

BEFORE THE POLICE BOARD OF  
THE CITY OF CHICAGO

IN THE MATTER )  
OF CHARGES AGAINST )  
KHALIL MUHAMMAD, ) Case No. 19 PB 2956  
Respondent. )

STIPULATION

Chicago Police Department Superintendent Eddie Johnson (“Superintendent”), by his attorney, Mark A. Flessner, Corporation Counsel of the City of Chicago, and Sergeant Khalil Muhammad (“Respondent”), by his undersigned attorney Donna Dowd, respectfully submit as follows in support of their request that the Police Board suspend Respondent for a period of one-hundred and eighty (180) days for alleged violations of the Rules and Regulations of the Chicago Police Department.

**A. JURISDICTION & PROCEDURAL POSTURE**

1. Respondent was at all material times employed as a sergeant by the City of Chicago Police Department.
2. On June 4, 2019, the Superintendent of Police for the City of Chicago filed charges with the Police Board of the City of Chicago as case number 19 PB 2956, seeking a 180-day suspension of Respondent.
3. Respondent was served with said charges on or about June 20, 2019.
4. Respondent seeks to plead guilty to said charges, and accept the proposed 180-day suspension. See the Superintendent’s charges against Sergeant Muhammad, attached as Exhibit A.

5. The parties wish to avoid the expense, inconvenience, and burden of holding a full hearing on the undisputed charges, while still providing the Police Board with sufficient facts for it to resolve this matter.

## **B. STIPULATION APPLICABLE TO ALL CHARGES**

Respondent, by his attorney, Donna Dowd, and the Superintendent, by his attorney, Mark

A. Flessner, Corporation Counsel of the City of Chicago, stipulate and agree to the following:

1. On or about August 13, 2017, at approximately 5:06 a.m., Respondent was alone, off-duty and driving a Chevy Tahoe with Indiana license plates to his residence located at [REDACTED] S. Hermosa Avenue in Chicago. Respondent was driving with his windows down and wearing a blue and gray hoodie with a City of Chicago star on the front which covered his white police sergeant shirt and blue police pants. See, Respondent's September 22, 2017 COPA Interview, attached as **Exhibit B**; photograph of Respondent's clothing, attached as **Exhibit C**; photograph of Respondent's vehicle, attached as **Exhibit D**.
2. While driving northbound down Hermosa Avenue, Respondent's attention was drawn to a white vehicle with its lights on. Respondent observed Ricardo Hayes ("Mr. Hayes") by himself, standing by a neighbor's vehicle, and thought Mr. Hayes looked suspicious. Respondent decided to investigate Mr. Hayes' presence because of recent car burglaries in the area and because car burglaries typically occur during the early morning hours. See **Exhibit B**.
3. Respondent approached Mr. Hayes in his vehicle, allegedly announced his office, and asked Mr. Hayes what he was doing. Mr. Hayes did not respond and began running

southbound down the street, away from Respondent. As Mr. Hayes ran, Respondent made a U-turn and followed Mr. Hayes in his vehicle. See **Exhibit B**.

4. Mr. Hayes continued running southbound down the street before running onto the sidewalk and stopping somewhere along Hermosa Avenue. Respondent caught up to Mr. Hayes and stopped his vehicle in the street perpendicular to where Mr. Hayes was standing on the sidewalk. See **Exhibit B**.
5. As Respondent pulled up, he asked Mr. Hayes what he was doing and where he was coming from, but Mr. Hayes failed to respond. Instead of responding, Mr. Hayes began walking toward Respondent's vehicle. Mr. Hayes turned toward Respondent and began to pull a dark object out of his waistband. Respondent ordered Mr. Hayes to show his hands, and immediately discharged his firearm twice striking Mr. Hayes. Mr. Hayes threw the dark object into the air and ran southbound down Hermosa Avenue. See, the Surveillance Video from 10951 S. Hermosa Avenue, attached as **Exhibit E**; the enhanced audio track from the incident, attached as **Exhibit F**; and **Exhibit B**.
6. Respondent exited his vehicle to see where Mr. Hayes went, before returning to his vehicle and following Mr. Hayes. Respondent followed Mr. Hayes to the rear of Morgan Park High School and exited his vehicle. Respondent chased Mr. Hayes on foot, detained him on the ground and called 911 for assistance. See, the 911 audio attached as **Exhibit G**.
7. When the Chicago Fire Department ("CFD") arrived, Mr. Hayes was lying face-down on his stomach behind Morgan Park High School. Mr. Hayes was agitated and continually stated to the first responders, "Why was I shot? All I had was a telephone." Mr. Hayes sustained a through and through gunshot wound to the left side of his chest, close to his

