnesses, my own observations and actions, information received from other law enforcement agents, my experience and training, and the experience of other agents.

PROBABLE CAUSE

4. As set forth below, the evidence collected during this investigation revealed that Chicago Police Officers Ronald WATTS and Kallatt MOHAMMED stole money that they believed to be drug proceeds from an individual who they believed to be associated with narcotics traffickers. Specifically, on November 21, 2011, after being notified by a Cooperating Witness ("CS5")[1]—who unbeknownst to WATTS and MOHAMMED was working with the FBI—that s/he (CS5) was tasked by narcotics traffickers with transporting drug proceeds from one location to another, WATTS and MOHAMMED took the money from CS5 and then, later, paid CS5 a portion of the money in exchange for allowing them to steal the drug proceeds. The money stolen from CS5 was government funds that had been given to CS5 by the FBI.

I. *November 21, 2011 Theft*

5. According to CS5, in approximately early September 2011, CS5 spoke with WATTS in an unrecorded conversation. According to CS5, WATTS wanted to know if anything was going on. WATTS told CS5 that if CS5 found out something was going to

[1] CS5 is homeless and lives on the streets of Chicago. The information that CS5 provided to law enforcement regarding his/her telephonic and in person conversations with WATTS has been corroborated through surveillance, recorded conversations, and telephone subscriber records. CS5 participated in multiple FBI covert operations in which WATTS and MOHAMMED have stolen alleged drug proceeds from CS5. According to CS5's CPD criminal history, CS5 has been arrested 99 times and has a total of 16 convictions, including convictions for theft, armed robbery and multiple drug-related offenses. CS5 is working with the FBI in exchange for monetary payments. To date, CS5 has been paid approximately $3,250.00 in relation to this investigation. According to CS5, CS5 has known WATTS for several years and has been stopped by WATTS on multiple occasions and has had conversations with WATTS about CS5's role as a drug courier.

happen, CS5 should call him or go to the station and ask for WATTS or MOHAMMED. Based on CS5's prior dealings with WATTS, including a prior instance where WATTS and CS5 engaged in a transaction similar to the one discussed herein, CS5 interpreted this to mean that WATTS wanted to know when CS5 would be transporting money for drug dealers so that WATTS could steal the money from CS5 in exchange for a payment to CS5.

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[2] At various points in the Affidavit, I will offer my interpretations of certain recorded conversations. My interpretations of these conversations are based on my knowledge of the investigation to date, the contents and context of the conversations, prior and subsequent conversations, the results of physical surveillance, conversations with other officers and agents and my training and experience. Some of these summaries do not include references to all the topics covered during the course of the conversations. In addition, the summaries do not necessarily include references to all statements made by the speakers on the topics that are mentioned. For these recorded conversations, I have relied on draft - not final - transcriptions of the conversations, as well as my own review of the recordings.

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7. On November 21, 2011, at approximately 12:45 p.m., CS5 placed a recorded phone call to WATTS at Target Phone 2. During the call, CS5 told WATTS, "It's gonna go on. I got to meet them at McDonald's on twenty-sixth." WATTS confirmed that CS5 was talking about the McDonald's near the intersection of 26th Street and Martin Luther King Drive in Chicago. CS5 told WATTS that s/he was going to pick up a bag from one car and walk it to another car on 29th Street. CS5 said that s/he was supposed to be at McDonald's in one hour. WATTS then told CS5 that he was also going to be there in his car.

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9. At approximately 12:55 p.m., CS5 placed another recorded phone call to WATTS at Target Phone 2 and during the ensuing conversation, WATTS asked CS5 if s/he was "headed up that way now?" CS5 responded, "In a few minutes." WATTS then told CS5, "I'll be in the area."

10. At about 1:13 p.m., CS5 was dropped off by law enforcement agents near the intersection of 26th Street and Martin Luther King Drive, Chicago, Illinois.[4]

11. According to pen register records for Target Phone 2, at approximately 1:15 p.m., Target Phone 2 received an incoming call from Target Phone 1. The duration of this call was 1 minute and 2 seconds.

12. According to pen register records for Target Phone 2, at approximately 1:32 p.m., Target Phone 2 called Target Phone 1, and the duration of the call was 9 seconds. A few seconds later, Target Phone 1 called Target Phone 2, and this call lasted approximately 1 minute and 5 seconds. Shortly thereafter, a third call was made by Target Phone 2 to Target Phone 1, which lasted 52 seconds.

13. At approximately 1:44 p.m., a law enforcement officer working with the FBI and acting in an undercover capacity, approached CS5 in a vehicle at the McDonald's restaurant located in the vicinity of 26th Street and Martin Luther King Drive in Chicago, and handed CS5 a black bag containing approximately $5,200. The bag also contained a court-authorized tracking device. CS5 then walked south along Martin Luther King Drive, turned east on 29th Street, and then turned north on South Vernon Street.

14. Based on pen register records for Target Phone 2, WATTS made two attempts to contact CS5 between 1:47 p.m. and 1:56 p.m., but CS5 did not answer these phone calls

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[4] Prior to being dropped off, CS5 was searched by the FBI for the presence of excess paper currency and none was found. CS5 was provided two recording devices, which were turned on by an FBI Agent.

because during this time CS5 was "transporting the drug proceeds" and was instructed by FBI Agents not to answer the telephone.

15. At approximately 1:56 p.m.,[5] based on surveillance video captured by a camera operated by an FBI agent near the car to which CS5 was supposed to deliver the "drug proceeds," MOHAMMED approached CS5 near 2795 South Vernon in a black four door Hyundai Azera bearing Illinois license plate 918 1182,[6] and took the bag containing $5,200 from CS5. Based on recordings of the conversation between MOHAMMED and CS5, the following is a partial transcript:[7]

MOHAMMED:	Where it at, where it at? In the bag?
CS5:	Grab the bag.
MOHAMMED:	Fuck it, I'm gone.
CS5:	Sir.
MOHAMMED:	Get the fuck out of here.

[5] Based on a review of pen register information and the results of the recording devices, I believe that the time stamp on the recording device, which indicated that the seizure occurred at 2:01 p.m., was running approximately 5 minutes behind the actual time. Similar time adjustments have been made to all events described herein where I am relying on the recording device for an approximation of the time.

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[7] The identification of MOHAMMED's voice is based on: (a) CS5's identification of the speaker as MOHAMMED; (b) the fact that MOHAMMED is clearly visible on the video recording of this conversation; and (c) CPD IAD Officers who have listened to the recording confirmed that MOHAMMED is speaking wherever a statement herein is attributed to MOHAMMED.

CS5:	Sir, can I get some money, sir. Hey, hey, I thought you was going to give me some money.
MOHAMMED:	Get the fuck out of here.
CS5:	Uh uh, c'mon. I don't get no money?
MOHAMMED:	No, you don't get shit. But meet...meet me over off King Drive.
CS5:	What?
MOHAMMED:	Meet me on King Drive.
CS5:	Okay.
MOHAMMED:	30th.
CS5:	30th, okay.

16. According to pen register records for Target Phone 2, at approximately 1:57 p.m., Target Phone 1 called Target Phone 2, and the duration of the call was 7 minutes and 23 seconds.

17. At approximately 2:04 p.m., CS5 placed a phone call to WATTS at Target Phone 2. The conversation was not recorded. However, CS5's portion of the conversation was recorded by the two recording devices that FBI agents placed on CS5. During the ensuing conversation, CS5 said the following:

> Hey WATTS, he told me to meet, he told me to meet him on, on 30th. He ain't gave me no, no money yet man. (Pause) Oh, okay. I mean, man, c'mon on now, I did everything right man. (Pause) Huh. (Pause) Okay, man. (Pause) on State? (Pause) Okay. By, by the El. How about White Castle or something?

> (Pause) Yeah (Pause). Man, c'mon be there now Watts, alright? But I'm going around, I'm going around the other way, cause, I... (Pause) I didn't see the, I didn't see the car that I was supposed to went to anyway, so, okay. So, I'm, but I mean I got to move from the El. (Pause) So, I got me somebody snatching me in the car or something. (Pause) I'm on my way right now. C'mon on don't do me now. (Pause) Okay, my man. I'm, I'm on my way, I'm on my way, I'm on my way.

18. According to pen register records for Target Phone 2, at approximately 2:06 p.m., Target Phone 2 called Target Phone 1. This call had a duration of 1 minute and 17 seconds.

19. At about 2:08 p.m., law enforcement agents conducting surveillance observed WATTS and MOHAMMED meeting together in the area of 5700 and 5800 South Princeton Avenue, Chicago, Illinois. WATTS was observed driving a Cadillac bearing Illinois license plate G92 3987.[8] Based on the court-authorized tracking device, agents were able to recover the bag that MOHAMMED had seized from CS5 from an alley behind 5924 South LaSalle Street, Chicago, Illinois, which is approximately a half mile from the location where agents observed WATTS and MOHAMMED meeting, about twenty minutes after the meeting.[9]

20. Shortly after the surveilled meeting between WATTS and MOHAMMED, according to pen register records for Target Phone 2, Target Phone 2 called Target Phone 1. This call had a duration of 6 minutes and 9 seconds.

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[8] A check of the Illinois Secretary of State database revealed that Illinois license plate G92 3987 is registered to RONALD WATTS, [Redacted], Chicago, Illinois.

[9] Surveillance agents later observed MOHAMMED returning to his residence, located at [Redacted], Chicago, Illinois, at approximately 2:42 p.m.

21. At approximately 2:29 p.m., CS5 again placed a phone call to WATTS at Target Phone 2 and only CS5's side of the conversation was captured by the recording devices. During this conversation, CS5 said the following:

> Hey, I'm right across the street from White Castle. What you in, what you in? (Pause) What, what? (Pause) You what? (Pause) Like, walk over there, like what? (Pause) Walgreens? This is White Castle. (Pause) Oh, oh okay, okay.

22. At approximately 2:42 p.m., CS5 met with WATTS in the parking lot of a Walgreens store near the intersection of 22nd Street and Canal Street, Chicago, Illinois. Based on recordings of the conversation, CS5 told WATTS "about time. ...Man I thought you was going to (UI)." WATTS responded "No, never doubt brother, (UI). Who always takes care of you?" CS5 replied "You do, WATTS." WATTS then said "There's five large brother," and, according to CS5, handed CS5 some money.

23. At approximately 2:54 p.m., CS5 provided agents with $400 which, according to CS5, CS5 received from WATTS. CS5's person was searched at that time and he was not in possession of any additional paper currency. During a debrief of CS5, CS5 stated that WATTS met him/her in the Walgreens parking lot and provided him with the money, which CS5 did not count and simply placed into a pocket.[10]

24. According to pen register records, Target Phone 2 and Target Phone 1 were in contact on two other occasions on November 21, 2011. At approximately 2:58 p.m., Target

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[10] FBI agents confirmed that the serial numbers on the money received from CS5 matched the serial numbers on the money that FBI agents placed in the black bag seized by MOHAMMED.

Phone 2 placed a phone call to Target Phone 1, which lasted for 1 minute and 54 seconds. At approximately 3:14 p.m., Target Phone 2 received an incoming telephone call from Target Phone 1, and this call had a duration of 1 minute and 7 seconds.

CONCLUSION

25. Based on the facts set forth above, there is probable cause to believe that defendants Ronald WATTS and Kallatt MOHAMMED stole, purloined, and knowingly convert to their own use money belonging to the United States, namely, approximately $5,200 in funds belonging to the United States, which funds defendants were not entitled to receive, in violation of Title 18, United States Code, Sections 641 and 2.

FURTHER AFFIANT SAYETH NOT.

CRAIG HENDERSON
Special Agent, Federal Bureau of Investigation

SUBSCRIBED AND SWORN to before me on February 6, 2012.

Maria Valdez
United States Magistrate Judge

FILED NF

NF

MAY 24 2012

THOMAS G. BRUTON
CLERK, U.S. DISTRICT COURT

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

UNITED STATES OF AMERICA	)	No. 12 CR 87
	)	
v.	)	Violation: Title 18, United States
	)	Code, Section 641
RONALD WATTS and	)	
KALLATT MOHAMMED	)	INFORMATION

JUDGE COLEMAN

MAGISTRATE JUDGE VALDEZ

COUNT ONE

The UNITED STATES ATTORNEY charges:

On or about November 21, 2011, at Chicago, in the Northern District of Illinois, Eastern Division,

RONALD WATTS and
KALLATT MOHAMMED,

defendants herein, stole, purloined, and knowingly converted to their own use money belonging to the United States, namely, approximately $5,200 in funds belonging to the United States, which funds defendants were not entitled to receive;

In violation of Title 18, United States Code, Sections 641 and 2.

FORFEITURE ALLEGATION

The UNITED STATES ATTORNEY further alleges:

1. The allegations contained in Count One of this indictment are re-alleged and incorporated herein by reference for the purpose of alleging forfeiture pursuant to Title 18, United States Code, Section 981(a)(1)(C), and Title 28, United States Code, Section 2461(c).

2. As a result of defendants' violation of Title 18, United States Code, Section 641, as alleged in Count One of this indictment,

RONALD WATTS and
KALLATT MOHAMMED,

defendants herein, shall forfeit to the United States, pursuant to Title 18, United States Code, Section 981(a)(1)(C), and Title 28, United States Code, Section 2461(c), any and all right, title, and interest she may have in any property, real and personal, constituting, and derived from, proceeds traceable to the charged offense.

3. The interests of the defendant subject to forfeiture pursuant to Title 18, United States Code, Section 981(a)(1)(C), and Title 28, United States Code, Section 2461(c), include but are not limited to unrecovered proceeds of the crime in the amount of approximately $5,200.

4. If any of the property subject to forfeiture and described above, as a result of any act or omission of the defendant:

(a) Cannot be located upon the exercise of due diligence;

(b) Has been transferred or sold to, or deposited with,

a third party;

(c) Has been placed beyond the jurisdiction of the Court;

(d) Has been substantially diminished in value; or

(e) Has been commingled with other property which cannot be divided without difficulty,

the United States of America shall be entitled to forfeiture of substitute property under the provisions of Title 21, United States Code, Section 853(p), as incorporated by Title 28, United States Code, Section 2461(c).

All pursuant to Title 18, United States Code, Section 981(a)(1)(C), and Title 28, United States Code, Section 2461(c).

Patrick J. Fitzgerald
UNITED STATES ATTORNEY
by LJ Barsella

 LS

AO 91 (REV.5/85) Criminal Complaint

AUSA Benjamin F. Langner (312) 353-2817
AUSA Margaret J. Schneider (312) 353-1875

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

UNITED STATES OF AMERICA

v.

RONALD WATTS and
KALLATT MOHAMMED

Corrected 2/13/12 BEL
CRIMINAL COMPLAINT

CASE NUMBER:
12 CR 87
UNDER SEAL

FILED
2-6-12
FEB 06 2012
MAGISTRATE JUDGE MARIA VALDEZ
UNITED STATES DISTRICT COURT

I, the undersigned complainant, being duly sworn on oath, state that the following is true and correct to the best of my knowledge and belief: On or about November 21, 2011, at Chicago, in the Northern District of Illinois, Eastern Division, RONALD WATTS and KALLATT MOHAMMED defendants herein:

> stole, purloined, and knowingly converted to their own use money belonging to the United States, namely, approximately $5,200 in funds belonging to the United States, which funds defendants were not entitled to receive;

in violation of Title 18, United States Code, Sections 641 and 2. I further state that I am a Special Agent with the Federal Bureau of Investigation, and that this complaint is based on the facts contained in the Affidavit which is attached hereto and incorporated herein.

Signature of Complainant
CRAIG HENDERSON
Special Agent, Federal Bureau of Investigation

Sworn to before me and subscribed in my presence,

February 6, 2012 at Chicago, Illinois
Date City and State

Maria Valdez, U.S. Magistrate Judge
Name & Title of Judicial Officer

Signature of Judicial Officer

UNITED STATES DISTRICT COURT)
) ss
NORTHERN DISTRICT OF ILLINOIS)

AFFIDAVIT

I, CRAIG HENDERSON, being duly sworn, state as follows:

1. I am a Special Agent with the Federal Bureau of Investigation ("FBI") and have been so employed since approximately 1994. I am currently assigned to The FBI's City Public Corruption Squad, and my responsibilities include the investigation of public corruption offenses.

2. This affidavit is submitted in support of a criminal complaint alleging that Ronald WATTS and Kallatt MOHAMMED have violated Title 18, United States Code, Sections 641 and 2. Because this affidavit is being submitted for the limited purpose of establishing probable cause in support of a criminal complaint charging WATTS and MOHAMMED with theft of government funds, I have not included each and every fact known to me concerning this investigation. I have set forth only the facts that I believe are necessary to establish probable cause to believe that the defendants committed the offense alleged in the complaint.

3. The information in this Affidavit is based on interviews of witnesses, my own observations and actions, information received from other law enforcement agents, my experience and training, and the experience of other agents.

PROBABLE CAUSE

4. As set forth below, the evidence collected during this investigation revealed that Chicago Police Officers Ronald WATTS and Kallatt MOHAMMED stole money that they believed to be drug proceeds from an individual who they believed to be associated with narcotics traffickers. Specifically, on November 21, 2011, after being notified by a Cooperating Witness ("CS5")[1]—who unbeknownst to WATTS and MOHAMMED was working with the FBI—that s/he (CS5) was tasked by narcotics traffickers with transporting drug proceeds from one location to another, WATTS and MOHAMMED took the money from CS5 and then, later, paid CS5 a portion of the money in exchange for allowing them to steal the drug proceeds. The money stolen from CS5 was government funds that had been given to CS5 by the FBI.

I. *November 21, 2011 Theft*

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> Hey, I'm right across the street from White Castle. What you in, what you in? (Pause) What, what? (Pause) You what? (Pause) Like, walk over there, like what? (Pause) Walgreens? This is White Castle. (Pause) Oh, oh okay, okay.

22. At approximately 2:42 p.m., CS5 met with WATTS in the parking lot of a Walgreens store near the intersection of 22nd Street and Canal Street, Chicago, Illinois. Based on recordings of the conversation, CS5 told WATTS "about time. ...Man I thought you was going to (UI)." WATTS responded "No, never doubt brother, (UI). Who always takes care of you?" CS5 replied "You do, WATTS." WATTS then said "There's five large brother," and, according to CS5, handed CS5 some money.

23. At approximately 2:54 p.m., CS5 provided agents with $400 which, according to CS5, CS5 received from WATTS. CS5's person was searched at that time and he was not in possession of any additional paper currency. During a debrief of CS5, CS5 stated that WATTS met him/her in the Walgreens parking lot and provided him with the money, which CS5 did not count and simply placed into a pocket.[10]

24. According to pen register records, Target Phone 2 and Target Phone 1 were in contact on two other occasions on November 21, 2011. At approximately 2:58 p.m., Target

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[10] FBI agents confirmed that the serial numbers on the money received from CS5 matched the serial numbers on the money that FBI agents placed in the black bag seized by MOHAMMED.

Phone 2 placed a phone call to Target Phone 1, which lasted for 1 minute and 54 seconds. At approximately 3:14 p.m., Target Phone 2 received an incoming telephone call from Target Phone 1, and this call had a duration of 1 minute and 7 seconds.

CONCLUSION

25. Based on the facts set forth above, there is probable cause to believe that defendants Ronald WATTS and Kallatt MOHAMMED stole, purloined, and knowingly convert to their own use money belonging to the United States, namely, approximately $5,200 in funds belonging to the United States, which funds defendants were not entitled to receive, in violation of Title 18, United States Code, Sections 641 and 2.

FURTHER AFFIANT SAYETH NOT.

CRAIG HENDERSON
Special Agent, Federal Bureau of Investigation

SUBSCRIBED AND SWORN to before me on February 6, 2012.

Maria Valdez
United States Magistrate Judge

GROUP EXHIBIT 37

(Rev. 05-01-2008)

UNCLASSIFIED

FEDERAL BUREAU OF INVESTIGATION

Precedence: ROUTINE **Date:** 12/09/2011

To: Chicago **Attn:** Draft Unit

From: Chicago
Squad WC-2
Contact: SA Raymond B. Hart, Ext. 8532

Approved By: Grant Robert D RDG/WCM 12/13/2011
Byers Angela C
Byers Keith A KAB/cw

Drafted By: Hart Raymond B:rbh RBH

Case ID #: 194D-CG-122761-141 (Pending)
194D-CG-122761-CE-52 (Pending)

Title: OPERATION BRASS TAX

Synopsis: To request SAC authority to use $10,100.00 in case funds for use in an anticipated extortion/theft of funds by subjects of captioned investigation.

Details: The above captioned case involves an investigation into allegations of corruption within the Chicago Police Department (CPD) 2nd District by CPD Sergeant Watts, Officer Kallatt Mohammed and others yet unknown. Watts and Mohammed are accused of engaging in the systematic extortion and theft of money from drug dealers in the City of Chicago. Watts is the supervisory sergeant of a 2nd District tactical team.

(B)

[redacted]

UNCLASSIFIED

SUBJECT TO PRIVACY ACT ORDER

FBI000064

194D-CG-122761-141

To: Chicago From: Chicago
Re: 194D-CG-122761, 12/09/2011

(B), (J-1), (J-2)

To: Chicago From: Chicago
Re: 194D-CG-122761, 12/09/2011

REQUEST

It is requested that $10,100.00 be authorized for use in the extortion/theft scenario.

AUSA SCENARIO

AUSA Brandon Fox and AUSA Maggie Schneider have concurred with this scenario. AUSA Fox and AUSA Schneider have advised that upon the successful operation of this new scenario that the subject(s)s involved in the extortion/theft will be prosecutable under the Hobbs Act if the subjects use force, the threat of force and/or under the color of official right.

♦♦

SUBJECT TO PRIVACY ACT ORDER FBI000966

(Rev. 05-01-2008)

UNCLASSIFIED

FEDERAL BUREAU OF INVESTIGATION

Precedence: ROUTINE **Date:** 12/19/2011

To: Chicago **Attn:** (H)
SA Leonardo P. Durkacz

From: Chicago
Squad WC-2
Contact: SA Craig Henderson, 312-829-8541

Approved By: Byers Keith A KAB/KW

Drafted By: Hart Raymond B:rbh

Case ID #: 194D-CG-122761-148 (Pending)

Title: OPERATION BRASS TAX

Synopsis: To request the assistance of a (H) (H)

RBH

Details: It is requested that (H) for use in the captioned investigation.

Captioned investigation involves corrupt Chicago police Department (CPD) police officers stealing money and drugs from drug dealers in and around the former Ida B. Wells public housing complex. Based on information from a Confidential Human Source (CHS), as well as investigation to date, it has been determined that CPD Sergeant RONALD WATTS, CPD Officer KALLATT MOHAMMED and other members of the CPD 2nd District tactical team have participated in the theft of money from drug dealers.

(B)

UNCLASSIFIED

355rbh01.ec.wpd 194D-CG-122761-148

To: Chicago From: Chicago
Re: 194D-CG-122761, 12/19/2011

(B)

It is anticipated that this scenario will occur the week of January 5, 2012.

FD-888 (Rev. 06-09-2010)

LAW ENFORCEMENT OPERATIONS ORDER

CASE ID NUMBER 194D-CG-122761 -153	
FIELD DIVISION/SQUAD Chicago Division/Squad WC-2	
Date Prepared 01/12/2012	Planned Operation Date 01/18/2012
CASE TITLE OPERATION BRASS TAX	
CASE AGENT/OFFICE SA Craig Henderson	Telephone Number (S)
ALTERNATE CASE AGENT/OFFICE SA Raymond (Brian) B. Hart	Telephone Number

SITUATION/MISSION

Type of Operation	Activity Location
☐ Arrest ☐ Search ☑ Surveillance ☐ Seizure ☑ Other	2100-2200 S. Prairie Avenue, Chicago, Illinois

Warrant Information
☐ Warrant Verified

Overall Mission Concept (Brief statement of who, what, why, when, and where)
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.

CAUTION STATEMENT
As subjects are CPD officers, assume they are armed and dangerous.

U) LAW ENFORCEMENT SENSITIVE: The information marked (U//LES) in this document is the property of the Federal Bureau of Investigation and may be distributed within the Federal Government (and its contractors), U.S. intelligence, law enforcement, public safety or protection officials and individuals with a need to know. Distribution beyond these entities without Federal Bureau of Investigation authorization is prohibited. Precautions should be taken to ensure this information is stored and/or destroyed in a manner that precludes unauthorized access. Information bearing the LES caveat may not be used in legal proceedings without first receiving authorization from the originating agency. [Recipients are prohibited from subsequently posting the information marked LES on a website on an unclassified network]

This Document has been prepared by the Federal Bureau of Investigation
LAW ENFORCEMENT SENSITIVE

SUBJECT TO PRIVACY ACT ORDER

194D-CG-122761 -153 ALB 1/13/12

SITUATION/MISSION CONTINUED

SUBJECT INFORMATION

Name: RONALD WATTS	Race: Black	Sex: Male	DOB: (S)
Aliases:	Height:	Weight:	
	Eyes:	Hair:	
Fingerprint Code:	SSAN:	FBI#:	

Identifying Marks and Tattoos:

Address: 8019 S. Sangamon, Chicago, Illinois

Vehicle Info: 2000 Lexus Four Door (5367355); 2008 Toyota (Prius) Four Door (H999703): Cadillac, grey in color (G923987)

Criminal History:

REASON FOR CAUTION STATEMENT (subject specific)

Watts is a Chicago Police Department (CPD) police Sergeant and is considered armed and dangerous.

Identify other legal process outstanding to include issuing official, district and date issued, and warrant location.

None

Other Information Regarding Subject (Can include items such as possible locations of subject, identification of associates, and information provided by informants and other law enforcement agencies.) **Provide Photo If Available.**

KALLATT MOHAMMED, address: 9623 S. Union, Chicago, Illinois, M/B DOB: (S), CPD police officer. Vehicle is back Hyundai Azera (9181182)

ALVIN JONES, address: (S), M/B, DOB (S), CPD police officer

Photographs of Watts, Mohammed and Jones are attached.

This Document has been prepared by the Federal Bureau of Investigation
LAW ENFORCEMENT SENSITIVE

SUBJECT TO PRIVACY ACT ORDER FBI001001

SITUATION/MISSION CONTINUED

INTELLIGENCE - Additional pertinent information can be added as an attachment

- ☐ Site Survey Results _____
- ☐ Danger Areas _____
- ☐ Aggressive Animals _____
- ☑ Surveillance Systems MST-A will be on site as well as surveillance groups from Squad WC-2 and CPD-IAD
- ☐ Cover and Concealment _____
- ☐ Presence of Children/Minors _____
- ☐ Other _____

LAW ENFORCEMENT PARTICIPANTS IN THE OPERATION

Identify personnel directly involved in the operation, as well as their assignment (entry/perimeter) for the operation

NAME	AGENCY	ASSIGNMENT	SIGNAL#	CELLULAR #
SA Craig Henderson	FBI	Team Leader	(H), (S)	
SA Raymond B. Hart	FBI	Assistant Team Leader		
TFO Sgt.Allen J. Boehmer	CPD-IAD	Surveillance		
SA Brian J. Etchell	FBI	Surveillance		
SA Brendan J. O'Leary	FBI	Surveillance/ (H)		
SA Stephen J. O'Reilly	FBI	Surveillance		
SA Ginger Miller	FBI	Surveillance		
SA Philip Andrew	FBI	Surveillance/ (H)		
SA Lorenzo Benedict	FBI	Surveillance/McCormick Place		
SA Sean MacManus	FBI	Surveillance/CHS		
SA Bradley J.Smith	FBI	Surveillance/McCormick Place		
SA Don Anderson III	FBI	Surveillance		
SA Julie Anderson	FBI	(H) monitor		
SA Wes Riesmeyer	FBI	Surveillance/CHS		
MST-A TL	FBI	Surveillance		

OTHER LAW ENFORCEMENT PERSONNEL				
Identify personnel who are not directly involved in the operation, but may support the overall mission (e.g., mass interviews, evidence technicians, photo specialists, intelligence analysts, Command Post personnel, traffic control, etc.)				
NAME	AGENCY	ASSIGNMENT	SIGNAL#	CELLULAR #
TFO Sgt. Thomas Chester	CPD-IAD	Surveillance		(S)
Sgt. Thomas Finnelly	CPD-IAD	Surveillance		
Sgt. Mike Barz	CPD-IAD	Surveillance (H)		
P.O. Dion Boyd	CPD-IAD	Surveillance		
P.O. Terrence Johnson	CPD-IAD	Surveillance		
P.O. Mike Carroll	CPD-IAD	Surveillance/McCormick Place		
P.O. Shannon Spalding	CPD	(H)		(S)
P.O. Dan Echvarria	CPD			

EXECUTION

OVERALL PRIMARY PLAN SUMMARY

Captioned investigation involves subjects CPD police officers Ronald Watts, Kallatt Mohammed and others stealing drugs and drug proceeds from drug dealers and drug couriers. Through investigation and information from at least one Confidential Human Source (CHS), it was learned that Watts, Mohammed, and possibly other members of their unit have been stealing drugs and proceeds used for drug deals from drug dealers and couriers in and around the former Ida B. Wells public housing project. (H)

(B), (H)

On 1/18/2012, a second investigative operation will be conducted. See attached pages for details.

SPECIFIC DUTIES

(Concise, detailed statements directing how each unit, squad, team, or individual accomplishes their duties.)

SAs Henderson and Hart and TFO Boehmer will be in vehicle together monitoring radio traffic and court authorized tracking device.

Participating in the investigative operation will be MST-A, Agents from Squad WC-2 and personnel from CPD IAD. MST-A will maintain the inner perimeter and do the take away on WATTS/MOHAMMED vehicles. There will also be coverage (H) which will assist in covering the take away.

Specific Roles:

MST-A TL - delegate where surveillance team will set up. (H)

SAs Henderson Hart and TFO Sgt. Boehmer - command and control vehicle - monitor tracking device and coordinate movements of various surveillance teams.

(B), (H)

SA Smith and CPD-IAD police Officer Mike Carroll - will maintain surveillance from McCormick Place.

SA Lorenzo Benedict - will maintain surveillance via McCormick Place cameras in concert with (H)

SAs Etchell, O'Reilly, Miller, Andrew and D. Anderson - surveillance team.

(B), (H)

(H) Will maintain and supplement outer surveillance perimeter. Assist as needed.

CPD police officer Shannon Spalding and Dan Echevarria - will maintain presence in and around District police station at 51st and Wentworth in event that a UCE is arrested.

All Agents and officers should be cognizant that the targets will likely conduct counter surveillance during the money rip.

EXECUTION CONTINUED

COORDINATING INSTRUCTIONS

(Include here instructions common to all. Examples include times and dates for specific phases of the operation, coordination intra-office or with other agencies, warrant verification, danger areas, rehearsals, debriefings, etc.)

10:00a.m. on 1/18/2012, Agents and Officers will meet for a pre-operation briefing in the command post at the FBI building. Undercover officer and agents will also be present so surveillance teams can identify them. A photo of the CHS will be shown to the surveillance teams.

2:00p.m. on 1/18/2012, (B), (H) (B), (H). Surveilling teams will be in place at this time.

3:00p.m. on 1/18/2012, CHS and UCE-2 will be dropped off in the vicinity of 20th and Michigan Avenue, Chicago, Illinois.

3:30p.m. on 1/18/2012, (B), (H), located at (B), (H) (B), (H)

POLICY STATEMENT USE OF DEADLY FORCE (7/1/2004)[1]

GENERAL PRINCIPLES

I. Law enforcement officers and correctional officers of the Department of Justice may use deadly force only when necessary, that is, when the officer has a reasonable belief that the subject of such force poses an imminent danger of death or serious physical injury to the officer or to another person.

A. Deadly force may not be used solely to prevent the escape of a fleeing suspect.

B. Firearms may not be fired solely to disable moving vehicles.

C. If feasible and if to do so would not increase the danger to the officer or others, a verbal warning to submit to the authority of the officer shall be given prior to the use of deadly force.

D. Warning shots are not permitted outside of the prison context.

E. Officers will be trained in alternative methods and tactics for handling resisting subjects which must be used when the use of deadly force is not authorized by this policy.

EXECUTION CONTINUED

CUSTODIAL SITUATIONS

II. Unless force other than deadly force appears to be sufficient, deadly force may be used to prevent the escape of a prisoner committed to the custody of the Attorney General or the Bureau of Prisons.

A. if the prisoner is effecting his or her escape in a manner that poses an imminent danger to the safety of the officer or another person; or

B. if the prisoner is escaping from a secure facility or is escaping while in transit to or from a secure facility.

III. If the subject is in a non-secure facility deadly force may be used only when the subject poses an imminent danger of death or serious physical injury to the officer or another person.

IV. If the subject is in transit to or from a non-secure facility and is not accompanied by a person who is in transit to or from a secure facility, deadly force may be used only when the subject poses an imminent danger of death or serious physical injury to the officer or to another.

V. After an escape from a facility or vehicle and its immediate environs has been effected, officers attempting to apprehend the escaped prisoner may use deadly force only when the escaped prisoner poses an imminent danger of death or serious physical injury to the officer or another person.

VI. Deadly force may be used to maintain or restore control of a prison or correctional facility when the officer reasonably believes that the intend Subject of the deadly force is participating in a disturbance in a manner that threatens the safety of the officer or another person.

VII. In the prison context, warning shots may be fired within or in the immediate environs of a secure facility if there is no apparent danger to innocent persons: (A) If reasonably necessary to deter or prevent the subject from escaping from a secure facility or (B) if reasonably necessary to deter or prevent the subject's use of deadly force or force likely to cause serious physical injury.

APPLICATION OF THE POLICY

VIII. This Policy is not intended to, and des not, create any right or benefit, substantive or procedural, enforceable at law or in equity, against the United States, its departments, agencies, or other entities, its officers or employees, or any other person.

☑ Non DOJ Deadly Force Policy Addressed 1/18/2012

[1]Part II of the Deadly Force Policy is applicable only in cases of prison unrest which would principally involve HRT and/or SWAT. If a prison unrest situation arises, agents should contact the CDC or OGC for further legal guidance.

EXECUTION CONTINUED

CONTINGENCIES
See attached page.

ADMINISTRATION AND EQUIPMENT

WEAPONS AND AMMUNITION
All Agents and officers should have their Department issued equipment and weapons available as subjects of the investigation
are considered armed and dangerous.

CLOTHING AND EQUIPMENT (Includes protective gear, identifying clothing, and special equipment, e.g., ballistic shield, body armor, pepper spray, flex cuffs, etc.)	
All Agents and Officers should have their vests available in the event that Agents and Officers may have to intercede during the	
covert operation. As this is a covert operation, no Agent or Officer should identify themselves or their office unless it is	
necessary. (H)	(H)

ADMINISTRATION AND EQUIPMENT CONTINUED

HANDLING OF INJURED

(Be specific. Include EMS telephone numbers, local radio channels, and addresses of medical facilities and/or EMS)

☐ On Site Medical Support Available: _____

(This should include on-site medical support personnel name(s), location and contact information/call signs.)

☑ Nearest Hospital/Trauma Center:

Name of Hospital: Cook County/John Stroger Hospital

Address and Key Map Designation: 1900 W. Polk Street, Chicago, Illinois

Telephone Number: 911

Life Flight Information: _____

☐ Additional Emergency Medical Information: _____

HANDLING OF PRISONERS

Subject #1

Name: N/A Age: _____ Sex: _____

Subject To Be Transported Directly To Incarceration : ☐ Yes ☑ No

Transported By: _____

Subject Will Be Transported To FBI Office For Processing: ☐ Yes ☑ No

Transported By: _____

Processing Handled By: _____

Fingerprinted ☐ Yes ☑ No Handled By: _____

Photographed ☐ Yes ☑ No Handled By: _____

DNA Swab ☐ Yes ☑ No Handled By: _____

Interviewed ☐ Yes ☑ No Handled By: _____

Subject Has Medical Needs? ☐ Yes ☑ None Known If yes please describe:

Please Provide Details For All Additional Subjects.

This Document has been prepared by the Federal Bureau of Investigation

LAW ENFORCEMENT SENSITIVE

SUBJECT TO PRIVACY ACT ORDER FBI001008

CONTROL AND COMMUNICATIONS

Command Post (if utilized)	
Supervisor in Charge: SSA Keith Byers	Location: McCormick Place
Phone #: (S)	Radio Channel: (H) Call Sign: (H)

On-Scene Command	
Agent in Charge: SA Craig Henderson	Location: On Scene
Phone #: (S)	Radio Channel: (H) Call Sign: (H)

☐ If applicable, state & local police notified

RADIO COMMUNICATIONS (include channels, frequencies, secure or clear mode)

Channel ID	Secure/Clear	AGENCY/OWNER (i.e., FBI, Virginia State Police, etc	PRIMARY PURPOSE/USE (i.e., Sniper Channel, Administrative/Support Channel, etc.)
(H)			
	Secure	FBI Chicago	Surveillance
		CPD-IAD	Comm with TFO Sgt. Boehmer
		SOG	

CAUTION STATEMENT (Repeat of General Case related Caution Statement)

All subjects should be considered armed and dangerous as they are police officers.

It s believed that subjects will also be conducting counter surveillance during the money theft.

Reviewed By: SSA K.A. Byers WC-2
GS-14 Supervisory Special Agent

Approved By: FBI
On Scene Commander or SAC Designee

This Document has been prepared by the Federal Bureau of Investigation
LAW ENFORCEMENT SENSITIVE

SUBJECT TO PRIVACY ACT ORDER FBI001009

OPERATIONAL SCENARIO

On 1/18/2012, Squad WC-2 will conduct another investigative operation involving (B), (H) Undercover Employee-1 (H) UCE-1), (H) targeting CPD officers WATTS, MOHAMMED, JONES and others yet unknown for violations of Title 18, U.S.C. 641 and 1951. It is anticipated that prior to 1/18/2012, CHS will (B), (H) (B), (H)

Approximately one to two days prior to 1/18/2012, CHS will (B), (H)

On 1/18/2012, at approximately 2:00p.m. CHS will (B), (H)

At approximately 3:30p.m., CHS and (H) will proceed to the (B), (H) parking lot located at (B), (H), Chicago, Illinois and wait on the south side of the building for CPD UCE-1 to drive by (B), (H) (B), (H) (B), (H) UCE-1, will leave the (B), (H) parking lot going south bound on Michigan Avenue, and entering I-55 South. (B), (H) will then walk with the (B), (H). (B), (H)

opposite side of the street. (H) will walk northbound on Michigan Avenue on the west side of the street, crossing Cermak Road, and proceeding east bound on the north side of Cermak Road. (H) will then go northbound on Prairie Street, where (H) (H) will walk approximately one to one and a half blocks to a (H). During this time, it is anticipated that CHS will (B), (H) (B), (H) It is also anticipated that WATTS or a member of his tactical team will (H) (H)

In the event that (H) by WATTS, MOHAMMED or other members of the tactical team by this point, (H) (H) and walk away, going southbound on Prairie, to west bound on Cermak and then southbound on Michigan, arriving back at the (H), (B) where (H) will eventually be picked up by Agents.

(H) will proceed to (H) proceeding to I-55 southbound and leaving the city limits. It should be noted that there will also be a video only camera in this vehicle in the event that WATTS, MOHAMMED or others yet unknown (H)

CONTINGENCY PLANS

In the event (H) is stopped on the street by WATTS, MOHAMMED or other tactical team members, (H) will (H) (H)

In the unlikely event that WATTS, MOHAMMED or other tactical team members (H) (H), most likely the CPD 2nd District. Once (H), two CPD officers involved in this investigation will maintain a presence at the station and ascertain from WATTS, MOHAMMED and other tactical team members as to what they are doing, attempting to identify if (H) (H) At this point, in consultation with Assistant United States Attorney's Office, probable cause arrests would be made for those involved in the drug money theft scenario and the false arrest.

In the event that (H) (H) is stopped by WATTS, MOHAMMED or other tactical team members, (H) (H)

As (H) UCE-1 was the UCE used for a (H) (H), it is believed that WATTS, MOHAMMED and other tactical team members will not pursue, stop or question (H).

Surveillance of this investigative operation will involve elements of Squad MST-A for surveillance of subjects and their vehicles during and after the anticipated theft of money. Squad WC-2 Agents and CPD-IAD officers will supplement the surveillance of the operation, as well as maintain fixed areas of surveillance at McCormick Place Convention Center. On 1/11/2012, SA Henderson and Hart, and TFO Sgt. Boehmer liaisoned with (H) (H) (H) nor the security personnel were advised of the substance of the investigation or operation, nor the identity of the named subjects of the investigation.

FEDERAL BUREAU OF INVESTIGATION

PHYSICAL SURVEILLANCE LOG

File Number: 194D-CG-122761	Day/Date: WEDNESDAY, JANUARY 18, 2012
Case Title: XXXXX	Surv Start Date/Time: 1/18/2012 10:00 AM
Physical Surveillance Of: WATTS, RONALD MOHAMMAD, KHALLAT JONES, ALVIN	Surv End Date/Time: 1/25/2012 6:00 PM
Conducted By: MST-A Red	Squad: WC-2

TEAM MEMBERS

Team Leader:
SKIEVASKI, DEREK (CG) (FBI)

Team Members:
WRIGHT, ROBERT G (CG) (FBI)
RAGUS, GEORGE A (CG) (FBI)
BENVENUTO, PAUL M (CG) (FBI)
SAM, KEITH A (CG) (FBI)
WHEELER, NEIL D (CG) (FBI)
OSBORNE, FREDERICK E (CG) (FBI)

Aviation Assistance:
ELLIS, KEVIN L (CG) (FBI)
RYCZEK, SCOTT E (CG) (FBI)
FRIES, JEREMY J (CG) (FBI)

NARRATIVE/ANALYSIS

181
194D-CG-122761 ~~302~~
Henderson
Byers KAB/RAM

FEDERAL BUREAU OF INVESTIGATION

PHYSICAL SURVEILLANCE LOG

File Number: 194D-CG-122761	Day/Date: WEDNESDAY, JANUARY 18, 2012
Case Title: XXXXX	Surv Start Date/Time: 1/18/2012 10:00 AM
Physical Surveillance Of: WATTS, RONALD MOHAMMAD, KHALLAT JONES, ALVIN	Surv End Date/Time: 1/25/2012 6:00 PM
Conducted By: MST-A Red	Squad: WC-2

SUMMARY

☑ Subject Not Observed

FEDERAL BUREAU OF INVESTIGATION

PHYSICAL SURVEILLANCE LOG

File Number: 194D-CG-122761	Day/Date: WEDNESDAY, JANUARY 18, 2012
Case Title: XXXXX	Surv Start Date/Time: 1/18/2012 10:00 AM
Physical Surveillance Of: WATTS, RONALD MOHAMMAD, KHALLAT JONES, ALVIN	Surv End Date/Time: 1/25/2012 6:00 PM
Conducted By: MST-A Red	Squad: WC-2

OBSERVATIONS

Time	Initials	Observation
1:00 P.M.	DS DS	Surveillance initiated vicinity (B), (H)
4:20 P.M.	DS DS	UM#1 and UM#2 arrive at the (B), (H) and greet by shaking hands.
4:35 P.M.	DS DS	A black Chrysler Sebring arrives at the UM#1 and UM#2 each receive a burgundy back pack from the unknown driver. (B), (H)
4:37 P.M.	DS DS	UM#1 and UM#2 depart the on foot walking north bound on Michigan Avenue.
4:48 P.M.	DS DS	UM#1 and UM#2 arrive at a gray Dodge Charger parked and unoccupied on Prairie Street. The back packs are placed on the rear seat behind the driver's seat.
4:49 P.M.	DS DS	UM#1 and UM#2 depart the area on foot.
4:50 P.M.	DS DS	The gray Dodge Charger departs the area.
4:55 P.M.	DS DS	The gray Dodge Charger is last seen west bound on Roosevelt road.
5:00 P.M.	DS, RGW, ...	Surveillance terminated.

DS KEW
GAM KM PMB

FEDERAL BUREAU OF INVESTIGATION

PHYSICAL SURVEILLANCE LOG

File Number: 194D-CG-122761	Day/Date: WEDNESDAY, JANUARY 18, 2012
Case Title: XXXXX	Surv Start Date/Time: 1/18/2012 10:00 AM
Physical Surveillance Of: WATTS, RONALD MOHAMMAD, KHALLAT JONES, ALVIN	Surv End Date/Time: 1/25/2012 6:00 PM
Conducted By: MST-A Red	Squad: WC-2

SURVEILLANCE DOCUMENTED BY:
OSBORNE, FREDERICK E (CG) (FBI)

SURVEILLANCE LOG PREPARED BY:
FEOSBORNE

SIGNATURES

SKIEVASKI, DEREK (CG) (FBI)

WRIGHT, ROBERT G (CG) (FBI)

George Andrew Ragus

RAGUS, GEORGE A (CG) (FBI)

(PMB)

BENVENUTO, PAUL M (CG) (FBI)

SAM, KEITH A (CG) (FBI)

WHEELER, ~~NEIL D~~ Ken (CG) (FBI)

OSBORNE, FREDERICK E (CG) (FBI)

(Rev. 05-01-2008)

UNCLASSIFIED

FEDERAL BUREAU OF INVESTIGATION

Precedence: ROUTINE **Date:** 1/17/2012

To: Criminal Investigative **Attn:** SSA Anthony T. Riedlinger, Public Corruption Unit (PCU), Room 3973

Section Chief Sharon Ormsby, Operational Support Section (OSS), Room 3867

From: Chicago
Squad WC-2
Contact: SA Craig Henderson, 312-829-8541

Approved By: Grant Robert D
Byers Angela J
Byers Keith A

Drafted By: Henderson Craig:ch

Case ID #: 194D-CG-122761-159 (Pending)

Title: OPERATION BRASS TAX

Synopsis: To notify the Operational Support Section (OSS) and Public Corruption Unit (PCU) regarding case restriction of captioned investigation.

Details: It is requested that access to the captioned investigation be restricted. Captioned investigation involves potential systemic corruption within the Chicago Police Department (CPD) 2nd District, specifically a CPD 2nd District tactical team. Investigation to date has shown that at least two members of the CPD 2nd District tactical team, Sergeant RONALD WATTS and police officer KALLATT MOHAMMED have participated in at least two thefts of money from individuals believed by them to be carrying drug proceeds. These two thefts were actually covert investigative operations conducted by the FBI. It is further believed, based in part on (J-1) analysis and debriefings of Confidential Human Sources (CHS), that other members of this tactical team may be involved in the theft of drugs and drug proceeds. These two prior covert investigative operations have involved not only CHSs, but also undercover employees.

UNCLASSIFIED

SST, please restrict case and grant access to people listed on p. 2 along with PCU SSA Giulio J. Arseni.

319ch01.ec.restricted up!

1/30/2012
194D-CG-122761-159

To: Criminal Investigative From: Chicago
Re: 194D-CG-122761, 1/17/2012

It is further anticipated that future covert investigative operations will involve CHSs, as well as undercover employees. In order to maintain the covert status of these individual's identity, it is necessary to restrict access in order to minimize the potential for identification of CHS and UCEs by individuals not involved in this investigation.

Finally, as this case does involve the investigation of law enforcement officers for violation of Title 18, U.S.C 1951 (Hobbs Act - extortion), it is requested, due to the sensitive nature of the investigation and previous covert investigative operations, that this case be restricted to only Squad WC-2 personnel and supervisory personnel assigned to the captioned investigation.

The Criminal Investigative Division (CID) has previously delegated to each Assistant Director in Charge/Special Agent in Charge the authority to manually restrict case files whenever 58 or 194 file classifications are involved. Within ten working days of restricting any of the above classifications, however, the respective field office shall submit an EC to the PCU, with a copy to OSS, notifying CID of this restriction. These notifications are required, but are only for record keeping purposes.

Chicago will provide access to PCU Unit Chief Richard M. Denholm, and SSA Anthony T. Riedlinger, who have program management oversight for this restricted investigative matter. Access is also being granted to the following Chicago personnel:

SAC Robert D. Grant
ASAC Angela L. Byers
SSA Keith A. Byers
SA Craig Henderson
SA Raymond B. Hart
SA Don Anderson III
TFO Sgt. Allen J. Boehmer
SST Belinda Hidalgo
IA Kelly Wittig

SUBJECT TO PRIVACY ACT ORDER FBI001036

(Rev. 01-31-2003)

FEDERAL BUREAU OF INVESTIGATION

Precedence: ROUTINE **Date:** 1/23/2012

To: Criminal Investigative **Attn:** Giulio Arseni, PCU, Room 3973
Chicago **Attn:** PA Theresa Beirne-O'Leary

From: Chicago
Squad WC-2
Contact: SA Raymond B. Hart, (312) 829-8532

Approved By: Grant Robert D
Byers Angela
Byers Keith A KAB
Hyde Joan M

Drafted By: Hart Raymond B RBH

Case ID #: 63E-CG-C116987-R
194B-CG-122761-160

Title: OPERATION BRASS TAX

Synopsis: To request SAC authorization to [redacted] (H) and SAC authorization for Chicago Police Department (CPD), Internal Affairs Division (IAD) [redacted] (H)

Administrative: Telephone conversation between SA Raymond B. Hart and Financial Manager Esther Martinez on January 23, 2012.

Details: The captioned investigation was re-opened in January 2007 when new information was received from several witnesses and Confidential Human Sources (CHS) regarding drug-related law enforcement corruption in Chicago, Illinois. Two of the CHSs had been narcotics dealers in the Ida B. Wells housing complex. According to the CHSs, CPD Sergeant Ronald Watts and CPD Officer Kallatt Mohammed extorted payments from them and other narcotics dealers, in exchange for protection of the narcotics trade. The officers demanded a portion of the narcotics proceeds on a weekly to biweekly basis. Failure to pay the extortion was met with threats of arrest.

[redacted] (B)

194B-CG-122761-160

(B)

SUBJECT TO PRIVACY ACT ORDER FBI001039

(B)

(H) has not yet been fully "Certified" as a UCE in accordance with the procedures set forth in referenced Director's communication. (H) Supervisor is CPD-IAD Sergeant Thomas Finnelly. Sergeant Finnelly has previously reviewed the personnel file of (H) (H) to ensure there are no Giglio issues.

Based on the scenario on November 21, 2011, it is not anticipated that (H) will have any interaction with the subjects of the investigation. CPD-IAD will provide security for (H) (H)

To date, no substantive undercover contacts have taken place between any undercover personnel and the subjects of this investigation. Although undercovers have made cameo appearances in connection with the (H) they had no contact with the subjects.

On January 19, 2012, SA Raymond B. Hart, SA Craig Henderson and TFO Sergeant Allen Boehmer met with United States Attorneys (AUSA) Ben Langner and Maggie Schneider. AUSAs Langner and Schneider supported the proposed February 2, 2012 operation and agreed that a successful operation would result in an additional criminal charge of Theft of Government Funds, 18 U.S.C 641, for Sergeant Watts and Officer Mohammed.

SUBJECT TO PRIVACY ACT ORDER

LEAD(s):

Set Lead 1: (Info)

CRIMINAL INVESTIGATIVE

AT WASHINGTON, DC

Read and clear.

♦♦

SUBJECT TO PRIVACY ACT ORDER FBI001041

FD-1023 (07/24/2010)	FEDERAL BUREAU OF INVESTIGATION CHS REPORTING DOCUMENT

HEADER

Source ID: (B)

Date: **01/25/2012**

Case Agent Name: **Henderson,Craig**

Field Office/Division: **Chicago**

Squad: **WC II**

Date of Contact: (B)

List all present including yourself. (Do not include the CHS.):

Type of Contact: **In Person**

Country: **UNITED STATES**

City: **Chicago**

State: **Illinois**

Date of Report: **12/05/2011**

Substantive Case File Number: **194D-CG-122761** Serial 157

Source Reporting: A Confidential Human Source (CHS), who has agreed to testify, was interviewed regarding the FBI investigative operation that occurred on (B) To assist in the CHS's recollection and aid the investigating agents in asking the CHS specific questions about the operation, the CHS was played consensual recording 1D 178. When the CHS was asked about particular events taking place at different times and locations throughout the operation, the CHS provided the following information:

(B)

(B), (S)

(B), (J-2)

Signed by:

Click here to sign this section

Signed by RBHART View details
on Wednesday, January 25, 2012 1:30 PM (Central Standard Time)

FD-1023 (07/24/2010)	FEDERAL BUREAU OF INVESTIGATION

FD-888 (Rev. 06-09-2010)

LAW ENFORCEMENT OPERATIONS ORDER

CASE ID NUMBER 194D-CG-122761	
FIELD DIVISION/SQUAD Chicago Division/Squad WC-2	
Date Prepared 01/31/2012	Planned Operation Date 02/02/2012
CASE TITLE OPERATION BRASS TAX	
CASE AGENT/OFFICE SA Craig Henderson	Telephone Number (S)
ALTERNATE CASE AGENT/OFFICE SA Raymond (Bryan) B. Hart	Telephone Number

SITUATION/MISSION

Type of Operation	Activity Location
☐ Arrest ☐ Search ☑ Surveillance ☐ Seizure ☑ Other	2100-2200 S. Prairie Avenue, Chicago, Illinois

Warrant Information
☐ Warrant Verified

Overall Mission Concept (Brief statement of who, what, why, when, and where)

This will be a covert operation in which a CHS, with money provided by the FBI, will be detained by CPD officers Ronald Watts, Kallatt Mohammed, and others yet unknown. It is anticipated that the CHS' money will be stolen by the officers.

CAUTION STATEMENT

As subjects are CPD officers, assume they are armed and dangerous.

U) LAW ENFORCEMENT SENSITIVE: The information marked (U//LES) in this document is the property of the Federal Bureau of Investigation and may be distributed within the Federal Government (and its contractors), U.S. intelligence, law enforcement, public safety or protection officials and individuals with a need to know. Distribution beyond these entities without Federal Bureau of Investigation authorization is prohibited. Precautions should be taken to ensure this information is stored and/or destroyed in a manner that precludes unauthorized access. Information bearing the LES caveat may not be used in legal proceedings without first receiving authorization from the originating agency. [Recipients are prohibited from subsequently posting the information marked LES on a website on an unclassified network]

This Document has been prepared by the Federal Bureau of Investigation
LAW ENFORCEMENT SENSITIVE

KNB -169
194D-CG-122761

SUBJECT TO PRIVACY ACT ORDER

SITUATION/MISSION CONTINUED

SUBJECT INFORMATION

Name: RONALD WATTS	Race: Black	Sex: Male	DOB: (S)
Aliases:	Height: 5" 11"	Weight: 240	
	Eyes: Brown	Hair: Black	
Fingerprint Code:	SSAN:	FBI#:	

Identifying Marks and Tattoos:

Address: 8019 S. Sangamon, Chicago, Illinois

Vehicle Info: 2000 Lexus Four Door (5367355); 2008 Toyota (Prius) Four Door (H999703): Cadillac, grey in color (G923987)

Criminal History:

REASON FOR CAUTION STATEMENT (subject specific)

Watts is a Chicago Police Department (CPD) police Sergeant and is considered armed and dangerous.

Identify other legal process outstanding to include issuing official, district and date issued, and warrant location.

None

Other Information Regarding Subject (Can include items such as possible locations of subject, identification of associates, and information provided by informants and other law enforcement agencies.) **Provide Photo If Available.**

KALLATT MOHAMMED, address: 9623 S. Union, Chicago, Illinois, M/B DOB (S) CPD police officer. Vehicle is black Hyundai Azera (9181182)

ALVIN JONES, address: (S), M/B, DOB (S) CPD police officer

Photographs of Watts, Mohammed and Jones and other tactical team members are attached.

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LAW ENFORCEMENT SENSITIVE

SUBJECT TO PRIVACY ACT ORDER FBI001076

SITUATION/MISSION CONTINUED

INTELLIGENCE - Additional pertinent information can be added as an attachment

☐ Site Survey Results _____

☐ Danger Areas _____

☐ Aggressive Animals _____

OTHER LAW ENFORCEMENT PERSONNEL				
Identify personnel who are not directly involved in the operation, but may support the overall mission (e.g., mass interviews, evidence technicians, photo specialists, intelligence analysts, Command Post personnel, traffic control, etc.)				
NAME	**AGENCY**	**ASSIGNMENT**	**SIGNAL#**	**CELLULAR #**
TFO Sgt. Thomas Chester	CPD-IAD	Surveillance		(S)
Sgt. Luz Nieves	CPD-IAD	Surveillance		
Sgt. Mike Barz	CPD-IAD	Surveillance (H)		
P.O. Dion Boyd	CPD-IAD	Surveillance		
P.O. Terrence Johnson	CPD-IAD	Surveillance		
P.O. Mike Carroll	CPD-IAD	Surveillance/McCormick Place		
P.O. Shannon Spalding	CPD	(H)		
P.O. Dan Echvarria	CPD			

EXECUTION

OVERALL PRIMARY PLAN SUMMARY

Captioned investigation involves subject CPD police officers Ronald Watts, Kallatt Mohammed and others stealing drugs and drug proceeds from drug dealers and drug couriers. Through investigation and information from at least one Confidential Human Source (CHS), it was learned that Watts, Mohammed, and possibly other members of their unit have been stealing drugs and proceeds used for drug deals from drug dealers and couriers in and around the former Ida B. Wells public housing project. (B), (H)

(B), (H)

On 2/2/2012, a third investigative operation will be attempted which will be similar to the 1/18/2012 scenario. A pre-operation briefing will be at 10:00 a.m. on 2/2/2012 in the 1st floor command center. See attached addendum for details.

SPECIFIC DUTIES

(Concise, detailed statements directing how each unit, squad, team, or individual accomplishes their duties.)

SAs Henderson, Hart and TFO Boehmer will be in a vehicle together monitoring radio traffic and court authorized tracking device.

Participating in the investigative operation will be MST-A, Agents from Squad WC-2 and personnel from CPD IAD. MST-A will maintain the inner perimeter and do the take away on WATTS/MOHAMMED vehicles. There will also be coverage (H) which will assist in covering the take away.

Specific Roles:

MST-A TL - delegate where surveillance team will set up. (H)

SAs Henderson, Hart and TFO Sgt. Boehmer - command and control vehicle - monitor tracking device and coordinate movements of various surveillance teams.

(B), (H)

SA Smith and CPD-IAD police Officer Mike Carroll - will maintain surveillance from McCormick Place.

SA Lorenzo Benedict - will maintain surveillance via McCormick Place cameras in concert with (H)

SAs O'Leary, Etchell, O'Reilly, Miller, Andrew and D. Anderson - surveillance team.

(B), (H)

CPD-IAD - will provide primary security for (H) Will maintain and supplement outer surveillance perimeter. Assist as needed.

CPD police officer Shannon Spalding and Dan Echevarria - will maintain presence in and around District police station at 51st and Wentworth in event that CHS is arrested.

All Agents and officers should be cognizant that the targets will likely conduct counter surveillance during the money rip.

EXECUTION CONTINUED

COORDINATING INSTRUCTIONS

(Include here instructions common to all. Examples include times and dates for specific phases of the operation, coordination intra-office or with other agencies, warrant verification, danger areas, rehearsals, debriefings, etc.)

10:00a.m. on 2/2/2012, Agents and Officers will meet for a pre-operation briefing in the command post at the FBI building. Undercover officer and agent will also be present, so surveillance teams can identify them. A photo of the CHS will be shown to the surveillance teams.

1:00p.m. on 2/2/2012, (B), (H) (B), (H) Surveilling teams will be in place at this time.

2:00p.m. on 2/2/2012, CHS will be dropped off in the vicinity of State Street and Cullerton Street, Chicago, Illinois.

2:30p.m. on 2/2/2012, (B), (H), located at (B), (H) (B), (H)

POLICY STATEMENT USE OF DEADLY FORCE (7/1/2004)[1]

GENERAL PRINCIPLES

I. Law enforcement officers and correctional officers of the Department of Justice may use deadly force only when necessary, that is, when the officer has a reasonable belief that the subject of such force poses an imminent danger of death or serious physical injury to the officer or to another person.

A. Deadly force may not be used solely to prevent the escape of a fleeing suspect.

B. Firearms may not be fired solely to disable moving vehicles.

C. If feasible and if to do so would not increase the danger to the officer or others, a verbal warning to submit to the authority of the officer shall be given prior to the use of deadly force.

D. Warning shots are not permitted outside of the prison context.

E. Officers will be trained in alternative methods and tactics for handling resisting subjects which must be used when the use of deadly force is not authorized by this policy.

EXECUTION CONTINUED

CUSTODIAL SITUATIONS

II. Unless force other than deadly force appears to be sufficient, deadly force may be used to prevent the escape of a prisoner committed to the custody of the Attorney General or the Bureau of Prisons.

A. if the prisoner is effecting his or her escape in a manner that poses an imminent danger to the safety of the officer or another person; or

B. if the prisoner is escaping from a secure facility or is escaping while in transit to or from a secure facility.

III. If the subject is in a non-secure facility deadly force may be used only when the subject poses an imminent danger of death or serious physical injury to the officer or another person.

IV. If the subject is in transit to or from a non-secure facility and is not accompanied by a person who is in transit to or from a secure facility, deadly force may be used only when the subject poses an imminent danger of death or serious physical injury to the officer or to another.

V. After an escape from a facility or vehicle and its immediate environs has been effected, officers attempting to apprehend the escaped prisoner may use deadly force only when the escaped prisoner poses an imminent danger of death or serious physical injury to the officer or another person.

VI. Deadly force may be used to maintain or restore control of a prison or correctional facility when the officer reasonably believes that the intend Subject of the deadly force is participating in a disturbance in a manner that threatens the safety of the officer or another person.

VII. In the prison context, warning shots may be fired within or in the immediate environs of a secure facility if there is no apparent danger to innocent persons: (A) If reasonably necessary to deter or prevent the subject from escaping from a secure facility or (B) if reasonably necessary to deter or prevent the subject's use of deadly force or force likely to cause serious physical injury.

APPLICATION OF THE POLICY

VIII. This Policy is not intended to, and des not, create any right or benefit, substantive or procedural, enforceable at law or in equity, against the United States, its departments, agencies, or other entities, its officers or employees, or any other person.

☑ Non DOJ Deadly Force Policy Addressed 2/2/12; CPD Officers will abide by CPD's deadly force policy

[1]Part II of the Deadly Force Policy is applicable only in cases of prison unrest which would principally involve HRT and/or SWAT. If a prison unrest situation arises, agents should contact the CDC or OGC for further legal guidance.

EXECUTION CONTINUED

CONTINGENCIES
See attached page.

ADMINISTRATION AND EQUIPMENT

WEAPONS AND AMMUNITION
All Agents and officers should have their Department issued equipment and weapons available as subjects of the investigation
are considered armed and dangerous.

CLOTHING AND EQUIPMENT (Includes protective gear, identifying clothing, and special equipment, e.g., ballistic shield, body armor, pepper spray, flex cuffs, etc.)
All Agents and Officers should have their vests available in the event that Agents and Officers may have to intercede during the
covert operation. As this is a covert operation, no Agent or Officer should identify themselves or their office unless it is
necessary. (H)
(H)

ADMINISTRATION AND EQUIPMENT CONTINUED

HANDLING OF INJURED

(Be specific. Include EMS telephone numbers, local radio channels, and addresses of medical facilities and/or EMS)

☐ On Site Medical Support Available: _____

(This should include on-site medical support personnel name(s), location and contact information/call signs.)

☑ Nearest Hospital/Trauma Center:

Name of Hospital: Cook County/John Stroger Hospital

Address and Key Map Designation: 1900 W. Polk Street, Chicago, Illinois

Telephone Number: 911

Life Flight Information: _____

☐ Additional Emergency Medical Information: _____

HANDLING OF PRISONERS

Subject #1

Name: N/A Age: _____ Sex: _____

Subject To Be Transported Directly To Incarceration : ☐ Yes ☑ No

Transported By: _____

Subject Will Be Transported To FBI Office For Processing: ☐ Yes ☑ No

Transported By: _____

Processing Handled By: _____

Fingerprinted ☐ Yes ☑ No Handled By: _____

Photographed ☐ Yes ☑ No Handled By: _____

DNA Swab ☐ Yes ☑ No Handled By: _____

Interviewed ☐ Yes ☑ No Handled By: _____

Subject Has Medical Needs? ☐ Yes ☑ None Known If yes please describe:

Please Provide Details For All Additional Subjects.

This Document has been prepared by the Federal Bureau of Investigation

LAW ENFORCEMENT SENSITIVE

SUBJECT TO PRIVACY ACT ORDER FBI001083

CONTROL AND COMMUNICATIONS

Command Post (if utilized)	
Supervisor in Charge: SSA Keith Byers	Location: 2111 West Roosevelt Road, Chicago, Illinois
Phone #: (S)	Radio Channel: (H) Call Sign: (H)

On-Scene Command	
Agent in Charge: SA Craig Henderson	Location: On Scene
Phone #: (S)	Radio Channel: (H) Call Sign: (H)

☐ If applicable, state & local police notified

RADIO COMMUNICATIONS (include channels, frequencies, secure or clear mode)

Channel ID	Secure/Clear	AGENCY/OWNER (i.e., FBI, Virginia State Police, etc	PRIMARY PURPOSE/USE (i.e., Sniper Channel, Administrative/Support Channel, etc.)
(H)	Secure	FBI Chicago	Surveillance
		CPD-IAD	Comm with TFO Sgt. Boehmer
		MST-A	

CAUTION STATEMENT (Repeat of General Case related Caution Statement)

All subjects should be considered armed and dangerous as they are police officers.

It s believed that subjects will also be conducting counter surveillance during the money theft.

Reviewed By: SSA K.A. Byers 01/31/2012
GS-14 Supervisory Special Agent

Approved By: 1/31/2012
~~On Scene Commander or~~ SAC Designee

This Document has been prepared by the Federal Bureau of Investigation
LAW ENFORCEMENT SENSITIVE

SUBJECT TO PRIVACY ACT ORDER FBI001084

OPERATIONAL SCENARIO

On 2/2/2012, Squad WC-2 will conduct another investigative operation involving CHS- (B), (H) Undercover Employee-1 (H) UCE-1), and (H) targeting CPD officers WATTS, MOHAMMED, JONES and others yet unknown for violations of Title 18, U.S.C. 641 and 1951.

Approximately one day prior to 2/2/2012, CHS will again (B), (H)

On 2/2/2012, at approximately 1:00p.m. CHS will (B), (H)

At approximately 2:30p.m., CHS will proceed to the (B), (H) (B), parking lot located at (B), (H), Chicago, Illinois and wait on the south side of the building for (H) UCE-1 to drive by and (B), (H) (B), (H) (B), (H) (H) will have a recording device and transmitter on his/her person. (H) (H) UCE-1, will leave the (B), (H) parking lot going south bound on Michigan Avenue, and entering I-55 South. (H) will then walk with the (H) (H) will walk northbound on Michigan Avenue on the east side of the street, and then proceed east bound on the south side of Cermak Road. (H) will then crossover Cermak Road and go northbound on Prairie Street, where (H) will walk approximately one to one and a half blocks to a (H). During this time, it is anticipated that CHS will (H), (B) (H), (B) It is also anticipated that WATTS or a member of his tactical team will (H)

(H)

In the event that (H) by WATTS, MOHAMMED or other members of the tactical team by this point, (H) (H) and walk away, going southbound on Prairie, to west bound on Cermak and then southbound on Michigan, arriving back at the (B), (H) where (H) will eventually be picked up by Agents.

(H) will proceed to (H) proceeding to I-55 southbound and leaving the city limits. It should be noted that there will also be a video only camera in this vehicle in the event that WATTS, MOHAMMED or others yet unknown (H)

CONTINGENCY PLANS

In the unlikely event that WATTS, MOHAMMED or other tactical team members arrest (H) (H) most likely the CPD 2nd District. Once (H), two CPD officers involved in this investigation will maintain a presence at the station and ascertain from WATTS, MOHAMMED and other tactical team members as to what they are doing, attempting to identify if (H) (H) (H) At this point, in consultation with Assistant United States Attorney's Office, probable cause arrests would be made for those involved in the drug money theft scenario and the false arrest.

In the event that (H) (H) and is stopped by WATTS, MOHAMMED or other tactical team members, (H) (H)

As (H) UCE-1 was the UCE used for a (H) (H), it is believed that WATTS, MOHAMMED and other tactical team members will not pursue, stop or question CPD-IAD UCE.

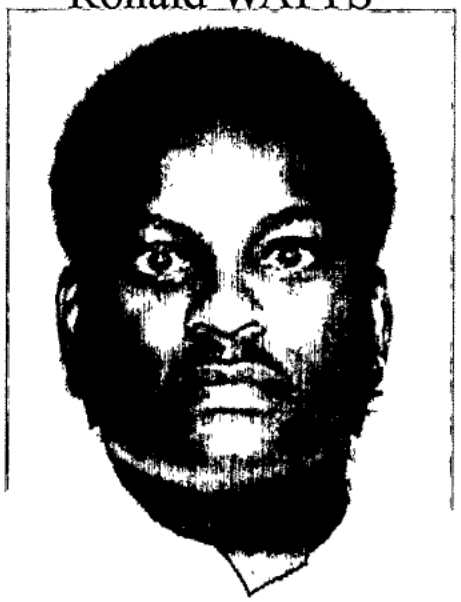
Surveillance of this investigative operation will involve

elements of Squad MST-A for surveillance of subjects and their vehicles during and after the anticipated theft of money. Squad WC-2 Agents and CPD-IAD officers will supplement the surveillance of the operation, as well as maintain fixed areas of surveillance at McCormick Place Convention Center. On 1/11/2012, SA Henderson and Hart, and TFO Sgt. Boehmer liaisoned with (H) (H) (H) nor the security personnel were advised of the substance of the investigation or operation, nor the identity of the named subjects of the investigation.

val

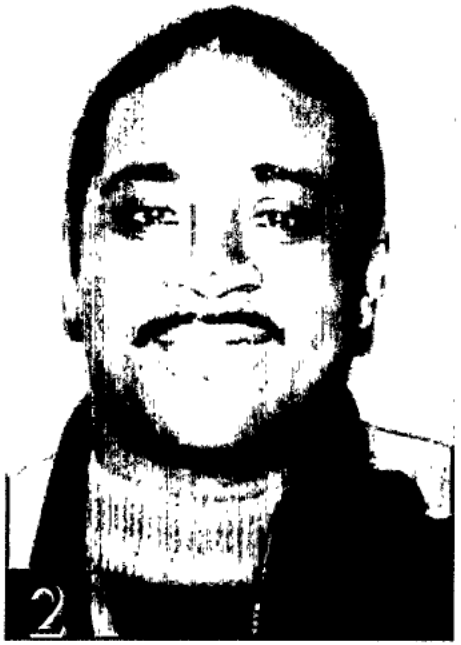
)2 Ill. Adm. Code 1030.140. This information and
information and image of the individual who
Office with the required forms of identification.

Ronald WATTS



1

Kallatt MOHAMMED



2

Alvin JONES

3

(P-1)

SUBJECT TO PRIVACY ACT ORDER

EXHIBIT 38

REQUEST FOR ISSUANCE OF TEMPORARY IDENTIFICATION CARD
CHICAGO POLICE DEPARTMENT/INTERNAL AFFAIRS DIVISION

DATE 8 FEB 12

TO: DIRECTOR
HUMAN RESOURCES DIVISION

FROM: CHIEF
INTERNAL AFFAIRS DIVISION

RE: NAME OF MEMBER	EMPLOYEE NO.	COMPLAINT REGISTER NO.
MOHAMMED KALLATT	[redacted]	1015941

Due to the nature of the allegation, the police powers of the member named above have been temporarily suspended pending further investigation. The member has been relieved of his/her Chicago Police star, shield, and identification card. Accordingly, the member will require the use of a temporary identification card.

The member will continue to work in a Department facility. Should the duty status of the member change as a result of the investigation, you will be notified of the change and any action required.

Investigator (Print name and unit)

for Chief
Internal Affairs Division

CPD-44.302 (Rev. 8/10)

COMPLAINT REGISTER NO. 1015941

ATTACHMENT NO.

C. R. 1077632

ATTACHMENT # 8

EXHIBIT 39

CHICAGO POLICE DEPARTMENT

ARREST REPORT

3510 S. Michigan Avenue, Chicago, Illinois 60653
(For use by Chicago Police Department Personnel Only)
CPD-11.420C(REV. 6/30)

IDENT. CLEARED

CB #: 18340179
IR #: 2149538
YD #:

ARREST REPORTING

OFFENDER

Name: MOHAMMED, Kallatt
Res: [redacted] **Beat:** 2223
Empl: Chicago Police Department Police Officer
DOB: [redacted]
AGE: [redacted]
POB: Illinois
DLN: [redacted]
ARMED WITH Unarmed

Male
Black
5' 09"
190 lbs
Brown Eyes
Black Hair
Short Hair Style
Dark Brown
Complexion

INCIDENT

Arrest Date: 12 February 2012 22:47 **TRR Completed?** No
Location: 1718 S Michigan Ave **Beat:** 131
Chicago, IL 60616
330 - Other
Holding Facility: Central Male Lockup
Resisted Arrest? No

Total No Arrested: 1 **Co-Arrests** **Assoc Cases**
DCFS Ward ? No
Dependent Children? No

CHARGES

			Victim
1	Offense As Cited	**725 ILCS 5.0/110-3** ISSUANCE OF WARRANT Class Z -	

RECOVERED NARCOTICS

NO NARCOTICS RECOVERED

WARRANT

Warrant No	Issue Date	Type	NCIC/ Leads No	Hold	Bond Amount	Case Docket No	County
ON FILE	12-FEB-12	Original Arrest Warrant					

Remarks: SUBJECT HAS FEDERAL WARRANT AND WILL BE PICKED UP FOR SUCH ON 13 FEBRUARY 2012 BY MEMEBSR OF THE FEDERAL BUREAU OF INVESTIGATION.

IR #2149538

CB #:18340179

C. R. 1077672

ATTACHMENT # 11

Print Generated By: MOORE, Timothy [redacted]

powered by: CLEAR Technology

22 OCT 2015 08:42

P51 of 5

Confidential - Subject to Protective Order Entered in 16 C 8940

ARREST REPORTING

NON-OFFENDER(S)

ARRESTEE VEHICLE

NO ARRESTEE VEHICLE INFORMATION ENTERED

PROPERTIES

Confiscated Properties :
All confiscated properties are recorded in the e-Track System. This system can be queried by the inventory number to retrieve all official court documents related to evidence and/or recovered properties.

PROPERTIES INFORMATION FOR MOHAMMED, Kallatt, NOT AVAILABLE IN THE AUTOMATED ARREST SYSTEM.

INCIDENT NARRATIVE

(The facts for probable cause to arrest AND to substantiate the charges include, but are not limited to, the following)

The subject has a Federal Warrant for theft. The subject will be picked up by members of the Federal Bureau of Investigation on 13 February 2012.

Special Agent Craig Henderson 312-907-8040
Special Agent Don Anderson 312 339-0333
Special Agent Brian Hart 312-907-8855

Subject has no ID.
SEE WC COMMENTS SECTION FOR ADDITIONAL COMMENTS

COURT INFO

Desired Court Date:
Branch:
Court Sgt Handle? No
Initial Court Date:
Branch: - Room
Docket #:

BOND INFO

BOND INFORMATION NOT AVAILABLE

C. R. 1077632
ATTACHMENT # 11
pg 2 of 5

Confidential - Subject to Protective Order Entered in 16 C 8940

CITY-BG-00217

ARREST REPORTING

REPORTING PERSONNEL

ATTESTING OFFICER:

I hereby declare and affirm, under penalty of perjury, that the facts stated herein are accurate to the best of my knowledge, information and/or belief.

Attesting Officer:	#1282	CHESTER, T A [redacted]	12 FEB 2012 23:02

ARRESTING OFFICER(S):

			Beat
1st Arresting Officer:	#1282	CHESTER, T A [redacted]	8060
2nd Arresting Officer:	#2625	BARZ, M J ([redacted]	8060

APPROVING SUPERVISOR:

Approval of Probable Cause :	#1694	BOYLE, D J ([redacted]	12 FEB 2012 23:05

G. N. 1077632

ATTACHMENT # 11

PS 3 of 5

Confidential - Subject to Protective Order Entered in 16 C 8940

ARREST PROCESSING REPORT

LOCKUP KEEPER PROCESSING

Holding Facility: Central Male Lockup
Received in Lockup: 12 February 2012 23:25
Prints Taken: 12 February 2012 23:35
Palmprints Taken: Yes
Photograph Taken: 12 February 2012 23:33
Released from Lockup: 13 February 2012 10:34

Time Last Fed: 12 February 2012 23:45
Time Called: 12 February 2012 23:45
Phone#: 7734509485
Cell #: 33

Transport Details : 1PO

VISUAL CHECK OF ARRESTEE

Is there obvious pain or injury?	No
Is there obvious signs of infection?	No
Under the influence of alcohol/drugs?	No
Signs of alcohol/drug withdrawal?	No
Appears to be despondent?	No
Appears to be irrational?	No
Carrying medication?	No

ARRESTEE QUESTIONNARIE

Presently taking medication?	No
(if female)are you pregnant?	
First time ever been arrested?	No
Attempted suicide/serious harm?	No
Serious medical or mental problems?	No
Are you receiving treatment?	No

ARRESTEE PRESCRIPTION MEDICATION INFORMATION:

RETURN TO HOLDING FACILITY COMMENTS:

QUESTIONNAIRE REMARKS:

LOCKUP KEEPER COMMENTS:

EMERGENCY CONTACT

Name : REFUSED

Res:

Beat:

INTERVIEW LOG

NO INTERVIEWS LOGGED

v. n. 1072632
ATTACHMENT # 11
Ps 4 of 5

ARREST PROCESSING REPORT

VISITOR LOG

NO VISITORS LOGGED

MOVEMENT LOG

MOVEMENT LOG INFORMATION NOT AVAILABLE

WC COMMENTS

Watch Commander Comments:

#428 Guerrero, Richard J ([redacted]

13 FEB 2012 10:22

Subjecct was picked up by Sgt. Boehmer of CPD and FBI agents at 1030 hrs.

REL w/o CHARGING

PROCESSING PERSONNEL

ARRESTEE PROCESSING PERSONNEL:

		Beat
Searched By:	WARDEN, R A [redacted]	
Lockup Keeper:	RODGERS, D E [redacted]	
Fingerprinted By:	RAMEY, P S ([redacted]	

APPROVAL PERSONNEL:

				Beat
Release w/o Charging Appvl :	#428	GUERRERO, R J([redacted])	13 FEB 2012 10:22	

C. R. 1077632

ATTACHMENT # 11

Pg 5 of 5

Confidential - Subject to Protective Order Entered in 16 C 8940

CITY-BG-00220

CHICAGO POLICE DEPARTMENT

ARREST REPORT

3510 S. Michigan Avenue, Chicago, Illinois 60653
(For use by Chicago Police Department Personnel Only)
CPD-11. 420C(REV. 6/30)

IDENT. CLEARED

CB #: 18340273
IR #: 2149564
YD #:

ARREST REPORTING

OFFENDER

Name: WATTS, Ronald
Res [redacted] **Beat:** 621
Empl: City Of Chicago Police Officer
DOB [redacted]
AGE
POB: Illinois
ARMED WITH Unarmed

Male
Black
5' 10"
280 lbs
Brown Eyes
Black Hair
Short Hair Style
Medium Complexion

INCIDENT

Arrest Date: 13 February 2012 02:13 **TRR Completed?** No
Location: 1718 S State St **Beat:** 131
Chicago, IL 60616
280 - Police Facility/Veh Parking Lot
Holding Facility: Central Male Lockup
Resisted Arrest? No

Total No Arrested: 1 **Co-Arrests** **Assoc Cases**
DCFS Ward ? No
Dependent Children? No

CHARGES

			Victim
1	Offense As Cited	**725 ILCS 5.0/110-3** ISSUANCE OF WARRANT	

RECOVERED NARCOTICS

NO NARCOTICS RECOVERED

WARRANT

NO WARRANT IDENTIFIED

IR #2149564

CB #:18340273

Print Generated By: DEL RIVERO, Minerva ([redacted])

06 JUN 2013 07:41

powered by: CLEAR Technology

E.R.# 1002654
ATTACHMENT # 7
PAGE # 1 OF 5

Confidential - Subject to Protective Order Entered in 16 C 8940

ARREST REPORTING

NON-OFFENDER(S)

VICTIM AND COMPLAINANT

Name: HENDERSON (FBI), Craig
Res: 2111 W Roosevelt Rd **Beat:** 1233
Chicago, IL 60608

Male
DOB:
Age: 45 years
Comments:

Injured? No **Deceased?** No
Hospitalized? No
Treated and Released? No

ARRESTEE VEHICLE

NO ARRESTEE VEHICLE INFORMATION ENTERED

PROPERTIES

Confiscated Properties :
All confiscated properties are recorded in the e-Track System. This system can be queried by the inventory number to retrieve all official court documents related to evidence and/or recovered properties.

PROPERTIES INFORMATION FOR WATTS, Ronald, NOT AVAILABLE IN THE AUTOMATED ARREST SYSTEM.

INCIDENT NARRATIVE

(The facts for probable cause to arrest AND to substantiate the charges include, but are not limited to, the following)

Above arrested for Federal Warrant. To be held until approximately 10:00 hrs. Contact SA Henderson at 312-907-8040 or SA Hart at 312-907-8855.

SEE WC COMMENTS SECTION FOR ADDITIONAL COMMENTS

COURT INFO

Desired Court Date:
Branch:
Court Sgt Handle? No
Initial Court Date:
Branch: - Room
Docket #:

BOND INFO

BOND INFORMATION NOT AVAILABLE

ARREST REPORTING

REPORTING PERSONNEL

ATTESTING OFFICER:

I hereby declare and affirm, under penalty of perjury, that the facts stated herein are accurate to the best of my knowledge, information and/or belief.

Attesting Officer: #1066 BOEHMER, A J [redacted] 13 FEB 2012 02:25

ARRESTING OFFICER(S):

		Beat
1st Arresting Officer:	HENDERSON, C (FBI)	
2nd Arresting Officer:	HART, R (FBI)	

APPROVING SUPERVISOR:

Approval of Probable Cause : #1694 BOYLE, D J [redacted] 13 FEB 2012 02:33

ARREST PROCESSING REPORT

LOCKUP KEEPER PROCESSING

Holding Facility: Central Male Lockup
Received in Lockup: 13 February 2012 02:40
Prints Taken: 13 February 2012 02:45
Palmprints Taken: Yes
Photograph Taken: 13 February 2012 02:45
Released from Lockup: 13 February 2012 10:34

Time Last Fed: 13 February 2012 02:35
Time Called: 13 February 2012 02:55 **Phone#:** 3127195570
Cell #: 90

Transport Details : OTHER

VISUAL CHECK OF ARRESTEE

Is there obvious pain or injury?	No
Is there obvious signs of infection?	No
Under the influence of alcohol/drugs?	No
Signs of alcohol/drug withdrawal?	No
Appears to be despondent?	No
Appears to be irrational?	No
Carrying medication?	No

ARRESTEE QUESTIONNARIE

Presently taking medication?	No
(if female)are you pregnant?	
First time ever been arrested?	No
Attempted suicide/serious harm?	No
Serious medical or mental problems?	No
Are you receiving treatment?	No

RETURN TO HOLDING FACILITY COMMENTS:

QUESTIONNAIRE REMARKS:

LOCKUP KEEPER COMMENTS:

EMERGENCY CONTACT

Name : REFUSED

Res: **Beat:**

INTERVIEW LOG

NO INTERVIEWS LOGGED

VISITOR LOG

NO VISITORS LOGGED

ARREST PROCESSING REPORT

MOVEMENT LOG

MOVEMENT LOG INFORMATION NOT AVAILABLE

WC COMMENTS

Watch Commander Comments:

#428 Guerrero, Richard J ([redacted]

13 FEB 2012 09:54

Subject agreed to visit by his attorney Robert Kuzas, 0910-0930 hrs.

#428 Guerrero, Richard J ([redacted]

13 FEB 2012 10:26

Subject was picked up by CPD Sgt Boehmer and FBI agents at approx 1030 hrs.

#428 Guerrero, Richard J ([redacted]

13 FEB 2012 10:24

Subject was picked up by CPD Sgt. Boehmer and FBI agents at approx 1030 hrs.

REL w/o CHARGING

PROCESSING PERSONNEL

ARRESTEE PROCESSING PERSONNEL:

			Beat
Searched By:	#19660	MC CALL JR, J S ([redacted]	
Lockup Keeper:		RODGERS, D E ([redacted]	
Fingerprinted By:		WARDEN, R A ([redacted]	

APPROVAL PERSONNEL:

				Beat
Release w/o Charging Appvl :	#428	GUERRERO, R J([redacted]	13 FEB 2012 10:27	

Confidential - Subject to Protective Order Entered in 16 C 8940

EXHIBIT 40

BUREAU of INTERNAL AFFAIRS 13FEB2012

To: Juan RIVERA
Chief
Bureau of Internal Affairs

From: Allen J. BOEHMER #1066
Sergeant
Detached Services

Subject: Synoptic Report CR # 1015941

District of Occurrence: 016

Date, Time, Location of Incident: 12FEB2012 / 2350 hrs hrs O'Hare Airport

Accused: Name: WATTS, Ronald Star # 2640
Emp: [redacted] DOA: 18JAN1994
Status: Relieved of police powers
Unit assigned: 002 Detailed: Unknown

Allegation: FBI Confidential investigation

Complainant: Sgt Allen J. BOEHMER # 1066 Unit 543

Personnel assigned: Sgt Allen J. BOEHMER # 1066
Sgt Thomas CHESTER #

Notifications: Chief RIVERA 1910 hrs

Disposition: Sgt WATTS relieved of police powers, arrested and appeared in federal court on 13FEB2012.

Narrative: On 12FEB2012, WATTS was arrested by members of the FBI and CPD IAD without incident. WATTS was transported to 2111 W. Roosevelt (FBI) for processing. After FBI processing, WATTS was detained at the Central Detention lockup until 13SEP2012. WATTS was then brought to 219 S. Dearborn for an initial appearance before Federal Magistrate Judge VALDEZ on charges related to theft of government funds. WATTS was released on an unsecured $10,000.00 bond and was given a weapon restriction as part of his release from federal custody.

WATTS relieved of his police powers by Sgt BOEHMER at approximately 01:04 hrs on 13FEB23012. At the conclusion of the hearing, Sgt BOEHMER, in the presence of WATTS'S attorney (Robert KUZAS), instructed WATTS to proceed to IAD at 3510 S. Michigan at 10:00 hrs on 14FEB2012, with a copy of his bond papers and any restrictions imposed by the court. WATTS was advised to contact the Employee Assistance Program. WATTS was

C.B. # 1062584
ATTACHMENT # 5
PAGE # 1 OF 2

given a 24 hour time period by the Judge to have his weapons removed from his residence. WATTS and his attorney acknowledged the information provided by the R/Sgt. A status hearing will be conducted on 21FEB2012 at 13:30 hrs.

