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June 5, 2014

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VIA FAX (Gerson and Hardy) & U.S. MAIL (All)

Dear Ms. Gerson, Mr. Hardy, and Director of OIP:

Our firm represents Ben Baker in connection with his FOIA request assigned FBI Request No. 1258574-000 and DOJ Executive Office for U.S. Attorneys number FOIA-2014-01699 regarding subject Ronald Watts. You have requested that Mr. Baker describe the public interest in disclosure of the requested records so that you can weigh the interest in disclosure against the possible privacy interests of the subject of the information. This letter provides that information. We are also providing this letter to the Director of OIP as an appeal of FBI Request No. 1258574-000 in case that will more expeditiously resolve the request. Please direct all future communications to me. In the event this information and/or appeal is untimely, please consider this to be a new request for the same records supported by this additional information.

The subject of the information sought by Mr. Baker is former Chicago Police Officer Ronald Watts. Mr. Watts was a police sergeant who pled guilty, along with fellow officer Kallatt Mohammed, to stealing thousands of dollars from a purported drug courier who turned out to be an informant for the FBI in an undercover sting.¹ Mr. Watts testified in Mr. Baker's criminal trial against Mr. Baker.

¹ See, e.g., http://articles.chicagotribune.com/2013-10-09/news/chi-former-chicago-cop-gets-22-months-for-stealing-from-fbi-informant-20131009_1_fbi-informant-ronald-watts-wentworth-district-tactical-sergeant;
http://articles.chicagotribune.com/2013-07-19/news/chi-chicago-police-sergeant-pleads-guilty-to-theft-20130719_1_ronald-

Susan B. Gerson
David M. Hardy
Director, OIP
June 5, 2014

As an initial matter, Mr. Watts has little or no privacy interest in records pertaining to his own admitted misconduct as a police officer. *See, e.g., Lissner v. U.S. Customs Serv.*, 241 F.3d 1220, 1223 (9th Cir. 2001) (federal law enforcement officers have diminished interest in privacy, especially where there are indications of misconduct); *Castaneda v. United States*, 757 F.2d 1010, 1012 *opinion amended on denial of reh'g*, 773 F.2d 251 (9th Cir. 1985) (“The public interest in disclosure of the investigator's name—an interest in ensuring both the integrity and reliability of such investigators and the fair and impartial operation of the food stamp system—is strong. . . . On the other side of the balance, the investigator's privacy interest is not great. When the reliability of the investigator's information is in doubt, it is difficult to argue that he has a right to be sheltered from public scrutiny.”).

Here, Mr. Watts is not even the investigating officer, but rather, is the subject of the investigation itself, which involved Mr. Watts’ official misconduct.

Moreover, an Illinois police officer has no privacy interest at all under Illinois law with regard to his official conduct, regardless of whether that conduct was improper or illegal. 5 ILCS 140/7(c) (“The disclosure of information that bears on the public duties of public employees and officials shall not be considered an invasion of personal privacy.”); *Gekas v. Williamson*, 393 Ill. App. 3d 573, 586, 912 N.E.2d 347, 358 (2009) (“[I]nsomuch as the investigative files related to Gillette's performance of his duties as a deputy sheriff, their disclosure would not invade his personal privacy, let alone be a clearly unwarranted invasion of his personal privacy.”).

Further, even if Mr. Watts had some privacy interest, which he does not, that interest would be outweighed by the public interest in disclosure of the records. *See, e.g., Lissner*, 241 F.3d at 1223. Police misconduct and wrongful convictions procured through misconduct are serious problems in Chicago and elsewhere and are routinely reported as top news stories.² Mr. Baker intends to disseminate to the public newsworthy information he learns through the release of the records and to pursue his own exoneration. The public’s interest in learning more about the full details of Mr. Watts’ misconduct and investigating the impact Mr. Watts’ misconduct may have had on criminal defendants and the public at large outweighs any possible privacy interest of Mr. Watts.

Thank you for considering Mr. Baker’s additional information. Please contact me with any questions.

Sincerely,

/s/ Matthew V. Topic

Matthew V. Topic

watts-officer-kallatt-mohammed-police-sergeant.

² *See, e.g.*, <http://articles.chicagotribune.com/keyword/police-misconduct> (collecting Chicago Tribune Articles regarding police misconduct); <http://articles.chicagotribune.com/keyword/wrongful-conviction> (collecting Chicago Tribune Articles regarding wrongful convictions).