

BEFORE THE POLICE BOARD OF
THE CITY OF CHICAGO

IN THE MATTER)
OF CHARGES AGAINST)
SERGEANT KHALIL MUHAMMAD,)
Respondent.)

Case No. 19 PB 2956

NOTICE OF FILING

TO: Donna Dowd
Chicago Metro Counsel
200 West Jackson Boulevard
Suite 720
Chicago, IL 60606

PLEASE TAKE NOTICE that I caused to be filed with the Police Board of the City of Chicago the attached **Response to Respondent Muhammad's Motion for Discovery** on the 30th day of July, 2019.

JOHANNA OJO

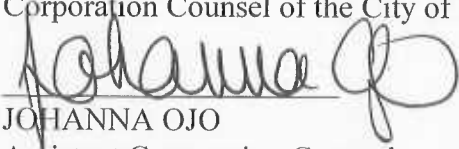
CERTIFICATE OF SERVICE

I, Johanna Ojo, hereby certify that I caused copies of both this and the **Response to Respondent Muhammad's Motion for Discovery** to be hand-delivered to the person identified above on the 30th day of July, 2019.

Respectfully submitted,

MARK A. FLESSNER
Corporation Counsel of the City of Chicago

By:


JOHANNA OJO
Assistant Corporation Counsel

30 North LaSalle Street, Suite 1040
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(312) 742-7034

BEFORE THE POLICE BOARD OF
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IN THE MATTER)
OF CHARGES AGAINST)
SERGEANT KHALIL MUHAMMAD,)
Respondent.)

Case No. 19 PB 2956

RESPONSE TO RESPONDENT MUHAMMAD'S MOTION FOR DISCOVERY

NOW COMES the Superintendent of Police of the City of Chicago, Eddie T. Johnson, by his attorney, Mark A. Flessner, Corporation Counsel of the City of Chicago, and responds as follows to Respondent Muhammad's Motion for Discovery. Please note that the CR File is being tendered pursuant to an agreed qualified protective order.

- 1. A copy of the complete complaint register file underlying the above referenced matter, #1086825, including investigator notes, comments, and working papers, such as drafts of the final report.**

RESPONSE: The Superintendent objects to this request to the extent that it requests material that is beyond the discovery provisions of the Police Board Rules of Procedure. Furthermore, the terms "investigators notes," "comments," "working papers" and "drafts" are vague, overly broad and burdensome. Additionally, the Superintendent objects to this request to the extent that it requests documents that are protected by deliberative process privilege, attorney-client privilege, or work-product exception. Without waiving any objections, the Superintendent has tendered the CR file which contains material that is responsive to this request.

- 2. Copies of any notes or other recordings taken by the Civilian Office of Police Accountability ("COPA") investigators at interviews of Respondent related to the above captioned matter.**

RESPONSE: The Superintendent objects to this request to the extent that it requests material that is beyond the discovery provisions of the Police Board Rules of Procedure. Furthermore, the phrase "copies of any notes or other recordings" is vague, overly broad and burdensome. Additionally, the Superintendent objects to "copies of any notes" to the extent that it requests documents that are protected by deliberative process privilege, attorney-client privilege or work-product exception. Without waiving any objections, the Superintendent has tendered the CR file which contains recordings and transcripts of interviews.

3. Copies of all video and electronic recordings underlying the complaint in this matter.

RESPONSE: The Superintendent objects to this request to the extent that it requests material that is beyond the discovery provisions of the Police Board Rules of Procedure. Furthermore, the phrase “recordings underlying the complaint” is vague, overly broad and burdensome. Without waiving any objections, the Superintendent has tendered the CR file which contains video and electronic recordings.

4. Copies of all witness statements to COPA and the notes taken by any and all COPA investigators, including draft witness statements.