Sergeant Allen J BOEHMER # 1066
Detached Services

C.R. # 1062684
ATTACHMENT # 5
PAGE # 2 OF 2

GROUP EXHIBIT 41

PERSONNEL ACTION REQUEST
CHICAGO POLICE DEPARTMENT

MEMBER TO BE AFFECTED (LAST NAME - FIRST - M.I.) Mohammed Kallatt	STAR / BADGE NO. 14122	TODAY'S DATE 23 Aug 2012	
EFFECTIVE DATE 23 Aug 2012	JOB TITLE Police OFFICER	EMPLOYEE NO [redacted]	UNIT ASSIGNED 002
		SOCIAL SECURITY NO. [redacted]	

CHECK TYPE OF ACTION HERE (DO NOT CHECK MORE THAN ONE)		TYPE OF ACTION — INFORMATION REQUIRED (ENTER INFORMATION IN "REMARKS SECTION" BELOW)	SIGNATURES REQUIRED
EXCUSED WITHOUT PAY - DISCIPLINARY		GIVE EFFECTIVE DATE, CIRCUMSTANCES & C.R. NO.	UNIT C.O.
EXCUSED WITHOUT PAY - NON-DISCIPLINARY		GIVE EFFECTIVE DATE & CIRCUMSTANCES.	UNIT C.O.
ABSENCE WITHOUT PAY - AWOP		GIVE EFFECTIVE DATE & CIRCUMSTANCES. STATE WHETHER OR NOT MEMBER NOTIFIED SUPERVISOR	UNIT C.O.
TERMINATION - JOB ABANDONMENT		GIVE EFFECTIVE DATE: F.O.P. - ACTION TAKEN AFTER 4 CONSECUTIVE WORKDAYS AWOP; AFSCME & UNIT II - ACTION TAKEN AFTER 5 CONSECUTIVE WORKDAYS AWOP	UNIT C.O., AREA CHIEF OR DIVISION C.O.
LEAVE, DISABILITY PENSION - SWORN ONLY		ATTACH MEDICAL REPORTS, COMPLETE REVERSE SIDE.	MEMBER, MEDICAL DIRECTOR
LEAVE, MILITARY (PAID ENCAMPMT.-14 DAYS MAX.)		GIVE DATES, ATTACH COPY OF OFFICIAL ORDER, COMPLETE REVERSE SIDE.	MEMBER, UNIT C.O., AREA CHIEF OR DIVISION C.O.
LEAVE, MILITARY - WITHOUT PAY		GIVE DATES, ATTACH COPY OF OFFICIAL ORDERS, COMPLETE REVERSE SIDE. IF OVER 29 DAYS, ALSO ATTACH PER-73 (CITY REQUEST FOR LEAVE) AND PER-70 (EXIT INTERVIEW REPORT).	MEMBER, UNIT C.O., AREA CHIEF OR DIVISION C.O.
UNPAID ABSENCE (29 DAYS AND UNDER) - NO INSURANCE BENEFITS		GIVE REASON & RETURN DATE, COMPLETE AND SIGN REVERSE SIDE.	MEMBER, UNIT C.O., AREA CHIEF OR DIVISION C.O.
LEAVE, OTHER (30 DAYS AND OVER)		GIVE REASON & LENGTH OF LEAVE REQUESTED. COMPLETE REVERSE SIDE. ATTACH PER-73, (CITY REQUEST FOR LEAVE) AND PER-70 (EXIT INTERVIEW REPORT).	MEMBER, UNIT C.O., AREA CHIEF OR DIVISION C.O., DEP. SUPT., B.A.S
LEAVE, EXTENSION OF		GIVE DATES & REASON. COMPLETE REVERSE SIDE. ATTACH PER 73 (CITY REQUEST FOR LEAVE)	MEMBER
MARRIAGE LEAVE		GIVE DATES REQUESTED FOR LEAVE, DATE OF CEREMONY & SPOUSE'S NAME	MEMBER, UNIT C.O.
NAME CHANGE		GIVE NEW NAME. IF OTHER THAN BY MARRIAGE, ATTACH VERIFICATION / EXPLANATION	MEMBER, UNIT C.O.
RETIREMENT		GIVE EFFECTIVE DATE; ATTACH PER-78 (EXIT INTERVIEW REPORT). AS SOON AS RESIGNATION IS ACTED ON BY THE COMMANDING OFFICER, THE COMMANDING OFFICER WILL NOTIFY THE INTERNAL AFFAIRS DIVISION AND THE PAYROLL / FINANCE DIVISION BY FAX TELEPHONE	MEMBER, UNIT C.O., AREA CHIEF OR DIVISION C.O.
RESIGNATION	X	GIVE EFFECTIVE DATE & REASON	MEMBER, UNIT C.O., AREA CHIEF OR DIVISION C.O.
SEPARATION TO ACCEPT OTHER CITY POSITION / TITLE		GIVE EFFECTIVE DATE, NEW JOB TITLE & NAME OF NEW CITY DEPARTMENT	MEMBER, UNIT C.O., AREA CHIEF OR DIVISION C.O.
DEATH IN FAMILY		GIVE DATES & RELATIONSHIP TO DECEASED	MEMBER, UNIT C.O., AREA CHIEF OR DIVISION C.O.
[illegible] REQUEST		COMPLETE PERSONNEL TRANSFER & ASSIGNMENT SECTION BELOW	UNIT C.O.
RECOGNIZED OPENING BID (FOP)		COMPLETE PERSONNEL TRANSFER & ASSIGNMENT SECTION BELOW	MEMBER, UNIT C.O., AREA CHIEF OR DIVISION C.O., DEP. SUPT.
RECOGNIZED VACANCY BID (FOP)		COMPLETE PERSONNEL TRANSFER & ASSIGNMENT SECTION BELOW	MEMBER
			MEMBER

PERSONNEL TRANSFER & ASSIGNMENT SECTION

UNIT OF ASSIGNMENT REQUESTED	HOME ADDRESS		HOME TELEPHONE NO.	SENIORITY DATE	TITLE CODE / GRADE
DATE ASSIGNED TO PRESENT UNIT	DATE OF BIRTH	☐ UNIT NOTICE OF RECOGNIZED OPENING NO.: ☐ RECOGNIZED VACANCY LISTING ADMINISTRATIVE MESSAGE FACSIMILE NETWORK NO.:		POSITION REQUESTED	
DATE SUBMITTED	TIME SUBMITTED	COMMANDING OFFICER / WATCH COMMANDER'S SIGNATURE			STAR NO.

REMARKS SECTION

SIGNATURES

SIGNATURE OF MEMBER (IF REQUIRED): Kallatt

RECOMMEND APPROVAL / DISAPPROVAL — SIGNATURE & TITLE (UNIT C.O.)

☐ RECOMMEND APPROVAL / ☐ DISAPPROVAL — SIGNATURE & TITLE

☐ RECOMMEND APPROVAL / ☐ DISAPPROVAL — SIGNATURE & TITLE

RECOMMEND APPROVAL / DISAPPROVAL — SIGNATURE

FOR PERSONNEL DIVISION / BUREAU OF ADMINISTRATIVE SERVICES USE ONLY

☑ APPROVED / ☐ DISAPPROVED — SIGNATURE: Tracey R Sodner

COMMENTS

T.A.D. CLEARANCE AS OF: Returned

PERSONNEL ORDER NO. 2013-084
"B" SERIES EMPLOYMENT

01 August 2013

Resignations for the following Department members have been processed as follows:

Empl. #	Name	Title	Unit	Effective Date
[redacted]	Barnhill, Rosalind R.	Crossing Guard	005	30 July 2013
	Geisbush, John E.	Police Officer	017	07 July 2013*
	Govea, Jaime M.	Police Officer	044	23 July 2013*
	Johnson, Diane M.	Police Officer	010	15 July 2013*
	Martinez, Linda M.	Police Officer	121	15 July 2013*
	McArdle, Michael J.	Police Officer	006	02 July 2013
	Mendoza, Francis	Detention Aide	019	14 July 2013*
	Noonan, Mary Ellen	Police Officer	005/376	29 June 2013
	Rodriguez, Harold	Police Officer	010	08 July 2013*
	Tafoya, Francisco	Police Officer	044	23 July 2013*
	Unroe, Mary K.	Crossing Guard	024	15 July 2013*
	Walker, Mary A.	Police Officer	001	15 July 2013*
	Watts, Ronald	Sergeant	002	15 July 2013*

The following member has resigned per a leave of absence agreement

Empl. #	Name	Title	Unit	Effective Date
[redacted]	Borja, Michael A.	Police Officer	004/010	18 June 2013

* = close of business

Garry F. McCarthy
Superintendent of Police

Authenticated:

PERSONNEL ORDER NO. 2013-084
"B" SERIES EMPLOYMENT

CLK 1062684
Attachment # 13
Page 1 of 1

EXHIBIT 42

U.S. Department of Justice

United States Attorney
Northern District of Illinois

Patrick J. Fitzgerald
United States Attorney

Dirksen Federal Courthouse
219 South Dearborn Street, 5th Floor
Chicago, Illinois 60604
(312) 353-5300

FOR IMMEDIATE RELEASE
MONDAY FEBRUARY 13, 2012
www.justice.gov/usao/iln

PRESS CONTACTS:
AUSA Benjamin Langner 312-353-2817
AUSA Margaret Schneider 312-353-1875
Randall Samborn 312-353-5318

CHICAGO POLICE SERGEANT AND OFFICER CHARGED WITH STEALING $5,200 FROM INDIVIDUAL THEY BELIEVED WAS TRANSPORTING DRUG PROCEEDS

CHICAGO — A Chicago police sergeant and a patrol officer were arrested last night on federal charges alleging that they stole $5,200 in government undercover funds from a cooperating individual who they believed was transporting the cash for drug dealers. The sergeant, **Ronald Watts**, and the officer, **Kallatt Mohammed**, both assigned to a 2nd District tactical team, were each charged with one count of theft of government funds in a criminal complaint that was unsealed today in U.S. District Court. The arrests and charges were announced by Patrick J. Fitzgerald, United States Attorney for the Northern District of Illinois; Robert D. Grant, Special Agent-in-Charge of the Chicago Office of the Federal Bureau of Investigation; and Superintendent Garry F. McCarthy of the Chicago Police Department. The police department's Internal Affairs Division participated in the investigation.

Watts, 48, an 18-year police veteran, and Mohammed, 47, who joined the department 14 years ago, both of Chicago, were released on $10,000 unsecured bonds after appearing before U.S. Magistrate Judge Maria Valdez in Federal Court. A status hearing was scheduled for 1:30 p.m. on Feb.21.

1 - SAC
1 - ASAC
1 - Case File
1 - Night Supervisor
1 - Media Rep
1 - 66-4853

-187

b6
b7C

194D-CC-122789

On Nov. 21, 2011, after a Cooperating Witness (CS5) — who unbeknownst to Watts and Mohammed was working with the FBI — told them that he/she was tasked by narcotics traffickers to transport drug proceeds from one location to another, the two officers took the money from CS5, according to the complaint affidavit. Agents conducting surveillance video-recorded the alleged theft, which occurred when Mohammed, driving his personal auto, approached CS5 in the 2700 block of South Vernon and took a bag containing $5,200 from CS5. Later, the officers paid CS5 $400 for allowing them to steal the drug proceeds, the charges allege.

Based on CS5's prior dealings with Watts, including an instance when Watts and CS5 allegedly engaged in a similar transaction, the affidavit states that Watts had told CS5 in September 2011 that CS5 should call him or go to the station and ask for Watts or Mohammed to alert them whenever CS5 would be transporting money for drug dealers.

On Nov. 18, 2011, CS5 called Watts and told him in a recorded conversation that he/she had "one going on," which would happen no later than Nov. 21. On that day, CS5 called Watts and said that CS5 was going to pick up a bag from a car near the intersection of 26th Street and Martin Luther King Drive and walk it to another car on 29th Street. Watts told CS5 that he would be in the area. Four minutes after receiving the call from CS5, phone records showed that Watts called a number belonging to Mohammed, allegedly to coordinate Mohammed's participation in stealing the drug money purportedly being delivered by CS5, the affidavit states. Phone records also showed subsequent calls between Watts and Mohammed, it adds.

After Mohammed allegedly took the bag containing the money from CS5, did not give CS5 any money in return, and told CS5 to meet him near 30th and King Drive, CS5 then called Watts and discussed meeting Mohammed to obtain a portion of the money. Minutes after that conversation, agents watched as Watts and Mohammed met in the area of 5700 and 5800 South Princeton. About 20 minutes later, agents recovered the bag that Mohammed had taken from CS5 in an alley behind

the 5900 block of South LaSalle Street, approximately a half-mile from the location where agents observed Watts and Mohammed meeting. The bag was empty.

CS5 called Watts again a short time later and met him near 22nd and Canal streets, where, in a recorded conversation, Watts handed CS5 $400. "Who always takes care of you?" Watts allegedly said to CS5. Phone records showed two additional calls between Watts and Mohammed within the next 15 minutes, according to the affidavit.

Theft of government funds carries a maximum penalty of 10 years in prison and a $250,000 fine. If convicted, the Court must impose an reasonable sentence under federal sentencing statutes and the advisory United States Sentencing Guidelines.

The Government is being represented in court by Assistant U.S. Attorneys Benjamin F. Langner and Margaret J. Schneider.

The public is reminded that a complaint contains only charges and is not evidence of guilt. The defendants are presumed innocent and are entitled to a fair trial at which the government has the burden of proving guilt beyond a reasonable doubt.

####

PL JOINT 002261 BAKER GLENN 002261

GROUP EXHIBIT 43

FD-302 (Rev. 10-6-95)

FEDERAL BUREAU OF INVESTIGATION

Date of transcription 02/28/2012

On February 24, 2012, BRIAN J. BOLTON, a police officer with the Chicago Police Department (CPD), date of birth [redacted] (S) [redacted] (S) home address [redacted] (S) telephone number [redacted] (S) was interviewed at his attorney's office, THOMAS C. BRANDSTRADER, 53 West Jackson, Suite 615, Chicago, Illinois 60604, telephone number (847) 577-5297. BRANDSTRADER was present for the duration of the interview. After being advised as to the identities of the interviewing agents and the nature of the interview, BOLTON provided the following information:

BOLTON became a police officer with CPD in 1998. BOLTON has been a police officer assigned to CPD's 2nd District tactical team since approximately 2001. Prior to being assigned to the 2nd District, BOLTON worked in several districts and units to include the 15th District, 16th District, CPD Traffic Unit, 12th District, 25th District and Public Housing South Unit. The Public Housing South Unit was disbanded, and BOLTON was then assigned to the 2nd District. CPD Sergeant RONALD WATTS has been BOLTON's supervisor on the 2nd District tactical team since approximately 2003 or 2004.

1 RBH

When BOLTON began working on the 2nd District tactical team, CPD Officer KALLATT MOHAMMED was not working in the 2nd District. Approximately six months after BOLTON was assigned to the 2nd District tactical team, MOHAMMED was assigned to the 2nd District tactical team.

BOLTON did not know and had not heard rumors of WATTS, MOHAMMED or any other CPD police officer stealing or receiving money from drug dealers in exchange for protection, to include BOLTON's partner, ROBERT GONZALEZ, star number 12152. BOLTON was unaware of any criminal activities on the part of any CPD police officer. BOLTON noted that WATTS was well known within the Ida B. Wells housing projects (Ida B. Wells), which were closed down in approximately 2008. The 2nd District tactical team was responsible for policing Ida B. Wells. BOLTON believed that WATTS grew up in that area and that is why so many people knew him there.

BOLTON was unfamiliar with the execution of a search warrant that was executed on a house in 2008, in which members of the 2nd District tactical team found approximately $31,000.00.

Investigation on 02/24/2012 at Chicago, Illinois

File # 194D-CG-122761-302-143 Date dictated N/A

by SA RAYMOND B. HART:rbh
SA CRAIG HENDERSON

62xbh01.302.wpd

This document contains neither recommendations nor conclusions of the FBI. It is the property of the FBI and is loaned to your agency; it and its contents are not to be distributed outside your agency.

SUBJECT TO PRIVACY ACT ORDER

BOLTON vaguely recalled an individual who lived in Ida B. Wells named ROY BENNETT who had the nickname of "SHOCK". However, BOLTON could not recall anything specific about BENNETT. BOLTON arrests "hundreds" of people each year, and he cannot specifically recall most of the individuals. BOLTON did not recall any specific instances in which WATTS or MOHAMMED interacted with BENNETT.

BOLTON was not familiar with the name CHARLENE CAMPBELL.

BOLTON last spoke to MOHAMMED the night MOHAMMED was stripped of his police powers (known to be February 8, 2012). BOLTON called MOHAMMED on the telepohone and asked how he (MOHAMMED) was doing. MOHAMMED said that he did not know what he had done to get stripped. BOLTON has not had contact with MOHAMMED since he (MOHAMMED) was arrested on February 12, 2012.

BOLTON last spoke with WATTS prior to WATTS going on vacation in the beginning of February 2012. BOLTON told WATTS, "have a good trip". BOLTON has not spoken to WATTS since his arrest on February 13, 2102.

BOLTON has never been offered money from drug dealers or anyone in exchange for protection of their drug dealing operations.

Approximately two days ago (Wednesday, February 22, 2012), BOLTON received a Hallmark card through CPD's interoffice mail. The card had no writing on it but contained a Monopoly board game "get out of jail free" game card. BOLTON does not know who sent him the card, and it was the first time anything like that had happened. BOLTON reported the incident to his supervisor, NATE SILAS.

BOLTON stated that no one had threatened him to lie or mislead investigators if he (BOLTON) was interviewed by the FBI regarding WATTS, MOHAMMED or members of the 2nd District tactical team. SA Hart advised BOLTON that it was a federal offense to lie or mislead federal agents about material facts of an investigation. BOLTON acknowledged that he understood this and that he did not wish to change any answers to the questions that were asked to him.

FD-302 (Rev. 10-6-95)

FEDERAL BUREAU OF INVESTIGATION

Date of transcription 02/22/2012

LAMONICA LEWIS, interviewed at her place of residence, [redacted] (S) was advised of the identities of the interviewing Agents and the purpose of the interview. LEWIS invited interviewing Agents into her residence. LEWIS thereafter voluntarily provided he following information:

LEWIS stated that she is no longer assigned to the Chicago Police Department (CPD) 2nd District Tactical team. She is presently assigned to the CPD Alternate Response Section (ARS) commonly referred to as Callback. LEWIS has been a CPD police officer approximately eight years, since 2003. She started as a CPD officer in the CPD 7th District for two years, then moved to the CPD 2nd District Tactical team, then to 2nd District patrol and then to Callback. Prior to working at CPD, LEWIS worked for the Illinois Secretary of State office under JESSE WHITE as an executive assistant between the years of 1997 to 2000. She went to high school in Little Rock, Arkansas and attended Wiley (ph) College in Texas.

LEWIS left the CPD 2nd District tactical team approximately three to four years ago. The Ida B. Wells public housing project had not been torn down when she left the team. CPD Sergeant RONALD WATTS was the Sergeant supervising the tactical team that LEWIS worked on.

LEWIS stated that she never knew WATTS, nor CPD police officer KALLATT MOHAMMED, to take or steal money from drug dealers. LEWIS had heard rumors about it, but never witnessed it. LEWIS would hear the rumors from people in the neighborhood who would make comments about WATTS and MOHAMMED taking money from them. However, as she perceived the comments as rumors, she never paid attention to it.

LEWIS explained that they would do investigative operations in which they would buy drugs from drug dealers and then arrest the dealers. The dealers would then complain that WATTS took their money, however she never saw WATTS take their money and she just assumed since it was a drug operation, the arrested dealers were just complaining about their arrests. LEWIS had been partnered with both WATTS and MOHAMMED, however MOHAMMED was considered her primary partner.

Q53ch01 302-lewis.mxd

Investigation on 2/22/2012 at Chicago, Illinois

File # 194D-CG-122761 -302-141 Date dictated N/A

by SA Raymond B. Hart
SA Craig Henderson:ch

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SUBJECT TO PRIVACY ACT ORDER

LEWIS stated that MOHAMMED was helped out a lot by WATTS. MOHAMMED and LEWIS did not get a long toward the end of her time on the tactical team, and this was the catalyst for her leaving the team. Lewis described MOHAMMED as incorrigible and that he would look toward WATTS for guidance. LEWIS described MOHAMMED as okay as a tactical officer.

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. LEWIS did not know MOHAMMED to accept bribe payments from drug dealers. She did not recognize the name of ARTHUR KIRKSEY. LEWIS stated that she can identify a person by face, but not by name. LEWIS had heard of an individual called "JELLY ROLL", but could not recall anything specifically about the individual.

LEWIS was asked about an incident that occurred in December 2007, in which the FBI had information that MOHAMMED accepted a bribe payment. Lewis was advised that during this incident, in which MOHAMMED entered KIRKSEY's vehicle and received a bribe payment from KIRKSEY, she was partnered with MOHAMMED during this time. LEWIS stated that she could not recall the incident, nor did she recall MOHAMMED entering KIRKSEY's vehicle or having knowledge that MOHAMMED had received money from KIRKSEY. LEWIS stated that it was not uncommon for MOHAMMED or other tactical team members to meet with gang members or drug dealers who were informants for them in this manner. LEWIS stated that she could recall that gang members or drug dealers would call MOHAMMED and want to meet with him. LEWIS stated that she had witnessed both MOHAMMED and WATTS go off to the side with gang members and drug dealers to get information from them. She considered this a normal course of business as a CPD tactical team member. LEWIS did not recall WATTS ever asking her to bring a drug dealer or gang banger to him so he could speak to them.

LEWIS recognized the nick name of "SHOCK", and stated that he was one of the drug dealers at the Ida B. Wells public housing project. LEWIS never saw SHOCK in the presence of a "booster" (someone who steals merchandise). She never saw SHOCK provide clothes or liquor to any of the tactical team members, to include WATTS. LEWIS knew CHARLENE CAMPBELL and that CAMPBELL was a drug user and an informant for the tactical team. LEWIS did not know where CAMPBELL presently resides.

LEWIS stated that the last time she spoke to MOHAMMED or WATTS was over a year ago. Around this same time, LEWIS had a disagreement with both WATTS and MOHAMMED regarding a part time employment job in which LEWIS was in charge. MOHAMMED and WATTS were mad at LEWIS as she did not put them on the list to get employment at the job site. The job site was the OAKWOOD SHORES apartment complex, which was built when the Ida B. Wells complex was torn down.

LEWIS had no knowledge, except what she saw on television, of the money theft that occurred on 11/21/2011 for which WATTS and MOHAMMED were arrested. LEWIS has no knowledge of any other corrupt activity occurring at the CPD.

LEWIS was advised that it was a federal crime to intentionally lie to or mislead a federal agent about a material fact of an investigation. LEWIS affirmatively acknowledged that she understood this. LEWIS stated that everything she told the Agents was the truth.

LEWIS stated that she has not known MOHAMMED or WATTS to have financial difficulties. She was not present when a search was executed at a house on Van Vlissingen, Chicago, Illinois. LEWIS stated that she never believed that WATTS, MOHAMMED or anyone else on the tactical team took money from drug dealers. 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. LEWIS stated that DORIAN SMITH was on another tactical team when she was on WATTS' team. She described DORIAN SMITH a not too sharp. LEWIS stated that ELSWORTH SMITH was JONES' partner, but left the team as it was too stressful.

LEWIS again stated that she did not know of any tactical team members taking money, drugs or guns from drug dealers. She had heard rumors of money thefts but never witnessed any thefts. LEWIS stated that JONES never accepted bribe payments, money or drugs to the best of her knowledge. LEWIS stated that KENNY YOUNG was on the tactical team prior to her being on it, and he may be assigned to CPD headquarters now. LEWIS think YOUNG may have had an issue with WATTS, however she did not know what it was. She never heard of any other team members having problems with WATTS. YOUNG was JONES' partner. DARYL EDWARDS was also a tactical team member who now works patrol in the 2nd district. During the time

LEWIS was on the 2nd District tactical team, she had two black female commanders, for which she could not recall their names.

LEWIS never loaned money to WATTS nor MOHAMMED. LEWIS was aware that MOHAMMED had dated a female named SHAWONDA at one time. SHAWONDA had a boyfriend who was a drug dealer, that may have been killed prior to MOHAMMED dating her. LEWIS's relationship with both MOHAMMED and WATTS was purely plutonic.

Through investigation and interview, the following information was obtained for LEWIS:

Name:	LAMONICA S. LEWIS
Address:	(S)
Cellular telephone number:	
Date of Birth:	
Height:	5'5"
Weight:	170 pounds
Eyes:	Brown
hair:	Brown
Social Security Account Number:	(P-1)
Vehicles:	BMW 4 Door (9850807 IL)

FD-302 (Rev. 10-6-95)

FEDERAL BUREAU OF INVESTIGATION

Date of transcription 02/21/2012

ALVIN JONES, residing at [redacted] (S) was advised of the identities of the interviewing Agents and the purpose of the interview. JONES invited the interviewing Agents into his home. JONES thereafter voluntarily provided the following information:

JONES is presently on medical leave from the Chicago Police Department(CPD) as he recently had hernia surgery. JONES started as a CPD police officer in 1996. He began his career in the CPD 2nd District, transferred to the Special Operations Section, then to public housing for six months and then back to the CPD 2nd district where he joined the tactical team. JONES grew up in Chicago and lived at 6604 S. Evans, Chicago, Illinois as a youth. He graduated Lindblom High School and attended Northern Illinois University. JONES spent 8 years in the Air Force reserves. After leaving the Air Force, JONES worked at GIL'S LIQUORS, the Chicago Board of Trade, the Chicago Transit Authority as a train driver, and at the Cook County Jail. JONES is married to CPD Sergeant NEDRA NELSON-JONES.

1,2,4+6

JONES was asked if he recalled a six minute phone call between he and CPD Sergeant RONALD WATTS on 11/21/2011. JONES recalled that he was getting ready to take a trip to California on that day, but he could not recall the telephone conversation. JONES was advised that on 11/21/2011 WATTS and CPD police officer KALLATT MOHAMMED participated in the theft of money from a person they believed to be a drug courier. JONES stated that he had no knowledge that WATTS and MOHAMMED were participating in the theft of money from a drug courier on that day.

JONES has known WATTS for approximately ten years and also has worked with MOHAMMED for about the same amount of time. JONES knows WATTS and MOHAMMED not only on a professional level, but also on a personnel level. JONES has no knowledge that WATTS nor MOHAMMED ever took money or drugs from drug dealers. JONES was working on the same tactical team as WATTS and MOHAMMED when the IDA B. Wells public housing project closed sometime between 2005 and 2006. JONES knows of no other tactical team members who have stolen money or drugs from drug dealers.

052 ch 02-302 jones-ucd

Investigation on 2/21/2012 at Chicago, Illinois

File # 194D-CG-122761-302-140 Date dictated N/A

by SA Raymond B. Hart
SA Craig Henderson:ch

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SUBJECT TO PRIVACY ACT ORDER

JONES has no knowledge of any wrong doing 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.

JONES was advised that it was a federal crime to intentionally lie to or mislead a federal agent about a material fact of an investigation. JONES affirmatively acknowledged that hee understood this.

JONES stated that he had been accused of being involved in theft of money and drugs from drug dealers in the past. JONES stated that on one occasion a female named CHARLENE CAMPBELL called JONES and told JONES that she had an envelope for WATTS. CAMPBELL had tried calling WATTS, who had been partnered up with JONES that night, but could not get a hold of him. She then called JONES. This occurred a couple of years ago when CAMPBELL lived in the 575 building of the Ida B. Wells complex. JONES believed CAMPBELL presently lives near the intersection of 40th and Prairie, Chicago, Illinois.

During this incident, CAMPBELL told JONES that "SHOCK" had left the envelope with her that was for WATTS. When CAMPBELL called JONES and told him about the envelope, JONES told WATTS that he better handle this the right way and to get on the radio and request a supervisor. JONES stated that there was an investigation initiated, in which detectives came to CAMPBELL's residence to investigate the envelope. JONES stated that SHOCK's true name was ROY BENNETT, and BENNETT was known to be a drug dealer. JONES is unaware of how the investigation turned out. It should be noted that ROY BENNETT, Date of Birth 4/18/1977, was arrested on 11/3/2006 for an investigative alert (#299939471) related to the envelope incident. Cook County States Attorney's office, Felony reviewed refused to charge BENNETT with Bribery of a Public Officer, and BENNETT was released. The original envelope incident occurred on 5/23/2006, CPD incident number RD HM369142. The investigation revealed that $800.00 in U.S.C. was recovered in the envelope. JONES denied knowing what had been in the envelope. JONES stated that WATTS' reaction to the envelope being held for him was that of surprise.

JONES recalled a court case in 2006 in which he was testifying about a drug arrest. The defense counsel asked JONES if

he took drug protection payments. JONES denied that he had ever taken drug protection payments.

JONES stated that WATTS did not have a lot of friends in the CPD because of his arrogance. JONES recalled WATTS having a confrontation with a police officer from the Special Operations section in the past due to his arrogance. JONES did not elaborate on what the disagreement was about.

JONES did not recall WATTS or MOHAMMED speaking or acting in any type of secretive manner while working on the tactical team. WATTS nor MOHAMMED has reached out for JONES since their arrest. JONES stated that no one has threaten him to lie or mislead federal Agents if they were to ask him about WATTS or MOHAMMED.

JONES did not recall WATTS or MOHAMMED ever playing favorites with certain drug dealers. JONES never heard a drug dealer allege that WATTS or MOHAMMED were taking protecting their drug operations. JONES stated that MOHAMMED rarely arrested people, mostly due to lack of effort.

JONES stated neither WATTS nor MOHAMMED ever asked for monetary loans. JONES considered WATTS a hard worker as WATTS was known to hold a second job. JONES 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. JONES thought MOHAMMED was too friendly with the people they dealt with in the housing projects.

JONES stated that he had heard MOHAMMED had been arrested as he received a call from a CPD employee that was working in the CPD 2nd District lock up. This employee told JONES that MOHAMMED had been arrested and wanted to know if JONES knew what was going on. JONES told the employee he did not know what was going on. JONES stated that after the MOHAMMED and WATTS arrests he did not request of anyone to run his name to see if there was a warrant for him. JONES stated that he never took a bribe or money from anyone.

JONES recalled that WATTS routinely received clothes and liquor from SHOCK. SHOCK was known to get the clothes and liquor from a "booster" (someone who steals merchandise). JONES recalled that on one Friday he was taking his clothes to the dry cleaners, and WATTS told JONES that SHOCK had some clothes for him (WATTS). When JONES returned from the cleaners, WATTS had a bag of clothes and wanted JONES to take them to the cleaners. JONES refused and

told WATTS that it was "bull shit" and not to ever ask him to do that again. JONES stated that WATTS and SHOCK would speak and exchange clothes openly. JONES stated that he never spoke to WATTS about his dealings with SHOCK after the bag of clothes incident. JONES never received clothes or anything else of value from SHOCK.

JONES stated that WATTS would bet on anything and talk openly about it. JONES gave the example that WATTS would bet someone that he could out run them. JONES found this funny as WATTS was a big guy.

JONES did not have any knowledge about WATTS nor MOHAMMED stealing money from a drug courier on 3/31/2010. JONES was aware of a search warrant that was executed on a house in which there was a large amount of money found. JONES stated that he wrote the search warrant for the residence. JONES stated that WATTS had an individual who was a crack head that had seen money, drugs and guns in this house. WATTS told JONES to speak to this individual, whose name was CHARLIE (true name known by Agents as CHARLIE MILLER).

JONES stated that his tactical team, along with a CPD 4th District tactical team, executed the warrant at the house. JONES stated that as he entered the house, the house was dark and JONES had a feeling something was not right and that it might be a set up by federal law enforcement. Money was found in the ceiling of the basement. JONES recalled a CPD general order in which a Sergeant was supposed to recover and count the money recovered if it appeared to be over ten thousand dollars. WATTS, who was on the search warrant, was summoned to where the money was located, and JONES left the basement area and searched the rest of the house. While searching the attic, JONES found some electrical equipment but did not recover it. JONES knew of nothing else that was taken or recovered from the house.

Once the money was recovered, it was then taken to the CPD 2nd district and placed on a table in front of JONES, who was typing the case report for the search. A female CPD employee from asset forfeiture came to the CPD 2nd District station to count the money. It took the asset forfeiture employee about an hour to get to the station. The asset forfeiture employee counted the money twice. After the money was counted, and she provided the amount to JONES, the money was later sealed and transported to the CPD evidence unit (ERPS) by JONES and another police officer.

JONES stated that the information CHARLIE MILLER had provided him about the layout of the house was different from what the basement area actually looked like. JONES saw the bag of money in the ceiling and either JONES or MOHAMMED took the bag down. JONES again stated that WATTS was summoned to recover the bag of money, and JONES went about searching the rest of the residence. A CPD Lieutenant was also at the residence during the search warrant. JONES was unaware if an official CPD investigation was ever opened regarding the recovery of the money.

JONES couldn't recall the exact amount of money that was recovered but believed the asset forfeiture employee said there was approximately thirty thousand dollars in the bag. JONES was advised by interviewing Agents that only twenty six thousand dollars was recovered when it was placed into the bank. JONES was not aware of how there could be five thousand dollars missing from the recovery. JONES stated that he did not inventory the money personally. JONES again stated that he transported the money to ERPS and that it was sealed at the time of his transport. JONES stated that the money was not sealed in front of him. JONES stated that whomever had sealed the money in the evidence bag would have been listed on the inventory sheet. However, a Sergeant has to be present when money was sealed, which would have been WATTS. There was no guarantee that the bag was sealed after it was inventory by the asset forfeiture employee. JONES stated that he had worked on the money recovery case all night and that he transported the money to ERPS the same night. He believed the revery occurred on a Saturday night.

JONES stated that neither WATTS nor MOHAMMED has reached out for him since their arrest. On 2/9/12, MOHAMMED did call JONES to tell JONES that he (MOHAMMED) had been stripped of his police powers (this occurred on 2/8/12). When MOHAMMED told JONES he had been stripped of his police powers, JONES responded "What the fuck did you do?" JONES then told MOHAMMED he had to take another call and terminated the phone call. JONES stated that he was unaware of any other criminal activity or corruption occurring at the CPD.

On 2/21/2011, SAs Henderson and Hart returned a telephone call to JONES. JONES was calling from his cellular telephone. JONES stated that after having an opportunity to think about the substance of telephone call on 11/21/2011 between him and WATTS, he recalled what the call had been about. He and WATTS had talked about the Illinois lottery Pick Four number that they did not play that day. JONES' partner's badge number was the Pick Four number

that day. JONES' partner at the time was CAROLYN SMITH. WATTS did not play the number that day either. JONES stated that he was in front of his son's school when he spoke to WATTS on the telephone. JONES stated that this was all that was discussed during the telephone call.

Through investigation and interview, the following information was obtained for JONES:

Name:	ALVIN JONES
Address:	(S)
Cellular telephone number:	
Date of Birth:	
Height:	5'7"
Weight:	215 pounds
Eyes:	Brown
Hair:	Black
Social Security Account Number:	(P-1)
Vehicles:	BMW 4-Door (JMT327 IL) Honda 4-Door (7838801 IL)
Spouse:	NEDRA NELSON JONES

FD-302 (Rev. 10-6-95)

FEDERAL BUREAU OF INVESTIGATION

Date of transcription 02/14/2012

KALLATT MOHAMMED, a police officer with the Chicago Police Department (CPD), was arrested pursuant to a complaint issued by the United States District Court, Northern District of Illinois, for violation of Title 18, U.S.C. 641, Theft of Government Funds, without incident on 2/12/2012. After being arrested, MOHAMMED was transported to the Federal Bureau of Investigation (FBI) Chicago Division field office, located at 2111 W. Roosevelt Road, Chicago, Illinois. During transport, MOHAMMED was not asked any questions related to the above charge. SA Hart asked MOHAMMED not to say anything about his arrest until the charge against him was explained and he was shown the evidence against him. He acknowledged affirmatively that he understood this.

Upon arrival at the FBI Chicago Division field office, MOHAMMED declined an offer to use the bathroom, but accepted an offer for a bottle of water. At approximately 7:28p.m., TFO Sgt. Boehmer was introduced to MOHAMMED. SA Henderson advised MOHAMMED that the FBI and the CPD were working the case jointly. TFO Sgt. did not stay for the interview of MOHAMMED. At approximately 7:34p.m., SA Hart asked MOHAMMED not to say anything until he heard and saw the evidence against him. SA Hart also told MOHAMMED after he heard and saw the evidence, he would have his Miranda rights read to him, and if he chose to make any statements, he could waive his Miranda rights. MOHAMMED acknowledged affirmatively that he understood this. SA Hart then advised MOHAMMED of the specific charge against him.

SA Hart advised MOHAMMED that there was $5,200.00 in the black bag that a Confidential Human Source (CHS) was carrying. SA Hart showed MOHAMMED a photocopy of the money that had been placed in the bag and directed his attention to the highlighted serial numbers on some of the bills. SA Hart advised MOHAMMED that the highlighted serial numbers indicated the bills that were recovered from CHS after the bag had been taken from CHS. SA Hart then detailed the 11/21/2011 Theft of Government Funds scenario to MOHAMMED, explaining in detail the evidence against him to include surveillance observations that showed he and CPD Sergeant RONALD WATTS together at 57th Street and Princeton Avenue, recordings, and the recovered evidence, to include WATTS providing the money to CHS. Specifically, SA Hart told MOHAMMED the black bag was

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Investigation on 2/12/2012 at Chicago, Illinois

File # 194D-CG-122761-302-139 Date dictated N/A

by SA Raymond B. Hart
SA Craig Henderson:ch

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SUBJECT TO PRIVACY ACT ORDER

KAB/HMM

recovered in the alle behind 5924 S. LaSalle Street. Furthermore, surveillance had followed MOHAMMED back to his residence after he threw the bag into an alley. SA Hart also told MOHAMMED that he had lied to SAs Henderson and Hart when he told the Agents there was no money in the bag when being interviewed by them on 2/3/2012.

After SA Hart was done detailing the 11/21/2011 incident, SA Henderson then advised MOHAMMED that there had been other FBI operations targeting WATTS and him, to include another Theft of Government Funds incident that occurred on 3/31/2010 involving $11,000.00 of FBI provided funds, a house in which there was $31,000.00 secreted in the ceiling by the FBI, extortion payments accepted by MOHAMMED, as well as a number of consensual recordings between MOHAMMED and a number of sources in which there was criminal conversations. MOHAMMED was advised that the FBI had been investigating allegations of corruption against MOHAMMED since 2006.

SA Henderson then played two consensually conversation between MOHAMMED and a CHS. One of thee conversations was a bribe payment. The consensually recorded bribe payments were identified as evidence numbers 1D4 and 1D7. 1D4 occurred on 12/11/2007, and 1D7 occurred on 12/18/2007.

At approximately 7:48p.m., SA Hart asked for MOHAMMED's cooperation in the matter for which he was arrested. SA Hart advised MOHAMMED that before Agents could take a statement from him, they needed to read him his Miranda Rights via an Advice of Rights form, FBI form FD-395. They further advised him that he would have to waive his rights if he chose to speak to the Agents and give a statement. MOHAMMED acknowledged that he could read, write and understand the English language and that he had three years of college. MOHAMMED was further advised that no promises would be or could be made to him as to whether he would keep his job, or stay out of jail. MOHAMMED, unsolicited by interviewing Agents, stated that he knew he was in trouble when SAs Hart and Henderson interviewed him and SA Henderson advised him about lying to federal agents. He asked if everything he said to the interviewing Agents could be used against him, to which the interviewing Agents replied yes. MOHAMMED stated that he knew everything he would say would be documented and placed in a report. MOHAMMED stated that he had "been broke, still broke, it's not like it was a million dollars." MOHAMMED stated that the day he was stripped of his police powers (2/8/2012) things did not feel right to him and that he knew he was in trouble. MOHAMMED also stated

that he had been followed throughout the day on 2/12/12 and wondered why he was not arrested earlier in the day. SA Henderson advised MOHAMMED that there were reasons for not arresting him earlier in the day that SA Henderson would not go into. Agents continued to advise MOHAMMED not to make any statements prior to waiving his Miranda rights. MOHAMMED believed the charge against would get him thirty years in jail.

At approximately 7:56p.m., SA Hart read the Advice of Rights form to MOHAMMED, who after reviewing the form, signed the form, wishing to waive his rights and speak to the interviewing Agents. MOHAMMED signed the form at approximately 8:00p.m.

MOHAMMED stated that he did participate in the theft of the money that was in the black bag that was carried by CHS. MOHAMMED still could not recall the name of CHS, but instead referred to him as the "dumpster guy." MOHAMMED stated that on the day the theft occurred, he had just had a haircut and was getting ready to drive to Cleveland, Ohio to visit his children. MOHAMMED received a telephone call from WATTS who told MOHAMMED that the dumpster guy (hereinafter referred to as CHS) had a bag and that they were going to take the bag. WATTS told MOHAMMED "come on, come on." MOHAMMED stated that he usually didn't mess with CHS, but he went along anyway. MOHAMMED then proceeded to the McDonald's restaurant located near 26th Street and Martin Luther King Drive, Chicago, Illinois, where WATTS had told him CHS would be. MOHAMMED was inside the restaurant and he saw someone who had recognized him. He told the person that he was just getting some food as his daughter was at the hospital. MOHAMMED watched CHS walk from the McDonald's restaurant. MOHAMMED stated that when CHS turned the corner at 29th and Vernon Streets, going northbound, he lost sight of CHS. MOHAMMED had thought about going home, but he received a call from WATTS who told MOHAMMED to "get him, get him."

MOHAMMED stated that he drove by CHS, turned around and then he saw CHS who told him (MOHAMMED) to take the bag. MOHAMMED then got out of his car and took the bag. MOHAMMED was in his personal car and WATTS was in his personal car, which was a Cadillac. MOHAMMED stated that he was armed during the theft of the bag. MOHAMMED believed WATTS was also armed because he knew WATTS to always carry a gun.

MOHAMMED stated, after taking the bag from CHS, he met with WATTS in the vicinity of 57th Street and Princeton Avenue and gave the bag to WATTS. MOHAMMED stated that when he initially

looked in the bag, he did not see any money. However, when he gave the bag to WATTS, WATTS found the money. MOHAMMED stated that he was never aware of how much money was in the bag. He believed that WATTS gave him two hundred dollars from the bag. MOHAMMED stated that after throwing the bag in the alley, he got on the expressway and went to his house at 9623 S. Union, Chicago, Illinois. MOHAMMED stated that he later left to go see his children in Cleveland, Ohio. MOHAMMED did not believe that he received anymore than two hundred dollars because he had taken $500.00 with him to Ohio and returned with $150.00. However, MOHAMMED could not explain how he figured that this indicated that he only got two hundred dollars from WATTS.

MOHAMMED thought the bag that he took from CHS would only contain drugs as he knew CHS to have carried drugs, not money, in the past. MOHAMMED stated that it was WATTS that called him to tell him that CHS had a bag. MOHAMMED stated that after taking the bag from CHS, WATTS called him and told him to meet at 57th and Princeton. MOHAMMED did not recall telling CHS where to meet with WATTS after taking the bag from CHS. After WATTS took the bag and gave the two hundred dollars to MOHAMMED, WATTS told MOHAMMED he had to go see CHS. WATTS never told MOHAMMED how much was in the bag. WATTS later told MOHAMMED that he had paid CHS, but did not tell him how much. MOHAMMED stated that this conversation about paying CHS occurred when he returned from Ohio.

MOHAMMED had been led to believe that CHS was in on the theft with WATTS. MOHAMMED stated that WATTS always said that CHS was transporting. MOHAMMED stated that he did not like riding with WATTS as he felt uncomfortable with him. However, MOHAMMED did not give specific details as to what made him uncomfortable with WATTS. MOHAMMED usually rode with DORIAN SMITH, whom he referred to as his partner.

MOHAMMED stated that he had been involved in money thefts twice with WATTS, once on 11/21/2011 and another time when WATTS called him and asked MOHAMMED to meet him by the fence. MOHAMMED stated that he recalled when WATTS called him and told him he had been involved with CHS and that MOHAMMED should meet him (WATTS) at the fence. MOHAMMED stated that the fence was the fence by his (MOHAMMED) house at 9623 S. Union, Chicago, Illinois. MOHAMMED recalled that WATTS told him that CHS was dropping off a bag. MOHAMMED told WATTS that he (WATTS) should make sure he was at work when the CHS had the bag and arrest CHS, so it would make the theft look legitimate. MOHAMMED stated that this money theft occurred

possibly in the Spring of 2011 as it had been warm outside. MOHAMMED stated that although WATTS came by his residence, WATTS never showed him the bag taken from CHS during the Spring of 2011 theft, and that no one else, to his knowledge, was involved in this theft. When WATTS came by MOHAMMED's residence after the Spring of 2011 theft, he was driving his Cadillac. MOHAMED stated that he did not profit from, or participate in, this money theft.

MOHAMMED stated that WATTS was the contact for the money thefts. MOHAMMED does not know if WATTS is still involved in money thefts, but he (MOHAMMED) does not participate in them anymore. MOHAMMED does not know of anyone else who has participated with WATTS in the money thefts. MOHAMMED admitted that he lied to SAs Henderson and Hart during the 2/3/2012 interview regarding the money theft that occurred on 11/21/2011. MOHAMMED stated that he did go home and not to work after the money theft. MOHAMMED further admitted that when he told interviewing Agents that he did not know that there was money in the bag, he had lied to them. In fact, he did know there was money in the bag.

MOHAMMED stated that after SAs Henderson and Hart left his residence on 2/3/2012, WATTS called him and asked what was up. MOHAMMED later met with WATTS as they sometimes would, as WATTS occasionally will stop by MOHAMMED's residence on his way to his second job at the gas company. MOHAMMED did not know if his girlfriend, MICHELLE CALDWELL, had called WATTS after interviewing Agents had left his residence. MOHAMMED stated that he did not call WATTS after interviewing Agents had left his residence. He also stated that he did not use her phone to call WATTS. When MOHAMMED met with WATTS, he did not tell WATTS that the FBI had interviewed him about the 11/21/2011 money theft as interviewing Agents had told him not to say anything to anyone about their investigation. MOHAMMED was aware that WATTS had gone on a cruise the week on 2/6/2012.

MOHAMMED did not believe that WATTS was running protection for the Gangster Disciples or any other street gang. MOHAMMED stated that this was the first time he had heard this accusation.

MOHAMMED was asked about accepting bribe payments in return for providing protection of drug dealers and their illegal drug dealing. MOHAMMED stated that WATTS would call him and tell him to pick money up from certain people. MOHAMMED would then pick the money up and provide it to WATTS. MOHAMMED would ask WATTS the

purpose of the money. WATTS would say he was "just bullshitting people" into thinking they were getting protection for their drug dealing. MOHAMMED stated that even if someone had paid a bribe to him for protection of their drug operations, he would still take them to jail. He stated that he would usually be with a partner when he saw these people and he and his partner could not just ignore someone committing a crime.

MOHAMMED stated that he was not tipped off to the federal investigation of WATTS and him. MOHAMMED stated that upon being stripped of his police powers he called his friend TIM MORAGNE, who worked in the CPD Internal Affairs Division. MOHAMMED has known MORAGNE since they were kids. MOHAMMED asked MORAGNE if MORAGNE had heard anything about him being stripped of his police powers. MORAGNE told MOHAMMED that if he heard anything he would tell him; however, MORAGNE had not heard anything about why MOHAMMED had been stripped. MOHAMMED told MORAGNE not to worry about it and that MOHAMMED would try to find out himself. MOHAMMED believed he had been stripped of his police powers for either the theft of the bag on 11/21/2011, or that his ex-wife had filed a complaint against him.

MOHAMMED stated that WATTS would take money from drug dealers in return for providing protection of their drug operations. However, MOHAMMED stated that he was the one that accepted the bribe money from drug dealers on behalf of WATTS. MOHAMMED never saw WATTS take money or drugs directly from drug dealers. MOHAMMED had no direct knowledge of any other police officers or persons who were involved in criminal activity with WATTS. MOHAMMED stated that of the two previous videos that he viewed, evidence numbers 1D4 and 1D7, he had accepted a bribe payment in return for protection of a drug dealer (MOHAMMED later identified this drug dealer as ARTHUR KIRKSEY).

MOHAMMED was asked if he had heard the name "WESTSIDE". MOHAMMED did recognize the name WESTSIDE and stated that a "hype" (an individual who is a heroin user) named CHARLIE (true name known to Agents as CHARLIE MILLER) had told WESTSIDE to tell MOHAMMED that there was a house in the "100 streets and something" that was a drug dealers stash house. MOHAMMED recalled that his tactical team, to include WATTS, executed a warrant on the house, in which they recovered money. MOHAMMED stated that the recovered money was inventoried as found property. MOHAMMED was asked if he had profited from the recovered money and he stated that he had not. MOHAMMED stated that when the money was being inventoried, there

were a lot of people in the room and he stayed away. MOHAMMED was not aware of anyone who profited from the money recovered in the house. He was not aware of how much money was recovered or inventoried. MOHAMMED did not remember who had found the money, nor who had inventoried the money.

MOHAMMED stated that WESTSIDE had attempted to pay him on one occasion, but MOHAMMED did not accept the money. This incident occurred as WESTSIDE wanted MOHAMMED to rip off a JAMAICAN individual that WESTSIDE knew. WESTSIDE wanted MOHAMMED and WATTS to rob the Jamaican. MOHAMMED stated that he did not participate in a robbery of the Jamaican, and did not know if WATTS ever robbed the Jamaican. MOHAMMED did not recall WESTSIDE ever showing him stacks of money, nor discussing stacks of money with WESTSIDE.

MOHAMMED identified a CPD booking photograph of ARTHUR KIRKSEY as "ART". MOHAMMED admitted that KIRKSEY paid a bribe to him two or three times, in return for the promise of protection for his (KIRKSEY) drug dealing business. MOHAMMED stated that after reviewing evidence number 1D7, he recalled that the bribe occurred in the area of 75th and Perry, Chicago, Illinois. MOHAMMED identified his voice on the audio/video recording. (Agent note: This recording was made on 12/18/07 and involved both KIRKSEY and MOHAMMED. KIRKSEY entered MOHAMMED's personal vehicle and paid MOHAMMED). MOHAMMED stated that he did not know what happened to the bribe money after he gave it to WATTS. MOHAMMED stated that the last time he took money from a drug dealer in return for the promise of protection of a drug operation, was a couple of years ago. MOHAMMED he could not remember who it was that he took the money from. MOHAMMED clarified his statement that the last time he accepted a bribe payment in return for the protection of a drug dealing operation was in 2008.

MOHAMMED was then played evidence number 1D12. This recording occurred on 1/21/08. MOHAMMED identified himself as sitting in the passenger seat of KIRKSEY's vehicle. MOHAMMED admitted that he was paid a bribe by KIRKSEY in return for protecting KIRKSEY's drug dealing operation. MOHAMMED could not recall the amount of the bribe payment he had been paid by KIRKSEY. MOHAMMED stated that he gave all of the money he received from KIRKSEY to WATTS. MOHAMMED stated that after this bribe payment, he met WATTS at the CPD 2nd District police station in the back of the lot. MOHAMMED believed he received $200.00 from WATTS for delivering the money to him.

MOHAMMED stated that KIRKSEY would call him to meet up, so he could receive the bribe payment from him (KIRKSEY). MOHAMMED was not aware of how WATTS would get in touch with KIRKSEY to tell him to meet with MOHAMMED. However, WATTS would tell MOHAMMED that he needed to pick up the money from KIRKSEY.

MOHAMED was played evidence number 1D23 (Session 6). This audio/visual recording occurred on 5/22/2008 in the vicinity of 91st and Commercial Avenue, Chicago, Illinois. MOHAMMED identified himself in the video and stated that he remembered the incident. MOHAMMED believed he was paid $1,000 bribe by STACY GRAHAM for protection of KIRKSEY's drug dealing operation. MOHAMMED stated that he did in fact accept the money from GRAHAM. MOHAMMED was advised that the actual payment was $500.00. MOHAMMED stated that after being paid, he met with WATTS, location unrecalled, and gave half of the money to WATTS. MOHAMMED stated that this payment was part of the same protection deal that MOHAMMED and WATTS had with KIRKSEY.

MOHAMMED was played evidence number 1D27. This audio/visual recording occurred on 6/5/2008 in the vicinity of 91st and Commercial Avenue, Chicago, Illinois. MOHAMMED identified his voice in the recoding, as well as he identified his vehicle in the recording. He did not recall the incident specifically, nor whether he had been paid during this incident. However, MOHAMMED stated that he recalled being paid by GRAHAM on more than one occasion.

MOHAMMED stated that if the drug dealers did not pay bribes to WATTS or MOHAMMED in return for protection of their drug dealing business, they would not do anything to them that was beyond their normal police duties. MOHAMMED was asked about a statement he made in evidence number 1D27 in which he advised GRAHAM about not saying anything to anyone, and staying off the phone. MOHAMMED stated that he was always very conscientious about his phone being tapped. Someone a long time ago had mentioned to him about phones being tapped and he always had a concerned about that.

At approximately 9:45p.m., MOHAMMED was processed for fingerprints, photographs and buccal swabs. SA Henderson asked MOHAMMED general intake questions for the United States Marshal Service (USMS) prisoner intake form.

Through investigation, the following information was obtained for WATTS:

Name:	KALLATT MOHAMMED
Address:	(P-1), (S) [redacted]
SSAN:	
DOB:	
Height:	5'9"
Weight:	190 pounds
Eyes:	Brown
Hair:	Brown
Girlfriend:	MICHELLE CALDWELL 9633 S. Union Street Chicago, Illinois
Vehicle:	Hyundai Azera (9181182)

EXHIBIT 44

FD-302 (Rev. 10-6-95)

FEDERAL BUREAU OF INVESTIGATION

Date of transcription 05/07/2012

KALLATT MOHAMMED, having previously been made aware of the identity of the interviewing Agents, was interviewed at the United States Attorney's Office, Northern District of Illinois, located at 219 S. Dearborn Street, Chicago, Illinois. Also present during the interview were Assistant United States Attorney (AUSA) Benjamin Langner and AUSA Margaret Schneider, as well as MOHAMMED's attorney, JIM GRAHAM. After being presented with and signing a proffer agreement, AUSA Langner advised MOHAMMED that he needed to tell the truth and to be as accurate as possible in his statements. Thereafter, MOHAMMED voluntarily provided the following information:

MOHAMMED stated that he has always been assigned to the Chicago Police Department (CPD) 2nd district. MOHAMMED first met CPD Sergeant RONALD WATTS when he (MOHAMMED) transferred to a tactical team in the CPD 2nd District. MOHAMMED had been working on a housing team in the CPD 2nd District. His housing team Sergeant at the time was BRAD LNU (Last Name Unknown). BRAD LNU was later promoted to the Detective Division, and MOHAMMED and his partner, DARYL EDWARDS, transferred to the CPD 2nd District tactical team in 2000-2001. WATTS was the Sergeant of the tactical team. MOHAMMED and WATTS always maintained an employee-supervisor relationship. Prior to being on BRAD LNU's housing team, MOHAMMED was on a tactical team run by Sergeant NATE SILAS.

When MOHAMMED first met WATTS, MOHAMMED was partnered with EDWARDS. MOHAMMED stated that WATTS would work late and long hours. MOHAMMED began hearing people in the housing projects say that WATTS was a dirty police officer. MOHAMMED heard that WATTS once lived in the DARRYL HOMES before becoming a police officer. MOHAMMED also heard other police officers say that WATTS "wasn't right", but MOHAMMED could not recall who specifically said this. MOHAMMED stated that CPD - Internal Affairs Division (IAD) police officer TIM MORAGNE told MOHAMMED to get off of WATTS tactical team as MORAGNE had heard that things "were not right" with WATTS. MORAGNE had mentioned this to MOHAMMED on one occasion. MOHAMMED knows MORAGNE as they grew up together. MORAGNE never disclosed the investigation of WATTS and MOHAMMED to MOHAMMED.

MOHAMMED stated that people in the housing projects said WATTS was taking their money, but MOHAMMED never saw it. MOHAMMED

Investigation on 5/3/2012 at Chicago, Illinois

File # 194D-CG-122761 -302-148 Date dictated N/A

by SA Raymond B. Hart
SA Craig Henderson:ch

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SUBJECT TO PRIVACY ACT ORDER

then began to pay attention to who WATTS was speaking to at the projects. MOHAMMED saw WATTS meet with people whom he knew were drug dealers/holders. One of these individuals was a person named "JELLY ROLL" (true name unknown to MOHAMMED). MOHAMMED stated that JELLY ROLL was from the IDA B. WELLS housing project. JELLY ROLL would hold drugs. JELLY ROLL would tell WATTS who was selling drugs at housing projects and corners. WATTS would relay this to MOHAMMED and his partner, DORIAN SMITH. WATTS would sometimes ride in the police car with MOHAMMED and SMITH, and they would stop the drug dealers that JELLY ROLL had identified.

When MOHAMMED and SMITH would stop drug dealers, the drugs were never on their person. The drugs would be secreted in different places such as a potato chip bag on the ground. MOHAMMED and his tactical team would search for the drugs and once they were found, WATTS would pay JELLY ROLL with two bags of heroin or crack cocaine. MOHAMMED stated that excess drugs were either inventoried by CPD officer ALVIN JONES, or WATTS would throw the drugs away. MOHAMMED described JELLY ROLL as a black male, approximately 5'7", heavy set, medium brown complexion, in his late 30s, wore a hat and looked older than his actual age. JELLY ROLL can be found in the area of 39th and Martin Luther King Drive near the store on the corner. (Agents believe JELLY ROLL's true name is ERIC BROWN, Date of Birth 8/3/1975, FBI# 386344PA0).

MOHAMMED stated that when WATTS would go on the street he would usually ride with MOHAMMED and SMITH. MOHAMMED did not like it when WATTS would ride with them because WATTS would criticize MOHAMMED's police work, telling MOHAMMED that he was not a police officer and had not been trained properly. MOHAMMED did not like to be told how to do his job.

MOHAMMED admitted that the first extortion payment he collected for WATTS was from ARTHUR KIRKSEY. MOHAMMED believed that he collected extortion payments from KIRKSEY between 2006 and 2008. MOHAMMED recalled that KIRKSEY ran the 511 building at the Ida B. Wells complex. MOHAMMED did not know how WATTS and KIRKSEY first met. During the first meeting with KIRKSEY, MOHAMMED asked KIRKSEY what was going on. KIRKSEY replied that WATTS was looking out for KIRKSEY and his drug dealing business. MOHAMMED recalled that sometimes he would receive a potato chip bag or brown paper bag from KIRKSEY that would contain money for WATTS. MOHAMMED recalled the first payment he received from KIRKSEY was in a bag described as being "light" in weight, giving MOHAMMED indication that there was not a lot of money in it. MOHAMMED received this

bag from KIRKSEY at the Ida B. Wells Public Housing Project. MOHAMMED estimated that he made approximately eight extortion/protection collections from KIRKSEY.

MOHAMMED stated that WATTS never gave any money to MOHAMMED for making the collections. After providing the money to WATTS, WATTS would tell MOHAMMED that he "would get back with him", but never did. MOHAMMED could only recall making extortion/protection payment collections from KIRKSEY and STACY LNU, KIRKSEY's girlfriend. MOHAMMED confirmed that he picked up twenty to twenty-five thousand dollars over the eight times he colleted money from KIRKSEY and STACY LNU. MOHAMMED recalled STACY LNU actually handing him money instead of it being given to him in a bag. MOHAMMED stated that he only made the collections as WATTS was his supervisor and would pressure him to do these things for him.

MOHAMMED stated that he never received any money from the extortion/protection payments. MOHAMMED stated that WATTS would let him take personal leave whenever he needed it and would not make MOHAMMED fill out a leave slip. MOHAMMED recalled that during this period his mother was ill, and WATTS allowed him to take unreported leave to help his ailing mother. MOHAMMED stated that he knew it was wrong for him to get money from KIRKSEY and STACY LNU on behalf of WATTS. MOHAMMED knew it was wrong because the drug dealers were giving money to a police officer in return for a promise of protection.

However, MOHAMMED stated that he initially did not view collecting the money as protection payments as people associated with KIRKSEY's drug dealing business were still being arrested. MOHAMMED stated that he knew accepting the money was wrong as the money was from drug dealers. MOHAMMED stated that the money probably was for protection payments, but he did not know for sure. MOHAMMED stated that during this time frame, 2006 through 2008, he was going through a divorce and his mother and father both passed away. MOHAMMED admitted to having telephone conversations with KIRKSEY regarding the payments, and not arresting KIRKSEY's associates in return.

MOHAMMED stated that WATTS would say "fuck them" (referencing those who were making the protection payments) as WATTS would arrest the drug dealers anyway. MOHAMMED considered the money to be only for partial protection/extortion payments. WATTS never spoke openly about getting money from drug dealers, nor

why he was getting the money from them. MOHAMMED did not know of any other officers being used by WATTS to pick up extortion/protection payments or money from drug dealers.

MOHAMMED recalled that people being arrested by his tactical team would always ask if they could speak to WATTS. WATTS would often speak to the arrestees after they arrived at the police station. After speaking to the arrestees, WATTS would ask the arresting officers for leniency on the arrestee as "he (the arrestee) was helping me (WATTS) out."

MOHAMMED admitted to participating in a money theft only one time, on 11/21/2011. MOHAMMED recalled another occasion, sometime in 2010 (hereinafter referred to as the 2010 incident), where MOHAMMED received a call from WATTS who inquired as to MOHAMMED's whereabouts. At the time, MOHAMMED was at a Hyundai car dealership located near 26th Street and Michigan Avenue, Chicago, Illinois. WATTS asked MOHAMMED if he would watch out for WATTS as the "dumpster guy" was picking up money in the area that MOHAMMED was located. MOHAMMED described the dumpster guy as an individual MOHAMMED and WATTS knew from one of the public housing projects. The dumpster guy would dive into dumpsters to recover drugs dumped by drug dealers when the police would raid the housing complex.

MOHAMMED stated that he did not stay at the Hyundai dealership as it was busy, and the wait was too long for the work he needed to have done on his car. MOHAMMED has no way to prove he was at the dealership the day of the 2010 incident. MOHAMMED agreed that it was an odd coincidence that he was in the area of the 2010 incident that day, helping WATTS locate the dumpster guy.

During the 2010 incident MOHAMMED stated that he was sitting in the vicinity of 26th Street and Michigan Avenue looking out for the dumpster guy. MOHAMMED recalled he was on the telephone with ADELE HASTY, who resided in Washington State when MOHAMMED noticed the dumpster guy and called WATTS, as WATTS had requested. After calling WATTS and telling him the dumpster guy was in the area, MOHAMMED left the area and went home. MOHAMMED was driving his black colored Hyundai at the time.

MOHAMMED stated that WATTS came to his house after the 2010 incident, but MOHAMMED was not home. Later in the day, WATTS stopped by MOHAMMED's house, as MOHAMMED was now home. MOHAMMED asked WATTS what had happened during the 2010 incident, and WATTS told MOHAMMED they would talk about it later. MOHAMMED recalled

that WATTS had grabbed a beer out of MOHAMMED's fridge at this time.

MOHAMMED stated that he did not recall a telephone call from WATTS the day of the 2010 incident in which WATTS told him to meet him at the fence. MOHAMMED knew of no one else who was out there during the 2010 incident besides WATTS. MOHAMMED did recall that he had been walking around the park near 26th Street and Michigan Avenue just prior to seeing the dumpster guy.

MOHAMMED stated that the day he was at the dealership and looking out for the dumpster guy, WATTS told MOHAMMED to "watch the dumpster guy for me. He is picking up something." MOHAMMED told WATTS that they should be at work to cover themselves watching the dumpster guy. WATTS replied, "don't worry about it, I got it." MOHAMMED thought it would look more legitimate if they were actually working. MOHAMMED stated that the day of the 2010 incident, he believed WATTS was in a CPD Ford Crown Victoria. MOHAMMED recalled WATTS telling him on the phone that he (WATTS) was at work and getting a car. MOHAMMED recalled that WATTS was at the police station when he first called MOHAMMED.

The day after the 2010 incident WATTS went to MOHAMMED's house and they spoke in the alley. WATTS told MOHAMMED that the dumpster guy was acting as a courier and that there was $5,000 in the bag. WATTS told MOHAMMED that he paid the dumpster guy after getting the bag with the money. However, WATTS did not tell MOHAMMED how much he paid the dumpster guy. MOHAMMED stated that he did not receive any money from the 2010 incident. MOHAMMED asked WATTS how the dumpster guy got in touch with WATTS. WATTS responded that the dumpster guy had been calling him. When WATTS stopped by MOHAMMED's house, WATTS was in his work truck. WATTS often rode around in his work truck.

During the money theft that occurred on 11/21/2011, MOHAMMED stated that he was getting a haircut and deciding whether he should go visit his kids in North Ridgeville, Ohio, a suburb of Cleveland, Ohio. WATTS called MOHAMMED and told MOHAMMED that the dumpster guy had a black bag and that WATTS needed MOHAMMED to get him (dumpster guy). At the time MOHAMMED was at 100th Street and Jeffrey getting his hair cut. MOHAMMED then drove to the McDonald's Restaurant located on Martin Luther King Drive, near 26th Street, Chicago, Illinois. Prior to getting to the McDonald's Restaurant, WATTS called MOHAMMED and said he saw the dumpster guy. MOHAMMED followed the dumpster guy from th McDonald's Restaurant

and observed the dumpster guy pulling on car door handles on the street just east of Martin Luther King Drive. MOHAMMED pulled up to the dumpster guy, who told MOHAMMED to get the bag. MOHAMMED got out of his car and took the bag from the dumpster guy. MOHAMMED recalled after taking the bag the dumpster guy was asking him about something, but MOHAMMED could not recall what it was the dumpster guy was asking him.

MOHAMMED got back in his car and drove away. MOHAMMED did not look in the bag, however, he felt the bag and could not feel a lump in it, which would have indicated money to MOHAMMED. WATTS called MOHAMMED and told him where to meet, which was 57th Street and Princeton, Chicago, Illinois. At 57th and Princeton, WATTS got out of his car and got into MOHAMMED's car. They then drove down the street. MOHAMMED gave the bag to WATTS who found the money inside of the bag and took the money. MOHAMMED and WATTS drove down an alley where WATTS told MOHAMMED to throw the bag out. MOHAMMED recalled WATTS saying that "he (dumpster guy) came through again." MOHAMMED stated that he thought to himself "here we go again." MOHAMMED stated that he thought this as it appeared to be the same set of circumstances as the previously described 2010 incident.

While in MOHAMMED's car, MOHAMMED told WATTS that he was thinking of going to Ohio and needed $200.00. WATTS reached into his left pant's pocket and gave MOHAMMED $200.00. MOHAMMED stated that this was a different pocket than the pocket WATTS put the money in that was from the black bag. The money from the bag was placed in WATTS right pant's pocket. MOHAMMED believed he would have to pay the $200.00 back to WATTS. After getting the money from WATTS, MOHAMMED dropped WATTS off at his car and MOHAMMED went home.

After returning from Ohio, MOHAMMED spoke to WATTS. WATTS told MOHAMMED that it was a good one and that WATTS was waiting for the dumpster guy to call again. MOHAMMED recalled that on or about 11/26/2012 and 11/29/2012, WATTS told MOHAMMED that "old boy" called him again. MOHAMMED believed old boy was the dumpster guy. MOHAMMED told WATTS that it was between WATTS and the dumpster guy in a reference to the two money theft incidents.

MOHAMMED stated that he never hangs out at the SHRINE CLUB. MOHAMMED stated that he has never spoken to the dumpster guy outside of the money thefts. MOHAMMED stated that during the 11/21/2011 money theft, both he and WATTS were in their personal

cars. MOHAMMED's gun was in his vehicle. MOHAMMED knew WATTS was armed during the 11/21/2011 money theft as MOHAMMED saw WATTS' gun when WATTS got into MOHAMMED's vehicle. MOHAMMED recalled that when WATTS searched the bag he searched with one hand and pulled out a wad of money. MOHAMMED stated that he still has not paid back the $200.00 that WATTS loaned him the day of the 11/21/2011 money theft. MOHAMMED stated that he asked WATTS to "loan me $200.00." WATTS never told MOHAMMED that day that the money was a loan that needed to be paid back. MOHAMMED believed he left for the Cleveland, Ohio area the night of 11/21/2011 at approximately 8:00p.m or 9:00p.m. and arrived there around 1:30a.m. MOHAMMED stayed at his former wife's house. MOHAMMED estimated that it cost him $300.00 to get to the Cleveland, Ohio area and back. This included money for taking his kids out to dinner, gas and tolls.

MOHAMMED stated that he never received any money from the 11/21/2011 money theft. MOHAMMED has not had contact of any kind with WATTS since they both were arrested on 2/12 - 2/13/2012. MOHAMMED recalled the day of the arrests that during their initial appearance WATTS said to MOHAMMED "you told on me."

MOHAMMED stated that immediately after SAs Henderson and Hart interviewed him on 2/2/2012, his girlfriend, MICHELLE CALDWELL, called WATTS and gave the phone to MOHAMMED. MOHAMMED told WATTS that the FBI had been by his house and interviewed him about the 11/21/2011 incident. MOHAMMED told WATTS "he got them in the shit." WATTS asked MOHAMMED if the FBI had written anything down and MOHAMMED responded yes. WATTS then stopped by MOHAMMED's residence.

At MOHAMMED's residence, MOHAMMED told WATTS that the interview was about the dumpster guy. MOHAMMED told WATTS everything that MOHAMMED had told the FBI during the interview. MOHAMMED told WATTS "they got me taking the bag." WATTS asked MOHAMMED if MOHAMMED put him (WATTS) in it and MOHAMMED responded yes. WATTS then left the house in a hurried manner. MOHAMMED stated that he never reported any of the money thefts, extortion/protection payments or illegal acts/wrongdoing to any law enforcement agency to include CPD.

MOHAMMED stated that sometime in January, 2012, MOHAMMED received a telephone call from WATTS. WATTS told MOHAMMED that the dumpster guy would be at a Burger King restaurant with another guy and would be acting as a courier. WATTS told MOHAMMED that he was going to go down to the Burger King. WATTS then told MOHAMMED

that he (WATTS) told the dumpster guy that he was going to be out of town. WATTS told MOHAMMED that the dumpster guy asked for MOHAMMED to go to the Burger King when WATTS said he was out of town. MOHAMMED told WATTS to keep him (MOHAMMED) out of it. WATTS told MOHAMMED that the dumpster guy was carrying money. MOHAMMED stated that after this call he never discussed the incident again with WATTS. MOHAMMED stated that WATTS often called MOHAMMED when WATTS was working his part time job at People's Gas. WATTS would often call just to shoot the breeze.

MOHAMMED recalled another time after January, 2012 in which WATTS called him about the dumpster guy. MOHAMMED was pulling into the lot at the police station, as he was starting his shift. WATTS told MOHAMMED that "old boy" called and MOHAMMED responded to WATTS, "so what?" This conversation with WATTS was brief. MOHAMMED told WATTS to go get the dumpster guy. WATTS called MOHAMMED again about the dumpster guy, and MOHAMMED again responded, "so what?" This was also a very brief conversation. WATTS was already in the police station at the time, getting ready to start his shift. MOHAMMED was unaware as to whether WATTS did anything with the dumpster guy during this incident.

MOHAMMED was asked about a stash house in which a large amount of money was recovered from it. The house was located on Van Vlisssingen in Chicago, Illinois. MOHAMMED stated that CHARLIE LNU and WESTSIDE came to the station and asked for WATTS. WATTS spoke to them. They told WATTS that WESTSIDE knew a Jamaican drug dealer on the north side that had a stash house with money and drugs in it. WATTS then told CPD officer ALVIN JONES to write the search warrant for the house. WESTSIDE had previously tried to give money to MOHAMMED, but MOHAMMED did not accept the money.

MOHAMMED recalled that a search warrant was executed at this house the same night. MOHAMMED stated that his tactical team along with police officers from the CPD 4th district searched the house. MOHAMMED estimated that there were fifteen to twenty police officers at the residence. WATTS was leading the search. MOHAMMED stated that they entered the house as it was vacant. MOHAMMED stated that he was the last person to enter the house. The basement and upstairs were searched for drugs. MOHAMMED was in the basement by the furnace when someone said it (money) was in the ceiling. MOHAMMED recalled someone pulling gift cards and a box of money out of the ceiling area. MOHAMMED recalled that there was approximately ten people in the basement to include him, WATTS and

JONES. Others came down to look at the money. MOHAMMED did not know where the gift cards came from or went after the search.

Later, JONES said he saw someone who worked for CPD-IAD driving down the street and JONES thought the house was a set up. JONES told MOHAMMED, "let Ron (WATTS) take it all." MOHAMMED recalled seeing the recovered money on the table in the tactical office at the police station. MOHAMMED stated that everyone was looking at the money. JONES did the recovery paperwork for the money. MOHAMMED recalled having to wait for the Asset Forfeiture people to arrive to count the money.

MOHAMMED did not know how much money was recovered from the house. MOHAMMED did recall that approximately one year after the search of the house occurred, WATTS told MOHAMMED that he got money from the search. MOHAMMED stated that he and WATTS were in the middle of another search when WATTS blurted out that he got money from the Van Vlissingen search. MOHAMMED believed WATTS got money from the search at the Van Vlissingen residence as WATTS was the last person in contact with the money before it was sent to Homan Square. MOHAMMED recalled that he, WATTS and DOUG NICHOLS were in the car that transported the money back to the police station. WATTS took the money by himself into the tactical office. MOHAMMED did not recall WATTS being alone in the tactical office with the money.

MOHAMMED stated that WATTS spends $400.00 per day on the Illinois Lottery Pick 3 game. He gets his tickets at a store near 43rd Street and Cottage Grove. WATTS also paid for his daughter's college tuition. WATTS' daughter went to college in Iowa. WATTS owns a two flat and a house. MOHAMMED believed the mortgage on the two flat is more than the rent WATTS collects. MOHAMMED recalled that WATTS had $16,000.00 stolen from the safe in his house. MOHAMMED believed WATTS made a police report about it. MOHAMMED stated that he had no knowledge of any other police officers doing drug or money thefts.

MOHAMMED identified a CPD photograph of ROY BENNETT, who is a drug dealer. MOHAMMED was aware that BENNETT supplied clothing and liquor to WATTS. MOHAMMED heard this from ALVIN JONES.

MOHAMMED stated that no one threatened or told him to lie or mislead federal Agents if they were to ask him about his and others involvement in money and drug thefts or other illegal

activity. MOHAMMED has not had any contact with any of his CPD associates and no one has tried to contact him since his arrest by the FBI. MOHAMMED did not know of any other corruption or illegal activities involving WATTS. MOHAMMED has no knowledge of WATTS having a gang affiliation nor being a drug user. MOHAMMED knows WATTS to drink alcohol.

MOHAMMED stated that WATTS claimed he was hit by a car while on duty. However, MOHAMMED was present during the accident and knew that WATTS was not struck by the car. WATTS received an insurance settlement from his alleged injury of $60,000.00 in 2009. The car was being driven by a drug dealer whom WATTS knew. The car was owned by SHABOOKA (PH) LNU, the drug dealer's girlfriend. WATTS claimed to have sustained a knee injury.

MOHAMMED stated that he had a part time security job at a housing complex called SHOREWOODS, located at 39th Street and Langley, Chicago, Illinois. CPD police officer LAMONICA LEWIS was the supervisor at the site. WATTS wanted LEWIS to put him down as working there, so he could get paid. WATTS and LEWIS had an argument about this request, and MOHAMMED ended up losing his job over the argument.

MOHAMMED stated at the end of the interview that everything he told interviewing Agents and the AUSAs during this interview was the truth. MOHAMMED admitted to lying to and misleading Agents in previous interviews.

EXHIBIT 45

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF
ILLINOIS EASTERN DIVISION
JUDGE FRANKLIN U. VALDERRAMA
MAGISTRATE JUDGE SHEILA M. FINNEGAN
MASTER DOCKET CASE NO. 19-CV-01717

IN RE: WATTS COORDINATED PRETRIAL PROCEEDINGS

DEPONENT: GARRY MCCARTHY
DATE: JUNE 14, 2023
REPORTER: SYDNEY LITTLE

Read and Sign Only

APPEARANCES

ON BEHALF OF THE PLAINTIFFS, RICKEY HENDERSON, SHAUN JAMES, JAMAR LEWIS, TAURUS SMITH:
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Q. And why was that? Why was there nothing written?

MR. BURNS: Objection. Form.

A. I -- I'm not a big paper person. I want to hear it if I have questions about it. And then if there's any paper, like a picture or something like that, it all went back.

BY MR. FLAXMAN:

Q. And did you ever take notes about the meetings?

A. No.

Q. You also talked about this issue where your department was trying to get boxes from the federal investigation every so often. You remember that?

A. Yes.

Q. Did you ever communicate with federal authorities about the boxes?

A. I may have said something to Bob Grant. I don't recall. But I -- I do know this very specifically. I asked Bob Grant, is there anything else to this? And he said, absolutely not. It's just these two officers. And when we tried to obtain more information, we couldn't obtain it because federal protections for the documents prevented that from happening.

Read and Sign Only

Q. And did you try to obtain that information after Bob Grant told you that it was just these two officers?

A. I believe we tried for a while to -- to Bob Klimas because there was some sort of a vetting that they -- the feds were talking about. And, eventually, I don't think we got anything.

Q. Well, when you say there was some sort of vetting, what do you mean?

A. In other words, they would -- you know, they would take them and redact things and things like that. But they never did any of it for us. To my recollection, we got absolutely nothing.

Q. And given that Bob Grant had told you that there's nothing else, it's just these two officers, why did you want that other information?

A. 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.

Q. And was it -- did you say that it was Klimas who was the one who was mostly responsible for trying to get that information?

A. I wouldn't say responsible. He was the guy

Read and Sign Only

EXHIBIT 46

LOUISVILLE LEXINGTON LONDON FLORENCE CINCINNATI INDIANAPOLIS ORLANDO JACKSONVILLE TAMPA

KENTUCKIANA
COURT REPORTERS

MASTER DOCKET CASE NO. 19-CV-01717

IN RE: WATTS COORDINATED PRETRIAL PROCEEDINGS

DEPONENT:

EDDIE JOHNSON

DATE:

August 31, 2022

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CPD and the federal government into a CP officer doesn't lead to charges, does CPD ever still do anything? Do they still ever act?

MR. BATTLE: Going to object to the fact that incomplete hypothetical. Go ahead and answer, if you can.

A So if it didn't lead to criminal charges, then sometimes CPD would do internal investigation. Because it might not lead to any criminal charges, but it could be something that was a violation of policy, or things of that nature. So we would still look at the investigation at the conclusion of the criminal portion.

Q Were you ever given any specifics about any of the evidence that the federal government with CPD developed against Watts and other members of this team?

A No.

Q Did you ever ask for that information?

A So with Watts and Mohammad, they were -- prior to me becoming superintendent, as far as I knew, they had been indicted, went to prison. I don't know if they were out of prison at the time that I became superintendent. So, there would've been no need for me to inquire about them. As far as the other members of the team goes, when we got notification from the state's attorney's office concerning their credibility issues,

I knew that I personally reached out to the US Attorney's office and the FBI to ask them, did they have anything at that point that would suggest that I should take further action against those officers? If they could share it with me, fine. If not, I understood. But if I were to take a job action against them, was -- did they have any reason to think that they had evidence that would suggest that? And they said, no.

Q Who did you talk to at the US Attorney's office?

A It would've been -- I can't remember if Zach Fardon was the US Attorney at the time or John Lausch, but whichever one of them was in charge, I would've reached out to that person.

Q Did you talk directly to the US Attorney at the time?

A Yes.

Q When did you make that -- was it a call or a letter or --

A No, it was a phone call.

Q And about what time period did you make that call?

A It would've been around the time we received those documents.

Q November 2017?
A Yes.
Q Is it a call that had been set up by, like, a staff member or did you just pick up the phone and call?
A No, we had personal relationships, so I would've just picked up the phone and called.
Q About how long was the conversation or conversations?
A My best recollection, maybe 10 minutes or so.
Q Was it just one phone call?
A Phone call for me asking if there was anything I should be concerned with, and then the phone -- the return call saying no.
Q So it wasn't like you called, they said immediately no. They looked into it.
A No, they looked -- they -- I'm going to assume they looked into it because they -- it was a few days before both of them got back to me.
Q Who did you talk to at the FBI?
A It would've been the SAC. Jeff Sallette.
Q I'm sorry. Could you spell that last name?
A S-A-L-L-E-T-T-E, I believe. He might get me if I misspell his name.
Q Jeff Sallette, though?
A Yes.

Q Okay.
A To the best of my knowledge.
Q He's the special agent in charge of the Chicago office at the time?
A Correct.
Q Was it the same process? You just picked up the phone, called and he called you back later?
A Correct.
Q And what specifically did you ask either Fardon or Lausch, and then Sallette?
A I don't remember specifically how the conversation went, but I would have said, "Listen, I have these officers that can no longer testify at court that were involved in the Watts case. If there's any reason I should have a concern about any criminal activity or any evidence that might come forward later, that would suggest they shouldn't be on the street. You don't have to share it with me if you can't, but at the very least, I need to know so that I can relieve them of their police powers if that's appropriate."
Q Did you just ask them about criminal activity?
A Any activity that would suggest relieving them of their police powers.
Q Did you give them any guidelines about what activity would warrant relieving them of police powers?

A No.

Q In your mind, what types of activity would you have been looking for that would've justified relieving those officers of their police powers?

MR. BURNS: Objection to form of question.

MS. WEST: Join.

A It wouldn't have been anything specifically, but if there's a criminal investigation, it would be criminal allegations, I would imagine. So, I -- there was nothing that specifically, because I didn't want to taint that response from them. I just wanted to know if there was something that I should be concerned about.

Q Did you go back and ask anyone in Internal Affairs the same question?

A So when you say same question, was there anything that CPD should be concerned with?

Q Yeah. So, did you go back to -- it was a joint investigation, right? So, I -- let me back up a sec. I was making an assumption but tell me if I'm right about this. You called the FBI and the US Attorney's office because you knew they did a joint investigation into, at least Watts and Mohammad, right?

A Correct.

Q And you are aware that, and would've, at a minimum included looking at other officers' activities?

A Correct.

Q That's the reason you called them to ask if there was anything they knew about the other officers that would warrant relieving them of police powers, right?

A Correct.

Q And the joint investigation included the Chicago Police Department?

A Correct.

Q So did you go back and talk to the division or divisions at CPD that were involved in the joint investigation?

A Yeah. I spoke to them prior to reaching out to the US Attorney and the FBI.

Q Okay. Who did you speak to at the CPD before you reached out to the FBI and the US Attorney?

A I would have asked the General Counsel if she had any information. And I don't recall if Eddie Welch or Keith Callaway were the chiefs, both of them at different times were Chiefs of Internal Affairs, but whoever the Chief was at the time, I would have inquired to that person if there was something there that we had internally that would suggest relieving them of their police powers.

Q And were those -- did you get no answer for

EXHIBIT 47

OFFICIAL RECORD
Document participants have digitally signed. All signatures have been validated by a certified FBI information system.

FEDERAL BUREAU OF INVESTIGATION

Electronic Communication

Title: (U) Case closing. **Date:** 09/25/2014

CC: D6-PCU

From: CHICAGO
CG-WC-2
Contact: SA Craig Henderson, 312-829-8541

Approved By: SSA Brendan J. O'Leary
ASAC Michael T. Kosanovich
SAC R J Holley

Drafted By: SA Craig Henderson

Case ID #: 194D-CG-122761-239 (U) OPERATION BRASS TAX - CLSPO - LAW ENFORCEMENT
SENSITIVE INVESTIGATIVE MATTER

Synopsis: (U) Captioned investigation is being closed as all investigation has been completed and the evidence has been properly disposed of.

Full Investigation Initiated: 10/01/2004

Administrative Notes: (U) Enclosed for FBIHQ, Criminal Investigative Division, Public Corruption Unit is a LHM regarding the closing of captioned investigation.

Enclosure(s): Enclosed are the following items:
1. (U) Closing LHM.

Details:

This investigation was opened based upon witness information that Chicago Police Department (CPD) Sergeant Ronald 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. (B), (H) (B), (H) Watts and Mohammed were arrested. Watts and Mohammed subsequently pled guilty and were sentenced to 22 months and 18 months respectively for violation of Title 18 U.S.C 641, Theft of Government Funds.

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.

SUMMARY STATEMENT

The reason the Full Investigation is being closed is C-6: Final prosecution has been completed.

Title: (U) Case closing.
Re: 194D-CG-122761, 09/25/2014

♦♦

EXHIBIT 48

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

In re: WATTS COORDINATED PRETRIAL PROCEEDINGS	)	No. 19 C 1717
	)	
	)	Judge Valderrama
	)	
	)	Magistrate Judge Finnegan

DECLARATION OF CRAIG HENDERSON

I, Craig Henderson, hereby state and declare as follows, pursuant to 28 U.S.C. § 1746:

1. I am a Special Agent assigned to the Chicago Division of the Federal Bureau of Investigation ("FBI"). I entered on duty with the FBI on or about May 7, 1989, and was appointed a Special Agent of the FBI on or about July 10, 1994. During my tenure as a Special Agent, I have worked on numerous investigative matters in the FBI Headquarters Laboratory Division and in the FBI's Chicago Division, including within the areas of organized crime and public corruption. I am currently assigned to the Public Corruption Squad in the Chicago Division.

2. This Declaration is based upon my personal knowledge, upon information provided to me in my official capacity, and upon conclusions and determinations reached and made in accordance therewith.

3. The purpose of this Declaration is to provide the Court with information concerning material maintained as electronic evidence by the FBI Chicago Division.

4. Specifically, on or about September 26, 2004, an investigation concerning Chicago Police Department Sergeant Ronald Watts was initiated by the Public Corruption Squad in the FBI Chicago Division. The investigation was predicated on information shared with the FBI by an Assistant U.S. Attorney concerning a pending joint investigation by the Chicago Police

Department Internal Affairs Division ("CPD-IAD"), the Drug Enforcement Agency ("DEA"), and the Bureau of Alcohol, Tobacco, Firearms and Explosives ("ATF") concerning alleged criminal activity of Mr. Watts.

5. At that time, it was agreed that information relating to possible drug violations was to be investigated by DEA; information concerning possible firearms violations was to be investigated by ATF; and information relating to possible police corruption was to be investigated by CPD-IAD and the FBI. Specific to the latter category of criminal activity, Mr. Watts was alleged to be receiving bribe payments from individuals involved in drug trafficking in exchange for protection from police interference with the dealers' continued criminal activity.

6. Subsequent to the FBI case opening, Chicago Police Officer Kallatt Mohammed also became a subject of the same investigation, based on information that he too was receiving bribe payments from drug dealers.

7. From the inception of the case, it was anticipated that the FBI would seek to obtain evidence through, among other investigative techniques, the cooperation of individuals who might be willing to assist the FBI by recording their communications with the subjects of the investigation.

8. I was not assigned to the investigation when it was opened. I became assigned to the investigation on or about September 2, 2011, as a participating Agent, and on or about September 16, 2011, as one of two FBI co-Case Agents with primarily responsibility for the investigation. I was assigned to this investigation based on my experience in working police corruption investigations.

9. As of September 15, 2011, approximately 180 items[1] of electronic material had been collected as evidence by Agents assigned to the case prior to me, to include recordings of telephone communications monitored by the FBI pursuant to Court Orders issued under authority of Title III; audio recordings of telephone communications that were made by Confidential Human Sources or other individuals who cooperated with the FBI based on an assurance of confidentiality (collectively, "sources"); video or audio recordings captured by sources using body-worn equipment; video recordings captured by FBI surveillance cameras in various locations; and surveillance photographs.

10. Upon my assignment to the case as co-Case Agent, I reviewed all of the electronic recordings which had previously been entered into evidence in the investigation.

11. Subsequent to my assignment to the case as co-Case Agent, approximately 26 additional items of electronic material were collected by the FBI as evidence, to include audio recordings made by sources and video recordings captured by FBI surveillance cameras and privately operated security cameras. I have reviewed those recordings, as well.

12. In total, as described above, the FBI collected a total of approximately 206 items of electronic material in the Public Corruption investigation of Mr. Watts and Mr. Mohammed, and those items are currently still in the possession of the FBI Chicago Division.

13. In total, the voices, identities, and/or physical appearances of eight (8) sources and two (2) FBI Undercover Employees ("UCEs") are recorded in these 206 items of electronic material.

