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STATEMENT OF SERGEANT KHALIL MUHAMMAD
CONDUCTED BY INVESTIGATOR BRIAN KILLEN
on 22 September 2017 at 1217 hours
at Civilian Office of Police Accountability
1615 West Chicago Avenue

LOG# 1086285
Attachment 145

1 INVESTIGATOR KILLEN: This is the audio-recorded
2 interview of Sergeant Khalil Muhammad, regarding Log No.
3 1086285, U# 17-017.

4 Today is the 22nd of September 2017, and the time is
5 approximately 1217 hours. This statement is being taken
6 at the Civilian Office of Police Accountability, located
7 at 1615 West Chicago Avenue.

8 My name is Investigator Killen; that's spelled
9 K-i-l-l-e-n. Also present is Supervisor Anthony Becknek.
10 Anthony, if you would say and spell your first and last
11 names?

12 SUPERVISOR BECKNEK: It's Anthony Becknek;
13 traditional Anthony, A-n-t-h-o-n-y Becknek,
14 B-e-c-k-n-e-k, Badge 9.

15 INVESTIGATOR KILLEN: And then FOP Field Rep. John
16 Farrell. John, if you would?

17 MR. FARRELL: My name is John Farrell, J-o-h-n
18 F-a-r-r-e-l-l.

19 INVESTIGATOR KILLEN: And Sergeant Muhammad is
20 represented by attorney, Dan Herbert. Dan?

21 MR. HERBERT: Yes, Dan Herbert; D-a-n Herbert,
22 H-e-r-b-e-r-t. And just for the record, we had off the
23 record, a conversation and then put it on the record --
24 First of all, we are objecting to the allegations and the

1 vague nature of the allegations. Specifically, the
2 allegations alleged that my client violated the CPD's use
3 of deadly force policy by using unjustified deadly force.

4 We believe that specific allegations are required
5 for a collective bargaining agreement, and the specific
6 allegations would require that COPA identifies what
7 specific actions were unjustified on the part of my
8 client.

9 Also, secondly, we are aware that there is a video
10 in this case. We have not seen the video. We asked
11 whether or not we would see the video beforehand, and we
12 were informed that we would not. So at this point, on
13 behalf of my client, I'm going to give an objection and
14 say that as my client answers the investigator's
15 questions, please keep in mind that it is a recognized
16 medical fact that memory is sometimes unreliable,
17 especially in high-stress situations. Time and/or
18 circumstances may have altered my senses, resulting in
19 neuro vision auditory exclusion or distortion, false or
20 missing memories and confusion.

21 Because of this, my client's memory may be
22 incomplete or erroneous regarding some details. Thank
23 you.

24 INVESTIGATOR KILLEN: All right.

EXAMINATION

BY INVESTIGATOR KILLEN:

Q Sergeant Muhammad, if you would say and spell your first and last names for me?

A Sergeant Khalil Muhammad; K-h-a-l-i-l Muhammad, M-u-h-a-m-m-a-d.

Q And what's your Star Number?

A 960.

Q And your employee number?

A [REDACTED]

Q And your date of appointment with the Department?

A 14 August 2000.

Q Okay. And what's your date of birth?

A [REDACTED]

Q And you're aware that this statement has the standing of an official Department report, and that any intentional falsification of any answer to any question, would be in direct violations of rules and regulations?

A Yes.

Q Given that, I would like to remind you that failure to provide a complete and accurate account in this incident, could result in a finding of Rule 14, with disciplinary action leading up to and including

1 separation from the Chicago Police Department. Do you
2 understand that?

3 A Yes.

4 Q All right. Are you now prepared to give a
5 statement regarding this incident?

6 A Yes. This statement is not being given
7 voluntarily, but under duress. I am only giving this
8 statement at this time because I know that I will lose my
9 job if I refuse the direct order being given to me.

10 Q Okay. But you are prepared to do one now?

11 A Yes.

12 Q All right. So what was your duty status and
13 assignment on 13 August 2017, at approximately 0506
14 hours?

15 A I just got off.

16 Q Okay. So what time did you get off?

17 A Technically, 2:00 a.m., but we had just did a
18 memorial situation; we found one of our Captains dead
19 under the expressway, and I led that procession to the
20 hospital, and then to the morgue.

