

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24

BEFORE THE
POLICE BOARD OF THE CITY OF CHICAGO

BEFORE: ALLISON L. WOOD
HEARING OFFICER

In the Matter of
Sergeant Khalil Muhammad
PB Case No. 2962

September 12th, 2019

10:05 a.m.

Chicago Police Board
30 North LaSalle Street
Suite 1220
Chicago, Illinois 60602

1 APPEARANCES:

2

3 CORPORATION COUNSEL,
4 (30 North LaSalle Street, Suite 1220,
5 Chicago, Illinois 60602,
6 312-742-3259), by:

7 MS. JOHANNA OJO,
8 appeared on behalf of the Petitioner;

9

10 DOWD & ROWLING,
11 (1016 Jackson Boulevard,
12 Chicago, Illinois 60607,
13 312-957-7595), by:

14 MS. DONNA DOWD,
15 appeared on behalf of the Respondent.

16

17

18

19 ALSO PRESENT:

20 MR. MAX A. CAPRONI, Chicago Police Board,
21 max.caproni@cityofchicago.org.

22

23 REPORTED BY: KATHLEEN A. MARTHALER, CSR,

24 License No. 84-4036

1 THE HEARING OFFICER: Good morning.

2 This is Allison Wood, the Hearing Officer
3 in matter of the charges against Sgt. Khalil
4 Muhammad, Case No. 19 PB 2956.

5 Will the parties please identify
6 themselves for the record.

7 MS. OJO: Johanna Ojo on behalf of the
8 superintendent.

9 MS. DEVER: Judy Dever on behalf of the
10 Superintendent.

11 MS. DOWD: Donna Dowd, D-o-w-d, on behalf of
12 Sgt. Muhammad.

13 THE HEARING OFFICER: And it is my recollection
14 that discovery is completed?

15 MS. OJO: Discovery is not completed.

16 THE HEARING OFFICER: Discovery is not
17 completed. Okay.

18 MS. OJO: The CR file has been tendered as well
19 as some additional documents; however, Ms. Dowd's
20 discovery request also included a request for email
21 communication, which the Superintendent was
22 objecting to.

23 However, there is another issue that I
24 think would be more prudent to discuss prior to the

1 discovery issues.

2 We have spoken to counsel about possibly
3 presenting a stipulation to the Board in this case,
4 and I think that -- and Ms. Dowd, I understand, is
5 in agreement with that.

6 MS. DOWD: Sgt. Muhammad is in agreement with
7 the stipulation.

8 MS. OJO: And I think we were --

9 THE HEARING OFFICER: What is the -- I don't
10 mean to interrupt you, but a stipulation in terms of
11 certain documents that are going to be presented?

12 MS. DEVER: No, it's stipulations to the
13 evidence and the agreed penalty.

14 THE HEARING OFFICER: Okay.

15 MS. DEVER: It's 180 days. It's not discharge.

16 MS. OJO: So I think in light of that, we
17 discussed possibly shelving the discovery issues to
18 see if we are able to present the stipulation to the
19 Board at the next hearing date in about thirty days,
20 and then if the stipulation is rejected at that
21 point, we would --

22 MS. DEVER: We can argue --

23 MS. OJO: -- reinitiate the discovery.

24 THE HEARING OFFICER: Okay. So you're saying

1 that if you have the stipulation, that would be the
2 only discovery issue that would be outstanding, the
3 objection to what she's asking for?

4 MS. DEVER: No, we're going to prepare a
5 stipulation for the Board to consider because the
6 only thing that we have is really video.

7 There is no victim that's able to
8 testify, so the video is the video.

9 So if the stipulation is accepted by the
10 Board, then we don't have to go to hearing.

11 If it's rejected, then we will go to
12 hearing.

13 At that time, if it's rejected, at that
14 time if Ms. Dowd is still objecting, there would be
15 a discovery issue that we would need you to resolve.

16 THE HEARING OFFICER: Okay. So I just want to
17 get a sense that that would be the only discovery
18 issue that would need to be resolved if a
19 stipulation cannot be --

20 MS. DEVER: For the subject matter, that is the
21 only discovery issue.

22 THE HEARING OFFICER: Okay.

23 MS. DEVER: There is one more item that's going
24 to be tendered that's not at issue at this point.

1 MS. OJO: Right.

2 I am still working on getting some
3 OEMC -- just clarifying that everything from OEMC
4 that we have in our possession, but that's the only
5 thing that's outstanding.