[1] Some of these items, as well as the items referenced in paragraph 12, below, contain more than one and up to 15 individual recording "sessions." Some of the sessions contain no content or no substantive content, *e.g.*, where a call was placed but not received or where the only recorded communication is a voice mail.

14. 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.

15. Per FBI protocol and my standard practice, if I had perceived anything that indicated that a subject of the investigation was engaged in falsification of criminal charges against an individual, I would have documented that information into the existing investigative file and either incorporated that information into the existing investigation or referred the information to the appropriate investigative squad in the FBI Chicago Division for initiation of a separate investigation. As stated, I did not perceive such information in my review of the electronic material collected by the FBI in the Public Corruption investigation of Mr. Watts and Mr. Mohammed, and I did not make any such record or referral.

16. The electronic material collected by the FBI in the Public Corruption investigation of Mr. Watts and Mr. Mohammed did, however, evidence that Mr. Watts and Mr. Mohammed were engaged in the bribe taking which was the subject of the investigation, as well as theft of government funds that they believed to be drug courier proceeds.

17. Based upon evidence collected by the FBI during the course of its investigation, including some of the above-referenced electronic evidence, in 2012, Mr. Watts and Mr. Mohammed were federally charged with theft of government property in violation of 18 U.S.C. §§ 641 and 642 in the Northern District of Illinois, and both subsequently entered guilty pleas.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on this 15th day of March 2023.

CRAIG HENDERSON
Special Agent
Federal Bureau of Investigation
Chicago, Illinois

EXHIBIT 49

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CONTAINS CONFIDENTIAL INFORMATION

Transcript of Barbara West

Date: September 17, 2019
Case: Watts Coordinated Cases

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1 potentially utilized in the criminal investigation
2 conducted by the FBI and the IAD in this matter;
3 is that true?
4 MR. FLAXMAN: Objection; foundation,
5 misstates testimony.
6 MS. KLEINHAUS: Objection to form.
7 You can answer.
8 BY MR. NOLAND:
9 Q Is that true?
10 **A This is true.**
11 Q Chief, I'm going to ask you to -- I'm
12 going to read a statement to you and ask if you
13 agree with this, and this is with respect to
14 whether or not the internal affairs division can
15 move administratively against a police officer
16 during the pendency of a confidential criminal
17 investigation that internal affairs is working on
18 with the FBI.
19 Would you agree, first of all, that
20 internal affairs cannot do that without
21 compromising the criminal investigation?
22 **A Absolutely. If we move to do something**
23 **administratively, we tamper with the investigation**
24 **totally, and we pretty much just throw it out the**

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1 **window because once that happens, officers**
2 **activities -- it changes their ability to move**
3 **around. It just ends the investigation.**
4 Q And so if you move administratively, first
5 of all, that's going to notify the officers that
6 they're accused of this particular allegation and
7 that their conduct is being investigated?
8 **A Yes.**
9 MS. KLEINHAUS: Objection to form.
10 Q And, of course, telling the targets of the
11 investigation or the confidential investigation
12 for which you're trying to catch them and
13 criminally prosecute them would fundamentally
14 undermine and potentially close the investigation
15 unsuccessfully; is that right?
16 MS. KLEINHAUS: Objection to form.
17 **A Yes, it would close the investigation, and**
18 **it would not be successful.**
19 Q And one of the documents I -- we discussed
20 or I showed you in preparation for the deposition
21 was that memo of Cal Holliday in which the federal
22 government had informed the internal affairs in a
23 meeting that it was determined that the Watts
24 investigation would be a federally prosecuted

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1 investigation, and the cooperating individual was
2 to be prosecuted in federal court, and the U.S.
3 attorney's office would have control of everything
4 that results from the investigation.
5 **A Yes.**
6 MS. KLEINHAUS: Objection; foundation.
7 BY MR. NOLAND:
8 Q When you worked on the Watts investigation
9 as the lieutenant, the commanding officer of
10 confidential, was that your understanding of the
11 way that the investigation was being conducted by
12 the FBI?
13 MS. KLEINHAUS: Objection to foundation.
14 **A Yes.**
15 Q And so would you agree with the following
16 statement: It was determined by the federal
17 government at the onset of the investigation that
18 the case would be criminally prosecuted in federal
19 court; the evidence developed during the
20 investigation was to be controlled by the federal
21 government; and that as a result, the FBI should
22 not otherwise proceed -- as a result, the CPD
23 should not otherwise proceed administratively
24 against the targets of the investigation during

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1 the pendency of the criminal case.
2 Would you agree with that statement when
3 you were working on the case?
4 MS. KLEINHAUS: Objection; form,
5 foundation.
6 You can answer.
7 **A Yes.**
8 Q And that during the investigation,
9 Title III wiretaps were applied for and approved
10 by federal courts, grand jury subpoenas were
11 issued, FBI confidential sources were utilized,
12 surveillance was conducted, and other confidential
13 investigatory techniques were utilized, the fruits
14 of which would not have been available in any
15 administrative proceeding until the completion of
16 the criminal investigation, if at all.
17 Would you agree with that statement?
18 **A I agree with that statement.**
19 MS. KLEINHAUS: Objection; foundation.
20 Q And would you agree that if Watts and
21 Mohammed's police powers had been relieved or that
22 IAD had proceeded administratively against them to
23 seek discipline during the pendency of the joint
24 FBI/IAD investigation, that that would compromise

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1 the criminal investigation and potentially
2 obstruct the criminal investigation; correct?
3 **A Yes.**
4 MS. KLEINHAUS: Objection; form,
5 foundation.
6 **A It would have compromised the**
7 **investigation and obstructed the furtherance of**
8 **the investigation.**
9 **BY MR. NOLAND:**
10 Q In your communications with the federal
11 authorities on the Watts matter, did they
12 reiterate to you that this investigation needed to
13 be kept confidential and kept with the utmost
14 secrecy and on a need-to-know basis?
15 MS. KLEINHAUS: Objection; foundation.
16 **A Yes.**
17 Q And, again, moving administratively or
18 relieving Watts and Mohammed of their police
19 powers would undermine that goal and the
20 directions of the federal government; is that
21 true?
22 **A That is correct.**
23 MR. NOLAND: I have no further questions.
24

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1 EXAMINATION BY COUNSEL FOR CERTAIN PLAINTIFFS
2 BY MS. KLEINHAUS:
3 Q Okay. Following up on that, putting aside
4 moving administratively, is there any reason that
5 you couldn't transfer Watts out of the Ida B.
6 Wells housing complex or request that he be moved?
7 **A Contractually --**
8 Q No. I didn't ask contractually.
9 Just is there any reason that you couldn't
10 ask for Watts to be moved out of Ida B. Wells?
11 MR. NOLAND: Object to form.
12 Go ahead.
13 **A If an officer or sergeant has vetted to a**
14 **particular district, they're assigned there, first**
15 **off, you're probably going to violate their**
16 **contractual rights in moving them because they're**
17 **assigned there.**
18 **What would be the rationale,**
19 **justification? That there was some investigation**
20 **going on, which would probably tip them off and**
21 **also obstruct the completion of this investigation**
22 **if the activities were in Ida B. Wells.**
23 Q Why would it tip someone off to get moved?
24 MR. NOLAND: Objection; incomplete

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1 hypothetical.
2 You can answer.
3 **A If an individual, knowing that they are**
4 **involved in illegal activities, is all of a sudden**
5 **just moved from one location to another, that**
6 **would signify to that individual that someone is**
7 **watching them and something is going on as far as**
8 **their activities.**
9 **BY MS. KLEINHAUS:**
10 Q Okay. Let's look at Exhibit 6 again,
11 please.
12 This is the one where the report comes in
13 in April of 2008, and it gets sent to Sergeant
14 Barnes; right?
15 **A Yes, ma'am.**
16 Q And nothing is done about it until 2013;
17 right?
18 MR. NOLAND: Objection; form, foundation.
19 You may answer.
20 **A It's not closed out until 2013.**
21 Q Right.
22 **A That's correct.**
23 Q That's after Watts and Mohammed have
24 already been indicted; right?

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1 **A Yes, ma'am. I'm assuming so. The**
2 **indictment date is what?**
3 Q 2012.
4 **A Okay. Yes.**
5 Q Did you ever have any concerns that CRs
6 that you were routing to Sergeant Barnes were not
7 being investigated?
8 **A All of Sergeant Barnes' cases were being**
9 **investigated with -- in partnership with the**
10 **Federal Bureau of Investigations. So I'm not**
11 **concerned that they were not being investigated.**
12 Q Okay. Are you concerned that this one
13 wasn't investigated?
14 MR. NOLAND: Object to form.
15 **A I'm concerned that there's no summary**
16 **saying what happened in this investigation.**
17 Q Okay. Counsel showed you Exhibit 7, which
18 are the typewritten notes from FBI documents.
19 **A Yes.**
20 Q You never received any FBI reports like
21 this when you were the lieutenant over
22 confidential; right?
23 **A No.**
24 MS. KLEINHAUS: Nothing further.

GROUP EXHIBIT 50

EXPERT OPINIONS OF DR. JON M. SHANE

SUBMITTED TO: Wally Hilke, Esq.
Loevy & Loevy
311 N. Aberdeen St., 3rd Floor
Chicago, IL 60607

April 1, 2024

PERTAINING TO: *Lionel White,* Plaintiff,

v.

City Of Chicago, Ronald Watts, Phillip Cline, Debra Kirby, Alvin Jones, Elsworth Smith, Jr., Kallatt Mohammed, Manuel Leano, Brian Bolton, Robert Gonzalez, And Douglas Nichols

Case No. 1:17-Cv-02877

****

Leonard Gipson, Plaintiff,

v.

City Of Chicago, Former Chicago Police Sergeant Ronald Watts, Former Officer Kallatt Mohammed, Sergeant Alvin Jones, Officer Elsworth Smith Jr.. Officer Douglas Nichols Jr., Officer Brian Bolton, Officer Manuel Leano, Officer Kenneth Young, Officer Darrel Edwards, Officer Matthew Cadman, Michael Spaargaren, Officer George Summers, Officer Calvin Ridgell, Officer Robert Gonzalez, Officer Lamonica Lewis, Philip Cline, Debra Kirby, Karen Rowan, And Any Other Yet-Unidentified Officers Of The Chicago Police Department,
Case No. 1:18-Cv-05120

****

Ben Baker and Clarissa Glenn
v.
City Of Chicago, Former Chicago Police Sergeant Ronald Watts, Officer Kallatt Mohammed, Sergeant Alvin Jones, Officer Robert Gonzalez, Officer Cabrales, Officer Douglas Nichols, Jr., Officer Manuel S. Leano, Officer Brian Bolton, Officer Kenneth Young, Jr.,

I. CONCLUSIONS AND OPINION

Based on the available evidence and data, within a reasonable degree of professional certainty in the policing industry, I conclude that the Chicago Police Department failed to properly conduct investigations of police misconduct in accordance with nationally accepted standards, and that their failure 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. I also conclude that the arrests and the documentation of the arrests of Ben Baker, Clarissa Glenn, Leonard Gipson, and Lionel White Sr. fell below nationally accepted standards for policing. My opinion follows.

1. **Did the Chicago Police Department follow accepted practices for conducting investigations into complaints of police misconduct?** No. The content and overall quality of internal affairs investigations is substandard. The investigations do not comport with national standards for conducting internal affairs investigations.
2. **Did the Chicago Police Department fail to supervise officers through the internal affairs process consistent with accepted industry practices when complaints against the officers were generated?** Yes. The Chicago Police Department supervisory staff knew or should have known that complaints against officers were accruing in a manner that signaled a need for intervention. The Chicago Police Department also should have taken supervisory measures to stop the adverse behavior and correct the deficiencies consistent with their agency's policies. The actions of supervisory staff are not consistent with the nationally accepted standards for police supervision. The failure to supervise the defendants in the instant case would lead a reasonable officer to conclude that the Chicago Police Department accepted the defendants' conduct.
3. **Did a pattern of allegations emerge against CPD officers between 1999 and 2011?** Yes. Clear patterns[2] of allegations emerged across various years of several types of offenses. The Chicago Police Department supervisory staff knew or should have known that clear patterns of personnel complaints were emerging across various years and several types of offenses, and should have taken measures to stop the adverse behavior and correct the deficiencies.

[2] A pattern is defined as given to a regular or repeated form; forming a consistent or characteristic arrangement. The patterns observed in the instant case come from the frequency and type of allegations shown in the data among a relatively small group of officers.

v. Demonstrated commitment to holding supervisory personnel accountable for the timely and effective execution of organizational policy by individuals under their command.[37]

The duties reflected in the job characteristics promulgated by the Chicago Police Department are intrinsic to supervision and have been ever since the ranks were established. This is not limited to Chicago but is a general proposition that applies to all police departments. The responsibilities exist to provide direction and control over personnel and to ensure personnel meet their legal and ethical obligations as they carry out their assigned duties. Although the means to achieve these ends may change over time (e.g., the advent of technology), the standards remain constant. Identifying problematic employees is necessary to protect citizens from police misconduct.

III. PATTERN OF ALLEGATIONS AGAINST CHICAGO POLICE OFFICERS 1999-2011

The study period is between 1999 and 2011. One set of analyses includes the full data set (1999-2011). I also analyzed three specific time periods: **1)** 1999-2003; **2)** 2004-2007; and **3)** 2008-2011. I wanted to analyze shorter time periods, each consisting of about a third of the study period, because doing so allows me to test whether my conclusions hold across specific time periods as well as the entire study period. If I had only analyzed the data from 1999-2011, then it would be hard to determine whether the conclusions I reached regarding misconduct investigations were the same in the early part of the period (e.g., around 1999 or 2000) and the final part of the period (e.g., around 2010 or 2011). I identified study periods that would allow me to maintain a sufficient sample size, as discussed below, while also being of a short enough time period each (4-5 years) to allow me to be confident that the trends I identified held for the entire time period. In the full data set there are 1,226 unique CR numbers (i.e., internal affairs investigations) that resulted in 4,346 allegations. Five (5) CR numbers were not included in the analysis because the date the CR was initiated fell outside

[37] City of Superintendent of Police Class Title, Code 9957, Police Job Specifications (retrieved on June 24, 2023 from https://www.chicago.gov/city/en/depts/dhr/supp_info/police_job_specifications.html).

of the 1999-2011 time period (CRs) and 34 CR numbers were not included because the CRs contained no allegations of misconduct.[38]

1. **Summary of Allegations Against Personnel.** The personnel allegation data is described as follows: The data range is 13 years, from 1999 to 2011, consisting of 4,346 allegations (table 7), 1,227 unique investigations, and 12 unique allegation categories (table 8).

Table 7
Allegations by Year 1999-2011

Year	n	%
1999	209	4.8%
2000	309	7.1%
2001	318	7.3%
2002	389	9.0%
2003	357	8.2%
2004	299	6.9%
2005	303	7.0%
2006	291	6.7%
2007	376	8.7%
2008	309	7.1%
2009	414	9.5%
2010	421	9.7%
2011	351	8.1%
Total	**4346**	**100.0%**

Table 8
Allegations by Category 1999-2011

Allegation	n	%
Excessive Force	969	22.3%
Operation or Personnel Violations	926	21.3%
Demeanor	823	18.9%
Unlawful Search, Entry, or Arrest	771	17.7%
Theft / Improper Inventory Procedure	317	7.3%
Property Damage	215	4.9%
Fabricated Evidence and Integrity Violations (inculpatory)	122	2.8%
Domestic Violence	75	1.7%
Integrity Violations - Non-Inculpatory	58	1.3%
Other	33	0.8%
Coercive Interrogation / Coerced Confession	25	0.6%
Juvenile Policy Violations	12	0.3%
Total	**4346**	**100.0%**

2. **Pareto Analysis.** The Pareto Principle (also known as the 80-20 Rule) is a principle of analysis that indicates certain types of events are highly concentrated among particular

[38] The five CRs that were not included because the CR initiated date was outside the 1999-2011 timeframe are: 1050651; 1050976; 1042276; 251448; 1032062. Not included because the CR contained no allegations of misconduct: 1010879; 1010926; 1012973; 1018970; 1019588; 1033299; 1029256; 1030859; 1032988; 1034928; 1035667; 1036846; 1036898; 1037528; 1038742; 1038882; 1039211; 1041093; 1041102; 1041236; 1043618; 1045219; 1045604; 1045975; 1047620; 1047692; 1048559; 1048617; 1049054; 1049513; 1050415; 1050859; 1050937; 1029772.

people, places, and things (in the instant case, allegations against Chicago police officers). This kind of concentration is not peculiar to allegations against police officers but is almost a universal law. For example, a small portion of the population holds most of the wealth. As applied to police personnel allegations, the principle is useful to determine where allegations are concentrated so police supervisors and managers can focus resources and attention to those allegations that will that yield the greatest preventive benefits.

Table 9 shows the allegation categories based on frequency. Eighty percent of the allegations emanate from 33% of the categories. Excessive force is the leading allegation, which is criminal, and should be treated with the utmost preventive action by CPD. There was a clear pattern of allegations arising over the study period, most of which dealt with a physical confrontation (e.g., excessive force), actions that affect legitimacy and community perception (demeanor), and Fourth Amendment violations (unlawful entry, search, or arrest).[39] The allegations that affect legitimacy are contrary to the duties listed in the job specifications for every rank in the Chicago Police Department, which is to promote positive community relations. Had the Superintendent of Police and the command staff prioritized the effort to address the most common allegations—consistent with their job specifications—then they would have been able to intervene and stop the defendants' adverse behavior through a personnel improvement plan and/or other adverse employment action. This is why supervisors at every level in the CPD are tasked with the responsibility to monitor personnel for compliance with industry standards.

[39] Because "Operation or Personnel Violations" is a broad category, I do not find its prevalence as significant as the other most-frequently used allegation types.

Table 35
Allegations by Disposition 2008-2011

Allegations	Exonerated	None (not investigated)	Not Sustained	Other	Sustained	Unfounded	Total
Operation or Personnel Violations	6	86	53	3	29	150	327
Demeanor	4	112	62	3	2	101	284
Excessive Force	15	64	88	1	4	108	280
Unlawful Search, Entry, or Arrest	12	104	48	4	3	101	272
Theft / Improper Inventory Procedure	2	25	28	2		60	117
Property Damage	12	19	12	2		46	91
Fabricated Evidence and Integrity Violations (inculpatory)		23	5		4	8	40
Other		1	1	4	1	16	23
Integrity Violations - Non-Inculpatory		8			9	3	20
Domestic Violence		2	10		3	2	17
Coercive Interrogation / Coerced Confession	2	4	1			8	15
Juvenile Policy Violations	4	1				4	9
Total	**57**	**449**	**308**	**19**	**55**	**607**	**1495**

Table 36 shows of those allegations that were potentially criminal (indicated by the shaded cells), the sustained rate was as follows:

Table 36
Sustained Rate by Allegation 2008-2011

Allegations	Exonerated	None (not investigated)	Not Sustained	Other	Sustained	Unfounded	Total	% Sustained
Integrity Violations - Non-Inculpatory	0	8	0	0	9	3	20	45.0%
Domestic Violence		2	10	0	3	2	17	17.6%
Fabricated Evidence and Integrity Violations (inculpatory)	0	23	5	0	4	8	40	10.0%
Operation or Personnel Violations	6	86	53	3	29	150	327	8.9%
Other		1	1	4	1	16	23	4.3%
Excessive Force	15	64	88	1	4	108	280	1.4%
Unlawful Search, Entry, or Arrest	12	104	48	4	3	101	272	1.1%
Demeanor	4	112	62	3	2	101	284	0.7%
Coercive Interrogation / Coerced Confession	2	4	1	0	0	8	15	0.0%
Juvenile Policy Violations	4	1	0	0	0	4	9	0.0%
Property Damage	12	19	12	2	0	46	91	0.0%
Theft / Improper Inventory Procedure	2	25	28	2	0	60	117	0.0%
Total	**57**	**449**	**308**	**19**	**55**	**607**	**1495**	**3.7%**

Table 37 shows the likelihood of sustaining an allegation based on the source (internal or external), and tests for relationship between these variables using the chi-square test of independence. If an allegation was generated from an internal source, then the CPD investigators recommended sustaining the allegation 44% of the time (33 recommended sustained/75 total internal allegations = 44%), which is higher than expected (indicated by the positive residual in the shaded cell).

However, if the allegation was generated from an external source, then the CPD investigators recommended sustaining the allegation 1.5% of the time (22 recommended sustained/1420 total external allegations = 1.5%), which is lower than expected (indicated by the negative residual in the shaded cells). This wide disparity results in a statistically significant relationship (p<.000) with a very strong positive association (V=.492), where internal allegations are more likely to be sustained than external allegation (as indicated by the positive standard residuals in the shaded cells +18.2, compared to -4.2).

Said differently, external allegations (those generated by sources outside CPD) are less likely to be sustained than those generated by sources inside the CPD. This means the outcome of an investigation (sustained or not sustained) depends, at least partly, on the source of the allegation (internal or external).

Table 37
Disposition by Source 2008-2011

Allegations			Source		
			Internal	**External**	**Total**
Disposition	**All Other Dispositions**	n	42	1398	1440
		Expected n	72.2	1367.8	1440.0
		% of Total	2.8%	93.5%	96.3%
		Std. Residual	-3.6	.8	
	Sustained	n	33	22	55
		Actual sustain rate	**44% (33/75)**	**1.5% (22/1420)**	
		Expected n	2.8	52.2	55.0
		% of Total	2.2%	1.5%	3.7%
		Std. Residual	**18.2**	**-4.2**	
Total		n	75	1420	1495
		Expected n	75.0	1420.0	1495.0
		% of Total	5.0%	95.0%	100.0%

χ^2 (1) = 362.273, p<.000, V=.492 (Fisher's Exact Test due to low cell count in one cell)

As was observed for the entire 1999-2011 dataset, external allegations – especially the most serious allegations – were rarely sustained against CPD officers during this time period.

Table 38
Sustained Rates for Internal and External Allegations 2008-2011

	Internal Allegations			External Allegations		
Allegation	**# of internal allegations investigator recommended sustained**	**# of internal allegations**	**% of internal allegations investigator recommended sustained**	**# of external allegations investigator recommended sustained**	**# of external allegations**	**% of external allegations investigator recommended sustained**
Coercive Interrogation/Coerced Confession	---	---	**---**	0	15	**0.0%**
Demeanor	0	3	**0.0%**	2	281	**0.7%**
Domestic Violence	---	---	**---**	3	17	**17.6%**
Excessive Force		2	**0.0%**	4	278	**1.4%**
Fabricated Evidence and Integrity Violations (inculpatory)	0	2	**0.0%**	4	38	**10.5%**
Integrity Violations - Non-Inculpatory	9	13	**69.2%**	0	7	**0.0%**
Juvenile Policy violations	---	---	**---**	0	9	**0.0%**
Operation or Personnel Violations	23	43	**53.5%**	6	284	**2.1%**
Other	1	8	**12.5%**	0	15	**0.0%**
Property Damage	---	---	**---**	0	91	**0.0%**
Theft / Improper Inventory Procedure	0	2	**0.0%**	0	115	**0.0%**
Unlawful Search, Entry, or Arrest	0	2	**0.0%**	3	270	**1.1%**
Total	**33**	**75**	**44.0%**	**22**	**1420**	**1.5%**

VII. TRENDS ACROSS ALL TIME PERIODS AND CONCLUSIONS REGARDING QUALITY OF INVESTIGATIONS

1. **Investigations during different time periods.** In the three time periods analyzed—1999-2003, 2004-2007, and 2008-2011—striking and consistent allegation trends emerged. First, throughout all of those time periods, the CPD focused almost all of its attention on operation and personnel violations. In other words, CPD was more concerned with allegations like failing to provide city business license information (CR # 262949), improperly giving parking tickets (CR # 251791), and failing to display a vehicle registration sticker (CR #259248) than with allegations by citizen that they had been abused or mistreated by police officers. In fact, during all time periods, most sustained allegations were for operation or personnel violations (table 39).

ahead of time for the officers to answer, sometimes delivered via requests for to/from reports, which reveals the investigator's intentions, signals where the investigation is heading and enables officers to confer about a common story.[54] This preempts the investigator's ability to test the veracity of the witness; preformatted questions for the target or the witness to answer is not the same as reviewing notes or documents prior to answering any questions. Invariably, when the officer submits their report they deny the allegations, or deny witnessing anything that would confirm the allegation. This impugns the propriety of the questioning since an internal investigation must be objective.

VIII. CHICAGO POLICE DEPARTMENT'S LONG-TERM NOTICE OF POOR MANAGEMENT AND INSUFFICIENT INVESTIGATIONS OF ALLEGED MISCONDUCT.

The Chicago Police Department has history of corruption, and both the City and Police Department have been aware of these problems for decades.[55] The personnel complaint function was originally administered by CPD internal affairs. However, the 1972 Metcalfe Report found that internal affairs "…complaints from citizens of abusive conduct by police are almost universally rejected by the Police Department's self-investigation system" (p. 32).[56] By 1974, the City developed the Office of Professional Standards (OPS). This body was intended as an independent police

[54] For example, Moore confirmed at deposition that the CPD does issue a set of predefined questions to officers to answer instead of requiring them to sit for formal statements. There is no integrity over this practice since the investigator loses the ability to control the independence of the officers' answers. The investigator also loses the ability to solicit immediate feedback from contemporaneous answers (Moore deposition, 56: 20-25; 57: 1-25). Moore explained that this method was a matter of efficiency, which indicates the CPD may not have invested sufficient resources to conduct proper internal investigations and used this shortcut method to prioritize time over uncovering the truth.

[55] See: **1)** Commission on Police Integrity. (November 1997). Report of the Commission on Police Integrity. Chicago, IL, p. 9, for a chronology of significant cases between 1960 and 1997; **2)** Police Accountability Task Force Report. (April 2016). Recommendations for Reform: Restoring Trust between the Chicago Police and the Communities they Serve, pp. 23-24, for a discussion of previous corruption task forces (Bates BAKER GLENN 6794-6983); **3)** Futterman, C. B., Mather, H. M., & Miles, M. (2007). The Use of Statistical Evidence to Address Police Supervisory and Disciplinary Practices: The Chicago Police Department's Broken System. *DePaul Journal for Social Justice*, *1*, 251 329 (documenting a litany of police corruption cases, and the CPD's internal disciplinary data that reveal a substandard accountability system).

[56] A Report and Recommendations Based on Hearings Before the Blue Ribbon Panel convened by the Honorable Ralph H. Metcalfe. (1972). Misuse of Police Authority in Chicago. The findings from the Metcalfe Report in 1972 that CPD "almost universally rejected by the Police Department's self-investigation system" is consistent with the data in the instant case on the same issue. The data in the instant case reveal that 91.3% of external allegations against CPD officers were not sustained (a disposition similar to "universally rejected") (see table 13).

oversight agency tasked with investigating citizen complaints. However, it was soon evident that OPS had direct ties to CPD, the Chief Administrator was appointed by the Mayor and worked under the Police Superintendent. The OPS conducted "sloppy investigations," and they were "vulnerable to pressure by the police union."[57]

The OPS continued until 2007 when it was dissolved and replaced by the Independent Police Review Authority (IPRA). Other than changing its name, the discovery materials that I reviewed do not suggest that IPRA was substantively different from OPS. For example, IPRA's Chief Administrator was also appointed by the Mayor and "inherited the exact same staff (from OPS) that was inadequate, and had a culture of protecting the police."[58] Indeed, the City's representative testified that the only two major changes from OPS to IPRA were **1)** a transition to all civilian investigators and **2)** "a bit more transparency," meaning sharing more information about the investigations they conducted (Moore deposition, p. 128). The City, through its representative, disclaimed knowledge of any operational change in terms of how it conducted its investigations or new powers or authority to conduct investigations (Moore deposition, p. 129).

IPRA's failure publicly manifested around 2015 following the police-involved shooting death of Laquan McDonald. At that time, Mayor Rahm Emanuel assembled the Police Accountability Task Force to investigate the problems inside CPD, and soon IPRA's failures were evident. The Task Force found that IPRA was "under-resourced, lack[ed] true independence" and was "not held accountable for their work." Also, IPRA had not investigated "40% of complaints filed,"[59] and its

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[57] Shielded from Justice: Police Brutality and Accountability in the United States. Chicago: Office of Professional Standards. Retrieved on July 7, 2023 from https://www.hrw.org/legacy/reports98/police/uspo55.htm. The report also found a disciplinary system fraught with long investigative delays, credibility issues with OPS staff, and rude staff, all of which contribute to a system that did not prioritize the complainant. The notion that OPS conducted "sloppy investigations" is similar to what the data in the instant case reveal. Many investigations were incomplete and missing essential elements that rendered them unreliable (see tables 45 to 48).

[58] Cabaniss, W. (October 13, 2015). The Origins of IPRA. *South Side Weekly*. Retrieved on July 7, 2023, from https://southsideweekly.com/the-origins-of-ipra/.

[59] The data in the instant case bear some similarity to this finding. There are 14 CR files that bear the "not investigated" disposition (CR numbers 300778, 1004698, 1008321, 1013134, 1014553, 1055288, 1056042, 1058489, 1058852, 1059446, 1060620, 1082599, 1091128, 1091138).

"disciplinary recommendations" were "reduced or eliminated...in 73% of cases."[60] The conclusion I reach is that IPRA was biased in favor of the police.[61]

Whether OPS, and IPRA, the institutional responses have been lackluster, nothing more than current practices repackaged under a new name, with reform recommendations going unanswered.[62] For example, the 2016 Police Accountability Task Force Report noted:

> "The fact of the matter is that there is a general absence of a culture of accountability within CPD, largely because no one in top leadership has taken ownership of the issue. Although so-called 'problem officers' are either well known to their supervisors and CPD's leadership or easily identified, few steps are being taken to proactively manage and redirect those officers' conduct. The effective tools for providing greater oversight and supervision to officers are well known and widely used in other jurisdictions. There appears to be no urgency within CPD around accountability. Something must change, and that change must come from the highest levels of CPD.
>
> CPD's efforts to actively monitor and improve officer behavior appear to be at a standstill, but the problem is not new. CPD's history is replete with examples of wayward officers whose bad behavior or propensity for bad behavior could have been identified much earlier if anyone had viewed managing this risk as a business imperative (p. 96, Bates BAKER GLENN 6895).
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> But, despite [Officer Jerome Finnigan's] outward appearances, red flags were piling up long before 2006. Between 2000 and the time he was indicted in 2006 and ultimately resigned in 2008, Finnigan racked up 89 CRs. Over the entire course of his career, he had 161 total CRs—a shocking number by any standard. These CRs were

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[60] Police Accountability Task Force Report. (April 2016). Recommendations for Reform: Restoring Trust between the Chicago Police and the Communities they Serve, pp. 11-12.

[61] The data in the instant case bear some similarity to this finding. Tables 13, 21, 29, and 37 reveal bias in favor of the police, where the overwhelming majority of external allegations against the officers were not sustained.

[62] Concerning recommendations for reform from the Commission on Police Integrity, (November 1997), the Police Accountability Task Force Report (April 2016) notes "Unfortunately, other recommendations were not addressed and still need attention" (p. 24, Bates BAKER GLENN 6823).

for a range of serious complaints, including numerous lawsuits; numerous warrantless, non-consensual searches; theft; and other felony crimes. And yet, according to CPD records provided by the City, no effort was ever taken to enroll Finnigan in the department's formal intervention programs or otherwise intercede in his obvious pattern of misconduct (Finnigan was later identified in CPD's manual efforts to identify and enroll more officers in the department's formal intervention programs—discussed in more detail below—but, by that point, Finnigan had already been indicted.) (p. 97, Bates BAKER GLENN 6896).

In 2005, another CPD officer, Corey Flagg, was arrested for his part in a ring of five Englewood officers who used traffic stops and home invasions to rob drug dealers. Flagg pled guilty to conspiracy to distribute cocaine and marijuana, as well as possession of a firearm in a drug trafficking crime, and was sentenced to nearly 10 years in prison. Flagg's record also raised numerous red flags. As with Finnigan, Flagg incurred large numbers of CRs during his tenure at CPD—88 in total—and received a number of lengthy suspensions (Unlike Finnigan, Flagg was enrolled in the department's behavioral intervention program in 2003) (p. 97, Bates BAKER GLENN 6896).

Some might argue that Finnigan's and Flagg's criminal conduct is aberrational. It is not. Police corruption cases in Chicago may not be commonplace, but neither are they rare occurrences. Former CPD Gang Crimes Officer Joseph Miedzianowski (sentenced to life imprisonment for racketeering, drug conspiracy and robbery), former CPD Chief of Detectives William Harnhardt (pled guilty to racketeering and conspiracy) and former CPD Narcotics Officer Glenn Lewellen (guilty of narcotics conspiracy) are but three of the most notorious instances of police corruption in recent memory. But there have been others, and it is clear that some portion of the Chicago police force still is not meeting their professional and legal obligations" (p. 97, Bates BAKER GLENN 6896).

1. **Early intervention systems.** Early intervention systems[63] are intended as incident-driven systems, not outcome-driven systems. This means despite the outcome of any internal investigation, or whether someone files a complaint, the incident is the driving factor, not the outcome, for taking personnel action before negative discipline becomes necessary. When personnel allegations arise, it is incumbent upon supervisors and managers to initiate and ensure action is taken to address the allegations, especially when a pattern accrues, notwithstanding the outcome of any investigation. Although the officers involved in Plaintiffs' arrests accrued several allegations during the relevant period of the discovery that I reviewed, there is nothing to indicate that the Chicago Police Department acted on the data to disrupt the pattern.

   In a related case, the City's expert Jeffrey Noble formed the opinion that although the City did not have an early warning system during this time, it did have an "Early Identification and Intervention System." (Noble expert disclosure in *Waddy* at 25). However, there is no evidence in discovery that any information from these systems was provided to supervisors in a regular, rigorous, or consistent manner. In fact, the evidence available to me

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[63] An early warning system, either electronic or paper-based is intended to assist supervisors and managers in identifying employees whose performance warrants review and, where appropriate, outlining intervention procedures in circumstances where the employee's behavior may have negative consequences for the employee, coworkers, the agency, and/or the public. Early warning systems serve to improve employee health, promote community-police relations, encourage positive behavior, and reduce public complaints. These systems also assist the employee in reaching their full potential by using data to identify performance trends worthy of review and enhance supervision.

[63] Identifying and addressing patterns of complaints against police officers has been an element of police personnel management and academic research since the early 1970s (see for example: A.E. Wagner. **1972**. "Patterns in Police Misconduct - Citizen Complaints Against The Police." UMI Dissertation service. Ann Arbor, MI—correlational techniques were used to compare the relationships between the individuals and their milieu. Findings indicate that police officers accused of misconduct are seldom disciplined since few cases are substantiated and rarely differ from any other officer; Toch, H. J., Grant, D., & Galvin, R. T. (**1975**). *Agents of change*. New York: John Wiley—developed a program in which Oakland, California, police officers with records of use-of-force incidents were counseled by peer officers; Milton, Catherine. H., Jeanne W. Halleck, James Lardner, and Gary L. Albrecht. (**1977**). "Police use of deadly force." Washington, DC: National Police Foundation—examined use of force complaints; Porter, B. (**1984**). *The Miami riot of 1980*. Lexington, MA: Lexington Books and U.S. Commission on Civil Rights. (**1984**). *Confronting racial isolation in Miami*. Washington, DC: Government Printing Office—The Miami Police Department became concerned with its officers' behavior that generated citizen complaints in **1979** in response to a major police-community relations crisis (the study period was 1976 to 1978). The IACP defined the industry standard for EWS in their 1990 Concepts and Issues Paper on Investigation of Employee Misconduct early warning systems, By March 2002, the IACP issued its EWS model policy. The IACP EWS policy was an outgrowth of research conducted by the U.S. Commission on Civil Rights in 1981 that noted all police departments should develop an early warning system intended to identify problem officers, or those "who are frequently the subject of complaints or who demonstrate identifiable patterns of inappropriate behavior" (U.S. Commission on Civil Rights. (1981). *Who Is Guarding the Guardians?* Washington, D.C.: U.S. Government Printing Office: 81). In 2001, CALEA also promulgated the industry standard for police agencies pursuing accreditation to promulgate an EWS policy.

is the opposite. In 2017, the Department of Justice wrote in its investigation of the Chicago Police Department:

> "Compounding its supervision problems, CPD does not have a meaningful early intervention system (EIS) to effectively assist supervisors in identifying and correcting problematic behavior. CPD's current behavior intervention systems are underused and inadequate, putting both officers and the public at risk" (Bates BAKER GLENN 005147).

Their assessment was extremely critical and reflected some of the most common faults of such systems: "Currently, despite having spent significant time and resources building an EIS, CPD does not have a functioning system. Instead, there are several semi-connected data-collection, intervention, and counseling programs, each of which suffers from inefficiencies that render them essentially useless" (Bates BAKER GLENN, 5247). The failures identified in this report overlap with the timeframe of the DOJ report: "Our review of CPD's data confirms that the Department enrolls very few officers in its interventional programs, especially for a department of its size. Between January 2010 and July 2016, CPD enrolled only 38 officers in BIS [behavioral Intervention System]. An additional 60 members were referred for enrollment, but never enrolled" (Bates BAKER GLENN 5250). In fact, the Department abandoned past efforts at reform and improvement. Although its software program named "BrainMaker" was adopted in 1994, and would have enabled the Department to identify trends and intervene with problem officers, the City stopped using it after two years and "all the data and reports it produced 'went missing'" (BAKER GLENN 005253). The City also failed to expand or improve its EWS programs after the 1997 Report on the Mayor's Commission on Police Integrity, instead yielding to a grievance filed by the police union and abandoning efforts to expand or improve the program (BAKER GLENN 005253).

My review of the early intervention policies and the lack of evidence in discovery that early intervention was conducted in any effective or systematic manner is consistent with this later assessment. Indeed, the City's representative testified that even the supervisors of officers who had sustained disciplinary complaints against them would not learn whether the complaints against them were sustained or not (Moore deposition, pp. 124-125). Supervisors

The City did not provide investigators with any guidance on weighing credibility and allowed them—as the City's representative testified at deposition was the practice—to simply classify allegations as "not sustained" when the evidence came down to the complainant's testimony against the accused officer. This is below accepted standards for conducting internal investigations. The City should have instructed its investigators to interview accused officers in person, and to collect objective evidence to confirm or dispel the allegations, especially when multiple officers witnessed a complaint of misconduct so their independent accounts could be tested against one another.

5. **Summary Punishment Action Request System (SPAR) is not a substitute for thorough disciplinary investigations.** I am aware that police supervisors could issue SPARs – Summary Punishment Action Requests – to punish conduct viewed as "a less serious transgression." (Special Order S08-01-05 – Effective 1/15/1993). However, supervisors were provided no reference point to determine whether misconduct should be punished via a SPAR or a request for a complaint register number and full disciplinary investigation; that was left to their discretion (Moore deposition, pp. 133-134). Further, the guidance on SPARs was so vague that, according to the City through its representative, any category of misconduct could be classified as a SPAR, even though the policy on its face was limited to 26 specific categories of misconduct (Moore deposition, pp. 135-136) (Moore did clarify that allegations involving criminal misconduct were not supposed to be the basis of a SPAR, Moore deposition, p. 215.) SPARs were limited to minor punishments and could not be considered in further disciplinary actions after a year, when it was "expunged" and removed from the officer's record (Moore deposition, pp. 137-138). Further, the officers of the CPD knew that SPARs would not remain on their record after a year and thus would not impact them in further disciplinary actions (Moore deposition, p. 141). There is no reason to believe that this alternative form of discipline, which was limited in punishment, would be quickly expunged, and lacked any clear criteria for application, was an effective substitute for the thorough investigation and resolution of disciplinary complaints.
6. **Other failures to conduct sufficient investigations.** The Department of Justice, in a 2017 report, identified many serious deficiencies in the CPD's disciplinary system. The City failed to rebut those deficiencies and in fact admitted to many of them in its representative's testimony in this case. For example, the City did not track how often witnesses were

(Rivera deposition, 9/6/23, 120: 12; 121: 7). He further testified that everyone up the chain of command, including the Superintendent, was briefed about Operation Brass Tax starting in 2009 (Rivera deposition, pp. 121: 8-18; Rivera confidential deposition, pp. 55: 22; 56: 10). As Superintendent, Phillip Cline (who was superintendent from November 2003 to April 2007) had at least ten conversations related to the Watts investigation, including IAD personnel assigned to the FBI Task Force (Cline deposition, 12/08/23, 25: 16-25). Cline has "no doubt" he would have learned the allegations against Sergeant Watts (Cline deposition, 36: 19-24). Cline was Superintendent from November 2003 to April 2007 (see https://www.nytimes.com/2007/04/03/us/03chicago.html retrieved on July 24, 2023).

Debra Kirby testified that as the head of the CPD's Internal Affairs Division, she monitored the progress of the investigation into Watts and updated the Superintendent on its progress (Kirby deposition, 10/13/22, 83:1; 84: 8). She testified that she would have told him that Mohammed was caught taking bribes in or around December 2007 (Kirby confidential deposition, 72: 4-10). Ms. Kirby was Assistant Deputy Superintendent of the Internal Affairs Division from July 2004 to March 2008 (Kirby deposition, 10/13/22, 34: 4-20, 39:14-19).

Garry McCarthy testified at deposition that he received updates on the Watts investigation during the time period he was Superintendent, including from May 2011 to February 2012 (McCarthy deposition, 6/14/23, 38:17; 39:3; 43: 10; 45: 16).

According to Peter Koconis, a CPD officer who had worked in internal affairs, Sergeant Watts's name surfaced in 1999 as a "corrupt cop" who "was ripping off drug dealers and selling drugs" (Koconis deposition (Spalding), 22: 6-20).

The testimony cited here, if true, demonstrates that CPD leaders had consistent notice of allegations of misconduct against Watts and Mohammed, including that Mohammed had been caught taking bribes as early as 2007. But instead of acting to limit the damage caused by Watts and Mohammed, CPD's leaders allowed retaliation against the officers who had exposed the misconduct. There is evidence in discovery that CPD tolerated not only retaliation against residents who complained against Ronald Watts, but also retaliation against the CPD officers who investigated Watts's misconduct. Effective anti-retaliation measures are required by nationally accepted standards to protect whistleblowers and ensure that nobody is discouraged from making complaints against police officers. For example, there is testimony from Daniel Echeverria and Shannon Spalding's lawsuit against the Chicago Police Department that after they had sought CR investigations of other

officers and supervisors on their own behalf after they were retaliated against and threatened for their participation in the Watts investigation, Mr. Rivera refused to initiate any such investigation (Koconis (Spalding) deposition, 88:3; 90:18). Instead, according to Koconis, Rivera exposed Spalding and Echeverria for their role in investigating CPD officers (Koconis (Spalding) deposition, 91:18; 92:19). Janet Hanna, the administrative assistant to Lieutenant Cesario at the Fugitive Apprehension Unit (where Spalding and Echeverria were assigned after the Watts investigation was completed) also testified to the retaliation. Specifically, Cesario ordered her to throw away and ignore Spalding and Echeverria's overtime requests; Cesario also told her that Spalding and Echeverria were Internal Affairs Department "rats" who she should be "very leery" of (Hanna (Spalding) deposition, 47: 4-14). Lieutenant Cesario then told Hanna that Spalding and Echeverria should be given "dead-end cases" (Hanna (Spalding) deposition, 51:19; 52: 22). Hanna was required to screen for such cases to assign Shannon and Echeverria and to copy the sergeant, lieutenant, and commander on those assignments (Hanna (Spalding) deposition, 55:4-14).

Lieutenant Cesario personally handpicked the assignments for Spalding and Echeverria, which he did not do for any other officers (Hanna (Spalding) deposition, 59:22; 60: 22). Ms. Hanna also testified that in June 2012, Lieutenant Cesario ordered several sergeants "to not provide any backup for Shannon [Spalding] or Danny [Echeverria] and to not work with them at all"(Hanna (Spalding) deposition 70: 3-11). Ms. Hanna's coworker, Coleen Dougan, testified that she did not remember being warned in this way by Lieutenant Cesario and that she had not heard Spalding or Echeverria being referred to as rats (Coleen Dougan (Spalding) deposition).

I did not make any credibility determinations as to these witnesses; however, Ms. Hanna's sworn deposition testimony should have been reason enough to investigate whether Lt. Cesario and others retaliated against Spalding or Echeverria for their work investigating Sgt. Watts, but I have received no evidence in discovery that any such due diligence was performed by the Chicago Police Department. This lack of rigor is consistent with Department's overall pattern of ignoring the misconduct of Sgt. Watts and his team and instead allowing it to perpetuate. Retaliation for raising complaints and trying to expose corruption falls below nationally accepted standards for internal investigation. Such behavior naturally discourages others from complaining in the future. There is no evidence in discovery that CPD took appropriate measures to prevent or address such retaliation.

Furthermore, Ms. Hanna testified at deposition that she had entered the Chicago Police Department police academy in May 1994, and that while she was there, she was taught "we do not

Doing so is consistent with the accepted industry practice for supervision, early warning systems and internal affairs investigations. Given that the allegations were criminal, stronger supervisory measures such as targeted integrity testing[78] was warranted.[79] The Department should have quickly executed a series of integrity tests to identify whether any officers associated with Sergeant Watts engaged in corruption, bribe-taking, or fabrication of evidence. Instead – although a few such tests were conducted over time – the CPD allowed the investigation to drag on for 8 years (see City's First Amended Answer to Plaintiff Clarissa Glenn's June 7, 2017 Interrogatories to Defendant City of Chicago, describing investigation beginning in 2004 and concluding in 2012 with arrests of Watts and Mohammed).

Integrity testing is a logical extension of an employer's right to evaluate employees' work performance and honesty. As an aspect of supervision, the intent behind integrity testing is to manage risk. Such a practice is aimed at testing the target's compliance or expected response against the actual observed response. Integrity testing is: **1)** used as an anti-corruption tool to identify and catch corrupt police officers; **2)** to create a more comprehensive corruption barometer by providing a limited measure of corruption within the Department; **3)** used to create an environment of supervisory omnipresence; and **4)** used to identify training needs and communicate these needs for appropriate follow up. Although the instant case was ripe for an integrity test,[80] the discovery materials indicate that any integrity testing effort was insufficient.

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investigations were underway (Holiday deposition, 51: 6-25; 52-53: 4). This reflects a management failure that implicates duplication of effort, consistency, and fairness, and strengthening the investigative process. Situational awareness allows for a more comprehensive analysis of the evidence, and a more robust investigation overall. The input and feedback from multiple investigators can help strengthen the case, identify any potential weaknesses or biases, and increase the chances of arriving at a just and accurate conclusion.

[78] Integrity testing is a term used to describe various covert conditions intended to assess a police officer's ability to avoid tempting counterproductive behavior and comply with the requirements of the position. Calvin Holiday testified at deposition that integrity testing was discussed in the instant case, but the frequency and intensity of that testing was far below what was required (Holiday deposition, 91: 23-25; 92-94: 1).

[79] Although the FBI eventually investigated the defendant officers, the CPD did not act swiftly enough when they had information that the defendant officers were committing crimes. The CPD allowed the defendant officers to continue in their role for several years, harming individuals at the Ida B. Wells housing development (see affidavit of Pete Koconis; also see interview of Wilbert Moore, April 7, 2005, where Moore conveyed to Special Agent Susan Bray of the ATF Chicago Field Office that Sergeant Watts had been receiving illegal payments to allow drug sales to continue, Watts unlawfully took possession of two rifles, and Watts took possession of forty (40) bags of "weed.").

[80] For example, the FBI investigation (Bates PL Joint 50235) indicates in 2004 the CPD internal affairs division was aware of "rumors circulating throughout the Ida B. Wells housing development that Chicago Police Department Sergeant Ronald Watts was a corrupt Police Officer and that Watts, along with other members of his team, routinely

Expert Opinions of Jeffrey Danik

Lionel White, **Plaintiff,**

v.

City Of Chicago, Ronald Watts, Phillip Cline, Debra Kirby, Alvin Jones, Elsworth Smith, Jr., Kallatt Mohammed, Manuel Leano, Brian Bolton, Robert Gonzalez, And Douglas Nichols, Defendants

Case No. 1:17-Cv-02877

****

Leonard Gipson**, Plaintiff,**

v.

City Of Chicago, Former Chicago Police Sergeant Ronald Watts, Former Officer Kallatt Mohammed, Sergeant Alvin Jones, Officer Elsworth Smith Jr., Officer Douglas Nichols Jr., Officer Brian Bolton, Officer Manuel Leano, Officer Kenneth Young, Officer Darrel Edwards, Officer Matthew Cadman, Michael Spaargaren, Officer George Summers, Officer Calvin Ridgell, Officer Robert Gonzalez, Officer Lamonica Lewis, Philip Cline, Debra Kirby, Karen Rowan, And Any Other Yet-Unidentified Officers Of The Chicago Police Department, Defendants

Case No. 1:18-Cv-05120

****

Ben Baker and Clarissa Glenn

v.

City Of Chicago, Former Chicago Police Sergeant Ronald Watts, Officer Kallatt Mohammed, Sergeant Alvin Jones, Officer Robert Gonzalez, Officer Cabrales, Officer Douglas Nichols, Jr., Officer Manuel S. Leano, Officer Brian Bolton, Officer Kenneth Young, Jr.,

Officer Elsworth J. Smith, Jr., Philip J. Cline, Karen Rowan, Debra Kirby, and Other as Yet-Unidentified Officers of The Chicago Police Department, Defendants

Case No: 1:16-Cv-08940

Introduction

I was asked to review a record of materials and provide an opinion on two issues related to a 2011 Memorandum of Understanding (MOU) between the Chicago Division of the FBI and the Chicago Police Department (CPD). The opinion was to be based on my training and experience and my observations regarding details from the provided record which might support my opinions.

After a brief statement of research prompts and findings, I will present perspective and information I believe is crucial to understanding and orienting oneself to the broad issues at controversy (the purpose of MOUs, public corruption investigations in general, how the FBI public corruption program operates and followed by a lengthy analysis of how the facts in the record impact my opinion.

I would be remiss if I did not begin by stating I was shocked and saddened by what I read in the record. The extreme recklessness of leaving demonstrably corrupt officers loose in a particularly vulnerable segment of the community is so far removed from anything I've ever experienced in my law enforcement career; its negative impact cannot be overstated. The worst possible allegations that can be made against police officers

were being corroborated in part for several years. The CPD received accusations of selling drugs into the community and dealing in firearms by multiple separate people telling near identical stories and who do not appear to have known the others were cooperating. An officer was accused of shooting at persons as part of their bribe and extortion payment racket and suspicion even arose about one officer's involvement in a homicide of a drug dealer who might cooperate against him. The officers received cash bribes or stole funds and falsified police evidence records eight times over the course of years, much of it documented via audio or video recordings. Instead of removing them administratively, the CPD command staff claims to have instead outsourced the entire matter for several years to an often-bungling group of officials outside their department. Inexplicably, CPD took no ownership of the matter and allowed the targets to remain as officers in the very community they were known to be victimizing. Perhaps the most egregious thing is CPD then did nothing to identify and attempt to correct possible false arrests of the people the target officers had victimized during those previous years.

My qualifications

I was a Special Agent (SA) and Supervisory Special Agent (SSA) at the Federal Bureau of Investigation for twenty-eight years, retiring in 2015. I was the lead investigator (case agent) in numerous successful public corruption investigations resulting in convictions by plea or jury trial. As a case agent I used the FBI Group II undercover technique in multiple successful public corruption matters and was the affiant and administrator for seven intercepted telephone lines (Title III applications) as well as operated confidential human sources targeting public corruption. I was promoted and served as a public corruption task force Supervisory Special Agent where I identified numerous police, judicial and public official matters for investigative priority and instituted sophisticated techniques in those cases as well. In one law enforcement corruption matter, Operation Blind Justice, I successfully planned and executed a large-scale FBI undercover investigation resulting in the indictment, arrest, and conviction of nineteen defendants. As an FBI public corruption Supervisor, I oversaw a federal task force that also obtained numerous convictions for public corruption, and which won numerous awards from the DOJ, FBI and state and local agencies. I had an extensive assignment in the FBI's Counterterrorism Division as a Supervisor and in the FBI's Legal Attache program with two-year assignments at Saudi Arabia and Kuwait and a temporary assignment at U.S. Embassy, Addis Abba, Ethiopia. One of my career-long specialties was vetting, evaluating, investigating, and assisting the FBI, the Department of Justice (DOJ) and state and local agencies in the investigation of multiple dozens of public corruption allegations in

EXHIBIT 51

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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1 THE WITNESS: Can you say that again? They
2 were developed because of reports, did you say?
3 BY MS. EKL:
4 **Q. I'm saying -- sorry.**
5 **My question is: Would you agree that**
6 **these different systems were developed to try to**
7 **address any potential shortcomings in the prior**
8 **system?**
9 MR. HILKE: Object to form, foundation.
10 You can answer.
11 THE WITNESS: Yes, I think the iterations of
12 that independent body were to address the
13 shortcomings that were identified in those
14 bodies, yes.
15 BY MS. EKL:
16 **Q. And it reflects actions by CPD to**
17 **improve or at least attempt to improve the**
18 **quality of the investigations, correct?**
19 MR. HILKE: Object to form, foundation.
20 THE WITNESS: I don't know if I would say
21 that it was CPD who created it. I think it was
22 the city itself that created them.
23 BY MS. EKL:
24 **Q. You also reference farther down on this**

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1 **page the 2015 incident involved Laquan McDonald,**
2 **correct?**
3 A. Yes, that's correct.
4 **Q. You would agree that you have not**
5 **reviewed any investigative file related to that**
6 **particular case, correct?**
7 A. That's correct.
8 **Q. And you -- do you also agree that you**
9 **don't have any basis to opine about the**
10 **particular incident or the officers involved in**
11 **that case?**
12 A. As it relates to this report, you mean?
13 **Q. In relation to your report or any**
14 **opinions you're rendering in this case.**
15 A. Nothing more than what I've written
16 here. I mean, I did not -- I did not review
17 that investigation. I know that there was one
18 officer that was sent to prison as a result of
19 it. I mean, it's a national -- it's a national
20 incident.
21 For anybody in my position, you know,
22 being a researcher, a scholar, a former police
23 administrator, and a professor at a major urban
24 university in New York City, you'd have to be

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1 living in a cave not to -- not to have known
2 about what happened here.
3 I do agree with you, the intimate
4 details of who, when, what, where, how, and why
5 I'm not clear on. But, as a general theme, you
6 know IPRA certainly came with some
7 self-inflicted wounds that became publicly known
8 at around this time.
9 **Q. Would you agree that as a result of**
10 **this incident, there were criticisms to the**
11 **Chicago Police Department and its handling of**
12 **police discipline, at least in a general sense?**
13 **That was your understanding generally, correct?**
14 A. Yes, I would agree with that.
15 **Q. And did you learn that as a result of**
16 **this incident, the city then took steps to form**
17 **the Police Accountability Task Force to look**
18 **into any potential shortfalls that were -- that**
19 **were present at that time?**
20 A. Yes, they did, yes. I think I
21 reference that in here.
22 **Q. You quote on Page 74, and I think**
23 **actually into 75, you quote some of the findings**
24 **or language in the Police Accountability Task**

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1 **Force Report, correct?**
2 A. Yes, I did.
3 **Q. And you -- in particular, you also**
4 **reference in here Jerome Finnigan who was**
5 **involved in the incidents back leading up to**
6 **2006, correct?**
7 A. Wait. Say that again.
8 **Q. Let me rephrase that.**
9 **At the bottom of Page 74, you reference**
10 **Officer Jerome Finnigan in relation to that**
11 **Police Accountability Task Force Report,**
12 **correct?**
13 A. Okay. Yes.
14 **Q. And you have not personally conducted**
15 **any analysis of the complaints against Officer**
16 **Finnigan, correct?**
17 A. No. So -- well, I don't know -- I'm
18 not sure if any of Finnigan's complaints or CR
19 files came up in my -- in my selection.
20 **Q. Do you know the nature of any of the**
21 **complaints against him?**
22 A. No, I don't recall.
23 **Q. As you sit here right now, can you**
24 **speak to the quality of any particular**

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1 **investigation of any complaint?**
2 A. Related to Finnigan?
3 **Q. Correct.**
4 A. Not off the top of my head, no. I
5 would need more detail. No.
6 **Q. On the next page, on Page 75, you**
7 **reference -- you cite to Corey Flagg's arrest.**
8 **It says, "In 2005, another CPD officer, Corey**
9 **Flagg," F-l-a-g-g, "was arrested for his part in**
10 **a ring of five Englewood officers."**
11 **What is the basis for your knowledge of**
12 **Corey Flagg?**
13 A. Having been referenced in the report.
14 **Q. So that also came from that Police**
15 **Accountability Task Force Report?**
16 A. Yes.
17 **Q. You state that Flagg received a number**
18 **of lengthy suspensions during his career and was**
19 **enrolled in the behavioral intervention program**
20 **in 2003, correct?**
21 A. Where are you -- where are you reading
22 from?
23 **Q. I'm looking at this paragraph --**
24 A. At the bottom. I'm sorry. Yeah, yes.

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1 I mean, yes, I wrote that, yes.
2 **Q. And, again, this information just comes**
3 **straight out of the Police Accountability Task**
4 **Force Report, correct?**
5 A. It does. It supports my position that
6 there were -- there's a long history of these
7 sorts of things that we're encountering.
8 **Q. Well, you also acknowledge in the**
9 **following paragraph that police corruption cases**
10 **in Chicago are not commonplace, correct?**
11 MR. HILKE: Object to form, foundation.
12 You can answer.
13 THE WITNESS: That's not my language.
14 That's from the report.
15 BY MS. EKL:
16 **Q. Oh, that language is from the report,**
17 **okay. So the report itself acknowledges that**
18 **police corruption cases in Chicago are not**
19 **common?**
20 A. Yes.
21 **Q. Okay.**
22 A. So what I want to do is take -- you put
23 it down already.
24 MR. HILKE: I'm not sure there's a question

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1 pending. Sorry, Jon, but just wait for a
2 question.
3 BY MS. EKL:
4 **Q. I have a couple questions regarding**
5 **your opinions related to the early intervention**
6 **systems, and then I want to take a quick break**
7 **and find out where we are with time because I**
8 **want to make sure I'm giving time to the**
9 **co-defendants in this case.**
10 **Let me just pull this up again real**
11 **quick.**
12 **At the bottom of Page 77, you say, "My**
13 **review of the early intervention policies and**
14 **the lack of evidence in discovery that early**
15 **intervention was conducted in any effective or**
16 **systematic manner is consistent with this later**
17 **assessment."**
18 **Did you review the city's early**
19 **intervention policies in this case?**
20 A. I don't remember what those -- I don't
21 remember what those policy numbers might be.
22 And I might be conflating this case with Waddy
23 and Maysonet that I've seen before. But I have
24 seen the city's policies in the past, yes.

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1 **Q. Well, I'll represent to you that the**
2 **policies that you may have seen, if they were in**
3 **Waddy, would be the same policies that would**
4 **apply in this case in relation to the early**
5 **intervention systems.**
6 **Would you agree that the city did, in**
7 **fact, have policies that dealt with or that**
8 **included early intervention systems?**
9 A. They did have policies in place, yes.
10 **Q. And you are not making findings here**
11 **today in your report that any of those written**
12 **policies were inconsistent with any national**
13 **standards, correct?**
14 A. Not the policy itself, no.
15 **Q. Your criticism is with the application**
16 **of those policies, is that fair to say?**
17 A. Yes, that's fair.
18 **Q. What do you rely upon in order to**
19 **formulate your criticism with the application of**
20 **those policies?**
21 A. The discovery record in the case here.
22 (Simultaneous speaking.)
23 A. Just what it says right here in this
24 paragraph, that I didn't see any evidence how

EXHIBIT 52

Transcript of the Deposition of
Jon Shane, Ph.D.

Case: Alvin Waddy v. City of Chicago; et al.
Taken On: August 29, 2023

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STATE OF ILLINOIS)
) SS.
COUNTY OF COOK)

IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS
COUNTY DEPARTMENT, LAW DIVISION

ALVIN WADDY,	)	
	)	
Plaintiff,	)	
	)	
v.	)	No. 19 L 10035
	)	
CITY OF CHICAGO, et al.,	)	
	)	
Defendants.	)	

The videotaped deposition of JON SHANE, Ph.D. taken via videoconference before Amie Panagakos, Registered Professional Reporter, taken pursuant to the provisions of the Illinois Code of Civil Procedure and the Rules of the Supreme Court thereof pertaining to the taking of depositions for the purpose of discovery, commencing at 10:01 a.m. on the 29th day of August, A.D., 2023.

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1 **in order to move to separate Mohammed from the Chicago**
2 **Police Department?**
3 MS. KLEINHAUS: Objection to form.
4 You can answer.
5 BY THE WITNESS:
6 A. Well, I think -- I think it depends on how
7 much inf- -- how much evidence they gather. It
8 certainly could have been, sure, if they had sufficient
9 evidence.
10 **Q. So could -- while the FBI and the U.S.**
11 **Attorney's Office continued to attempt to develop**
12 **information against Watts or others, would it been --**
13 **would it have been appropriate -- or strike that.**
14 **Let me ask it this way: Would you agree that**
15 **had the police department moved to separate Mohammed**
16 **before 2011 in an administrative proceeding that that**
17 **would have revealed to Mohammed, Watts, and all the**
18 **other officers on the team that there was an ongoing**
19 **investigation of -- of corruption?**
20 MS. KLEINHAUS: Objection to form, incomplete
21 hypothetical.
22 You can answer.
23 BY THE WITNESS:
24 A. Well -- Well, although it would signal that

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1 something -- that the department was in -- in receipt of
2 some kind of information, you wouldn't do something like
3 that to one officer and not to the others. You would
4 have to have sufficient evidence so you can take the
5 team down at one time.
6 MR. NOLAND: So, Dan, can you pull up the
7 July 13th, 2011 memo.
8 (A document was viewed.)
9 MS. KLEINHAUS: What exhibit is this?
10 BY MR. NOLAND:
11 **Q. Showing you a --**
12 MR. NOLAND: And, Dan, can you make it a little
13 smaller so we can identify -- see what it is.
14 MS. KLEINHAUS: Sorry. Is this Exhibit 8?
15 MR. NOLAND: Yes.
16 BY MR. NOLAND:
17 **Q. So, Dr. Shane, I'm showing you a memo that I**
18 **believe is in the materials provided to you, and it's**
19 **dated July 13th, 2011. It's a memo from Agent Michael**
20 **Ponicki of the FBI. And I will ask you to review the --**
21 **just silently to yourself.**
22 MR. NOLAND: Dan, if you can blow that up so he can
23 see the -- the content of this memo.
24

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1 BY MR. NOLAND:
2 **Q. And, Dr. Shane, please just let Dan know when**
3 **you're -- when you need to scroll down.**
4 THE WITNESS: Okay. Scroll down, please.
5 BY THE WITNESS:
6 A. Okay. I got to the last word where it says,
7 his. Do you want me to read further?
8 **Q. Yes.**
9 MR. NOLAND: Can you scroll to the next page, Dan.
10 THE WITNESS: You can scroll down now. Okay. You
11 can continue. Scroll down.
12 BY THE WITNESS:
13 A. Okay. Is there more?
14 **Q. That -- That -- That's what they gave us.**
15 **That's what the FBI gave us.**
16 A. Okay.
17 MR. NOLAND: Dan, can you go up to the second page,
18 a little bit up, a little bit up. I'm just going to --
19 Right there.
20 BY MR. NOLAND:
21 **Q. So I'm going to read into the record the**
22 **sentence right before the -- the redaction and then a**
23 **little bit after.**
24 A. Okay.

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1 **Q. And I'm on the second page, which is FBI910.**
2 **It says the USAO, which is the U.S. Attorney's Office,**
3 **supports the extortion charge but elected to de- --**
4 **delay filing the complaint until further evidence could**
5 **be obtained implicating Watts. A successful -- There's**
6 **some redaction. A successful consensual recording of**
7 **the event was gathered by the CHS -- which is believed**
8 **to be confidential human source -- but due to unforeseen**
9 **circumstances, the surveillance team lost sight of the**
10 **CHS and Watts. The surveillance team was then unable to**
11 **corroborate that the payment to Watts was actually --**
12 **had actually taken place. Therefore, it was the opinion**
13 **of the USAO that the evidence is insufficient to charge**
14 **Watts with extortion.**
15 **So, Dr. Shane, and this memo is July 13th,**
16 **2011. Would you agree with me that the CPD could not**
17 **have moved forward as of that time, July 13th, 2011,**
18 **administratively against Mohammed or the other members**
19 **of the team because the U.S. Attorney's Office and the**
20 **FBI's investigation was ongoing, and if the CPD moved**
21 **administratively, that it would have revealed the**
22 **investigation to Watts and the other members of the**
23 **team?**
24 MS. KLEINHAUS: Objection to form, incomplete

1 hypothetical.
2 You can answer.
3 BY THE WITNESS:
4 A. It's possible that it may have revealed that
5 the FBI was conducting an investigation, but it wouldn't
6 preclude them from taking administrative action.
7 **Q. But when -- if the CPD had taken**
8 **administrative action as of July 2011, wouldn't it have**
9 **compromised the integrity of the federal investigation**
10 **because now Watts, who the U.S. Attorney's Office has**
11 **said it doesn't have enough information to indict, knows**
12 **about the federal investigation?**
13 MS. KLEINHAUS: Objection to form, incomplete
14 hypothetical.
15 BY THE WITNESS:
16 A. The answer is possibly, yes. However, the
17 value judgment is -- from a police management
18 perspective is what's at play. And -- And leaving --
19 leaving these officers out there to harm the community
20 instead of stopping them, if this investigation is going
21 to be too slowly conducted or they don't have the
22 resources or they run into unforeseen circumstances, the
23 police department has to act to preserve fu- -- or to
24 reduce future harm to the community from -- from the

1 officers.
2 **Q. And the harm to community you're talking about**
3 **is -- is that the -- these drug dealers who Watts and**
4 **Mohammed were shaking down were allowed to continue to**
5 **sell drugs?**
6 MS. KLEINHAUS: Objection to form,
7 mischaracterizes, vague, ambiguous, incomplete
8 hypothetical, argumentative.
9 You can answer.
10 BY THE WITNESS:
11 A. The harm -- The harm to the community come --
12 can come in any number of different ways, like planting
13 drugs on someone, unlawful entries, stealing money.
14 Just because someone is selling narcotics doesn't mean
15 that they are no longer afforded Constitutional
16 protections.
17 **Q. Sure. There was no evidence -- hard evidence**
18 **developed as of July 13th, 2011 that the -- these police**
19 **officers, Watts or members of his team, were planting**
20 **narcotics on innocent people; isn't that true?**
21 MS. KLEINHAUS: Objection to form, incomplete
22 hypothetical, assumes ac- -- facts not in evidence.
23 You can answer.
24

1 BY MR. NOLAND:
2 **Q. And by innocent people, I mean non-drug**
3 **dealers.**
4 MS. KLEINHAUS: Objection to that characterization
5 and form.
6 You can answer.
7 BY THE WITNESS:
8 A. The question was what evidence did they have
9 prior to 2011?
10 **Q. Yeah. I'll ask it again. Isn't it true that**
11 **as of July 13th, 2011 that there wasn't any evidence**
12 **sufficient to sustain an allegation or a prosecution**
13 **that the me- -- Watts or members of his team were**
14 **planting evidence on non-drug dealers?**
15 MS. KLEINHAUS: Objection to form, foundation,
16 vague, ambiguous, calls for speculation, incomplete
17 hypothetical.
18 BY THE WITNESS:
19 A. My answer is I'm -- I'm not sure at this point
20 because there's -- there's a lot of information in this
21 record, and I would have to see what that -- what that
22 evidence reveals.
23 **Q. So going back to your answer about moving**
24 **administratively as of July 2011 against Mohammed, could**

1 **the CPD have relied on -- that time if they moved**
2 **against Mohammed on the evidence of the prior exhibit we**
3 **looked at of Mohammed taking bribes on several**
4 **occasions?**
5 MS. KLEINHAUS: Objection to form as to moving
6 administratively.
7 You can answer.
8 BY THE WITNESS:
9 A. Could they -- Could they have used the
10 previous evidence, is that what you're saying, by the
11 time they got to 2011?
12 **Q. Could they have used it admi- -- Could the CPD**
13 **have used the evidence developed by the FBI to fire**
14 **Mohammed administratively?**
15 MS. KLEINHAUS: Objection to form, incomplete --
16 BY MR. NOLAND:
17 **Q. Or would that have been violated grand jury**
18 **secrecy rules and obstructed the federal investigation**
19 **because the feds had decided not to indict as of that**
20 **time and not to reveal that information?**
21 MS. KLEINHAUS: Objection to form, incomplete
22 hypothetical.
23 You can answer.
24

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1 BY THE WITNESS:
2 A. So they could have used that -- that evidence
3 to at least subject him to disciplinary action or move
4 him -- move him out of an assignment, yes.
5 **Q. So if they used it to subject him to**
6 **disciplinary action, wouldn't they be violating the**
7 **secrecy of the FBI's investigation by disclosing that**
8 **information?**
9 MS. KLEINHAUS: Objection to form, incomplete
10 hypothetical as to what information would be disclosed.
11 But you can answer if you understand it.
12 MR. NOLAND: There's a lot of speaking objections,
13 Tess. And so when I review this transcript, we're going
14 to have to decide what remedy there's going to be. But
15 I'd ask you to stop.
16 MS. KLEINHAUS: Duly noted that that's your
17 objection to my objections.
18 BY THE WITNESS:
19 A. I don't know what rules were in place
20 concerning the grand jury secrecy, but it doesn't
21 alleviate the department's responsibility to -- to stop
22 the harm that the officers are committing.
23 **Q. Dr. Shane, so you -- you were never in a -- in**
24 **a joint task force investigating police officers in a**

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1 **case like this; isn't that true?**
2 A. Not in a case like this, you're right.
3 **Q. So you don't know what the protocols are or**
4 **practices when you have an arrangement between a local**
5 **municipality and the FBI and U.S. Attorney's Office on**
6 **when information developed by FBI sources can be**
7 **util- -- utilized administratively; isn't that true?**
8 MS. KLEINHAUS: Objection to form, foundation,
9 assumes facts not in evidence.
10 You can answer.
11 BY THE WITNESS:
12 A. Well, I can tell you I did see an agreement in
13 this particular case, which is the one that's at issue.
14 Excuse me.
15 **Q. Separate and apart from that agreement --**
16 MS. KLEINHAUS: Can you let him finish his answer,
17 please, Counsel.
18 MR. NOLAND: I thought he was -- I thought he was
19 finished.
20 BY MR. NOLAND:
21 **Q. Go ahead.**
22 A. I did see an -- I did see an agreement here
23 where the FBI recognized that the -- that the CPD could
24 at some point take administrative action. And that --

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1 that paragraph in that document is silent as to all of
2 these grand jury rules of secrecy that you're -- that
3 you're referencing.
4 **Q. So should we --**
5 A. So --
6 **Q. Aren't you leaving something out -- Aren't you**
7 **leaving something out about that paragraph, Dr. Shane?**
8 A. Let me -- Let me finish.
9 **Q. Okay.**
10 A. It's apparent that the FBI was well aware that
11 the -- that the Chicago Police Department could and
12 would likely take administrative action against the
13 officers.
14 **Q. You left something out of that paragraph,**
15 **didn't you, Dr. Shane?**
16 MS. KLEINHAUS: Objection to form. It's
17 argumentative.
18 BY THE WITNESS:
19 A. Why don't we pull up it so we can -- we can go
20 over it.
21 **Q. Didn't you leave out that -- that paragraph**
22 **requires that whenever possible that the CPD would need**
23 **to ask for permission from the FBI to move**
24 **administratively under these circumstances?**

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1 MS. KLEINHAUS: Objection to form, mischaracterizes
2 the document that you also have not shown the witness.
3 BY THE WITNESS:
4 A. I -- I couldn't tell you what it says
5 verbatim. But I'd like -- I remember seeing something
6 regarding that, where the FBI knew that the CPD could
7 have taken administrative action.
8 **Q. And you don't remember the part that they need**
9 **to ask the FBI to move forward?**
10 A. No, I don't --
11 MS. KLEINHAUS: Objection.
12 I'm sorry. I'm sorry. If you can just wait,
13 Dr. Shane.
14 Just objection to that characterization of the
15 document, which you also have not shown to the witness.
16 BY MR. NOLAND:
17 **Q. So I'll read it into the record. And by the**
18 **way, that -- that document also indicates that all the**
19 **reports generated from the joint task force were to be**
20 **maintained at the FBI; isn't that true?**
21 MS. KLEINHAUS: Objection. I'm going to have a
22 standing objection to asking the witness about a
23 document that counsel apparently has in front of him
24 that you won't show the witness. I think it's unfair.

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1 So you can answer if you know, Dr. Shane.
2 MR. NOLAND: Will you give me an extra half hour to
3 ask about this document?
4 MS. KLEINHAUS: No, I will not give you an extra
5 half hour to ask about this document that everyone in
6 this case is aware of, no.
7 BY MR. NOLAND:
8 **Q. Pleases -- Please answer the question,**
9 **Dr. Shane.**
10 A. The answer is no, I'm not -- I don't recall
11 where the -- the documents were going to be stored.
12 **Q. So separate and apart from reading this**
13 **memorandum of understanding, which was in 2011, would**
14 **you agree with me that you're -- because you never**
15 **worked on a task force like this, that you don't know**
16 **the policies and practices and protocols when a -- when**
17 **the FBI is working with a local municipality**
18 **investigating a police officer for corruption?**
19 MS. KLEINHAUS: Objection to form, incomplete
20 hypothetical.
21 You can answer.
22 BY THE WITNESS:
23 A. Well -- Well, even -- even if someone had
24 worked on the task force, it doesn't mean they would

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1 necessarily be part of -- of the planning sessions
2 outlining all the details.
3 **Q. So my question is, isn't it true that separate**
4 **and apart from this memorandum of understanding that you**
5 **alluded to, that you don't have any experience,**
6 **background, or information with respect to the protocols**
7 **and practices of when a municipality works with the FBI**
8 **investigating allegations of corruption against a police**
9 **officer because you never --**
10 MS. KLEINHAUS: Objection --
11 BY MR. NOLAND:
12 **Q. -- because you never did it?**
13 MS. KLEINHAUS: Objection to form, compound,
14 mischaracterizes his testimony.
15 You can answer.
16 BY THE WITNESS:
17 A. Yeah, so I think there were -- there were --
18 there were sort of two things there. The -- The answer
19 is I have worked with the FBI in -- in bank robbery task
20 force operations. And during that time, the operators
21 like myself were not -- were not in the -- the planning
22 sessions. And the answer to as to whether or not I have
23 done any with drug-related corruption, the answer is no,
24 I have not.

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1 **Q. So you don't know the practices or protocols**
2 **of the FBI working with a local municipality**
3 **investigation on a investigation like the Watts**
4 **investigation, correct?**
5 MS. KLEINHAUS: Objection to form as to --
6 Is your question whether he knows it from his
7 experience or from some other source.
8 MR. NOLAND: Tess, you have crossed the line.
9 BY MR. NOLAND:
10 **Q. Please answer the question, Doctor.**
11 A. Can you rephrase it again, please?
12 **Q. Isn't it true that other than reading this**
13 **memorandum of understanding, because you never worked on**
14 **an investi- -- a corruption investigation like the Watts**
15 **case, that you don't know the protocols and practices**
16 **that the FBI would engage in with the local municipality**
17 **in conducting such an investigation?**
18 MS. KLEINHAUS: Objection to form, incomplete
19 hypothetical, mischaracterizes.
20 You can answer.
21 BY THE WITNESS:
22 A. I know what they would do, meaning I know that
23 they would come to the local municipality. There would
24 be meetings. There would be planning sessions. There

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1 would be documents that would be written. There would
2 be jurisdictional issues that would be discussed. But
3 if you're -- when it gets down to the individual fine
4 details, they would differ between all types of
5 investigations.
6 **Q. But you do -- you would agree that as of**
7 **July 2011, that the -- Well, strike that.**
8 **If -- If hypothetically the CPD had used the**
9 **information that Mohamme- -- Mohammed had accepted**
10 **bribes and moved to fire him administratively in 2011,**
11 **wouldn't that have precluded the ultimate successful**
12 **conclusion of the FBI's criminal investigation to secure**
13 **an indictment and conviction against Watts?**
14 MS. KLEINHAUS: Objection to form, compound,
15 incomplete hypothetical, asked and answered.
16 Go ahead.
17 BY THE WITNESS:
18 A. Not necessarily because they may have been
19 able to get other testimony from coconspirators.
20 **Q. But -- And, of course, you've read -- you've**
21 **read the FBI 302 reports of the interviews of the police**
22 **officers after the indictments, correct?**
23 A. I -- I believe so. I mean, I don't remember
24 them specifically, but yeah, they sound familiar.

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1 **Q. And there was no information developed in**
2 **those -- in those interviews which supported any further**
3 **charges against Watts or Mohammed; isn't that right?**
4 MS. KLEINHAUS: Objection to form and calls for a
5 legal conclusion.
6 You can answer.
7 BY THE WITNESS:
8 A. Yeah, I -- I -- I -- I don't know that I would
9 go that far.
10 **Q. All right. So I'm going to add to the**
11 **hypothetical then. Your -- Your caveat, which is that**
12 **if -- if the CPD had moved administratively against**
13 **Mohammed for taking bribes in July of '11 and if after**
14 **that the FBI or IED were unable to get coconspirators**
15 **from the police admitting to any further wrongdoing,**
16 **that that would have precluded the successful operation**
17 **in November of 2011 that was used to indict and convict**
18 **Watts? In other words, Watts wouldn't have been**
19 **criminally convicted if they did that?**
20 MS. KLEINHAUS: Objection to form, compound,
21 incomplete hypothetical. I have a standing objection to
22 the incomplete hypotheticals that are counterfactual.
23 You can go ahead and answer if you understand
24 it.

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1 BY THE WITNESS:
2 A. It's -- It's possible. But again, I think the
3 value judgment lies in -- in stopping harm to the
4 community. And I think that's more important than
5 necessarily prosecuting Watts. If I were the -- If I
6 were command rank officer in the Chicago Police
7 Department, if I were the superintendent of the Chicago
8 Police Department, my obligation lies to the people of
9 the City of Chicago. And stopping Watts, irrespective
10 of any future prosecution, is more important to me
11 than -- than seeing him prosecuted.
12 **Q. And is there some type of a**
13 **nationally-accepted police practice that you're relying**
14 **upon to offer that statement?**
15 MS. KLEINHAUS: Objection to form.
16 You can answer.
17 BY THE WITNESS:
18 A. When you say a national standard, that the --
19 what exactly, a standard for -- for what?
20 **Q. Is there anything in writing, any type of**
21 **police practice in writing that's nationally acce- --**
22 **accepted that I can go read to corroborate your -- the**
23 **statement that you just made in that respect?**
24 MS. KLEINHAUS: Objection to form.

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1 You can answer.
2 BY THE WITNESS:
3 A. That the -- That the obligation of the head of
4 the agency, the superintendent or whoever is head of --
5 you know, chief of police or something, has an
6 obligation to the people?
7 **Q. No, no. No, so again you're not answering my**
8 **question. I think you're running out the clock. So**
9 **I'll try one more time. I'd ask you to question the**
10 **question.**
11 **You just said that the -- the police**
12 **department should have made a value judgment and moved**
13 **administratively against Mohammed as of July of '11 to**
14 **fire him when they knew that he had accepted bribes,**
15 **regardless that the FBI did not want to move forward or**
16 **the U.S. Attorney's Office, and that that's because of a**
17 **value judgment that the police department should have**
18 **made. What's -- Is there any nationally-accepted**
19 **standard that you're relying upon to offer that value**
20 **judgment?**
21 MS. KLEINHAUS: Objection to form.
22 You can answer.
23 BY THE WITNESS:
24 A. The -- Yeah, the -- what's the -- what is it

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1 called? I have to think about it for a second. The --
2 The job description of superintendent of police dictates
3 that they will direct the organization. And directing
4 the organization means that they are operating in the
5 best interests of the people of the City of Chicago.
6 And if they are aware that a police officer is involved
7 in criminal behavior and they don't have enough evidence
8 to prosecute that person, they at least have an
9 obligation to stop them.
10 **Q. So is it your opinion that the U.S. -- United**
11 **States Attorney's Office for the Northern District of**
12 **Illinois and the Federal Bureau of Investigation also**
13 **did not exercise the responsibility to protect the**
14 **citizens of the City of Chicago by not moving to --**
15 **moving criminally earlier against Mohammed?**
16 MS. KLEINHAUS: Objection to form, calls for
17 speculation.
18 You can answer if you know.
19 BY THE WITNESS:
20 A. Well, assuming they had sufficient evidence to
21 prosecute. If they didn't, then move administratively.
22 **Q. So they had Watts ta- -- or they had Mohammed**
23 **taking money on about five occasions. So with that**
24 **information, do you think the U.S. Attorney's Office is**

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1 **responsible for allowing this investigation to -- to go**
2 **on too long?**
3 A. Well --
4 MS. KLEINHAUS: Objection to form and calls for
5 speculation.
6 You can answer.
7 BY THE WITNESS:
8 A. The answer is it depends. If they had -- If
9 they had sufficient evidence to prosecute at that time,
10 then the answer is yes, they should have prosecuted at
11 that time.
12 **Q. And so --**
13 A. And stop --
14 **Q. I'm sorry. Go ahead.**
15 A. And -- And stop the harm, the continuing harm
16 that the officers were perpetrating. If they didn't --
17 **Q. So --**
18 A. Hold on. If they didn't have sufficient
19 information at that time, there is no harm in allowing
20 it go further for a shorter period of time to see if
21 they could get that information, or evidence rather.
22 But if they don't, you have to stop it and you have to
23 stop the harm that's being perpetrated.
24 MS. KLEINHAUS: Dan, when you get to the end of

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1 this line of questioning or a good breaking point, can
2 we take a five-minute break?
3 MR. NOLAND: Yes, I'm almost done with this.
4 BY MR. NOLAND:
5 **Q. Would you agree with me that it would have**
6 **been obstruction of justice for the Chicago Police**
7 **Department to unilaterally disclose the information**
8 **developed in the FBI IED investigation through the FBI**
9 **CI that there were bribe payments in to Watts and**
10 **consensual overhears documenting that --that criminal --**
11 MS. KLEINHAUS: Objection to form, incomplete
12 hypothetical, compound, and calls for a legal
13 conclusion.
14 You can answer.
15 BY THE WITNESS:
16 A. I'm not sure. It's possible. Maybe. I don't
17 know.
18 MR. NOLAND: Okay. It's a good time to take a
19 break.
20 THE VIDEOGRAPHER: The time is 12:29 p.m. We're
21 now going off the record.
22 (A short recess was had.)
23 THE VIDEOGRAPHER: The time is 12:37 p.m. We're
24 now back on the record.

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1 MR. NOLAND: Dr. Shane, I just have a few more
2 topics, and then I'm going to turn it over to the other
3 lawyers.
4 BY MR. NOLAND:
5 **Q. Did you write your entire report in this case?**
6 A. Are you asking me if anybody else wrote it? I
7 wrote the whole thing.
8 **Q. Yes, thank you. Did you copy and paste any**
9 **portions of that report from any other document and put**
10 **it into your report?**
11 A. Most likely, yes.
12 **Q. I'm -- We had asked in our sub- -- The**
13 **defendants had asked in their subpoena for any and all**
14 **of those documents. So we would renew or request that**
15 **you produce any and all source documents from which you**
16 **copied and pasted material and supply it to us. Will**
17 **you do that?**
18 A. O- -- Okay.
19 **Q. You had a number of Zoom calls with the --**
20 **Mr. Waddy's lawyers; is that right?**
21 A. I did, yes.
22 **Q. During those calls, did you do a share screen**
23 **where they saw the drafts of your report?**
24 MS. KLEINHAUS: Objection to form.

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1 You can answer.
2 BY THE WITNESS:
3 A. No.
4 **Q. Did Mr. Waddy's lawyers suggest edits or**
5 **revisions to any portion of your report?**
6 A. I think they may have -- they may have picked
7 out some grammatical errors, but no. Are you talking
8 about the substantive issues?
9 **Q. Anything.**
10 A. No.
11 **Q. So if they were able to pick out grammatical**
12 **errors, what -- how were they reading a document in**
13 **order to pick out those grammatical errors?**
14 A. When I submitted the report.
15 **Q. So you -- did you send Mr. Waddy's lawyers**
16 **draft reports that they identified grammatical errors,**
17 **then you -- then you sent other revised reports?**
18 A. No, maybe I misunderstood you. I'm referring
19 to at -- when I submitted the report to them, I think
20 there was one or more grammatical errors in there that
21 they pointed out to me.
22 **Q. And that they remain in the report?**
23 A. They're in there, yes.
24 **Q. Are there any substantive errors that they**

EXHIBIT 53

Transcript of the Deposition of
Jeffrey A. Danik

Case: Ben Baker, et al. v. City of Chicago, et al.
Taken On: April 18, 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,	)	
	)	
v.	)	Case No. 16 C 8940
	)	
CITY OF CHICAGO, Former CHICAGO POLICE SERGEANT RONALD WATTS, OFFICER KALLATT MOHAMMED, SERGEANT ALVIN JONES, OFFICER ROBERT GONZALEZ, OFFICER CABRALES, OFFICER DOUGLAS NICHOLS, JR., OFFICER MANUEL S. LEANO, OFFICER BRIAN BOLTON, OFFICER KENNETH YOUNG, JR., OFFICER ELSWORTH J. SMITH, JR., PHILIP J. CLINE, KAREN ROWAN, DEBRA KIRBY, and as-yet-unidentified officers of the Chicago Police Department,	)	
	)	
Defendants.	)	

The deposition of JEFFREY A. DANIK, called by the Defendants for examination, taken via videoconference, pursuant to notice and pursuant to the Federal Rules of Civil Procedure for the United States District Courts pertaining to the taking of depositions, taken before Jennifer Seastrom, Certified Shorthand Reporter, commencing at 9:30 a.m. on April 18, 2024.

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1 going to result in termination of your job.
2 So you're sworn in. And because of
3 that override of your right to self-incrimination,
4 what's in that statement is protected. And that
5 protected information now is something I, as a
6 criminal investigator, don't want to get, because
7 it's tainted and obtained against the person's
8 civil rights.
9 That's my best explanation in the
10 short term.
11 **Q. And when you say it's protected, is it**
12 **fair to say that if an officer gives a statement**
13 **pursuant to Garrity, it cannot be used in your**
14 **criminal case, correct? Is that why you're saying**
15 **it would be against their civil rights if you**
16 **used -- if you used a Garrity statement as a basis**
17 **for a criminal charge, that would violate Garrity,**
18 **correct?**
19 MR. HILKE: I'll just object to form and
20 foundation.
21 But you can answer.
22 THE WITNESS: Well, I'm familiar with
23 how to enforce laws and what laws are and some
24 interpretations. And I understand Garrity.