21 Q So, my -- if I'm correct, you started work on
22 the 12th of August 2017, correct?

23 A Right.

24 Q What time did you start work?

1 A I believe 1530.

2 Q Okay. And then if you started at 1530, what
3 time do you normally get off?

4 A 0200.

5 Q Okay. And then like you said, you stayed
6 behind because you found a Captain of the 5th District.
7 All right, when you --

8 A Well, I was on scene as well.

9 Q Okay. Who's the Captain?

10 A Captain James Lafoy (phonetic).

11 Q Okay. And what do you mean by the
12 "procession?"

13 A Once, you know, the ambulance got there, we,
14 you know -- officers were trying to do CPR and trying to
15 revive him. They couldn't, so we tried to get him to the
16 hospital as soon as possible, so I pretty much
17 coordinated getting us to the hospital so the medical
18 people could do what they could. And after he died --
19 didn't make it, we went to the morgue. So, I led that --
20 got that all prepared and coordinated that and drove down
21 to the morgue.

22 Q Okay. So what hospital did you guys end up
23 going from the morgue to? Or, to the morgue, from?

24 A I believe it's Trinity Hospital.

1 Q Okay. So then, did you leave the morgue and
2 that was the end of your day?

3 A Yes -- no, I went from the morgue back to 5,
4 and then I left for the day.

5 Q Okay. So about what time did you leave 5 then,
6 for good?

7 A I would say 4:50ish area, in the morning.

8 Q All right. And then when you left 5, where did
9 you go?

10 A I was on my way home.

11 Q Did you make any stops in between home and
12 leaving the 5th District?

13 A No. I mean, I went straight home until the
14 incident.

15 Q Okay. So like no stopping at a friend's house,
16 no bars, or anything like that?

17 A No, absolutely not.

18 Q Okay. So then, for the sake of this statement,
19 what is your home address?

20 A 10912 South Hermosa Avenue.

21 Q Okay. And then, do you recall the route you
22 took from 5th District to your house on Hermosa?

23 A Yes, I travelled down 111th going westbound;
24 once I get to Vincennes, I make a right turn, which would

1 take me northbound short, you know, maybe 20 feet -- 30
2 feet maybe; then I make a left turn, go westbound on
3 Chelsea to Hermosa, and then generally make a right turn
4 on Hermosa.

5 Q When you left the 5th District and went home,
6 what do you drive?

7 A A Chevy Tahoe.

8 Q Of your own?

9 A No, it's my girlfriend's.

10 Q What's your girlfriend's name?

11 A Chandra Lee (phonetic).

12 Q So it's a Chevy Tahoe?

13 A Yes.

14 Q What color is it?

15 A It's like a maroon.

16 Q Okay. Do you know the plates on it?

17 A No. It's Indiana plates, out of state plates.

18 Q So you're driving the Chevy Tahoe, you go home;
19 do you ride home with anybody or ride by yourself?

20 A No, by myself.

21 Q Okay. And then on the ride home, you know,
22 from the 5th District to your house, are you on the phone
23 with anybody? Did you make any calls?

24 A No.

1 Q Get any calls?

2 A No.

3 Q Okay. So then -- and on your way home, I mean,
4 between your home and the 5th District, did you change
5 your clothes before you left work?

6 A No.

7 Q What were you wearing at the time of the
8 incident?

9 A I had on a gray and blue -- like a hoodie. Not
10 a thick one, just like a little jacket --

11 Q Okay.

12 A -- the City Star across the front, the Chicago
13 Police Memorial Star somewhere on it; underneath, my
14 white police sergeant shirt, blue police pants and police
15 shoes.

16 Q Okay. So you wear a uniform when you're at
17 work, right?

18 A Right.

19 Q On duty?

20 A Yes.

21 Q Okay. So the hoodie is just to go over your
22 uniform?

23 A With my uniform, right.

24 Q Okay. So then you go home, you drive home, you

1 come west on Chelsea, you hit Hermosa; you take a right?