- arm, and was transported by CFD to Advocate Christ Hospital for treatment. See, CFD's Pre-Hospital Care Report Records and Incident Report, attached as **Group Exhibit H**; and Lieutenant Timothy Hicks Interview on September 14, 2017, attached as **Exhibit I**.
8. A black cell phone belonging to Mr. Hayes was recovered on the sidewalk at or near the location of 10951 S. Hermosa Avenue by Gregory Davis, who resides at that address. No weapons were recovered at or near 10957 S. Hermosa Avenue, and Mr. Hayes was not arrested. See, photograph of Mr. Hayes cell phone attached as **Exhibit J**.
  9. Mr. Hayes was eighteen (18) years old at the time of the incident. Additionally, Mr. Hayes suffers from an intellectual disability and is unavailable to be called as a witness at the hearing. There are no occurrence witnesses or additional pertinent video.
  10. Chicago Police Department General Order 03-02 outlines the use of force guidelines. Pursuant to General Order 03-02-03, Section II, A, a police officer is justified in using deadly force only when he or she reasonably believes that such force is necessary. See, Chicago Police Department General Order 03-02, effective February 10, 2015, attached as **Group Exhibit K**.
  11. The conduct described in Paragraphs 1-9, as further described in Respondent's COPA Statement, **Exhibit B**, was in violation of Rule 2 of Article V of the Rules and Regulations of the Chicago Police Department.
  12. The conduct described in Paragraphs 1-9, as further described in Respondent's COPA Statement, **Exhibit B**, was in violation of Rule 3 of Article V of the Rules and Regulations of the Chicago Police Department.

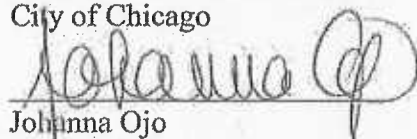
13. The conduct described in Paragraphs 1-9, as further described in Respondent's COPA Statement, **Exhibit B**, was in violation of Rule 6 of Article V of the Rules and Regulations of the Chicago Police Department.

14. The conduct described in Paragraphs 1-9, as further described in Respondent's COPA Statement, **Exhibit B**, was in violation of Rule 38 of Article V of the Rules and Regulations of the Chicago Police Department.

In the event that the Police Board rejects the proposed 180-day penalty, both parties reserve the right to seek a full hearing on this matter. In the event that this matter is returned for full hearing, this stipulation shall be deemed null and void, and no facts or admissions referenced in this stipulation shall be used against either party, unless there is a basis for such use independent of this stipulation.

MARK A. FLESSNER  
Corporation Counsel of the  
City of Chicago

By:

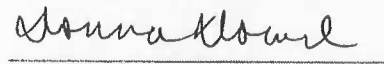
  
Johanna Ojo  
Assistant Corporation Counsel

Date:

10/16/19

KHALIL MUHAMMAD

By:

  
Donna Dowd  
Attorney for Respondent

Date:

16 OCT 2019

By:

Judith Dever  
Deputy Corporation Counsel

Entered: \_\_\_\_\_  
City of Chicago Police Board  
Date: \_\_\_\_\_

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 **Agreed Stipulation** on the 16th day of October, 2019.

JOHANNA OJO

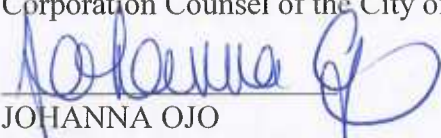
CERTIFICATE OF SERVICE

I, Johanna Ojo, hereby certify that I caused copies of both this and the **Agreed Stipulation** to be hand-delivered to the person identified above on the 16th day of October, 2019.

Respectfully submitted,

MARK A. FLESSNER  
Corporation Counsel of the City of Chicago

By:

  
JOHANNA OJO  
Assistant Corporation Counsel

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