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1 You said you can never use a
2 Garrity statement in a criminal case. I'm not
3 sure about that. It sounds right. But the idea
4 is, is put the statement aside, any information
5 from the statement or anybody who read the
6 statement and might talk to you could be a
7 problem. That's -- that's the -- that's why I
8 would eliminate most people from a department from
9 participating in the cases I had as a normal
10 course of business.
11 BY MS. EKL:
12 **Q. And is it fair to say that if**
13 **administratively in that type of a circumstance an**
14 **individual is questioned about allegations**
15 **administratively, it's then going to put them on**
16 **notice of the same conduct that you're attempting**
17 **to investigate, correct?**
18 MR. HILKE: Same objection.
19 You can answer.
20 THE WITNESS: Yes, it could -- it could
21 put them on notice. It could put them on notice
22 that -- that the activity is being looked at, by
23 somebody at least.
24

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1 BY MS. EKL:
2 **Q. And would that, do you think -- was it**
3 **your belief at the time when you were**
4 **investigating public corruption cases that**
5 **interference by taking a Garrity statement could**
6 **compromise your investigation on the criminal**
7 **side?**
8 A. I would never -- personally, ma'am, I
9 would -- my opinion is, I would never characterize
10 that as interference.
11 **Q. Okay. If an individual becomes aware of**
12 **the fact that they are the target of misconduct,**
13 **was it your belief at that time when you were**
14 **investigating public corruption cases that that**
15 **could hinder your ability to investigate them?**
16 MR. HILKE: Object to form.
17 Go ahead.
18 THE WITNESS: It -- yes.
19 BY MS. EKL:
20 **Q. You mentioned that you were schooled in**
21 **some ways by the U.S. Attorney's Office -- and I'm**
22 **paraphrasing. Is it fair to say that the United**
23 **State's Attorney's Office provided guidance to FBI**
24 **agents in terms of how to conduct certain**

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1 **investigations?**
2 A. 100 percent.
3 **Q. Okay. And did you follow, when the**
4 **United State's Attorney's Office said that they**
5 **provided you with guidance, did you follow that**
6 **guidance?**
7 A. Well, they provided guidance. I would
8 say we didn't always follow it, or it's not like
9 we ignored it. We addressed any differences, and
10 they were resolved. So it's not like we were
11 being told what to do and we just executed it.
12 But they did provide a lot of guidance. Guidance
13 is not an order.
14 **Q. Is it fair to say that guidance by the**
15 **United State's Attorney's Office, it was expected**
16 **that you wouldn't ignore it, correct?**
17 A. Correct.
18 **Q. Did they provide you training on how to**
19 **conduct public corruption investigations?**
20 A. I would call it -- I would say, yes, and
21 it was on-the-job training.
22 **Q. And how did -- if you could explain what**
23 **you mean by that?**
24 A. They would have you read things, the

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Q. And separate from that, there also could be an internal investigation that could lead to there being some kind of administrative action, correct?
A. Yes.
Q. And you indicated that if there's an administrative action, generally, that will derail the criminal action, correct?
A. It may.
MR. HILKE: Object to form.
THE WITNESS: Oh, sorry, Wally.
MR. HILKE: That's okay. You're fine.
BY MS. EKL:
Q. I'm sorry. I didn't hear your answer.
A. It may derail your criminal investigation. That's part of the police corruption or public corruption investigative environment. It's very easy to -- to get discovered.
Q. And even if an allegation of police corruption is only investigated administratively, would you agree with me that there has to be evidence to support the allegation before any action can be taken, whether it's by a police

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department or in the case of an FBI agent being investigated, administratively, there still has to be evidence to support the allegation, correct?
A. Yes.
Q. And if the goal is to protect the public, you need to have a finding, even if it's just administratively, that the person actually engaged in the conduct in which they were accused, correct?
MR. HILKE: I'll object to form and foundation.
You can answer.
THE WITNESS: Yeah, I mean, generally, it might be, yes, there are administrative process in realities and like that. But generally, you -- you need to sustain that they did something wrong.
BY MS. EKL:
Q. Using the example you gave about an officer requiring women, for instance, to flash when they are pulled over for a traffic stop, would you agree that if that gets sent -- if the FBI is unable to investigate that to the level of criminal charges and it gets sent back administratively, there would still need to be

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evidence that that was occurring, correct, in order for the action to be taken administratively?
A. No.
MR. HILKE: Same objection -- wait. Same objection.
You can answer.
THE WITNESS: No. They wouldn't have to prove that he was doing that.
BY MS. EKL:
Q. So you don't agree -- would you agree that officers have rights?
A. They have rights.
Q. And that in order for administrative action to take place, they have a right for there to be evidence to support of an agent the allegation is, correct?
MR. HILKE: Same objection.
THE WITNESS: Yes.
BY MS. EKL:
Q. Okay. So would you agree with me, there has to be evidence to support it in order for the --
A. Well --
Q. -- for subsequent action to be taken?

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MR. HILKE: Sorry, Jeff. I'm just going to remind you to let her finish the question and give me a chance to object too, and we'll go one at a time.
Same objection.
And you can answer.
THE WITNESS: The reason I say "no" is because, let's say in this hypothetical of flashing, that the police department itself can't prove that -- that the officer did it. They can't prove demonstrably that it happened. But they can -- they can easily say, we believe these two people who don't know each other, one who's a medical doctor, let's say, and the other one who's a -- you know, a restaurant manager. We believe them. Why would they make that up? And in that case, you're going to have other evidence, which the officer could be held liable over. During the investigation, you find out these things. Like their -- a police department has a tremendous amount of rules, a lot of rules. So basically, if you got out of bed this morning, you broke one of them. And that's, kind of, what an Internal Affairs assessment often looks like.

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1 could blunder into.
2 So there's a whole host of reasons
3 to use very solid operational, meaning
4 communication security, on any public corruption
5 case -- I'm sorry -- well, on a public corruption
6 case in general, but definitely a police
7 corruption case.
8 **Q. If, for instance, CPD had gone ahead and**
9 **taken administrative actions earlier on in the**
10 **investigation and not waited for, as they did**
11 **here, the FBI investigation to conclude and result**
12 **in the arrest, then would you agree that all of**
13 **those -- all of those things that you talked about**
14 **would be concerns, that information would be**
15 **provided to the target, information -- evidence**
16 **would be provided to the targets, and essentially,**
17 **the investigation might then become meaningless,**
18 **because the target would already know that they**
19 **were being looked at?**
20 A. Well, like either you said or I said,
21 each case is different. So what you're saying is
22 a possibility on a commonsense occurrence. But --
23 well, the administrative process in a police
24 case -- in a police corruption case is always just

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1 sitting there waiting to disrupt the -- the police
2 criminal case. And you recognize that going in,
3 and that's one of the reasons you do these cases
4 as quickly as possible, so that you can allow the
5 administrative process, if it's not known to the
6 police department, to take over. But you would --
7 well, I guess that's -- I guess that's the answer
8 to your question.
9 **Q. So you would agree that it was common**
10 **for the law enforcement agency that employs the**
11 **target of the investigation to wait until the FBI**
12 **concludes their investigation before taking their**
13 **administrative actions and interviewing that**
14 **target, correct?**
15 A. No.
16 MR. HILKE: Objection. Form.
17 THE WITNESS: That's not what I said.
18 And that would be the opposite. The
19 administrative process, at any point -- well, I
20 can just give you my experience.
21 You tell a chief or a sheriff he's
22 got a bad apple maybe that you're investigating,
23 you don't know, they're going to give you a very
24 short leash to resolve it, and then they're going

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1 to move. That's what happens --
2 BY MS. EKL:
3 **Q. That's two different -- that's two**
4 **different things.**
5 **My question is -- so whether it's a**
6 **short leash or a long leash, so we're talking --**
7 **we use your example and say CPD gave the FBI a**
8 **short leash, assuming that they were able to do**
9 **that, in either scenario, they're waiting until**
10 **the FBI concludes their investigation before they**
11 **take the action, correct?**
12 A. It's the period of time that I don't
13 want to agree to.
14 There could be a conversation where
15 you say, I need three days, or I need three weeks.
16 That's a different story. You know, it could
17 be -- and it's a balance. It's a balance of what
18 the allegations are and how close you are to
19 proving them, or at least having probable cause.
20 An officer doing very violent things on the street
21 is not going to be there very long, whether you
22 can put the case on them or not, a criminal case
23 on them. That's just a fact. That's how the
24 program operates, and that's how it should

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1 operate.
2 **Q. Let's go -- let's go back to my**
3 **question --**
4 MR. HILKE: Wait. Sorry. I just --
5 Jeff, were you done with your answer?
6 THE WITNESS: Yeah, basically. I'm
7 sorry.
8 BY MS. EKL:
9 **Q. So, again, I'm trying to strip this**
10 **down. So we're taking aside the length of time.**
11 **So it's not -- it's something you're comfortable**
12 **with, say the length of time is 48 hours, where**
13 **the law enforcement agency brings in the FBI and**
14 **says, we have -- we think we may have -- we have**
15 **an allegation of a bad apple. For all of the**
16 **reasons that we've talked about during this**
17 **deposition, it's important to have an outside**
18 **agency come in with their resources to investigate**
19 **and try to gather evidence to determine whether or**
20 **not there's merit to that allegation.**
21 **Would you agree that under that**
22 **scenario -- under any scenario, that the law**
23 **enforcement agency should wait until the**
24 **conclusion of that investigation by the FBI before**

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1 thing you could do in parallel, instead of leaving
2 those guns on the street, if it's true. I'm not
3 saying it's true. I'm just saying if it's true,
4 then -- you've got two rifles now. You don't know
5 where they're at. That's a problem. That's a big
6 problem.
7 **Q. And ATF was investigating at this point**
8 **in time, correct, because ATF was the one**
9 **interviewing Moore, correct?**
10 A. Maybe -- maybe that's the answer. Maybe
11 ATF did all that. I saw nothing in the record
12 about that. I was -- honestly, ma'am, I kept
13 hoping there was something in the record, at least
14 about the rifles or the guns. But I saw nothing
15 in there. If there is, I would rewrite portions
16 of the opinion. It's based just on what I saw.
17 **Q. Do you think there was enough to charge**
18 **Watts criminally based on Moore's statement alone?**
19 A. Based just on Moore's statement?
20 **Q. Right.**
21 A. No.
22 **Q. And if Watts had come in and been**
23 **confronted with these allegations made by Moore**
24 **and he denied it, then you would have a situation**

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1 **where it would be an unsustained finding, correct?**
2 **Because you would have Watts denying it and Moore**
3 **saying it happened, and IA would not have been**
4 **able to determine either way, correct?**
5 MR. HILKE: Objection to form and
6 foundation.
7 You can answer.
8 THE WITNESS: No, that's not the way it
9 would be. It's not just, what do you say? What
10 do you say? Okay. They actually look into --
11 they make the -- the officer produce records.
12 Give me your phone, Watts. Give me your -- what's
13 the password? They take the -- you know, whatever
14 the contract allows in the FBI, they already have
15 your phone. They don't even need to ask you for
16 it.
17 BY MS. EKL:
18 **Q. What's your basis for saying that CPD,**
19 **as a contract or would otherwise would have the**
20 **ability to take Watts' phone?**
21 A. It's just -- I think I did see some kind
22 of contract in the records there. But most
23 police -- the reason I say that, ma'am, is because
24 most police departments operate under some

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1 collective bargaining unit and agreement, and it
2 involves how Internal Affairs will be adjudicated.
3 **Q. Do you think that if CPD had moved to do**
4 **all of these investigative steps that you're**
5 **talking about in an administrative capacity, it**
6 **would have in any way compromised the**
7 **investigation that was being run by the FBI and/or**
8 **the ATF?**
9 MR. HILKE: Just objection to form.
10 You can answer.
11 THE WITNESS: If they had moved on it?
12 BY MS. EKL:
13 **Q. Correct.**
14 A. If CPD had moved on it -- well, it's --
15 yeah. Basically, if you're going to notify the
16 guy he's under investigation by IAD, you don't
17 necessarily tell him that the FBI has a case on
18 him. So they may, though. So that may compromise
19 it.
20 We got this from the FBI. Maybe
21 the contract requires them to show. I don't know.
22 But I didn't see any of that in the record.
23 I do know that -- and some of this,
24 too, is I do try to be careful and be -- so I can

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1 be fair about it, really. The technology today is
2 so much different than the technology in 2004.
3 Even if you move into 2008, you start moving into
4 more and more technology, and the police
5 departments are leveraging all of that in their
6 Internal Affairs investigations and normal
7 investigations.
8 So, you know, asking for his phone,
9 at points, people didn't even have a phone; they
10 had a pager. So I think he had a phone at this
11 point, but -- and that's just an example.
12 **Q. Okay. But you're speculating at this**
13 **point in terms of what information would have been**
14 **available, even if they were able to access Watts'**
15 **phone, correct?**
16 MR. HILKE: Objection to form.
17 THE WITNESS: Yes.
18 BY MS. EKL:
19 **Q. And if they had asked -- and if they had**
20 **advised Watts that they were investigating him,**
21 **would you agree that it would compromise the**
22 **ability of the FBI to conduct further surveillance**
23 **and all of the other investigative steps that they**
24 **took later on?**

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A. It could have. It's not conclusive in any way, but it could have.
Q. Let's look at Exhibit No. -- I'm sorry -- the June 28th Holliday memo, which is Bates-stamped Baker Glenn 10947 and 10948.
MR. HILKE: Give me just one second on that.
I've got it. Thank you.
MS. EKL: We'll mark this as Exhibit No. 11.
(Deposition Exhibit No. 11 was marked for identification.)
BY MS. EKL:
Q. Do you recognize this document that purports to be a memo, dated June 28, 2005, between Police Agent Calvin Holliday and the Internal Affairs Division, regarding Ronald Watts and the same complaint number and confidential number?
A. Yes, ma'am.
And can I ask permission to look at my report just briefly to make sure that's the date?
Q. Yes, of course.

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A. Okay. I'm sorry. I believe -- just to make sure I don't give an answer for some other thing.
Q. No, that's okay. And I'm actually going to flip for a second to your report. Page 16, do you see where it says, "June 18, 2005, To/From Holliday, Baker?"
And it actually has the Bates stamp in here, Baker Glenn 10947 to 10948, correct?
A. Yes, ma'am.
Q. Okay. The second sentence of that paragraph, you write, "Gaddy was interviewed without notice to or participation by the FBI public corruption squad, correct?
A. According to that To/From report, yes.
Q. That was my question. And that's speculation on your part that the FBI Public Corruption Squad was not notified, correct?
And I'll go back to the memo, if you need me to.
A. Well, they weren't there, is what I'm saying, on this -- you know, somewhat -- this pretty important interview, I guess, is the idea.
Q. Okay. Well, the report doesn't indicate

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that they were there. But your report, you state that he was interviewed without notice to or participation by the FBI Public Corruption Squad.
So would you agree with me that the statement that you wrote in your report is speculation?
MR. HILKE: Object to form.
You can answer.
THE WITNESS: What's that?
MR. HILKE: Just object to form.
You can answer.
THE WITNESS: I don't see anything in the FBI record during that time to show that they were told about this particular meeting or information or invited. Is it possible they were told and said, we don't want to come? It's possible.
BY MS. EKL:
Q. This memo details a meeting that included the Cook County State's Attorney or Assistant State's Attorney, David Navarro, and Matthew Mahoney, who was then Baker's attorney, correct?
A. Yes. Yes, ma'am.

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Q. And Ben Baker, it was his criminal defense attorney; is that correct?
A. I think so, yes.
Q. I'm going to go back to your report. Page 17, where you're referencing this To/From memo. In this bold section, where I'm indicating here, it reads, "Normal law enforcement processes would have been to make a written request for use of the source and then agree on a cooperation plan related to both cases."
And actually, let me just -- so we get that context. The To/From memo talks about -- it says, "Baker spoke of Watts wanting Baker to pay Watts to stay in business and of Baker's resisting to do so."
It says, "Baker alleged his present case in court was placed on him by Sergeant Watts. Baker pledged his cooperation in our investigation and to work as a CI. Baker stated he would immediately contact the undersigned if he had any contact with Sergeant Watts."
And in relation to that, you say, "Normal law enforcement processes would have been to make a written request for use of the source

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1 make sure I'm not eating up too much.
2 (A short recess was taken.)
3 BY MS. EKL:
4 **Q. Mr. Danik, I have a few more questions,**
5 **and then I'll pass it along to the other counsel.**
6 **I want to ask you about your report**
7 **on page 22, in reference to the time period**
8 **between December of 2007 -- 2007 and June 2008.**
9 **Are you able to see on the screen**
10 **what I'm showing?**
11 A. Can I look at may report too, real
12 quick?
13 **Q. Yeah.**
14 A. What page?
15 **Q. This is page 22.**
16 A. Okay. I have it now. Do you want me to
17 read something on it?
18 **Q. No. I'm just -- I'm directing you to**
19 **that section first off.**
20 A. Oh, okay. Go ahead.
21 **Q. On page 22, in relation to the time**
22 **period between December 2007 and June 2008, you**
23 **note a number of controlled buys that were -- or a**
24 **number of cash bribes, as you called it -- or as**

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1 **you reference them in your report, were made to**
2 **Mohammed by the FBI, correct?**
3 A. Yes.
4 **Q. And at that point in time between**
5 **December of 2007 and June 2008, would you agree**
6 **that the FBI had not developed any direct evidence**
7 **against Ronald Watts?**
8 A. I have no idea.
9 **Q. You reference in the bolded section**
10 **that, "Nothing precludes the use of that evidence**
11 **to be used in a proceeding against Watts or**
12 **Mohammed with a lower or no bar for its use, such**
13 **as in an IAD administrative action against the**
14 **officers."**
15 **Do you see that?**
16 A. Yes.
17 **Q. Okay. Would you agree first off, that**
18 **the FBI's ability to basically catch Mohammed in**
19 **cash bribes is not going to be able to provide a**
20 **basis alone to move administratively against**
21 **Watts?**
22 MR. HILKE: Object to form.
23 You can answer.
24 THE WITNESS: If the bribes are only to

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1 Mohammed and you don't have any other evidence,
2 then it would be just Mohammed. But I don't know
3 what other evidence was out there. Or I might
4 know, but I didn't summarize it for this time
5 frame.
6 BY MS. EKL:
7 **Q. If the department had moved**
8 **administratively against Mohammed at this time**
9 **period after he was caught in these controlled**
10 **buys, do you think that the chances of gathering**
11 **additional evidence against Watts would have**
12 **decreased?**
13 A. I don't know. And it comes down to time
14 frames too. I guess I could have put a time frame
15 in my report. It's, like, you pay it, and you
16 confront them, no. But it's June of 2008. You
17 have all of these payments. Take -- you know, you
18 could take action at some point down the road.
19 **Q. But at this time period, would you --**
20 **well, let me ask you this: The evidence that's**
21 **collected during that time period, that was**
22 **collected by the FBI, correct?**
23 A. Yeah, I think so.
24 **Q. What do you think --**

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1 A. These bribes are definitely paid by the
2 FBI. That's what the document said.
3 **Q. Right. And what do you think the**
4 **chances are that the FBI, at this point in time**
5 **when they're still investigating Watts, that they**
6 **would have turned over the tapes to CPD to allow**
7 **them to use them administratively against**
8 **Mohammed?**
9 A. You're asking my opinion about that?
10 **Q. I'm asking your opinion about that.**
11 A. My opinion is that we made six
12 payments -- six -- in to Mohammed. We got nothing
13 on Watts at this point. If that's -- if that's
14 what you're saying, let's -- let's go on Mohammed.
15 This is enough.
16 These guys don't have to rip off
17 drug dealers; the FBI is paying them. And this
18 isn't the only money. They ripped off two other
19 big heists --
20 **Q. You're not answering my question. My**
21 **question was really simple. My question was, what**
22 **do you think the chances are that the FBI would**
23 **say at this point in time, they just now got these**
24 **tapes on Mohammed. We're going to give them over**

EXHIBIT 54

RULES & REGULATIONS

NOTE: FILE ONE OF TWO

CITY OF CHICAGO / DEPARTMENT OF POLICE

RULES AND REGULATIONS

OF THE POLICE DEPARTMENT

CITY OF CHICAGO

Pursuant to the authority vested in it by the statutes of the State of Illinois and the ordinances of the City of Chicago, the Police Board hereby publishes the following Rules and Regulations for the control, disposition and governance of the employees of the Chicago Police Department. This Police Board action of 13 December 1973, unless otherwise indicated, continues in effect all previous rules and regulation not inconsistent herewith.

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President, Police Board

REV. WILBUR N. DANIEL
Vice-President, Police Board

PAUL W. GOODRICH
Member, Police Board

LOUIS F. PEICK
Member, Police Board

SEBASTIAN RIVERA R.
Member, Police Board

RAYMOND J. HAUSER
Secretary, Police Board

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I. REGULATIONS FOR THE GOVERNANCE OF THE POLICE DEPARTMENT

A. General

The motto "We Serve and Protect" states the essential purpose of the Chicago Police Department. The Department serves the citizens of the City of Chicago by performing the law enforcement function in a professional manner, and it is to these citizens that it its ultimately responsible. The Department protects the right of all persons within its jurisdiction to be free from criminal attack, to be secure in their possessions and to live in peace.

A large urban society free from crime and disorder remains an unachieved ideal, nevertheless, consistent with the values of a free society, it is the primary objective of the Chicago Police department to as closely as possible approach that ideal, In doing so, the Department's role is to enforce the law in a fair and impartial manner, recognizing both the statutory and judicial limitations of police authority and the constitutional rights of all persons.

B. Standards of Conduct

Police officers are frequently required to make decisions affecting human life and liberty in difficult situations where there is little or no opportunity to seek advice and little time for reflection. Law enforcement, therefore, requires an officer to have the stamina, intelligence, moral courage and emotional stability necessary to fairly and impartially deal with the human beings in the many complicated and potentially explosive situations which he encounters. It is incumbent that the department utilize the best recruitment and

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psychological testing techniques available and to thereafter provide training for all personnel in order to ensure that the highest level of professional conduct is achieved. Due to the constant stress which is inherent in police service, the psychological and emotional stability of all members must be assured. Therefore, testing techniques must be available and utilized on a continuing basis for the good of the Department and the community. It must be designed to identify and isolate behavior characteristics of members who have become unsuitable during their tenure in the Department.

It is in the best interests of law enforcement that the Department attract and promote the most qualified individuals available without regard to race, religion, ethnic background or any other such consideration. However, all such policy must be designed to promote and encourage qualified representation from all segments of the community.

The Law Enforcement Code of Ethics is adopted as a general standard of conduct for all sworn members of the Department. It states:

> "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."
>
> "I will keep my private life unsullied as an example to all; maintain courageous calm in the face of danger, scorn, or ridicule; develop self-restraint; and be constantly mindful of the welfare of others. 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. Whatever I see or hear of a confidential nature or that is confided to me in my official capacity will be kept ever secret unless revelation is necessary in the performance of my duty."
>
> "I will never act officiously or permit personal feelings, prejudices, animosities, or friendships to influence my decisions. With no compromise for crime and with relentless prosecution of criminals, 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."

The public demands that the integrity of its law enforcement officers be above

reproach, and the dishonesty of a single officer may impair public confidence and cast suspicion and disrespect upon the entire Department. Succumbing to even minor temptation can be the genesis which will ultimately destroy an individual's effectiveness and contribute to the corruption of countless others. A member must scrupulously avoid any conduct which might compromise the integrity of himself, his fellow members or the Department.

A police officer is the most conspicuous representative of government, and to the majority of the people he is a symbol of stability and authority upon whom they can rely. An officer's conduct is closely scrutinized, and when his actions are found to be excessive, unwarranted or unjustified he, and the Department, are criticized for more severely than comparable conduct of persons in other walks of life. Since the conduct of a member, on or off duty, does reflect directly upon the Department, a member must at all times conduct himself in a manner which does not bring discredit to himself, the Department or the city.

Effective law enforcement depends upon a high degree of cooperation between the Department and the public it serves. The practice of courtesy in all public contacts encourages understanding and appreciation; discourtesy breeds contempt and resistance. The majority of the public are law abiding citizens who rightfully expect fair and courteous treatment by members of the Department. While the urgency of a given situation would demand firm action, discourtesy or disrespect shown toward and citizen is indefensible. The practice of courteous and respectful conduct by a member is not a manifestation of weakness; it is, on the contrary, entirely consistent with the firmness and impartiality that characterizes a professional police officer.

Members of the Chicago Police Department are confronted daily with situations where firm control must be exercised to effect arrests and protect the public safety. Control is achieved through advice, persuasion, warnings or the use of physical force. While the use of reasonable physical force may be necessary in situations which cannot be otherwise controlled, force may not be resorted to unless other reasonable alternatives have been exhausted or would clearly be ineffective under the particular circumstances involved. Officers are permitted to use whatever force is reasonable and necessary to protect others or themselves from bodily harm. The use of excessive and unwarranted force or brutality will not be tolerated under any circumstances.

As one of the world's largest cities, Chicago is composed of many different communities, each with its own lifestyle and customs and each with its own crime problems. The cosmopolitan nature of the City is manifested by the diverse ethnic and sociological background of its people. However, all persons in each area of the city share the common need of protection and service which is afforded by fair and impartial law enforcement. In addition, as a person moves throughout the City, he must be able to expect a similar police response to his behavior wherever it occurs. When the law is not evenly and fairly enforced, there follows a reduction in respect for the law and resistance to its enforcement.

In order to respond to varying law enforcement needs in different parts of the City, the Department must have flexibility in deployment and methods of enforcement; however, enforcement policies should be formulated on a city wide basis and uniformly in all areas of the city and for all groups and individuals. To ensure equal treatment in similar circumstances, a member must be alert and sensitive to situations where, because of a language barrier or for some other reason, he must display patience and understanding with what might other wise appear to be a lack of response.

A recognition of individual dignity is vital in a free system of law. Just as all persons are subject to the law, all persons have a right to dignified treatment under the law, and the protection of this right is a duty which is as binding on the Department and each of its members, as any other. Every member must treat each person with respect and he must be constantly mindful that the people with whom he is dealing are individuals with human emotions and needs. Such recognition and conduct is not an additional duty imposed to a member's primary responsibilities, it is inherent in them.

The Department must be responsive to the needs and problems of the various communities which it serves. While its task is governed by the law the policies formulated to guide and implement its enforcement must include consideration of the public will. This responsive must be manifested at all levels of the Department by a willingness to listen and by a genuine concern for the problems of individuals and groups. The total needs of the community must become an integral part of the programs designed to carry out the mission of the Department.

Law enforcement operations in a free society must not be shrouded in secrecy. It is necessary that there be public disclosure of policies and programs and an openness in matter of public interest. Consistent with the protection of legal rights of the individuals under investigation or arrest, and with a consideration of the necessity for maintaining the confidentiality of Department records and of other primary Departmental responsibilities, the Department must communicate accurate and factual accounts of occurrences of public interest and make known its objective to serve.

Daily contact with citizens is the level that bears the greatest burden for strengthening community relations. In dealing with people each member must strive to make his contact one which inspires respect for himself as an individual and as a professional. No member can allow his individual feelings and/or prejudices to enter into his public contacts. Every member must constantly be aware of and eliminate any attitudes which might impair his effectiveness and impartiality.

Community relations and citizen contact is based upon the principle that in a democratic society and police are an integral and indivisible element of the public they serve. A System of law and its enforcement is not superimposed upon a unwilling public; the law is created by the people themselves to control the behavior of those who would seek to interfere with the community welfare and existence.

While the primary responsibility for enforcement of the law lies with the individual citizen, the complexities of society have required the creation of police service to assist in maintaining social order. The police represent only a portion of the total resources expended by the public to this end. However, this effort frequently being restrictive of individual freedom brings the police into contact with citizens under circumstances which have a far reaching impact upon the lives of the affected individuals. A citizen's encounter with the police can be a very frightening experience, and under such circumstances, the risk of misunderstanding is great. The minimization of this risk is a challenge intrinsic in every public contact by the members of this Department. Each member of the Department must strive to establish a climate where he may perform his sworn duties with the acceptance, understanding and approval of the public.

To promote such acceptance, understanding and approval there must be communication between individual citizens and groups and members of the Department at all levels. The Department must encourage productive dialogue with the public to ensure that the unity of the police and the community is preserved.

To this end the professional and private lives of all members must be beyond reproach. There is an immediate lowering of esteem and suspicion of ineffectiveness when there is public contact by a member evidencing the use of intoxicants. Additionally, the stresses of law enforcement require an employee to be mentally alert and physically responsive. The consumption of intoxicants, therefore, cannot be tolerated while a member is on duty, except to the minimum requirements of a specific police assignment. Every member must also be constantly aware that while technically off duty he is subject to respond to any emergency requiring his service. The off duty use of intoxicants must therefore, be moderate in order to allow the mental and physical requirements for immediate response. An off duty member under the influence of any intoxicant represents a danger to himself and to others and cannot, therefore, be permitted.

As most police work is necessarily performed without close individual supervision, the responsibility for the proper performance of a member's duty, whether he be on or off duty, lies primarily with the member himself. A member carries with him, as all times, the responsibility for the safety of the community. He discharges that responsibility by the faithful and dedicated performance of his assigned duty and an immediate and intelligent response to emergency. Anything less violates the trust place in him by the community, and nothing less qualifies as professional conduct.

It is essential that public confidence be maintained in the ability of the Department to investigate and properly dispose of complaints against its members. Additionally, the Department has the responsibility to seek out and discipline those whose conduct discredits the Department or impairs it's effective operation. The rights of the member, as well as those of the public, must be preserved and any investigation arising from a complaint must be conducted fairly, impartially and efficiently, with the truth as its primary objective.

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II. REGULATIONS ESTABLISHING THE GOALS OF THE DEPARTMENT

To implement the foregoing regulations of the Chicago Police Department the following goals are hereby established:

A. Protection of life, limb and property in the City of Chicago.

B. Prevention of crime.

C. Preservation of the public peace.

D. Enforcement of all laws and ordinances.

E. Arrest of law violators, and assembling competent evidence of the alleged violation.

F. Promotion of respect and cooperation of all citizens for the law and for those sworn to enforce it.

III. REGULATIONS ESTABLISHING THE GOALS OF DEPARTMENT MEMBERS

The goals of Department members which embody and implement the policy of the Department are:

A. Maintenance of the highest standards of integrity and ethics.

B. Excellent in the performance of duty.

C. Maintenance of private lives which inspire respect and admiration and provide an example for the entire community.

IV. REGULATIONS ESTABLISHING THE DUTIES OF MEMBERS

To attain the Department's goals, the members' goals and to implement the regulations of the Department the following duties are established for the Department:

A. Superintendent

The Superintendent of Police will plan, organize, staff, direct and control the personnel and resources of the Department to attain the goals and implement the

regulations set forth herein.

B. Supervisory Members

Supervisory members will be responsible for adherence to the Department's Rules, Regulations, Policies, Orders and Procedures. They are responsible and accountable for the maintenance of discipline and will provide leadership, supervision and continuing training and example to ensure the efficiency of unit operations. They have the responsibility to influence subordinate members and to motivate them to perform at a high level of efficiency. They have the responsibility for the performance of all subordinates placed under them and while they can delegate authority and functions to subordinates, they cannot delegate responsibility. They remain answerable and accountable for failures or inadequacies on the part of their subordinates.

They will:

1. Lead, direct, train, supervise, and evaluate members in their assigned duties.

2. Provide leadership and guidance in developing loyalty and dedication to the police profession.

3. Perform specific duties and functions as assigned by the Superintendent or a superior officer.

4. Uphold a member who is properly performing his duty, deal fairly and equitably with all members and, when necessary, correct a subordinate in a dignified manner.

5. Cooperate with other units of the Department, other city agencies and other police agencies.

6. Recommend remedial or disciplinary action for inefficient, incompetent or unsuitable members.

7. Ensure that all Policy, Rules, Regulations, Orders and Directives of the Department are enforced and implemented by their subordinates.

8. Remain accountable for the failure, misconduct or omission by their subordinates.

C. Sworn Members

Sworn members will devote themselves fully to the attainment of the letter and spirit of the Department policy and goals, and will conduct themselves at all times in such a manner as will reflect credit upon the Department with emphasis on personal integrity and professional devotion to law enforcement.

They will:

1. Render the highest order of police service to all citizens, whether or not during specifically assigned hours.

2. Obey all laws and promptly execute all lawful orders.

3. Know and conform to the Department's Policy, rules, Regulations, Orders, Procedures and Directives.

4. Receive, record and service immediately all complaints and requests for service in accordance with Department Orders.

5. Provide security and care for all persons and property coming into their custody.

6. Maintain a military bearing and render military courtesy when in uniform.

7. Maintain a courteous and respectful attitude toward all persons.

D. Civilian Members

Civilian members will perform their assigned duties promptly and efficiently;

They will:

1. Obey all laws and execute all lawful orders.

2. Be bound by the Policy, Rules, Regulations, Orders, Procedures and Directives of the Department.

RULES & REGULATIONS

NOTE: FILE TWO OF TWO

CITY OF CHICAGO / DEPARTMENT OF POLICE

RULES AND REGULATIONS

OF THE POLICE DEPARTMENT

CITY OF CHICAGO

V. RULES OF CONDUCT

In addition to the positive requirements of all the foregoing sections, the following rules of conduct set forth expressly prohibited acts.

Prohibited acts include:

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.

COMMENT: This Rule applies to both the professional and private conduct of all members. It prohibits any and all conduct which is contrary to the letter and spirit of Departmental policy or goals or which would reflect adversely upon the Department or its members. It includes not only all unlawful acts by members but also all acts, which although not unlawful in themselves, would degrade or bring disrespect upon the member or the Department, including public and open association with persons of known bad or criminal reputation in the community unless such association is in the performance of police duties. It also includes any action contrary to the stated policy,

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goals, rules, regulations, orders or directives of the Department.

Rule 3

Any failure to promote the Department's efforts to implement its policy or accomplish its goals.

COMMENT: This Rule prohibits any omission or failure to act by any member of the Department, whether on or off duty, which act would be required by the stated policy, goals, rules, regulations, orders and directives of the Department. It applies to supervisory and other members who, through carelessness, inefficiency or design fail to implement all policy goals, rules, regulations, orders and directives of the Department or fail to report to the Department any and all known violations of same, or who through carelessness, inefficiency or design fail to become aware of any [redacted]

Engaging in any unjustified verbal or physical altercation with any person, while on or off duty.

COMMENT: Rules 8 and 9 prohibit the use of any excessive force by any member. These rules prohibit all brutality, and physical or verbal maltreatment of any citizen while on or off duty, including any unjustified altercation of any kind.

Rule 10

Inattention to duty.

Rule 11

Incompetency or inefficiency in the performance of duty.

Rule 12

Failure to wear the uniform as prescribed.

Rule 13

Failure adequately to secure and care for Department property.

Rule 14

Making a false report, written or oral.

Rule 15

Intoxication on or off duty.

Rule 16

Entering any tavern or bar while on duty or in uniform, except in the performance of a police duty.

Rule 17

Drinking alcoholic beverages while on duty or in uniform, or transporting alcoholic beverages on or in Department property, except in the performance of police duty.

Rule 18

a. Engaging directly or indirectly in the ownership, maintenance, or operation of a tavern or retail liquor establishment.

b. Engaging directly or indirectly in the ownership or leasing of a taxicab.

(Adopted by the Police Board on 8 November 1979)

Rule 19

(Repealed 8 May 1975 by the Police Board)

Rule 20

Failure to submit immediately a written report that any member, including self, is under investigation by any law enforcement agency other than the Chicago Police Department.

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 Rules and Regulations or any other improper conduct which is contrary to the policy, orders or directives of the Department.

Rule 23

Failure to obey Department orders concerning other employment, occupation, or profession.

Rule 24

Failure to follow medical roll procedures.

Rule 25

Failure to actually reside within the corporate boundaries of the City of Chicago.

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Rule 26

Failure to provide the Department with a current address and telephone number.

Rule 27

Failure to report promptly any anticipated absence from duty.

Rule 28

Being absent from duty without proper authorization.

Rule 29

Failure to be prompt for duty assignment, including roll call and court appearance.

Rule 30

Leaving duty assignment without being properly relived or without proper authorization

Rule 31

Publicly criticizing the official actions of another Department member, when the result of such criticism can reasonably be foreseen to undermine the effectiveness of the official working relationship of the member within his assigned unit. All such criticism should be made and reported to the Department.

COMMENT: The nature of the mission of the Police Department requires a close and confidential relationship between members and their superiors and between fellow members. Public criticism of the official actions of other Department members could seriously impair that relationship, which would be detrimental to the Department's ability to achieve its goals and implement its policies. All public criticism of other members is not prohibited; however, when the effect of the public criticism can reasonably be foreseen to have a detrimental effect on the member's effectiveness within his unit, the member must refrain from such conduct or the good of the Department and the public welfare and safety.

Rule 32

Engaging in any public statements, interviews, activity, deliberation or discussion pertaining to the Police Department which reasonably can be foreseen to impair the discipline, efficiency, public service, or public confidence in the Department or its personnel by:

(a) false statements, or reckless, unsupported accusations.

(b) the use of defamatory language, abusive language, invective or epithets.

Rule 33

Sitting in a public conveyance while in uniform or as a non-paying passenger when paying passengers are standing.

Rule 34

Failure to keep vehicle in public view while assigned to general patrol duty except when authorized by a supervisory member.

Rule 35

Concealing a Department vehicle for the sole purpose of apprehending traffic violators.

Rule 36

Permitting any person not on official police business to ride in a Department vehicle unless specifically authorized.

Rule 37

Failure of a member, whether on or off duty, to correctly identify himself by giving his name, rank and star number when so requested by other members of the Department or by a private citizen.

Rule 38

Unlawful or unnecessary use or display of a weapon.

Rule 39

Failure to immediately make an oral report to the desk sergeant at the

District of occurrence and to follow such oral report with a written report on the prescribed form, whenever a firearm is discharged by a member.

Rule 40

Failure to inventory and process recovered property in conformance with Department orders.

Rule 41

Disseminating, releasing, altering, defacing or removing any Department record or information concerning police matters except as provided by Department orders.

Rule 42

Participating in any partisan political campaign or activity.

Rule 43

Discussing bail with a person who is in custody except by those specifically authorized to let to bond.

Rule 44

Giving an opinion as to fine or penalty.

Rule 45

Recommending any professional or commercial service.

Rule 46

Advising any person engaged in a professional or commercial service that such professional or commercial services may be needed.

Rule 47

Associating or fraternizing with any person known to have been convicted of any felony or misdemeanor, either State or Federal, excluding traffic and municipal ordinance violations.

Rule 48

Soliciting or accepting any gratuity, or soliciting or accepting a gift, present, reward, or other thing of value for any service rendered as a Department member, or as a condition for the rendering of such service, or as a condition for not performing sworn duties.

Rule 49

Giving to or receiving from any other member any gift, present, or gratuity excluding gifts accepted from relatives or close friends upon appropriate occasions. No supervisory member will receive a present from subordinate members.

Rule 50

Giving any gift, present, or gratuity to another member or a person not in his family without the specific approval of the Police Board, excluding donations not exceeding three dollars given in honor of retirements, or to hospitalized or deceased members, provided a member above the rank of captain has approved of the donation. Party, dinner, and entertainment expenses will be paid for individually by persons attending without prior collection through Department channels.

Rule 51

A. Failure to testify or give evidence before any grand jury, coroner's inquest or court of law or before any governmental, administrative, or investigative agency (city, state or federal) when properly called upon to do so, and when there is no properly asserted constitutional privilege, or when immunity from prosecution has been granted.

B. Failure to cooperate when called to give evidence or statements by any investigative branch or superior officer of the Chicago Police Department or the Police board when the evidence or statements sought relate specifically, directly and narrowly to the performance of his official duties. If the member properly asserts a constitutional privilege, he will be required to cooperate if advised that by law any evidence or statements given by him cannot be used against him in a subsequent criminal prosecution.

(Effective 1 January 1975)

Rule 52

Seeking or soliciting contributions of any kind from anyone, by any means,

for any purpose, under any circumstances, including collections for charitable purposes by any member or his agent, group of members or their agents, and including any sale or solicitation by any member of his agent, group of members or their agents, of advertising for any police journal, magazine or other publication identified with the Chicago Police Department or any association of its members, except as specifically authorized by resolution of the Police board.

The member shall be subject to disciplinary action for any violation of this provision by his agent. The officers, directors, or trustees of any association identified with members of the Chicago Police Department shall be subject to disciplinary action for any violation of this provision make on behalf of the associations by any member thereof or agents.

These provisions do not apply to the solicitation of police personnel by police associations for memberships or dues.

Rule 53

Participating in, encouraging the participation of others in, or otherwise supporting any strike, demonstration, slowdown, or other such concerted action against the Department.

Rule 54

A. Joining or retaining membership in, or soliciting other members to join any labor organization whose membership is not exclusively limited to full time law enforcement officers. It is provided that this Rule will not apply to civilian members nor to membership in any labor organization in connection with, and relating solely to, approved secondary employment of sworn members.

B. Joining or retention of membership by supervisory personnel in any labor organization, whose membership is composed of rank and file members of the Department, and whose purpose is to represent its members concerning wages, hours, and working conditions. It is provided that this Rule will not apply to the joining or retention of membership with rank and file members of the Department in organizations whose primary purpose is social, religious, ethnic or racial.

COMMENT:

A. Labor-management disputes frequently develop into situations

requiring the presence and/or action of law enforcement officers to ensure that the rights of both labor and management are not violated by criminal acts. Law enforcement's posture is these disputes must be one of strict and absolute neutrality and impartiality. This policy of absolute neutrality and impartiality is seriously threatened and potentially undermined if the labor organization or union involved in the dispute is in any way associated with the representation of law enforcement of the law enforcement profession. Membership in a labor union as defined above creates a potential conflict of interest which conflict is specifically prohibited by the Law Enforcement code of Ethics to which we all adhere and which could lead to acts or failures to act contrary to law.

B. Supervisory personnel means any sworn member of the rank of sergeant and above. Due to the growing activities of police labor organizations in regard to wages, hours, and working conditions, the membership of supervisory personnel who are charged with supervising rank and file members in regard to wages, hours, and working conditions would present a conflict of interest.

(Effective 19 January 1976)

Rule 55

Holding cigarette, cigar, or pipe in mouth while in uniform and in official contact with the public.

VI. PENALTIES

The Department may take any of the following disciplinary actions against a member found guilty of violating the Rules and Regulations of the Department.

A. Reprimand.

B. The assignment of extra duty without compensation.

C. Suspension without pay for a period not to exceed thirty days.

D. Institution of charges before the Police Board.

VII. MEDICAL SEPARATIONS

It is incumbent that all members of the Department have the physical stamina and psychological/emotional stability to properly perform all required police duties. If in the opinion of the Superintendent, upon recommendation of the Police Surgeon after examination, any member does not have the physical condition or psychological/emotional stability required to perform police duties competently and efficiently, he may file charges with the Police Board seeking the separation of any such member. The Police Board will then conduct a hearing which will follow the same procedures as a disciplinary hearing. This section shall in no way limit or interfere with any accrued medical leave rights or retirement benefits of any member.

(Effective 1 January 1975)

VIII. SUSPENSION FOR LEGAL INABILITY TO CARRY A FIREARM

As a condition of remaining entitled to the salary and benefits of a police officer who is fit for duty, all sworn members of the Department must be legally able to fully exercise the police powers of a police officer, which of necessity includes being able to lawfully carry a firearm. Any time a member is precluded from lawfully carrying a firearm, whether by judicial order, including as a condition of bond, or by applicable law or ordinance, such member is legally unable to perform as a police officer and shall be administratively placed on suspension without pay during the entire period of such legal disability. Placement in a no pay status shall be effective immediately upon a member's receipt of charges under this Article. The Police Board shall conduct a hearing within 30 days after the suspension, unless the hearing is continued with the agreement of the member, which hearing will follow the same procedures as a hearing for a suspension in excess of 30 days. The substance of that hearing by the Police board or its hearing officer shall be limited to the issue of whether the member has been precluded from lawfully carrying a firearm — whether by judicial order, including as a condition of bond, or by applicable law or ordinance — and shall not include any findings or review regarding the underlying felony or misdemeanor or other legal infraction giving rise to the legal prohibition on theat member's carrying a firearm. A suspension under this Article is non-disciplinary and shall not preclude the filing of charges and imposition of disciplinary actions against a member found guilty of violating any other Department rule or regulation. The Superintendent may allow the member to use compensatory time earned and/or accumulated vacation/furlough time prior to placement of the member into a no pay status. At such time as the legal prohibition on a member's carrying a firearm ends, the member may apply to the Police Board for reinstatement, subject to the Superintendent's determination that the member is otherwise fit for duty.

(Adopted by the Police Board on 7 May 1998)

IX. DEFINITIONS *

The following definitions govern the use of these terms in the rules and Regulations of the Department.

DEPARTMENT:

The Chicago Police Department.

SUPERVISORY MEMBER:

A member responsible for the performance of duty and the conduct of other members.

SWORN MEMBER OR OFFICER:

A member who is dedicated by oath to the law enforcement profession and who possessed the power of arrest.

CIVILIAN MEMBER:

Any employee of the Department who is not a sworn member.

MEMBER:

Any employee of the Department.

ON DUTY:

Engaging in any activity during specifically assigned hours or rendering any police service during an emergency situation.

OFF DUTY:

Not on duty.

PRONOUNS:

All pronouns include the masculine and feminine gender unless otherwise specified.

***NOTE:** Article IX, DEFINITIONS was formerly Article VIII.

RULES OF PROCEDURES

I. PRE-HEARING PROCEDURE

A. Proceedings against an employee shall be commenced by the filing of written charges with the Police Board by the Superintendent of Police.

B. The charges shall set forth the Rule or Rules of conduct which the employee is alleged to have violated and shall include specifications for each such alleged violation.

C. The charges and specifications shall be set forth in simple, non-technical language, and shall include the date, place and time the initial hearing will be held.

D. A copy of the charges filed shall be served on the respondent not less than five (5) days before the date of the initial hearing. Return of service will be made by a receipt from the respondent on the retained copy of the charges, or by an affidavit of the officer serving same. It is the duty of the officer serving the charges to secure service and make a return thereof without delay.

E. The initial hearing for each case will be at the regularly scheduled monthly calendar call of the Police Board, which in no event shall occur less than five (5) days nor more than 30 days after the respondent is personally served with the charges. If no regularly scheduled monthly calendar call occurs within the aforesaid time period, the initial hearing will be held at a specially set calendar call to be ordered by the President of the Police Board, which calendar call shall be within the aforesaid time period.

F. At the initial hearing of each case, the respondent shall appear in person, and be accompanied by an attorney of his own choosing if he so desires. Every respondent shall be entitled to one continuance, which continuance shall be granted at the time of the initial hearing or each case.

G. If the respondent chooses to be represented by an attorney of his own choosing, the attorney shall file his written appearance with the Police Board on appearance forms to be provided by the Board. Once an appearance is on file with the Board all future notices sent by the Board to the attorney of record shall be deemed to be notice to the respondent. No attorney may appear before the Board on behalf of any respondent until his written appearance is on file.

H. At the time of the initial hearing each case shall be assigned for hearing to a member of the Board or to a hearing Officer designated by the Board for that purpose.

I. At the time the case is assigned for hearing to a member of the Board or to a Hearing Officer, the date, time and place of the hearing shall also be set.

J. After an initial continuance is granted, to further continuance shall be granted, except upon written request filed with the Secretary of the Board setting forth the reason for such request at least five (5) days prior to the date set for hearing. However, the filing of a written request for continuance shall not excuse the respondent and his attorney, id one has been retained, form appearing in person at the designated time and place for the hearing of the charges and the request for such continuance shall be within the discretion of the member of the Board or the Hearing Officer so designated by the Board, to grant or deny.

II. PRE-HEARING MOTIONS AND DISCOVERY

A. Prior to the hearing on charges filed with the Board, the respondent upon written request made prior to the hearing and filed with the Secretary of the Board and the Office of the Corporation Counsel, shall be entitled to:

1.) any and all written statements made by the respondent concerning the charges filed, which are within the custody and control of the

and

6.) any evidence within the custody or control of the Department of Police which is favorable to the respondent in terms of his guilt or innocence to the charges filed against him.

B. Any and all other motions which the respondent desires to make shall be filed in writing with the Secretary of the Board prior to the hear on said charges. The member of the Board or Hearing Officer, designated by the Board to conduct the hearing shall rule on all motions filed prior to the hearing, which ruling shall be subject to review by the Board at the time the case is taken under advisement by the Board. However, it is within the discretion of the member of the Board or Hearing Officer designated by the Board to conduct the hearing to defer ruling on any motion filed prior to the hearing, and to refer said motion to the Board for determination.

C. Any motion filed less than five (5) days prior to the date set for hearing on the charges or the receipt of any documents or information in response to any motion filed less than five (5) days prior to the date set for hearing shall not constitute grounds for a requested continuance of the hearing on said charges, unless specific justification for such late filing is presented. The member of the Board or Hearing Officer designated by the Board to conduct the hearing shall then consider such justification in ruling on such requested continuance. It shall otherwise be the duty of the respondent or the respondent's attorney to file any and all motions under subsections (A) and (B) hereof at least five (5) days in advance of the date set for hearing.

III. HEARING PROCEDURE

A. Any party shall obtain the presence of witness and the production of books and records for any hearing by the service of a subpoena for same issued by the Board. Subpoenas may be obtained by request made to the Secretary of the Board. No continuance shall be granted to any party for the failure of a witness to appear at any hearing unless such witness shall have been previously served with a subpoena, or unless such party demonstrates a good faith attempt to have served a subpoena on any such witness.

B. The Board shall designate any member or Hearing Officer to administer oaths for the purpose of receiving sworn testimony at any hearing or proceeding conducted by the Board. In any event any officer authorized by law to administer oaths shall be authorized to administer oaths for the purpose of receiving sworn testimony at any hearing of charges before the Board.

C. The Superintendent shall be represented at all proceedings before the Board by the Corporation Counsel of the City of Chicago.

D. The Superintendent shall present evidence in support of the charges filed, and the respondent may then offer evidence in defense or mitigation. If the respondent offers evidence in defense or mitigation, the Superintendent may then follow with evidence in rebuttal.

E. The testimony of all witnesses, whether offered by the Superintendent or respondent, shall be subject to cross-examination. The member of the Board or Hearing Officer designated to conduct the hearing shall not be bound by the formal or technical rules of evidence; however, hearsay evidence shall not be admissible during the hearing.

F. The member of the Board or Hearing Officer designated to conduct the hearing shall allow time at the close of the evidence for closing arguments, Counsel for the Superintendent will give the opening argument, which will be followed by the respondent. Following the respondent's closing argument, the Counsel for the Superintendent shall be given time for rebuttal argument. If counsel for the Superintendent waives argument but the respondent does not, counsel for the Superintendent will be given opportunity for a rebuttal argument. If however, the respondent waives closing argument, the Counsel for the Superintendent shall not be given opportunity to make a rebuttal argument.

G. If the respondent does not appear or absents himself from any proceedings conducted by the Board, the member of the Board or Hearing Officer designated to conduct the hearing may proceed with the hearing in the absence of the respondent.

H. At the close of all the evidence and arguments, the case will be taken under advisement by the Police Board, which in due course will render its findings and decision as provided by law. The Board may, in its discretion, after finding a respondent guilty of one or more rule violations, set the matter for additional proceedings for the purpose of determining administrative action. The Superintendent and the respondent, or through counsel, may submit any information concerning the respondent's past work performance or other relevant information in mitigation or aggravation which would assist the Police board in determining administrative action required. Witnesses may appear on behalf of the Superintendent or the respondent to give sworn testimony.

Pursuant thereto, the Police Board shall issue its written finding including

penalty if any.

(Effective 16 December 1976)

I. The findings and decision of the Police Board shall be preserved by the Secretary of the Board, who shall notify the Superintendent and the respondent of the Board's action.

J. The Secretary of the Board shall forward the finding and decision of the Board to the Superintendent for enforcement of the Board's action. If the findings and decision is such that the respondent is guilty of the charges filed and removal, discharge or suspension is ordered, such order shall become effective forthwith.

IV. REVIEW PROCEDURES

A. Notice

1. In all cases in which the superintendent of Police has ordered a member to be suspended for a period of time, no less than 6 days nor more than 30 days, the member of the Department to be suspended will be served with a notice stating the length of suspension and the reason therefor. The notice will also state that the Department member has a right to have the suspension reviewed by the Police Board.

B. Procedures

1. Withing 48 hours, or the next business day if a Saturday, Sunday or holiday occurs during the 48-hour period, the member to be suspended must file, in person, a request to have the proposed suspension reviewed by the Police Board. Failure to file within the period allotted constitutes a waiver of the member's right to review. Requests for review to be filed in person are to be filed in the Office of the Police Board, Room 603, 1121 South State Street, Chicago, Illinois, between 8:00 a.m. and 4:00 p.m., Monday through Friday.

2. Upon the filing of the request for review the member will receive a time-stamped copy of his request indicating that the request was filed within the period allotted. A time-stamped copy will also be forwarded to the Superintendent of Police.

3. At the time of the filing the member may also submit a written memorandum delineating specific reasons for wich the review was requested. Upon receiving the copy of the request for review, the Superintendent may also file

a written memorandum concerning the matter.

4. Upon receipt of the investigative file, the Secretary of the Police board will assign the review of he file to a hearing officer of the Police Board or a member of the Police Board within one calendar week.

5. The hearing officer or member of the Police Board must complete his review within one calendar week and upon completion of the review of the investigative file, will submit a written report to each member of the Police Board indicating the specific allegations against the member, the evidence contained in the file supporting the allegations as well as information in the file indicating evidence not supporting the allegations.

6. The Police Board in executive session will consider the report of the hearing officer or member of the Police Board who has reviewed the file and will vote either to sustain or reverse the order of the Superintendent. A majority vote by the Police board will be required to reverse the order of the Superintendent. However, the Police Board may in its discretion order a hearing before a member of the Board or a hearing officer prior to making a determination to sustain or reverse the order of the Superintendent.

7. Any member of the Police Board may personally examine the investigative file on his own initiative before a finding is rendered by the Police Board.

8. Upon completion of deliberation, the Police Board will cause the Secretary of the Police Board to prepare the written findings and forward copies to the Superintendent of Police and to the member who has requested the review.

9. Upon receipt of the findings of the Police Board affirming the Superintendent's order, the Superintendent of Police may then immediately implement the suspension.

C. Emergency Procedures

1. The member shall be served with a notice of suspension including an express finding by the Superintendent of Police that the public safety, or the good of the Department or both require the immediate suspension of the member.

2. No later than seven days after service of the notice of emergency suspension a member of the Police Board or its hearing officer shall review the order of the Superintendent together with the reasons therefore and shall at that time preliminarily affirm or reverse such order. If the order is reversed, the member shall be reinstated and paid for any period under

suspension as a result of the order. If the order is preliminarily affirmed, the Police Board shall within 30 days of such affirmation review such order and may in its discretion, afford the member an opportunity to receive a hearing pursuant to the Rules of the Police Board.

3. If the Police Board, upon hearing, determines that he emergency suspension was unwarranted, the Police Board shall order the member reinstated and paid for any period under suspension as a result of the order.

D. Suspension For Over 30 Days

The procedures contained in Article IV do not apply to any suspension implemented by the Superintendent of Police which is accompanied by the filing of charges with the Police Board seeking a member's separation or suspension in excess of 30 days except that no later than seven days after service of the notice of suspension a member of the Police Board or its hearing officer shall review the order of the Superintendent together with the reasons therefor and shall at that time determine whether suspension pending the disposition of charges is warranted. Review of the suspension implemented by the Superintendent of Police in such instances will be considered in connection with the hearing before the Police Board.

(Effective 1 November 1975)

V. APPLICATION OF RULES OF PROCEDURE*

A. At the time the respondent is personally served with charges filed against him by the Superintendent as provided herein, he shall also be given a copy of these Rules of Procedure.

B. All time limitation contained in these rules regarding continuances and motions shall be subject to exception in cases of extreme hardship, unusual circumstances or other justification. Any deviation therefrom shall be within the discretion of the Board Member or Hearing Officer designated to conduct the Hearing, and whose ruling shall be subject to review by the Board at the time the case is taken under advisement.

***NOTE:** Article V, APPLICATION OF RULES OF PROCEDURES WAS FORMERLY ARTICLE IV.

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CITY-BG-059197

EXHIBIT 55

GENERAL ORDER	DATE OF ISSUE	EFFECTIVE DATE	NO.
	13 January 1993	15 January 1993	93-3

SUBJECT	DISTRIBUTION	AMENDS
COMPLAINT AND DISCIPLINARY PROCEDURES	C	

RELATED DIRECTIVES	RESCINDS
General Orders: Department Organization for Command; Traffic Accident Investigation; Department Traffic Safety Program; Media Guidlines; Interrogations: Field and Custodial.	General Orders 82-14 and 90-1

I. INTRODUCTION

The Superintendent is charged with the responsibility and has the authority to maintain discipline within the Department. Accordingly, he must ensure that internal investigations are conducted in accordance with the provisions outlined in this directive, in order to provide Department members with the fundamental principles of fairness and to ensure that members are afforded all their rights. These rights will also be understood to mean the provisions of the applicable agreement (contract) between the City of Chicago/Department of Police and the particular organization (union) representing the members.

All members will comply with Department Rules and Regulations, directives and orders. Members who fail to comply hinder the effective performance of the Department's functions. This failure will be considered just cause for disciplinary action. Sworn members will be held strictly accountable for properly exercising the authority they have been given to protect the rights, lives and property of all individuals. At the same time, Department members must be protected against false allegations of misconduct. This can only be accomplished through a consistently thorough investigative process. Prompt, thorough investigations will be conducted into allegations of misconduct to establish facts which can absolve the innocent and identify the guilty.

Certain rights afforded all Department members relative to the conduct of a disciplinary investigation are set forth in Addendum 1 of this directive. However, members are reminded that they can be disciplined, even separated from the Department for refusing to answer questions, narrowly directed, relating to their official actions or obligations which were assumed upon appointment to the Department.

II. DISCIPLINARY PROCESS

All alleged or suspected violations of Department Rules and Regulations or directives by any member with the exception of temporary Department employees (i.e., seasonal temporary and internship program employees, etc.) sworn and civilian, of the Chicago Police Department will be processed in accordance with the provisions of this order.

The addenda which comprise this order set forth rights, responsibilities and procedures for conducting investigations relative to disciplinary matters.

A.	Addendum 1:	Department Member's Bill of Rights
B.	Addendum 2:	Specific Responsibilities
C.	Addendum 3:	Conduct of the Investigation
D.	Addendum 4:	Reporting and Review Procedures
E.	Addendum 5:	Special Situations
F.	Addendum 6:	Suspension/Options
G.	Addendum 7:	Summary Punishment

Matt L. Rodriguez
Superintendent of Police

Indicates new or revised item.

87-028 BW

REVISION TO: General Order 93-03-01	DATE OF ISSUE 11 MAY 2010	EFFECTIVE DATE 11 MAY 2010	NO. A
SUBJECT DEPARTMENT MEMBER'S BILL OF RIGHTS	DISTRIBUTION	RESCINDS	

I. PURPOSE

This directive revises Department member's bill of rights relative to written or formal statements given by members under investigation for misconduct.

II. REVISIONS

A. Item I-H is revised and reads:

H. A Department member under investigation will be provided, without unnecessary delay, with a copy of any written *or formal* statement *the member* has made.

NOTE: *Written or formal statements include any electronically recorded statements made by Department members.*

B. Item I-M-4 is revised and reads:

4. The member will be provided, without unnecessary delay, with a copy of any written *or formal* statement *the member* has made.

NOTE: *Written or formal statements include any electronically recorded statements made by Department members.*

Superintendent of Police

10-042 MAV

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New or revised material is indicated by *italics*.

ADDENDUM TO:	DATE OF ISSUE	EFFECTIVE DATE	ADDENDUM N
General Order 93-3	13 January 1993	15 January 1993	1

SUBJECT	DISTRIBUTION	RESCINDS
DEPARTMENT MEMBER'S BILL OF RIGHTS		

PURPOSE

This addendum reiterates certain rights afforded Department members relative to complaint and disciplinary procedures.

A. The interrogation of a Department member other than in the initial stage of the investigation shall be scheduled at a reasonable time, preferably while the member is on duty, or if feasible, during daylight hours.

B. The interrogation, depending upon the allegation, will normally take place at either the member's unit of assignment, the Office of Professional Standards, the Internal Affairs Division, or other appropriate location.

C. Prior to an interrogation, the Department member under investigation will be informed of the identity of the person in charge of the investigation, the interrogating officer and the identity of all persons present during the interrogation. When a formal statement is being taken, all questions directed to the member under interrogation shall be asked by and through one interrogator.

D. No anonymous complaint made against a Department member shall be made the subject of a Complaint Register investigation unless the allegation is of a criminal nature.

E. Immediately prior to the interrogation of a Department member under investigation, the member will be informed in writing of the nature of the complaint and the names of all complainants.

F. The length of the interrogation will be reasonable, with interruptions permitted for personal necessities, meals, telephone calls and rest.

G. A Department member will not be threatened with transfer, disciplinary action, dismissal or promised a reward as inducement to provide information relating to an incident under investigation or for exercising any rights contained herein.

H. A Department member under investigation will be provided, without unnecessary delay, with a copy of any written statement he has made.

I. If the allegation under investigation indicates that a recommendation for separation is probable against the member, the member will be given the statutory administrative proceedings rights, or if the allegation indicates that criminal prosecution is probable against the member, the member will be given the constitutional rights concerning self-incrimination prior to the commencement of interrogation.

J. A Department member under interrogation will have the right to be represented by counsel of his own choice and to have that counsel present at all times during the interrogation. The interrogation will be suspended for a reasonable time until representation can be obtained.

K. If the police officer under interrogation is a bargaining unit member represented by the Fraternal Order of Police, he will have the right to be represented by a representative of the Fraternal Order of Police, who will be either a police officer on leave to work for the Fraternal Order of Police or a retired police officer working for the Fraternal Order of Police. The interrogation will be suspended for a reasonable time until representation can be obtained.

L. A civilian Department member under interrogation will have the right to be represented by a union representative in accordance with applicable existing union contracts. The interrogation will be suspended for a reasonable time until representation can be obtained.

M. When a Department member is required to give a written statement or oral statement in the presence of an observer, as a witness in a disciplinary investigation othe than summary punishment, or as a witness in a police related shooting investigation, at the request of the member the interview shall be conducted in the following manner:

1. The interview of the member will be scheduled at a reasonable time, preferably while the member is on duty or, if feasible, during daylight hours.

2. The interview, depending on the nature of the investigation, will normally take place at either the member's unit of assignment, the Office of Professional Standards, the Internal Affairs Division, or other appropriate location.

3. Prior to an interview, the member being interviewed shall be informed of the identity of the person in charge of the investigation, the interviewing member, the identity of all persons present during the interview, and the nature of the complaint including the date, time, location and relevant RD number, if known. When a formal statement is being taken, all questions directed to the member being interviewed shall be asked by and through one interviewer.

4. The member will be provided, without unnecessary delay, with a copy of any written statement he has made.

5. A member being interviewed will, upon his request, have the right to be represented by counsel of his own choice and to have that counsel present at all times during the interview, or at the request of the member being interviewed, if the member is a bargaining unit member represented by the Fraternal Order of Police, he will have the right to be represented by a representative of the Fraternal Order of Police who shall be either a police officer on leave to work for the Fraternal Order of Police or a retired police officer working for the Fraternal Order of Police. The member's counsel and/or representative, if any, will only advise the member but will not in any other way interfere with the interview. The interview shall be postponed for a reasonable time, but in n case more than forty-eight hours from the time the member is informed of th interview and the general subject matter thereof, until his counsel or his representative can be obtained; provided that, in any event, interviews in shooting cases may be postponed for no more than two hours.

   NOTE: Items M-1,2,3,4 and 5 of this addendum do not apply to questions from a supervisor in the course of performing his normal day-to-day supervisory duties or to requests to prepare detailed reports or To-From-Subject reports, except To-From-Subject reports that relate to a police-related shooting.

6. The length of interviews will be reasonable, with reasonable interruptions permitted for personal necessities, meals, telephone calls and rest.

N. The Department shall not compel a member under investigation to speak or testify before, or to be questioned by any nongovernmental agency relating to any matter or issue under investigation.

Matt L. Rodriguez
Superintendent of Police

Indicates new or revised item.
87-028 BW

CITY-BG-059016

ADDENDUM TO: General Order 93-3	DATE OF ISSUE	EFFECTIVE DATE	NO.
	23 May 2001	24 May 2001	2B

SUBJECT	DISTRI-BUTION	RESCINDS
SPECIFIC RESPONSIBILITIES	C	Addendum 2A

I. PURPOSE

This addendum:

A. defines the responsibilities of Department members when allegations of misconduct come to their attention.

B. sets forth procedures relative to certain investigatory and review functions.

II. RESPONSIBILITIES

A. Individual Responsibilities

1. All Department members will perform the duties and assume the obligations of their rank and/or position in the investigation of complaints or allegations of misconduct against any Department member.

2. Each member will cooperate with personnel from the Office of Professional Standards, the Internal Affairs Division, or any other member conducting such investigation.

3. Department members who are not directly assigned to a Complaint Register (CR) investigation, including members in command channel review, will not contact complainants or witnesses for the purpose of reinvestigating, obtaining additional information, or clarifying information regarding the case.

NOTE: This prohibition does not apply to Department members directed by the Superintendent to contact complainants or witnesses to ensure compliance with this directive or to verify the information obtained during the investigation as part of an audit or quality control check.

4. A Department member within the command channel review process with concerns regarding missing, erroneous, or vague information relative to a CR investigation will address those concerns in a nonconcurrence report.

5. 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. The report will include the CR number and all facts relating to the incident known or reported to the member. The supervisor will forward one copy of any such report or document, without unnecessary delay, directly to either the Office of Professional Standards or the Internal Affairs Division. A letter of transmittal or cover report is not required when such reports or documents are forwarded.

B. Initiation Responsibilities and Procedures

1. 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.

2. When misconduct is observed or a complaint relative to misconduct is received by supervisory or command personnel, they will initiate a complete and comprehensive investigation in accordance with this and other directives without looking to higher authority for such action.

3. When reports of alleged or suspected violations are received, the supervisor or command officer who first receives information of the alleged violation will:

   a. report the information to the Office of Professional Standards by telephone within one hour after the information is received. This does not apply to violations for which summary punishment may be administered.

   b. record all information available at the time the complaint was received in statement or report form and forward the report to the Office of Professional Standards without unnecessary delay.

4. When reports of alleged or suspected violations are taken at the Office of Emergency Communications, the individual receiving the complaint will forward the phone call to the Office of Professional Standards.

5. Telephone notifications and reports to the Office of Professional Standards will not be made when a complaint involves only differences of opinion between a Department member and a citizen as to whether a Personal Service Citation should have been issued. If there is an accompanying allegation of misconduct, the investigation will be directed toward that specific allegation.

6. Telephone notifications and reports to the Office of Professiona Standards will not be made when the complaint involves only differences of opinion between Department members concerning the provisions of a Collective Bargaining Agreement. If there is an accompanying allegation of misconduct, the investigation will be directed toward that specific allegation.

C. Office of Professional Standards

The Office of Professional Standards investigates complaints of excessive force and other matters as directed by the Superintendent. The Office of Professional Standards will:

1. upon receipt of a complaint of alleged misconduct against a member of the Department,

   a. register the complaint except when:

      (1) the complaint involves only differences of opinion between a Department member and a citizen as to whether a Personal Service Citation should have been issued.

      (2) the complaint involves only differences of opinion between Department members concerning the provisions of a Collective Bargaining Agreement.

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NOTE: In Items II-C-1-a-(1) and (2) above, if there is an accompanying allegation of misconduct, the complaint will be registered and the investigation will be directed toward that specific allegation.

b. prepare a Complaint Against Department Member (CPD-44.202) formset, including as many details and circumstances of the allegation as feasible.

c. advise the person making the complaint of the Complaint Register number assigned.

d. inform the complainant by mail of the Complaint Register number.

e. notify the administrator and other members of the Office of Professional Standards, as appropriate.

f. forward one copy of the Complaint Against Department Member formset to the Internal Affairs Division.

g. after an initial review regarding the nature of the allegations of misconduct, either:

(1) investigate the complaint in a fair and impartial manner, or;

(2) notify the Internal Affairs Division that the complaint involves allegations of misconduct that are not investigated by the Office of Professional Standards

h. inform the complainant and the accused member by mail of the final classification of the complaint.

2. review instances of injury or death of a person involving alleged action of a Department member (excluding automobile accidents unless assigned by the Superintendent) and conduct an independent investigation, when warranted.

3. establish and maintain a liaison with the Cook County State's Attorney's Office, the United States Attorney's Office, the City Department of Law, the courts, bar associations, other law enforcement agencies, community groups, and represent the Superintendent in other matters as directed.

4. review all assigned cases wherein a member is recommended for separation and assist the Office of Legal Affairs in the preparation of cases for presentation to the Chicago Police Board as determined to be appropriate by the Commanding Officer of the Office of Legal Affairs.

5. safeguard the Complaint Register and allow access only to:

a. the Superintendent;

b. the Deputy Superintendents;

c. the General Counsel to the Superintendent;

d. the Assistant Deputy Superintendent, Internal Affairs Division;

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e. the Assistant Deputy Superintendents, Operations Command;

f. the Commander, Auditing and Internal Control Division;

g. Commanding Officer, Office of Legal Affairs, and;

h. any other member of the Department designated by written order of the Superintendent.

D. Internal Affairs Division

1. The Internal Affairs Division investigates all complaints of misconduct against Department members not conducted by the Office of Professional Standards.

2. The Internal Affairs Division may assist investigators engaged in complaint register investigations when requested to do so, and may provide such assistance without request if the seriousness of the alleged violation appears to warrant involvement of the Division in the investigation.

3. Members of the Department who feel that they have been the subject of a false accusation or a contrived situation may request an investigation by the Internal Affairs Division by submitting a written report of the situation directly to the Superintendent of Police or the Assistant Deputy Superintendent, Internal Affairs Division. Members may submit this request without prior report to their superiors.

4. Upon receipt of a complaint for investigation from the Office of Professional Standards, the Internal Affairs Division will:

a. investigate the complaint or refer it to the appropriate command for investigation with photocopies of any related reports.

b. inform the complainant and the accused member by mail of the final classification of the investigation at its conclusion.

5. It is the responsibility of the Internal Affairs Division to:

a. establish and maintain a liaison with the Cook County State's Attorney's Office, the United States Attorney's Office, the courts, bar associations, other law enforcement agencies, community groups, and represent the Superintendent in matters as directed.

b. review all assigned cases in which a member is recommended for separation.

c. assist the Office of the Corporation Counsel in the preparation of cases for presentation to the Chicago Police Board as determined to be appropriate by the General Counsel to the Superintendent of Police and the Superintendent of Police.

E. Command Consultation and Guidance

Members assigned to the Internal Affairs Division, Office of Professional Standards, the Office of Legal Affairs, the General Counsel to the Superintendent, and the Assistant Deputy Superintendents assigned to Operations Command will be available for consultation and guidance relative to complaint register investigations.

CITY-BG-059020

F. Superintendent of Police

The 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.

Superintendent of Police

| Indicates new or revised material.

01-024 LMT

CITY-BG-059021

ADDENDUM TO:	DATE OF ISSUE	EFFECTIVE DATE	ADDENDUM NO.
General Order 93-3	13 January 1993	15 January 1993	3

SUBJECT	DISTRIBUTION	RESCINDS
CONDUCT OF THE INVESTIGATION	C	

I. PURPOSE

This addendum sets forth certain procedures relative to the manner in which complaint against a Department member will be investigated.

II. CONDUCT OF THE INVESTIGATION

A. The ranking on-duty member of the unit which has initiated an investigation or which an investigation has been assigned will immediately designate a command supervisory member of the unit to conduct the investigation. Every effort wi be made to ensure that the investigation is conducted by an impartial member.

B. When copies of the Complaint Against Department Member report (CPD-44.20 relating to a specific complaint are received by the unit which will conduct t investigation, the name, rank or position, star/employee number, unit number a social security number of the member designated to conduct the investigation a the date and time of the assignment will be entered on the reports which will distributed as follows:

1. Original copy to the investigator.

2. One copy to the investigator's commanding officer.

3. One copy returned to the Internal Affairs Division.

C. The member assigned to investigate a complaint against a Department member wil

1. contact all complainants and witnesses as soon as possible, ensuring th such complainants and witnesses are not unduly inconvenienced. If repeat efforts to contact a complainant or witness are unsuccessful after thr days, the investigator will prepare and send a form letter (CPD-44.223 CPD-44.224 as appropriate) by certified mail to the person requesting th the investigator be contacted immediately. Form letters and speci envelopes for this purpose (Commodity Number 23-3489-5312 certified) a available from the Equipment and Supplies Section. In all instances, t investigator will record each date and time he or any other member designat to assist him in the investigation attempted to contact the person and t means of communication used (telephone, correspondence, personal visit) the final report of the investigation.

2. take written statements from complainants and witnesses when such statemen will assist him in reaching a sound conclusion in the case. If t allegation is such that a recommendation for separation is unlikely, t statement(s) need not be formal question-and-answer or narrative form. the allegation is such that the case is likely to result in a recommendati for separation, the statement(s) will be in question-and-answer form.

3. if the accused is a member of AFSCME he will be afforded the predisciplina provisions outlined in their collective bargaining agreement. In cas wherein criminal prosecution is not probable this will be understood to me making available a copy of all investigatory reports/statements concerni the investigation, including the name of the complainant and any witness.

4. inform the member against whom an allegation has been made, in writing, the nature of the allegations before any interrogation begins.

a. If the allegation indicates that criminal prosecution is not probab against the Department member, the investigator will have the accus member read and sign both a Notification of Charges/Allegations fo (CPD-44.115) and an Administrative Proceedings Rights form (CP 44.105,Rev.10A/92) to acknowledge that he has received a written copy the specific allegations made against him and that he has been advised his statutory rights. These forms will be prepared in duplicate: th

original of each form will be placed in the investigative file, and the duplicate copy of each form will be given the accused member. Signing of the forms is not a waiver of rights, it is an acknowledgement that the accused has received a written copy of the specific allegations made against him and that he has been given his rights.

b. If criminal prosecution is probable against a Department member, the investigator will recite to the accused member his constitutional rights (Miranda warnings) contained within the Criminal Rights form (CPD-44.104), in clear and unequivocal words. The accused member will then read and sign both a Notification of Charges/Allegations form and a Criminal Rights form. These forms will be prepared in duplicate: the original copy of each form will be placed in the investigative file, and the duplicate copy of each form will be given to the accused member. Signing of the forms is not a waiver of rights, it is an acknowledgement that the accused has received a written copy of the specific allegations made against him and that he has been given his rights.

c. After the appropriate criminal and/or administrative rights forms have been read and signed by the accused member, he will be requested to sign either a Waiver of Counsel section or the Request to Secure Legal Counsel section of the Waiver of Counsel/Request to Secure Counsel form (CPD-44.106,Rev.10A/92). This form will be prepared in duplicate: The original copy will be placed in the investigative file, and the duplicate copy will be given to the accused member.

d. In the event an accused member refuses to execute any of the forms, such forms will be marked "Refused." The forms will be dated and signed by any witness(es) to the refusal; the exact location (including room number, if applicable) of refusal will be noted, and the forms will be retained in the investigative file. A duplicate copy of the forms will be given to the accused member.

e. The advice of counsel to decline to answer questions will not excuse an accused member from responding when he has been properly and lawfully ordered to do so by a member of higher rank.

f. If the accused member has waived counsel, the investigator will renew the offer of the right to counsel each time an interrogation is resumed. A written record will be made of the waiver of counsel or demand for counsel at each interrogation. A request for a continuance to secure legal counsel will not be permitted to become a tactic to delay or otherwise obstruct the orderly process of the investigation. Each time an interrogation is resumed, the investigator will advise the accused member of the applicable criminal or statutory rights prior to the interrogation.

g. If the alleged act is a crime and the evidence is such that had the crime been committed by a private citizen it would have resulted in his arrest, the investigator will explain the circumstances to his commanding officer of exempt rank or, in his absence, the on-duty watch/unit commander who will contact the Assistant Deputy Superintendent, Internal Affairs Division, and Administrator of the Office of Professional Standards, or the on duty assistant deputy superintendent, Bureau of Operational Services. The Assistant Deputy Superintendent, Internal Affairs Division, Administrator of the Office of Professional Standards, or the assistant deputy superintendent, as appropriate, will determine the further action to be taken, consulting the Office of the State's Attorney and appropriate Detective Division personnel for guidance when necessary.

h. Upon the completion of the criminal portion of the investigation, the investigator will expressly inform the accused member that the criminal segment of the investigation has been concluded. If an administrative investigation is then to be initiated, the investigator will expressly inform the accused member that any action taken during this segment cannot be used in the criminal investigation. The accused member will also be informed that he must comply/cooperate with the administrative investigation which specifically relates to the alleged misconduct or the performance of his official duties and that failure to comply/cooperate may result in further disciplinary action.

CITY-BG-059023

as defined in Addendum 1 of this order, the applicable provisions of a agreement (contract) pertaining to the accused member and the General Orc entitled "Interrogations: Field and Custodial" — and other members who ha knowledge of alleged misconduct, taking written statements when necessar If the allegation is such that a recommendation for separation is unlikel the statement(s) may be in the form of reports from the member(s). If t allegation is such that the case is likely to result in a recommendation f separation, the statement of the accused member will be in question-ar answer form. Joint or duplicate copies of statements or reports will not submitted.

6. require an accused member to submit a report and answer questions whi specifically, directly, and narrowly relate to the alleged misconduct or the performance of his official duties.

7. ensure that his commanding officer is informed of continuing developments the investigation. In addition, the investigator will prepare and submit t Notification RE: C.R. Investigation form (CPD-44.217) to his unit commandi officer when additional information relative to corrections, deletions, etc concerning the accused, complainant, witness or victim is obtained.

8. when the investigation of an allegation, supported by evidence, strong indicates unfitness for duty, notify his commanding officer of exempt ran

9. not unduly extend the investigation to include minor infractions which a violations of Rules and Regulations or directives unless the infraction reasonably related to the original allegation. Infractions which invol violations of the law and other irregularities which are willful, deviou serious in nature, or which involve the integrity of the Department wi result in further investigation and recommendations for disciplinary actio if warranted, no matter what the investigation discloses regarding t original complaint.

10. terminate the investigation when it is determined at any time that t complaint is unfounded or the member clearly exonerated. Reports a statements containing information to justify the unfounding or exoneration the accused will be forwarded in accordance with the provisions of Addend 4 of this order.

11. complete the investigation as soon as possible, but no later than thirty da after the date the complaint was received or on the date of any authoriz extension. If the investigation, due to its nature or complexity wi require more than thirty days to complete, the investigator will submit Request for Time Extension form (CPD-44.114) for each extension of time his commanding officer for approval and forwarding to the Internal Affai Division/Office of Professional Standards. Each time a request for extension of time is submitted by an investigator, the reason for the reque must be clearly justified.

12. when the investigation is complete, classify the complaint as one of t following:

a.	"Unfounded"	when the allegation is false or not factual.
b.	"Exonerated"	when the incident occurred but the actions of t accused were lawful and proper.
c.	"Not Sustained"	when there is insufficient evidence either to pro or disprove allegation.
d.	"Sustained"	when the allegation is supported by substanti evidence to justify disciplinary action.

13. before sustaining a complaint, ensure that "just cause" exists to support t allegation. The investigator will consider the following criteria in maki this determination:

a. The member must have received forewarning or have foreknowledge possible or probable consequences of his conduct. (This is satisfied a published rule, regulation, or order made known to Department members.

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violate or disobey a rule or order of the Department.

c. The accused was afforded an opportunity to respond to the allegations.

d. The investigation uncovered substantial evidence or proof of the allegation against the accused.

e. The rules, regulations, orders and penalties have been applied without discrimination.

14. if the complaint is sustained:

a. request a copy of the accused member's "Summary of Previous Disciplinary Actions" from the Internal Affairs Division via PAX 0-603.

b. request a copy of the accused member's "Record of Previous Complimentary History" from the Personnel Division via PAX 0-342.

c. ensure the disciplinary action recommended is reasonably related to the seriousness of the member's proven offense, and gives appropriate consideration to the member's previous disciplinary and complimentary history.

d. ensure that the investigative file includes all relevant information and establishes the basis for recommending one of the following actions:

(1) Violation noted, no disciplinary action.

(2) Reprimand.

(3) Suspension for a specific number of days, not to exceed 30.

(4) Separation.

e. specifically state that he has taken into consideration the accused member's previous complimentary history and disciplinary history when preparing the recommendation for disciplinary action portion on either the Summary Report (CPD-44.112) or the Summary Report Digest (CPD-44.112A). However, the investigator will not enter the accused member's complimentary history or disciplinary history into the narrative of report. These histories will be utilized as attachments only.

15. forward reports and statements which justify the finding in accordance with the provisions of Addendum 4 of this order.

D. The commanding officer of the investigating unit is responsible for ensuring a complete and expeditious investigation of the complaint, and he may assign other members of the unit to assist in the investigation when the investigating member is off duty or otherwise unavailable. The commanding officer will periodically check the progress of the investigation and will record the dates of these progress checks on the reverse side of the Investigator's Copy of the Complaint Against Department Member report which is retained in unit files. The commanding officer of the investigative unit may recommend whether the accused member should be:

1. retained in his present assignment;

2. assigned to other duty where he is under close supervision and has limited contact with the public or other members;

3. excused from duty; or

4. immediately suspended.

E. An accused member may be excused from duty without pay by his commanding officer for a period not to exceed two tours of duty. In unusual situations when an accused member should be excused for more than two tours of duty, such as over a holiday weekend, or when a change of assignment is recommended, permission will first be obtained either from the Assistant Deputy Superintendent, Internal Affairs Division, an Administrator of the Office of Professional Standards, or the on duty assistant deputy superintendent for Operations Command. (In the event an accused member is excused from duty without pay, and the complaint is classified

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as unfounded, exonerated or not sustained as a result of the investigation, t member will receive pay for the period of time he was excused.) Whenever an accused member is excused from duty, his commanding officer will immediat notify (by telephone and in writing) the Internal Affairs Division or the Offi of Professional Standards, as appropriate and the commanding officer of t division or bureau to which the accused member is assigned. The command officer will also notify (by telephone and via a Personnel Action Request fo CPD-11.612) the Director of the Finance Division (for payroll purposes) as s as possible.

Matt L. Rodriguez
Superintendent of Police

Indicates new or revised item
87-028 BW

CITY-BG-059026

REVISION TO:	DATE OF ISSUE	EFFECTIVE DATE	REVISION NO.
General Order 93-3, Add. 3.	12 July 1994	13 July 1994	93-3-3A

TITLE	DISTRIBUTION	RESCINDS
CONDUCT OF THE INVESTIGATION	C	

I. PURPOSE

This revision directs the assignment of a complaint investigation to the immediate supervisor of an accused member when the member is assigned to the unit that has been designated to conduct the investigation.

II. Item II-A is amended and will read as follows:

A. The ranking on-duty member of the unit which has initiated an investigation or to which an investigation has been assigned will immediately designate a command or supervisory member of the unit to conduct the investigation. If the accused is a member of the unit assigned to conduct the investigation, the immediate supervisor of the accused will be assigned the investigation unless that supervisor initiated the investigation, and is the complainant, or witnessed the incident which resulted in the complaint being filed, or is on extended medical, or is on furlough. Every effort will be made to ensure that the investigation is conducted in an impartial manner.

Matt L. Rodriguez

Superintendent of Police

94-064 JJH

REVISION TO: General Order 93-03, Addendum 3	DATE OF ISSUE 26 February 2003	EFFECTIVE DATE 27 February 2003	NO. 3C
SUBJECT CONDUCT OF THE INVESTIGATION	DISTRIBUTION C	RESCINDS General Order 93-03, Addendum 3B	

I. PURPOSE

This revision informs Department members of the change in disciplinary procedures for captains. Captains are no longer exempt from the Fair Labor Standards Act and may therefore be suspended for time periods other than one week increments.

II. REVISION

Item II-C-14-d-(3) is revised and reads:

(3) Suspension for a specific number of days, not to exceed 30.

NOTE: *Exempt command members and civilian members exempt from coverage under the overtime provisions of the Fair Labor Standards Act may only be suspended in increments of the designated work week (7 calendar days). For example, suspensions can only be for 7, 14, 21, and 28 calendar days. A disciplinary suspension can never be less than 7 days.*

Superintendent of Police

New or revised material is indicated by *italics*.

02-131 SMK

ADDENDUM TO: General Order 93-3	DATE OF ISSUE 13 January 1993	EFFECTIVE DATE 15 January 1993	ADDENDUM NO. 4
SUBJECT REPORTING AND REVIEW PROCEDURES	DISTRIBUTION C	RESCINDS	

I. PURPOSE

This addendum sets forth reporting procedures and provides for command review of recommended disciplinary action.

II. REPORTING AND REVIEW PROCEDURES

A. In cases wherein the recommendation exceeds 5 days suspension, a final report of a complaint register investigation, utilizing a Summary Report (CPD-44.112) as the first page and following the instructions shown on the reverse side of the form for the balance of the report, will be submitted regardless of the status of any court action relating to the accused member.

B. The investigator will ensure that the final report contains the employee number and social security number of the accused member, the classification of the complaint and, in sustained cases, the number(s) of the Department Rules and Regulations which were violated, the content of the rule(s), a statement indicating how the rule was violated by the accused member, and the recommended disciplinary action.

C. In cases wherein the investigation is to be classified as either unfounded, exonerated, not sustained, or sustained and the disciplinary recommendation does not exceed 5 days suspension, the investigator will prepare the Summary Report Digest (CPD-44.112A) as the first page and follow the instructions shown on the form.

D. All pages of reports or documents relating to a complaint register investigation will be identified by the Complaint Register number entered on the lower right hand corner. In addition, each report or document will be numbered consecutively by the investigator. This number will be the "Attachment" number and will also be entered on the lower right hand corner. The Complaint Against Department Member report (CPD-44.202) will always be "Attachment 1," and will be the original copy of the final investigation report.

E. Sustained Cases

1. If the accused member is assigned to the unit which has conducted the complaint register investigation, the investigator will submit the original and three copies of the final investigation report to his unit commanding officer who will:

a. review the report to ascertain the adequacy and timeliness of the investigation.

b. determine whether the evidence indicates any culpability by supervisory personnel for the violation. (The failure of supervisory personnel at any level of command to hold subordinates accountable requires disciplinary action.) If culpability is apparent, a Complaint Register number will be obtained and a separate investigation will be conducted.

c. judge the soundness of the conclusions and the findings, returning the report for further investigation, when necessary.

d. ensure that the original copy (Investigator's Copy), of the Complaint Against Department Member report (CPD-44.202), with all required entries completed, is attached to the original copy of the final investigation report as "Attachment 1."

e. retain one copy of the final investigation report for unit files. (This copy will be destroyed upon notification by the Internal Affairs Division that there has been a final disposition of the case.)

f. forward two copies of the final investigation report directly to the Internal Affairs Division.

g. forward the original copy of the final investigation report to the Internal Affairs Division through command channels.

2. If the accused member is not assigned to the unit which has conducted the complaint register investigation, and the investigation has not been conducted by the Internal Affairs Division or the Office of Professional Standards, the investigator will submit the original and four copies of the final investigation report to his unit commanding officer who will follow the procedures outlined in Items II-E-1-a through II-E-1-f of this addendum, and forward the original and one copy of the report to the unit commanding officer of the accused member. The unit commanding officer of the accused member will follow the procedures outlined in Item II-E-1-a through II-E-1-e and II-E-1-g of this addendum. In the event the unit commanding officer of the accused member does not concur with the findings and/or recommendation of the investigating unit, a cover report containing detailed justification for proposing alternate findings and/or an alternate recommendation will be prepared which will be forwarded with the original copy of the final investigation report through command channels.

3. The member's commanding officer or any superior officer in the chain of command will recommend whether or not options to suspension should be granted by the Superintendent.