2 A Take a right to get on Hermosa, yes.

3 Q Okay. And then -- so start from down that
4 street; so you come down Hermosa, and what happens?

5 A Okay. What I usually do is, I make that right
6 on Hermosa. There's a small alley, maybe a quarter of a
7 block from the corner, I usually take that and go through
8 the alley and whip around, so I can park on the front,
9 just to check out my surroundings, or whatever.

10 But this particular time, when I turned right to go
11 on Hermosa, I see a white car that seems to be on -- the
12 lights on and everything. I never seen the car before,
13 so it kind of caught my attention.

14 And as I'm driving past, I see down the block, by my
15 neighbor's car, on the east side of the street, there's a
16 guy kind of just in the area, like, suspicious to me,
17 because I knew that wasn't his vehicle. I'd never seen
18 this guy before. So I go to the alley -- let me just go
19 find out and see what's going on with this guy.

20 Q So your intention is to actually hit the alley
21 kind of in the middle of the block --

22 A Right.

23 Q So, take a left into the alley?

24 A Right.

1 Q And then what do you do? Take another right
2 into the alley behind your house?

3 A Right.

4 Q Come around the block so you can park --

5 A On that front, on the east side.

6 Q Facing south on Hermosa, in front of your
7 house?

8 A Exactly.

9 Q Okay. And so before you actually hit that
10 alley, you see this white car you've never seen before?

11 A Right.

12 Q Where is that at, approximately?

13 A Maybe -- probably before -- right before the
14 alley, I think. I don't know.

15 Q Do you remember what side of the street it's
16 on?

17 A It's on the east side of the street, facing
18 north.

19 Q Okay. And what about it did you think was
20 suspicious?

21 A I never seen it before on the block. Like I
22 said, I take that route all the time.

23 And then it was on; it's 5:00 o'clock in the
24 morning, I guess, and the lights were on, so -- it

1 appeared to be on.

2 Q Did you see any occupants inside the car?

3 A I don't remember.

4 Q Okay. Do you remember what the -- make and
5 model of the car?

6 A No, it was just a small white car.

7 Q Like 2-door, 4-door, do you remember?

8 A No, I don't.

9 Q Did you see anybody in the immediate vicinity
10 of the car?

11 A No.

12 Q Okay. So because you haven't seen it before,
13 that was suspicious. And its lights are on?

14 A Lights are on, yeah.

15 Q Okay. So then what happens? Then you see the
16 suspicious person, you said?

17 A Right.

18 Q And where was that person at?

19 A He was towards the end of the block, right next
20 to my neighbor's car, and I knew it wasn't my neighbor,
21 you know. And I never seen this guy before, so --

22 Q Like your neighbor -- the guy that lives next
23 door to you?

24 A Right.

1 Q So it would be on the west side of Hermosa?

2 A Right.

3 Q Okay. Which neighbor would that be, that
4 you're talking about?

5 A His name?

6 Q Please.

7 A Nate.

8 Q Okay. Do you know his last name?

9 A Can't think of it right now.

10 Q Okay. Is he south or north of your house?

11 A South.

12 Q Okay. So you see this person; and where
13 exactly is this person?

14 A He's right behind the car. And as I'm driving,
15 he kind of is -- well, he's like right on the side of the
16 quarter panel of the car, the rear, the street side.

17 Q Okay.

18 A And as I'm going down, he's kind of like --
19 seems like he's kind of going behind it, maybe.

20 Q Okay,

21 A So, like I said, I knew it wasn't his vehicle.
22 And the relation to that car, that I never seen before
23 and then seeing this guy, I'm like, "Let me just go down
24 here and see what's going on."

1 Q But the car he's hiding behind is your
2 neighbor's car?

3 A Right.

4 Q What kind of car is that?

5 A It's a green -- I don't know if it's a Buick or
6 whatever; it's just a green car.

7 Q All right. Parked on the west side of the
8 street?

9 A Right.

10 Q Facing south?

11 A Facing south, right.

12 Q Okay. And so, when you see this guy, he's on
13 the street side of the car?

14 A From what I can see, yeah.

15 Q By the quarter panel, is that right?

16 A Yeah.

17 Q Does he see you?

18 A I don't know.

19 Q Could you tell what he was doing?

20 A Not really. I just know he was just kind of
21 hanging by this car. You know, and it wasn't his
22 vehicle.

23 Q Like walking past it, or --

24 A No, he was just -- when I first seen him, he

1 was just standing there, and as I'm going, he's just kind
2 of still standing there by the car.