6 It's not at issue, though. We're not
7 objecting to those.

8 THE HEARING OFFICER: Okay. So what I would
9 propose -- and then the parties can tell me if it's
10 realistic -- is we can continue this for thirty
11 days, but when we come back, I want to know that
12 either we have a stipulation or we don't and
13 discovery is done.

14 Can we do that?

15 MS. DEVER: We're going to have a stipulation.

16 THE HEARING OFFICER: I'm just saying if you
17 don't.

18 MR. CAPRONI: I would suggest setting a
19 deadline by which the stipulation needs to be filed.

20 MS. OJO: That's fine.

21 THE HEARING OFFICER: How much time do you
22 think you need?

23 MS. OJO: I think thirty.

24 THE HEARING OFFICER: You still need thirty

1 days to do it, to get it done?

2 MS. OJO: If I can just look at a calendar.

3 I think we can have a stipulation filed
4 by maybe October 4th and then meet the next week.

5 MS. DEVER: I would need thirty days. We have
6 to run it by everybody's clients.

7 We're going to try -- we know that the
8 Board wants as much information as possible;
9 therefore, we don't want to file a two page.

10 We want to make sure that this is
11 something that the Board can understand the entire
12 case and we'll include exhibits, so I would rather
13 have the thirty days.

14 THE HEARING OFFICER: Well, how about like
15 October 18th to file and then we come back the
16 following week?

17 Is that going to be enough time?

18 MR. CAPRONI: I would suggest that October 18th
19 is good deadline.

20 THE HEARING OFFICER: Okay.

21 MR. CAPRONI: I would set a status for after
22 the November Board meeting because the Board will
23 need an opportunity to review the stipulation and
24 then give guidance as to how it wants to proceed.

1 We're not going to have anymore
2 information until after that November 21st Board
3 meeting.

4 THE HEARING OFFICER: Okay. So you're
5 suggesting a date after November 21st?

6 MR. CAPRONI: That's what I would suggest.

7 MS. DEVER: That's a good idea.

8 MR. CAPRONI: Either the following week --
9 although that is the week of Thanksgiving --

10 THE HEARING OFFICER: That is the week of
11 Thanksgiving.

12 MR. CAPRONI: -- or the first week of December.

13 MS. OJO: If possible, I would request the
14 first week of December. I will be out for
15 four-to-six weeks for a medical issue.

16 THE HEARING OFFICER: That's okay. I think
17 everyone wants to go to the first week of December.

18 What about December 5th. Is that okay?

19 MS. DOWD: That works for Sgt. Muhammad.

20 MS. OJO: That works for me.

21 THE HEARING OFFICER: Okay. December 5th at
22 10:00 a.m.

23 Okay. So the deadline to file the
24 stipulation will be October 18th, and the next

1 status will be December 5th at 10:00 a.m.

2 Okay. Any other issues from either side?

3 MS. OJO: Just so I'm clear, we'll be
4 presenting the stipulation to you on October 18th.

5 MS. DEVER: We file it.

6 THE HEARING OFFICER: No, you'll be filing it.

7 MS. OJO: Okay.

8 THE HEARING OFFICER: You'll be filing it, and
9 then you'll come back on December 5th.

10 MS. DEVER: With most likely a decision by
11 December 5th.

12 THE HEARING OFFICER: Did you have any other --

13 MS. DOWD: No, no more issues.

14 THE HEARING OFFICER: Okay. Great.

15 Thank you.

16 MS. OJO: Thank you.

17 (WHICH WERE ALL THE PROCEEDINGS HAD
18 IN THE ABOVE-ENTITLED CAUSE ON THIS
19 DATE.)

20

21

22

23

24

1 STATE OF ILLINOIS)
 2) SS:
 3 COUNTY OF COOK)

4 I, KATHLEEN A. MARTHALER, CSR No.
 5 84-4036, a Certified Shorthand Reporter of the State
 6 of Illinois, do hereby certify that I reported in
 7 shorthand the proceedings had at the hearing
 8 aforesaid, and that the foregoing is a true,
 9 complete, and correct transcript of the proceedings
 10 of said hearing as appears from my stenographic
 11 notes so taken and transcribed under my personal
 12 direction.