F. Unfounded, Exonerated or Not Sustained Cases

1. If the accused member is assigned to the unit which has conducted the complaint register investigation, the investigator will submit the original and two copies of the final investigation report to his unit commanding officer who will:

a. review the report to ascertain the adequacy and timeliness of the investigation.

b. judge the soundness of the conclusions and the findings, and eithe. indicate concurrence with the findings or return the report for further action, when necessary.

c. ensure that the original copy of the Complaint Against Department Member report (Investigator's copy), with all required entries completed, is attached to the original copy of the final investigation report as "Attachment 1."

d. retain one copy of the final investigation report for unit files. (This copy will be destroyed upon notification by the Internal Affairs Division that there has been a final disposition of the case.)

e. forward one copy of the final investigation report directly to the Internal Affairs Division.

f. forward the original copy of the final investigation report to the Internal Affairs Division through command channels.

2. In unfounded, exonerated or not sustained cases, if the accused member is not assigned to the unit which has conducted the complaint register investigation, and the investigation has not been conducted by the Internal Affairs Division or the Office of Professional Standards, the investigator will submit the original and three copies of the final investigation report to his unit commanding officer. The commanding officer will follow the procedures outlined in Items II-F-1-a through II-F-1-e, and forward the original and one copy of the report to the unit commanding officer of the accused member. The unit commanding officer of the accused member will follow the procedures outlined in Items II-F-1-a through II-F-1-d and II-F-1-f of this addendum. In the event the unit commanding officer of the accused member does not concur with the findings and/or recommendation c the investigating unit, a cover report containing detailed justificatio. for proposing alternate findings and/or an alternate recommendation will be

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prepared and forwarded with the original copy of the final investigation report through command channels.

G. Command Channel Review

The first exempt member in the accused member's chain of command, upon receipt of the original copy of a final report of a complaint register investigation, will:

1. review the report for completeness and thoroughness of the investigation also considering the factors outlined in Addendum 3, Item II-C-12.

2. either approve or disapprove of the findings and the recommendation utilizing the Command Channel Review form (CPD-44.113). If disapproved, he will prepare a cover report containing detailed justifications for proposing alternate findings and/or an alternate recommendation which will be attached to the original copy of the final investigation report. If the exempt member determines that further investigation is necessary, he will prepare a report outlining the area of concern and return the report with the investigative file to the investigator.

3. forward the original copy of the final investigation report to the deputy superintendent through his chain of command who will review the report, approve the findings and/or recommendation or propose alternate findings and/or an alternate recommendation, and forward the report to the Internal Affairs Division. Following approval by the deputy superintendent, no new charges will be added by anyone, except the Superintendent, without consultation with the deputy superintendent who approved the report.

H. Complaint Review Procedures

Department Review of Disciplinary Recommendation

1. The Assistant Deputy Superintendent, Internal Affairs Division, or an Administrator of the Office of Professional Standards, upon receipt of a final report of a Complaint Register investigation, will review the report, concur with the finding or propose an alternate finding/recommendation, in a report containing detailed justification for proposing the alternate finding/recommendation making the final recommendation for disciplinary action which an accused member may accept or reject. If the final recommendation is a reprimand or a suspension of 30 days or less, the Internal Affairs Division/Office of Professional Standards will notify the unit commanding officer of the member facing disciplinary action, by telephone, that a Request For Complaint Review Panel Hearing/Waiver of Complaint Review Panel Hearing and Waiver of Police Board Review (CPD-44.210), in duplicate, is being forwarded to the unit and that the member will have 72 hours after receiving the form to request a Complaint Review Panel hearing or waive the right to both such hearing and a Police Board Review of the disciplinary action. However, AFSCME members will not be afforded the Complaint Review Panel process as the predisciplinary provisions outlined in their collective bargaining agreement serves in place of the Complaint Review Panel Hearing process.

2. Upon receipt of the forms at the unit of assignment of the member facing disciplinary action, the unit commanding officer or the unit watch commander will:

   a. schedule a meeting with the member as soon as possible, at which time the member will be given the original copy of the Request For Complaint Review Panel Hearing/Waiver of Complaint Review Panel Hearing and Waiver of Police Board Review form.

   b. record the date and time that the member was given the original copy of the form on both copies of the form.

   c. immediately forward the duplicate copy of the form to the Internal Affairs Division/Office of Professional Standards.

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d. advise the member:

(1) of the rule(s) violated and the corresponding specifications of misconduct, to include date, time, location and manner in which the rule was violated.

(2) that the form must be executed and returned to the Internal Affairs Division/Office of Professional Standards within 72 hours after the date and time of notification recorded on the form.

3. When a signed Request For Complaint Review Panel Hearing/Waiver of Complaint Review Panel Hearing and Waiver of Police Board Review form is received at the Internal Affairs Division/Office of Professional Standards within the 72 hour time period from a member facing disciplinary action and:

a. a Complaint Review Panel hearing is requested, the Department Advocate will schedule the hearing as soon as practicable.

b. both a Complaint Review Panel hearing and a Police Board hearing are waived, the final investigation report will be forwarded to the Superintendent for review and decision.

4. In the event a signed Request for Complaint Review Panel Hearing/Waiver of Complaint Review Panel Hearing and Waiver of Police Board Review form is not received by the Internal Affairs Division/Office of Professional Standards within 72 hours after a member facing disciplinary action was given the form, the right to both the hearing and the review has been waived by the member.

I. Complaint Review Panel

1. A Complaint Review Panel will hear cases:

a. when an accused member requests a hearing relative to a suspension of 30 days or any lesser degree of disciplinary action.

b. upon direction of the Superintendent.

2. Complaint Review Panels for the hearing of individual cases will be selected as follows:

a. Sworn members

(1) When one of the accused is a member of the rank of sergeant or above, the panel will consist of at least one member of exempt rank and one member of the same rank as the accused and one member as determined by the Assistant Deputy Superintendent, Internal Affairs Division.

(2) In all other cases, the panel will consist of one lieutenant of police, one sergeant of police, and one member of the same rank as the accused.

(3) Whenever possible, the member of the panel who is the same rank as the accused will be selected from the ranks performing duties similar to those of the accused.

b. Civilian members

(1) When an accused is a civilian member serving in a position classified by the Department of Personnel at a salary which is equal to Grade 14 or above, the panel will consist of two members of exempt rank and one civilian member of the same pay grade or higher as the accused.

(2) In all other cases, the panel will consist of one lieutenant c police, one sergeant of police, and one civilian member of the san pay grade as the accused.

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c. A member will not serve on a Complaint Review Panel which reviews the case of any accused member who was under his supervision or command, is presently assigned to the same unit, or was assigned to the same unit at the time the alleged incident occurred or when the Complaint Register number was obtained.

3. The Department Advocate will prepare cases for presentation to a Complaint Review Panel, requesting additional investigation when necessary. He will schedule cases and will designate a presiding officer from within the panel selected to hear the case.

4. Accused Department members will be allowed reasonable access to the Complaint Register investigation file that is the subject of a Complaint Review Panel hearing. An accused member requesting access will submit a To-From-Subject report to the Department Advocate, Office of the Superintendent, at least 24 hours prior to inspecting the file. An accused member may not remove or make copies of any documents in the file.

5. The Department may remove confidential documents or information from the Complaint Register investigation file prior to allowing access by the accused member. Documents or information excluded will not be used against the member in the Complaint Review Panel Hearing.

6. All Department members appearing before a Complaint Review Panel will:

   a. attend in the uniform prescribed for the member's regular assigned duty.

   b. be provided with a copy of a synopsis of the investigation of the Complaint Register file. An accused member may obtain a copy of the synopsis at least 48 hours prior to the Complaint Review Panel hearing at the Department Advocate's Office, Office of the Superintendent.

7. The Complaint Review panel will consider investigative reports, statements, other documents, previous disciplinary history, previous complimentary history, and such other evidence it deems appropriate to the issue. The panel will hear the plea of any accused member who wishes to be heard, and at its discretion may order an accused member or any other member of the Department to appear. The highest ranking member of the panel, as chairman, will retain control of the proceedings at all times in accordance with established rules of procedure.

8. An accused member will be permitted to select one person of his choosing who agrees to assist him. The assisting member must be of the same rank and/or position or below the rank and/or position of the highest ranking member of the Complaint Review Panel if the accused member desires that he accompany him into the hearing room.

9. At the Complaint Review Panel hearing the assisting member will:

   a. assist the accused member in the presentation of his defense by reminding the accused member of pertinent points or circumstances he may have omitted which could affect his case.

   b. be allowed to make an inquiry concerning relevant and material issues on behalf of the accused member and may present argument and a summary of evidence in support of the accused member's position.

   c. be allowed to address the panel on behalf of the accused member but will not be permitted to cross-examine members of the panel or the Department Advocate.

10. If the Complaint Review Panel concludes that further investigation is necessary before its findings can be determined, the case will be returned to the Department Advocate indicating the specific action desired or information sought.

11. The Complaint Review Panel will recommend whether the charges should result in a finding of unfounded, exonerated, not sustained or sustained.

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12. In those cases where the Complaint Review Panel has concurred with the sustained finding, it will then review the recommended penalty and either concur or recommend a greater or lesser penalty. When an alternate penalty is recommended, it must be based upon additional specific facts which were discovered during the hearing and be set forth in writing in a clear, concise and complete manner.

13. After the Complaint Review Panel hearing has been conducted, the Assista Deputy Superintendent, Internal Affairs Division, or the Chief Administrator, Office of Professional Standards, as appropriate, will forward the case file and the recommendations of the panel to the Superintendent of Police for review and decision.

J. Police Board Review of Suspension

1. The Police Board review of suspension is a review of the written investigative case file only, and an accused member is not afforded the opportunity of personally appearing and testifying before the Board in such instances.

2. When the Superintendent has reviewed a case which has been heard by a Complaint Review Panel and orders a suspension of not less than 6 days nor more than 30 days, the case file will be returned to the Internal Affairs Division/Office of Professional Standards which will notify the unit commanding officer of the member facing suspension, by telephone, that a Request For/Waiver of Police Board Review of Suspension (CPD-44.222), in duplicate, is being forwarded to the unit and that the member facing suspension will have 3 business days after receiving the form to exercise or waive the right to such review. The Office of the Police Board is open from 0800 to 1600 hours, Monday through Friday, except holidays.

3. Members of AFSCME ordered suspended for more than 10 days will be afforded the Police Board review of suspension.

4. Upon receipt of the forms at the unit of assignment of the member facing suspension, the unit commanding officer or unit watch commander will:

   a. schedule a meeting with the member as soon as possible, at which ti the member will be given the original copy of the Request For/Waiver Police Board Review of Suspension form.

   b. record the date and time that the member was given the original copy of the form on both copies of the form.

   c. immediately forward the duplicate copy of the form to the Internal Affairs Division/Office of Professional Standards.

   d. advise the member that within 3 business days after the date and time of notification recorded on the form that the:

      (1) signed form indicating acceptance of the suspension and waiver of the Police Board review must be returned to the Internal Affairs Division/Office of Professional Standards if the suspension is accepted.

      (2) member must personally file a request for a Police Board review or file the request by certified mail, postage prepaid, with the Office of the Police Board, Room 603, James R. Riordan Headquarters Building, 1121 S. State Street, if the suspension is rejected. The date and time of the certified mailing, will be the date and time of the filing. A failure to file the request within the 3 business day time period waives the member's right to such review. AT THE TIME OF THE FILING, OR WITHIN 5 DAYS THEREAFTER, THE MEMBER MAY ALSO SUBMIT A WRITTEN STATEMENT, AND DOCUMENTARY EVIDENCE IF ANY, OUTLINING THE REASONS THE MEMBER REQUESTS THE REVIEW.

Matt L. Rodriguez
Superintendent of Police

| Indicates new or revised item.
87-028 BW

CITY-BG-059034

REVISION TO: General Order 93-3, Addendum 4	DATE OF ISSUE 25 March 1999	EFFECTIVE DATE 26 March 1999	NO. 4A
TITLE REPORTING AND REVIEW PROCEDURES	DISTRIBUTION C	RESCINDS	

General Order 93-3, Addendum 4 is revised as follows:

Items I - A through C are added and will read:

I. **PURPOSE**

This addendum:

A. sets forth reporting procedures and provides for command review of recommended disciplinary action.

B. discontinues the use of the Command Channel Review - Complaint Register Investigation No. form (CPD-44.113, Rev. 2/84).

C. introduces the use of the Command Channel Review Complaint Register Investigation No. form (CPD-44.113, Rev. 1/99) and Command Channel Review Sustained Case Complaint Register No. form (CPD-44.113-A, Rev. 1/99).

1. In all sustained cases, form (CPD 44.113-A), which is pink, will be used.

2. In all cases without a sustained finding (not-sustained, unfounded, exonerated), form (CPD 44.113), which is white, will be used.

Item II - G is revised and will read:

G. Command Channel Review

1. A time limit is imposed on each level of Command Channel Review for **all** complaint register investigations. The time allotted for each level of exempt review will be ten days from receipt by the unit.

a. The date that a unit receives the investigation for review will be entered in the "Date Received By Unit" box on the appropriate Command Channel Review form.

b. Upon completion of the exempt member's review, the date the investigation was forwarded to the next exempt member in the chain of command will be entered in the "Date Forwarded By Unit" box on the appropriate Command Channel Review form.

2. The first exempt member in the accused member's chain of command, upon receipt of the original copy of a final report of a complaint register investigation, will review the investigation. This review should determine if the investigation was thorough and complete, that the finding was correctly classified, and that any recommendation made is appropriate.

a. If the exempt member determines that additional investigation is necessary, he will prepare a report outlining the area of concern

and forward that report along with the original file to the investigator for further action.

b. If the exempt member disapproves the findings or recommendation, this member will prepare a cover report containing detailed justifications supporting the alternate conclusion(s). This report will be attached to the original copy of the investigation report and will be forwarded to the next level exempt member with the proper indication made on the appropriate Command Channel Review form.

c. If the exempt member approves the final report of a complaint register investigation, he will indicate his concurrence on the appropriate Command Channel Review form and submit it with the original investigation to the next level exempt member for review.

3. Investigations with a finding other than sustained (i.e., not-sustained unfounded, exonerated) will normally require only two levels of exempt review. Upon a finding of concurrence by the second level exempt member, the original investigative report and the (white) Command Channel Review form will be routed to Internal Affairs Division or the Office of Professional Standards, as appropriate. The exceptions to the two levels of review, which require full Command Channel Review to the bureau deputy superintendent, are as follows:

a. Investigations in which the accused member is alleged to have committed a crime, including domestic battery.

b. Investigations in which a complaint was or could be made to the Equal Employment Opportunity Officer (includes allegations of cultural bias, sexual harassment, or other violations prohibited by prevailing labor laws).

c. Investigations in which an exempt member is the accused.

d. Investigations in which the accused member is assigned to a division under the Office of the Superintendent, the Command Channel Review form and original investigation will be routed from the division's exempt member to the Administrative Assistant to the Superintendent.

e. Investigations that are resubmitted through Command Channel Review after an initial non-concurrence.

4. In those cases with a sustained finding, the original investigation, the (pink) Command Channel Review form, and any exempt member's cover report(s) supporting alternate conclusions will be submitted for review through the chain of command to the bureau deputy superintendent.

a. Upon review and approval by the bureau deputy superintendent, the entire packet will be routed to the Internal Affairs Division or the Office of Professional Standards, as appropriate.

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b. Following the approval of the bureau deputy superintendent, no new charges will be added by anyone, except the Superintendent, without consulting the deputy superintendent who approved the final complaint register investigation report.

Terry D. Hillard

Superintendent of Police

99-018 BSU

CITY-BG-059037

REVISION TO: General Order 93-3, Addendum 4	DATE OF ISSUE 6 April 1999	EFFECTIVE DATE 7 April 1999	NO. 4B
SUBJECT REPORTING AND REVIEW PROCEDURES	DISTRIBUTION C	RESCINDS	

Item II-I has been revised and reads:

I. Complaint Review Panel

1. A Complaint Review Panel will hear cases:

   a. when an accused member requests a hearing relative to a suspension of 30 days or any lesser degree of disciplinary action.

   b. upon direction of the Superintendent.

2. Complaint Review Panels for the hearing of individual cases will be selected as follows:

   a. Sworn members

      (1) When one of the accused is a member of the rank of sergeant or above, the panel will consist of at least one member of exempt rank and one member of the same rank as the accused and one member as determined by the Assistant Deputy Superintendent, Internal Affairs Division.

      (2) In all other cases, the panel will consist of one lieutenant of police, one sergeant of police, and one member of the same rank as the accused.

      (3) Whenever possible, the member of the panel who is the same rank as the accused will be selected from the ranks performing duties similar to those of the accused.

   b. Civilian members

      (1) When an accused is a civilian member serving in a position classified by the Department of Personnel at a salary which is equal to Grade 14 or above, the panel will consist of two members of exempt rank and one civilian member of the same pay grade or higher as the accused.

      (2) In all other cases, the panel will consist of one lieutenant of police, one sergeant of police, and one civilian member of the same pay grade as the accused.

   c. A member will not serve on a Complaint Review Panel which reviews the case of any accused member who was under his supervision or command, is presently assigned to the same unit, or was assigned to the same unit at the time the alleged incident occurred or when the CR number was obtained.

3. The Department Advocate will prepare cases for presentation to a Complaint Review Panel, requesting additional investigation when necessary. The Advocate will schedule cases according to the provisions of this directive. The highest ranking member of the Complaint Review Panel will serve as the presiding Chairperson.

4. Accused Department members will be allowed reasonable access to the CR investigation file that is the subject of a Complaint Review Panel hearing. The review must take place in the Office of the Department Advocate or Office of Professional Standards (depending upon which investigative body conducted the CR investigation) during normal business hours. An accused member requesting to review the complaint register investigation file:

   a. has the right to review the investigative file, from the date the notice of the hearing date is received, until 48 hours prior to the scheduled hearing date.

   b. will submit a To-From-Subject report to the Department Advocate, at least twenty-four hours prior to inspecting the file.

   c. who wishes to present new evidence to the Complaint Review Panel, will submit such evidence to the Department Advocate at least five days prior to the hearing date.

   d. may use an audio tape recorder during the file review. However, the member may not remove or make copies of any documents in the file.

5. Complaint Review Panel hearings will:

   a. whenever possible, be held on the member's regularly scheduled working days.

   b. be scheduled giving the member a minimum of ten days' notice as to the date and time of the hearing.

   c. be scheduled, whenever possible, with:

      (1) 1st watch officers scheduled for the first hearings of the day.

      (2) 3rd watch officers scheduled for the last hearings of the day.

      NOTE: Members will not be scheduled to attend CRP hearings at the **same time** they are scheduled to appear in court; however, members will be required to attend the CRP hearing on days they are scheduled to appear in court if there is no time conflict. If unable to attend the CRP hearing because of a required court appearance, members will notify the Department Advocate Section providing the court location and time, and fax to the Department Advocate Section a copy of the subpoena/notification (if any).

   d. be continued only upon good cause. A written request for a continuance must be made at least five days prior to the date scheduled for hearing. Normally, a case set for hearing **will only be continued once.**

   e. not normally be scheduled or rescheduled to a date during the officer's scheduled furlough segment. Officers who are scheduled to attend a Complaint Review Panel while on furlough will have their furlough segment extended equal to the number of days required for the Complaint Review Panel.

6. The Department may remove confidential documents or information from the CR investigation file prior to allowing access by the accused member.

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Documents or information excluded **will not** be used against the member in the Complaint Review Panel Hearing.

7. All Department members appearing before a Complaint Review Panel will:

   a. attend in the uniform prescribed for the member's regular assigned duty.

   b. be provided with a copy of a synopsis of the investigation of the Complaint Register file. An accused member may obtain a copy of the synopsis at least forty-eight hours prior to the Complaint Review Panel hearing at the Department Advocate's Office.

8. The Complaint Review Panel will:

   a. consider investigative reports, statements, other documents, and such other evidence it deems appropriate to the issue.

   b. hear the plea of any accused member who wishes to be heard.

   c. order an accused member or any other member of the Department to appear before it, at the Panel's discretion.

   d. **not** discuss the case pending before it with either the Advocate or the assisting member without the other being present.

   NOTE: The Chairperson will retain control of the proceedings at all times in accordance with established rules of procedure.

9. An accused member will be permitted to select one person of his choosing who agrees to assist him. The assisting member must be of the same rank and/or position or below the rank and/or position of the highest ranking member of the Complaint Review Panel if the accused member desires that he accompany him into the hearing room.

10. At the Complaint Review Panel hearing, the assisting member will:

    a. assist the accused member in the presentation of his defense by reminding the accused member of pertinent points or circumstances he may have omitted which could affect his case.

    b. be allowed to make an inquiry concerning relevant and material issues on behalf of the accused member and may present argument and a summary of evidence in support of the accused member's position.

    c. be allowed to address the panel on behalf of the accused member, but will not be permitted to cross-examine members of the Panel or the Department Advocate.

11. If the Complaint Review Panel concludes that further investigation is necessary before its findings can be determined, the case will be returned to the Department Advocate indicating the specific action desired or information sought. Further investigation will be conducted as directed by the panel.

12. The Complaint Review Panel will recommend whether the charges should result in a finding of unfounded, exonerated, not sustained, or sustained.

13. For those cases in which the Complaint Review Panel has concurred with the sustained finding, it will review the recommended penalty, previous complimentary and disciplinary history, and either concur or recommend a greater or lesser penalty. When an alternate finding is recommended, it

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must be based upon specific facts entered into the record during the hearing and be set forth in writing.

14. After the Complaint Review Panel hearing has been conducted, the Assistant Deputy Superintendent, Internal Affairs Division, or the Administrator in Charge, Office of Professional Standards, as appropriate, will forward the case file and the recommendations of the panel to the Superintendent of Police for review and decision.

Superintendent of Police

| Indicates new or revised item.

97-058 MLS

CITY-BG-059041

ADDENDUM TO: General Order 93-3	DATE OF ISSUE 27 September 2002	EFFECTIVE DATE 1 October 2002	NO. 5B
SUBJECT SPECIAL SITUATIONS	DISTRIBUTION C	RESCINDS Addendum 5, Addendum 5A, AM Nos. 95-011753, 96-004801, 9 004977, and 02-002133	

I. PURPOSE

This addendum identifies certain special situations and sets forth procedures for their investigation and processing.

II. SPECIAL SITUATIONS

A. Indebtedness

1. Members who incur just debts are expected to liquidate such debts within a reasonable period of time.

2. Wages of public employees are not immune from garnishment.

3. Any member receiving a complaint of indebtedness, other than a complaint of indebtedness to the City of Chicago, will inform the creditor reporting such indebtedness that an adequate remedy for a creditor is now provided by law.

4. Complaints of indebtedness to the City will be processed pursuant to the provisions of the Department directive entitled "Indebtedness to the City of Chicago."

B. Arrest Warrants and Judicial Non-Traffic Summons for Department Members

1. A warrant clerk will, when preparing an application for a warrant against a Department member:

a. follow the procedures outlined in the Department directive entitled "Judicial Non-Traffic Summons."

b. ascertain if a Complaint Register number has been obtained.

c. immediately notify a supervisory member in instances where a Complaint Register number has not previously been obtained.

d. accompany the complainant to court and inform the judge that the person against whom the complaint is being filed is a member of the Chicago Police Department and that the matter is being investigated by the Department.

e. submit a brief report of the circumstances to the Office of Professional Standards or Internal Affairs Division, as appropriate.

2. When a member assigned to serve a warrant determines that the person named in the warrant is a member of the Department, the member will notify his or her supervisor who, in turn, will notify the Office of Professional Standards. The Complaint Register number assigned by the Office of Professional Standards will be recorded on the Arrest Report (CPD-11.420).

3. Whenever a member of the Department is subjected to a physical arrest by the Chicago Police Department for other than a traffic or

conservation offense, the case will be set for a court hearing within five days after the date of arrest.

4. Whenever a member of the Department is subjected to a physical arrest for a traffic or conservation offense, the case will be set for a court hearing in accordance with existing Department directives.

C. The Polygraph

1. When a polygraph examination is deemed necessary, the complainant will be requested to take a polygraph examination first.

2. If the complainant does not take the polygraph exam, the accused police officer will not be requested to take a polygraph exam.

3. If the complainant takes the polygraph exam and the results indicate deception, the accused officer may be requested to take a polygraph exam covering those issues wherein the examiner determines that the complainant is truthful.

4. When the polygraph is used, the accused member will be advised, in writing 24 hours prior to the administering of the tests, of any questions to which the Department will request an answer.

5. If the officer under investigation requests to take a polygraph exam, the officer may do so. However, an officer shall not be disciplined for refusal to take a polygraph exam, and the results of the polygraph exam shall not be admissible as evidence in proceedings before the Police Board or in any proceedings where the officer may appeal to the Police Board, unless by Illinois or Federal Court decision or Illinois Statute such evidence becomes admissible before the Police Board.

D. Arrestees Who Resist, Obstruct, Assault or Commit Battery of a Department Member

When a person is arrested for resisting, obstructing, assault and/or battery of a Department member, members will additionally refer to the Department directive entitled "Use of Force Guidelines" and follow the investigative and reporting procedures established in that directive.

E. Allegations of Impairment, Involving the Operation of a Vehicle - On or Off Duty

1. Allegations of impairment involving the operation of a vehicle include driving while under the influence of alcohol or a combination of alcohol and drugs.

2. The meaning of the term "drugs" will include but not be limited to cannabis as defined in 720 ILCS 550/3 and controlled substances as defined in Chapter 720, Article II of the Illinois Compiled Statutes, or as amended.

3. In every instance when a complainant or a sworn member makes an allegation against a Department member relating to impairment while operating a motor vehicle, in addition to complying with the provisions of the addendum to this directive entitled "Specific Responsibilities," the procedures outlined below will be followed.

a. The responsible command or supervisory member will:

(1) obtain a Complaint Register number.

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(2) ensure that a To-From-Subject report is obtained from each member having knowledge of the circumstances surrounding the complaint.

(3) prepare a To-From-Subject report summarizing the preliminary investigation.

b. Accused members will be requested to read and sign a Notification of Charges/Allegations (CPD-44.115) to acknowledge that they have received a written copy of the specific allegations made against them.

c. The incident will be investigated in accordance with the provisions of the Department directive entitled "Driving While under The Influence-Implied Consent" and any other related directives (e.g., "Traffic Crash Investigations").

d. When the accused member has complied with all the provisions (e.g., Alcohol/Drug Influence Report (CPD-22.118), breath test) of the Department directive entitled "Driving While Under The Influence – Implied Consent," it will not be necessary to repeat these procedures in the administrative phase of the investigation. In these cases, the investigating member will photocopy the completed form. The words "Administrative Phase" will be inserted in the DUI Citation Number section of the Alcohol/Drug Influence Report photocopy and noted as an attachment to the administrative phase of the CR file.

4. The responsible command or supervisory member will advise the accused member when the criminal segment of the preliminary investigation has been terminated, regardless of whether or not the accused member is subsequently charged with a violation of 625 ILCS 5/11-501. When the accused member has not completed or has refused to comply with any of the tests required in the investigation of allegations of Driving While Under the Influence of Alcohol, Drugs or a Combination Thereof-Implied Consent (625 ILCS 5/11-501), as applicable, the following mandatory procedures will be required under Administrative Proceedings.

a. The accused member will be:

(1) presented with the Administrative Proceedings Rights form (CPD-44.105) before being asked the questions in the "Interview" section of the Alcohol/Drug Influence Report or any other questions which would tend to prove or disprove the allegation.

(2) ordered to submit to a visual examination, the results of which will be recorded in the "Observations" section of the Alcohol/Drug Influence Report.

(3) ordered to complete the "Standardized Field Sobriety Tests," the results of which will be recorded on the Alcohol/Drug Influence Report.

(a) The investigating member will:

i) use a separate Alcohol/Drug Influence Report for this administrative phase.

ii) insert the words "Administrative Phase" in the DUI Citation Number section (top center) of the Alcohol/Drug Influence Report.

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iii) write "DNA" (Does Not Apply) over the Court Information section in the top right hand corner of the Alcohol/Drug Influence Report.

iv) write the CR number in the Traffic Court/Records Unit Control Number section in the lower right hand corner of the Alcohol/Drug Influence Report.

(b) Standardized Field Sobriety Tests will be administered by a sworn member at least one rank above the rank of the member being examined. In those instances when the accused member is a supervisory member, the Standardized Field Sobriety Tests will be conducted by the watch commander of the district of occurrence. If the circumstances require the presence of an exempt member, this member will be responsible for signing the report to indicate that his or her assessment of the accused member's condition is basically consistent with that of the examiner.

(4) ordered to answer the questions in the "Interview" section of the Alcohol/Drug Influence Report.

(5) ordered to submit to a breath test, the results of which will be entered into the "Breath Test" section of the Alcohol/Drug Influence Report.

(6) ordered to submit a urine specimen if physically incapable of taking a breath test and not hospitalized, if the results of the breath test are inconclusive, or if the results of the breath test are inconsistent with the degree of impairment or the allegation focuses upon drugs. Once a decision is made by the responsible command or supervisory member to have the accused member submit a urine specimen, no action pertaining to the collection of the urine specimen will be initiated until after the Internal Affairs Division has been notified. Urine specimen containers can be obtained from the Internal Affairs Division on the 2nd and 3rd watches by calling Pax 0610 and on the 1st watch by calling Pax 0301.

b. The urine specimen will be:

(1) collected in a manner that will preserve the dignity of the accused member and ensure the integrity of the sample.

(2) collected in the presence of the investigating supervisor only if the supervisor is of the same sex as the accused member. When the supervisor is not of the same sex as the accused member, arrangements will be made to have a sworn member of the same sex as the accused member witness the collection of the urine specimen. The responsible command or supervisory member will submit a To-From-Subject report which identifies the sample collection site, the date and time of the collection, the identity of the witness to the collection, and any other circumstances pertaining to th investigation.

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(3) turned over to a member of the Internal Affairs Division who will assume the responsibility for ensuring that the urine specimen is properly secured in accordance with established division-level standard operating procedures, pending laboratory processing.

c. If the accused member refuses to provide a urine specimen or has refused to complete or comply with any tests required in conjunction with the administrative segment of the investigation, a violation of the Department Rules and Regulations, "Disobedience of an Order or Directive Whether Written or Oral," will be added to the administrative charges against the accused member.

d. All completed reports and forms relating to the incident will be distributed in accordance with the Department directive entitled "Driving While Under the Influence-Implied Consent" and/or the addendum to this order entitled "Reporting and Review Procedures," as applicable.

F. Allegations of Impairment, Not Involving the Operation of a Vehicle - On or Off Duty

1. Allegations of impairment, not involving the operation of a vehicle include:

a. Alcohol Intoxication.

Alcohol intoxication means that a person's mental or physical functioning is substantially impaired as a result of the use of alcohol.

b. Being under the Influence of Drugs.

Drugs include but are not limited to the following - cannabis as defined in 720 ILCS 550/3 and controlled substances as defined in Chapter 720, Article II of the Illinois Compiled Statutes, or as amended.

c. Being under the Influences of a Combination of Alcohol and Drugs.

2. Whenever a sworn member or complainant makes an allegation against a Department member relating to impairment not involving the operation of a vehicle, the procedures outlined below will be followed.

a. The responsible command or supervisory member will:

(1) obtain a Complaint Register number.

(2) ensure that a To-From-Subject report is obtained from each member having knowledge of the circumstances surrounding the complaint.

(3) prepare a To-From-Subject report summarizing the investigation.

b. The accused member will be requested to read and sign a Notification of Charges/Allegations (CPD-44.115) to acknowledge that he or she has received a written copy of the specific allegations made against him or her and will be:

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(1) presented with the Administrative Proceedings Rights form (CPD-44.105) before being asked the questions in the "Interview" section of the Alcohol/Drug Influence Report or any other questions which would tend to prove or disprove the allegation.

(2) ordered to submit to a visual examination, the results of which will be recorded in the "Observations" section of the Alcohol/Drug Influence Report.

(3) ordered to complete the Standardized Field Sobriety Tests, the results of which will be recorded on the Alcohol/Drug Influence Report.

(a) The investigating member will:

i) use a separate Alcohol/Drug Influence Report for this administrative phase.

ii) insert the words "Administrative Phase" in the DUI Citation Number section (top center) of the Alcohol/Drug Influence Report.

iii) write "DNA" (Does Not Apply) over the Court Information section in the top right hand corner of the Alcohol/Drug Influence report.

iv) write the CR Number in the Traffic Court/Records Unit Control Number section in the lower right hand corner of the Alcohol/Drug Influence Report.

(b) The Standardized Field Sobriety Tests will be administered by a sworn member at least one rank above the rank of the member being examined. In those instances when the accused member is a supervisory member, the Standardized Field Sobriety Tests will be conducted by the watch commander of the district of occurrence. If the circumstances require the presence of an exempt member, this member will be responsible for signing the report to indicate that his or her assessment of the accused member's condition is basically consistent with that of the examiner.

(4) ordered to answer the questions in the "Interview" section of the Alcohol/Drug Influence Report.

(5) ordered to submit to a breath test, except when the allegation focuses exclusively on drugs, the results of which will be recorded in the "Breath Test" section of the Alcohol/Drug influence Report.

(6) ordered to submit a urine specimen if physically incapable of taking a breath test and not hospitalized, or if the results of the breath test are inconclusive, or if the results of the breath test are inconsistent with the degree of impairment or the allegation focuses upon drugs. Once a decision is made by the responsible command supervisory member to have the accused member submit a urine specimen, no action pertaining to the collection of the urine specimen will be initiated until after the

Internal Affairs Division has been notified. Urine specimen containers can be obtained from the Internal Affairs Division on the 2nd and 3rd watches by calling Pax 0610 and on the 1st watch by calling Pax 0301.

c. The urine specimen will be:

(1) collected in a manner that will preserve the dignity of the accused member and ensure the integrity of the sample.

(2) collected in the presence of the investigating supervisor only if the supervisor is of the same sex as the member. When the supervisor is not of the same sex as the accused member, arrangements will be made to have a sworn member of the same sex as the accused member witness the collection of the urine specimen. The responsible command or supervisory member will submit a To-From-Subject report which identifies the sample collection site, the date and time of the collection, the identity of the witness to the collection, and any other circumstances pertaining to the investigation.

(3) turned over to a member of the Internal Affairs Division who will assume the responsibility for ensuring that the urine specimen is properly secured in accordance with established division-level standard operating procedures, pending processing by a medical laboratory.

d. If the accused member refuses to provide a urine specimen or has refused to complete or comply with any tests required in conjunction with the administrative segment of the investigation, a violation of the Department Rules and Regulations (e.g., disobedience of an order or directive whether written or oral) will be added to the administrative charges against the accused member.

e. All completed reports and forms relating to the incident will be distributed in accordance with the procedures established in the addendum to this order entitled "Reporting and Review Procedures."

G. Allegations of Miscellaneous Drug Related Activity - On or Off Duty

1. Allegations of miscellaneous drug related activity include but are not limited to a member's:

a. unauthorized involvement with a person or enterprise engaged in the illegal use, sale, delivery, manufacture, purchase, or possession of drugs.

NOTE: For the purpose of this order, the meaning of the words "person" and "enterprise" will be understood to be that of the definitions provided in Chapter 725, Act 175, Section 3, of the Illinois Compiled Statutes.

b. illegal sale, delivery, manufacture, purchase, possession, or use of drugs.

2. Whenever an allegation against a Department member concerning any of the above categories of conduct is received, the responsible command or supervisory member will obtain a Complaint Register number.

3. The Complaint Register investigation and the preliminary investigation of all criminal charges, where applicable, will be conducted in

a. The supervisor assigned to the Complaint Register investigation will record his findings on a Summary Report Digest form (CPD-44.112A).

b. The unit commanding officer will review the Summary Report Digest form and forward the report through channels to the Internal Affairs Division.

L. Orders of Protection Against Sworn Members

Orders of Protection are court issued by a judge directing a "respondent" (the accused) to perform certain acts or to refrain from committing certain acts. Effective 1 January 1996, a member who is a respondent in an order of protection, issued on or after that date, may be ordered by the court to surrender the member's duty firearm(s) and the member's non-duty related firearms as one of the remedies listed on a "plenary" (permanent) order [725. ILCS 5/112A-14 (b) (14.5); effective January 1, 1996]. A plenary order of protection is for a stated period not to exceed two years. Usually, before a plenary order can be issued, an emergency order of protection must be entered and a hearing date set to examine the "petitioner" (the accuser) under oath to ascertain whether there is any "danger of the illegal use of firearms" by the respondent. The following procedures are applicable to any order of protection issued by either the criminal or civil courts.

1. When a member is served with a Notice to Appear or is otherwise notified or made aware of an order of protection (regardless of the source), where the member is the "respondent," or if the member receives notice that the petitioner has sought modification and reopening of a "current" order of protection, the member will:

   a. immediately prepare a To-From-Subject report indicating the date and time the member was served or became aware of the existence of or modification to the order of protection, and also indicate the date and time of any future court appearance as listed on any document received or of which the member is aware. In addition, the member will list the CR number and date of incident of any pending CR investigation, if known by the member.

   b. submit the report, with copies of all documents, to the member's watch commander/ watch operation lieutenant for review and forwarding.

2. The watch commander/watch operation lieutenant will review and sign the report and immediately forward the original report, with copies of all documents, to the General Counsel, Office of the Superintendent, and forward additional copies to the Assistant Deputy Superintendent, IAD, the Chief Administrator of OPS, and to the member's unit commanding officer of exempt rank to be retained in unit files.

3. OPS will, upon receipt of the report, review its records to determine if a CR number has been issued against the member for the incident that precipitated the issuance of the order of protection. If a CR number has not been initiated, OPS will review the order of protection and all documents and issue a CR number. Both IAD and OPS will maintain a file of all current orders of protection (including expiration date) issued against Department members for access by supervisory personnel.

4. Designated members from IAD and OPS will appear in court for the hearing on the indicated date and time.

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a. Should a plenary order of protection be issued by the judge at that hearing which includes as a remedy, "the prohibition of firearm possession", the IAD representative will:

(1) if the hearing is held in criminal court, request the assistant state's attorney to provide the Department with a copy of the plenary order of protection. If the hearing is held in civil court, the IAD representative will request the petitioner's attorney to provide a copy of the plenary order of protection.

(2) deliver to the member a copy of a Notification of Duty Restrictions (CPD-44.301) instructing the member to surrender the member's duty and non-duty firearms as directed by the court. Unless some other timetable is provided for in a court order, the member will be ordered to immediately surrender their firearms to the IAD representative at the Evidence and Recovered Property Section.

(3) contact the Field Inquiry Section of the Records Division to obtain a listing of all firearms registered to the member.

(4) inventory the firearms in accordance with the Department directive entitled "Firearms Taken Into Custody or Turned In." The notation "Police Officer's Weapon - Do Not Mark or Destroy" will be entered in the "Comments" field on the Recovery screen of the eTrack application. On the Classification screen, the action "Hold for Investigation" will be checked and the star number of the person assigned to the investigation entered in the appropriate box. Multiple firearms may be entered on a single property inventory. The IAD representative will provide the member with the owner's/citizen copy of the inventory.

(5) provide the member with written notification directing the member to report to the Personnel Division to surrender his or her star, shield and I.D. card and to receive information concerning the disposition of duty status.

b. Immediately following the hearing, the designated member from OPS will prepare a To-From-Subject report to the Superintendent of Police summarizing all available information from the case file and the hearing.

c. If a "prohibition of firearm possession" remedy is not included in the plenary order of protection, the IAD representative will still request a copy of the order from the court to be included in the member's case file.

d. Nothing in this order precludes the Superintendent from exercising his or her prerogative to immediately suspend or reassign a member, based on the circumstances of each individual case.

5. If a member is subject to an order of protection issued in another state, the member will submit a To-From-Subject report outlining the circumstances as prescribed in Item II-L-1 of this addendum. OPS will investigate the circumstances and will obtain a CR number, if appropriate.

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6. If at some future date, a member receives a written court order, issued by a judge, that allows the member to possess firearms, the member will prepare a To-From-Subject report to the member's commanding officer, attaching a copy of that order. The watch commander/watch operations lieutenant will forward the report as directed in Item II-L-2 of this addendum.

7. The Evidence and Recovered Property Section will not release an officer's firearms inventoried pursuant to Item II-L of this addendum without the express written authorization of IAD.

III. ADMONISHMENTS

A supervisor or command officer, or any member acting in such capacity, may exercise the prerogative of immediate correction or admonishment of a subordinate whenever the nature or circumstances of an incident do not warrant a reprimand or disciplinary action. If the application of immediate correction or admonishment is not effective, i.e., the conduct of the member indicates a repetitive pattern of irregularities, the procedures contained in the addendum to this dierctive entitled "Summary Punishment" will be followed.

IV. DEPARTMENT MEMBERS UNDER INVESTIGATION BY ANY OUTSIDE LAW ENFORCEMENT AGENCY

A. A Department member who is under investigation by any outside law enforcement agency, or having knowledge that another member is under investigation by any law enforcement agency, whether or not that member has been contacted by that agency, will immediately submit a To-From-Subject report of the information, in triplicate, to his or her unit commanding officer.

B. The unit commanding officer will immediately forward the original copy of the report to the Chief Administrator, Office of Professional Standards, and a copy to the Assistant Deputy Superintendent, Internal Affairs Division. A copy will also be retained in unit files.

Superintendent of Police

| Indicates new or revised material.

00-148 LMT

CITY-BG-059052

REVISION TO: Department General Order 93-03	DATE OF ISSUE 03 July 2008	EFFECTIVE DATE 04 July 2008	NO. 05C
SUBJECT SPECIAL SITUATIONS	DISTRIBUTION C	RESCINDS	

I. PURPOSE

This directive revises procedures relative to allegations of impairment, involving the operation of a vehicle - on or off duty.

II. REVISIONS

A. Item II-E-3 is revised to read:

3. In every instance when a complainant or a sworn member makes an allegation against a Department member relating to impairment while operating a motor vehicle, the incident will be investigated in accordance with the provisions of the Department directive entitled "Driving While Under The Influence-Implied Consent" and "Specific Responsibilities," and any other related directives (e.g., "Traffic Crash Investigations"). The procedures outlined below will be followed.

a. The assigned supervisory member will:

(1) obtain a Complaint Register Log number.

(2) make immediate notifications to the watch commander in the district of occurrence and then the on-duty Assistant Deputy Superintendent assigned to Operations Command.

***NOTE:** Operations Command will notify the IAD call-out supervisor.*

(3) ensure that a To-From-Subject report is obtained from each member having knowledge of the circumstances surrounding the complaint, *prior to the end of that tour of duty.*

b. The watch commander will immediately respond to the scene of the incident and ensure adherence to Department policies and procedures.

c. If the accused member has complied with all the provisions of the Department directive entitled "Driving While Under The Influence-Implied Consent," it will not be necessary to repeat these procedures in the administrative phase of the investigation. The IAD call-out supervisor will:

(1) photocopy the completed form;

(2) insert the words "Administrative Phase" in the DUI Citation Number section of the Alcohol/Drug Influence Report photocopy.

NOTE: The photocopy will be included as an attachment to the administrative phase of the CR file.

B. Item II-E-4 is revised to read:

4. The assigned supervisory member will advise the accused member when the criminal segment of the preliminary investigation has been terminated, regardless of whether or not the accused member is subsequently charged with a violation of 625 ILCS 5/11-501. When the accused member has not

completed or has refused to comply with any of the tests required in the investigation of allegations of Driving While Under the Influence of Alcohol, Drugs or a Combination Thereof-Implied Consent (625 ILCS 5/11-501), as applicable, the following mandatory procedures will be required under Administrative Proceedings.

a. The IAD call-out supervisor will:

(1) prepare a Notification of Charges/Allegations(CPD-44.105) form, present it to the accused member, and request the accused member to read and sign the notification which will acknowledge that they have received a written copy of the specific allegations made against them.

(2) order the accused member to submit to a visual examination, the results of which will be recorded in the "Observations" section of the Alcohol/Drug Influence Report.

(3) order the accused member to complete the "Standardized Field Sobriety Tests," the results of which will be recorded on the Alcohol/Drug Influence Report.

(a) The call-out supervisor will:

i) use a separate Alcohol/Drug Influence Report for this administrative phase than the report

(c) the results of the breath test are inconsistent with the degree of impairment; or

(d) the allegation focuses upon drugs.

b. If it is necessary to collect a urine specimen, the urine specimen will be:

(1) collected in a manner that will preserve the dignity of the accused member and ensure the integrity of the sample.

(2) collected in the presence of the call-out supervisor only if the call-out supervisor is of the same sex as the accused member. If the call-out supervisor is not of the same sex as the accused member, arrangements will be made to have a sworn member of the same sex as the accused member witness the collection of the urine specimen. The assigned supervisory member will submit a To-From-Subject report identifying the sample collection site, the date and time of the collection, the identity of the witness to the collection, and any other circumstances pertaining to the investigation, prior to the end of that tour of duty.

(3) turned over to the call-out supervisor who is responsible for ensuring that the urine specimen is properly secured in accordance with established division-level standard operating procedures, pending laboratory processing.

c. If the accused member refuses to complete or comply with any tests required in conjunction with the administrative segment of the investigation, a violation of the Department Rules and Regulations, "Disobedience of an Order or Directive Whether Written or Oral," will be added to the administrative charges against the accused member.

d. All completed reports and forms relating to the incident will be distributed in accordance with the Department directive entitled "Driving While Under the Influence-Implied Consent" and/or the addendum to this order entitled "Reporting and Review Procedures," as applicable. The administrative phase reports will **NOT** be included in the court file/transmittal.

C. *Item II-M is added to read:*

M. Personal Injury Traffic Crashes Involving Off-Duty Department Members

1. When a field unit responding to a personal injury traffic crash investigation becomes aware that the crash involves an off-duty Department member, the responding unit will immediately notify the watch commander assigned to the district of occurrence and request a field lieutenant respond to the scene.

***NOTE:** If a field lieutenant is not available, the watch commander will respond and assume the responsibilities of the field lieutenant.*

2. A field lieutenant assigned to the district of occurrence, will respond to the scene and determine if impairment from alcohol or other substances is evident.

a. If impairment from alcohol or other substances is not evident, the traffic crash investigation will be processed consistent with the Department directive entitled "Traffic Crash Investigations."

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b. *If impairment is suspected, in addition to ensuring compliance with the provisions outlined in Item II-E of this directive, the field lieutenant will immediately notify the watch commander.*

1) *The watch commander will notify the on-duty Assistant Deputy Superintendent, Operations Command.*

2) *The on-duty Assistant Deputy Superintendent, Operations Command, will ensure the IAD call-out supervisor is notified.*

3) *The IAD call-out supervisor will respond to the scene and conduct an investigation consistent with Item II-E of this directive.*

Superintendent of Police

New or revised items indicated by *italics*.
08-022 AMR

CITY-BG-059056

REVISION TO: General Order 93-03-05B	DATE OF ISSUE 16 July 2010	EFFECTIVE DATE 16 July 2010	NO. 5D
SUBJECT PECIAL SITUATIONS	DISTRI-BUTION	RESCINDS	

I. PURPOSE

This revision introduces the prohibition for command staff members and sworn Department members, in compliance with any applicable collective bargaining agreement, from consuming alcohol within the four-hour period preceding the start of a previously scheduled shift or after receiving notice to report for duty.

II. REVISION

Item II-N is added and reads:

N. Prohibition on the Consumption of Alcohol Prior to Reporting for Duty

1. Command staff and sworn Department members are prohibited from consuming alcohol within the four-hour period preceding the start of a previously scheduled shift or after receiving notice to report for duty, in compliance with any applicable collective bargaining agreement.

2. Whenever a reporting party, upon signed affidavit, or sworn member makes an allegation against a Department member relating to the prohibition on the consumption of alcohol prior to reporting for duty, the responsible command staff or supervisory member will:

a. obtain a Complaint Number.

b. ensure that a To-From-Subject report is obtained from each member having knowledge of the circumstances surrounding the incident prior to the end of their tour of duty.

c. prepare a To-From-Subject report summarizing the investigation.

d. prepare a Notification of Charges/Allegations (CPD-44.115) form, present it to the accused member, and request the accused member read and sign the notification which will acknowledge that they have received a written copy of the specific allegations made against them.

e. prepare an Alcohol/Drug Influence Report to document the observation of the accused member and the administration of the breath test.

(1) insert the words "Administrative" in the DUI Citation Number section,

(2) write "DNA" (Does Not Apply) over the Court Information section, and

(3) write the Complaint Number in the Traffic Court/Records Unit Control Number section.

f. order the accused member to submit to a visual examination, the results of which will be recorded in the "Observations" section of the Alcohol/Drug Influence Report.

g. order the accused member to submit to a breath test, the results of which will be entered into the "Breath Test" section of the Alcohol/Drug Influence Report.

h. forward all completed reports and forms relating to the incident, including a copy of the breath test results, in accordance with the procedures established in the addendum entitled "Reporting and Review Procedures."

3. If the accused member refuses to comply with any test pursuant to this process, it is a violation of the Department Rules and Regulations, (e.g., disobedience of an order or directive whether written or oral), and will result in additional administrative charges against the member, which may include discipline up to and including separation.

Superintendent of Police

10-064 MWK

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CITY-BG-059058

REVISION TO:	DATE OF ISSUE	EFFECTIVE DATE	NO.
General Order 93-03-05B	30 September 2010	30 September 2010	E

SUBJECT	DISTRIBUTION	RESCINDS
SPECIAL SITUATIONS		

I. PURPOSE

This directive is revised to include contractual changes following the 2009 ratification of the collective bargaining agreements between the City of Chicago and the Police Benevolent and Protective Association bargaining units.

II. Item V is added as follows:

V. RESIGNATION WHILE UNDER INVESTIGATION

A. In accordance with the applicable contractual agreement, the Superintendent has the discretion to decide whether a captain's, lieutenant's or sergeant's personnel file should state that the member resigned or retired "while under investigation" based on the totality of the circumstances surrounding the investigation, including, but not limited to:

1. the likelihood that the investigation will result in a sustained finding accompanied by a recommendation for a substantial disciplinary penalty;

2. the possibility that the investigation may result in the decertification of the member as a peace officer; and/or

3. the extent to which the member has cooperated in the investigation both before and after their separation from employment.

NOTE: The same standard also governs whether the captain, lieutenant or sergeant will receive full retirement credentials or any other postemployment honorary benefits and emoluments.

B. In the event that the bargaining units or the individual captain, lieutenant, or sergeant disagrees with the Superintendent's decision, either party may file a grievance pursuant to Section 9.2 of the Agreement or submit the grievance to mediation, but the grievance shall not be subject to arbitration.

Superintendent of Police

09-195 SB

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ADDENDUM TO:	DATE OF ISSUE	EFFECTIVE DATE	ADDENDUM NO
General Order 93-3	13 January 1993	15 January 1993	6

SUBJECT	DISTRIBUTION	RESCINDS
SUSPENSION/OPTIONS	C	

I. PURPOSE

This addendum:

A. delineates procedures relative to suspensions.

B. identifies the responsibilities and options of the accused member.

C. designates responsibility for destruction of disciplinary records.

II. SUSPENSION/OPTIONS

A. When a member is to be ordered suspended, a Suspension Notification (CPD-44.102), in duplicate, will be forwarded to the member's unit of assignment by the Office of Professional Standards or the Internal Affairs Division, as appropriate.

B. The unit commanding officer will ensure that the Suspension Notification is hand-delivered to the member being suspended, or to an adult member of the member's household. If two personal attempts to serve the member or an adult member of his household result in no response, the Suspension Notification may be left at the residence address the member has reported to the Department.

C. When the unit commanding officer or his designee has served the Suspension Notification on the member being suspended, one copy of the notification will be given to the member, the remaining copy will be signed by the person who served the notification, who will indicate the date and time of service, and return it to the issuing unit within 24 hours.

D. When the unit commanding officer or his designee has made two personal attempts at service without a response and a copy of the Suspension Notification is left at the residence address of the member, the remaining copy will be signed by the person attempting service, containing a certification attesting to the attempts at service, and be returned to the issuing unit within 24 hours.

E. Options to suspension may be granted by the Superintendent to a member who has been ordered suspended for a specified number of days.

F. The Superintendent may permit the member to satisfy all or part of the suspension by forfeiture of compensatory time earned, by forfeiture of days of accumulated vacation/furlough time up to one-half of the member's authorized vacation/furlough, by forfeiture of any combination of compensatory time earned and accumulated vacation/furlough days not to exceed one-half of the member's authorized vacation/furlough, or by forfeiture of one or more of the member's personal days or authorized baby furlough days.

G. The Superintendent may also permit the member to satisfy all or part of the suspension by working regular scheduled days off without compensation if the affected member is exempt from the overtime compensation provisions of the Federal Fair Labor Standards act (i.e., not subject to mandatory time and one-half pay rate compensation for overtime hours worked according to provision of the Act). These members will not be allowed to satisfy a suspension by working regular scheduled days off without compensation on paid holidays established by City Ordinance and may not exceed the limit of working one regular scheduled day off without compensation per calendar week unless a three day weekend is involved, in which case the member may work two regular scheduled days off.

H. The suspended member's unit commanding officer, any superior officer in the chain of command, the Assistant Deputy Superintendent, Internal Affairs Division, or Administrators of the Office of Professional Standards may recommend that the Superintendent NOT grant options to suspension.

I. When the Superintendent has signed a suspension order and has granted options to suspension, the case file will be forwarded to the Finance Division.

J. The Finance Division will prepare an Election/Rejection of Options to Suspensi (CPD-61.416), in triplicate, and will forward the original and one copy to the unit of assignment of the member facing suspension.

K. Upon receipt of the forms at the member's unit of assignment, the watch commander or unit commanding officer will:

1. inform the member that options to suspension have been granted by the Superintendent.

3. be required to appear at court hearings in cases in which he was the arresting officer when such hearings are scheduled during the period of time the member will be on suspension, leave of absence or disability pension, unless subpoenaed.

Q. A sworn member who is scheduled to appear at a court hearing while on suspension, leave of absence or disability pension, unless subpoenaed will notify a supervisor of his unit of assignment at least one hour before the scheduled court call. (In the event a unit receives notification of court cases requiring the appearance of a member during such member's period of absence, and there is no other arresting officer available, the unit of assignment of the member will request continuances of the cases to a date subsequent to the member's scheduled return to duty.)

R. Expungement of Records of Complaints

1. Disciplinary investigation files, other than Police Board cases, will be destroyed by the Internal Affairs Division five years after the date of the incident or the date upon which the violation is discovered, whichever is longer, unless the investigation relates to a matter which has been subject to either civil or criminal court litigation or arbitration prior to the expiration of the five year period. In such instances, the Complaint Register case files normally will be destroyed five years after the date of the final arbitration award or the final court adjudication, unless a pattern of sustained infractions exists.

2. Any information of an adverse employment nature which may be contained in any unfounded, exonerated or otherwise not sustained file, shall not be used against the member in any future proceedings.

Matt L. Rodriguez
Superintendent of Police

Indicates new or revised item.

87-028 BW

CITY-BG-059062

ADDENDUM TO:	DATE OF ISSUE	EFFECTIVE DATE	ADDENDUM NO
General Order 93-3	13 January 1993	15 January 1993	7

SUBJECT	DISTRIBUTION	RESCINDS
SUMMARY PUNISHMENT	C	

I. PURPOSE

This addendum:

A. defines the scope of summary punishment.

B. identifies acts and omissions which are considered less serious transgressions.

C. outlines procedures to be followed in administering summary punishment to sworn and civilian members of the Department.

D. provides penalty guidelines for supervisory and command members to ensure uniformity in administering summary punishment.

E. outlines requirements and procedures to be followed for summary punishment action, penalty appeal and challenges to summary punishment for sworn and civilian members of the Department.

F. introduces the Summary Punishment Action Request form, CPD-11.635, Revised 3/92 (SPAR).

G. discontinues the Summary Punishment Action Request form, CPD-11.635, Revised 9/79.

II. DEFINITIONS

A. SUMMARY PUNISHMENT: an alternative to Complaint Register disciplinary procedures for conduct defined as a less serious transgression which is observed by or comes to the attention of a Department supervisor or command member.

B. LESS SERIOUS TRANSGRESSION: an act or omission listed in Item IV of this addendum which warrants prompt and appropriate action but does not require a Complaint Register number.

C. HEARING OFFICER: command personnel of exempt rank who conduct hearings with the affected member (see Item VI-C-1 of this addendum).

D. SUMMARY PUNISHMENT ACTION/PENALTY APPEAL: a request made by an affected member to have a hearing officer review the particular facts of a summary punishment application and render a decision regarding the action and/or penalty.

III. GENERAL INFORMATION

A. All members who have the right to have volunteer bargaining unit representation can exercise that right at hearings, if such representation is available at the time of the hearing. Members not covered by a bargaining unit agreement can also have a voluntary assisting member present at hearings. The Department will not unreasonably defer or postpone its intended disciplinary action because of the unavailability of a member's representative.

B. A Department member initiating summary punishment procedures will also be cognizant of the affected members individual contract agreement (e.g., AFSCME pre-disciplinary provisions, etc.) relative to disciplinary action.

C. Nothing in this addendum precludes obtaining a Complaint Register number when it is deemed appropriate.

D. If a member develops a history of repeated less serious transgressions, a Complaint Register number may be obtained and the provisions set forth in addenda 1 through 6 of this directive will be followed.

E. Summary punishment will <u>NOT</u> be used to process a citizen's complaint.

F. Supervisors will exercise discretion in the application of summary punishment. The supervisor will prior to initiating summary punishment be cognizant of the applicable provisions of any agreement (contract) pertaining to the member to be disciplined. Supervisory counseling and discretion will be administered prior to the application of summary punishment when the transgression allows for such action. Care will be taken to ensure that critical assignments are not left uncovered as a result of the application of summary punishment.

G. Each level of review has the authority to recommend an alternate penalty within the applicable schedule.

H. Action recommended under summary punishment procedure will not bar a recommendation for a more severe penalty by a higher level of authority.

I. When the hearing officer determines, in light of the totality of the circumstances, that the scheduled penalty is too severe, he may recommend a summary punishment disciplinary action which is less than the minimal scheduled penalty.

J. The Assistant Deputy Superintendent, Internal Affairs Division, has the authority to implement the approved penalty following final waiver or exhaustion of the appeal process.

K. In all cases where the member has marked the "Request Hearing" square on the Summary Punishment Action Request, a To-From-Subject report requesting a hearing will be required within 24 hours (excluding days off). Failure to submit a report within the prescribed time limits constitutes a waiver of any future hearing.

IV. LESS SERIOUS TRANSGRESSIONS

A. The list of less serious transgressions is as follows:

1. Being unfit for duty for reasons other than those which justify action under a Complaint Register investigation.

2. Absence without permission under conditions which do not necessitate Complaint Register investigation.

3. Violation of medical roll procedure under conditions which do not necessitate a Complaint Register investigation.

4. Tardiness in reporting for duty or for required court appearance.

5. Failure to appear in court or to notify superiors of an inability to appear.

6. Failure to:

   a. comply with the provisions of the General Order entitled "Uniforms/Citizen's Dress and Personal Equipment."

   b. appear in the prescribed uniform in court, at disciplinary hearings, and at other official hearings, except when assigned to citizens dress duty.

7. Failure to wear/carry personal radio properly, maintain authorized equipment, and/or wear a properly adjusted and fastened seat belt when operating a Department vehicle or riding as a front seat passenger in such vehicle.

8. Failure of a sworn member to comply with the requirements outlined in Department directives concerning Department and personal weapons or ammunition.

9. Failure to report back in service immediately upon completion of an assignment or to notify the dispatcher when leaving the location assignment for any reason.

10. Taking excessive time for lunch or personal reasons.

11. Failure to provide prompt, correct and courteous police service.

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12. Failure, while on patrol duty, to give full attention to the prevention of crime as a result of:

    a. lounging on or about the location of a primary or secondary assignment.

    b. unnecessary visiting with members of the general public.

    c. visiting with other officers or non-sworn members except for the exchange of information relating to their duties.

    d. parking Department vehicles in locations and in such a manner as to serve no useful police purpose.

13. Transporting persons in a Department vehicle except for a proper police purpose or on Department business.

14. Congregating in an eating establishment with two or more officers while on duty without the prior approval of an immediate supervisor.

15. Being absent from or leaving a duty assignment without being properly relieved or without proper authorization before the prescribed time or at the end of the tour of duty.

16. Failure to perform assigned tasks.

17. Possessing a commercial type radio or television while on duty. The possession of a personal camera, tape recorder/player or field glasses, while on duty and without the authorization of a supervisor, is also prohibited.

18. Reading commercial publications in public view while on duty.

19. Inattention to duty.

20. Misuse of Department equipment and supplies.

21. Failure to acknowledge or respond promptly to a radio dispatched call, or to investigate a silent radio for possible failure when an unusual period of time has elapsed without radio transmission.

22. Failure to perform any duty.

23. Failure to indicate promptly on Recovered Property Disposition Tracers (CPD-34.500) that inventoried property can be returned to owners, or that seized or recovered property can be disposed of legally in instances when a case has been adjudicated in court.

24. Smoking in any Department facility, in any Department vehicle when occupied by any non-smoker and/or holding a cigarette, cigar, or pipe in mouth while in uniform and in official contact with the public.

25. Driving a Department vehicle involved in a traffic accident classified as "preventable."

26. Failure of a supervisory officer to take appropriate action upon observing a less serious transgression.

B. A less serious transgression will be identified on the appropriate Summary Punishment Action Request by both number and explanatory statement of the transgression.

V. SUMMARY PUNISHMENT LIMITATIONS

A. The penalty recommended for a less serious transgression will be based on the affected member's summary punishment history and complimentary history for the twelve months preceding the date of the current transgression. A copy of the affected member's summary punishment (obtained from IAD) and complimentary history (obtained from Personnel Division) will be attached to the SPAR.

B. Department policy requires implementation of a summary punishment penalty immediately following the decision of the final review authority.

C. A member may be permitted to elect an option of day(s) off without pay, to satisfy a summary punishment penalty.

1. Sworn members below the rank of sergeant may be permitted to substitute accrued compensatory time; the loss of furlough day(s), baby furlough day(s), or personal day(s) as an alternative to being excused without pay disciplinary.

2. Sworn members of the rank of sergeant or above or Department members whose job classification exempts them from the provisions of the Federal Fair Labor Standards Act may be permitted to work regular day(s) off in lieu of day(s) off without pay, subject to the following restrictions:

a. The affected member must be exempted from the overtime compensation provisions of the Federal Fair Labor Standards Act (i.e., not subject to mandatory time and one-half pay rate compensation for overtime worked according to the provisions of the Act).

b. The member may not exceed the limit of working one regular day off per calendar week unless a period of three or more consecutive regular days off is involved, in which case the member may work two regular days off. Members will not be allowed to work a recognized paid holiday to satisfy summary punishment penalties.

D. Timekeepers will note the appropriate code on the Attendance and Assignment Record (CPD-11.605) whenever a member, pursuant to summary punishment penalty implementation, works his regular day off or is day off without pay.

E. Loss of wages as a result of being absent without permission will <u>NOT</u> be considered summary punishment served.

VI. PROCEDURES

A. Initiation

1. When the application of summary punishment is deemed appropriate, the supervisor initiating the action will:

a. review the affected member's personnel files to determine summary punishment action taken and complimentary history within one year of the current transgression.

b. prepare a Summary Punishment Action Request ensuring that:

(1) both the "Number" and "Nature of the Less Serious Transgression" recorded on the SPAR coincide with the number and nature of the transgression as set forth in Item IV of this order.

(2) the "Detailed Description of Incident" portion of the SPAR accurately describes the pertinent circumstances of the incident.

(3) a member of AFSCME is afforded the predisciplinary provisions outlined in their collective bargaining agreement. This will be understood to mean making available a copy of all investigatory reports/statements concerning the investigation, including the name of the complainant and any witness.

(4) the recommended penalty is within the applicable penalty schedule enumerated in Item VIII of this addendum.

(5) in the case of a civilian member, the collective bargaining unit to which the member belongs and his Job Title description (example AFSCME-Cashier, Hearing Tester, etc.; PSEBU-Crossing Guard, Detention Aide, etc.) are specified in the portion of the SPAR entitled "Job Title."

c. when an incident giving rise to a summary punishment action involves multiple less serious transgressions, record only one transgression in the "Number" and "Nature of the Less Serious Transgression" boxes

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on the SPAR, other transgression(s) will be noted in the "Detailed Description of the Incident" portion of the SPAR.

d. confer with the watch commander/unit commanding officer of non-exempt rank regarding the particulars of the incident and determine the most appropriate course of corrective action.

e. sign the SPAR with the approval of the watch commander/unit commanding officer and present it to the affected member for his response choice and signature.

f. forward the SPAR to his watch commander/unit commanding officer for review and further processing.

g. whenever the affected member is immediately excused without pay or is absent without permission, prepare a Personal Action Request (CPD-11.612) with the approval of the watch commander/unit commanding officer of non-exempt rank, and forward it through channels to the Finance Division for payroll purposes.

2. Upon receipt of a SPAR from the initiating supervisor, the affected member will:

a. indicate on the SPAR either acceptance of the recommended penalty or if the member is requesting a hearing.

b. in all cases where the "Request Hearing" square is marked, prepare a To-From-Subject report by the end of the next tour of duty. The report will also detail the affected member's reason(s) for appealing the recommended summary punishment action and will be attached to the SPAR. Failure to submit a To-From-Subject report requesting a hearing within 24 hours (excluding days off) constitutes a waiver of any future hearings.

c. be requested to sign the SPAR indicating his response and return it with attachment(s) if any, to the initiating supervisor.

3. Upon return of a SPAR from an affected member, the initiating supervisor will review it to determine what further action is necessary.

4. If the member has refused to sign the SPAR or indicates a request for an appeal hearing, the initiating supervisor will:

a. enter "Refused," the date and time in the "Affected Member Signature" box on the SPAR.

b. check and initial the "Requests Hearing" square.

5. When an affected member has submitted a To-From-Subject report requesting a hearing, the initiating supervisor will prepare a To-From-Subject report responding to the information supplied in the member's report and, when necessary, include relevant information not previously incorporated on the SPAR or other related reports.

6. When a member's prescribed time limit for requesting an appeal hearing has elapsed, the initiating supervisor will forward the SPAR, the related To-From-Subject reports, if any, and all other relevant documents to the affected member's commanding officer of exempt rank.

B. Exempt Rank Command Member Review

1. Upon receipt of a SPAR, the affected member's commanding officer of exempt rank will review Part I and any attachments.

2. If the affected member has accepted the initiating supervisor's disciplinary recommendation and such recommendation is approved, the commanding officer will:

a. check the "Action Approved" square in Part 2 of the SPAR.

b. sign, date and record the time on the SPAR in the "C.O./Exempt Rank" signature box in Part 2 of the SPAR.

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c. forward the SPAR and all related documents through the affected member's chain of command to the Internal Affairs Division for final review and implementation.

3. If the member has requested a hearing in the allotted time and followed the prescribed method, the responsible commanding officer, after conducting the hearing, will:

a. inform the affected member of his decision.

b. indicate in the "Remarks" section of the SPAR the reason for supporting or altering the initial recommendation and check the appropriate square in the "C.O./ Exempt Rank Review" box.

c. present the SPAR to the affected member who will be requested to indicate his response choice in the "Affected Member - Response" box and sign the form.

d. inform the affected member of his right to request a hearing with the next member in his chain of command. The To-From-Subject report will be submitted before the end of his next tour of duty.

e. if the member has refused to sign the SPAR or indicates a request for an additional appeal hearing, the commanding officer will:

(1) enter "Refused," the date and time in the "Affected Member Signature" box on the SPAR.

(2) check and initial the "Request Hearing" square.

(3) inform the member that he can appeal the secondary finding by submitting a To-From-Subject report requesting a hearing before the end of his next tour of duty.

f. sign, date and record the time in the "C.O./Exempt Rank Signature" box.

g. retain the SPAR and attachments until the member's prescribed time limit for requesting an appeal hearing has elapsed.

4. If an affected member has accepted the commanding officer's disciplina. recommendation after the appeal hearing, the SPAR and attachments, if any, will be forwarded to the next higher exempt rank command member in the affected member's chain of command for review and then to the Internal Affairs Division. When the member has requested a further hearing at this step, the SPAR and all related documents will be sent DIRECTLY to the Internal Affairs Division (i.e., not forwarded through channels).

5. The Internal Affairs Division will review the SPAR and any related documents. The completed package of reports will be directed to the appropriate exempt rank command member who will schedule a hearing as requested by the affected member.

6. The Exempt Rank Command Member Review will not be afforded members of AFSCME.

C. Hearing Officer Review

1. The appropriate deputy superintendent, assistant deputy superintendent/ deputy chief or exempt rank designee, will conduct a hearing with the affected member. The Superintendent's exempt rank designee will serve as the hearing officer for affected members assigned to units which are staff to the Superintendent. The Commander of the Training Division will con- hearings for Probationary Police Officers.

2. Upon receipt of a SPAR requesting a hearing, the hearing officer will:

a. review Parts 1 and 2 of the SPAR and all related documents.

b. schedule, notify and conduct a hearing with the affected member.

3. At the hearing, the hearing officer will complete Part 3 of the SPAR b

a. reviewing all relevant facts relating to the SPAR with the affected member.

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b. rendering a disciplinary action/penalty decision and recording it on the SPAR.

c. informing the affected member of the decision before concluding the hearing.

d. signing the SPAR in the "Hearing Officer-Signature" box.

e. recording the date and time of the hearing in the space provided on the SPAR.

f. informing the member that he has the option to request a Complaint Review Panel (CRP) hearing if he disagrees with the hearing officer's decision. This request will be made prior to the end of the member's next tour of duty. However, AFSCME members will not be afforded the Complaint Review Panel process as the predisciplinary provisions outlined in their collective bargaining agreement serves in place of the Complaint Review Panel Hearing process.

4. Following the hearing, the completed SPAR and all attachments will be promptly forwarded to the Internal Affairs Division.

D. Complaint Review Panel

1. The recommendation of the hearing officer is subject to review by a CRP at the option of the accused member.

2. In order to obtain a CRP hearing, the accused member must submit a To-From-Subject report to the Department Advocate, Internal Affairs Division, requesting a hearing by the CRP. The Department Advocate must receive this report within three calendar days (exclusive of Saturdays, Sundays and holidays) following the date on which the recommendation of the hearing officer was made. Failure to submit this report within the prescribed period constitutes a waiver of a further hearing or appeal.

3. The recommendation of the CRP will be forwarded to the Assistant Deputy Superintendent, Internal Affairs Division for final review and implementation.

E. Records Control

1. Upon receipt of the final summary punishment recommendation, the Internal Affairs Division will:

a. retain the SPAR and attachment(s), if any.

b. forward one copy of the SPAR to the affected member's unit of assignment for immediate implementation and retention in the member's personnel file.

c. forward a copy of the completed SPAR to the Finance Division in all cases in which imposition of the penalty requires a day(s) off without pay.

2. All records relating to summary punishment will be retained in accordance with the existing records retention requirements and/or applicable laws.

VII. CHALLENGE OF SUMMARY PUNISHMENT

A. After summary punishment has been administered three (3) times within a twelve (12) month period, a member who wishes to contest the application of summary punishment on a fourth occasion within the last twelve (12) months may contest the fourth and/or succeeding application of summary punishment by timely challenge through the Complaint Register process or the grievance procedure.

B. A member who elects to proceed through the Complaint Register process will notify his immediate supervisor who will obtain a Complaint Register number and follow the procedures outlined within addenda 1 through 6 of this directive.

C. A member who elects to proceed through the grievance procedure will submit his written grievance in accordance with the provisions of the Department directive entitled "Processing Grievances and Discrimination Complaints of Department Members."

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VIII. SCHEDULE OF PENALTIES

The schedule of penalties will apply generally for all Department members being disciplined under the provisions of Summary Punishment. However, the Department may elect to investigate conduct and invoke discipline under provisions contained in addenda 1 through 6 of this order. In the case of a probationary employee (including a P.P.O.), the Department may invoke a greater penalty than those indicated in the schedule, including separation.

A. The following schedule governs those less serious transgressions wherein a member has been found unfit for duty, has been absent without permission, has violated medical roll procedures, or wherein a supervisor has failed to take action:

1. First Transgression - One to two days off.
2. Second Transgression - One to three days off.
3. Third and Subsequent Transgressions - Two to three days off.

B. The following schedule governs the transgression wherein a member was the driver of a Department vehicle involved in a traffic accident classified as "preventable."

1. First Transgression - Reprimand to two days off.
2. Second and Subsequent Transgressions - Complaint Register investigation.

C. The following schedule governs all other less serious transgressions:

1. First Transgression - Reprimand to one day off.
2. Second Transgression - Reprimand to two days off.
3. Third Transgression - One to two days off.
4. Fourth and Subsequent Transgressions - Two to three days off.

Matt L. Rodriguez
Superintendent of Police

Indicates new or revised item.

84-138 BW

CITY-BG-059070

REVISION TO:	DATE OF ISSUE	EFFECTIVE DATE	NO.
General Order 93-3, Add. 7.	31 December 1997	1 January 1998	7

TITLE	DISTRIBUTION	RESCINDS
SUMMARY PUNISHMENT	C	

Item II-A is revised and will read as follows:

A. SUMMARY PUNISHMENT: an alternative to Complaint Register disciplinary procedur for conduct defined as a less serious transgression which is observed by or com to the attention of a Department supervisor or command member.

NOTE: Captains and exempt members may only be **disciplined** by reprimand for condu defined as a less serious transgression. This provision does not preclu the initiation of a complaint register investigation or a finding a recommendation of "violation noted, no disciplinary action" for same.

Item V-A is revised and will read as follows:

A. The penalty recommended for a less serious transgression (other than preventab Department vehicle traffic crashes) will be based upon the affected member's summa punishment history and complimentary history for the twelve months preceding tl date of the current transgression. A copy of the affected member's summa punishment (obtained from the Internal Affairs Division) and complimentary histo (obtained from the Personnel Division) will be attached to the SPAR.

NOTE: The Fraternal Order of Police Lodge 7 Agreement specifies that a Departmer member's Department vehicle traffic crash history may be considered i determining future discipline for a period of time not to exceed two year from the date of the current incident provided there is no intervenin preventable Department vehicle traffic crash. If such intervening traffi crash exists, the two year period shall continue to run from the date of th most recent traffic crash and any prior preventable incidents may b considered for disciplinary purposes. In no event shall any prior inciden five or more years old be considered.

Example 1:	**Current crash:**	October 1997	
	Most recent crash:	September 1995	(2 yrs. & 1 mo.)

September 1995 crash **cannot be considered** (no intervening crashe within two years of current crash).

Example 2:	**Current crash:**	October 1997	
	Most recent crash:	October 1996	(1 yr. from curren crash)
	Prior crash:	July 1995	(2 yrs. 3 mos. fro October 1997 crasl and 1 yr. 3 mos. fro October 1996 crash)
	Prior crash:	August 1993	(1 yr. and 11 mos from July 1995 crash, 4 yrs. and 2 mos. from current crash)
	Prior crash:	September 1992	(5 yrs. and 1 mo. from current crash)

The October 1996, July 1995 and August 1993 crashes **may all be considered** (The most recent intervening crash was the October 1996 crash. Traffic crashes two years prior to that date may be considered. Also, since there was an intervening crash (July 1995) within the second two year period, the Department may go back a subsequent two years to include the August 1993 crash. The September 1992 crash cannot be considered; it occurred more than 5 years prior to the current crash.

Item V-C is revised and will read as follows:

C. A member may be permitted to elect an option of day(s) off without pay to satisfy a summary punishment penalty. Sworn members may be permitted to substitute accrued compensatory time; or forfeit a furlough day(s), baby furlough day(s), or personal day(s) as an alternative to being excused without pay, disciplinary.

Item V-D is revised and will read as follows:

D. Timekeepers will note the appropriate code on the Attendance and Assignment Record (CPD-11.605) whenever a member, pursuant to summary punishment penalty implementation, is day off without pay.

Item VI-A-1-a is revised and will read as follows:

a. review the affected member's personnel files to determine summary punishment action taken and complimentary history within one year of the current transgression (see "Note" in Item V-A for Department vehicle traffic crashes).

Item VIII-B is revised and will read as follows:

B. The following schedule governs the transgression wherein a member was the driver of a Department vehicle involved in a traffic crash classified as "preventable."

1. First Transgression - Reprimand to two days off.

2. Second and Subsequent Transgressions - One to three days off.

John J. Rousseau
Acting Superintendent of Police

Indicates new or revised item.

97-038 GHY

CITY-BG-059072

REVISION TO: General Order 93-3, Addendum 7	DATE OF ISSUE	EFFECTIVE DATE	NO.
	17 December 2001	18 December 2001	7B

SUBJECT	DISTRI-BUTION	RESCINDS
SUMMARY PUNISHMENT	C	

I. PURPOSE

This revision clarifies the amount of time after the receipt of a Summary Punishment Action Request (SPAR) that a member who is entitled to a post-SPAR hearing has to request such a hearing.

II. REVISIONS

A. Item III-K is revised to read:

K. In all cases where a member *who is entitled to a hearing* has marked the "Request Hearing" square on the Summary Punishment Action Request, a To-From-Subject Report requesting a hearing will be required *by the end of the member's next tour of duty or within ninety-six hours, whichever period is shorter.* Failure to submit a report within *the prescribed time limits* constitutes a waiver of any future hearing.

B. Item VI-A-2 has been revised to read:

2. Upon receipt of a SPAR from the initiating supervisor, the affected member will:

a. indicate on the SPAR either acceptance of the recommended penalty or *that the member, if entitled,* is requesting a hearing.

b. in all cases where the "Request Hearing" square is marked, prepare a To-From-Subject Report by the end of the next tour of duty *or within ninety-six hours, whichever period is shorter.* The report will also detail the affected member's reason(s) for appealing the recommended summary punishment action. Failure to submit a To-From-Subject Report requesting a hearing within *the prescribed time limits* constitutes a waiver of any future hearings.

c. be requested to sign the SPAR indicating *the member's* response and return it with attachments(s), if any, to the initiating supervisor.

C. Item VI-B-3-d is revised to read:

d. inform the affected member, *if entitled,* of *the* right to request a hearing with the next member in *the member's* chain of command. The To-From-Subject Report will be submitted *by the end of the member's next tour of duty or within ninety-six hours, whichever period is shorter.*

D. Item VI-B-3-e-(3) is revised to read:

(3) inform the member, *if entitled, of the right to* appeal the secondary finding by submitting a To-From-Subject Report requesting a hearing *by the end of the member's next tour of duty or within ninety-six hours, whichever period is shorter.*

E. Item VI-C-3-f is revised to read:

f. informing the member *of the* option to request a Complaint Review Panel (CRP) hearing if *the member* disagrees with the hearing officer's decision. This request will be made *by the end of the member's next tour of duty or within ninety-six hours, whichever period is shorter.* However, AFSCME members will not be afforded the Complaint Review Panel process as the predisciplinary provisions outlined in their collective bargaining agreement serves in place of the Complaint Review Panel Hearing process.

Superintendent of Police

New or revised material is indicated by *italics.*

01-097 LMT

CITY-BG-059074

REVISION TO: General Order 93-3, Addendum 7	DATE OF ISSUE	EFFECTIVE DATE	NO.
	28 July 2004	29 July 2004	7C

SUBJECT	DISTRI-BUTION	RESCINDS
SUMMARY PUNISHMENT	C	

I. PURPOSE

This revision updates the list of less serious transgressions to permit the issuance of summary punishment for Department members who engage in pursuits not in compliance with Department policy, but do not necessitate the initiation of a complaint register investigation.

II. REVISION

Item IV-A-27 is added to read:

27. Failure of a sworn member to comply with the requirements outlined in Department directives concerning motor vehicle pursuits when the Chairman of the Traffic Review Board determines that a summary punishment, rather than a complaint register investigation, would best achieve the goals of the Department.

Philip Cline
Superintendent of Police

04-064 DK

EXHIBIT 56

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

	)	
	)	Master Docket Case No. 19-cv-01717
In re: WATTS COORDINATED	)	
PRETRIAL PROCEEDINGS	)	Judge Franklin U. Valderrama
	)	
	)	Magistrate Judge Sheila M. Finnegan
	)	

THIS DOCUMENT RELATES TO ALL CASES

NOTICE OF RULE 30(b)(6) DEPOSITION

PLEASE TAKE NOTICE THAT the depositions of the following individuals will be taken using stenography and video on agreed dates and times, all at Loevy & Loevy, 311 N. Aberdeen St., Chicago, Illinois 60607, pursuant to Federal Rule of Civil Procedure 30(b)(6). The Instructions and Definitions set forth in Plaintiff's prior discovery requests to Defendant City of Chicago are hereby incorporated into this Notice as though fully set forth herein.

As to counsel of record for the City of Chicago, this is a demand upon you to designate and produce the person(s) who can provide binding testimony on behalf of the City of Chicago pursuant to FRCP 30(b)(6) on the following subjects:

1. Any investigation(s) into any of the Defendants in the Coordinated Proceedings, including but not limited to the joint investigations that the City conducted with the Cook County State's Attorney and/or federal authorities.

2. Any restrictions on the City's ability to discipline any of the Defendants or otherwise change their assignments or responsibilities.

3. The reason or reasons that neither Watts nor Mohammed was stripped of police powers before November 2011.

4. The reason or reasons that any of the Defendants were placed on desk duty and/or stripped of police powers, and the reason or reasons that any of those decisions were reversed.

5. Any promotions of Alvin Jones, Douglas Nichols, and Ronald Watts, including but not limited to the reasons they received promotions and the efforts to locate documents relating to those promotions.

6. Any requests by Ronald Watts to receive new or different assignments with the Chicago Police Department.

7. The supervision of Ronald Watts from 1999-2011, including the identity of individuals who were responsible for supervising Watts.

8. The data held by the Chicago Police Department for CRs initiated between 1999 and 2011, including the reports and data access tools available to CPD to query information associated with CRs.

9. The City's communications with the Cook County State's Attorney's Office regarding efforts to vacate convictions stemming from arrests made by Ronald Watts or members of tactical teams that he supervised (including but not limited to the 264 tactical team).

10. COPA's investigation of the Log Nos. listed in COPA-WATTS_057299-COPA-WATTS_05731, including policies and procedures such as the CPD Command Channel and Chicago Police Board Review Process (attached hereto as Exhibit A) relating to the decision to make information about those investigations public.

11. The disciplinary system(s) within the Chicago Police Department available to address CRs initiated between 1999-2011.

12. The Chicago Police Department's practices and policies for conducting confidential CR investigations and CR investigations associated with allegations of criminal conduct between 1999 and 2011.

13. 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.

d. Internal investigations of allegations that police officers engaged in potentially criminal conduct.

e. Qualifications required to become a member of a tactical team operating in or around the Ida B. Wells housing development.

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.

h. The provision of CR files to the CCSAO or defense attorneys in drug and gun cases.

i. The meaning and significance of the term “lead allegation” as it relates to CRs.

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

k. The collection and inventory of money from individuals who are arrested or detained.

l. Reverse sting operations, including any materials used in reverse stings, such as reverse sting kits.

m. Premises checks in the Second District.

n. Merit promotions.

o. The use of confidential sources, confidential informants, and concerned citizens in connection with drug arrests.

p. The code of silence, including the City’s position as to whether a code of silence existed during any part of the years 1999-2011, and any efforts to address the code of silence.

q. The supervision of tactical teams and tactical team officers.

r. Systems such as early warning systems in place to monitor officers for potentially wrongful behavior.

s. Joint investigations with outside entities such as the Cook County State’s Attorney’s Office and/or federal government agencies.

14. The person(s) with final policymaking authority for the City of Chicago on each of the subjects set forth in Topics 10-13 above. To the extent that anyone or any entity with final policymaking authority has delegated such authority, please identify that delegee or those delegees and produce those individual(s) pursuant to this Notice.

15. The City's efforts to locate and produce files responsive to Plaintiff's document requests in the Coordinated Proceedings.

The person(s) designated pursuant to this Notice should produce, at least seven (7) days prior to the deposition, any and all documents related to the above topics within their possession, custody, or control, or, if the documents have already been produced in this litigation, identify those documents by bates number.

Dated: February 8, 2023 Respectfully Submitted,

/s/ Scott Rauscher
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CERTIFICATE OF SERVICE

I, Scott Rauscher, an attorney, certify that on February 8, 2023, I caused the foregoing Notice of Rule 30(b)(6) Deposition to be served on counsel of record for all parties via electronic mail.

/s/ Scott Rauscher

EXHIBIT 57

LOUISVILLE LEXINGTON LONDON FLORENCE CINCINNATI INDIANAPOLIS ORLANDO JACKSONVILLE TAMPA

KENTUCKIANA
COURT REPORTERS

MASTER DOCKET CASE NO. CASE NO. 19-CV-01717

IN RE: WATTS COORDINATED PRETRIAL PROCEEDINGS

DEPONENT:

MICHAEL FITZGERALD ON BEHALF OF CITY OF CHICAGO

DATE:

March 06, 2024

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IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION
MASTER DOCKET CASE NO. 19-CV-01717
JUDGE FRANKLIN U. VALDERRAMA
MAGISTRATE JUDGE SHEILA M. FINNEGAN

IN RE: WATTS COORDINATED
PRETRIAL PROCEEDINGS

DEPONENT: MICHAEL FITZGERALD ON BEHALF OF CITY OF CHICAGO
DATE: MARCH 6, 2024
REPORTER: TALIA JACKSON

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STIPULATION

The VIDEO 30(b)(6) deposition of MICHAEL FITZGERALD, CITY OF CHICAGO was taken at LOEVY & LOEVY, 311 NORTH ABERDEEN STREET, 3RD FLOOR, CHICAGO, ILLINOIS 60607 on WEDNESDAY, the 6TH day of MARCH, 2024 at 10:03 a.m. (CT); said VIDEO 30(b)(6) deposition was taken pursuant to the FEDERAL Rules of Civil Procedure.

It is agreed that TALIA JACKSON, being a Notary Public and Digital Reporter for the State of Illinois, may swear the witness and that the reading and signing of the completed transcript by the witness is not waived.

PROCEEDINGS

THE VIDEOGRAPHER: My name is Krystal Barnes, I'm the videographer today, and Talia Jackson is the court reporter. Today is the 6th day of March, 2024, and the time is 10:03 a.m. Central Time. We are at the offices of Loevy & Loevy to take the 30(b)(6) City of Chicago representative, Michael Fitzgerald, deposition in the matter of the Watts Coordinated Pretrial Proceedings, pending in the United States District Court for the Northern District of Illinois, Eastern Division, Master Docket Case number 19-cv-01717. Will counsel please identify themselves for the record?

MR. RAUSCHER: Scott Rauscher for the Loevy & Loevy plaintiffs.

MR. FLAXMAN: Joel Flaxman for the Flaxman plaintiffs.

MR. MICHALIK: Paul Michalik for City of Chicago and the witness, Lieutenant Fitzgerald.

MR. BAZAREK: William Bazarek for the law enforcement officers represented by Hale & Monico.

MR. GAINER: Brian Gainer for Ron Watts.

MR. BORKAN: Steve Borkan for Ridgell.

MR. PALLES: Eric Palles for Kallatt Mohammed.

THE VIDEOGRAPHER: All right. Sir, will you please raise your right hand so that the court reporter can swear you in?

THE REPORTER: Do you solemnly swear or affirm that the testimony you're about to give will be the truth, the whole truth, and nothing but the truth?

THE WITNESS: I do, ma'am.

THE REPORTER: Thank you. Counsel, you may begin.

DIRECT EXAMINATION

BY MR. RAUSCHER:

Q. Can you say it and spell your name, please?

A. Sure. My name's Michael, M-I-C-H-A-E-L. My last name is Fitzgerald, and it's F-I-T-Z-G-E-R-A-L-D.

Q. You're currently a police officer?

A. That's correct, sir. I am.

Q. And what's your rank?

A. I'm currently a lieutenant.

Q. And how long have you been with the Chicago Police Department?

A. It'll be 25 years in October.

Q. Can you -- well, before we get into that, you understand you're here today as a representative of the City of Chicago?

