

EXHIBIT 1

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

DONNA MOORE, as legal custodian of her)	
son, J.M., a minor, and her daughter, A.M., a)	
minor,)	
)	
Plaintiff,)	Case No. 07 C 5908
)	
vs.)	Judge Gettleman
)	
Chicago Police Officers ROBERT SMITH)	Magistrate Judge Valdez
#20648, JAMES EVITT #20508, EDWIN)	
GORMAN #20289, STACEY SMITH #2163,)	
and the CITY OF CHICAGO,)	
)	
Defendants.)	

DECLARATION OF SUPERINTENDENT JODY WEIS

Jody Weis deposes and states as follows:

1. I am the Superintendent of the Chicago Police Department.
2. I have learned the City of Chicago has been ordered to produce in this case, subject to a protective order, a list which includes the name, star number, and unit of each Chicago Police Officer who has received more than five citizen complaints (“CRs”) at any time from May 5, 2002 to December 5, 2008, a listing of the CR number and complaint category, and, for each complaint listed, the resolution of the complaints, and disciplinary measures, if any, that were taken in response to the complaints against the officer. I have also learned that a second list has been ordered produced asking for the same information, but specific as to excessive force complaints.
3. The Chicago Police Department has an open complaint system. In other words, any person who has a complaint against an officer may lodge a complaint with the Independent Police Review Authority (“IPRA”), regardless of the merits of the complaint. Complaint

registers are investigated by either IPRA or the Internal Affairs Division of the Chicago Police Department, depending on the nature of the allegation. Pursuant to this open complaint process, thousands of complaints are lodged each year against thousands of officers.

4. A concern with the production of the subject lists with the officers' identifying information is the mischaracterization of the lists as "repeater lists" or the labeling of persons on the lists as "repeater" offenders. The mere fact that an officer receives more than five CRs in a six and one half year period, regardless of the merits of any particular CR, does not render an officer a "repeater" offender of the Department's Rules and Regulations. While this "repeater" characterization will be untrue for most of the officers on the list, the harm to an officers' reputation caused by the mislabeling may adversely and improperly affect the officer's credibility when testifying in criminal cases, the officer's confidence in administering his or her duties, and the officer's reputation as a good police officer.

5. An additional concern is the possibility of decreased morale caused by the improper and wholesale labeling of officers as "repeater" offenders. A frequent concern expressed to me by police officers is that the actions they take, regardless of the propriety of the action, may result in a CR or a civil lawsuit, and the more CRs an officer receives, the more likely the officer becomes a target of civil lawsuits. This concern is compounded by the production of purported "repeater" lists and the resulting adverse (and potentially unjustified) implications. The wholesale disclosure of identifying information of police officers as sought in this case is particularly disconcerting since virtually all of the officers being identified have nothing to do with the underlying lawsuit.

6. The reduction in morale that could occur as a result of dissemination of these lists and the blanket labeling of officers as "repeater" offenders could potentially compromise the

effective enforcement of the law, and in some circumstances, threaten the safety of the officer, his or her partner, and citizens. Our officers do not always have the luxury of time to evaluate all the nuances of every exigent situation they face, many of them dangerous. We need our officers to focus on their training and the appropriate response to the fluid events during these situations, and not on the fear that unjustified complaints would unfairly forever label them a “repeater.”

7. In sum, it is my opinion that the dissemination of these lists with officer identifying information may compromise officers’ performance, threaten safety, reduce morale, and improperly impugn many officers’ otherwise well-deserved good reputations.

A handwritten signature in black ink, appearing to read "J. Weis", written in a cursive style.

Superintendent Jody Weis
Chicago Police Department

EXHIBIT 2

**Repeater Lists Produced in the Following *Monell* Cases – *Fallon v. City of Chicago*,
Santiago v. City of Chicago, *Czjakowski v. City of Chicago*,
Swygert v. City of Chicago, *Ridley v. City of Chicago*¹**

January 1985 to May 1989 Repeater List
January 1988 to April 1991 Repeater List
January 1988 to September 1991 Repeater List
January 1993 to April 1996 Repeater List
January 1995 to April 1996
February 1993 OPS Director Shines' List of 1992 Repeaters
List of Three or More CRs in 1994
March 15, 1994 List of Repeaters Appointed Since 1990
April 1991 to December 1995 Repeater List
July 1993 to July 1998 Repeater List
1985 to 1989 Repeater List
1988 Repeater List
1989 Repeater List
1989 to 1995 Repeater List Alpha
1989 to 1990 Repeater Arrests & CRs
1989 to 1990 Arrests
1989 to 1990 Most Arrests, 3 to 9 CRs
1989 to 1990 Non Repeaters With Most Arrests
1990 Repeater List
1991 Repeaters List
1991 to 1995 Repeater List
1993 Repeater List
1994 Repeater List
1994 to October 1995 Repeater List
1995 Repeater List
1996 Repeater List
1995 to May 2000 Repeater List

¹ These "repeater lists" are in the possession of Plaintiffs' counsel under protective orders which permit them to be retained and disseminated to lawyers in certain other cases.