RESPONSE: The Superintendent objects to this request to the extent that it requests material that is beyond the discovery provisions of the Police Board Rules of Procedure. Furthermore, it is vague, overly broad and burdensome. Additionally, the Superintendent objects to “copies of notes taken by any and all COPA investigators, including draft witness statements” to the extent that it requests documents that are protected by deliberative process privilege, attorney-client privilege or work-product exception. Without waiving any objections, the Superintendent has tendered the CR file which contains transcripts and audio recordings of witness statements.

5. The Command Channel Review for Log #1086825, including any non-concurrences or concurrences whether in the narrative section of the electronic system or in a report uploaded to the electronic system.

RESPONSE: The Superintendent objects to this request to the extent that it requests material that is beyond the discovery provisions of the Police Board Rules of Procedure. Without waiving any objections, the Superintendent has tendered the CR file which contains material that is responsive to this request.

6. A complete copy of Respondent’s personnel file, including all prior disciplinary history and complimentary history.

RESPONSE: The Superintendent objects to this request to the extent that it requests material that is beyond the discovery provisions of the Police Board Rules of Procedure. Furthermore, the request is vague, overly broad and irrelevant. Additionally, copies of Sergeant Muhammad’s prior disciplinary history and complimentary history will be provided to all parties by the Police Board.

7. A complete copy of Respondent’s training record, including the format by which the training was received.

RESPONSE: The Superintendent objects to this request to the extent that it requests material that is beyond the discovery provisions of the Police Board Rules of Procedure. Without waiving any objections, a copy of Sergeant Muhammad’s training record from I-Clear is attached. The Superintendent is awaiting the training record from the Police Academy and will supplement at a later date.

8. Any email communications between COPA investigators/supervisors and members of the Chicago Police Department regarding the underlying complaint in this matter.

RESPONSE: The Superintendent objects to this request to the extent that it requests material that is beyond the discovery provisions of the Police Board Rules of Procedure. Furthermore, the request is irrelevant, vague, overly broad and burdensome. Lastly, the Superintendent objects to this request for “email communications” because it requests documents that are protected by deliberative process privilege, attorney-client privilege or work-product exception.

9. Any email communications between members of the Chicago Police Department regarding the underlying complaint in this matter.

RESPONSE: The Superintendent objects to this request to the extent that it requests material that is beyond the discovery provisions of the Police Board Rules of Procedure. Furthermore, the request is irrelevant, overly broad and burdensome. Lastly, the Superintendent objects to this request for “email communications” because it requests documents that are protected by deliberative process privilege, attorney-client privilege or work-product exception.

10. All OEMC communications regarding the incident giving rise to these charges that occurred at or near 10947 South Hermosa on August 13, 2017: 911 calls, police radio transmissions, fire radio transmissions and portable data terminal (PDT) messages.

RESPONSE: The Superintendent objects to this request to the extent that it requests material that is beyond the discovery provisions of the Police Board Rules of Procedure, and is irrelevant. On information and belief, material responsive to this request is part of the CR file that has already been tendered. The investigation continues.

11. The names of all witnesses the City might call at the hearing whether in its case-in-chief or in (sur-) rebuttal, together with a summary of the subjects to which each might testify.

RESPONSE: The Superintendent will produce a witness list pursuant to the Police Board Rules of Procedure at the pre-hearing conference.

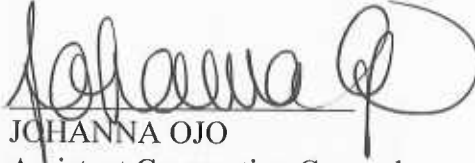
12. Copies of all documents and other matter that the City might introduce as exhibits or use for impeachment, demonstration, to refresh recollection, or for any other purpose.

RESPONSE: The Superintendent will produce copies of all exhibits pursuant to the Police Board Rules of Procedure at the pre-hearing conference.

Respectfully submitted,

MARK A. FLESSNER
Corporation Counsel of the City of Chicago

By:

A handwritten signature in black ink, appearing to read "Johanna Ojo", written over a horizontal line.

JOHANNA OJO
Assistant Corporation Counsel

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(312) 744-3447