A. Yes, sir.

Q. And not just in your personal capacity?

A. That's correct. Yes.

Q. And you're here to testify on behalf of the City of Chicago as to certain specific topics?

A. Yes, sir.

Q. All right. What did you do to prepare for today's deposition?

A. I met with the city attorneys on two occasions for approximately two hours, two and a half hours. Generally reviewed a handful of general and special orders and bureau patrol orders. Reviewed summarily a -- a complaint form set and an excerpt from a general offense case report.

Q. Do you know which city attorneys you met with?

A. Yes. Mr. Michalik and then Dan Noland.

Q. Did you meet with them for two and -- to two and a half hours each time or total?

A. Total.

Q. What -- when did you meet with those attorneys?

A. Last week on the 28th, I believe. And then two weeks prior to that. I don't know the exact date.

Q. Did you do any prep outside of meeting with those lawyers?

A. Yes.

Q. And what was that?

A. So I -- I reviewed -- in -- in terms of, like, looking for some of the department orders, just to refresh my recollection on some things. The orders that we reviewed were things that I produced to them. And then I also looked at user guides that are online on our CLEAR system for both arrests and eTrack.

Q. Are those user guides publicly available when you say online?

A. So they're -- they're posted on our department internal CLEAR website. On our wire, I should say.

Q. What's your -- what's the wire?

A. The wire is, like, our internal webpage that we have all of our -- our applications are housed on. In this particular instance, there's training user guides that are available that you can -- you can reference.

Q. And what -- which -- what specific documents do you remember reviewing?

A. The current tact team order, which encompasses, like, the responsibilities of lieutenants, sergeants, and patrol officers. We reviewed an order -- I don't know -- I don't remember the exact order number, but one that discussed the ability to sign on behalf of another department member. We looked at their -- like, the tactical scheduling that we have, like the matrix,

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1 and I believe that was it.
2 Q. Those are the only specific ones you remember?
3 A. That I remember for -- with specificity, yes.
4 Q. But is it fair to say there were additional
5 documents you reviewed, but you don't specifically
6 remember right now which --
7 A. That's correct --
8 Q. -- those were?
9 A. -- yes.
10 Q. Tactical scheduling matrix --
11 A. Yes.
12 Q. -- what's that?
13 A. So it's just a -- it's essentially, like, the
14 -- the matrix that the department puts out where it'll
15 tell you which tact teams are working on which days. So
16 there's a uniform system throughout the department so
17 that everyone that's assigned to a particular tactical
18 team number, so they have designators. Like, the 61
19 team, citywide, will be assigned to a particular day off
20 group.
21 Q. How long has that matrix been in place?
22 A. That, I don't know.
23 Q. Do you know if it was in place any time
24 between 1999 and 2012?
25 A. That, I don't know.

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1 Q. Is there a way to get the answer to that?
2 A. I'm sure that there's -- probably in our
3 archives, with our records section or with our Research
4 & Development group. They might have the archived
5 orders for that.
6 Q. What does it mean to have a uniform day off
7 schedule? Is that what you said?
8 A. Yes. So in other words, all the tact teams --
9 we'll use again, like, the 1561 team. We have rotating
10 day off groups within the department. So to allow the
11 department to have, I guess, a better idea of how much
12 personnel they have working on a given day, they'll know
13 that every 1561 team throughout the entire city will all
14 be in the same day off group. So if there's an event
15 that's coming up that we need to plan for, they'll have
16 an idea of how much manpower is available if they need
17 to pull from those tact teams.
18 Q. So what would it mean -- maybe you can give
19 me, like, a practical example.
20 A. Sure.
21 Q. If there's a tactical team that's not
22 citywide, but it's, you know, set to a specific area,
23 what would it mean for them all to have the same day off
24 schedule?
25 A. So they wouldn't be a tactical team. They'd

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1 either be, like, an area mission team. So the tactical
2 team, they're assigned specifically to a district,
3 right? And so by having the uniform day off groups, it
4 gives them balance, right? So that we don't have -- all
5 the teams are working on different or staggered day off
6 groups to provide coverage for all the watches, so that
7 there's always going to be someone from a tact team
8 that's working in a district on any given day. And then
9 citywide, the reason why they're all on the same day off
10 group is so that, this way, when they're pulling, if
11 they need to pull those resources, they know where they
12 can pull those resources from and they know which teams
13 they're getting. So it's -- it's more like -- so it's -
14 - it makes the paperwork a little bit easier so that
15 they know everyone that's supposed to be responding to
16 this offense will be from a 16 -- or a 61 tactical team.
17 Q. And so this case involves the tactical team
18 led by Ronald Watts. You're familiar with that, at
19 least generally?
20 A. Generally, yes.
21 Q. Under the system you're describing, would that
22 whole tactical team have the same day off?
23 A. Yes. And that would've been in place then. So
24 every team was assigned to a supervisor and given a
25 specific day off group. And then within those day off

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1 groups, each period you rotated, so... And that -- that
2 system was in place back then. So there would be one
3 team that was working days, one team that was working
4 nights, and another team that they would consider their
5 relief team. And so the relief team would fill in the
6 gaps. When the day team was off, they would be working
7 days. And when the night team was off, they would be
8 working nights. So you would spend one -- one period of
9 28 days moving between a day and a night shift.
10 Q. Okay. And it -- so the relief -- the members
11 of the relief team are part of the tactical team?
12 A. Yes.
13 Q. It's not as though the tactical -- the whole
14 264 tactical team, led by Ronald Watts, would all have
15 Tuesday off?
16 A. Yes, they would.
17 Q. They would? Every single one --
18 A. Yes. So I -- so what it is, is there would
19 be, like, a 61 team, a 62 team, and a 63 team, right? So
20 everyone that was in the 61 team would be assigned to a
21 dedicated day off group with a dedicated sergeant. And
22 then the 62 team, dedicated day off group with a
23 dedicated sergeant. 63 team, and so on, right? And
24 then they would be staggered so that they would ensure
25 that there was coverage for -- for the watches.

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Q. So from the 1999- to 2012-time period, the whole Watts team would have the same day off?
A. They should have. Yes.
Q. That is the -- that -- if they were following the policy --
A. Yes.
Q. -- that's how typically it would work?
A. Yes, sir.
Q. Meaning that on any particular day, there would be no one from the Watts team working?
A. Correct.
Q. Okay. And you think -- what records would you look at to track that?
A. To track the -- back then?
Q. ANAs or...?
A. So the ANAs would be able to tell you. Also, like, if you were looking to see if the -- what the matrix was, if that existed, that would probably be something through our Research & Development group that would probably be able to look back and see what actually existed in writing then.
Q. And would that -- would they be able to do that electronically, or would they have to go, like, to --
A. I'm not familiar with how they do their

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system. I don't know, like, if it would go beyond -- you know, if it was, like, original paper documents that predated our computer systems or if they have archived that stuff and they have it available that way as well. I wouldn't be aware.
Q. All right. You mentioned a couple other specific policies or documents you remember reviewing. One was the current tactical team order. Another was about the ability to sign on behalf of another member?
A. Yes, sir.
Q. Do you remember which specific general or special orders those were?
A. So the -- I believe the tactical team order was referenced as the tactical team order. And I -- I was the one that produced that document, and it was more or less just to establish my understanding of what the tact teams were and then show them what was in writing, at least currently, in policy and how it sort of mirrored what was going on in the time frame that we're discussing.
Q. And do you think it did mirror what was going on in the time period we're discussing?
A. For the most part, yes. There's been little nuances that have changed over time, but overall, like, it's essentially the same structure.

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Q. Okay. And we'll go through that, probably in a lot more detail --
A. Sure.
Q. -- a little bit later. And do you -- what about the document or documents that talk about the ability to sign on behalf of someone else?
A. So I don't remember the exact document title, but it -- it walks through, like, presenting a -- a case report for review and indicating the circumstances under which you could sign on behalf of another member.
Q. Is the gist of it that you can do that as long as you write your initials and star number next to the other signature?
A. There's a handful of circumstances under which it can happen. That identifies the circumstances under which that's a possibility. And then typically, that would've been the policy, yes, would be to sign your name and then initial above it.
Q. All right. Any other specific documents you can remember?
A. No.
Q. All right. So I think you've already answered this, but how long have been with the department?
A. It's going to be 25 years in October.
Q. Can you just kind of walk through an overview

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of the roles you've had over the years?
A. Sure. When I first got on the job, I was hired in October of 1999 as a probationary police officer. I spent approximately six months in the training academy until I was sent off for my -- my probationary field status, which I did in the 14th District. While I was there, I did three cycles of training with field training officers. Approximately a couple weeks passed, I was sent down to Loop traffic. They were doing the Michigan Avenue rehabilitation back then, so they took probationary police officers and used us as traffic aides to supplement the -- the traffic staff downtown. I did that until, I believe it was, September of that year, and then I went on -- I came back to the 14th District. I went on furlough. I came back. I was then redeployed downtown for the window detail where, essentially, we were just supplemental force for -- or manpower for, like, the Christmas season for traffic support again and also just to be a -- a visual presence for people that law enforcement was there with the number of people that were downtown. I stayed in the 14th District, I believe, until April of 2000 -- or 2001. Then I transferred into the 15th District. While I was in the 15th District, I worked patrol for a short period of time. I was on a tactical

1 team there for a short period of time. I left the
2 tactical team and went back to the watch. I believe it
3 was either '03 or '04, I transferred to the Targeted
4 Response Unit, which was a citywide unit that was sent
5 all over the various high crime districts. I stayed
6 there from -- until 2007. I transferred to the 19th
7 District in 2007. I was in 19 as a patrol officer from
8 2007 to 2008 when I got promoted to sergeant. When I
9 was promoted to sergeant, after spending our preservice
10 training in the academy, I was assigned to the 15th
11 District. As a sergeant in the 15th District, I was a
12 watch sergeant, I was a CAPS sergeant, I was a tact
13 sergeant, I was a mission team sergeant. I spent from -
14 - I believe it was 20 -- 2013, I believe, to 2014
15 detailed to the deputy chief's office where we did what
16 was considered operation impact, where we were assigned
17 a group of probationary police officers whose job it was
18 to -- to walk in certain areas. So that was my -- I
19 supervised them. And then after that, I went to Area
20 South as a detective division sergeant. I spent
21 approximately two years there. And then about 2016, I
22 transferred to Area Central where I stayed for
23 approximately almost two and a half, almost three years.
24 And in 2019, I transferred to the Bureau of Internal
25 Affairs where I was a sergeant that was assigned to the

1 confidential section for investigations and then also
2 general investigations. I stayed there until roughly
3 November of 2019 and returned to Area 1, which would
4 have been Area Central at the time. Shortly thereafter,
5 they restructured the Bureau of Detectives, and they
6 reopened Area 5 and Area 4. And I was selected to help
7 then-Commander Winstrom reopen Area 5. And I became
8 assigned as the administrative sergeant for Area 5,
9 where I stayed until I was promoted to lieutenant in
10 2021. After I was promoted to lieutenant in 2021, I was
11 assigned to the 18th District. I was there for
12 approximately -- I think it was less than a month, month
13 and a half. I was reassigned to the Special
14 Investigations Unit, which handles child sex crimes. I
15 stayed there until April of 2022, and then I was
16 reassigned to the Evidence and Recovered Property
17 Section, where I am currently assigned.
18 Q. Is it ERPS? Is that what --
19 A. Yes, that's correct. Yes.
20 Q. -- the acronym is?
21 A. Uh-huh.
22 Q. Have you conducted any training over the
23 years?
24 A. Yes.
25 Q. What training have you conducted?

1 A. So I've been -- since I've taken over as the
2 commanding officer of the Evidence and Recovered
3 Property Section, I will go and do preservice training
4 for our eTrack system for newly-sworn or newly-promoted
5 sergeants. And then we did -- while I was in Special
6 Investigations Section, we did a -- a brief presentation
7 of what our -- our unit overview was for newly-promoted
8 detectives.
9 Q. Did you become familiar with the policies and
10 procedures on tactical teams when you worked on a
11 tactical team and then when you were a sergeant on the
12 tactical team?
13 A. Yes.
14 Q. About how long were you -- did you work on a
15 tactical team?
16 A. I think I was on the tact team for maybe a
17 year and a half, two years, in '15 as a patrol officer.
18 And then as a sergeant, I had a tact team for a year and
19 a mission team, which essentially mirrored that in the
20 district, for approximately two and a half years.
21 Q. So about three and a half years, you were
22 essentially in charge of a tactical team or similar to a
23 tactical team?
24 A. Or similar, yes. Uh-huh.
25 Q. What -- can you put a time period -- I know it

1 kind of got blended in there, but can you put a time
2 period on when you were a member of a tactical team as a
3 patrol officer?
4 A. I want to say it was 2001 through maybe '03.
5 So it was either '02 -- '01 or '02 when I got on the
6 tact team as a patrol officer and then '02, '03 when I
7 transferred off and went back to the watch.
8 Q. Which tactical team were you a member of?
9 A. I -- I believe we were the 1563 team in the
10 15th District.
11 Q. And why did you transfer off?
12 A. My partner at the time had had -- I believe it
13 was his third child, and so he needed to get a more
14 steady schedule. We had been partners for, at that
15 point in time, like, two or three years, and I'd rather
16 stay with him. So I -- I shifted and went back to the
17 watch and worked with him.
18 Q. Okay. What were the general responsibilities
19 of your tactical team?
20 A. So our general responsibilities were to work,
21 pretty much, as -- like, our orders are defined at the
22 direction of the district commander. So on a daily
23 basis, that would depend on what was going on in the
24 district. If there was a shooting or some other high-
25 profile type of incident, they may reassign our team to

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1 go work in a particular area to see if we could develop
2 any information as to what was going on, or even just
3 provide, like, high visibility to, sort of, you know, I
4 guess, quell the violence a little bit by showing people
5 that there is, you know, law enforcement in the area.
6 Aside from that, when there weren't specific things
7 going on at -- on a daily basis, we would -- we would
8 drive in the areas and -- and just kind of see what was
9 going on. If we observed possible criminal activity, if
10 it was narcotics-related, we might establish a
11 surveillance. Either my partner and I, or with members
12 of our team, we might set up collectively and -- and do
13 the enforcement together. Sometimes we would be sent to
14 details where we would be -- like I was saying before,
15 they would select a certain number of people if there's,
16 like, a Cubs game or -- you know, or something like
17 that, or a parade where they needed additional support
18 units. We would get pulled and go there. Sometimes we
19 would be given CAPS mission problems where we would go
20 to the CAPS mission board. And they would say if there
21 was a particular problem, this is your assignment for
22 today. Other times we might even get citizen complaints
23 that came in directly to one of our superiors and they
24 would say, hey, a civilian's calling from this
25 particular area, they're noticing that this or this is

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1 going on, we need you guys to investigate it and come
2 back to us with a report and let us know what -- what's
3 going on.
4 Q. Were you familiar with Ronald Watts or the
5 Watts team while you were -- while they were a team?
6 A. So I don't know when I became aware of them,
7 per se. I don't -- I don't know that I would have been
8 aware of them while we were working in the 15th
9 District. Obviously because of the situation that
10 evolved, that's where my -- my knowledge of them
11 specifically comes from.
12 Q. What area did the 15th District cover when you
13 were on the tactical team?
14 A. So the -- the borders of the 15th District are
15 from Division to Roosevelt and then from Cicero to
16 Austin.
17 Q. And was your tactical team -- did they
18 concentrate in any particular area, or was it -- I guess
19 you've sort of described it dependent on what was going
20 on?
21 A. Yeah. And so -- and, again, like, on a daily
22 basis, it would be dictated as to what our mission was
23 given to us for that day. If there was something in
24 particular we needed to focus on, then that's where we
25 would lend our resources. Other than that, it was, you

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1 know, we just drove the district. And there were some
2 areas that we were more familiar with. Because, you
3 know, either from our interactions in patrol, we were
4 aware because we were assigned to certain beats or
5 sectors, we were -- some people were a little more
6 familiar with certain areas than they were others. And
7 so then that would become the areas where they would
8 kind of concentrate their efforts because that's where
9 they were most aware of the criminal activity that was
10 going on there.
11 Q. What -- which tactical team were you a
12 sergeant for?
13 A. The 1561 team.
14 Q. Was that in the -- also the same area?
15 A. So we -- yeah, it would have been the same
16 boundaries for the district, yes.
17 Q. Did you -- did -- was the 1561 team different
18 than the 1563 team, like, as far as responsibilities go?
19 A. No. I mean, it would have been the same
20 concept. It's just now, instead of being on the team as
21 a patrol officer, I was now in charge of a team as a
22 supervisor.
23 Q. What was your role as the supervisor of a
24 tactical team?
25 A. So as a supervisor of a tactical team,

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1 obviously you're given -- each team consists of ten
2 officers. Each of which is, in theory, a two-man car.
3 On days when someone's off, those cars can get expanded
4 to a three-person car because they don't ever let a tact
5 car go out by themselves. But same thing. Like, you
6 would communicate with your tactical lieutenant, find
7 out what was going on in the district. If there was a
8 specific mission that the tactical lieutenant assigned
9 to you or your team, then that would be the information
10 that you would send out. Sometimes it would come
11 directly from the district commander. As a sergeant,
12 though, you were also supposed to be in tune to what was
13 going on in the district and being aware yourself of,
14 you know, different kinds of criminal activity that was
15 taking place, if there were spikes in violence, what was
16 going on, and kind of direct your resources to -- you
17 know, to those areas to sort of prevent that crime from
18 -- from continuing.
19 Q. Were you -- when you were the sergeant of the
20 1561 team -- that was the one you were a sergeant of,
21 right?
22 A. Yes, sir.
23 Q. 15 -- when you were a sergeant of the 1561
24 team, were you out patrolling with your officers?
25 A. I was.

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Q. Would you ride with another member of the team?
A. Most generally, yes.
Q. And how would that be reflected, generally, on reports?
A. On reports, like, if I was on an arrest, then I would be on the paperwork as having been there. We would do a daily supervisor's log, but I would be separated from that on the log. Like, I wouldn't be listed in the car riding with them because I would be the one checking their -- their status. You know, we have to do a status check on all of our officers every 45 minutes. And so it's like as that would go, you know, I would still be having my role as the 1561 car, but I would be with them.
Q. And can you break down the years of when you were supervising the 1561 team versus the other similar team?
A. So I believe -- I believe I had the 1561 team from 2010 to 2011, and then I was with the 67 team from 2011 until 2013, I think. Yeah.
Q. The -- tell me more about the daily supervisor's log.
A. So every supervisor will do a supervisor's log. Whether they're on patrol or on the tact team, you

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have a log that you have to fill out that indicates when you checked in with your -- your officers. In patrol, it's every 45 minutes you have to log the car. So as, like, a -- as a beat sergeant, that could be you saw them passing in traffic, to you saw them on a traffic stop, to you responded to a domestic with them. You assisted with some of the paperwork. But there's got to be, on your log, 45 -- something must be occurring every 45 minutes in terms of some sort of supervisory role. The tact team sometimes a little bit different, just because of the circumstances under which you operate. If you're conducting a surveillance, per se, you know, and your team is all there, you know, you might only have a log for that hour, and then it turns into an arrest. Or, you know, there -- there might be larger gaps in the time frame for those things.
Q. But there should be a log of -- every day that you work as the supervisor of a tact team, you should fill out a log at the end of the day?
A. That's correct.
Q. Do you fill it out as you're going, or do you fill it out at the end of the day?
A. I filled it out as I was going.
Q. Do you know if there was a policy or a procedure as to whether it should be done throughout the

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day, or once, or something else?
A. That, I'm not aware of.
Q. Do you know when daily supervisor logs started being required?
A. That, I don't know. I do know that when I was promoted to sergeant, there was one. So in 2008, there was one.
Q. Had you seen a daily supervisor's log before 2008?
A. That, I don't -- I don't ever recall.
Q. And do you know if you were familiar with the concept before you became a supervisor?
A. I think when we went to our preservice training is when they introduced us to it and, like, what the concepts were behind it. I mean, it's a pretty self-explanatory form, but, you know, that -- it was only explained to us what it was and how we were supposed to fill it out in preservice training.
Q. And when did you do that preservice training?
A. So that would've been 2008.
Q. Did someone have to review your daily logs?
A. Yes.
Q. Who reviewed the daily logs?
A. We -- we would submit them for review by our lieutenant either on the watch, or if you're on the tact

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team, it would've been the tactical lieutenant.
Q. And then how did they get -- were they electronic forms?
A. So they're -- they're PDF forms, but we print them out and obviously turn them in, so there's a physical paper copy of it.
Q. And then --
A. And I believe they were then transferred to our admin section.
Q. And then are they scanned?
A. What's that?
Q. Do you know if they're scanned and stored electronically?
A. That, I don't know.
Q. Do they reflect arrests if there are arrests made?
A. In terms of, like, the -- the information about the specific arrest or
Q. Well, let's -- maybe just -- you can -- let's just -- maybe you can give me an example. Say you're out and you assist with, you know, an arrest of four or five people. Would that, in some way, be reflected on the daily log?
A. It might be in the sense that if you put yourself down on -- there was a -- the front section

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1 just had all the cars listed and then, like, a time and
2 a location where you logged them at. And then the back
3 side had, like, involvement in terms of, like, stops and
4 other activity. So then you could put in those time
5 frames. Whether it would reflect the individual who was
6 arrested? No. I think there was a section for -- for
7 coding on there where you could put down that it was,
8 like, either 19 Paul or whatever it was, a 1 Frank, if
9 it was a domestic, I believe there's a box for that on
10 there. But aside from that, like, it wouldn't -- it
11 wouldn't specifically reflect, like, the name of the
12 individual who was involved, but it would give you,
13 like, the location and the timestamp of when you were
14 there.
15 Q. Would it say -- would it say something like
16 participated in or assisted in arrest but not
17 necessarily who was arrested?
18 A. I -- I believe it would have just the address
19 of occurrence and the type of job, potentially, I think
20 is what the two boxes were. It's been a while since
21 I've seen one. But like I said, it's all -- it's all
22 self-explanatory as you're going through it. There's a
23 timestamp that's on there that says it was between this
24 time and this time, so that they can monitor the hours
25 and make sure that you're actually filling the -- the

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1 log out within that 45-minute time frame.
2 Q. Is the purpose of the log to show what you,
3 the supervisor, is doing or what the team is doing, or
4 something else?
5 A. I think it's a combination. Like, my -- my
6 personal opinion is to show that you're actually
7 supervising your personnel as opposed to just saying, oh
8 yeah, I watched them. You know, it's like, well, where
9 were you at with them? I was here at these locations.
10 Q. So when it's, like, interaction with a -- one
11 of the beat cars or patrol cars, it's not just saying
12 the patrol car was over here. It's saying I was there
13 with them?
14 A. Correct.
15 Q. Okay. And the same idea where if there was an
16 arrest or if you list an occurrence, it's you were at
17 the spot of the occurrence?
18 A. Correct.
19 Q. Okay. Thanks.
20 MR. RAUSCHER: We're going to mark Exhibit 1.
21 This is a notice of Rule 30(b)(6) deposition. It's
22 the version that was circulated last week, but
23 attached was the old version.
24 (EXHIBIT 1 MARKED FOR IDENTIFICATION)
25 BY MR. RAUSCHER:

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1 Q. I went ahead and highlighted the topics that I
2 think you're here to testify about. If you could take a
3 look and let me know if you agree. It goes onto the 3
4 and -- Page 3 and Page 4. Did I highlight the correct
5 topics?
6 A. Yes, sir.
7 Q. Okay. So I have -- well, I guess we didn't
8 say it yet. I have 13A, B and C, E, F and G, and J
9 and K.
10 A. That's correct.
11 Q. All right. And those cover the time period --
12 so those are about the city's written and unwritten
13 policies, practices, and customs, and training in effect
14 from 1999 to 2011. And I'm not going to read each
15 topic --
16 A. Right.
17 Q. -- but on those topics. And you're prepared
18 to testify about those today?
19 A. To the best of my knowledge, yes, sir.
20 Q. And to the best of the city's knowledge?
21 A. Well, I mean, it would be to the -- the best
22 of my knowledge. I mean, I don't know if there is
23 someone who's more knowledgeable about these topics than
24 I am, but I'm -- I'm going to let you know what I know
25 about these things.

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1 Q. Okay. Did you talk to anybody at the
2 department other than -- well, did you talk to anybody
3 at the department about any of the topics that we're
4 going to talk about today?
5 A. No, I did not.
6 Q. Are there any -- do you believe you have any
7 gaps in knowledge on any of these topics?
8 A. I'm not sure I understand what you mean by
9 "gaps in knowledge."
10 Q. So do you think you know -- you've said you're
11 not sure if there's someone at the city who knows more
12 than you about this. And it's a big department, so I
13 understand, I think, why you're saying that, but you're
14 here to testify on behalf of the city. So what I'm
15 trying to understand is, do you believe that you are
16 competent and prepared to testify on behalf of the city
17 on these topics, or are there some where you think I'm
18 not sure actually if I have full knowledge of this for
19 the city?
20 A. No, I -- I think I'd be all right.
21 Q. Okay.
22 MR. MICHALIK: Yeah. And, Scott, just for the
23 record, I think, in terms of the tactical team, it's
24 my understanding that you spoke with Dan and that
25 he's going to be talking about tact teams in general

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as opposed to specific 2nd District tactical teams.
MR. RAUSCHER: So my understanding was that there probably isn't anything specific to the 2nd District, which is why we had that conversation, but you will tell me if you think I'm wrong as we go.
MR. MICHALIK: I just wanted to clarify.
MR. RAUSCHER: So the topic -- as far as, you know, from my perspective, the topic is still the same, but I think the answer is probably going to be we have general policies.
MR. MICHALIK: Right.
MR. RAUSCHER: But I'm not testifying, so I will stop giving my expected answers now.
BY MR. RAUSCHER:
Q. Did you bring any documents with you today?
A. No, I did not.
Q. Did you print out the documents -- so when -- you said you had looked a bunch of documents. Some of them -- were some of them done online and some of them printed?
A. So everything that I researched was offline. So it would've been from our department director's database and then from the -- the CLEAR system off the wire, the user guides.
Q. Offline, meaning you had a --

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A. Well, online, I'm sorry.
Q. On -- everything was online?
A. Online, yes. Off of our wire, yes.
Q. So you did not print out any copies of anything?
A. To bring today?
Q. Either way?
A. Yes, I did.
Q. Okay. Do you still have a copy of the things you've printed? Did you keep a set?
A. I did not keep a full set of everything. I -- most of what I had, I tendered.
Q. To Counsel?
A. To Counsel, yes.
Q. Okay. If -- we're going to go through some documents today. If there is a document that you looked at or that you think bears on these topics that we haven't -- that we -- you know, that we don't talk about today, I'm going to ask you to just let me know that, okay?
A. Yes, sir.
Q. And then before we get into specific topics, are you aware of any unwritten policies, practices, or customs relating to any of these topics that you're here to testify about?

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A. Unwritten policies, no.
Q. And what about unwritten practices or customs?
A. No.
Q. And did you do any research into the training about these policies the training officers receive?
A. No.
Q. Do you -- are -- but are you familiar with the training that they receive?
A. Based on the training I've received.
Q. And it's your understanding the training you've received is consistent with the training every other officer receives?
A. I would imagine, yes.
Q. And why do you imagine that?
A. It's -- when I went through the training academy -- so in 1999, that's when I first started my training. A lot of the things that you're asking about in that time frame, I would have knowledge of how they trained us to write reports from when I was in the academy then. Follow-up to that would be when they created eTrack and the CLEAR system for arrest reports, there was training that came out that was department-wide user guides. Everyone had access to the same resources.
Q. So maybe you can -- we can start with just

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give me an overview of the training on arrest reports during the 1999 to 2011 time frame.
A. So obviously, when we're in the academy, one of the -- the courses that we were given was instruction on how to complete arrest reports. At the time in 1999, arrest reports were -- were paper. So they were not the digital copies that we have now or the digital versions, I should say. And so there was instruction on how to fill them out and essentially what the boxes on there stood for and then in addition to that, like, what the narrative of that report should contain predominantly.
Q. And there are some, you know, separate categories that are probably fairly be said to be subcategories in this topic.
A. Yes, sir.
Q. For example, B is the use of official reports of abbreviations, such as RO and AO instead of listing participating officers by name.
A. Yes, sir.
Q. Did you receive training on the use of any abbreviations?
A. Yes.
Q. What training do you remember about using abbreviations?
A. I mean, specifically that ROs were -- were

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1 typically abbreviations that were used for general
2 offense case reports, vice case reports, anything that
3 was not an arrest report, because the RO stood for the
4 responding officer or the reporting officer. AO was
5 something that was more or less specifically dictated
6 towards the arrest report, so that an AO would appear in
7 an arrest report, but not necessarily in a case report
8 for abbreviation. Sometimes people will get the two
9 confused or, you know, by, I guess, force of habit, an
10 RO might show up in an -- in an arrest report and -- and
11 AO might show up in a case report.
12 Q. What does AO stand for?
13 A. Arresting officer.
14 Q. And then RO, you said, could be responding or
15 reporting officer?
16 A. That's correct.
17 Q. Is there a -- any training on when it stands
18 for what -- for which of those?
19 A. I mean, I think it's like -- they're -- in my
20 opinion, they're interchangeable, right? In terms of,
21 like, you -- usually, the person who's reporting it is
22 the one who responded to the scene. You know, in some
23 instances, you didn't respond, you were taking the
24 report at the desk, so I think those would be probably
25 the differences and just more or less semantics.

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1 Q. So if it's talking about someone who is coming
2 to the scene, like ROs did something, that means the
3 person who's going there?
4 A. Well, like, there were -- right. So the
5 responding officer would've been, like, in terms of,
6 like, you're writing the report because you're there,
7 right? A reporting officer might be somebody at the
8 desk. In the same regard, like, reporting law officer
9 could also be in reference to the person who's on the
10 scene, you know, who also did respond. It -- like I
11 said, it's more or less an interchangeable use of the
12 two words.
13 Q. But the only -- I guess the -- is it fair to
14 say that the only time the reporting officer wouldn't be
15 the responding officer is if that person was just doing
16 it at the desk and hadn't been at the scene?
17 A. I'd say that's fair to say.
18 Q. Okay. And did you receive training on who is
19 supposed to sign arrest reports and vice case reports?
20 A. Yes.
21 Q. What was the training you received on who is
22 supposed to sign reports and who -- sorry, and who is
23 supposed to sign arrest reports or vice case reports?
24 A. So on the paper versions of them, I believe
25 our -- our instruction sheets were that the original

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1 signature of the arresting officer would appear. Again,
2 it's been a long time since I filled out a paper one. I
3 don't believe there's -- there's a signature line for
4 the second arresting officer. I believe it's just a
5 printed name that goes in that box, if I remember
6 correctly. Today's reports, there aren't any actual
7 physical signatures that are applied. Everything's done
8 electronically.
9 Q. How do you sign an electronic report, if at
10 all?
11 A. So what'll ultimately happen is whoever's
12 logged in for the application for the arrest report,
13 when you prepare to submit that report, there'll be a
14 notifier that will come up that'll explain to you that
15 you understand, under the penalty of perjury, that
16 you're submitting this report. To the best of your
17 knowledge, it's true and accurate. And there is your PC
18 number that's embedded in there that's linked to the
19 person who logged in, and then you put in your password
20 underneath, and then it affixes your name as the
21 attesting officer to the report.
22 Q. Is that -- the thing you just described, does
23 that apply to vice case reports as well?
24 A. So case reports, presently, are all done
25 electronically, and so the reports are slightly

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1 different. And as we've continued to evolve and write
2 reports differently, there is numbers of, like,
3 different people that are put in there, but it's the
4 same thing where it's like, at the end, whoever's typing
5 the report is going to put their PC number in, and it'll
6 be marked as them as submitting the report.
7 Q. In this case, as you probably know from your
8 experience, a lot of the vice case reports are paper?
9 A. Paper.
10 Q. Who was supposed to sign paper vice case
11 reports?
12 A. So that could -- that could vary. So, like,
13 the individual who authored the report could sign for
14 himself and his partner under certain circumstances that
15 are delineated in some of our orders.
16 Q. And then -- so let me -- I think there's --
17 that's maybe, like, a two-part question. And so, one --
18 there's one issue of whether you can sign for someone
19 else.
20 A. Uh-huh.
21 Q. And then there's a different issue of who is
22 supposed to be the person signing the report in the
23 first place.
24 A. Okay.
25 Q. So set the issue aside of if you can sign for

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1 someone else.
2 A. Okay.
3 Q. Was there training on who is supposed to be
4 the person signing the vice case report?
5 A. I don't recall if there was specific training
6 that would've come in a class or anything like that, but
7 I mean, it's just -- it -- it was, again, you would
8 complete the report on a probationary level. You would
9 give it to your field training officer for them to
10 review. They would -- they would then sign the report
11 to say, yes, I reviewed it, right? When you're working
12 with partners, after a certain period of time, yeah, you
13 would give them the report. If they weren't available
14 to sign, then you would sign on their behalf.
15 Q. So if there's a team involved in an arrest --
16 A. Uh-huh.
17 Q. -- who -- is there a policy about who is
18 supposed to sign the vice case report?
19 A. Who's supposed to sign it? Again, like, the
20 author of the -- of that report should be the one who's
21 signing it.
22 Q. Is there a policy on who the author is
23 supposed to be?
24 A. No. In terms of -- I guess it's kind of
25 difficult to explain in -- in -- in the sense that the

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1 old paper case reports, there's different sections of
2 them, right? And so as you were kind of going through
3 it, someone might be doing the header for you, and then
4 you as the author, who -- who is box 1 arresting
5 officer, they would fill out the top portion of that for
6 you because you were either filling out the arrest
7 report or doing something else, just to kind of expedite
8 the process. But the person who crafted that narrative
9 would generally be the person signing it.
10 Q. And when you're saying fill out the top part,
11 you're not saying the narrative. You're talking about,
12 like, the --
13 A. Just all the boxes, right? So it's like, you
14 know, who the -- what the address of occurrence was,
15 what UCR code we had, the RD number, the offender's
16 information, what was recovered, if there was a car that
17 was involved. Just, like I said, it was more or less to
18 kind of expedite the process sometimes.
19 Q. Should the person signing be someone who was
20 involved in the arrest?
21 A. Yes.
22 Q. So let -- maybe we can --
23 MR. MICHALIK: And just to be clear, you're
24 talking about the vice case report?
25 MR. RAUSCHER: The vice -- yes, the vice case

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1 report. We're talking about vice case now.
2 BY MR. RAUSCHER:
3 Q. So if there's an arrest, two people were the
4 prime -- you know, two officers were the primary people
5 involved and seeing the illegal activity, putting the
6 handcuffs on, someone else came later and helped move
7 the person who was arrested to a police car, and someone
8 else on the team transported them, and then someone else
9 helped them, you know, get to the bathroom at the police
10 station.
11 A. Right.
12 Q. Who should be signing the vice case report?
13 A. It'd be the two officers that were involved in
14 -- in the incident, making the arrest.
15 Q. Like, the first two?
16 A. Yes.
17 Q. What if there was only one involved in the
18 arrest?
19 A. In terms of
20 Q. Do you put two names on there or just one?
21 A. I mean, you could put other individuals on
22 there as assisting, and -- and that's how it works in a
23 lot of the -- the case reports we have now. And they'll
24 just add as many people as were involved on whatever
25 level into the -- into the -- into that report. In

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1 terms of case reporting for the tact teams, like, I
2 don't know that there would've ever been a time that it
3 would've just been someone individually making an
4 arrest. Because as a team, like, you can't have -- that
5 99 car usually wasn't going out. There had to be, like,
6 extenuating circumstances to do that.
7 Q. So it would be -- there would have to be
8 extenuating circumstances for a partner to leave -- you
9 know, if there's two part -- two people in the car,
10 there'd have to be really extenuating circumstances for
11 one of those two people to go leave and leave the other
12 person alone?
13 A. In terms of you were working by yourself to
14 make an arrest, I would say there would have to be
15 something that would be explainable, because, again, the
16 teams went out in pairs or in more than pairs. Like, it
17 was -- like I said before, if my partner was off that
18 day, I had to find another car to ride in, and then we
19 rode what we would consider what would they call 3D,
20 right? There'd be three of us in the car. And then our
21 car that day would be somewhat of a down car. Like, on
22 the sheets, I would still carry my -- my unit
23 designator. Each team was given an alphanumeric code.
24 So it's like -- it's 1561 Adam, Boy, David, Charlie, and
25 Eddie. So I would still carry, if I was the Boy car, I

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1 would still carry that Boy moniker when I would -- when
2 I would come up on there. That'd be my designator.
3 Q. If -- does a signature of a second person on
4 vice case report -- so there's two -- up to two --
5 A. Uh-huh.
6 Q. -- we'll look at a specific one later. We can
7 then walk through it. But does the signature of a
8 second person on the vice case report indicate that that
9 person was at the scene and involved in the arrest?
10 A. It should, yes.
11 Q. Is there anything else it could indicate and
12 still be in compliance with CPD policy?
13 A. That their sig -- like, their signature showed
14 on the report?
15 Q. Yes.
16 A. I mean, in terms of being physically present
17 when the arrest was made, if you had a surveillance
18 situation, like, you might have had someone that was on
19 surveillance that was not in the immediate vicinity when
20 an individual was arrested or there could be some other
21 extenuating circumstances, like, you get somebody
22 detained a block over, and then, you know, your team
23 came and got this other individual.
24 Q. But it would at least indicate that that
25 person who signed it has personal knowledge of the

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1 alleged illegal activity?
2 A. I would say yes.
3 Q. That they saw it or saw --
4 A. In some -- yes. On some level, they were
5 involved, yes.
6 Q. Not just that they showed up after and, you
7 know, saw the person that had handcuffs or something
8 like that?
9 A. I would imagine no.
10 Q. In your experience, would the policy allow you
11 to sign for, as the one of the two officers, if all you
12 did was show up after they were arrested?
13 A. I mean, it would depend on what your role was,
14 I would imagine. I think that, you know, it wouldn't be
15 necessarily out of the policy if you then came in and
16 then helped process the rest of the way through.
17 Q. That could be one of the first two people who
18 signed?
19 A. I would say yes.
20 Q. Okay. Are there any rules that you're aware
21 of as to who can be the two signers on a vice case
22 report?
23 A. No. Not directly, no.
24 Q. What about indirectly?
25 A. I mean, like I said, based on the

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1 circumstances that we're giving here, I think that there
2 are different circumstances where someone who wasn't
3 immediately present could be listed on the case report.
4 Q. Would it comply with CPD policy if you showed
5 up at the scene after someone was in handcuffs and you
6 were the first officer listed and that you signed the
7 report?
8 A. So you're saying you showed up second, he's
9 already been detained, and you're going to be the first
10 to report it? Again, if it was a narcotic surveillance
11 and then you were coming out to verify that that's the
12 individual that I did the surveillance on, then, yes,
13 you could be in box 1. There are other circumstances
14 where if it was your call and maybe it wasn't
15 narcotics-related, you just responded to a call and it
16 was a domestic battery, and someone got there before
17 you, detained him, had him in, you know, in handcuffs,
18 and then you conducted that investigation, then, yes,
19 you could flip roles, and then you could go into box 1
20 because you're the one that's then going to author the
21 report. But you would indicate in the narrative or
22 explain out or flesh out, like, hey, I responded to the
23 scene. When I got there, this is what had happened and
24 then I subsequently learned the following.
25 Q. So in those examples, you still have personal

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1 knowledge of what has happened, or you're -- in the
2 second example, you're kind of deeply involved in the
3 investigation, right?
4 A. Correct.
5 Q. What if the situation is the narrative on the
6 report says something like ROs observed offender 1 hand
7 drugs to offender 2 who handed currency to offender 1,
8 would it be appropriate -- there's no surveillance
9 listed in the report. Would it be appropriate for an
10 officer who didn't see that to be one of the two
11 signers?
12 A. I would say that report should be limited to
13 the two individuals who are involved in the actual ROs
14 observed. So who those ROs were would be box 1.
15 Q. And would you -- would CPD policy have you
16 list who the ROs were in that narrative?
17 A. I think in -- in prior reports, like, the
18 paper reports, I don't know that we ever went that
19 detailed. Presently, like, our -- our reporting
20 procedures now are a little more detailed than what they
21 were back then with the capabilities of, you know,
22 specifically clicking a button and then adding an
23 individual's name into some of the reports, so they're -
24 - they're slightly different in that regard.
25 Q. And when did it change so that you could more

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1 easily list specific officers who are involved?
2 A. I think it was with the creation of the AIRA
3 reports, and I don't know when we first started using
4 AIRA, to be honest with you.
5 Q. When creating reports, if there are officers
6 who witnessed the alleged offense who are not the two
7 reporting signing officers, should the narrative
8 indicate who those people are?
9 A. In -- in term -- so if you could provide me
10 with an example --
11 Q. So let's say there's two spots on a vice case
12 report to sign, but there were three reporting or
13 responding -- if they were three responding officers who
14 all worked together in the car that day and they all
15 witnessed the offense, should the narrative indicate
16 that all three of them witnessed the offense?
17 A. If they all did, yes.
18 Q. Right. If -- of course. It shouldn't say
19 falsely that someone witnessed the offense.
20 A. Right.
21 Q. But it -- even though you might not, as a
22 practice, always say ROs 1 and 2 witnessed the offense,
23 if there were more then who were signing, you'd want
24 that to indicate that to be in compliance with the
25 policy?

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1 A. So I mean, the thing is, like, if there was --
2 in a situation like you were saying before, like, with a
3 three-man car, if we compare it to the arrest report,
4 there was only room for a certain number of boxes. So I
5 believe 1 and 2, more often than not, sometimes we would
6 put a slash for that other individual, but I don't know
7 that it was a required policy for all three of them to
8 be there. I think, typically, if we were doing a
9 narcotics surveillance, we would explain who was there
10 and who did what, you know, like, whether it was by --
11 by beat number or, like, 1563 team lended their
12 assistance and they detained them, you know. Just to
13 kind of explain out who did what, but, again, I don't
14 know that there was a hard and fast rule for, you know,
15 specifically explaining who -- who did what.
16 MR. RAUSCHER: We're going to mark Exhibit 2 as
17 -- it's just -- it was sent out this morning. It's
18 PL Joint 087423 through 425.
19 (EXHIBIT 2 MARKED FOR IDENTIFICATION)
20 BY MR. RAUSCHER:
21 Q. Have you had a chance to look at this
22 document?
23 A. I have. Yes, sir.
24 Q. Was this one of the documents you reviewed
25 before the deposition?

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1 A. It was not.
2 Q. Are you familiar with this special order?
3 A. I mean, having read general -- yeah, at some
4 point, I would come across it, certainly.
5 Q. Do you remember -- do you remember ever
6 reading it?
7 A. I'm sure I read it in terms of preparing for
8 promotional exams, but aside from that, no, I have no
9 direct recollection of ever reading it.
10 Q. Are you familiar with the policies written in
11 here now that you've had a chance to look at it today?
12 A. Yes.
13 Q. If you see up here, it says this rescinds
14 January 1, 1996 version?
15 A. Yes.
16 Q. Do you know if anything had -- what, if
17 anything, changed between the two versions?
18 A. Based on my understanding of how our Research
19 & Development Section puts out new policy, anything
20 that's new in department special and general orders is
21 underlined. So if you look on Page 2, under Item 3, it
22 says logging into the -- the CLEAR homepage, click on
23 the Bureau Sites link, and then Organized Crime, and
24 then finally click on ESV Conversion link. I would
25 imagine that was an addition or an amendment to the

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1 original order, along with what you see in Item G that's
2 also underlined, where it starts with, "Unlawful conduct
3 and disturbances." And then, similarly, on Page 3,
4 where they have under Section B for the letters of
5 abatement, the information about the License
6 Investigation Unit and then finally in Item 3, again,
7 the License Investigation Unit and Asset Forfeiture.
8 Q. And then it says "authenticated by JKH" on the
9 last page.
10 A. Yes.
11 Q. Do you know what that means?
12 A. I'm going to assume that this is who authored
13 it from or was involved in the process from the Research
14 & Development Section, but without certainty, I don't --
15 and it's just their initials. It's the initials of
16 whatever reporting officer or department member was
17 involved in this. So, like, when we do department
18 memos, someone -- if they're going to craft it on my
19 behalf, their initials will go on the bottom, and it may
20 just be something that I then review, but it's, like, it
21 was put together by them.
22 Q. Is this crafted on behalf of Garry McCarthy as
23 the superintendent?
24 A. I -- I would say yes.
25 Q. And is that how policies work, the

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1 superintendent ultimately issues them?
2 A. Yes.
3 Q. Let's look back at the first thing you
4 identified as likely having changed. And that is what
5 it says in here also. If you see at the end, that's
6 consistent with what -- with your testimony. In the
7 "Processing Vice Complaints" section, E3 is the first
8 thing that has a change, and it looks like it's changing
9 how you obtain the estimated street value of controlled
10 substances that are recovered. And this is saying you
11 do it by logging into CLEAR and then clicking on some
12 links.
13 A. Right.
14 Q. Do you see that?
15 A. Yes.
16 Q. How was that done prior -- how did you obtain
17 estimated street value of controlled substance to place
18 on a vice case report before this process was put into
19 place?
20 A. I'm trying to remember. I think -- you know,
21 we -- we had a similar system where you logged in and
22 they had street values for everything. Like, you would
23 give them the weight of whatever it was that you had
24 recovered, and then it would spit out a dollar value.
25 Some people would just break it down if they were -- if

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1 that wasn't available, they would just use it, like, you
2 know, it was $10 for every -- every gram. But it was
3 all based off of, like, whatever the FBI value was, or,
4 you know, there was a -- there was a set standard for
5 how much, you know, a gram of cocaine went for, and then
6 you entered it into the system and it gave you a value.
7 Q. And I think as part of your answer -- was part
8 of your answer in there -- you might just know because
9 you do it so often --
10 A. Yeah.
11 Q. -- so you're not actually going to go look
12 it up.
13 A. Correct.
14 Q. Would doing it that way still comply with
15 CPD's policy?
16 A. And -- and, again, I mean, it's an estimated
17 street value. So by the time it goes to court, it might
18 change. And ultimately, in terms of the value of what
19 you have, the value doesn't really impact the charging.
20 It's the weight of what you have, so
21 Q. Sure. But the question, really, is just, if
22 you -- does it comply with CPD's policy if you provide
23 an estimated amount on a vice case report without going
24 to a secondary source?
25 A. I would say it -- it would've, yes, it

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1 would've sufficed.
2 Q. Do you need to have at least a reason -- you
3 know, some basis for believing the estimated value to
4 comply with the policy?
5 A. In terms of do you have to print something out
6 or --
7 Q. Do you have to have any knowledge? I mean,
8 you -- presumably, you can't just make it up.
9 A. Correct. Right. I mean, so it's -- it's
10 based on an understanding -- like, if you worked in an
11 open-air drug market, I mean, it was like, you weren't
12 going to say that, you know, 0.1 grams of crack cocaine
13 was worth $3,000. You know, there was a common sense
14 factor that was applied to it.
15 Q. Does the estimated value have any impact on
16 the charging decisions?
17 A. No. It's all based off of weight.
18 MR. RAUSCHER: All right. We're going to mark
19 Exhibit 3 as CITY-BG-062148 through 062165.
20 (EXHIBIT 3 MARKED FOR IDENTIFICATION)
21 BY MR. RAUSCHER:
22 Q. Yeah. So this has multiple different special
23 orders in it. And take a look at all of them, but I
24 only have some specific questions about -- toward the
25 end.

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1 A. Okay.
2 Q. Have you had a chance to flip through that?
3 A. I did.
4 Q. Did you review any of these policies to
5 prepare for today?
6 A. No.
7 Q. Can you take a look at special order
8 S04-18-03, which is almost toward the end? It starts at
9 CITY-BG-062162. It's titled "Pre-Planned Narcotics
10 Enforcement Operations." Do you see that?
11 A. Yes, sir.
12 Q. Are you familiar with this special order?
13 A. In terms of knowing that it existed, yeah, at
14 the time. Yeah.
15 Q. And you believe you would've read it?
16 A. From my involvement when I was on the tact
17 team, yeah.
18 Q. And have you had a chance to look it over
19 today?
20 A. Briefly, yes.
21 Q. Are you familiar with the contents?
22 A. Yes.
23 Q. Does it reflect the policies of the CPD for
24 pre-planned narcotics enforcement operations, including
25 for preparation of reports for those investigations?

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A. Yes.
Q. This is dated February 15th, 2006. That's the issue date and the effective date. Do you see that?
A. Yes, sir.
Q. And it doesn't -- it says it rescinds S05-02-03.
A Uh-huh.
Q. Do you know what that policy is?
A. No. That, I don't.
Q. I don't see on here, really, any italics or anything that indicates what changed. Do you know what changed?
A. From the original, from the --
Q. Yeah.
A. -- S05-02-03? No. And, again, I don't know when Research & Development started utilizing the italics to identify changes in an order, so I don't know if that wasn't a policy then by Research & Development at the time.
Q. So now that you've had a chance to look at it, can you identify anything that's different about this policy than about the previous policy for pre-planned narcotics enforcement operations?
A. If I had to venture a guess, the only thing I could point to, and it's just based on the language in

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it, would be underneath the purpose for Item B, the fact that the order "introduces the Arrestee Control Sheet," but that would be just from the language, not from anything specifically.
Q. Prior to 2006, were there special procedures for processing multiple arrest situations related to pre-planned narcotic enforcement operations?
MR. MICHALIK: I'm just going to object to the extent I think this probably is not really within any of the designated topics for this particular witness.
MR. RAUSCHER: I think it is because it has pretty specific things about how to document those investigations, including reports.
MR. MICHALIK: Well, if you're going to talk about the documentation, it's one thing, but that's not what you're asking him.
MR. RAUSCHER: Well, I'm getting there. I mean, I'm establishing that, if it even existed.
THE WITNESS: Could you ask the question again, please?
BY MR. RAUSCHER:
Q. Yeah. Prior to February 2006, did the Chicago Police Department have a written policy about pre-planned narcotics enforcement operations?

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A. That I wouldn't know for certain, but I would imagine yes. Because if it's saying it's rescinding this S05-02-03, I'd imagine whatever that was was contained inside that policy.
Q. And this document describes multiple different roles that people have in processing individuals in these types of operations, including, you know, how to document it, right?
A. Yes, sir.
Q. Are these policies consistent with how you did things when you were on a tactical team?
A. For
Q. For the pre-planned narcotics enforcement operations?
A. They look reasonably similar, yes.
Q. Is there anything you can identify that's different?
A. Not in this general overview, no.
Q. I'm sorry, not in what?
A. Not in this general overview, no. I'm not seeing anything.
Q. Did you participate in -- I should have asked this. Did you participate in any pre-planned narcotics enforcement operations as a tactical team member?
A. Yes, I did.

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Q. And what about as a sergeant in a tactical team?
A. A sergeant, I don't believe I did, no.
Q. Were they referred to as reverse stings, or is that an example of a pre-planned narcotics operation?
A. It -- that's -- like, in a general term, yes.
Q. Are the vice case or arrest reports stemming from pre-planned narcotics enforcement operations supposed to document which officers had which roles?
A. In terms of the -- the processing of the individual?
Q. At all. So they've got -- this refers to on-scene documenting team, arresting processing -- arresting processing team, things like that. Should the reports show which officers were on which teams?
A. I would say they did not, and the reason being is because they were processing on behalf of a report that was forwarded to them that was based on the observations that were made by other officers. So the processing team, more often than not, the ones that were actually preparing the reports, were housed, at least in -- in our situations, in the station. There was a team that was obviously working in the field as the undercover officers, and then there was another processing team that was involved in either the

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1 transportation or the securing of those who were
2 identified or arrested during the course of the
3 pre-planned narcotics operation.
4 Q. Did your team ever conduct those operations
5 and have it with the processing team on-site?
6 A. So in terms of the actual arresting -- like
7 the teams that are typing out the arrest reports?
8 Q. Yeah.
9 A. We could not, no. And it is -- you couldn't
10 type the reports that way. So we had one group that was
11 sitting inside waiting for the arrestees to come, one
12 group that was responsible for the apprehension, another
13 group that was somewhat responsible for keeping them
14 until we were able to transport them, and -- and so on
15 and so forth.
16 Q. And then the people who write -- wrote the
17 reports were none of those groups; is that right?
18 A. Correct. So there would be an officer. And,
19 again, like with this, where it's the arrestee control
20 sheet, I don't believe the arrestee control sheet
21 existed when I was on the tact team. It seems to just
22 be -- what we used to do is just document the name of
23 the individual, their demographics, what the general
24 probable cause was for that person to be arrested, and
25 then it would go off with that individual, either in a

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1 property bag. And then the -- the felt tip pen was the
2 mark and identifier this was arrestee number 1. And
3 then this is his card that goes with him. So that
4 whoever was processing him would receive both the
5 individual and the card, confirm the information about
6 at least their demographics to make sure that they had
7 the right individual, and then that was the narrative
8 that they were they were -- they were supplied.
9 Q. So if this introduced the arrestee control
10 sheets in 2006, what was used in place of that?
11 A. There might not have been anything. And,
12 again, from my recollection, I don't recall if there
13 was, other than we just kept like -- of -- what would be
14 considered a miscell ex card, which was blank on the
15 backside and had information that was placed on -- on
16 that, and then that would accompany the individual. But
17 to be honest, I don't know for sure.
18 Q. If it was one of those two things or maybe it
19 was --
20 A. If the arrestee control sheet existed at that
21 time.
22 Q. It was either the arrestee control sheet or,
23 like, this kind of card you're describing?
24 A. Right. But there -- but there was there was
25 somewhere for us to -- to document who this individual

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1 was and then what transpired between them. And then how
2 that would be done, is the officers who were involved in
3 the undercover portion would inform the team that was
4 taking possession of that individual, he did X, Y, and
5 Z, and then they would document that based on the
6 observations from the undercover.
7 Q. Would it comply with CPD policy to fill out
8 the narrative section for a reverse sting before the
9 operation was conducted?
10 A. Before it was conducted? I mean, it wouldn't
11 necessarily be out of the realm of possibilities in the
12 sense that if it was a pre-designated offense where they
13 knew a specific location that they were going to was
14 only going to result in individuals coming to purchase
15 heroin, right, or crack cocaine, right, there wasn't
16 anyone that was going to be coming to that location for
17 anything other than that, they might have pre-printed
18 form sets already done with a location, RD number
19 absent, the date and time absent obviously because those
20 would be the things that would change within that, and
21 then what was specifically asked for in terms of he
22 asked for six or he asked for two, and then the dollar
23 amount that might have been exchanged in -- in terms for
24 that -- that alleged purchase, things like that would be
25 different. Obviously, the arrestee demographics would

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1 be -- would be empty as well.
2 Q. Could you get the RD number before you went
3 out?
4 A. You would not, no.
5 Q. Could you get it, though?
6 A. I mean, you can get an RD number for anything.
7 All you have to do is -- the dispatcher won't know, but
8 the dispatcher will ask you what you're working on. You
9 can't just tell the dispatcher, I'd like, you know, an
10 RD number for this UCR. They'd be like, okay, where are
11 you at and what are you working on? You know, so to get
12 it ahead of time, I would say no.
13 Q. Are you able to get an RD number on your own
14 as an officer?
15 A. Yes.
16 Q. So you could do that before you went out,
17 right?
18 A. No. I mean, in terms of, like, getting --
19 getting an RD number, like, if I responded to a job or I
20 made an arrest, whether it was for a domestic battery or
21 I on-viewed a PCS, I would then identify myself on the
22 radio, tell them that I had an arrest situation, I'm at
23 this location, and I need an RD number for UCR code, and
24 I would provide them with the UCR code.
25 Q. And is the only way -- was it -- from the 1999

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1 to 2011 time period, is the only way to get an RD number
2 to go through dispatch?
3 A. Yes. And that could happen in one of two
4 ways. So you could either do it, you know, over the air
5 with your radio, or you could call the ED desk itself
6 and provide the ED desk with your beat, your
7 information, and then they would enter that information
8 into our PCAD system to put you down on -- and generate
9 the records division number for you.
10 Q. So back to a vice case report and a
11 pre-planned narcotics offense, would it be appropriate
12 to put quotation marks in there saying Offender 1 said
13 "blows, blows, blows" before you went out and did the
14 operation?
15 A. Before you went out and did it? I mean, it
16 would depend on -- like, if you put it multiple times, I
17 would say that would say that that individual made that
18 statement that many times, right? To use that, my under
19 -- well, my experience is, if you're like, he was
20 yelling "blows, blows, blows," that's more or less like
21 someone who's out there soliciting the unlawful business
22 for the sale of that narcotic, right? As opposed to
23 there isn't necessarily going to be an individual, in my
24 experience, who's ever come up and told someone that
25 they were looking to buy narcotics from, "I need blows,

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1 blows, blows," you know. It would be more or less like,
2 hey, what are you looking to buy? I'm looking to get
3 some blows. So then that would be in -- you could put
4 that in quotation marks because that's specifically what
5 they came and asked you for.
6 Q. And you could do that before you met the
7 person?
8 A. And, again, like, in regards to the locations
9 that some of these things were set up at, because they
10 were known spots, like, in open-air drug markets,
11 different corners only sold certain things. So if you
12 had, like, a particular person that was, I guess, in the
13 15th District, like Iowa and -- trying to remember --
14 Lemont, I believe, was strictly, like, the heroin spot,
15 right? No one was going there to buy crack cocaine
16 because no one sold crack cocaine at that spot. So in
17 those instances, you could, yes, in theory, say, yeah,
18 the only thing that's going to transact here is for
19 someone to purchase heroin. Now, were there times where
20 other things did happen? If that happened, then those
21 anomalies would be indicated in a different case report.
22 So, like, if -- let's just say, for example, it's a
23 heroin spot, but someone did happen to come by and ask
24 for weed, right? All right, well, he's still soliciting
25 me for -- for weed. They'd let everyone know, he's not

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1 a heroin guy. He's a -- he's -- he's for cannabis, and
2 then we would have to do a cannabis report for him.
3 Q. What about -- is the use of the quotation
4 marks appropriate before the offense happens?
5 A. Before it happens? And, again, like the
6 conversation that's going to be had, is that that's what
7 the individual is going to ask him for, right? He's not
8 going to come up and ask him for anything other than
9 that particular substance, right? He wouldn't refer to
10 the heroin as something different, you know. It
11 wouldn't be like -- I don't know. There -- there's so
12 many different names that they have now for some of the
13 stuff that's out there, and different spots call things
14 different things, so But back then, I mean, if you were
15 looking to buy crack cocaine, it was you were looking to
16 buy rocks. If you were buying heroin, you were looking
17 to purchase blow.
18 Q. In -- from 1999 to 2011, was it your
19 experience that everyone looking to buy heroin would
20 just say blows?
21 A. In terms of the -- the buyers --
22 Q. Yeah.
23 A. -- and the sellers? I mean, again, it would
24 all depend. As time evolved, things became different
25 from different spots. But when I was on tact in, you

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1 know, the early 2001, '02, '03, I mean, it was -- that's
2 all you heard, was rocks and blows.
3 Q. And then at some point, were there, like,
4 different lines of drugs?
5 A. In terms of
6 Q. Like ---
7 A. Right -- right now, they -- I mean, now
8 ecstasy became, you know, something different, where,
9 you know, that would be solicited in a whole bunch of
10 different ways. Guys would cross their arms over each
11 other and make an X and bang them back and forth as cars
12 went by indicating that they were selling ecstasy.
13 Cannabis, guys would start doing, like, the smoking
14 gestures to cars as they went by, you know, indicating
15 that they were selling cannabis, and everyone would know
16 that, you know, making that smoking gesture, you weren't
17 selling heroin, and you weren't selling crack cocaine.
18 You were selling cannabis.
19 Q. What about different, like, brands of drugs?
20 Is that something you're familiar with?
21 A. In terms of
22 Q. Like, people have referred to lines of drugs
23 as Obama or other names throughout the years in these
24 cases. Have you heard of that in your experience?
25 A. No. I mean, predominantly everyone that we

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1 were dealing with would refer to it as either rocks or
2 blows.
3 Q. If you were in an area where people did refer
4 to drugs by different names, different lines at
5 different buildings, things like that, would you still
6 say it could comply with CPD policy to put, you know,
7 Offender 1 came for -- or asked for "blows" before you
8 did that operation?
9 A. I would --
10 MR. MICHALIK: Object to the form.
11 THE WITNESS: I would say essentially that the
12 report, if it was -- if it was a pre-completed form,
13 that it was specific to those people who asked for
14 that. And if there was an individual who came and
15 asked for something different, then that -- an
16 additional report would be generated, right, to
17 document that difference in what they were asking
18 for.
19 BY MR. RAUSCHER:
20 Q. So you could fill out a form -- you could fill
21 out the narrative before you completed the offense,
22 including a quotation, but you would not be complying
23 with CPD policy if you used that report for someone who
24 didn't actually say the quoted words; is that fair?
25 A. I would say yes, but you also wouldn't sub --

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1 you wouldn't submit that report either, you know. So
2 the thing is, is that just because you had the
3 pre-printed report didn't mean that you were submitting
4 that report for approval. The report -- because, again,
5 everything that was on that report, from the
6 demographics of the individual to the time to what was
7 asked for, was all blank, right? And so then it would
8 just be like a fill-in-the-blank-type instance where
9 it's like, okay, you know, Mike Fitzgerald came down and
10 he asked for blows, and he asked for three, and he gave
11 me $30. And all of that would be documented so that the
12 officer who was receiving it would say, okay, this all
13 complies with what they said. We're using this report.
14 And it was just in order to sort of, like, expedite the
15 process, because in some of these instances, like, I
16 don't know how they did them in other districts, but
17 there would be sometimes in excess of maybe 30 to 40
18 people that were all being processed. So that was a way
19 to kind of expedite the process. But, again, if there
20 was something that was different or there was an anomaly
21 to that particular arrest, then it -- it got entered the
22 way it happened.
23 Q. Right. You wouldn't say -- if 30 people came,
24 in your example, and 29 of them did ask for blows, but
25 Mike Fitzgerald just asked for heroin, it wouldn't use

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1 the -- it would not comply with CPD policy to use that
2 same arrest report that said Mike Fitzgerald asked for
3 blows; is that fair?
4 A. That's correct, yes.
5 Q. C1 on here, on Page 62163, it says -- it
6 starts, "Department members designated to the arrestee
7 processing teams will."
8 A. Okay.
9 Q. And then it says, "Utilize the Arrestee
10 Control Sheet to identify each arrestee and complete an
11 Arrest Report, listing the arresting/decoy officer as
12 first arresting officer." Who is the arresting/decoy
13 officer in that scenario?
14 A. So it would be whoever was approached by the
15 individual. So if I -- I'll use myself as an example.
16 If I went to a particular location and I was the buyer
17 looking to purchase heroin and I approached you, and I
18 said, hey, I want to buy some blows, and then you would
19 then escort me to the processing team, you know, to --
20 like, hey, we're going to go back here and -- and
21 transact. You lead us to the arresting officer. He's
22 there to place him into custody. You would be the box
23 1, and that would be the officer who would -- then the
24 processing team would identify you as the individual he
25 interacted with.

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1 Q. So at least in this scenario, there is a
2 policy about who should be the first arresting officer
3 in the report, right?
4 A. Yes.
5 Q. And do you know the reason for that policy?
6 A. In terms -- oh, it's just because that's who
7 you interacted with. I mean -- so it's, like, you're
8 the one that's going to make the observations so that
9 when you go to court, you would be the one to say that,
10 yes, you know, I interacted with you, and then you would
11 be able to testify and say, yes, I interacted with this
12 -- this individual here, and this is what he asked me
13 for.
14 Q. And then number 2 is that the processing team
15 will "attest to the information contained within the
16 arrest report"?
17 A. Yes.
18 Q. And what is the -- what are they attesting
19 based on?
20 A. They're -- they're attesting based on the
21 information that's been supplied to them by all the
22 teams that are -- that are participating in this. So
23 whether -- starting from the very beginning in terms of
24 if the process is working the way it's supposed to, it's
25 the decoy officer brings the individual back to the

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1 processing team or the -- the team that's going to
2 detain him. He's going to tell them what transpired.
3 They're going to document all that information. They're
4 going to hand him off to the team that's either going to
5 transport him or hold him until a transport vehicle
6 comes. All that paperwork then goes into the station
7 with him. They're taking that -- that card -- almost
8 like a -- a mass arrest card. You weren't necessarily
9 on-scene. You're attesting to what's been supplied to
10 you to be factual.
11 Q. And if you were on-scene, does the attestation
12 include all of your knowledge, including what you
13 observed?
14 A. The arrest report? The arrest report would
15 just be the probable cause to effect the arrest and to
16 support that charge. So in terms of, you know, that he
17 -- he approached and requested to -- to purchase, you
18 know, blows, you know, a street terminology for heroin,
19 placed into custody, you know, just to support the
20 probable cause because that's what the arrest report is
21 there for.
22 Q. And so that -- you're doing that based on --
23 if you were not at the scene, you're attesting based on
24 what you were -- the information you have received,
25 right?

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1 A. Yes.
2 Q. If you were on the scene, you are attesting to
3 whatever information you may have received plus what
4 other personal knowledge you would have; is that right?
5 A. Well, not necessarily, no. I mean -- and
6 again, like, when it comes to the arrest report, the
7 arrest report is just there to support that probable
8 cause. So whatever we decided to charge that individual
9 with, that's what the arrest report is there for.
10 Q. You're attesting that you believe that there's
11 probable cause?
12 A. Based on the information that's been supplied
13 to you, yes.
14 Q. But also -- would it also be based on whatever
15 information you have?
16 A. In terms of, like, if I saw him --
17 Q. Yeah.
18 A. -- engage in it? Again, the person who would
19 be going in that first box would be the individual he
20 directly interacted with who then would say we need to
21 arrest this individual because the transaction that --
22 that happened.
23 Q. It wouldn't -- it would not comply with CPD
24 policy to attest to a report that you knew was not
25 accurate?

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1 A. Correct.
2 Q. What does the on-duty watch commander do to
3 approve an arrest report?
4 A. So currently, the officers will come into the
5 office. They'll indicate that they have an arrest
6 report in the queue. They will review that arrest
7 report for probable cause, ensure that the charges that
8 are on there are applicable, and then they'll review it,
9 and then apply their approval to it. There's now
10 additional remedies that we have with the Pretrial
11 Fairness Act that they have to -- you know, as -- as it
12 progresses, you know, whether or not this person can be
13 held for bond or not. There's additional aspects that -
14 - none of that, obviously, existed when these reports
15 were done. If it were a paper report, which would've
16 been in 2002, 2003, they would come in with the arrest
17 report, present it to the watch commander. Again, he
18 would review it for completeness, accuracy, and the fact
19 that the charge that's on the arrest report is
20 substantiated by what's in the -- what's in the actual
21 body of the narrative.
22 Q. Did anything -- other than the new
23 bond-related information, is there anything that changed
24 from 1999 to 2011?
25 A. I just -- everything became electronic in

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1 terms of, you know, watch commander comments now are
2 entered electronically. If someone's released without
3 charging, I believe in the old arrest report form sets,
4 that was done on the back or the reverse side of the
5 paper form set. On this, it's all embedded into the --
6 the document itself.
7 Q. Substantively, did the review change at all
8 during the 1999 to 2011 time frame?
9 A. I would say no.
10 MR. RAUSCHER: All right. We're going to mark
11 Exhibit 4, which is special order 9-5-01,
12 CITY-BG-62837 to 41. I may not have enough. I may
13 be one short on that one. Do you want me to go and
14 get another copy?
15 (EXHIBIT 4 MARKED FOR IDENTIFICATION)
16 MR. MICHALIK: Yeah, if you wouldn't mind.
17 MR. RAUSCHER: Yeah. Sure.
18 MR. MICHALIK: Unless you're only going to be,
19 like, a couple of minutes.
20 MR. RAUSCHER: Well, actually, do you have one?
21 I'll just go print another one.
22 MR. MICHALIK: 09-05-01?
23 MR. RAUSCHER: Yeah.
24 MR. MICHALIK: I got it.
25 MR. RAUSCHER: Oh, you got it? Okay.

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1 MR. MICHALIK: Yeah.
2 BY MR. RAUSCHER:
3 Q. So this is Exhibit 4. Was this one of the
4 documents you reviewed to prepare for your deposition?
5 A. Yes, this is one of the ones I produced.
6 Q. Okay. To 41. Can you just give me the
7 general overview of what this document is?
8 A. Yeah, it -- it just walks through, you know,
9 in terms of -- if you look at the -- the first portion,
10 the -- the reporting standards, this reference to the
11 field reporting manual, that used to be the -- like, the
12 reporting guide. So this was something that we were
13 given when we were in -- in Training and Education
14 Division, which kind of just explained out how you were
15 supposed to write a report and -- and the facts of which
16 -- how it was supposed to be contained. Kind of walk
17 you through different -- different aspects of it, like,
18 the hotel rule, that kind of thing. It sort of, like,
19 was a more in-depth guide for -- for how you were
20 supposed to generally write reports. This is the one
21 where -- this is the report I was referencing where it
22 explains the circumstances under which you can sign on
23 behalf of someone else that you're going to find on Page
24 3, and then just kind of generally went over, like,
25 court complaints, what are supposed to be in there, and

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1 -- and how to fill out certain portions of the arrest
2 reports.
3 Q. And are there any substantive changes from
4 S03-13-1, which this policy rescinded?
5 A. Again, that, I wouldn't know with certainty. I
6 mean, this -- this order was published in -- looks like
7 14 August of '03. So, how old the order was that it
8 rescinded, I don't know.
9 Q. So was there anything different in this order
10 starting in '03 that you weren't doing in '99?
11 A. I would say -- again, it looks like the
12 changes that were made in this are related to the advent
13 of the CLEAR system. So if you look at -- what page is
14 it -- Page 4 under Section -- or Item number 2, the
15 "Automated Application for Arrests, where it's
16 indicating that the signature and affirmation
17 requirements listed in III -- will be satisfied by a
18 [sic] member entering their own PC login," and then,
19 "The application at the beginning of the reporting
20 process or such other digital or electronic process of
21 authentication and approval as established in the
22 related computer application." Like, we didn't have,
23 obviously, automated reports back then. So that's kind
24 of what I'm seeing, is that it's perhaps that's what the
25 changes in this were.

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1 Q. So no substantive changes about how to create
2 reports or not -- sorry, I shouldn't say it like that.
3 No substantive changes about how to fill out reports or
4 the information that needed to be in the reports?
5 A. No, I don't believe so.
6 Q. Just more about the process of doing it on a
7 more computerized basis?
8 A. That's what it appears to me, yes.
9 Q. There are -- the requirements for signing --
10 or the rules about signing for other people, were those
11 new in 2003?
12 A. I don't believe so, no.
13 Q. Those were the same in 1999?
14 A. I believe they were, yes.
15 Q. Did you receive any training on whether you
16 could sign for someone else and under what circumstance?
17 A. I don't specifically recall, like, attending a
18 class or, you know, other than anything that would've
19 been in writing, potentially. But no, I don't -- don't
20 recall anything specifically.
21 Q. But you would've received the written
22 policies?
23 A. Yes.
24 Q. And how were -- how was a -- when a policy
25 like this comes out, how was that communicated to

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1 officers?
2 A. So presently, we have our -- we get notified
3 that there's amendments that have come out to -- to new
4 orders. Every month, we're required by the department
5 to -- to log into our learning system and find the new -
6 - they have the new orders already pulled. And so with
7 all the amendments in them, then you're supposed to
8 review them, and then you affirm that you read it and
9 reviewed them by clicking a button that you mark as
10 completed. Prior to that, the reports used to be
11 forwarded to the department in stacks back when we were
12 -- you know, everything was still paper-based. We would
13 get the orders. There would be a pile of them. They
14 would tell you at roll call, hey, there's a new order
15 that came out. You guys have got to go get them.
16 They're downstairs.
17 Q. In 2003, what was the process for alerting
18 officers to rule changes?
19 A. I'm sorry?
20 Q. In 2003, what was the process for alerting
21 officers to new special orders or general orders?
22 A. I would say it was predominantly through --
23 through roll call and, you know, a notification from,
24 you know, like, department memos that came out that
25 would say there's been an amendment to this particular

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1 order, and then the order would be released. Whether or
2 not they would put out, like, a -- a department notice
3 saying, hey, there's a new order that came out, you need
4 to send someone from the district down to graphic arts
5 to pick up, you know, all the new printed- out orders
6 and bring them to the district, I don't know if that was
7 something that was in place then, but I think that
8 became something that was adopted at some point.
9 Q. If you could take a look at the Section C on
10 the second page, specifically C4. This talks about
11 getting an RD number, which is something we've talked a
12 little bit about already.
13 A. Uh-huh.
14 Q. What the -- what is an RD?
15 A. It's a records division number.
16 Q. What's the purpose of an RD number?
17 A. The RD number identifies a particular incident
18 that you're then going to write a report off of, so that
19 going back in time, they can reference and linking
20 things together. Typically, every records division
21 number is associated with an offense number. So that
22 offense number is also tied to those two things. So,
23 like, if there's a phone call that came in for a
24 domestic battery, it would have come in under, you know,
25 offense number 123456. And then you get there and

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1 you're like, okay, I need, you know, an RD number for --
2 an 0486 for a domestic battery. And then those two
3 would be then linked because it would go into the PCAD
4 as associated with that ticket.
5 Q. So if you look at b -- so C4b, it looks like
6 that gives a few ways that you get an RD number; is that
7 right?
8 A. Yes.
9 Q. What is -- can you explain b(2)?
10 A. b(2)? "Entering the required information in
11 the appropriate computer menu on either a (PCAD) or a
12 [sic] terminal located in a unit or a PDT." So the
13 PCADs were terminals that were inside each station.
14 Those PCADs allowed you the opportunity to do, like,
15 offense searches, to enter daily ANAs before the
16 automation portion came in. So there was a screen that
17 was in there where you would indicate that for -- in the
18 station, more often than not, it was used when people
19 came in to make -- make out a police report. Like, you
20 would then get on the air and be like, 1502, which is
21 our -- our desk, we needed an RD number for this. They
22 would just go to the PCAD terminal, enter in the fact
23 that they had a walk-in report, that it occurred at the
24 15th District, type in the RD number -- or the UCR code
25 that they were looking for, and it would generate an RD

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1 number for them.
2 Q. So that's a way you could just directly get an
3 RD number without going through dispatch, right?
4 A. So you're still kind of going through
5 dispatch, but electronically, yes.
6 Q. In what way are you going through dispatch?
7 A. So the -- it's -- it's -- everything's still
8 linked into the dispatch terminal. So it's, like, that
9 information's still going -- it's -- there's still a
10 record of it. There's not, like -- you're not doing it
11 under the cover of darkness.
12 Q. It flows through dispatch, but there's no one
13 in dispatch who's asking you questions about it?
14 A. Correct, but usually in -- in asking for an RD
15 number, a lot of times dispatch won't ask you any
16 questions. So if you want to view something, you'd be
17 like, hey, I -- I viewed a traffic accident at, you
18 know, Central and -- and -- and Madison. I need a 99
19 Boy. They put you down at Central and Madison, 99 Boy.
20 That's the extent of it. And then everything else that
21 comes from it is, you know, the information that you've
22 then entered into the report that's then subsequently
23 reviewed by your supervisor.
24 Q. Is there anything in the PCAD or PDT that
25 would prevent someone from getting an RD number on their

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1 own before going out and making an arrest?
2 A. That would prevent -- I mean, you would have
3 to put yourself down on an offense. Like, you couldn't
4 just say I need, you know, an RD number and just say --
5 and just generate it without being assigned to an
6 offense. So by doing that, you're identifying the fact
7 that you're assigned to a particular offense and that
8 this is what it is.
9 Q. And that offense could be an arrest for
10 someone purchasing heroin, right?
11 A. It -- right.
12 Q. And there is no -- there's nothing to stop --
13 like, preventing you from doing that before you go out
14 and make the arrest?
15 A. Ethics, but yeah.
16 Q. Why would it be unethical to get an RD number
17 before you make an arrest?
18 A. I mean, in the sense that, like, if -- if
19 you're going to sit there and you're going to say I'm
20 going to -- I need an RD number for arresting someone
21 for the possession of a controlled substance, that would
22 raise questions as to where that controlled substance
23 came from. You know, why are you drawing an RD number
24 for, you know, a 2027 or a 2014 when you don't have any
25 narcotics or a person you have arrested for them? You

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1 know, we don't get our RD numbers because that's what we
2 intend to go arrest that day and get numbers ahead of
3 time to establish the fact, oh, I finally got one. Now
4 I'm going to use my number. You know, it's something
5 that you're doing during the course of it. In terms of,
6 like, these missions, they might have drawn it at the
7 very beginning of the mission, right, knowing that we're
8 going to arrest at least one individual. Because we're
9 tied to this offense, we already pulled the offense
10 number for we're at this location and -- you know. So
11 in that regard, yes, but, like, to just randomly go in
12 and say I need it for something else, I would say no.
13 Q. But you could -- you might do it -- would you
14 be able to do it and still be complying with CPD policy
15 for a pre-planned offense?
16 A. For a pre-planned offense? I would say you --
17 under the circumstances under which I -- I just
18 explained, once the offense started, you could, in
19 theory, yes, because you know you're going to arrest at
20 least one person, but it wouldn't be like, hey, we're
21 going to draw the RD number the night before.
22 Q. You'd have to do it once you actually go to
23 the location?
24 A. Right. And you start the mission.
25 Q. And let's go to Section D on the next page,

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1 "Case Report Signatures."
2 A. Uh-huh.
3 Q. Is this the section you were -- or one of the
4 sections you were talking about that gives the rules
5 about signing for other officers?
6 A. Yes. This is what I referenced earlier.
7 Q. And just can you explain it?
8 A. Yes. So I mean, essentially, it says that,
9 you know -- I'll -- I'll read it and then I'll explain.
10 It says, "Members working a two-person beat car and
11 completing a case report will personally sign the report
12 in the appropriate spaces. However, one member may sign
13 for a second member by signing the second member's name
14 and placing the member's initials and star number
15 immediately following the second member's signature only
16 if the following circumstances are met. The second
17 member is unavailable" -- or, I'm sorry, "unable or
18 unavailable to sign; and if the member actually
19 completing the report advised the second member of the
20 content of the report; and the second member gave the
21 first member permission to sign the report on behalf of
22 the second member." So, I mean, essentially what it's
23 saying is that you do have the -- the permission to sign
24 someone's name on a report if these three parameters are
25 met. Being unable to, could be anything from, you know,

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1 he injured himself and he can't sign anymore.
2 Unavailable, left for -- left the tour before the report
3 was completed, or is tied up doing processing somewhere
4 else, but the report's completed and we need -- and
5 we're going to submit it. Typically, in -- in
6 interactions with my partner, we would always discuss
7 the report. So he would always be aware of what -- what
8 the content was. More often than not, we would probably
9 read each other's reports, too, so that we would know
10 what the content was in there, and then we would give
11 the affirmation verbally, that, yeah, I'm -- I'm in
12 agreement with what's on here.
13 Q. And then you would do -- you would show on
14 there that you signed for the other person?
15 A. Yeah.
16 Q. And that's in your personal experience? That's
17 how you did it?
18 A. Yes.
19 Q. It says -- this thing starts off by
20 referencing "members working a two-person beat car"?
21 A. Yes, sir.
22 Q. Is it limited to people working a two-person
23 beat car?
24 A. I mean, under the -- the guise of this report,
25 that's what they -- they reference it as. I mean, it

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1 could just be the fact that there isn't -- that every
2 single set of circumstances under the sun aren't going
3 to be incorporated into every -- every report. There's
4 just going to be different things for everything.
5 Because then if you take it to the next level, it's, you
6 know, members working a two-person tactical car and then
7 there is times when you have three guys inside the
8 tactical car, that I don't know that they would have
9 necessarily broken it down to that level.
10 Q. But this -- the same policy applies to three
11 people working in a tactical car?
12 A. I would say yes.
13 Q. It is not the case that whether it's two,
14 three, or six people working on a tactical team together
15 can just sign someone else's name without saying
16 anything about it?
17 A. Correct. You would have a conversation with
18 your partners, and they would be aware, you know, and
19 they would give you permission to do it.
20 Q. And then you'd have to show your initials and
21 star number?
22 A. You should, yes.
23 Q. Well, you should if want to comply with the
24 policy?
25 A. Correct.

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1 Q. And if you don't do that, you are not
2 complying with the policy?
3 A. Correct.
4 Q. And this applies to vice case reports,
5 correct --
6 A. I --
7 Q. -- in addition to other reports?
8 A. I would say it applies to all reports.
9 Q. Okay. There's a Section F, "Completion of
10 Arrest Reports and Related Documents."
11 A. Uh-huh.
12 Q. And there's some highlighting.
13 A. Yes.
14 Q. Did you do that highlighting?
15 A. I did.
16 Q. All right. Why -- what -- how'd you pick what
17 to highlight?
18 A. Well, I was just highlighting because it was
19 -- one of the questions that was brought up in the -- in
20 the 30(b)(6) was preparation of arrest reports. It was
21 just me annotating and highlighting for myself that this
22 might be something that we would have to reference
23 during our conversation.
24 MR. RAUSCHER: Can we take a five-minute break?
25 THE WITNESS: Sure.

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1 MR. RAUSCHER: Thanks.
2 THE VIDEOGRAPHER: We are off the record. The
3 time is 11:47 a.m.
4 (OFF THE RECORD)
5 THE VIDEOGRAPHER: We are back on the record.
6 The time is 11:57 a.m.
7 MR. SCHALKA: And just -- I was a few minutes
8 late joining the deposition. My name is Michael
9 Schalka. I represent Defendants Spaargaren and
10 Cadman in the coordinated proceedings.
11 BY MR. RAUSCHER:
12 Q. All right, We were talking about -- I think
13 you had said right before the break, you highlighted the
14 sections that -- for topics that had come up. Was that
15 essentially right?
16 A. I highlighted them based off of what -- what I
17 received from the 30(b)(6), just so when I went in to
18 have meetings with Counsel, that the things that I was
19 referencing, I could point to them and say where I was
20 getting my information from.
21 Q. For any of the highlighted sections on this
22 document, did you have information beyond the -- what's
23 in this report? Like, did you have personal knowledge
24 where you said, well, the policy, you know, says this
25 specific thing, but I know there's a little more to it?

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1 Was there anything like that?
2 A. No. I mean, essentially, when I was going
3 through everything, it -- it was all based off, like I
4 said, the -- receiving the 30(b)(6) and then looking for
5 the information, you know, just to refresh my
6 recollection or even look for department orders that
7 might substantiate some of the things that we needed to
8 present today. And, again, I know one of the -- the
9 conversations that we did have was about, you know,
10 signing on behalf of another member, which is part of
11 the reason why I highlighted that, because I wasn't,
12 prior to that, you know, familiar with remembering
13 exactly where I would have seen that before. So I made
14 a note of that and made sure I printed this and shared
15 it with them. The same thing with just some of the --
16 the form sets that, you know, it was brought up about
17 preparing arrest reports and discussion about complaints
18 that was also included in the 30(b)(6).
19 Q. When you say "complaints," are you talking
20 about court complaints?
21 A. Yes, sir.
22 Q. Like, the preliminary complaint?
23 A. Correct.
24 Q. Okay.
25 A. Yes.

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1 Q. And was there anything that you looked at when
2 you were preparing for this, anything in the written
3 policies, where you thought that's not exactly how I
4 remembered it from my time as an officer?
5 A. No.
6 Q. Page 4 of this document --
7 A. Yes, sir.
8 Q. -- which would be F1. And then specifically
9 F1b refers to an arresting member signing an affirmation
10 statement. Do you see that?
11 A. Yes, sir.
12 Q. Who is the arresting member? What does that
13 mean?
14 A. My understanding of this would be whoever's in
15 what we would consider box 1, so the arresting officer.
16 I'd have to see the old paper form set to know for
17 certain.
18 Q. And then we looked at an example of, like,
19 that pre-planned narcotics offense where it said who's
20 the arresting -- you know, who should be in box 1. Are
21 there other contexts where there is a policy for who
22 should be in box 1?
23 A. Box 1 is essentially the individual who's
24 going to be able to go forward to provide an account for
25 all probable cause at -- at a court hearing, so that we

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1 wouldn't have seven officers going to go testify. It's
2 the individual who has the most amount of knowledge
3 about the case to answer up for any questions at a
4 preliminary hearing.
5 Q. And then do you know if that is reflected in a
6 written policy?
7 A. It might be in our hard card for arrest report
8 procedures, which would have been -- I don't know if
9 it's referenced in here. Like, the arrest report
10 instructions.
11 Q. What's hard card?
12 A. So we used to have, like, hard cards back when
13 -- like, I -- it was almost like a cardboard instruction
14 sheet that we were given when we were going through the
15 academy that explained vice case reports, arrest
16 reports, listed all the different boxes that were on
17 each of those reports, and then it kind of was, like, a
18 quick reference guide for, hey, what's box 7? I don't
19 remember what that is. So you go to it, and it will
20 tell you box 7 is specifically this. And I think it's
21 off of one of those hard cards.
22 MR. RAUSCHER: So what I think I'm going to do
23 now is mark another exhibit. So Exhibit 5 is going
24 to be the vice case report document, and this is
25 Bates stamp CITY-BG-062853 to 854. Do you happen to

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1 have one of those, Paul? Looks like I've got only
2 two of those, too, or do you have it -- this?
3 (EXHIBIT 5 MARKED FOR IDENTIFICATION)
4 MR. MICHALIK: Yeah, I think I might have that
5 one.
6 MR. RAUSCHER: You might have it in your stack.
7 BY MR. RAUSCHER:
8 Q. You know, before you get too far into that,
9 let me ask you one more question on --
10 A. Sure.
11 Q. -- the previous exhibit.
12 A. Uh-huh.
13 Q. You had testified, I think, that your
14 understanding was the written -- the policy about
15 signing someone else's name applies to all documents,
16 not just the specific case report?
17 A. Well, for case reporting purposes, right. In
18 various case reports that we have.
19 Q. If you look at Section 6, which is the last
20 page of that document, does that essentially say you can
21 also sign other documents under the same circum -- or
22 similar circumstances?
23 A. Yes.
24 Q. You always have to show that you've done it by
25 the initials --

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1 A. Right. So this --
2 Q. -- and star number?
3 A. You know, and the -- and the purpose behind
4 that is so that they understand who it was that signed
5 on your behalf.
6 Q. Who's the "they" in your --
7 A. Like, whoever's reviewing the report. So if
8 I'm bringing it to, you know, my commander or I'm
9 bringing it to my lieutenant and I'm like, all right,
10 well, we'll know that that signature belongs to someone
11 else. So in other words, there's been times in my role
12 as a lieutenant where I will have a conversation with my
13 -- well, he's now deceased. My -- my commanding officer
14 at the time was Joe Murphy. He died in December. But,
15 like, I would have conversations with him. He wouldn't
16 necessarily be in the office. We would have to have a
17 report that needed to be forwarded. I would ask him if
18 I had permission to sign his name. After I forwarded
19 him the document, he would review it and say it's good.
20 I'd sign his signature with my name, and then put my
21 name with my initials and my star next to it. I usually
22 put a circle around it so that people would identify
23 that it was -- it was my signature of his name.
24 Q. Okay. Got it.
25 MR. RAUSCHER: So I've marked Exhibit 5. And

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1 now I'm going to also mark Exhibit 6, which is a
2 vice case report Bates stamped CITY-BG-29 to 30.
3 (EXHIBIT 6 MARKED FOR IDENTIFICATION)
4 BY MR. RAUSCHER:
5 Q. Did you -- was Exhibit 5 one of the documents
6 reviewed to prepare for the deposition?
7 A. No, it was not.
8 Q. That's the vice case report instructions.
9 A. Oh, I'm sorry. 5, yes. 6, no.
10 Q. Okay. Right.
11 A. Sorry.
12 Q. 6 is a little more specific.
13 A. Sorry. Yeah.
14 Q That's okay.
15 A. And, again, 5 was the document that I
16 produced.
17 Q. And I see some highlighting on here again. Was
18 that, again, highlighting that you made?
19 A. Yeah, it is highlighting that I made in,
20 again, response to what was contained in the 30(b)(6).
21 Q. If you could first read the narrative section
22 on Exhibit 6, it goes onto both pages, and then tell me
23 when you're done with that.
24 A. (Witness complies.)
25 Q. You had a chance to review the narrative

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1 section?
2 A. I did.
3 Q. If you look back at Exhibit 5, there is a
4 number 40 on Page 2. Does that give the policy for what
5 should be in the narrative section of a vice case
6 report?
7 A. Yes.
8 Q. And does this vice case report narrative
9 section comply with the CPD policy?
10 MR. MICHALIK: I'm going to object to that
11 question. He's here to answer questions about the
12 policies and practices of the CPD. He's not going
13 to be offering opinions as to whether certain things
14 comply with those policies.
15 BY MR. RAUSCHER:
16 Q. And you can still answer the question.
17 A. I mean, on the basis of the fact that I wasn't
18 there, I couldn't answer that question in its entirety.
19 By reading the report, it seems to summarize the
20 information that they receive and the enforcement action
21 that they took. So I would say in terms of giving a
22 concise statement of the facts, I would say yes. But,
23 again, not being involved in the incident, I -- I don't
24 know all the particulars of it.
25 Q. Can you tell looking at this who the ROs are?