3 Q So -- and then when you see this guy -- now, is
4 he on the other side of this alley that you intended to
5 turn down? He's past the alley?

6 A Right.

7 Q So you're looking down the block?

8 A Right.

9 Q Okay. And then the white car you're talking
10 about, the car that had lights on, that's on -- right
11 before the alley you were going to turn into?

12 A Either right before it or right after it.

13 Q Right by it?

14 A Just kind of by it, yeah.

15 Q Okay. So then you decide you're not going to
16 go in the alley and now you want to see what's up?

17 A Right.

18 Q Okay. So what do you do?

19 A As I roll up on the guy -- I believe my window
20 was down already -- I drive with the windows down. And
21 as I approached him, he's on my left side and I pull up
22 on him and say, "Hey, I'm the police, what are you
23 doing?"

24 Q So, real quick -- when you see this guy and you

1 see him on the street by your neighbor's car, is he by
2 himself?

3 A Yes, from what I could tell.

4 Q (Inaudible 0:12:39.8) about that, there's
5 nobody else around or anything?

6 A I didn't see anyone else. I just focused on
7 him at that point.

8 Q Okay. Can you tell me what the guy was
9 wearing?

10 A I don't remember now.

11 Q Do you remember anything about him?

12 A Not really.

13 Q Gender?

14 A Male. Male black.

15 Q Young or old?

16 A Younger; seemed a young guy.

17 Q Young, like how old? How young? You have to
18 put an age on it.

19 A Early 20s.

20 Q Okay. So when you pulled up and you say you
21 thought that your windows were already rolled down,
22 right?

23 A Uh-huh.

24 Q Is that the only window rolled down in your

1 car?

2 A I don't remember. Maybe the passenger's side
3 should have been open too.

4 Q Okay.

5 A Yeah.

6 Q Radio on off?

7 A No, the radio doesn't work.

8 Q Okay. So nothing? Just silence in your car?

9 A Right.

10 Q Okay. So you pull up, and when you pull up
11 he's on the driver's side of your car still?

12 A Right.

13 Q Is he still in the street?

14 A Yeah.

15 Q Okay. Is he still by your neighbor's car?

16 A Yeah.

17 Q Is he still by the quarter panel? The rear
18 quarter panel?

19 A Right.

20 Q So he's just standing there; is he still kind
21 of stationery?

22 A Right.

23 Q When you pull up, does he look at you?

24 A I believe he did once I said something to him,

1 or whatever -- yeah.

2 Q So when you pull up --

3 A I say, "I'm the police, what are you doing?"

4 Q How does he respond?

5 A He just takes off running.

6 Q Which way does he run?

7 A Southbound.

8 Q Okay. So, back the way you just came?

9 A Right.

10 Q So, when you say, "Hey, police; what are you
11 doing?" does he look at you?

12 A I mean, I guess the natural instinct would be.
13 I can't really tell if he did or not. I don't know.

14 Q When you pulled up and you said, "Hey, police,"
15 how close were you to him?

16 A Maybe five, seven feet.

17 Q Do you get out of the car?

18 A No, not at that point.

19 Q Just through the open window?

20 A Right.

21 Q So then he -- does he say anything at all in
22 response?

23 A Not that I remember, he just takes off running.

24 Q All right. And then he goes south on Hermosa?

1 A Right.

2 Q So what do you do?

3 A I have to go down and try to turn around, so --
4 there was a truck parked on my right, so I had to go past
5 the truck, did a U-turn and I'm trying to watch him, and
6 he's watching me. He's running and turning and looking
7 back, watching me, and I do a U-turn and I -- to see, you
8 know, to try to catch up with him going southbound on
9 Hermosa.

10 Q Okay. And what happens then?

11 A I'm thinking, you know, if this guy just did
12 something or whatever, he's trying to get back to his
13 car, let me try to catch up to him or whatever, you know,
14 because there's break-ins in the area.