13 IN WITNESS WHEREOF, I do hereunto set my
 14 hand at Chicago, Illinois, this 7th day of October,
 15 2019.

16 *Kathleen A. Marthaler*
 17

18 KATHLEEN A. MARTHALER, CSR No. 84-4036
 19 Certified Shorthand Reporter
 20
 21
 22
 23
 24

1	C	Donna 3:11	include 7:12	5:14 6:7
10:00 8:22 9:1	calendar 7:2	Dowd 3:11 4:4,6 5:14 8:19 9:13	included 3:20	objection 5:3
180 4:15	CAPRONI 6:18 7:18,21 8:6,8,12	Dowd's 3:19	information 7:8 8:2	October 7:4,15,18 8:24 9:4
18th 7:15,18 8:24 9:4	case 3:4 4:3 7:12	E	interrupt 4:10	OEMC 6:3
19 3:4	charges 3:3	email 3:20	issue 3:23 5:2,15, 18,21,24 6:6 8:15	Officer 3:1,2,13,16 4:9,14,24 5:16,22 6:8,16,21,24 7:14, 20 8:4,10,16,21 9:6, 8,12,14
2	clarifying 6:3	entire 7:11	issues 4:1,17 9:2, 13	Ojo 3:7,15,18 4:8, 16,23 6:1,20,23 7:2 8:13,20 9:3,7,16
21st 8:2,5	clear 9:3	everybody's 7:6	item 5:23	opportunity 7:23
2956 3:4	clients 7:6	evidence 4:13	J	outstanding 5:2 6:5
4	communication 3:21	exhibits 7:12	Johanna 3:7	P
4th 7:4	completed 3:14, 15,17	F	Judy 3:9	parties 3:5 6:9
5	continue 6:10	file 3:18 7:9,15 8:23 9:5	K	PB 3:4
5th 8:18,21 9:1,9,11	counsel 4:2	filed 6:19 7:3	Khalil 3:3	penalty 4:13
A	CR 3:18	filing 9:6,8	L	point 4:21 5:24
a.m. 8:22 9:1	D	fine 6:20	light 4:16	possession 6:4
ABOVE-ENTITLED 9:18	D-O-W-D 3:11	G	M	possibly 4:2,17
accepted 5:9	date 4:19 8:5 9:19	give 7:24	make 7:10	prepare 5:4
additional 3:19	days 4:15,19 6:11 7:1,5,13	good 3:1 7:19 8:7	matter 3:3 5:20	present 4:18
agreed 4:13	deadline 6:19 7:19 8:23	Great 9:14	medical 8:15	presented 4:11
agreement 4:5,6	December 8:12,14, 17,18,21 9:1,9,11	guidance 7:24	meet 7:4	presenting 4:3 9:4
Allison 3:2	decision 9:10	H	meeting 7:22 8:3	prior 3:24
anymore 8:1	Dever 3:9 4:12,15, 22 5:4,20,23 6:15 7:5 8:7 9:5,10	hearing 3:1,2,13, 16 4:9,14,19,24 5:10,12,16,22 6:8, 16,21,24 7:14,20 8:4,10,16,21 9:6,8, 12,14	morning 3:1	proceed 7:24
argue 4:22	discharge 4:15	I	Muhammad 3:4,12 4:6 8:19	PROCEEDINGS 9:17
B	discovery 3:14,15, 16,20 4:1,17,23 5:2, 15,17,21 6:13	idea 8:7	N	propose 6:9
back 6:11 7:15 9:9	discuss 3:24	identify 3:5	November 7:22 8:2,5	prudent 3:24
behalf 3:7,9,11	discussed 4:17		O	R
Board 4:3,19 5:5, 10 7:8,11,22 8:2	documents 3:19 4:11		objecting 3:22	realistic 6:10
				recollection 3:13

record 3:6
reinitiate 4:23
rejected 4:20 5:11,
13
request 3:20 8:13
resolve 5:15
resolved 5:18
review 7:23
run 7:6

S

sense 5:17
set 7:21
setting 6:18
Sgt 3:3,12 4:6 8:19
shelving 4:17
side 9:2
spoken 4:2
status 7:21 9:1
stipulation 4:3,7,
10,18,20 5:1,5,9,19
6:12,15,19 7:3,23
8:24 9:4
stipulations 4:12
subject 5:20
suggest 6:18 7:18
8:6
suggesting 8:5
superintendent
3:8,10,21

T

tendered 3:18 5:24
terms 4:10
testify 5:8
Thanksgiving 8:9,
11

thing 5:6 6:5
thirty 4:19 6:10,23,
24 7:5,13
time 5:13,14 6:21
7:17

U

understand 4:4
7:11

V

victim 5:7
video 5:6,8

W

week 7:4,16 8:8,9,
10,12,14,17
weeks 8:15
Wood 3:2
working 6:2
works 8:19,20