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1 So the narrative references ROs a few times. Who are
2 the ROs?
3 MR. MICHALIK: Same objection.
4 THE WITNESS: My response to that would be in -
5 - in terms of that, that would be off of the
6 knowledge from the officer who authored the report,
7 and then he would be able to tell you who -- who ROs
8 were and be able to expound upon -- expound upon
9 everyone's roles. And there were other documents
10 that would support in terms of who recovered what,
11 inventories and so forth, that would fill in the
12 blanks of who was where and -- and things of that
13 nature.
14 BY MR. RAUSCHER:
15 Q. So RO 1 would be Jones, and this should be
16 reflecting his knowledge, and he would be the person to
17 say who else has knowledge. Is that what you're saying?
18 MR. MICHALIK: Same objection.
19 THE WITNESS: I would say it would be based
20 upon the recollection of the indivi -- like, if
21 you're looking for whoever authored the case report,
22 which in this case, it seems to be Officer Jones, he
23 would be the person that I would direct that
24 question to in terms of determining the totality of
25 -- of the offense. Like, does this accurately

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1 describe what everyone did.
2 BY MR. RAUSCHER:
3 Q. And -- right. And I understand you weren't
4 involved in this arrest, so maybe a different way to ask
5 it is, is there -- to comply with CPD policy on writing
6 narratives, do those ROs have to be any particular
7 people listed anywhere else on this report?
8 A. So, again, like, when he says that the ROs
9 pulled alongside the passenger side of the vehicle, I
10 mean -- and they were in a covert car, again, not being
11 there, I don't know if all the officers that were listed
12 inside were in that covert vehicle. So it's, like -- in
13 terms of that, like, I wouldn't be able to respond to
14 that, but I would say, based on reporting, that it does
15 provide a concise explanation of what happened. I terms
16 of identifying everyone's involvement, that then falls
17 back on the officers that are listed on the report to
18 then explain whose role was what if they get -- if they
19 get asked.
20 Q. So there is no CPD requirement that the report
21 has to say what any particular officer did?
22 A. Well, I mean, in -- in this particular one, it
23 indicates that he was searched by an additional officer
24 in the station at the very end. So it identifies PO
25 Hurt as someone who searched him. The fact that Beat

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1 211 was also there and what they did, so it spells out
2 those portions of it. I would think that in terms of,
3 like, the narcotics end of it, who recovered what, would
4 be answered by the inventory reports because that would
5 identify -- if a state's attorney was reading this for -
6 - for trial purposes, to kind of then identify who did
7 what, but then also they would bring all the officers in
8 and interview everyone to make a determination of, you
9 know, whose role was what. You know, who was in the
10 covert car? Was it all of you? Was it not all of you?
11 Was the enforcement car set up somewhere else? And then
12 they would fill in the blanks on -- on that portion of
13 it.
14 Q. So the CPD policy does not require the
15 identification of anybody -- sorry, I'm going to strike
16 that. CPD policy doesn't require the report to identify
17 who did what during the arrest?
18 A. During the arrest or the incident?
19 Q. During the incident.
20 A. I -- I mean, the thing is, in -- in reading
21 this report, I would say that, as a collective whole,
22 they were all involved in receiving this information,
23 setting up a surveillance, and then taking an
24 enforcement action as a team.
25 Q. They meaning?

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1 A. ROs. Meaning all the officers that are listed
2 on this -- in box 12, 8, and 18, right? That they were
3 identified -- to me, if I'm reading this report, I would
4 identify them as the ROs. As a team, they then set this
5 up, and then they use an enforcement vehicle along -- or
6 a covert enforcement vehicle, along with a beat car, to
7 take enforcement action, and then what transpired from
8 there.
9 Q. And the 45 and 46 having two people's name and
10 signature doesn't signify any particular role beyond the
11 other people listed; is that right?
12 A. In terms of -- I would say 45 and 46 are going
13 to be your two officers that more than likely appeared
14 in box 1 and 2 of the arrest report.
15 Q. Sure. So it ties with that --
16 A. Right.
17 Q. -- but does it signify -- under CPD policy,
18 does it signify any particular role in the incident?
19 A. That just that they were one of the responding
20 officers that were involved in this -- in this incident.
21 Q. But that they --
22 A. And then --
23 Q. I'm sorry. Go ahead. Continue.
24 A. -- and -- and -- I mean -- and then maybe even
25 to go -- I would say in this particular instance -- but,

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1 again, this is just my -- my opinion, and everyone
2 writes it differently. But, like, where it specifically
3 indicates they set up a surveillance with Beat 211 and
4 after a short time -- RO, to me, would be Jones,
5 observed the vehicle approaching the area southbound on
6 Rhodes from 35th Street. But, again, not being there, I
7 mean, you'd have to ask them for who played what
8 specific role in this.
9 Q. Right. What I'm trying to get from you is
10 more of what would the policy require them to put in
11 this report and how do you read it as the official from
12 CPD talking about the policies?
13 A. I would say that according to our -- our
14 policies that, again, when you're writing narratives,
15 it's all -- it's all based on how the author wants to
16 write it. In the sense that does it provide -- does it
17 answer the question number 40? Does it give a concise
18 statement of the facts of the case? It does. Some
19 people would expound in their reports and indicate who
20 everyone did, and it made it easier, you know, for
21 recollection purposes for certain people when it went to
22 court to remember that I did this, you did that, he did
23 this, he did that. Other people didn't write that way.
24 You know, some people just wrote it as, you know, in
25 this general summary way where it gave a concise

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1 statement of the facts that actually transpired and then
2 they had supporting documents that then explained who
3 did what. Or when they went to court, it was based off
4 of their recollection of the offense, and then they
5 would have to support their statements on the stand
6 based on the reports that they then crafted.
7 Q. And under the policies, it's okay -- either
8 way is okay?
9 A. I would say yes. I mean, as far as this is
10 written, I would say that it would've been a report that
11 would've been approved. Yes.
12 Q. And then we've already talked about the policy
13 for signing, but if you assume that one person signed
14 for 45 and 46 here, would you agree that violates CPD
15 policy?
16 MR. MICHALIK: I'm going to object. Again,
17 it's beyond the scope as to his interpretation of
18 the document. He's here to talk about the policies.
19 MR. BAZAREK: Yeah, I'm joining in that
20 objection.
21 THE WITNESS: I mean, I would say -- if we're
22 saying the same person signed all three names, then,
23 yes, obviously that would be a violation of policy.
24 However, I mean, just looking at it, I would say it
25 was signed by three different people.

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1 BY MR. RAUSCHER:
2 Q. Right. I am not asking for a handwriting
3 analysis --
4 A. Right.
5 Q. -- or necessarily saying three people signed
6 it. Just to be clear, I'm asking if somebody -- one
7 person signed two or multiple names on here, that would
8 violate -- that would've violated the policy?
9 A. It would've violated the policy. But, again,
10 I don't know necessarily if you're talking about in
11 terms of, like, disciplining someone, that might be
12 something that would come down as a reprimand to remind
13 someone that if you're going to sign a report on
14 somebody's behalf, you've got to -- you've got to
15 document it.
16 MR. RAUSCHER: All right. We're going to mark
17 Exhibit 7 as CITY-BG-3812 to 3816. This is an
18 arrest report from the same incident.
19 (EXHIBIT 7 MARKED FOR IDENTIFICATION)
20 MR. BAZAREK: Scott, what's -- I'm sorry,
21 what's the Bates, again, on that?
22 MR. RAUSCHER: 3812 to 15. It's that Ben Baker
23 arrest report or final approval of an arrest report.
24 MR. BAZAREK: Okay.
25 MR. RAUSCHER: Oh, I'm sorry. It's 16. It

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1 goes through 16. I said it wrong. There we go.
2 I'm also going to show you -- I'm going to mark
3 Exhibit 8, which is CITY-BG-62855, and that's "Form
4 Preparation Instructions." They just copied them
5 differently.
6 (EXHIBIT 8 MARKED FOR IDENTIFICATION)
7 BY MR. RAUSCHER:
8 Q. Have you had a chance to look at those?
9 A. I did.
10 Q. So Exhibit 8 is "Form Preparation
11 Instructions."
12 A. Uh-huh.
13 Q. Is that giving instructions on how to fill out
14 an arrest report?
15 A. Not this one.
16 Q. It doesn't match up to this one, right?
17 A. Right.
18 Q. Yeah.
19 A. So this is -- this would've been the form set
20 for the paper reports.
21 Q. If you look at 44 -- you see there's some more
22 highlighting in here, which -- did you do that
23 highlighting?
24 A. That's me as well. Yes.
25 Q. One of the boxes you highlighted is -- I

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1 believe it's 44?
2 A. Uh-huh.
3 Q. It says, "Arresting officer having court
4 appearance responsibility will print his name first
5 indicating beat, furlough, day off group, and
6 misdemeanor/ordinance court key." Do you see that?
7 A. Yes, sir.
8 Q. It obviously doesn't exactly match up on this
9 form, but is the substance still accurate that the
10 arresting officer having court appearance responsibility
11 will be the first arresting officer?
12 A. That's still correct. Yes.
13 Q. And so that's the person on this -- if you
14 look at Page 3, arresting officers, that matches up to
15 Jones; is that right?
16 A. Yes, sir.
17 Q. And then second -- the next box, 45, says,
18 "Second arresting officer will print his name,
19 indicating star number and unit of assignment." Do you
20 see that?
21 A. Yes, sir.
22 Q. And is that supposed to be Officer Mohammed in
23 this arrest report, which is Exhibit 7?
24 A. Yes.
25 MR. MICHALIK: And I'm going to just object to

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1 the foundation. This is beyond the scope of the
2 30(b)(6) notice.
3 MR. RAUSCHER: I don't think it is because we
4 talked about how I was only going to use reports, if
5 I did, from test cases.
6 MR. BAZAREK: I'm going to join.
7 BY MR. RAUSCHER:
8 Q. What does -- so back to Exhibit 8, "Arresting
9 officer having court appearance responsibility will
10 print his name first, "what does that mean?
11 A. So on the paper form set, like, if you had the
12 old arrest reports that we did, they would be considered
13 -- this would be considered the box 1 arresting officer.
14 So he is the one that's going to be going to court for
15 the probable cause or the preliminary hearing.
16 Q. And is there a policy on who that person
17 should be?
18 A. I -- I mean, in theory, it should be the
19 individual who is going to be able to establish the most
20 at the probable cause hearing without them having to
21 either seek for a continuance or not have sufficient
22 evidence or information to go forward with a preliminary
23 hearing.
24 Q. And if you look -- looking back at the vice
25 case, box 45 -- so if I'm looking at Exhibit 5, which is

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1 the vice case report form, and then it says, "Enter" --
2 so 45, "Enter printed name of officer completing report,
3 star number, and the signature in the box below," do you
4 see that?
5 A. Yes, sir.
6 Q. Is that supposed to correspond to the first
7 arresting officer in the arrest report?
8 A. I don't, necessarily, think it -- it has to.
9 Q. Okay.
10 A. There could be circumstances where it kind of
11 -- like with everything, there's -- there's an exception
12 to every rule, right? Can I give you one off the top of
13 my head? No, probably not. But there probably could be
14 an instance where maybe he's on furlough and can't go,
15 right? So rather than put him in box 1, they might put
16 another guy in box 1, so that they can go to the
17 preliminary hearing and not have a continuance.
18 Q. Oh, he -- if he knows he's going to be on
19 furlough --
20 A. Furlough, correct. Yes.
21 Q. And then would that -- would the report
22 indicate that that's why they wrote the report that way?
23 A. It probably wouldn't. I mean, because the
24 report itself wouldn't change in terms of who authored
25 this report and who did what. Like, the circumstances

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1 of that wouldn't change. And then the officer going to
2 testify would testify to what he saw and/or observed.
3 But that person who would be taking his place would be
4 the person that would still be able to testify and
5 explain the roles of everyone that's involved.
6 Q. It -- would -- if the reporting officer had
7 not observed any of the things in the narrative, would
8 they have to change the narrative to reflect that?
9 MR. BAZAREK: Object to the form of the
10 question and incomplete hypothetical.
11 THE WITNESS: So are we talking about the
12 arrest report or the case report?
13 BY MR. RAUSCHER:
14 Q. So we're -- on the vice case report.
15 A. Okay.
16 Q. In your example where an officer may be going
17 on furlough and so that they don't want to be the
18 reporting officer and cause a court case --
19 A. Well, they would still be the reporting
20 officer. They just wouldn't necessarily be box 1 for
21 the arrest report. So that was the question I thought
22 you asked is, is would there ever be a time where 45
23 wouldn't be the same as the 1? So maybe I misunderstood
24 what you were asking. So in that regard, the officer
25 would still write his report. He just wouldn't go box 1

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1 because he might not be available for court.
2 Q. So box 1 on the arrest report would change?
3 A. Yes, because that --
4 Q. Got it.
5 A. -- person could still satisfy the probable
6 cause hearing and still be there to testify for
7 everything that transpired. So there -- there could be
8 circumstances where that might arise, and that would
9 probably be, you know, like one that I could come up
10 with off the top of my head. That might be, you know, a
11 time when that might occur.
12 Q. As a general rule, though, box 45 on a vice
13 case report would also be the same person who's expected
14 to go to court and be the first arresting officer?
15 A. I would say yes.
16 Q. And then box 46, the explanation of box 46,
17 back to the form, says, "Enter printed name, star
18 number, and signature of a second officer, if
19 applicable."
20 A. Yes, sir.
21 Q. What does that mean?
22 A. So if it's applicable -- when we're recovering
23 -- this is for narcotics in general. So any time --
24 let's just say I'm working in a beat car by myself, and
25 I respond to a call from a citizen who says I was doing

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1 my gardening, and I came across a bundle of heroin, you
2 know, that someone was concealing on my property. I, as
3 an individual officer, would respond to that scene, and
4 they would point out that bundle of heroin. I would
5 recover it. I would write my report. For found
6 narcotics, there wouldn't be a need for a second officer
7 then. So in situations you may not always have a second
8 officer that's on scene. Or in the same regard, if I'm
9 working on a -- in a beat car and I'm by myself and I
10 view a hand-to-hand narcotics transaction, or I pull
11 someone over for a traffic violation that, subsequently,
12 leads to the arrest of an individual for narcotics, and
13 I'm the only one that's on scene and I'm the only one
14 involved, then there's no need for a box46.
15 Q. Okay. And so would it be typically -- the
16 policy would -- typically, following the policy, you
17 would expect two people to be on there for tactical team
18 arrests?
19 A. That's correct. Yes.
20 Q. And then staying on the form, we've got 48 and
21 50 talk about supervisor work?
22 A. Uh-huh.
23 Q. And what is the supervisor doing to -- under
24 the following policy, what is a supervisor expected to
25 do before approving a vice case report?

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1 A. So it would depend. If you were involved in
2 the situation and you knew you had personal knowledge of
3 it, then you would make sure that, obviously, the facts
4 were exactly as, you know, you remember them. And if
5 there were additional details that you need them to add
6 into it, you would say you need to send this back. In
7 addition to that, you know, they're -- they're reviewing
8 it to make sure all the boxes are checked. You know, as
9 they're going through the report, that, you know, IR
10 numbers and CB numbers are - - are put in there,
11 inventory numbers are there, because those are all
12 things that were typically generated after. Because as
13 you can see, the CB number or IR number is penned in
14 because the report was completed before we actually had
15 a CB number for that individual because he would've had
16 to go down to lockup first. And then he would just go
17 through and make sure, hey, if there was a car that was
18 involved, do we have all the vehicle identifiers and all
19 that information in there and then read the narrative.
20 If they weren't personally involved in it, their --
21 their purpose would, again, be to read this, make sure
22 all the boxes are checked, and to make sure that it gave
23 a concise statement of the facts of the case, you know,
24 as they're reading it. You know, you're not grilling
25 the officer and being like is this really what happened

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1 and asking them all, because more often than not,
2 they're not there. So you're just going to read the
3 report, verify that everything's there, and then if
4 everything looks good, you're going to affix your
5 signature on the front and if it goes to the back, on
6 the back side.
7 Q. So the supervisor is not expected and it would
8 not be typical to -- if they were not at the scene to go
9 talk to the officers involved and say, hey, I have some
10 questions. Is this really what happened?
11 A. It -- no. Not about is this really what
12 happened? It would be more or less if there was
13 something that they failed to include in a report, they
14 would bring it back to them and say, hey, you know, I
15 read your report. It seems like you're -- you're
16 missing something in your narrative. Can you tell me a
17 little more about this? And then have them kind of fill
18 in the blanks for them to make -- okay, you need to
19 either adjust your narrative or you need to add, you
20 know, information about the vehicle in there. You
21 forgot to put that in there. So there would be reasons
22 why they would reject it for stuff like that.
23 Q. But if it appears to facially complete and
24 shows probable cause, the supervisor would not typically
25 -- would not be expected to go talk to the officers

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1 before approving it?
2 A. That's correct.
3 Q. And then -- so 47, date investigation
4 completed and time --
5 A. Uh-huh.
6 Q. -- is that when the auth -- what does that
7 mean?
8 A. So by the -- by the time everything's all said
9 and done, like, you're done with the street, you're done
10 typing it, he's in lockup, you know, you're -- you're
11 done -- your investigation is -- is complete, you would
12 put that in there.
13 Q. And does that have to come before the time in
14 49? Like, does that have to be earlier than the time
15 the supervisor
16 A. Yes.
17 Q. Okay.
18 A. Because you wouldn't present the report to
19 them until you were done.
20 Q. If we look back at Exhibit 7, that's the
21 arrest report. And look at the narrative, and let me
22 know if the narrative complies with CPD policy on
23 narratives.
24 MR. MICHALIK: Again, I'm going to object to
25 the foundation, and it's beyond the scope of the

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1 30(b)(6) notice.
2 MR. BAZAREK: Join.
3 THE WITNESS: I would say that, yes, the
4 narrative supports the charges; and -- and
5 therefore, if I were a watch commander reviewing
6 this, based on the narrative that was supplied here,
7 the charges that are in here are -- are supported.
8 BY MR. RAUSCHER:
9 Q. And so this -- the narrative refers to AOs. Do
10 you see that?
11 A. Yes, sir.
12 Q. Do you know what that means in this context?
13 A. So that would be the arresting officers.
14 Q. And so does that -- as the -- if this report
15 is following CPD policy, does that -- do the references
16 to AOs refer to Jones and Mohammed?
17 MR. MICHALIK: Same objection. Beyond the
18 scope.
19 MR. BAZAREK: That and it also calls for
20 speculation.
21 THE WITNESS: Yes. And, again, I think it
22 would refer to the -- the same token what's in the -
23 - the case report for the ROs that the AOs is -- is
24 plural for, potentially, 264 David and 264 Charlie
25 because they're all involved. The information would

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1 then be supplied by Jones and Mohammed, you know, if
2 there was a clarification as to who specifically did
3 what.
4 BY MR. RAUSCHER:
5 Q. But you'd expect, at least if it's following
6 policy, Mohammed will certainly know the answer to
7 these? He'll be one of the AOs?
8 A. He should, yes.
9 Q. And then what about Watts? He's listed on the
10 vice case report, but not listed as one of the arresting
11 officers.
12 MR. GAINER: Just object to form of that
13 question. This is Brian Gainer.
14 MR. MICHALIK: And also, again, it's beyond the
15 scope of the 30(b)(6) notice.
16 MR. BAZAREK: Join.
17 BY MR. RAUSCHER:
18 Q. Should this report have listed Watts as one of
19 the AOs?
20 MR. MICHALIK: Same objection.
21 THE WITNESS: Again, without knowing what his
22 official role was in this, I don't know. I mean,
23 they might have listed him on there because on some
24 level, he participated in -- in helping process.
25 When they brought him into the station, that might

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1 have been the reason why they listed him on there.
2 I wouldn't know if he was physically present or not
3 and then if he was or was not, you know, what his
4 role would've been in that.
5 BY MR. RAUSCHER:
6 Q. Well, right. I understand you don't
7 personally know what he may have done or may not have
8 done, but to comply with CPD policy, should the reports
9 have indicated what he did if he was involved?
10 A. If he was involved, he would've been listed as
11 -- on some level, he would've been listed, I would
12 imagine, as an assisting arresting officer. And in that
13 regard, they would've been able to ask him, well, what
14 was your role in assisting? You know, that -- that
15 assistance could come in the form of I processed him in
16 the back and -- and, you know, took his shoelaces out
17 and put them in the bag. I got his name. You know, I --
18 I helped prepare the complaint or -- or something to --
19 to that level.
20 Q. Is there any issue or any violation of policy
21 by listing him as one of the reporting officers on the
22 vice case report, but not one of the involved officers
23 on the arrest report?
24 MR. MICHALIK: Same objection.
25 THE WITNESS: Again, I would refer back to not

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1 knowing the totality of the circumstances that I
2 can't say with certainty, you know, why he was
3 listed on -- on either report or omitted from
4 another report.
5 BY MR. RAUSCHER:
6 Q. And you can't say yes or no as to whether
7 doing that violates CPD policy in preparation of
8 reports?
9 MR. MICHALIK: Objection. Foundation. Beyond
10 the scope.
11 MR. BAZAREK: Join.
12 THE WITNESS: Without knowing what his official
13 role or what he -- what capacity he acted in, no, I
14 can't.
15 MR. RAUSCHER: All right. We're going to mark
16 I think we're on Exhibit 9, CITY-BG-62842 to 62850.
17 (EXHIBIT 9 MARKED FOR IDENTIFICATION)
18 MR. MICHALIK: Do you have an extra one?
19 MR. RAUSCHER: I'm looking for it.
20 MR. MICHALIK: Which one is it?
21 MR. RAUSCHER: It's the -- 62842.
22 MR. MICHALIK: Yeah. I've got it.
23 MR. RAUSCHER: You've got it? Okay. All
24 Thanks.
25 BY MR. RAUSCHER:

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1 Q. Have you had a chance to look at this?
2 A. I did, sir, yes.
3 Q. Was this one of the documents you reviewed to
4 prepare for today's deposition?
5 A. Yes. And, again, I produced this one.
6 Q. Okay. Can you tell me, generally, what this
7 document is?
8 A. It was an instruction manual for just -- like,
9 as it states, field reporting in general. It's dated
10 back to -- last revised in December of 1985. Kind of
11 gives -- like, when we were going through the academy,
12 just, like, a way of explaining how you were supposed to
13 document reports, importance of UCR classifications. If
14 you look at the -- the second page where it has the
15 multiple I-UCR -- it would've been, like, Section 3,
16 letter B, multiple I-UCRs for Part 1 offenses, more than
17 one occurring at the same time. Back then, we only had
18 the ability to document something under one UCR code.
19 So if you had multiple crimes that happened, you would
20 go with the incident that had the -- the highest UCR
21 code. And so this was just explaining to officers,
22 like, there's -- there's a hierarchy rule for reporting.
23 And there were also examples of -- like, if you go to
24 the next page where it has up at the top, the
25 hotel/motel rule, the multiple thefts rule, just

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1 explaining, like, how many times -- like, if you have to
2 produce multiple reports if something happened at this
3 location versus something that happened with this. And
4 kind of just sort of a general guide for some of those
5 nuances that come up where you're like, I don't know how
6 I'm supposed to report this, how many reports are
7 supposed to come out. This also kind of gives you a
8 general idea of -- I think in some point in here it
9 tells you what your narrative is supposed to contain,
10 you know. And every narrative is supposed to answer,
11 like, the basic questions of who, what, when, why, when,
12 where, and how, so
13 Q. Are -- the substantive things you just
14 discussed, are they still valid, still policies?
15 A. In terms of for reporting, yeah --
16 Q. Yeah.
17 A. -- your report should be able to answer those
18 questions so that when someone who reads the report,
19 they understand what happened. Your job is to -- to
20 respond to the scene and to, you know, document the
21 information in -- in -- accurately as you can. Will
22 mistakes happen? Will there be typos? Will sometimes
23 you get someone's phone number or birth date or spelling
24 on a name wrong, things like that? Yeah. Those things
25 always happen. But, you know, for the most part, yes,

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1 your report should be -- should be concise, and it
2 should also explain and be able to answer those
3 questions and -- and be accurate.
4 MR. MICHALIK: Just to be clear, you're talking
5 about the narrative?
6 THE WITNESS: Correct.
7 MR. MICHALIK: Okay. I think your question was
8 a little broader than that.
9 MR. RAUSCHER: It was broader than that.
10 BY MR. RAUSCHER:
11 Q. But -- so you've talked about, I think, a few
12 things when you were going -- you gave me a few
13 examples, and I'm -- I just want to know, are all the
14 things you talked about still policies of CPD --
15 A. Just now --
16 Q. Yeah.
17 A. -- or -- yeah. I -- in terms --
18 Q. In this field manual.
19 A. So -- yes. I mean, in the sense that
20 everything that is in here, it's still attached to -- I
21 forget what -- we -- one -- it's one of the other
22 exhibits. It's still embedded in a current exhibit
23 today.
24 Q. Something we've looked at already?
25 A. Yeah. It's -- if you look at -- I think it's

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1 the data and -- what -- can I get this one? The
2 department letters -- "Department Reports and Letters
3 for [sic] Clearance," which I believe is still an active
4 order within the department. If you look at Section II
5 where it says "Reporting Standards" --
6 Q. Which -- you're looking at Exhibit 4?
7 A. Exhibit 4.
8 Q. Okay.
9 A. I'm sorry. So if you look at Exhibit 4,
10 Page 1, Section II -- or Roman numeral II under
11 "Reporting Standards," next to letter A, you're going to
12 find "Field Reporting Manual," which is CPD-63.450,
13 which is the name of the form set, which is what we have
14 here.
15 Q. Okay.
16 A. So it's still embedded in -- in an active
17 order.
18 Q. Okay.
19 THE WITNESS: Thank you.
20 BY MR. RAUSCHER:
21 Q. And so if you look at Page -- in under the
22 "Report Completion" section on CITY-BG-62845 and then
23 specifically in the "Language" thing, It talks about
24 foul language of an offender and when you're supposed to
25 use it. And you're supposed to "indicate that the

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1 language reported is not a verbatim quotation of the
2 entire conversation of the offender"?
3 A. Yes.
4 Q. What's the purpose of that policy?
5 A. I think more or less, it's -- it's to
6 establish the fact that what's being taken is in essence
7 but not verbatim. And I think part of that is at the
8 time, obviously, we weren't wearing recording devices
9 like we are today. So to go back in time and get an
10 accurate account of what was said, to know verbatim that
11 this is what the person said, you would do that to say,
12 you know, in essence but not verbatim, it's individual
13 related this. That way, if it wasn't exactly accurate,
14 you weren't perjuring yourself or submitting a false
15 report.
16 Q. And that doesn't -- that applies not just to
17 foul language, but to anything in the narrative, right?
18 A. Well, I think part of this, like, the --
19 again, you have to remember the -- the time frame under
20 which this was written. This goes back all the way to
21 1985. You know, I think there was a different level of
22 civility in society than there is today, you know. And
23 so I think that the whole purpose of this, that they
24 didn't want a -- a police report that had a bunch of F
25 bombs in it --

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1 Q. Yeah.
2 A. -- because it wasn't necessary, right? So if
3 there's foul language that he's using, it's got to be
4 pertinent to what happened. You know, so, like, if it
5 was an instance where you were the victim of an
6 aggravated battery and he was screaming explicatives at
7 you, you were going to put that in there because it was
8 like, hey, this is what he said. But, like, you know,
9 if it was you asked him a question and just -- that's
10 just how that person normally talked by dropping an F
11 bomb every other word, you weren't going to put that in
12 your report.
13 Q. And you alluded, I think, to a broader point,
14 which I believe is reflected in Line Item 3 right above
15 that, and tell me if I'm wrong, which is you want to --
16 if you're writing down what a witness said verbatim,
17 you're going to put quotes around it. And if you're not
18 trying to say that this was a verbatim quotation, you're
19 going to add that in as well; is that fair?
20 A. Yes, but it also it -- it -- it lends to there
21 are times where quotation marks would be used in certain
22 instances where you wouldn't -- you wouldn't necessarily
23 say in essence or -- or whatnot. One, an example that
24 would be, you know, someone asking for sexual favors of
25 some sort. They might use, you know, what we would

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1 consider a street terminology for, you know, some sort
2 of sexual act for someone to perform, and they would be
3 like, hey, he -- he asked me to do this," and you would
4 just put it in, you know, in parentheses [sic].
5 Typically, you would follow that with which is commonly
6 known as oral sex or, like, whatever it was that he was
7 asking for. Similarly, we might do that same thing in,
8 you know, a vice case report when it was in reference to
9 a narcotic where, you know, like I said, if they were
10 yelling blows, blows, blows, you might have that in --
11 in quotation marks and then put next to that, like,
12 street terminology for the controlled substance heroin.
13 Q. Sure. So -- and just for -- back for one
14 second. You said -- when you were describing the first
15 example, you said you would put in parentheses, but did
16 you mean quotes?
17 A. Quotes. I'm sorry. Yes.
18 Q. And you -- so you might explain what the
19 quotes mean --
20 A. Yes.
21 Q. -- right? But you wouldn't use quotes unless
22 it was a quote without saying in essence or something
23 like that?
24 A. Not always. I mean, again, like, using the --
25 the first example. If, you know, you were having a

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1 conversation with, you know, a victim who had been
2 criminally sexually assaulted and she's like he forced
3 me to perform, pardon me, you know, a blow job on him,
4 right, and then you would put in there so that everyone
5 knew so that there wasn't a doubt, like you then
6 verified with her that this is what she meant, that she
7 may -- he forced her to perform oral sex, right? So
8 which through interview of the victim, you learned was
9 oral sex.
10 Q. But the part that you put in the quotes, you
11 wouldn't be adding the quotes to a word that the victim
12 didn't say?
13 A. Did not say. Correct.
14 Q. That's all I'm trying to clarify.
15 A. Yes. Yes. Correct. Yes.
16 Q. Okay. And that's consistent with CPD policy?
17 A. Yes, sir.
18 Q. All right. So the second to last page talks
19 about signatures again. And then, specifically, I just
20 want to confirm that signing by the reporting officer
21 and the supervisor approving the report indicates that
22 this report is complete and accurate and attests that
23 the completed report has been proofread; is that right?
24 A. According to this, yes.
25 Q. Well, is that the CPD policy?

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1 A. Yes.
2 Q. Are there any policy -- any written policies,
3 or training modules, or training manuals you're aware of
4 that discuss what AO or RO means that we haven't looked
5 at yet?
6 A. Not that I'm aware of. No.
7 Q. One of the policies we looked at earlier, I
8 think, touches on another topic. So we've talked a lot
9 about preparation of reports, which is the first topic.
10 And then one of the policies, I think, also talks about
11 the -- one of the topics is -- Topic C is completion of
12 complaint for preliminary examination.
13 A. Uh-huh.
14 Q. Do you know what that is?
15 A. Yes.
16 Q. Which policy talks about that topic?
17 A. In terms -- the ones that we
18 Q. So we've looked at -- didn't we look at an
19 exhibit
20 A. Yeah. So that's a -- I think that's 4 again,
21 Exhibit 4. And it should be, I think, one of the last
22 pages in 4. "Report Signatures" -- it's on Page 4. So,
23 yeah, it's going to be Exhibit 4, Page 4, letter G.
24 Q. All right. So can you walk me through the --
25 that policy?

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1 A. Sure. Just -- I mean, in terms of preparing a
2 complaint, whenever we're placing charges against
3 someone, there's -- there's a court complaint that's
4 filled out, whether it's for a class A misdemeanor
5 through, you know, a -- a felony complaint. Essentially
6 what it is, is just making sure that prior to signing
7 that complaint, that they know that the defendant's name
8 that's affixed to that complaint is correct and that
9 their name is on there, that the related charge and the
10 offense date and everything are also accurate and
11 correct, so that you're not applying a charge that is
12 incorrect on an individual. And then in terms of the
13 elements of the offense, there's -- there's a box that's
14 underneath that sort of explains. Like, if an individual
15 was being charged with PCS, that he was discovered being
16 in possession of, you know, a controlled substance in
17 violation of the policy of the state. And then in terms
18 of Section 2, there's a member who is -- who is then
19 deputized by the department to serve as a deputy clerk
20 to witness the complaint, and they're just signing the
21 complaint enacting -- in essence, clerking the document
22 is what it amounts to.
23 Q. Yeah. What is that? So I know there are
24 policies about assigning people -- or deputizing people
25 to be clerks.

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1 A. Right.
2 Q. And I don't know that we need to through all
3 them, but what are you doing when you're deputizing the
4 document?
5 A. You're serving as -- as the clerk for the
6 court, right, so that you're not presenting that
7 document or having to present the document to the -- the
8 courts. You're verifying that, yes, you're signing this
9 complaint and then they -- we're going to move forward
10 and -- and send it through the courts.
11 Q. And does that have to be a different person
12 than the complainant?
13 A. Yes.
14 Q. What is the complainant's role in preparing
15 the complaint for a preliminary examination?
16 A. So in preparing it, they could be the one
17 that's actually typing it all out and -- and filling it
18 out themselves, depending on if they're working by
19 themselves or if they're working with a team. Like, one
20 of their teammates might be filling out the top portion
21 of it for them and then filling in the charge to make
22 sure that it's matching up of what this is what we're
23 charging the guy with. And then when he goes back to
24 it, it's going to be up to him to review it and verify
25 that everything is accurate. That, yeah, that's the

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1 right defendant's name. This is the date. These are
2 the charges. This is what the narrative is. That's what
3 I want to go with. And then signing the complaint.
4 Q. Is the complainant expected to go back to the
5 underlying reports to verify that information you just
6 discussed?
7 A. They -- like I mean, it depends. There might
8 be certain things that you have to go back to verify on.
9 Like, if you're arresting somebody for a firearm, right,
10 you want to make sure the description of the firearm
11 that's supplied in the case report matches what's in the
12 complaint. So, yeah, I mean, there would be times where
13 we would have to go back to the report just to verify
14 that everything was correct.
15 Q. How was it decided who was going to serve as
16 the complainant?
17 A. Again, that would be the -- the box 1 officer
18 should be the one that's in -- serving as the
19 complainant because he's the one going to court.
20 Q. And what's the reason behind that policy?
21 A. The reasoning behind it? That, I don't know.
22 I'm going to surmise and say it's the same reason for
23 your -- you're the one that's going to court. You're
24 going to be the one that's going to testify in -- in a
25 preliminary hearing. So in essence, you're the box 1

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1 officer representing the State of Illinois in this
2 instance, and you're -- you're the one that's going to
3 be the complaining witness against him.
4 Q. And so you may not have to go back for the
5 narrative, for example, if you know it to be true; is
6 that right? Because you were there?
7 A. Well, correct. Yes. I mean, the -- the
8 charge itself, if it's -- you know, like I said, there
9 might be certain things that you might just want to
10 verify to make sure that the way the firearm is
11 described. If you had the serial number in it,
12 sometimes you would go, hey, is the serial number
13 correct?" You know, because for what it's worth, if you
14 don't fill out your court complaint correctly, it could
15 be grounds to have the case dismissed. So you want to
16 make sure that everything's accurate.
17 Q. And would you -- would it comply with CPD
18 policy for someone to sign as a complainant who didn't
19 have personal knowledge?
20 A. I would say that they wouldn't, no.
21 Q. And why is that?
22 A. Because you're the one that -- this -- again,
23 it's -- it's almost like the whole box 1 thing. If you
24 -- if you don't have personal knowledge of what
25 happened, you wouldn't be going to court. You wouldn't

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1 be bringing that complaint against someone.
2 Q. Okay. All right. We're going to switch
3 gears, at least for now, and go onto a different topic,
4 which would be Topic E, qualifications to become a
5 tactical team member operating in or around Ida B. Wells
6 housing development. And I understand the city's
7 earlier statement about the scope of that topic. Did
8 you review any policies that are relevant for this
9 topic?
10 A. Yes. We reviewed, I think, the current
11 department policy for tactical teams.
12 MR. RAUSCHER: So we're going to mark
13 Exhibit 10. This is PL JOINT 087418 through 87422.
14 (EXHIBIT 10 MARKED FOR IDENTIFICATION)
15 BY MR. RAUSCHER:
16 Q. If you can let me know if this is the policy
17 you reviewed or if it's something different.
18 MR. FLAXMAN: This is 10?
19 MR. RAUSCHER: This is 10.
20 BY MR. RAUSCHER:
21 Q. Is this the policy you reviewed?
22 A. I saw this this morning --
23 Q. Okay.
24 A. -- prior to coming. It is not. I -- there's
25 a general or special order that we reviewed that pretty

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much is a summary of this, but it's the current version of. And the other issue with this is that this is -- this is a BOP.
Q. Uh-huh.
A. So it's a Bureau Patrol special order, which is one of our -- our general or special orders.
Q. That's like the broader one basically?
A. So -- right. So that's our general directives. This is more specific towards -- you know, the Bureau Patrol pushed this one out.
Q. Do you know what the general or special order number is that you reviewed?
A. No, I don't.
Q. Do you know the title of it?
A. I think it's just tactical teams or references tactical teams.
Q. Is that something you found and provided to the lawyers?
A. Yes, I believe it was one of the documents I provided.
Q. Did you see a Bates -- do you know what a Bates stamp is?
A. No.
Q. So if you look at the bottom right, there's two on this one. That PL JOINT is a Bates stamp --

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A. Okay.
Q. -- and then CITY_AG is one. Did you see a version with Bates stamps on it?
A. No, I did not.
Q. Is there anything in this order that is different that you noticed than the one that you reviewed?
A. In terms of overall, I don't think so. The only thing that might be different is I think there's now, like, an open, like, bid procedure to go on to the tact team. Like, there's -- there's a policy where you can apply for the tact team. I don't see -- I don't know if that's listed in the new order or not because what I was just looking for was to answer the question about, like, what the roles and responsibilities were, just so I could --
Q. Right.
A. -- kind of give them a broad-base jumping-off point for where my information was coming from.
Q. So --
MR. MICHALIK: Scott, give me a second.
MR. RAUSCHER: Yeah. Okay. Sure.
MR. MICHALIK: We might be able to short circuit this.
MR. RAUSCHER: Okay.

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MR. MICHALIK: Is this what you wanted?
THE WITNESS: Oh, maybe it was. Oh, yeah. No, these are the Bureau -- these are BOPs, though? Yeah. Yeah. And these are more recent ones. That's what it is. This is the '24 version of it.
MR. MICHALIK: All right. Yeah. So I don't know if you want to mark this as an exhibit. There's no reason not to produce it. The reason why we didn't is because it's the current BOP special order.
MR. RAUSCHER: Okay.
MR. MICHALIK: But if you want to take a look at this and mark it --
MR. RAUSCHER: Okay. Thanks.
MR. MICHALIK: -- that's fine with us.
MR. RAUSCHER: Yeah. Why don't we just mark this as 11? I'll probably make copies next time we take a break. So this is BOP Special Order 24-06, issued date, December 11th, 2023, effective January 4, 2024.
(EXHIBIT 11 MARKED FOR IDENTIFICATION)
BY MR. RAUSCHER:
Q. It rescinds an order, but not the order that we're looking at?
A. Correct.

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Q. Do you know which order it rescinds?
A. 23, I believe, 06. So I think they reissued this in '23 and then reissued it again in '24. So I don't know if it's -- I want to say when I was going back and looking, I couldn't find one for the time frame we were looking for that was posted on our -- our Bureau Patrol website.
Q. Okay. At first glance, it looks similar with maybe some changes based on, like, the number of teams or the -- when they're working. Is that basically right?
A. Possibly, yes. And -- and, again, like, I don't know when they installed the matrix for the tact teams to put them all on the -- you know, on the same watch -- or the same group numbers with the same watches. But for the most part, the roles and responsibilities remain the same, you know. I mean, like, the -- the function of what the tact team is hasn't changed since -- you know, since when I served on the tact team.
Q. All right. So it -- is it -- so starting in 1999, even if this policy -- the written policies in 10 and 11 didn't exist, the responsibilities were still the same?
A. I would say yes.

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1 Q. And about the qualifications to be on a
2 tactical team?
3 A. So I don't know when it originally changed. I
4 think they were a little less stringent before I got on
5 the team about the number of years you had. That was
6 pre-Michael Ceriale. After Officer Ceriale was killed,
7 I know that they -- they started to sort of restrict or
8 become a little bit more attentive to the amount of time
9 that you had on the job. And it became an issue of,
10 like, if you didn't have enough time, that you would
11 have to go through the commander, and then the commander
12 would have to be the one to sign off on the fact that,
13 you know, you were going to be allowed to do that.
14 Q. It -- was it less than three years at some
15 point?
16 A. It might have been when Officer Ceriale was
17 killed, but I don't know for certain. I think that's
18 what they wound up moving it up to --
19 Q. Do you --
20 A. -- after his death.
21 Q. I'm sorry. I apologize.
22 A. That's okay.
23 Q. Do you know when Officer Ceriale was killed?
24 A. Was it '90 -- '98, I believe.
25 Q. Okay.

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1 A. Somewhere in there.
2 Q. This -- both of these documents, 10 and 11,
3 talk about tactical team members are sworn members
4 assigned to the fourth watch?
5 A. Yes.
6 Q. What does that mean?
7 A. So it -- there are different watches for every
8 -- you know, for all of us. So, like, midnight officers
9 are assigned to what's considered the first watch. An
10 officer that works second watch are on days, and third
11 watch is afternoons. Fourth watch is sort of -- it's a
12 -- the ability for the department to kind of move you
13 around if they need to. You don't have a dedicated
14 start and end time. Even though there is typically one
15 for the tact teams, there's a -- there's a general start
16 time for them. If they need to adjust those hours,
17 they've given up the -- the contractual right to the
18 two-hour change in start time that everyone else is
19 afforded.
20 Q. Are there any more specific policies that
21 you're aware of saying what tactical teams are
22 responsible for doing?
23 A. So, I mean, essentially, we have the -- the --
24 the special orders and the general orders that are --
25 they essentially mirror what's contained in this. You

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1 know, the -- the -- the function of the tact team is to
2 be a tool that's available for the commander to address
3 whatever crime conditions they're experiencing in their
4 district. And, again, every district is different. You
5 have some districts that are, you know, high property
6 crimes, right? They'll have burglaries to autos.
7 They'll have, you know, store burglaries and things like
8 that. So those teams might be more geared towards
9 addressing those things. You have other places that
10 were -- like, where I worked in the 15th District where
11 it was an open-air drug market that had a tremendous
12 amount of violence that was going on in there. And so
13 the investigations were slightly different. But the --
14 the main purpose of them was to be, you know, at the
15 disposal of the commander to address those crime
16 conditions in a manner in which he felt was -- would --
17 would best suit the needs of the citizens and the -- the
18 district.
19 Q. Do you have any understanding of the
20 responsibilities of the 2nd District tactical team or
21 the Public Housing Tactical team by Ronald Watts?
22 A. No. Not specifically, no.
23 Q. Do you have any general understanding of what
24 their responsibilities were?
25 A. I would assume they would've been the same

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1 responsibilities as every other tact team. You know,
2 that whatever crime conditions were going on -- so if it
3 was the housing projects that were their priority
4 problem, that the commander at the direction of the
5 tactical lieutenant would have sent them to go to this
6 particular location. If it was somewhere else, like --
7 I'm trying to think what the boundaries of the district
8 are, but, like, maybe, like, 35th and Princeton, like,
9 hey, we've got a problem over here. They would be
10 directed to go over there.
11 Q. Are -- how are tact teams different than beat
12 officers?
13 A. So beat officers work independently. You
14 know, some of them, they can work 99 or they work with a
15 partner. They're confined to a particular area. So if
16 I'm working, you know, beat 1512, the calls that I'm
17 going to receive are going to be predominantly on that
18 beat, and there has to be a reason why you're pulling me
19 off of that beat and away from -- from the area of -- of
20 my coverage. And the point and purpose behind that is
21 so that you develop a familiarity with the criminal
22 activity on your beat and the citizens on that beat, so
23 that you're aware of what's going on so you can better
24 serve the community. With the tact teams, you're a
25 little bit wider scoped, right? You're supposed to have

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1 a little bit more knowledge about what's going on in the
2 district overall. Some guys were a little more
3 knowledgeable of particular beats because maybe they
4 came up working that beat car, and so they had a
5 particular knowledge of what went on in this -- this
6 area. I'll give you an example. Like, we had guys that
7 were more aware of what went on on 1531, right? I'll
8 use that as another example. It's where Lamon and Iowa
9 was, and they knew the hierarchy of all the guys that
10 were involved over there. And so when something was
11 going on over there, the commander might come to that
12 particular team and say, hey, you know, what's going on
13 over here? And because they had a knowledge of the
14 structure of the hierarchy, they could say, hey, these
15 guys are at war with these guys over here and, like,
16 okay, let's develop a strategy. How are we going to
17 damp this down and make it go away?
18 Q. Are there any qualifications to be on a tact
19 team, and were there from '99 to 2011 that are not
20 reflected in this policy?
21 A. I don't know necessarily that it's -- it's a
22 qualification where it's, like, there's anything in
23 writing where you needed a certain number of statistics,
24 you know, in terms of arrests or anything else like
25 that. You know, you just had to have the knowledge and

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1 -- and the desire to, you know, want to be proactive.
2 There are some guys who are perfectly content just
3 receiving jobs from OEMC. When you're getting -- when
4 you're on a tact team, a lot of times it's your own
5 personal observations or it's things that you decide to
6 take a proactive measure about. Like, hey, on the way
7 into work today, it looked like this guy was selling
8 drugs. Let's go find a place to go sit and watch them,
9 as opposed to, well, I'm going to go respond to my
10 domestic disturbance. And not that there's anything
11 wrong with that. It's just, you know, there's different
12 things for different people.
13 Q. You need to be more proactive to be on a tact
14 team than to be a beat officer?
15 A. You know, I wouldn't say that. I mean, I
16 would say that, like, because there are super proactive
17 guys that work on the beat, they just don't want to work
18 on the tact team. And part of that is -- is because of
19 the -- you know, I think the -- the changes in your
20 personal life that it impacts you with. Because now all
21 of a sudden, you're giving up -- if I'm working days,
22 right, I'm going to give that up to work a rotating
23 schedule that may not work so well at home for me. So
24 I'm still going to be proactive. I'm still going to do
25 my job, you know, but at the same time, like, you know,

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1 it's different because you're -- you're isolated in a --
2 in a lot of regards. With a team, you guys are that
3 cohesive group, and you're, you know, if you need to
4 work together, you have that ready -- that
5 readily-assembled group of ten guys. And, like, hey, we
6 need to go set up a surveillance, and this is -- this is
7 our team, and this is how we're going to go do it.
8 Q. So I don't mean to -- I don't mean the
9 question to sound like --
10 A. Yeah.
11 Q. -- I'm saying you can't be proactive.
12 A. No. Correct. I understand.
13 Q. But you do need to -- you need to be proactive
14 to be a tact team officer; is that right?
15 A. Absolutely. Yes.
16 Q. What are the -- what are the general
17 responsibilities for a tact team sergeant?
18 A. Again, it -- to be -- obviously, you're
19 assigned ten specific officers, and it's your job to
20 monitor their daily activities. And that could be by
21 giving them a direct admission and saying, hey, there
22 was a shooting that happened last night. We need to go
23 over to this particular area and just show a high police
24 visibility to kind of make sure things don't continue to
25 jump off, or to go out there and see if we've got

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1 informants or if we have citizens that want to come out
2 and talk to us, or how that -- however that's going to
3 go. Or maybe we make an arrest in this particular area.
4 Just because we're there, we happen to see somebody go
5 through a stop sign. We pull them over, and we find out
6 they've got a gun. Now we bring someone into the
7 station. We're going to debrief them, and maybe this
8 individual gives us some information or shines some
9 light onto some things for us. At times you might also
10 reach out to the Bureau of Detectives and find out what
11 detectives were working on the investigation and, you
12 know, what they were hearing and, okay, comparing your
13 notes against theirs. Like, hey, we're hearing that
14 these guys are at war with those guys, and, like, well,
15 it's really not what's going on. Or maybe then guys
16 would then go back and be like, "hey, they're hearing
17 that this is what's going on. Is that what's going on?
18 And then we would take that information and kind of farm
19 out and try and figure out how we were either going to
20 curtail the violence or solve the crime that -- that was
21 at hand. Aside from that, I mean, like, if they were
22 just working on a daily basis where it was like there
23 wasn't anything in particular going on, you would just
24 tell them, all right, here are your keys. Go on out
25 there. You know, see what you can find and -- and go

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1 from there. And -- and, again, each supervisor I think
2 is different, just like any other job. Like, you have
3 some people like me. I rode with my people. There are
4 other people that -- that quarterbacked from -- you
5 know, from a distance and said this is what you're going
6 to do, and they rode by themselves, so
7 Q. And either way, you had to fill out the daily
8 supervisor log?
9 A. Yes.
10 Q. And do you know what Watts -- where Watts fell
11 on that continuum of riding with people versus
12 quarterbacking from far away?
13 A. I have never met him, so I don't know.
14 Q. Have you met any of the Watts team members?
15 A. I might've.
16 Q. Okay.
17 A. I mean, I've been on the job for almost 25
18 years. In passing. I saw a couple of the names that
19 were listed on the report. I might've come into contact
20 with them, but, like, to know them and say, you know,
21 I've had interactions with them -- I might have even
22 worked with some. I don't know.
23 Q. You don't know that you don't know any; is
24 that fair? I mean, I'm not -- this isn't a trick. I
25 mean, I'm not --

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1 A. Right. No, no. Right.
2 Q. -- trying -- get established whether you have
3 passed -- crossed paths once with someone. Do you know
4 any of the Watts team members?
5 A. To the best of my knowledge, no.
6 Q. What was the process for getting on a tactical
7 team?
8 A. So how I got on the tact team was I
9 interviewed with our tactical lieutenant, and then he --
10 he decided to -- to take me onto the team because there
11 were openings. Presently, like, officers will submit a
12 resume to the commander, and -- and that's how it goes.
13 When I had my team, what I used to do is, as -- as the
14 team would grow and develop, guys would sometimes go off
15 to specialized units. They would transfer out. They
16 would get promoted. So I would also monitor the
17 activity of what was going on on the watch to see, you
18 know, what officers were knowledgeable, what officers
19 were hardworking, what officers were -- were good, and
20 see how they would fit within the chemistry of my team.
21 I would also, you know, talk to my team as things were
22 coming up. If we knew someone was getting promoted, if
23 they did well on an exam, like, hey, who is it that you
24 guys would like to -- to have come to the team, and then
25 I would take their opinion into consideration and

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1 evaluate like, eh, we really don't want that guy because
2 maybe he doesn't fit my standard for what I'm looking
3 for, you know. And then we would put that list together,
4 and we would forward it through the chain. Our
5 lieutenant would review it, and then it would go up to
6 the commander. Sometimes you would get who you wanted,
7 and sometimes you wouldn't, you know. And, again, it -
8 - it's one of those things where because it's a group of
9 ten, like, you're always trying to find that balance
10 with that chemistry amongst the people. So it's, like,
11 you may have somebody who's really, really good, but you
12 just know that they're going to rub everybody on the
13 team the wrong way. So you're like, we're going to have
14 to find a different home for that person.
15 MR. RAUSCHER: We're going to mark the next
16 exhibit CITY-BG-059166 through 168.
17 MR. MICHALIK: Are we up to 12 now?
18 MR. RAUSCHER: Yeah, this is 12.
19 (EXHIBIT 12 MARKED FOR IDENTIFICATION)
20 BY MR. RAUSCHER:
21 Q. I'm just going to hand you this, so you can
22 just keep --
23 A. Sure.
24 Q. -- it with the other ones.
25 A. Yes, sir.

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1 Q. Have you had a chance to look at this?
2 A. I did, sir.
3 Q. Did you look at this document to prepare for
4 today?
5 A. I did not.
6 Q. Have you seen it before?
7 A. Yes, I have.
8 Q. Does this apply to tactical team sergeants?
9 A. It -- it does. It -- I think the way it's
10 written or, like, the guise of supervision in general,
11 right? Because there's a responsibility of sergeants
12 assigned to field activities, but then there's also,
13 when you're a tact sergeant, you have slightly
14 additional responsibilities or different
15 responsibilities.
16 Q. Okay.
17 A. Like, as a field sergeant, you know, I would
18 come to work, and I would be given the cars that I was
19 supposed to supervise for a given day. And that could
20 change from day to day, right? Whereas with the tact
21 team, you have the same team unless those promotions or
22 -- or other things happen, but the basic function of
23 what you're supposed to do overall is the same, right,
24 with the added responsibilities of also being aware of
25 other, you know, crime activities and then, you know,

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1 directing your team in certain ways. Patrol is more
2 geared towards are you responding to your jobs? Are you
3 acting professionally? Are you filling out your reports
4 properly? It's just -- it's similar, but a little bit
5 different.
6 Q. So these apply, but then there's also the
7 additional things that you've talked about already?
8 A. I would say yes. I would say that this is
9 more -- more so like with a -- with a broad-based brush
10 of, like, in general, like, these are the things that
11 the supervisor -- regardless of who you are, this is
12 what you should be doing. Like, for example, you know,
13 ensuring that your subordinates respond immediately to
14 all assignments, right? They handle them as
15 expeditiously as possible and return to in-service
16 without delay. That's more so a -- a -- a directed --
17 directed towards the guys in patrol because they're --
18 they're the ones that are getting the calls, right? So
19 you don't want a guy that's sitting down on a call for -
20 - for two hours while some other guy's running all over
21 the district. But at the same time, like, it could
22 apply to a tact team. Like, you're not going to take
23 this job and then hold it for -- forever, and then
24 that's what going to consider your tour. So it's
25 similar but different.

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1 Q. Are there -- is there another directive or
2 special order or general order that talks about sergeant
3 of tactical teams' responsibilities?
4 A. Again, I believe there's the -- the general
5 special order that refers to -- to tactical teams. It
6 pretty much is what this is -- what the -- Exhibits 10
7 and 11 that we looked at is pulled from.
8 Q. So that's what we looked at?
9 A. Yeah.
10 Q. There's nothing else that you're aware of that
11 we haven't looked at today?
12 A. Correct.
13 Q. Okay. Do tactical team sergeants have to rate
14 their subordinates' performance semi-annually?
15 A. So we do performance evaluations now. I'm
16 trying to remember. I know we used to have hard card
17 evaluations when I first got on the job. I don't know
18 what they evolved into by the time I was on the tact
19 team, but today there's performance evaluations that are
20 maintained within the CLEAR system.
21 Q. This says -- this policy that we're looking at
22 now, Exhibit 12, was effective in January 1983, and
23 Section IIIB on the first page says -- I believe it says
24 sergeants have to "rate their subordinates' performance
25 semi-annually".

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1 A. Yes.
2 Q. Is that right?
3 A. So when you say -- like I said, when I -- when
4 I first got on the job, there was a -- a hard card
5 version that was filled out, presented to you, and it
6 was, like -- I think it was a numerical system. If I
7 remember correctly, it was, like, zero to 100, and you
8 were given, like, a numerical score based on your
9 performance.
10 Q. Okay. Do you know where those were stored?
11 A. Again, I would imagine, once they were signed
12 off on, that they went up to the admin level, but to
13 know for certain, no.
14 Q. When you were the sergeant, did you fill out
15 -- did you ever fill out those hard cards?
16 A. By the time I was a supervisor, we had
17 evolved, I believe, into the -- the performance
18 evaluation system, so we were doing those. I don't
19 believe I ever did hard cards.
20 Q. Did you do those semi-annually?
21 A. Those -- they're now -- they're now
22 functioning where it's not semi-annually. It's -- I
23 believe we do it off -- based off of the -- their period
24 of hire. So it -- you do it once a year, so it's
25 annually.

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1 Q. Okay. Are those electronic?
2 A. Yes.
3 Q. When did you start filling out electronic
4 reviews for people?
5 A. I want to say it was right around the time I
6 made sergeant, so around maybe 2008. Because like I
7 said, I don't ever recall having to do the paper form
8 sets.
9 Q. Do you recall -- I'm sorry. Go ahead.
10 A. No, it's okay.
11 Q. Do you recall being reviewed when you were a
12 member of the tactical team?
13 A. No, but I do remember being reviewed when I
14 was on -- when I was in patrol. When I first came to
15 the 15th District, I do remember getting reviewed.
16 Q. Hard card?
17 A. Yes.
18 Q. Do you recall ever getting electronic reviews?
19 A. No.
20 Q. When you do -- when you were doing reviews as
21 the sergeant in the tactical team, did the reviews go to
22 the -- your subordinates?
23 A. For -- oh, for the tact team, yeah. So what
24 ultimately happens is, is that in the current system
25 that we have now, there's a process by which everything

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1 is done electronically, and there's -- there's a menu
2 that it moves through. So that initially comes down for
3 assignment. It goes to an assigned supervisor. That
4 assigned supervisor then completes the evaluation. The
5 evaluation will then go through the channel. Then it'll
6 eventually, at some point in time, come back through for
7 a review with -- with the officer where they have the
8 opportunity to review, you know, what was said about
9 them. And then after that, it -- it goes to a final
10 status. For some individuals who require, like -- it's
11 almost like an IEP, you know, you need -- you need some
12 sort of additional help because you're just not
13 performing up to standard, then there's -- there's a
14 program that you get placed into that will then help you
15 perform to the level that you're expected.
16 Q. Did the hard cards have any information beyond
17 the number?
18 A. To be honest with you, I don't know. I mean,
19 we're going back -- like, I honestly remember getting
20 evaluated in, I think it was, like, 2001, while I was
21 still on third watch in 15. And -- but that's -- that's
22 about it. That's what I remember vividly, that one.
23 Q. What is it that you remember?
24 A. The fact that I had just started and that I
25 was given a supremely low performance evaluation and

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1 didn't understand why and having the conversation with
2 my -- my supervisor, and he didn't even know what it
3 was. And so it was one of those things where it was
4 like okay. And it -- the way it was explained to me is
5 that, like, obviously, being a new officer, you're not
6 going to come out of the gates with 100, right? You've
7 got to work your way up. And so I was like okay. You
8 know, it's like, they're -- they're not just going to --
9 nothing's going to be given to you no matter how hard
10 you work. You have to establish consistency and -- and
11 things like that.
12 Q. The card didn't explain to you why you got a
13 low rating, though?
14 A. I think everything just had numbers that were
15 associated -- like, you gave them, like, a rating. I
16 don't even -- to be honest with you, I don't even know
17 if it was a 1 to 10, but I believe it was, like, an
18 overall rating for everything, and then you got a
19 numerical score. I don't know if they added everything
20 up and then that's how you got it or -- or what it was.
21 Q. Do you remember any of the categories you were
22 rated on?
23 A. No, I don't.
24 Q. Do you remember the categories that you've had
25 to rate people on when you were a tactical team

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1 sergeant?
2 A. Yeah. Their accountability. There's
3 questions about their ethics. There's -- I'm trying to
4 think of how many different performance anchors there
5 are. I think there's six performance anchors, but they
6 all predominantly -- they -- they function around just,
7 you know, different facets of your job. Like, you know,
8 can you do your job effectively? Can you -- are you
9 trustworthy? You know, can you handle multiple
10 assignments at the same time? Can you multitask? Are
11 you able to, you know, withstand working for extended
12 periods of time and still maintain some sort of level of
13 efficiency and things like that.
14 Q. Is one of your responsibilities as sergeant of
15 a tactical team to make sure that the team members meet
16 CPD standards in those categories?
17 A. I think that's every supervisor, as in, you
18 have to meet those standards, right? I mean, so the
19 thing is, is that you don't want -- obviously, as a team
20 supervisor, your team is a reflection of you, right? So
21 you don't want a bunch of guys that look horrible or
22 don't act responsibly, you know, associated with you,
23 right? So you want to make sure that everybody's in
24 line. You want to make sure that they know what the
25 standard is and that what they're expected to do and

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1 that, you know -- and, again, in -- in terms of, like,
2 activity, no. Like, I knew that my guys were out there
3 and that they were trying every day and that whatever
4 came our way is what came our way. So if today we went
5 out and we made no arrests today, it wasn't out of lack
6 of effort or trying, you know. It was we went out, we
7 looked, we saw, we legitimately didn't find anything.
8 And on days when we made more arrests, it was just
9 because that's just what happened.
10 Q. Is your job as supervisor -- is it the
11 supervisor sergeant -- I'm going to strike that. Is it
12 the sergeant's job to set the tone for the team?
13 MR. MICHALIK: Objection. It's very vague.
14 THE WITNESS: I mean, I think that with -- with
15 any team, like, there's -- there's expectations,
16 regardless of if you're -- all the way on down from
17 the commander to the lieutenant to the sergeant.
18 You know, there's certain people that, you know,
19 hey, I can get away with doing this with this
20 person, or I can't get away with doing it with this
21 person. But I think that, you know, if you're
22 engaged with your team, they -- they know what's
23 expected of them, and they understand, you know,
24 where you want them to perform and what you're going
25 to be willing to tolerate, you know.

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1 BY MR. RAUSCHER:
2 Q. Did you think it -- did you ever think it was
3 your job as the sergeant of a tactical team to tell your
4 team members not to frame people?
5 A. I think everyone on this department knows,
6 like, the liability that rests with that. You know what
7 I mean? When we were in the academy, I mean, we -- we
8 were instructed, you know, like, hey, this is what this
9 is. And one of the things that they told us was you
10 guys are never any closer to the penitentiary than you
11 are today, you know, because at the end of the day, you
12 know, as a law enforcement officer, if I break the law,
13 I'm the most valuable commodity that any state's
14 attorney or, you know, United States Attorney's ever
15 going to come across because, you know, you're -- you're
16 gold to them, right? You know, we sat through training
17 seminars where they brought up the Austin -- you know,
18 Austin Seven, right? And so, you know, where they
19 showed us, hey, this is what these guys did, and this is
20 the amount of time they all got. So if you want to go
21 do dumb stuff, be prepared, you know, to ride the pine
22 with them. The department also put out e-learning
23 videos with Xavier Castro. And Xavier Castro was an
24 officer who falsified an arrest report. I think he said
25 he arrested a guy who was on an ankle monitor, right?

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1 And the ankle monitor proved that he wasn't where he
2 said he was, and ultimately he went to prison. And so
3 everyone's aware of the risks if they're going to lie
4 and they're going to do nefarious things. You know what
5 I mean? That there's -- there's an inherent risk and
6 more than likely, you're going to get found out, and
7 you're probably going to go to prison, you know, and no
8 one's going to have, you know, any -- any hard feelings
9 about sending you there.
10 Q. It was not -- it wasn't, like, part of roll
11 call where you'd say to your team don't go on and frame
12 anyone today?
13 A. No, but there were times when things happened
14 within the department where members either got
15 disciplined for things, or either they got stripped of
16 their police powers or, you know, they -- they did
17 something that got them arrested where you would have to
18 sit down with everyone and say as a reminder, you know
19 what I mean? Like, they're not playing, you know, and
20 this is what can happen to you if you do this, so think
21 about the things you do before you do them.
22 Q. It's like a -- if something major and public
23 happened, you'd talk about it; is that --
24 A. Sometimes, yeah. I mean -- so it's, like, you
25 know, when we had the issue with the officers, I believe

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1 they were in the 23rd District, that were picking up
2 young ladies who were overserved, you know, and then,
3 you know, having sexual relations with them while they
4 were on duty, you know, in the squad car or whatever --
5 whatever came out of it, and they all got arrested, you
6 know. And it's like, anyone who thinks that this is a
7 good idea, here are the poster children for why it's
8 not, you know. So when things did come up, yeah, we
9 would talk to our people and remind them. And, again,
10 like, as a supervisor, you may be older than some of the
11 people that you're supervising, but on some levels,
12 like, you're still -- you're still acting as almost like
13 parent, you know, for some of them, you know, and you're
14 -- you're guiding them and you're instructing them, and
15 you know, you're supposed to be there to, essentially,
16 on that level, like, protect them from -- from making
17 dumb mistakes, you know.
18 Q. Is it one of your jobs to try to make sure
19 that they are not in fact framing people?
20 A. Yes.
21 MR. RAUSCHER: All right. We're going to move
22 on to another topic. J is the collection,
23 inventory, and testing of suspected narcotics. And
24 I'm going to mark Exhibit 13 as CITY-BG-62177 to
25 62192. And you know what, I'm going to also mark

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1 Exhibit 14 at the same time, which I think is a
2 policy that replaced this one. So 14 is
3 CITY-BG-62130 to 62147.
4 (EXHIBIT 13 MARKED FOR IDENTIFICATION)
5 (EXHIBIT 14 MARKED FOR IDENTIFICATION)
6 BY MR. RAUSCHER:
7 Q. Have you -- did you review these policies
8 before?
9 A. Before coming, no.
10 Q. All right. Did you review other policies on
11 the collection, inventory, and testing of suspected
12 narcotics?
13 A. No. Not for this, no.
14 Q. Have you reviewed other policies on the
15 collection, inventory, and testing of suspected
16 narcotics in general?
17 A. Just in general because I'm assigned to the
18 Evidence and Recovered Property Section. There's times
19 where I've got to review orders just to make sure that
20 we're doing things in accordance to the orders.
21 Q. But do these policy -- do these documents that
22 I have given you describe the policies for collecting
23 and inventorying narcotics?
24 A. Yes.
25 Q. And then are there other policies about

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1 testing narcotics, or are those included in here as
2 well?
3 A. So that's -- again, there's -- I know they're
4 outlined in here. In terms of where they go, they go --
5 they'll go to our Illinois Police Crime Lab for testing
6 and analysis.
7 Q. CPD doesn't do the -- doesn't have an in-house
8 lab. It sends out for testing, right?
9 A. That's correct, yes.
10 Q. So there will be policies about when to send
11 it out and where to send it?
12 A. So I believe it's contained inside this order
13 here.
14 MR. MICHALIK: You're looking at Exhibit 14?
15 THE WITNESS: Yes. I think it's this one.
16 BY MR. RAUSCHER:
17 Q. And so 14 is the newer version of 13; is that
18 right?
19 A. Yes. Yes. I think it's -- I'm at -- was it -
20 - I don't know -- the addendum -- it's the first
21 addendum that's in here, so CITY-BG-062134. So it's,
22 "The Forensic Services Section will automatically submit
23 all narcotics evidence the ISP Lab for analysis when
24 there's an associated arrest. In cases where no
25 arrestee is listed or the invent -- on the inventory but

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1 analysis of the substances is desired, the inventorying
2 officer must submit a To-From-Subject report, approved
3 by the officer's commanding officer, to the Forensic
4 Services Section in order to have the evidence sent for
5 testing," so
6 Q. And which subsection -- can you just -- for
7 the record, which subsection were you reading from?
8 A. So this is -- again, it's off of Exhibit 14.
9 The page on the bottom is marked CITY-BG-062134. It's
10 under Roman numeral II, "general information," letter B.
11 Q. Okay. If you can look back at 13 --
12 A. Uh-huh.
13 Q. -- although I think, substantively, they'll be
14 the same in both of them. There is a -- if you turn to
15 CITY-BG-62119, Section V, Subsection C about the scales.
16 A. I'm sorry, what page was it? 621 --
17 Q. 62119.
18 A. Oh.
19 Q. It's in Exhibit 13.
20 A. Why am I not seeing 62119?
21 Q. It's the third page in.
22 MR. MICHALIK: Let me see.
23 THE WITNESS: Because I -- mine starts
24 with 62177.
25 BY MR. RAUSCHER:

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1 Q. 177?
2 A. Yeah.
3 Q. Are you -- maybe it got stapled the wrong way.
4 MR. MICHALIK: Maybe you got the wrong one.
5 BY MR. RAUSCHER:
6 Q. Or I gave you the wrong thing.
7 MR. MICHALIK: Yeah, this is the wrong one,
8 this Exhibit 13.
9 MR. RAUSCHER: Oh, all right. Yeah, that's the
10 wrong document.
11 BY MR. RAUSCHER:
12 Q. Does your 14 start with --
13 A. It's 62130.
14 Q. All right. So you have the correct 14 and the
15 wrong 13.
16 MR. MICHALIK: I can share mine, Scott.
17 MR. RAUSCHER: Okay. If you don't mind, that
18 would be great.
19 MR. MICHALIK: Yeah.
20 MR. RAUSCHER: Thanks.
21 MR. MICHALIK: It's right there.
22 BY MR. RAUSCHER:
23 Q. So on the third page of that, which is 6211 --
24 A. Uh-huh.
25 Q. -- Section V, "Narcotic Safes and Scales"?

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1 A. Yes, sir.
2 Q. It talks about how the scales will provide a
3 reasonable weight estimation.
4 A. Uh-huh.
5 Q. What does that mean?
6 A. So, again, in order to fill out the arrest and
7 case reports, you would need to have, like, an estimated
8 weight of what the narcotics were, so that you could get
9 an estimated street value so you can also charge
10 accordingly. Because, again, with some of the
11 controlled substances laws, depending on how much you're
12 in possession of would dictate if there's a higher
13 charge or not. So, essentially, the tactical units
14 would have scales in their -- in their offices, like,
15 little digital scales, some of them. Some of them have,
16 like, the old school balances, depending on how much you
17 actually recovered, and you would use -- or try and use
18 those scales as a basis for, you know, your -- your
19 values --
20 Q. And you see --
21 A. -- in your reports.
22 Q. Sorry. And the policy says that you weigh it
23 with the packaging?
24 A. Yes.
25 Q. And you keep it in the packaging?

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1 A. That's correct.
2 Q. So we -- you know, we looked at an arrest
3 report earlier for Ben Baker. It has an approximate
4 weight. Was that weight based on -- I know you weren't
5 there, but under the policy, should that weight be based
6 on weighing it at the station?
7 A. Well, if the scales were available, yes.
8 Sometimes scales were broken or whatever. But I mean,
9 typically, just based on experience, they were selling
10 0.1 gram bags for everything. So it's just, like,
11 typically that would be the weight that would go and be
12 associated with that. So if the scale wasn't available,
13 that was typically the rough estimate that someone would
14 have to go with. I mean, unless it was, like, softball
15 sized or something, then you would seek out the scales.
16 But for the most part, I mean, guys would weigh it, but
17 if the scales weren't available, that was the general
18 principle that they went with. And then, ultimately,
19 ours was just an estimated weight. The weight would be
20 established by ISP.
21 Q. So the -- at the station you would -- first
22 option is, if there's a scale that is working, you use
23 the scale?
24 A. Yes.
25 Q. Second option is, if not, you'd use 0.1 grams

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1 per bag and you just count the bags?
2 A. If it -- if it was -- yes, if it was like a
3 crack cocaine or heroin and we had nothing else
4 available, that was typically the size that we went with
5 because that was a roundabout estimate of what it was.
6 If it was something larger, like I said, like, if it was
7 a -- you know, a softball-size recovery, then you would
8 have to seek out something and figure it out.
9 Q. Would you -- would the policy require you to
10 note on the report whether you used a scale or not?
11 A. No, because it's all estimated.
12 Q. And then is the -- does CPD have a policy as
13 to whether ISP should test -- weigh the entire amount of
14 drugs as opposed to just a portion of them?
15 A. That, I don't know, but I -- my understanding
16 is, is that they weigh the entirety of what is there,
17 and then from that sample, they then measure out, like,
18 which -- of which, you know, one sample tested positive
19 for -- for this, like, a portion of it.
20 Q. And when you said "they" in that context, you
21 meant ISP?
22 A. ISP, yes, sir.
23 Q. And that understanding is based on your 25
24 years of experience with the Chicago Police Department?
25 A. Yes. And the lab reports that they would

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1 produce for court.
2 Q. Okay. Continuing on on that policy, it talks
3 about responsibility for arresting and recovering
4 officer.
5 A. Uh-huh.
6 MR. MICHALIK: Are we still on 13?
7 MR. RAUSCHER: Yeah, we're still on 13, but I'm
8 going to ask the question about 14 also.
9 BY MR. RAUSCHER:
10 Q. But 13's just continuing on on the same page.
11 A. Uh-huh.
12 Q. What is arresting/recovering officer?
13 A. So it would depend. You know, like, I mean,
14 it's -- it could be -- if -- even though I arrested you,
15 I may not have been the one that recovered from you.
16 So, again, using it as an example, I might have arrested
17 somebody for retail theft and when we took him in for
18 processing, my partner searched him, right? Or somebody
19 else searched him because I maybe was working 99 and
20 they searched him and they recovered, you know, whatever
21 it was that -- you know, whatever controlled substance
22 he had. Then that person would be the recovering
23 officer for it. So of that combination, somebody should
24 be filling out the report.
25 Q. Should it be the recovering officer?

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1 A. So in terms of, like, filling out the bags and
2 presenting everything, the bag itself is -- anyone can
3 pen on it. Typically, it was the officer who did the
4 recovering. There were times, though, when, you know,
5 the recovering officer would take it, immediately secure
6 it in one of the evidence envelopes, and somebody else
7 on the team would just pen the bag.
8 Q. My question maybe jumped ahead a little bit.
9 So this -- Section VI is "Responsibility," and then it
10 lists things that are supposed to happen.
11 A. Uh-huh.
12 Q. Are those things supposed to be done by the
13 person who seizes the evidence?
14 A. It's -- according to this, it can be
15 either/or. So, you know, where it says
16 "Arresting/Recovering," I think it's -- it's broad-based
17 in the sense that it doesn't identify it. It says
18 either the arresting officer can do it or the recovering
19 officer can do it, but somebody's got to do it.
20 Q. Well, Paragraph 1 does say something, though,
21 right?
22 A. Well, right. Correct. This is when an
23 officer seizes evidence, what he's supposed to do with
24 it. He's supposed to secure it, right? So --
25 Q. So -- but that doesn't mean to you that the

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1 officer who seizes the evidence is supposed to do the
2 things that --
3 A. He may not be the arresting officer. So --
4 and I -- and I think that's -- that's where it's kind of
5 a gray area, because, like, just because I recovered, it
6 doesn't mean that I'm his arresting officer. So the
7 person who's in control of it, yes, you know, who
8 ultimately recovered it, then that's when it's going
9 down from there.
10 Q. So if you can, you can compare it to the next
11 Exhibit 14 and Section IV, which is CITY-BG-062135, and
12 it's "General Inventory Procedures for Narcotics
13 Evidence."
14 A. Uh-huh.
15 Q. And essentially, the substantive parts are the
16 same, but the titles have changed somewhat. Do you see
17 that?
18 A. Right, where it becomes "General Inventory
19 Procedures for Narcotics Evidence," correct?
20 Q. Right, instead of "Responsibility."
21 A. Yeah.
22 Q. And then A says "Inventorying Member's
23 Responsibilities" instead of "Arresting/Recovering
24 Officer."
25 A. Yes.

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1 Q. And then 1 goes -- says "when a member seizes
2 evidence" as opposed to "an officer seizes evidence,"
3 but it removes the arresting officer title, so --
4 A. Right. Right. And I think that sort of -- I
5 think it's because maybe the ambiguity of the
6 arresting/recovering that existed in this. Maybe they
7 needed to clarify it. I don't know why they would've
8 changed it.
9 Q. Starting in 2005, at least with this new
10 order, the person who's supposed to do the things
11 described in what is Section IV(A) of Exhibit 14, that's
12 supposed to be the person who seizes the evidence?
13 A. Yes.
14 Q. All right. So then looking at -- go back to
15 13 now --
16 A. Okay.
17 Q. -- same section, though. B and C talk about
18 recording information in a property inventory book and
19 describing and specifying the suspected narcotics. So
20 the -- what is the property inventory book?
21 A. So that predated our current eTrack system --
22 Q. Okay.
23 A. -- which is all electronic. Within every
24 station, there was a property inventory book that had
25 unique inventory numbers that you would then assign to

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1 whatever it was that you recovered, whether it was
2 narcotics or firearms, somebody's personal property, and
3 you would have to wait your turn for the book. And then
4 you would go in -- once it was your turn to get the
5 book, then you would -- the numbers that you wrote on be
6 the ones that were assigned to you.
7 Q. And that was replaced by the electronic
8 system?
9 A. Correct, which automatically populates an
10 inventory number for you.
11 Q. Skipping down a little bit to d, it says you
12 should "not place the weight or the estimated street
13 value on the Property Inventory form." Why is that?
14 A. I think -- to be honest with you, I don't know
15 the answer to this because I -- I think what they're
16 referring to is the actual inventory bag. Oh, no, the
17 property inventory form. No, because the property
18 inventory form is just supposed to articulate what it is
19 that you recovered. So in other words, like, you're
20 going to describe the fact that I recovered six Ziploc
21 bags each containing a white powdery substance, crack
22 cocaine. So it's just specifically to be for the
23 description of what it is that you recovered.
24 Q. Do you know -- do you know any -- if there is
25 a reason why it is like that as opposed to saying, you

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1 know, six bags suspected narcotics weighing?
2 A. I could theorize, but I don't know for sure.
3 Q. While we're here --
4 MR. MICHALIK: Don't speculate.
5 BY MR. RAUSCHER:
6 Q. Why don't you theorize, though?
7 A. I would say because you don't want something
8 to get thrown out of court because two documents don't
9 match, you know, but that would -- the department
10 wouldn't want you to put something in a report that's
11 getting processed and/or tested later by ISP that's
12 going to have a value and then a defense attorney can
13 say that's not the same thing that you've inventoried
14 and now your case gets thrown out on a technicality.
15 That would be my thought.
16 Q. Section i talks about placing "the evidence in
17 the Evidence Bag in the presence of a [sic] desk
18 sergeant." Who is a desk sergeant?
19 A. So the desk sergeant is -- he works up with
20 the -- they're now considered a district station
21 supervisor. So, essentially, the desk sergeant was in
22 charge of receiving the narcotics. They would -- and
23 the inventories. So he would typically approve the
24 inventories along with the arrest reports that were
25 brought to him. And then at that point in time, he

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would review the contents of the bag to make sure that the bag -- what was penned on the bag and what was on the inventory matched what was in front of him, right? And then after that, the bag would get sealed. It would get signed by both the district -- the desk sergeant and by the officer who inventoried it. There was a narcotics log that was filled out to document the fact that on today's date, I deposited these narcotics, and then they would turn around and put it in the dope safe in -- in the district.

Q. Is there a -- is there a part of the process where the tactical team sergeant reviews the inventory?

A. There could be, yes.

Q. What do you mean "there could be"?

A. So it depends. Like, in current circumstances, like, if DSS isn't available and they need to -- they're not going to sit around for hours on end with narcotics just sitting on a table. In some of these other units, like, if you were working -- I know Public Housing, for example, they had their own office that was there, so there wasn't really -- I don't believe they had a -- a desk sergeant there. So that would mean, like, whoever was there would be the supervisor that was going to approve it. He would be the one to review it and approve it and then put it into

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-- into their safe.

Q. And then -- so Public Housing is maybe one example. What about after Public Housing? Well, when you were a tactical team sergeant --

A. Yeah.

Q. -- did you sit down with -- for each arrest where you with the approving supervisor and --

A. For each arrest, no. I mean, there might've been times when I approved their narcotics because someone wasn't available. That's possible, yes.

Q. But you were not typically looking at each bag of narcotics, saying does this match up with what they said that recovered?

A. I mean, typically, I was there anyways for most of the arrests. So, like, I was watching them as they were putting everything together, you know. So I mean, in that regard, not the one physically approving it, but knowing what was there, yes.

Q. And when you weren't there?

A. They would take it to the district station supervisor or the desk sergeant for approval.

Q. And -- but for the rest where you were there, they would still go to the desk sergeant for approval, right?

A. Unless there were extenuating circumstances,

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yeah.

MR. PALLES: Excuse me. May I ask, are we going to go much longer? Because if so, I wouldn't mind, like, grabbing a snack for about ten minutes.

MR. RAUSCHER: What kind of snack? I'm just kidding.

MR. PALLES: Well, I -- we have like a Pret-a-Manger downstairs. I'd probably pick up a half sandwich or something.

MR. RAUSCHER: That sounds nice.

MR. PALLES: I wish I could get you some, but

MR. RAUSCHER: No, but in all seriousness, I don't think I'm going super long. I mean, I'm on the second to last topic. The last one is not going to take long, but I'm also happy to take 15 or 20 minutes if people want. Or whatever everyone wants to do.

MR. BAZAREK: Quite frankly, I'd rather -- there's -- another dep at 3:00. If we do, like, a short break, it sounds like Scott's not too far away from finishing, so that's my only --

MR. RAUSCHER: Why don't I finish this topic with the -- I don't have other policies to show him for this topic. Why don't I finish that and let's take whatever time people need and then finish up?

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MR. MICHALIK: Yeah, it's up to you. I mean, we're ready to, you know, plow through. I know there is another dep, but if people need five or ten minutes.

MR. PALLES: I'll plow -- I'll plow through, too, as necessary.

MR. MICHALIK: Appreciate it, Eric.

MR. RAUSCHER: All right.

MR. PALLES: Paul, I've got to talk to you when we're done here just momentarily before you depart.

MR. MICHALIK: All right.

BY MR. RAUSCHER:

Q. All right. Turn to Page 6 of Exhibit 13, CITY-BG-62122. And then if you look at 4f, it talks about "cases for which evidence will no longer be needed, submit one of the following to the court sergeant".

A. Uh-huh.

Q. Who determines whether the evidence will no longer be needed?

A. I would say that that's determined by the courts. So our policies are now that when a court case is terminated, that the officer is supposed to present, through the State's Attorney's Office, through the judge, a request for confiscation and destruction order.

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1 I would imagine this was our policy that was in place at
2 the time that would address the ability for the Evidence
3 and Recovered Property Section to dispose of the
4 evidence. So not every -- not every piece of narcotics
5 went to trial. So in other words, if an officer went to
6 court and the defense or the state didn't ask them to
7 bring the narcotics to court, those narcotics remained
8 in the Evidence and Recovered Property Section in the
9 our drug vault. So the purpose of this would be, hey,
10 we no longer need this. The case is done. We can
11 dispose of it. That information would then be cycled
12 back to the Evidence and Recovered Property Section who
13 would then have a verified document to support why they
14 destroyed evidence, so they wouldn't, in turn, be
15 accused of -- disposing of evidence before its time.
16 Q. Okay. And then if you could skip ahead to
17 62124, Section B on that page. It talks about desk
18 sergeant responsibilities. I think we've already talked
19 about that.
20 A. Uh-huh.
21 Q. Are these accurate? These reflect what the
22 desk sergeant is supposed to do?
23 A. Yes. The officer's supposed to present to the
24 desk sergeant or the approving sergeant of the
25 inventory. They will then -- they're saying, hey,

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1 there's, you know, 50 bags of heroin in here. You're
2 supposed to verify that there's 50 bags of heroin in
3 here. And then onward, it gets forwarded.
4 Q. Does the desk sergeant weigh the narcotics
5 again?
6 A. No.
7 Q. They just -- they go by the reports and make
8 sure --
9 A. Right. Well, they're -- and, again, like, the
10 -- what they're approving is the inventory. So if the
11 inventory is saying there's supposed to be 50 here, then
12 there's 50 here and -- and that's it.
13 Q. But -- and they are -- they're approving the
14 inventory, and they are also -- they are supposed to
15 actually look at the evidence; is that right?
16 A. Correct.
17 Q. Yeah.
18 A. Right. So in this instance, if an officer's
19 bringing 50 grams of heroin to the desk sergeant, he's
20 presenting him the open bag, and the desk sergeant is
21 going to physically count out the -- if he's doing his
22 job, he's going to count out the 50. So the issue with
23 that is that obviously when it goes down to ISP, ISP is
24 also going to confirm the contents of that, and they're
25 going to review it off of what's on the bag. And let's

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1 just say I said there's 50 in there and it gets down
2 there and there's 30, they're going to send a notifier
3 back to the Chicago Police Department saying you're
4 missing 20 --
5 Q. Yeah.
6 A. -- and then people are going to have to start
7 answering questions.
8 Q. What is the Police Document Services Section
9 officer?
10 A. So those are essentially our couriers, and
11 they work out of the document section. So what they do
12 is they go around to each one of the districts and they
13 collect property that's been inventoried. Specifically
14 -- they don't bring firearms anymore except for certain
15 units, but our -- our couriers today, what they do is
16 they'll go -- sworn officers serve as couriers for --
17 for guns, money, and jewelry, and they'll bring those in
18 a secured container to us. And then we receive the
19 manifest from them moving it from district to district.
20 In terms of general property, civilians go and collect
21 those items. So it's, like, you know, telephones, DVDs,
22 things like that. And then, again, they'll create a
23 manifest, which is approved by that desk sergeant, which
24 then moves the property from the district where we
25 recovered and puts it into an in- transit status until

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1 it comes to us. Or in this instance, if it's narcotics,
2 until it goes to forensics, where, again, it's scanned
3 and received. So it's creating that chain of custody to
4 show who had it, who touched it, where it went, and
5 when.
6 Q. Is there anybody in CPD who is responsible for
7 weighing the narcotics, other than the inventory
8 officer?
9 A. To my knowledge, no.
10 Q. What is the narcotics recovery log? I'm
11 sorry, narcotic evidence log in transmittal form?
12 A. So there's -- there's a log that's completed
13 at the desk to indicate what you put in the safe. So,
14 again, it's another check and balance, like, hey,
15 Officer A inventoried this. He signed off on the log.
16 That should be in there. So as it goes, that log should
17 be empty. And now, the transmittal for us today is a
18 little bit different because what it'll do is, there's a
19 log that -- there's a paper log at the desk for what
20 everything is that goes in the safe, and then there's
21 another log, a transmittal, which is an electronic
22 record, that when the couriers come to get the
23 narcotics, they scan each inventory. There's a barcode
24 that's on every single one of the inventories that gets
25 scanned, and then it creates a list that says whoever

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1 the courier is is taking possession of all of these
2 items. And then they present that list electronically
3 to the desk sergeant who verifies that these are the
4 inventories you have, I'm hitting the approval button,
5 they're now in your custody, and they're in transit in
6 your name until they come back around to the Forensic
7 Section for narcotics. When they arrive in the Forensic
8 Section, an officer there will receive that manifest
9 from them. They'll electronically enter the eTrack
10 system. And then, again, they'll -- they'll type in the
11 manifest number, and then they will scan each inventory.
12 And it'll check it off on the list to show that, yes, we
13 indeed transferred custody of everything that Officer A
14 said that he took out of whatever district it was.
15 Q. Who's allowed to check out narcotics evidence?
16 A. So it'll be the officers that are involved in
17 the case. Or if a state's attorney says, you know -- it
18 doesn't necessarily have to be the guy who inventoried
19 it. Let's use the -- the furlough example again. Hey,
20 it's coming up on trial. We need it. They can sign out
21 a subpoena and say we need this officer to come get this
22 evidence because he's associated with the case. In
23 those regards, the same thing. There's an electronic
24 history and a record that's kept of, you know, us giving
25 that narcotic to that officer or that inventory, right?

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1 So we'll pull it from our vault. We'll do,
2 electronically, what's considered a checkout. They'll
3 sign for it electronically, indicating that they have
4 it. There's a form set that's supposed to be filled out
5 that they present to the State's Attorney's Office that
6 will show which state's attorney accepted this
7 inventory. And then it 'll come back to us, and then
8 electronically, we turn it over to the system.
9 Q. Does the off -- if an officer who was involved
10 in the case wants to check out the narcotics, do they
11 need to provide a reason?
12 A. Yes. Like, you can't just come down and be
13 like I want to get all the drugs out of here. You know,
14 we -- we've had instances where -- you know, even
15 recently, outside agencies have come in and asked for
16 things. Like, I had the FBI come in and say that they
17 wanted an item that we had recovered, and I denied them
18 access to it because they couldn't explain why they
19 wanted it. You know, if it wasn't tied to an ongoing
20 investigation, then you can't have it. And, like, for
21 this, the narcotics, it would be if you're not taking it
22 to court and you don't have a court, you know,
23 notification saying come get this, you're not getting
24 it.
25 Q. Okay. The last topic is "collection and

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1 inventory of money from individuals who are arrested or
2 detained." Did you review any policies relating to that
3 topic?
4 A. No.
5 Q. Okay.
6 MR. RAUSCHER: I'm going to mark Exhibit 15
7 CITY-BG-06225 to 2257.
8 (EXHIBIT 15 MARKED FOR IDENTIFICATION)
9 BY MR. RAUSCHER:
10 Q. But before I do that, can you tell me what the
11 policies of CPD are for collection and inventory of
12 money from individuals who are arrested or detained?
13 A. So it all depends on what you're arrested and
14 detained for.
15 Q. Let's say narcotics.
16 A. For narcotics, that policy has changed over
17 time. It used to be you could pretty much seize
18 anything. If the guy had $2 on him, you could -- you
19 could seize it. That policy then changed, and there's a
20 $500 threshold that's associated with it now.
21 Q. When did that policy change?
22 A. I don't know for sure.
23 Q. What's your best estimate as to when that $500
24 threshold came into place?
25 A. I think it might have been around 2009, 2010,

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1 somewhere in there.
2 Q. And how was that communicated?
3 A. Again, it was a department policy that came
4 out. There were changes that came out. You're notified
5 that, hey, there's a change in the order and this is --
6 this is what the procedure of the department is now.
7 Q. And was that limited to search warrants, or is
8 that for anything?
9 A. So search warrants are slightly different. So,
10 like, search warrants, the -- the dollar threshold can
11 be anything --
12 Q. Okay.
13 A. -- because it's related to a search warrant.
14 When you're physically recovering United States currency
15 from an individual who's been placed into custody, that
16 dollar amount has now changed to $500.
17 Q. And then let me show you -- so why don't I
18 give you Exhibit 15, and this is titled "Consent to
19 Search Incidents."
20 A. Okay.
21 Q. Have you reviewed this before?
22 A. I -- I -- not for this, but I've seen this
23 document before, yes.
24 Q. All right. You're familiar with it?
25 A. Yes.

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1 Q. Does this speak to inventorying money, or is
2 it --
3 A. This -- so a consent to search incident is --
4 is different in the sense that where this would come
5 from is if we show up at someone's house and we want to
6 search their house absent a search warrant --
7 Q. Right.
8 A. -- and we ask them, hey, can I search your
9 house, or can I search your car on the street? And
10 like, yeah, sure, no problem. We fill out a consent to
11 search form, but that's what this is -- this is geared
12 towards specifically.
13 Q. And this tells you how to then log the
14 recovery of either less than or more than $5,000 -- I'm
15 sorry, $1,000?
16 A. 1,000, yes.
17 Q. Okay. Do you know what general or special
18 order contains the $500 amount you were talking about?
19 A. So I believe there's an order for -- I think
20 it's both in the narcotics order and in our money order.
21 Q. Do you think it's in the narcotics one we just
22 looked at or a separate one?
23 A. No, they're going to be in -- they're going to
24 be in our -- in our newer orders.
25 Q. So not an order from 2011 or earlier?

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1 A. I would -- I -- I'm trying to think of when we
2 changed our policy for -- for the money, but it -- it
3 would be an inactive policy now because it -- it's
4 definitely in -- in policy now.
5 Q. So what happens when someone is arrested for
6 narcotics and they have $450 in cash?
7 A. They're supposed to be able to take it into
8 lockup with them. The lockup procedures allow them to
9 take up to $500 in United States currency into -- into
10 lockup with them.
11 Q. Okay. So tell me, from -- in 1999, there
12 wasn't -- you could seize $2, right? What was the
13 process for inventorying -- collecting and inventorying
14 money during that time period?
15 A. So it would be recovered from whoever the
16 individual was. So if I was arrested and I had $1,000
17 on me, the officers would come in, they would remove my
18 United States currency from my person, and they would
19 count it. Whatever the count was -- typically we used
20 to do it in front of the individual who was there.
21 Sometimes we'd ask them, do you know how much money do
22 you have on you, you know, and then we would count it
23 out. And then from there, it would get put into an
24 inventory bag. We would count it again before we
25 inventoried it just to make sure that we counted it

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1 right. At that point in time, depending on the
2 circumstances, if it was going to be held for
3 investigation, if we were looking for the seizure, or if
4 we're just going to return it to them, there were boxes
5 that were checked on the inventory to document, you
6 know, what the intent was for the money. At that point
7 in time, it would then have been taken, similar to the
8 narcotics, to the desk sergeant or the approving
9 sergeant. And same thing. They were supposed to review
10 the contents of the bag to make sure that, hey, I said
11 there was $1,000 in here and there's $1,000 in United
12 States currency inside this bag. If it was short,
13 they'd be like, hey, you're short, you know, and they
14 would then have to figure out, like, where did the
15 shortage come from. Was it two bills stuck together, or
16 you just can't count, or -- or whatever it is, and they
17 would figure it out.
18 Q. But that's the desk sergeant's responsibility?
19 A. It -- one of his -- his -- one of his
20 responsibilities is to -- if he's approving the
21 inventory or whoever's approving that inventory, it's
22 their responsibility to verify that what's on that
23 inventory is reflected in what's in front of them.
24 Q. So in a narcotics case, that is the desk
25 sergeant's responsibility, right?

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1 A. And -- and, again, like, unless there were
2 those extenuating circumstances where he wasn't
3 available or...
4 Q. Sure. But as a general matter, the policy is
5 the desk sergeant does that?
6 A. Correct.
7 Q. And is the money counted at the scene?
8 A. Usually not. I mean, like, if we're
9 recovering it from a person, you don't want to take all
10 their money out and then all of a sudden you've got to -
11 - you've got to secure it, and, you know, Lord only
12 knows sometimes what might happen on the way into the
13 station, you know. You don't want to jump out of the
14 car because you -- you on-view something else, and now
15 all of a sudden, you've got half of his property in your
16 pocket and things get commingled. You used to wait to
17 take the money from people unless there was a reason why
18 you needed to immediately secure it on scene. And then
19 even then, you used to, like -- we would have evidence
20 bags and things like that with us to secure things in,
21 so we didn't lose stuff, but usually the -- the counts
22 were done inside the station.
23 Q. So the money would stay with the person until
24 you got to the station?
25 A. Yes.

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1 Q. What about narcotics that you recovered?
2 A. The narcotics, it would all depend. Like, I
3 mean, some guys would secure it somewhere on their
4 person, like, in -- inside their vest. Because a lot of
5 times, it was coming inside, you know, a larger plastic
6 bag. It wasn't just, like, one individual thing.
7 Q. Yeah.
8 A. Other guys would carry, like, our green
9 evidence envelopes with them and put it in there and
10 then fold it up and then, you know, put it inside their
11 vest and zip it up so it wouldn't -- you know, it
12 wouldn't fly away.
13 Q. But narcotics were not left with the
14 individual until you got back to the station?
15 A. Unless he had them secreted somewhere that
16 required an additional search. Like, let's just say we
17 took him in, and he had them in the sole of his shoe.
18 You know what I mean? Like -- so would there be times
19 where someone might have narcotics on their person
20 subsequent to the search? Yes. But no, we wouldn't, in
21 theory, leave something on someone knowing that they had
22 it.
23 Q. Right. If they -- if you didn't know,
24 though --
25 A. Right. Yeah.

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1 Q. -- you didn't know?
2 A. Yeah. I mean, and the -- and the reason for
3 that is, obviously, it would represent a hazard to them
4 because they know that they're going to prison now. Some
5 people may be desperate and decide I'm going to swallow
6 narcotics, and now I have someone who's dying in my
7 backseat because I didn't secure my evidence.
8 MR. RAUSCHER: Let's take a quick break. I'll
9 be wrapping on my questions pretty soon.
10 MR. MICHALIK: Okay.
11 THE VIDEOGRAPHER: All right. We're off the
12 record. The time is 2:05.
13 (OFF THE RECORD)
14 THE VIDEOGRAPHER: We're back on the record.
15 The time is 2:10.
16 BY MR. RAUSCHER:
17 Q. Earlier at the start of the deposition, I
18 asked you to let me know if there are any policies you
19 reviewed that we -- or any documents you reviewed that
20 we didn't talk about today. So I'll ask you again now
21 that we've looked at a bunch. Are there any policies
22 you reviewed to prepare for this deposition that we
23 didn't look at today together?
24 A. We -- so I believe we looked at general --
25 like, a general or special order for the tact teams that

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1 wasn't included in this.
2 Q. That's the newer version that you said is
3 substantively the same --
4 A. But it's not the BOP version of it. It
5 would've been, like, the general or -- I want to say
6 that we looked at that, but I don't know for sure.
7 Q. Yeah. Not this one that we marked today.
8 Something else?
9 A. It would've been -- it would've been, like,
10 just a regular -- that's a BOP, so that's a Bureau of
11 Patrol order.
12 Q. Okay.
13 A. I want to say I also looked at -- like,
14 there's a more general -- it's either a general or a
15 special order, but I -- I'd have to double check and
16 look to see for sure. And then I also looked at
17 instruction manuals for -- off the -- the CLEAR system
18 for eTrack and for arrest reports that weren't included
19 in these documents.
20 Q. Okay. Anything substantively in those reports
21 that differs from what -- or sorry. Anything
22 substantively in the instructions for filling out
23 reports that differs from things we've talked about
24 today?
25 A. No. No. I mean, essentially, they're just

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1 user guides that walk the user through how to manipulate
2 the systems.
3 MR. RAUSCHER: Okay. I don't have any other
4 questions.
5 MR. BAZAREK: I've got a couple of questions --
6 MR. MICHALIK: Hold on, Bill. Joel's going
7 to go.
8 MR. BAZAREK: Yeah.
9 MR. FLAXMAN: Yeah. Bill, is it okay if I go
10 first? I'll be pretty quick.
11 MR. BAZAREK: Yeah, go ahead. I jumped the
12 gun.
13 MR. FLAXMAN: No problem.
14 EXAMINATION
15 BY MR. FLAXMAN:
16 Q. You mentioned the CLEAR system.
17 A. Yes, sir.
18 Q. What is that?
19 A. So the CLEAR system is our -- our reporting
20 application. So it houses, currently, our eTrack
21 system, our arrest system, our performance evaluation
22 system. It's just -- it's -- it's an application suite
23 that has a different number of functions that we have
24 for the department to electronically send documents and
25 -- and things of that nature. So, like, all our arrest

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1 reports that we reviewed today, that came out of the
2 CLEAR system.
3 Q. So a police officer preparing an arrest report
4 would use the CLEAR system?
5 A. Today, yes, unless the system went down, and
6 then we would revert back to the paper system.
7 Q. Okay. And one thing that I think you
8 mentioned about a police officer creating an arrest
9 report in the CLEAR system was that a box pops up when
10 they're submitting the report?
11 A. Correct.
12 Q. And is -- that box is for the officer to
13 formally attest to the information in the report?
14 A. That's correct, yes.
15 Q. And did you say that at that point, the
16 officer has to reenter his password to do that?
17 A. Yes.
18 Q. Another thing you talked about was doing
19 inventories of narcotics, and the example, I think, you
20 gave was counting the number of pills in a bag. Do you
21 remember that?
22 A. Yes.
23 Q. Would an officer also be expected to examine
24 powder in a bag of narcotics?
25 A. You mean open it physically?

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1 Q. Well, yes or no, would they be expected to
2 open it?
3 A. More -- more often than not, no. I mean,
4 you're not going to expose yourself to it.
5 Q. Okay. You mentioned something called a
6 miscell ex card?
7 A. Yes.
8 Q. How do you spell that?
9 A. So, like, miscellaneous.
10 Q. Okay.
11 A. So gosh, M-I-C-E-L-L-A-N-O-U-S [sic].
12 Q. So miscellaneous?
13 A. Miscellaneous. And it's a -- it's -- so it's
14 a miscellaneous exception report is what it is. We used
15 to call them a miscell ex card, so...
16 Q. Okay. And what is that?
17 A. So it's just -- it's a -- it's a card that we
18 would fill out for when there wasn't a -- and this was
19 dating back years when -- it was a report that we would
20 fill out when there wasn't really a report to fill out,
21 but you had, like, a miscellaneous exception.
22 Q. Okay.
23 A. It would be within our incident reporting
24 guide. It would say there's no UCR code for this. It's
25 a miscellaneous exception report. I'm trying to think

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1 offhand, it's been so long since I've done one, what
2 would be an example of one. It might actually be in the
3 field reporting guide, which would explain when you
4 would -- when you would fill one out.
5 Q. Okay. But the full name is miscellaneous --
6 A. Miscellaneous exception report -- incident
7 report.
8 Q. Okay. And just -- and I think I understand
9 this, but so that would be a formal report. It wouldn't
10 be some kind of, like, note-taking?
11 A. It -- well, correct. But I mean, the reason
12 why we would use them is because they were -- they were
13 cardboard stock, right? And because they weren't -- you
14 know, I think it had, like, a -- it wasn't, like, a -- a
15 case report or anything like that, and they were blank
16 on the back side. We could use that to write down
17 information, and it was sturdy enough that it wasn't,
18 like, a piece of paper loosely from one of our notebooks
19 that was going to blow away. So when we were processing
20 people in the field, it would be -- we would use a --
21 that to write down the information sometimes to put in
22 there and then send in their property bag when they were
23 going in so that they would say, okay, this is number 1.
24 Number 1 is this person.
25 Q. Okay. And so -- just so I'm clear in that,

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1 you're talking about using the back of this report as --
2 A. Correct.
3 Q. Let me just finish the question, so we can
4 make the record clear.
5 A. Sure.
6 Q. You're talking about using the back of this
7 form to take notes essentially, right?
8 A. Yes, sir.
9 Q. And then once you're creating the formal
10 arrest reports, you would rely on those notes?
11 A. The -- it -- essentially, it would be the
12 individual's personal information is what would be on
13 that card, right? So when we're -- and it's specific to
14 when we were doing these reverse stings or -- or the --
15 the controlled arrests, right? Is that this way we knew
16 who each individual was.
17 Q. And you wanted to know who they were to put
18 that information into the formal reports?
19 A. Correct.
20 Q. But the miscell ex card is something you would
21 use as before completing the formal reports?
22 A. Yes.
23 Q. And would you keep the miscell ex card after
24 you did the formal reports?
25 A. No.

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1 Q. Okay. We talked about officers preparing
2 reports based on personal knowledge, right?
3 A. Uh-huh.
4 Q. Is that a yes?
5 A. Yes.
6 Q. And in some instances, it would be appropriate
7 for an officer to rely on another officer's observation
8 when preparing a report, right?
9 A. That's correct, yes.
10 Q. In that instance, should the officer preparing
11 the report state in the report that whatever observation
12 he's talking about was made by another officer?
13 A. They could, yes.
14 Q. Well, should they?
15 A. For clarity purposes -- like, again, if we're
16 looking at a report, right -- and we'll use an example
17 of I pull someone over and I'm engaging the driver, and
18 the rear passenger is reaching for a firearm. I can't
19 see that because my partner can, right? So you would
20 indicate in there -- you could. You could indicate that
21 ROs did this while we were engaging the driver. The rear
22 passenger was observed making further movements, right?
23 Again, I think it lays in the hands of the author.
24 Would it make more sense for the individual to say
25 Officer A saw this? Yes. You know, because then it

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1 provides that -- that level of clarity. Is it required?
2 I would say, again, it's not as long as when it goes to
3 court, everyone can answer up to what they did.
4 Q. Oh, the final thing I wanted to ask you about
5 was on Exhibit number 8. That's a one-page document,
6 "Form Preparation Instructions"?
7 A. Yes, sir.
8 Q. Okay. Paragraph number 44 on the bottom left
9 begins, "The arresting officer." Do you see that?
10 A. Yes, sir.
11 Q. And it says things that the arresting officer
12 must enter. It says, "Name first." Do you see that?
13 A. Yes, sir.
14 Q. The next one -- and the next thing is,
15 "Indicating beat." And then it says, "Furlough, day off
16 group." Is furlough, day off group one thing, or is
17 that --
18 A. It's two separate things.
19 Q. Okay. What does furlough mean?
20 A. So your furlough is when your vacation is for
21 the year. So we have the 13-period police calendar
22 that's broken down into, you know, two segments, 14-day
23 segments. So it's another -- it's a -- it's a notifier
24 for -- probably for court scheduling purposes. In the
25 sense that, like, if it's going to felony court, right,

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1 and it's going to 26 and California, the state's
2 attorney can look and say I don't want to set a date at
3 this time because I know the officer's not going to be
4 available. As far as the day off group, that's the --
5 your day off that you're assigned. So we have a --
6 rotate -- we used to work six and twos. So every six
7 days, you would be off for two. Everyone would be in a
8 different day off group. Again, for balance of
9 manpower. And so you would just put what day off group
10 you were in for that as well.
11 Q. And, again, that would be so the court
12 wouldn't be scheduled and the officer was not working?
13 A. In theory, sure. Yeah.
14 Q. And the last thing, it says,
15 "Misdemeanor/ordinance court key." Can you tell me what
16 that means?
17 A. So everyone's assigned a misdemeanor or
18 ordinance key. So when you would arrest someone for a
19 misdemeanor offense, so that we weren't -- we weren't,
20 like, I guess, clogging the court system and sending
21 every misdemeanor arrest to court on this day, they
22 would break us all down and give us a court key based
23 off of letter, right? So I believe my court key was O,
24 if I'm not mistaken. And if I'm not mistaken, it was
25 also based off of the last two digits of your star

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1 number, and they -- they -- they parcel it out that way.
2 So you would schedule people for your court date based
3 off what your court key was. So if I arrested you for a
4 misdemeanor, I would go to my court key, which was
5 established on department calendars and say all right,
6 my next court key is going to be this day here, and I
7 would set it for that day and then that way the arrestee
8 would also know when he was also due in court.
9 Q. So the court key is like a table --
10 A. Uh-huh.
11 Q. -- or is the court key is the letter?
12 A. So the key itself is what letter you were, and
13 then there's a table that has the dates for -- so for
14 every -- every period, you know, it was 21 days out, you
15 were -- you were going for your court key. And so you
16 would go off the calendar, and you would be like, all
17 right, we're in -- we're in March. When's my next court
18 key date up? Oh, my next court key date for -- for
19 March is tomorrow. Well, I can't give him that court
20 date. I've got to set it out. So now I'm going to go
21 to my next court key date, you know. So we would be
22 going for -- you know, April is then when my court date
23 would be for that. That's what I would set it for.
24 Q. And is it just called a misdemeanor/ordinance
25 court key, or are there different ones for a

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1 misdemeanors and ordinances?
2 A. No, it's just a -- it's the same thing. So
3 it's, like, our --
4 Q. Okay.
5 A. -- traffic key was the same thing, and they
6 would just -- they would stage them off each other.
7 Q. Is there a name for the table that had the
8 date in it?
9 A. It was just a court key.
10 Q. Because I -- and what I'm confused about is
11 that the court key is the letter, but it --
12 A. Right.
13 Q. -- also refers to the table.
14 A. Yeah. I mean, it -- so it's -- it's, like,
15 almost like the same thing as, like, a matrix. You
16 know, where it's you've got -- you know, up at the top,
17 you have all the letters going across and on the side,
18 you have all the months going down, and then you just
19 line it up as you go. And then in the middle, there's
20 all the dates for the month.
21 MR. FLAXMAN: Okay. All right. I don't think
22 I have anything else.
23 MR. RAUSCHER: I think somebody on the computer
24 had questions for you.
25 MR. MICHALIK: Bill, did you want to ask

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1 something?
2 MR. BAZAREK: Yeah. I've got just a few follow
3 ups.
4 CROSS-EXAMINATION
5 BY MR. BAZAREK:
6 Q. Good afternoon, Lieutenant Fitzgerald. You've
7 worked as both a tactical officer and a tactical
8 supervisor in district law enforcement, correct?
9 A. That's correct, sir. Yes.
10 Q. Okay. And you just -- not you. Mr. Flaxman
11 just -- strike that. As a tactical officer working with
12 a tactical team throughout your tour of duty on any
13 given shift, you routinely shared information with your
14 fellow tact team members; is that correct?
15 A. Yes.
16 Q. And there would be occasions where even, say,
17 you made observations of criminal activity, but your
18 partner was not present at that moment where you
19 observed the criminal observations, correct?
20 A. That could happen, yes.
21 Q. And then you -- with that information, though,
22 you would share the observations that you made with your
23 partner and other fellow officers on the tactical team,
24 correct?
25 A. That could happen, yes.

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1 Q. Okay. And I'll give an example. Say you're
2 looking for a man with a gun and say an individual, you
3 know, just takes off. You're with your partner. Maybe
4 your partner jumps out of the car, starts chasing the
5 guy, and you're going another way, and let's say you and
6 your partner are not together for some period of time,
7 but your partner recovers the gun. Have you had a --
8 have you had situations like that happen?
9 A. Similarly, yes --
10 MR. MICHALIK: Yeah. Bill, I'm just going to
11 object to the extent that I think this probably
12 exceeds the scope of the 30(b)(6) deposition.
13 MR. BAZAREK: Well, I'm going to tie it back to
14 just report writing. Okay.
15 BY MR. BAZAREK:
16 Q. So later on, let's say that example I gave
17 where someone -- your partner recovers a gun, but you're
18 not present when he recovers it. Later on, though, you
19 do see the gun because your partner has recovered it.
20 Are you following me?
21 A. I am.
22 Q. Okay. So then you go back and you -- it's
23 time to prepare the police report on it. And whether --
24 it's a, like, general offense case report and you have
25 the boxes for the reporting officer, and then you have

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1 the box for the second reporting officer, right, on the
2 case report?
3 A. Yes, sir.
4 Q. Okay. And so the hypothetical I gave where
5 you actually weren't present when your partner recovered
6 the gun, it would be entirely appropriate under
7 department procedure for your partner to list you as the
8 second reporting officer, correct?
9 MR. MICHALIK: Same objection, Bill.
10 THE WITNESS: I would say that's -- that's
11 okay. You could -- you could do that.
12 BY MR. BAZAREK:
13 Q. Right. And then let's look at Exhibit 5.
14 That's the "Vice Case Report General Instruction," and
15 what I want to go to is numbers 45 and 46. And I know
16 you've already -- you gave an example actually earlier
17 in the deposition where you talked about someone working
18 in a car by themself. It wouldn't be applicable for
19 them to put a second officer because he wasn't with a
20 second officer. Do you recall that?
21 A. Yes.
22 Q. Okay. So now my example is going to be a
23 narcotics recovery where you do have officers that are
24 not together at the time where one of the officers
25 recovers the narcotics but then later he comes back into

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1 contact with his partner, and he shows them the dope
2 that he recovers. Are you following me?
3 A. Yes, sir.
4 Q. Okay. And you would agree that it would be
5 entirely appropriate, under department procedure when
6 preparing the vice case report for box 46, to put your
7 partner's name in that box, even though he wasn't there
8 initially when you made the narcotics recovery; is that
9 correct?
10 MR. MICHALIK: Bill, I'm going to have to
11 object to this line of questioning. It's beyond the
12 scope of the 30(b)(6) deposition and the topics
13 listed here. You're asking him hypothetical
14 questions, applications of your hypothetical to
15 policies. He's here to talk about policies.
16 MR. BAZAREK: Right.
17 BY MR. BAZAREK:
18 Q. Well, okay. Is that within policy to put a
19 second officer in box 46 if it was your partner and he
20 wasn't present --
21 MR. MICHALIK: Same object --
22 BY MR. BAZAREK:
23 Q. -- at the time recovery of the dope?
24 MR. MICHALIK: Same objection.
25 THE WITNESS: Again, I would say it would be

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1 based on, like, the totality of the circumstances
2 that you would have to take that into consideration.
3 The example that I gave, I think was, more or less,
4 like, an individual officer responded to a -- a call
5 from a citizen who had found narcotics in their
6 flower bed, and there wasn't anyone else there with
7 them. So in that regard, there would never be --
8 sorry. There wouldn't be a -- a second officer that
9 would've been on that report because no one would've
10 been there other than him when he made the recovery.
11 So in that instance, it was an isolated incident
12 where it was a 99 unit that responded to a call for
13 service and made a recovery. If I was working with
14 my partner and for some reason we got separated and
15 it turned into an arrest situation where it resulted
16 in me recovering narcotics and then them being
17 there, I would say yes, in theory, because we were
18 still working together, that -- that would be
19 applicable to put him on the report if there was --
20 in some way he was involved in the investigation we
21 were conducting.
22 BY MR. BAZAREK:
23 Q. Right. It would be entirely appropriate to
24 put your partner on the vice case report in box 46,
25 right?

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1 MR. MICHALIK: Same objection.
2 THE WITNESS: Again, like I would say, it would
3 depend on the totality of the circumstances, but
4 yes, there -- there could be instances where an
5 officer's partner was not present when a recovery of
6 anything was made, and you would either put them on
7 the general offense case report or the vice case
8 report.
9 BY MR. BAZAREK:
10 Q. Right. And then you -- and that's what police
11 officers do. They share information with each other,
12 even if one member is not there to observe firsthand the
13 criminal activity, right?
14 MR. RAUSCHER: Object to form.
15 MR. MICHALIK: Yeah. Same objection on behalf
16 of the witness.
17 THE WITNESS: Yeah. I mean, again, I think
18 what -- what it goes back to is almost, like, the --
19 the traffic stop that I discussed where I'm engaging
20 the driver. I don't see what's going on in the back
21 seat but my partner does, and he relates to me after
22 he recovers a gun. Maybe he didn't have time to
23 articulate to me that he saw it. He just opens the
24 door and puts the guy in cuffs. And I'm like, well,
25 what just happened? He explains it to me. And yes,

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1 it's our report because we're working together.
2 When we go to court, we're going to explain what
3 each one of us was doing, and that would be the
4 reason why they would both be included in the
5 report.
6 BY MR. BAZAREK:
7 Q. But it would be entirely appropriate for you
8 to be listed as the second reporting officer, right?
9 A. It could be, yes.
10 Q. Okay. And then the other thing I want you to
11 look at -- and I'm almost done. Let's take a look at
12 Exhibit 6. That's the "Vice Case Report." And really
13 just a couple questions on this. And I'm just
14 specifically looking at -- do you see box 12? And
15 there's box 18, and you see a bunch of --
16 A. Yes.
17 Q. -- police officer names are included in there;
18 is that correct?
19 A. That's correct.
20 Q. Okay. And would you agree that when you're
21 working on a tactical team, tactical team members would
22 include all the names of the tactical team members in
23 those boxes on a vice case report?
24 MR. MICHALIK: Objection. It's beyond the
25 scope of the 30(b)(6) deposition. Are you asking

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what -- that's the policy of the police department?
MR. BAZAREK: Yes. Yeah. The policy. Yes.
THE WITNESS: I would say that the individuals that appear in those boxes on some level had a role. Whether it was being on scene or participating as an assisting officer on some level would be the only reasons why they would appear in the report. If they weren't present, then I would say that they would not -- and by present, I mean for any part of the arrest -- there would be no reason for them to appear on that report.
BY MR. BAZAREK:
Q. Right. So -- but it would be within department policy if you had some involvement, say, in the narcotics investigation, you're part of a tactical team or even a beat car that could put a stop on a suspect, that you would include the names of the department members in the vice case report?
MR. MICHALIK: Same objection.
THE WITNESS: Again, in theory, you could, but then you would also have to be able to articulate what their role was in terms of their assistance in it. You know, so, again, like, if you get called down and the state's attorney wanted to know -- in -- in this particular example, they would be like --

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they -- they would maybe subpoena the whole team, and they would ask Officer Jones, Officer Mohammed, Officer Smith, Officer Soltis, Sergeant Watts, Officer Gonzalez, and Officer Leano, tell me what everybody did, you know. And then they would make determinations, and Leano may be like I processed the guy. Just -- I searched him when he came in. And, you know, I helped prepare the complaint. They might cross them off the list and say, okay, I don't need you for court because, really, you're not necessary for it. So, I mean, as long as everyone that was on here could explain that they had a role of some level in what -- what transpired, whether it was from processing to arresting to being on scene, that would all have to be justified by, you know, what -- why their name was put on there. It was because they had some role in this somewhere.
MR. BAZAREK: That's all I have. Thank you, Lieutenant.
THE WITNESS: Sure.
MR. MICHALIK: Anyone else?
MR. GAINER: I don't have any questions. Thank you, Lieutenant.
REDIRECT EXAMINATION
BY MR. RAUSCHER:

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Q. I've got just a small number of follow-up questions. So sticking with 15 -- I'm sorry, Exhibit 5. Box 18 is described -- it says, " Enter name(s) of person who discovered, witnessed --
MR. BORKAN: Can't hear you, Scott.
BY MR. RAUSCHER:
Q. The box -- the description for box 18 on Exhibit 5 says -- starts with, "Enter name(s) of persons who discovered, witnessed, or reported the offense and check the appropriate square." Do you see that?
A. Yes.
Q. That's what you're supposed to do on that vice case report. It's supposed to list people who either discovered, reported, or witnessed the offense, right?
A. Correct, but I think where the ambiguity somewhat comes in with that, and even with some of our officers, is when it -- when it comes down to the -- the portion of witnessed the offense. In the sense that, did they witness a portion of the incident? In the sense, did I search this guy? Was I there serving as an assist and therefore, in some level, I did witness something? And I think that's -- that's an ambiguity, and that leads to things like this. And that's why it comes down to people being called to court and being asked to explain what their role was.

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Q. What's ambiguous about it? If you search someone and you found drugs, you witnessed something, right?
A. Well, no. What I'm saying is, in terms of if you -- if you searched that individual not on scene but in the station, they might list you on here because you witnessed that portion of the process, right? So in that regard, you didn't witness the recovery, you didn't witness the arrest, but you participated in the process. So because you, in that regard, acted as an assist, that's why you're showing up on there because you're documenting your assistance in it.
Q. So if you search someone at the station after they were already searched on the scene, you would still be listed as a witness under the CPD policy?
A. You could be. You could be listed as an assisting officer. In the sense that, like, just because you didn't recover the narcotics, if you recovered his wallet that was later inventoried or whatever you prepared that inventory for I, now you've assisted in that manner.
Q. But that -- so that is not what the written policy says that box is supposed to mean, correct?
MR. MICHALIK: Object to the form of the question.

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1 THE WITNESS: I would say what -- what I
2 explained before. I think there's a little bit of
3 ambiguity in there, which is the reason why there's
4 these questions about people showing up on reports
5 and what their exact roles were, right? Because
6 someone may read this and be like, well, he
7 witnessed the offense, and I might read that to me,
8 like, I physically observed you in possession of
9 that. Now I'm an eyewitness to that. Other people
10 might say, well, he witnessed it because we arrested
11 him. We brought him in the station, and he served
12 as a witness because he also participated in
13 searching.
14 BY MR. RAUSCHER:
15 Q. Which part of the offense would you witness if
16 you searched someone and just took their wallet?
17 A. Because you participated in the totality of
18 the offense. Like, the -- the -- the totality of the
19 investigation.
20 Q. How -- what does the word "offense" mean to
21 you?
22 A. Offense would mean the actual event, meaning
23 the crime that was committed. However, in this regard,
24 because they're still participating in an assist manner,
25 people might say, well, if you didn't put him on there

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1 and he searched him, now you're concealing who
2 participated.
3 Q. So there is a space for assisting officer on
4 the arrest report, right?
5 A. There wasn't back then.
6 Q. There was not back then?
7 A. No.
8 Q. You couldn't list assisting officers?
9 A. I mean, the arrest report -- the old arrest
10 report only had two boxes. There was one on the bottom
11 for the arresting officer, and then one on the -- the
12 bottom for the -- the secondary officer. Sometimes you
13 would put -- if you were riding a three-man car, you
14 would put all three of them in there, but there wasn't a
15 -- a specific box, as there is today, where you can
16 identify in the printed version that we have, you could
17 list 100 officers as assisting.
18 Q. And then -- so basically what you're saying
19 is, in practice, officers would list people as witnesses
20 even if they didn't witness the offense as required by
21 the written policy?
22 MR. MICHALIK: Object to the form of the
23 question.
24 THE WITNESS: I don't know that -- again, I
25 think where it comes in is that witnessing the

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1 offense is how the author would describe witnessing
2 the offense, right, and who actually participated in
3 the totality of it, right? Because, again, the
4 offense involves an arrest, right? It -- it
5 involves the arrest of someone being in possession
6 of something, but that offense starts and ends
7 throughout the course of processing. So for the
8 officers, they may interpret it that way, but you
9 would have to ask the author of the report and the
10 individuals who are involved, like, why they
11 specifically identified these individuals in the
12 manner that they did.
13 BY MR. RAUSCHER:
14 Q. How do you, as someone who's been in the
15 department for 25 years, was a member of tact team, and
16 sergeant, interpret and witness the offense?
17 A. Witness the offense? Again, as I explained to
18 you, my interpretation of it is those that were involved
19 in it, right? So, again, the way that this is written,
20 the only way to know who did what is to specifically ask
21 those that were involved. Because --
22 Q. Well -- sorry. Go ahead.
23 A. Oh, no, that's okay. And -- and the -- and
24 the thing is -- is that, again, Mohammed, Smith, Soltis,
25 Watts, Gonzalez, Leano, they all could have been on-

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1 scene. I don't know. I wasn't there, you know, but who
2 does know is Jones and Mohammed, right? And they would
3 be able to -- to articulate to you who was there. And -
4 - and then everyone should be able to tell you, you
5 know, to the best of their recollection, what -- what
6 their role was in this. And it could be anything that
7 extended from, you know, I searched him. I -- I was
8 there as, you know, one of the supporting surveillance
9 officers. You know, that's -- that's questions for them
10 to answer.
11 Q. You interpret it, though, to mean someone who
12 was on-scene, right?
13 A. That's how I interpret it, yes.
14 Q. Not someone who went later and searched and
15 found their wallet at the station?
16 A. Correct. But some -- again, I think some
17 officers take that to mean that -- because I have --
18 we've had these conversations with other officers
19 before. We -- you know, I've been in conversations with
20 officers where, as an example, we had a disagreement
21 amongst officers where there was a car that was pulled
22 over for -- for being stolen, and an individual bailed
23 out of the car, took off running, right? They called it
24 out. That individual was subsequently apprehended a
25 block away by two other officers that are assigned to

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that team. They placed him into custody. When they bring him back, there's an argument over who's going in box 1 for the guy who had the gun, and my stance was it's -- it's the guy who saw him get out of the car is where it starts because you're the one that's going to be able to say, yes, I put him in that vehicle when he bailed out, and then my report's going to indicate that you recovered a firearm from him. So, yes, you're -- you're involved in this, but, like, I'm not box 1 on the driver and the passenger in the front seat and you're box 1 on the guy because it's all one offense.

Q. Box 1 is not going to be the guy who showed up three hours later and you were -- when you said, hey, there was an arrest for a gun?

A. Correct.

Q. And it's not going to be the guy who searched for the wallet at the station?

A. Correct.

Q. And you would not list those people as witnesses?

A. Again, to the arrest, no, but they could be assisting arresting officers in the sense that they participated in some form of the process.

Q. And you might list that as someone who's assisting officer?

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A. Yes. People might, yes.

Q. Which is different than a witness to the offense?

A. Again, in my estimation, yes, but you would also have to understand what the perspective of the officers who wrote this report was and find out from them how they interpreted that.

Q. One thing you said during that testimony was that, you know, who knows is Al Jones and Kallatt Mohammed -- or you said Jones and Mohammed. Why are you making the assumption that they know what everyone did? they looked at?

A. Well, I would assume because they're the authors of the report.

Q. And you would not be the author of the report without knowing what happens yourself?

A. Correct.

MR. RAUSCHER: Okay. I don't have any other questions.

MR. MICHALIK: Anybody else?

MR. BAZAREK: Nope. Thanks, Paul.

MR. BORKAN: All good.

MR. GAINER: Not from me.

MR. MICHALIK: We will reserve signature.

MR. PALLES: Not for me.

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THE REPORTER: Okay. Any orders of the transcript or the video?

MR. RAUSCHER: Transcript, yes.

THE REPORTER: Just, like, an e-tran?

MR. RAUSCHER: Yeah.

THE REPORTER: Okay.

MR. RAUSCHER: We might want it a little faster than normal delivery, though.

(DEPOSITION CONCLUDED AT 2:42 P.M. CT)

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I do hereby certify that the witness in the foregoing transcript was taken on the date, and at the time and place set out on the Title page hereof by me after first being duly sworn to testify the truth, the whole truth, and nothing but the truth; and that the said matter was recorded digitally by me and then reduced to typewritten form under my direction, and constitutes a true record of the transcript as taken, all to the best of my skills and ability. I certify that I am not a relative or employee of either counsel, and that I am in no way interested financially, directly or indirectly, in this action.

TALIA JACKSON,
DIGITAL REPORTER / NOTARY
COMMISSION EXPIRES ON: 11/28/2027
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EXHIBIT 58

IN THE UNITED STATES DISTRICT COURT

FOR THE NORTHERN DISTRICT OF

ILLINOIS EASTERN DIVISION

In re: WATTS COORDINATED PRETRIAL PROCEEDINGS.	)))	Master Docket Case No. 19-cv-01717

DEPOSITION OF RONALD WATTS

VIDEOTAPED

Phoenix, Arizona
February 25, 2022

By: Jody L. Lenschow, RMR, CRR
Certified Court Reporter
Certification No. 50192

10:21:53-10:22:56 Page 58

1 to assert my Fifth Amendment right of the U.S.
2 Constitution due the possibility that answering this
3 question may cause me to be criminally indicted by the
4 U.S. Attorney and/or the Cook County State's Attorney.
5 BY MR. RAUSCHER:
6 Q. What things were made to look one way that
7 wasn't an accurate way?
8 MR. KOSOKO: Objection, asked and
9 answered.
10 THE WITNESS: My attorney has advised me
11 to assert my Fifth Amendment right of the U.S.
12 Constitution due the possibility that answering this
13 question may cause me to be criminally indicted by the
14 U.S. Attorney and/or Cook County State's Attorney.
15 BY MR. RAUSCHER:
16 Q. Were you ordered to repay any of the money in
17 connection with your guilty plea?
18 A. Yes.
19 Q. How much money did you end up repaying to the
20 federal government?
21 A. To this date, I have no knowledge.
22 Q. Do you know if you've paid any money back?
23 A. Yes.
24 Q. How were the payments made?
25 A. While incarcerated they were -- payments were

10:22:59-10:24:36 Page 59

1 made, and then after I -- I was released, I made some
2 payments.
3 Q. You mentioned reverse stings earlier. What's a
4 reverse sting?
5 A. When -- in a high crime area such as the Ida B.
6 Wells, where I was the tactical sergeant, it was an open
7 air drug market, where on a daily basis people from all
8 over would come down to purchase narcotics.
9 In an effort to curtail some of that activity,
10 we would go down and do a reverse sting, meaning that
11 myself, along with other tactical officers, would secure
12 ourselves in those locations. We would look the part of
13 people that were out to either purchase narcotics or
14 sell narcotics, and when suspected -- suspects come up
15 to purchase narcotics, they were taken into custody.
16 Basically, that's what a reverse sting is.
17 Q. Was the event that led to your conviction, was
18 that a reverse sting?
19 A. I wasn't involved with it, so I can't say what
20 it was.
21 Q. You weren't involved in the underlying event
22 that led to your conviction?
23 A. I wasn't --
24 MR. KOSOKO: Object to the form of the
25 question, ambiguous.

10:24:38-10:25:38 Page 60

1 THE WITNESS: I wasn't involved with the
2 reverse sting, so when they -- when a reverse sting is
3 done, you coordinate with all those that are going to be
4 involved.
5 BY MR. RAUSCHER:
6 Q. All right. I wasn't -- I didn't mean to ask it
7 like the FBI was running a reverse sting. What I meant
8 was, were you doing a reverse sting? Was that event a
9 law enforcement event, you were doing a reverse sting?
10 MR. KOSOKO: Object to the form of the
11 question.
12 THE WITNESS: It was --
13 MR. KOSOKO: Ambiguous question.
14 You can answer it, Sarge.
15 THE WITNESS: It was part of an ongoing
16 investigation.
17 BY MR. RAUSCHER:
18 Q. By you?
19 A. By me and others, yes.
20 Q. What was the ongoing investigation that you
21 were doing that the event that led to your conviction
22 was a part of?
23 A. To obtain better knowledge of those that were
24 in the area involved in illegal activity.
25 Q. And how were you going about doing that

10:25:42-10:26:45 Page 61

1 investigation?
2 A. Communicating with the different people in the
3 area. Basically, that's it, communicating with
4 different people in the area that had knowledge of the
5 activity.
6 Q. What area were you investigating?
7 A. The area that I -- the Second District, Ida B.
8 Wells housing development.
9 Q. In the 2011 time period?
10 A. Excuse me?
11 Q. In the 2011 time period?
12 A. In the 2011 --
13 Q. -- time period --
14 A. -- time period?
15 Q. -- you were looking at Ida B. Wells?
16 MR. KOSOKO: Objection to the form of the
17 question, misquotes his testimony. He said the area.
18 BY MR. RAUSCHER:
19 Q. You're saying the area where Ida B. Wells --
20 well, do you know when Ida B. Wells was taken down?
21 A. To my knowledge, that was the last place that
22 was taken down. But when I -- when I say the area, the
23 Ida B. Wells is included in the area of the Second
24 District, in which I was --
25 Q. I see.

11:46:52-11:47:50 Page 102

1 Q. Was that the primary thing that the tactical
2 team in Public Housing South investigated?
3 A. Not the primary. There was three things;
4 gangs, guns and drugs.
5 Q. And at some point, was Public Housing South
6 disbanded?
7 A. Yes.
8 Q. And then what -- what, did it turn into
9 something else?
10 MR. KOSOKO: Object to the form of the
11 question.
12 BY MR. RAUSCHER:
13 Q. What did you do when Public Housing South was
14 disbanded?
15 A. I became the Second District tactical sergeant.
16 Q. Was there anything different about your job
17 location or responsibility or people-wise once you
18 became the Second District tactical team sergeant?
19 A. I think, if I recall correctly, some people
20 might have changed, but I was still assigned to that
21 specific area.
22 Q. Darrow and Ida B. Wells? Darrow Homes and
23 Ida B. Wells?
24 A. Yes, correct, uh-huh.
25 Q. What people do you remember being on your team

11:47:52-11:49:14 Page 103

1 when it was Public Housing South?
2 A. Wow. I had Calvin Ridgell and Gerome Summers.
3 Wow. Matt Cadman and Mickey, Michael Spaargaren, Al
4 Jones and Kenny Fullman, and I think it was Kallatt
5 Mohammed and Darrel Edwards. There was probably another
6 guy. I can't recall. Those are the ones I remember
7 initially when I got the team.
8 Q. Did the team exist before you got there or was
9 it a new team?
10 A. No, it existed before I got there.
11 Q. Do you know who the sergeant was who you took
12 over from?
13 A. I don't recall who that sergeant was.
14 Q. Who were your supervisors when you were in
15 Public Housing South?
16 A. When I was in Public Housing South, my
17 first-line supervisor was Sergeant -- I mean, not
18 Sergeant, Lieutenant Spratt.
19 Q. Did you have a good relationship with
20 Lieutenant Spratt?
21 A. I'd say I had a good working relationship with
22 him, yes.
23 Q. What about the other people you mentioned; did
24 you have a good relationship with all your team members?
25 A. I'd say I did, yeah.

11:49:22-11:50:44 Page 104

1 Q. Did you have a temper?
2 MR. KOSOKO: Object to the form of the
3 question, ambiguous.
4 You can answer, Sarge.
5 THE WITNESS: No. I think I was pretty
6 mild-mannered. Working in the housing development, I
7 didn't -- you had to be aggressive. So if -- I didn't
8 have a temper where I got angry and lashed out at
9 people, no, but I was a -- I was pretty aggressive,
10 yeah.
11 BY MR. RAUSCHER:
12 Q. How were you aggressive?
13 A. I was aggressive in my duties, responding to,
14 again, the area. Due to my knowledge of the area, it
15 was crime-infested, drug-infested, so you had to be
16 aware of your surroundings. You couldn't go down there,
17 you know, I'll put it meek, so to speak, so...
18 Q. Did you ever bully Kallatt Mohammed?
19 A. No, I -- no, sir.
20 Q. Why is that question funny?
21 A. Because you're asking a grown man have you ever
22 bullied another grown man, and that's -- that's funny to
23 me.
24 Q. Why is that funny? Why?
25 A. Because to ask another grown man did he bully

11:50:50-11:52:26 Page 105

1 another grown man, that's funny to me. And when a --
2 if -- unless he, you know, injured that man, then it
3 wouldn't be funny. But to say -- but when you use the
4 term bully, because from my experience, I don't know
5 about you, when you say bully, it usually stems from,
6 you know, like grade school or something and, you know,
7 kids bullying kids. That's not funny. But once you
8 become an adult, you should know how to respond to
9 certain situations. So to say I bullied someone, it's
10 actually funny, yes, a grown man.
11 Q. Did you do things to him that were nice?
12 MR. KOSOKO: Object to the form of the
13 question, vague.
14 THE WITNESS: No. No. I thought I was a
15 really -- I thought I was a friend to Kallatt. I helped
16 Kallatt with several personal matters involving his
17 children, involving his parents, his mom. On the
18 passing of his mom I was one of the officers that took
19 the lead to collect funds from people in the station to
20 help his family out. When his dad died, I was the guy
21 that went around, hey, Kallat's dad died. So I knew his
22 family. I knew his brothers, sisters.
23 So I thought I was a friend to him. So
24 that -- and that was another reason it was kind of
25 funny. I thought I knew Kallatt. I don't think -- I

EXHIBIT 59

IN THE CIRCUIT COURT OF COOK COUNTY

COPY

PEOPLE OF THE STATE OF ILLINOIS)
V.)
WILLIAM CARTER)
Defendant

CASE NUMBER 06CR1357101
DATE OF BIRTH 01/26/86
DATE OF ARREST 05/19/06
IR NUMBER 1480711 SID NUMBER 049228280

Corrected Mitt

ORDER OF COMMITMENT AND SENTENCE TO
ILLINOIS DEPARTMENT OF CORRECTIONS

The above named defendant having been adjudged guilty of the offense(s) enumerated below is hereby sentenced to the Illinois Department of Corrections as follows:

Count	Statutory Citation	Offense	Sentence	Class
002	720-570/401(c)(2)	MFG/DEL 01-15 GR COCAINE/ANLG	YRS. 009 MOS.	1
	and said sentence shall run concurrent with count(s)			
			YRS. MOS.	
	and said sentence shall run (concurrent with)(consecutive to) the sentence imposed on:			
			YRS. MOS.	
	and said sentence shall run (concurrent with)(consecutive to) the sentence imposed on:			
			YRS. MOS.	
	and said sentence shall run (concurrent with)(consecutive to) the sentence imposed on:			
			YRS. MOS.	
	and said sentence shall run (concurrent with)(consecutive to) the sentence imposed on:			

On Count 002 defendant having been convicted of a class 1 offense is sentenced as a class x offender pursuant TO 730 ILCS 5/5-5-3(C)(8).

On Count ___ defendant is sentenced to an extended term pursuant to 730 ILCS 5/5-8-2.

The Court finds that the defendant is entitled to receive credit for time actually served in custody for a total credit of 0292 days as of the date of this order

IT IS FURTHER ORDERED that the above sentence(s) be concurrent with the sentence imposed in case number(s) _____
AND: consecutive to the sentence imposed under case number(s) _____

IT IS FURTHER ORDERED THAT MANDATE DRUG TREATMENT CORRECTED MITT _____

IT IS FURTHER ORDERED that the Clerk provide the Sheriff of Cook County with a copy of this Order and that the Sheriff take the defendant into custody and deliver him/her to the Illinois Department of Corrections and that the Department take him/her into custody and confine him/her in a manner provided by law until the above sentence is fulfilled.

ENTERED
JUDGE JOHN P. KIRBY-1766
APR 06 2009
CLERK OF THE CIRCUIT COURT
COUNTY, IL

DATED APRIL 06, 2009

ENTER: 04/06/09

CERTIFIED BY: L MOFFETT
DEPUTY CLERK

JUDGE: KIRBY, JOHN P. 1766

WAPP 04/06/09 12:31:10

CCG N305

DO-JOINT 016311

GROUP EXHIBIT 60

Chicago Police Department

2001

Annual Report

Richard M. Daley, Mayor
Terry G. Hillard, Superintendent of Police

CITY-BG-059356

Arrests

Total arrests decreased by 15.2 percent between 2000 and 2001. Non-index arrests — which decreased by 19.0 percent—were 3.5 times as common as index arrests, and therefore led the overall decline. Index arrests decreased by 5.2 percent, as compared to a decline of 6.7 percent in index offenses themselves (Fig. 4d., page 11).

Notwithstanding the overall decrease in arrests, there were increases with respect to specific crime categories. Among index crime arrests, these included criminal sexual assault and robbery. Non-index arrests which increased included involuntary manslaughter/reckless homicide, forgery and counterfeiting, weapons violations, gambling, liquor law violations, and traffic violations.

Fig. 14a. Arrests, 2000-2001

	2000	2001	Change	% Change
Murder or non-negligent manslaughter (01A)*	528	525	-3	-0.6%
Manslaughter by negligence (01B)	29	56	27	93.1%
Criminal sexual assault (02)*	636	682	46	7.2%
Robbery (03)*	2,979	3,089	110	3.7%
Aggravated assault/battery (04)*	6,124	6,077	-47	-0.8%
Burglary - breaking or entering (05)*	4,046	3,479	-567	-14.0%
Larceny - theft (except MV) (06)*	25,045	23,651	-1,394	-5.6%
Motor vehicle theft (07)*	11,290	10,496	-794	-7.0%
Other assault & battery (08)	34,144	32,414	-1,731	-5.1%
Arson (09)*	217	212	-5	-2.3%
Forgery and Counterfeiting (10)	20	71	51	255.0%
Fraud (11)	5,713	2,945	-2,768	-48.5%
Vandalism (14)	6,437	5,729	-708	-11.0%
Weapons: carrying, possessing, etc. (15)	5,300	5,424	124	2.3%
Prostitution (16)	7,182	6,027	-1,155	-16.1%
Sex offenses - Criminal sexual abuse (17)	2,475	2,100	-375	-15.2%
Narcotics violations (18)	58,809	57,958	-851	-1.4%
Gambling (19)	1,865	2,069	204	10.9%
Offenses against family & children (20)	704	541	-163	-23.2%
Driving Under the Influence (21)	7,295	6,637	-658	-9.0%
Liquor law violations (22)	783	974	191	24.4%
Disorderly conduct (24)	38,812	16,853	-21,959	-56.6%
Other non-index offenses (26) (except traffic)	39,685	29,713	-9,972	-25.1%
Traffic Violation	8,064	8,307	243	3.0%
Municipal Code Violation	7,063	7,427	364	5.2%
Index offenses (marked * above)	**50,865**	**48,211**	**-2,654**	**-5.2%**
Non-index offenses	**209,253**	**169,510**	**-39,743**	**-19.0%**
Total	**275,245**	**233,455**	**-41,790**	**-15.2%**

Note: The offense types listed above are based upon the Uniform Crime Reporting (UCR) classifications established by the Federal Bureau of Investigation and not the specific violations of law defined under the Illinois Complied Statutes or the Municipal Code of Chicago. For more information on the UCR program, see page 7.

CITY-BG-059383

Allegations of Misconduct

Allegations of misconduct by Department members are investigated by the Internal Affairs Division (IAD), or, in the case of complaints alleging excessive force or off-duty domestic disputes, by the Office of Professional Standards (OPS). A Complaint Register (CR) number is issued whenever a complaint is received. Each complaint is investigated, and a determination is made as to whether there is sufficient evidence to sustain the allegation and take disciplinary action.

Fig. 26a. Internal Affairs Division Investigations, 2000-2001

	2000		2001	
Allegations	**Invstgtn. Initiated**	**Sustained Finding***	**Invstgtn. Initiated**	**Sustained Finding***
Operation/Personnel Violations	1,465	323	2,538	1,066
Civil Rights Violations	551	8	1,108	16
Traffic (non-bribery/excessive force)	325	32	507	66
Verbal Abuse	561	15	773	36
Conduct Unbecoming (off-duty)	169	38	231	133
Arrest/Lock-up Procedures	312	51	409	213
Commission of a Crime	401	19	752	39
Civil Suits	48	1	48	0
Alcohol Abuse	17	13	25	15
Drug/Substance Abuse	19	17	22	25
Bribery/Official Corruption	25	5	16	3
Supervisory Responsibilities	25	14	47	61
Total	**3,918**	**536**	**6,476**	**1,673**

* Some investigations classified as "sustained" reflect cases initiated in a prior year.

Fig. 26b. Recommended Disciplinary Actions in Sustained Cases — IAD and OPS*, 2000-2001

	2000	2001
Reprimand	194	424
Suspended 1 to 5 days	491	843
Suspended 6 to 15 days	74	148
Suspended 16 to 30 days	62	85
Suspended over 30 days	4	2
Separated from the Department	25	43
Total	**850**	**1,545**
Violation noted, no action	64	128
Summary Punishment Action Request	4,811	4,754
Hold - Penalty Not Served	41	57
Resigned while under investigation	74	145

* Includes disciplinary actions on cases from prior years.

CITY-BG-059402

chicago police department

2002 annual report

Richard M. Daley, Mayor
Terry G. Hillard, Superintendent of Police

CITY-BG-059409

Arrests

Total arrests were essentially stable between 2001 and 2002 (0.3 percent increase). The 237,706 arrests in 2002 included 41,490 for index offenses (17.5 percent) 172,812 for non-index offenses (72.7 percent), and 23,404 on outstanding warrants (9.8 percent). Warrant arrests appear to have shown the greatest numeric and percentage increase between 2001 and 2002. However, these arrests were not broken out separately for all of 2001, resulting in a lower-than-actual count for that year.

In contrast, arrests for theft, the largest single arrest category, showed the largest numeric and percentage decrease between the two years, down by 5,164, or 21.8 percent. (Theft offenses themselves declined by 1.5 percent in the same period.)

Exhibit 12a. Arrests, 2001-2002

	2001	2002	Change	% Change
Murder or non-negligent manslaughter (01A)*	525	520	-5	-1.0%
Manslaughter by negligence (01B)	56	19	-37	-66.1%
Criminal sexual assault (02)*	682	630	-52	-7.6%
Robbery (03)*	3,089	2,995	-94	-3.0%
Aggravated assault/battery (04)*	6,077	5,740	-337	-5.5%
Burglary (05)*	3,479	3,395	-84	-2.4%
Larceny - theft (except MV) (06)*	23,651	18,487	-5,164	-21.8%
Motor vehicle theft (07)*	10,496	9,542	-954	-9.1%
Simple assault/battery (08)	32,414	30,809	-1,605	-5.0%
Arson (09)*	212	181	-31	-14.6%
Forgery and counterfeiting (10)	71	233	162	228.2%
Fraud (11)	2,945	2,146	-799	-27.1%
Vandalism (14)	5,729	5,225	-504	-8.8%
Weapon violations (15)	5,424	5,046	-378	-7.0%
Prostitution (16)	6,027	5,584	-443	-7.4%
Sex offenses - Criminal sexual abuse (17)	2,100	2,108	8	0.4%
Narcotics violations (18)	57,958	54,205	-3,753	-6.5%
Gambling (19)	2,069	2,307	238	11.5%
Offenses against family and children (20)	541	434	-107	-19.8%
Driving Under the Influence (21)	6,637	5,920	-717	-10.8%
Liquor law violations (22)	974	1,050	76	7.8%
Disorderly conduct (24)	16,853	19,215	2,362	14.0%
All other state law violations (26)	29,713	23,658	-6,055	-20.4%
Other municipal code violations	7,427	9,760	2,333	31.4%
Traffic violations	8,307	5,093	-3,214	-38.7%
Index offenses (marked * above)	**48,211**	**41,490**	**-6,721**	**-13.9%**
Non-index offenses	**185,245**	**172,812**	**-12,433**	**-6.7%**
Warrant Arrests**	3,585	23,404	19,819	552.8%
Total	**237,041**	**237,706**	**665**	**0.3%**

** Warrant arrests were not broken out as a separate category until part way through 2001.

CITY-BG-059436

Allegations of Misconduct

Allegations of misconduct by Department members are investigated by the Internal Affairs Division (IAD), or, in the case of complaints alleging excessive force or off-duty domestic disputes, by the Office of Professional Standards (OPS). A Complaint Register (CR) number is issued whenever a complaint is received. Each complaint is investigated, and a determination is made as to whether there is sufficient evidence to sustain the allegation and take disciplinary action.

Exhibit 21a. Internal Affairs Division Investigations, 2001-2002

	2001		2002	
Allegations	**Invstgtn. Initiated**	**Sustained Finding***	**Invstgtn. Initiated**	**Sustained Finding***
Operation/Personnel Violations	2,538	1,066	2,744	499
Civil Rights Violations	1,108	16	1,447	6
Traffic (non-bribery/excessive force)	507	66	430	26
Verbal Abuse	773	36	859	22
Conduct Unbecoming (off-duty)	231	133	195	68
Arrest/Lock-up Procedures	409	213	281	113
Commission of a Crime	752	39	485	23
Civil Suits	48	—	30	—
Alcohol Abuse	25	15	22	7
Drug/Substance Abuse	22	25	20	18
Bribery/Official Corruption	16	3	10	1
Supervisory Responsibilities	47	61	58	23
Total	**6,476**	**1,673**	**6,581**	**806**

* Some investigations classified as "sustained" reflect cases initiated in a prior year.

Exhibit 21b. Recommended Disciplinary Actions in Sustained Cases, IAD and OPS*, 2001-2002

	2001	2002
Reprimand	424	252
Suspended 1 to 5 days	843	435
Suspended 6 to 15 days	148	79
Suspended 16 to 30 days	85	47
Suspended over 30 days	2	6
Separated from the Department	43	34
Total	**1,545**	**853**
Violation noted, no action	128	42
Summary Punishment Action Request	4,754	4,713
Hold - Penalty Not Served	57	30
Resigned while under investigation	145	80

* Includes disciplinary actions on cases from prior years.

CITY-BG-059452

chicago police department

annual report
2003
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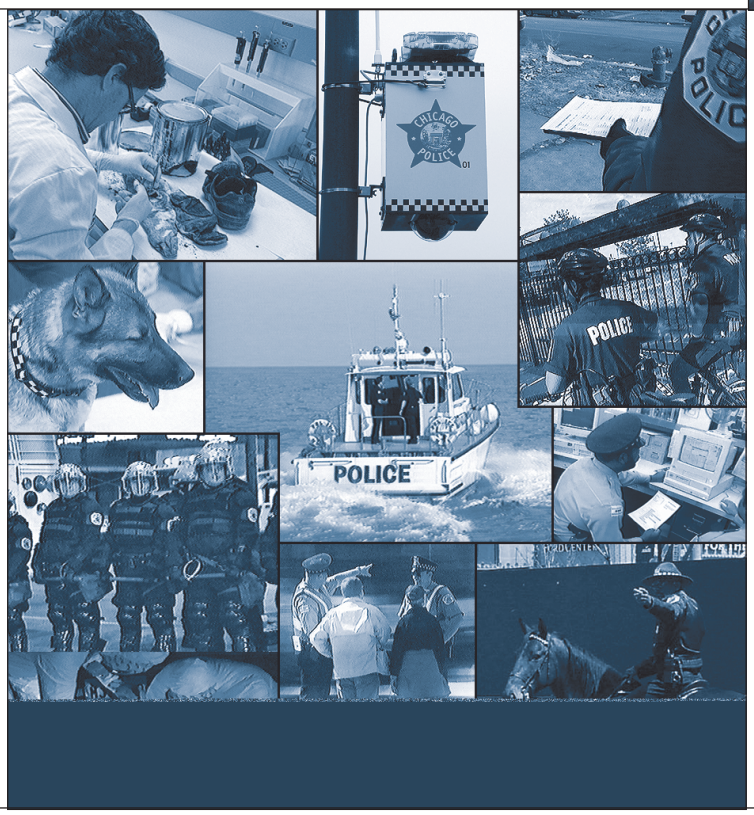

INNOVATIVE CRIME REDUCTION STRATEGIES HELPING TO MAKE CHICAGO THE SAFEST BIG CITY IN AMERICA

philip j. cline • superintendent

CITY-BG-059461

Arrests

Total arrests were essentially stable between 2002 and 2003 (0.5 percent increase). The 238,961 arrests in 2003 included 38,681 for index offenses (16.2 percent), 175339 for non-index offenses (73.4 percent) and 24,941 on outstanding warrants (10.4 percent). Among index offenses, arrests for manslaughter by negligence increased by a substantial percentage, but the numbers involved were small. All other index category arrests decreased, the largest numeric decrease in occurring larceny-theft arrests 1,243), and the largest percentage decrease, in motor vehicle theft arrests (-11.9 percent).

Non-index crime arrests showed more variability as far as increases and decreases. The largest numeric increase was in regard to narcotics violations (1,590) and the largest percentage increase, gambling (156.4 percent). Arrests for simple battery showed the largest numeric decrease between 2002 and 2003 (1,748). Although arson showed the largest percentage decrease, the numbers involved were small. Among categories with substantial numbers of arrests, the greatest percentage decrease was in vandalism arrests (-15.8 percent).

Exhibit 12a. Arrests, 2002-2003

	2002	2003	Change	% Change
Murder or non-negligent manslaughter (01A)*	520	472	-48	-9.2%
Manslaughter by negligence (01B)	19	28	9	47.4%
Criminal sexual assault (02)*	630	603	-27	-4.3%
Robbery (03)*	2,995	2,909	-86	-2.9%
Aggravated assault/battery (04)*	5,740	5,586	-154	-2.7%
Burglary (05)*	3,395	3,325	-70	-2.1%
Larceny - theft (except MV) (06)*	18,487	17,244	-1,243	-6.7%
Motor vehicle theft (07)*	9,542	8,402	-1,140	-11.9%
Simple assault/battery (08)	30,809	29,061	-1,748	-5.7%
Arson (09)*	181	140	-41	-22.7%
Forgery and counterfeiting (10)	233	258	25	10.7%
Fraud (11)	2,146	1,962	-184	-8.6%
Vandalism (14)	5,225	4,401	-824	-15.8%
Weapon violations (15)	5,046	4,824	-222	-4.4%
Prostitution (16)	5,584	5,523	-61	-1.1%
Sex offenses - Criminal sexual abuse (17)	2,108	2,118	10	0.5%
Narcotics violations (18)	54,205	55,795	1,590	2.9%
Gambling (19)	2,307	2,662	355	15.4%
Offenses against family and children (20)	434	397	-37	-8.5%
Driving Under the Influence (21)	5,920	5,969	49	0.8%
Liquor law violations (22)	1,050	1,018	-32	-3.0%
Disorderly conduct (24)	19,215	20,127	912	4.7%
All other state law violations (26)	23,658	25,201	1,543	6.5%
Other municipal code violations	9,760	10,778	1,018	10.4%
Traffic violations	5,093	5,217	124	2.4%
Index offenses (marked * above)	**44,490**	**38,681**	**-2,809**	**-6.8%**
Non-index offenses	**172,812**	**175,339**	**2,527**	**1.5%**
Warrant Arrests**	**23,404**	**24,941**	**1,537**	**6.6%**
Total	**237,706**	**238,961**	**1,255**	**0.5%**

CITY-BG-059488

Exhibit 21b.
2003 Recommended Disciplinary Actions in Sustained Cases, IAD and OPS*

	2003
Reprimand	173
Suspended 1 to 5 days	301
Suspended 6 to 15 days	30
Suspended 16 to 30 days	36
Suspended over 30 days	7
Separated from the Department	9
Total	**556**
Violation noted, no action	45
Summary Punishment Action Request	3,892
Hold - Penalty Not Served	63
Resigned while under investigation	63

* Includes disciplinary actions on cases from prior years.

Exhibit 21c.
2003 Excessive Force Complaints (Office of Professional Standards)

	2003
Complaints retained by OPS	2,167
Complaint Registers completed	2,179
Unfounded [a]	1,162
Exonerated [b]	91
Not Sustained [c]	2,149
Sustained [d]	104

Note:
Some cases are carried over from CR numbers issued in prior years.

(a) Unfounded: The complaint was not based on facts as shown by the investigation, or the reported incident did not occur.

(b) Exonerated: The incident occurred, but the action taken by the officer(s) was deemed lawful, reasonable and proper.

(c) Not Sustained: The allegation is supported by insufficient evidence which could not be used to prove/disprove the allegation.

(d) Sustained: The allegation was supported by sufficient evidence to justify disciplinary action.

CITY-BG-059505

the chicago police department

annual report
2004
year in review

philip j. cline • superintendent

CITY-BG-059513

arrests

Total arrests increased by 2.2 percent between 2003 and 2004. The 244,193 arrests in 2004 included 36,146 for index offenses (14.8 percent), 180,446 for non-index offenses (73.9 percent), and 27,601 on outstanding warrants (11.3 percent). Total index crime arrests decreased by 6.6 percent, with a range of 1.4 percent (arson) to 11.8 percent (motor vehicle theft) among the six individual categories which showed a decrease. In two index crime categories–robbery and aggravated assault/battery-the number of arrests was essentially stable between 2003 and 2004 (less than one percent increase each).

Total non-index crime arrests increased by 2.9 percent between 2003 and 2004, with a range of 1.2 percent (criminal sexual abuse) to 9.8 percent (prostitution) among the individual categories which showed an increase. Some non-index categories showed a decrease. The largest among these was in regard to manslaughter by negligence (46.4 percent) but the numbers involved were small. Other, noteworthy decreases were arrests for offenses against family and children (15.4 percent), forgery and counterfeiting (14.0 percent) and fraud (13.3 percent). Arrests for weapons violations and driving under the influence were essentially at their 2003 levels (less than one percent change each).

exhibit 12a. arrests, 2003-2004

	2003	2004	Change	% Change
Murder or Non-Negligent Manslaughter (01A)*	472	432	-40	-8.5%
Manslaughter by Negligence (01B)	28	15	-13	-46.4%
Criminal Sexual Assault (02)*	603	559	-44	-7.3%
Robbery (03)*	2,909	2,915	6	0.2%
Aggravated Assault/Battery (04)*	5,586	5,621	35	0.6%
Burglary (05)*	3,325	2,986	-339	-10.2%
Larceny - Theft (except MV) (06)*	17,244	16,084	-1,160	-6.7%
Motor Vehicle Theft (07)*	8,402	7,411	-991	-11.8%
Simple Assault/Battery (08)	29,061	29,526	465	1.6%
Arson (09)*	140	138	-2	-1.4%
Forgery and Counterfeiting (10)	258	222	-36	-14.0%
Fraud (11)	1,962	1,702	-260	-13.3%
Vandalism (14)	4,401	4,500	99	2.2%
Weapon Violations (15)	4,824	4,818	-6	-0.1%
Prostitution (16)	5,523	6,062	539	9.8%
Sex Offenses - Criminal Sexual Abuse (17)	2,118	2,144	26	1.2%
Narcotics Violations (18)	55,795	59,051	3,256	5.8%
Gambling (19)	2,662	2,828	166	6.2%
Offenses Against Family and Children (20)	397	336	-61	-15.4%
Driving Under the Influence (21)	5,969	5,998	29	0.5%
Liquor Law Violations (22)	1,018	970	-48	-4.7%
Disorderly Conduct (24)	20,127	18,640	-1,487	-7.4%
All Other State Law Violations (26)	25,201	27,549	2,348	9.3%
Other Municipal Code Violations	10,778	10,996	218	2.0%
Traffic Violations	5,217	5,089	-128	-2.5%
Index Offenses (marked * above)	38,681	36,146	-2,535	-6.6%
Non-Index Offenses	175,339	180,446	5,107	2.9%
Warrant Arrests	24,941	27,601	2,660	10.7%
Total	**238,961**	**244,193**	**5,232**	**2.2%**

* Index Crime

CITY-BG-059540

exhibit 22c.
2004 recommended disciplinary actions in sustained cases, IAD and OPS*

	2004
Reprimand	231
Suspended 1 to 5 days	330
Suspended 6 to 15 days	35
Suspended 16 to 30 days	48
Suspended 30 days	9
Separated from the Department	7
Total	**660**
Violation noted, no action	42
Summary Punishment Action Request	3,771
Hold - Penalty Not Served	29
Resigned while under investigation	84

* Includes disciplinary actions on cases from prior years.

exhibit 22d.
2004 excessive force complaints, IAD and OPS

	2004
Complaints retained by OPS*	1,909
Complaints registers completed**	2,373
Unfounded (a)	1,518
Exonerated (b)	41
Not sustained (c)	713
Sustained (d)	101

Note: Some cases are carried over from CR numbers issued in prior years.
* Source: Internal Affairs Division
** Source: Office of Professional Standards
(a) Unfounded: The complaint was not based on facts as shown by the investigation or the reported incident did not occur.
(b) Exonerated: The incident occurred, but the action taken by the officer(s) was deemed lawful, reasonable, and proper.
(c) Not Sustained: The allegation is supported by insufficient evidence which could not be used to prove/disprove the allegation.
(d) Sustained: The allegation was supported by sufficient evidence to justify disciplinary action.

CITY-BG-059557

Chicago Police Department

Annual Report

2005

Year in Review

Gold Star Families Memorial and Park •• "Central Gathering Plaza"

Richard M. Daley • Mayor

Philip J. Cline • Superintendent

CITY-BG-059565

Arrests

Total arrests decreased by 2.3 percent between 2004 and 2005, bringing the number of arrests to their 2003 level. The 238,636 arrests in 2005 included 34,544 for index offenses (14.5 percent), 177,514 for non-index offenses (74.4 percent), and 26,578 on outstanding warrants (11.1 percent). The foregoing percentages are all within a point of their 2004 counterparts. Total index crime arrests decreased by 4.4 percent, with a range of 2.9 percent (arson) to 11.3 percent (murder/non-negligent manslaughter) among the six individual categories which showed a decrease. In two index crime categories—robbery and aggravated assault/battery—the number of arrests increased, by 5.7 percent and 1.2 percent, respectively.

Total non-index crime arrests decreased by 1.6 percent between 2004 and 2005, with a range of 1.6 percent (narcotics violations) to 24.1 percent (prostitution) among the individual categories which showed a decrease. Some non-index category arrests showed an increase. The largest among these was in regard to manslaughter by negligence (33.3 percent), but the numbers involved were small. Other, noteworthy increases were arrests for vandalism (14.0 percent) and gambling (8.6 percent).

Exhibit 12a.

Arrests by Offense Classification, 2004-2005

Offense Classification	2004	2005	Change	% Change
Murder or Non-Negligent Manslaughter* (01A)	432	383	-49	-11.3%
Manslaughter by Negligence (01B)	15	20	5	33.3%
Criminal Sexual Assault* (02)	559	543	-16	-2.9%
Robbery* (03)	2,915	3,081	166	5.7%
Aggravated Assault/Battery* (04)	5,621	5,687	66	1.2%
Burglary* (05)	2,986	2,810	-176	-5.9%
Larceny-Theft (except Motor Vehicle)* (06)	16,084	14,896	-1,188	-7.4%
Motor Vehicle Theft* (07)	7,411	7,011	-400	-5.4%
Simple Assault/Battery (08)	29,526	27,858	-1,668	-5.6%
Arson* (09)	138	133	-5	-3.6%
Forgery and Counterfeiting (10)	222	213	-9	-4.1%
Fraud (11)	1,702	1,663	-39	-2.3%
Vandalism (14)	4,500	5,131	631	14.0%
Weapon Violations (15)	4,818	4,501	-317	-6.6%
Prostitution (16)	7,243	5,499	-1,744	-24.1%
Sex Offenses - Criminal Sexual Abuse (17)	963	984	21	2.2%
Narcotics Violations (18)	59,051	58,098	-953	-1.6%
Gambling (19)	2,828	3,070	242	8.6%
Offenses Against Family and Children (20)	336	358	22	6.5%
Driving Under the Influence (21)	5,998	6,045	47	0.8%
Liquor Law Violations (22)	970	880	-90	-9.3%
Disorderly Conduct (24)	18,640	19,226	586	3.1%
All Other State Law Violations	27,549	28,816	1,267	4.6%
Other Municipal Code Violations	10,996	10,637	-359	-3.3%
Traffic Violations	5,089	4,515	-574	-11.3%
Index Offenses (marked * above)	36,146	34,544	-1,602	-4.4%
Non-Index Offenses	180,446	177,514	-2,932	-1.6%
Warrant Arrests	27,601	26,578	-1,023	-3.7%
Total	244,193	238,636	-5,557	-2.3%

* Index Crime

CITY-BG-059592

Exhibit 25c.

2005 Recommended Disciplinary Actions in Sustained Cases, IAD and OPS*

	2005
Reprimand	113
Suspended 1 to 5 days	220
Suspended 6 to 15 days	35
Suspended 16 to 30 days	35
Suspended 31 days or more	5
Separated from the Department**	22
Total	430
Violation noted, no action	39
Summary Punishment Action Request	3,491
Hold - Penalty Not Served	38
Resigned while under investigation	59

* Includes disciplinary actions on cases from prior years.

** Includes only those separations in which the separation was presented to the Police Board and have been Closed by the Records Section of the Internal Affairs Division

Exhibit 25d.

2005 Excessive Force Complaints, Office of Professional Standards

	2005
Complaints retained by OPS*	2,571
Complaint registers completed**	2,707
Unfounded (a)	1,820
Exonerated (b)	45
Not Sustained (c)	721
Sustained (d)	83

* Source: Internal Affairs Division

** Source: Office of Professional Standards

Note: Some cases are carried over from CR numbers issued in prior years.

(a) Unfounded: The complaint was not based on facts as shown by the investigation or the reported incident did not occur.

(b) Exonerated: The incident occurred, but the action taken by the officer(s) was deemed lawful, reasonable, and proper.

(c) Not Sustained: The allegation is supported by insufficient evidence which could not be used to prove/disprove the allegation.

(d) Sustained: The allegation was supported by sufficient evidence to justify disciplinary action.

CITY-BG-059611

Chicago Police Department

Richard M. Daley
Mayor

Dana V. Starks
Interim Superintendent

2006 Annual Report

Year in Review

CITY-BG-059621

Total arrests decreased by 4.6 percent between 2005 and 2006. The 227,727 arrests in 2006 included 31,048 for index offenses (13.6 percent), 173,759 for non-index offenses (76.3 percent), and 22,920 on outstanding warrants (10.1 percent). These percentages are all within two points of their 2005 counterparts. Total index crime arrests decreased by 10.1 percent, with a range of 1.3 percent (burglary) to 24.1 percent (arson) among the seven individual categories which showed a decrease. Robbery arrests increased by 3.9 percent.

Total non-index crime arrests decreased by 2.1 percent between 2005 and 2006, with a range of 2.9 percent (narcotics violations) to 16.2 percent (prostitution) among the individual categories which showed a decrease. Some non-index category arrests showed an increase. The largest among these was in regard to manslaughter by negligence (30.0 percent) but the numbers involved were small. Other noteworthy increases were in arrests for traffic violations (26.6 percent) and gambling (26.1 percent).

Exhibit 12a.

Arrests by Offense Classification, 2005-2006

Offense Classification	2005	2006	Change	% Change
Murder or non-negligent manslaughter* (01A)	383	310	-73	-19.1%
Manslaughter by negligence (01B)	20	26	6	30.0%
Criminal sexual assault* (02)	543	513	-30	-5.5%
Robbery* (03)	3,081	3,201	120	3.9%
Aggravated assault/battery* (04)	5,687	5,002	-685	-12.0%
Burglary* (05)	2,810	2,773	-37	-1.3%
Larceny-theft (except MV)* (06)	14,896	13,363	-1,533	-10.3%
Motor vehicle theft* (07)	7,011	5,785	-1,226	-17.5%
Simple assault/battery (08)	27,858	25,493	-2,365	-8.5%
Arson* (09)	133	101	-32	-24.1%
Forgery and counterfeiting (10)	213	204	-9	-4.2%
Fraud (11)	1,663	1,253	-410	-24.7%
Vandalism (14)	5,131	5,399	268	5.2%
Weapon violations (15)	4,501	4,065	-436	-9.7%
Prostitution (16)	5,499	4,607	-892	-16.2%
Sex offenses - Criminal sexual abuse (17)	984	934	-50	-5.1%
Narcotics violations (18)	58,098	56,393	-1,705	-2.9%
Gambling (19)	3,070	3,872	802	26.1%
Offenses against family and children (20)	358	327	-31	-8.7%
Driving under the influence (21)	6,045	5,418	-627	-10.4%
Liquor law violations (22)	880	1,049	169	19.2%
Disorderly conduct (24)	19,226	21,108	1,882	9.8%
All other state law violations	28,816	25,420	-3,396	-11.8%
Other municipal code violations	10,637	12,475	1,838	17.3%
Traffic violations	4,515	5,716	1,201	26.6%
Index offenses (marked * above)	**34,544**	**31,048**	**-3,496**	**-10.1%**
Non-index offenses	**177,514**	**173,759**	**-3,755**	**-2.1%**
Warrant arrests	26,578	22,920	-3,658	-13.8%
Total	**238,636**	**227,727**	**-10,909**	**-4.6%**

* Index Crime

CITY-BG-059660

Exhibit 26c.

Recommended Disciplinary
Actions in Sustained Cases, IAD and OPS*, 2006

	2006
Reprimand	388
Suspended 1 to 5 days	415
Suspended 6 to 15 days	44
Suspended 16 to 30 days	27
Suspended 31 days or more	10
Separated from the Department**	12
Total	**896**

Violation noted, no action	63
Summary Punishment Action Request	3,412
Hold - Penalty Not Served	68
Resigned while under investigation	87

* Includes disciplinary actions on cases from prior years.
** Includes only those separations in which the separation was presented to the Police Board and have been Closed by the Records Section of the Internal Affairs Division

Exhibit 26d.

Excessive Force Complaints, 2006
(Office of Professional Standards)

	2006
Complaints retained by OPS*	2,391
Complaint registers completed**	2,408
Unfounded (a)	1,644
Exonerated (b)	25
Not Sustained (c)	682
Sustained (d)	57

*Source: Internal Affairs Division

**Source: Office of Professional Standards

Note: Some cases are carried over from CR numbers issued in prior years.

(a) Unfounded: The complaint was not based on facts as shown by the investigation, or the reported incident did not occur.

(b) Exonerated: The incident occurred, but the action taken by the officer(s) was deemed lawful, reasonable, and proper.

(c) Not Sustained: The allegation is supported by insufficient evidence which could not be used to prove/disprove the allegation.

(d) Sustained: The allegation was supported by sufficient evidence to justify disciplinary action.

CITY-BG-059683

Chicago Police Department

2007 Annual Report

A Year in Review

City of Chicago

Richard M. Daley

Mayor

Chicago Police Department

Jody P. Weis

Superintendent of Police

CITY-BG-059691

Total arrests decreased by 2.6 percent between 2006 and 2007. The 221,915 arrests in 2007 included 29,207 for index offenses (13.2 percent), 170,230 for non-index offenses (76.7 percent), and 22,478 on outstanding warrants (10.1 percent). These percentages are all within a point of their 2006 counterparts. Total index crime arrests decreased by 5.9 percent, with a range of 0.6 percent (arson) to 12.9 percent (robbery).

Total non-index crime arrests decreased by 2.0 percent between 2006 and 2007, with a range of 0.6 percent (simple assault/battery) to 14.2 percent (other state law violations) among the individual categories which showed a decrease.

Exhibit 12a.

Arrests by Offense Classification, 2006-2007

Offense Classification	2006	2007	Change	% Change
Murder or non-negligent manslaughter* (01A)	310	354	44	14.2%
Manslaughter by negligence (01B)	26	13	-13	-50.0%
Criminal sexual assault* (02)	513	507	-6	-1.2%
Robbery* (03)	3,201	2,787	-414	-12.9%
Aggravated assault/battery* (04)	5,002	4,765	-237	-4.7%
Burglary* (05)	2,773	2,716	-57	-2.1%
Larceny-theft (except MV)* (06)	13,363	12,858	-505	-3.8%
Motor vehicle theft* (07)	5,785	5,132	-653	-11.3%
Simple assault/battery (08)	25,493	25,328	-165	-0.6%
Arson* (09)	101	88	-13	-12.9%
Forgery and counterfeiting (10)	204	392	188	92.2%
Fraud (11)	1,253	1,279	26	2.1%
Embezzlement (12)	0	1	1	–
Vandalism (14)	5,399	5,025	-374	-6.9%
Weapon violations (15)	4,065	3,694	-371	-9.1%
Prostitution (16)	4,607	3,983	-624	-13.5%
Sex offenses - Criminal sexual abuse (17)	934	1,174	240	25.7%
Narcotics violations (18)	56,393	54,053	-2,340	-4.1%
Gambling (19)	3,872	4,189	317	8.2%
Offenses against family and children (20)	327	360	33	10.1%
Driving under the influence (21)	5,418	5,051	-367	-6.8%
Liquor law violations (22)	1,049	1,127	78	7.4%
Disorderly conduct (24)	21,108	21,909	801	3.8%
All other state law violations	25,420	21,806	-3,614	-14.2%
Other municipal code violations	12,475	14,226	1,751	14.0%
Traffic violations	5,716	6,620	904	15.8%
Index offenses (marked * above)	**31,048**	**29,207**	**-1,841**	**-5.9%**
Non-index offenses	**173,759**	**170,230**	**-3,529**	**-2.0%**
Warrant arrests	**22,920**	**22,478**	**-442**	**-1.9%**
Total	**227,727**	**221,915**	**-5,812**	**-2.6%**

* Index Crime

CITY-BG-059734

The 5,076,219 calls to 911 in 2007 are essentially the same number as in 2006 (less than 1 percent increase). The 2007 figure was the third-highest in the ten-year period, exceeded in 2001 and 2004. Calls to 311 may concern police services or other City services. Those which concern police services only are reported in Exhibit 25b as "Non-Emergency–746-6000". These calls decreased by 4.3 percent in 2007.

Exhibit 25a.

911 Calls for Service, 1998-2007

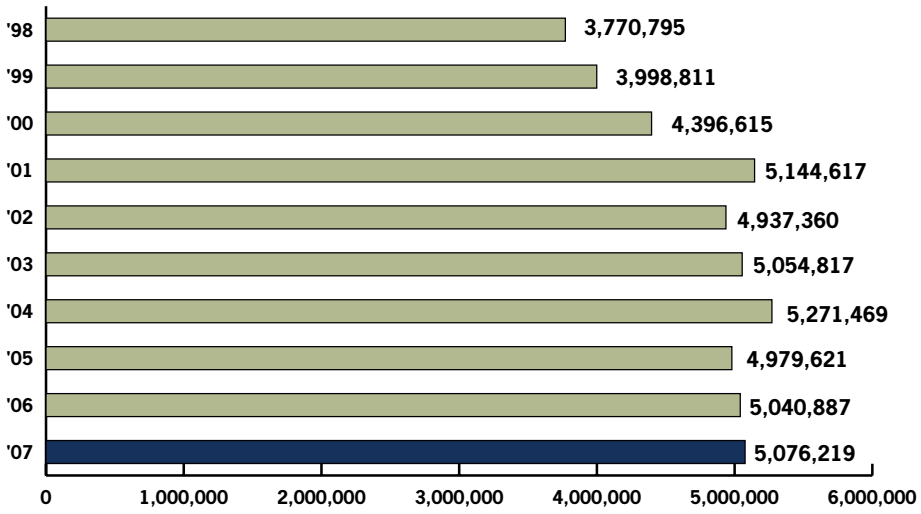

Exhibit 25b.

Incoming Calls Answered, 2006-2007

	2006	2007	% Change
9-1-1	5,040,887	5,076,219	0.7%
Non Emergency-746-6000 (311-ARS)	497,318	476,135	-4.3%
Non Emergency – MOII (311-MOII)	3,735,392	3,672,248	-1.6%
Administrative	284,626	291,118	2.3%
Alarm	86,249	85,087	-1.3%
Total	**9,644,472**	**9,600,807**	**-0.4%**

Exhibit 25c.

Foreign Language Outbound Calls, 2006-2007

	2006	2007	% Change
Foreign Language (System-Outbound)	85,718	85,786	0.1%
Language (911 Only)	50,290	50,903	1.2%

CITY-BG-059756

Exhibit 27c.

2007 Recommended Disciplinary Actions in Sustained Cases, IAD and IPRA*

	2007
Reprimand	161
Suspended 1 to 5 days	352
Suspended 6 to 15 days	47
Suspended 16 to 30 days	36
Suspended 31 days or more	13
Separated from the Department**	7
Total	**616**

Violation noted, no action	56
Summary Punishment Action Request	3,192
Hold - Penalty Not Served***	54
Resigned while under investigation	39

* Includes disciplinary actions on cases from prior years.
** Includes only those separations in which the separation was presented to the Police Board and have been Closed by the Records Section of the Internal Affairs Division.
*** Includes death, retirement, and resignation.

Exhibit 27d.

2007 Excessive Force Complaints

		2007
Complaints retained by IPRA*		2,448
Complaint registers completed		**1,575**
Unfounded [a]	[No Affidavit = 739]	1,055
Exonerated [b]		13
Not Sustained [c]		462
Sustained [d]		45

*Source: Independent Police Review Authority

Note: Some cases are carried over from CR numbers issued in prior years.

(a) Unfounded: The complaint was not based on facts as shown by the investigation, or the reported incident did not occur. 739 Complaint Registers were classified as Unfounded - No Affidavit because the complainant refused to sign a Sworn Affidavit For Complaint Register Investigation form.

(b) Exonerated: The incident occurred, but the action taken by the officer(s) was deemed lawful, reasonable, and proper.

(c) Not Sustained: The allegation is supported by insufficient evidence which could not be used to prove/disprove the allegation.

(d) Sustained: The allegation was supported by sufficient evidence to justify disciplinary action.

CITY-BG-059759