15 I just had an officer, not too far away from my
16 house, got her -- someone went in her vehicle, took her
17 gun and I think her wallet or whatever, so -- I mean, I
18 know -- just my instincts -- it's like, is he trying --
19 did he just do something? Is he trying to get back to
20 his car? I've never seen him before, so, I'm trying to
21 roll up on him. And then I got up on him, and that's
22 when I identified myself as "the police" again and, you
23 know, "Let me see your hands."

24 Q And where does this happen at?

1 A It's not too far from the white car. I think
2 he went behind it maybe, and then wound up on the
3 sidewalk. So, he's on the sidewalk and I'm in the
4 street. He's on my left, on the east side of the street,
5 and I'm facing southbound.

6 Q Okay. So when he runs initially, he's in the
7 street, correct?

8 A Right.

9 Q He runs south; he runs past the white car
10 you're talking about?

11 A I believe so.

12 Q And that car is parked on the east side of the
13 street, correct?

14 A Right.

15 Q Facing north.

16 A Right.

17 Q All right. And then he runs past it, he ends
18 up on the sidewalk?

19 A Right.

20 Q And which sidewalk are we talking about?

21 A The east side of the sidewalk.

22 Q Okay. So the same side of the street as the
23 white car?

24 A Right.

1 Q And then he's -- he's past it, so he --

2 A I mean not -- he's in the vicinity.

3 Q Right.

4 A He's not like way past it, you know.

5 Q Right.

6 A But he wasn't before, he was kind of past it.

7 Like I said, I thought he was trying to get back to that
8 car to jump in the car.

9 Q Okay. So then -- so he gets on the sidewalk,
10 and what does he do?

11 A He's -- I believe he's still facing south or
12 whatever, and I announce my office, "Hey, Chicago police,
13 let me see your hands, Chicago police, let me see your
14 hands."

15 I'm still in the vehicle -- You want me to just keep
16 continue?

17 Q Please.

18 A And at some point, he turns towards me. As
19 he's turning towards me, he reaches back with his right
20 hand in his waistband area, and he starts to pull
21 something, a dark object, out of his waistband, which, to
22 me, was consistent with someone pulling a weapon.

23 Q Okay.

24 A And at that point, I'm in my vehicle, I felt

1 trapped. You know, I thought this dude was about to kill
2 me. So as he's pulling it out -- pulling this dark
3 object out, that's when I pulled my firearm out and shoot
4 twice.

5 Q So, just to back you up then -- so when you
6 initially pull up on him, you say, "Police, what are you
7 doing?" and he takes off south.

8 A The initial, right.

9 Q The initial?

10 A Yes.

11 Q By -- in front by your house -- by your
12 neighbor's house?

13 A Right, right.

14 Q So then he takes off south, he ends up on the
15 sidewalk. You perform a U-turn and you go south?

16 A Yes.

17 Q So then when you're looking at him, are you
18 looking at him through the windshield, or through the
19 open window, or --

20 A As I'm doing the U-turn, or --

21 Q No, either way. Do you keep an eye on him the
22 entire time?

23 A Yeah, yeah.

24 Q Okay. So you watch his path and then he runs

1 on the --

2 A Right. Until he -- I think he went behind the
3 white car. I couldn't really see.

4 Q Okay.

5 A Just for -- I guess a few seconds or whatever.
6 And as I'm doing a U-turn, I don't keep a clear eye on
7 him.

8 Q Sure.

9 A I mean, I'm doing the best I can with the
10 rearview mirror and the side view.

11 Q Sure. So then, you see him up on the sidewalk;
12 is he still moving on the side -- is he still running
13 along the sidewalk when you're --

14 A Not running, I think he slowed down to stop at
15 that point.

16 Q Okay. So then you're driving down Hermosa,
17 correct?

18 A Right, to catch up with him.

19 Q Are you saying anything then?

20 A As I'm driving up?

21 Q As you're driving, are you --

22 A No, as I get -- I mean, he's just probably
23 maybe diagonal from me.

24 Q Okay.

1 A So as I'm pulling up, I'm saying, "Chicago
2 police, let me see your hands, Chicago police, let me see
3 your hands."

4 Q Okay. And that's as you're pulling up?

5 A Right.

6 Q So when you're looking at him and you say,
7 "Diagonal," he's to your left and you can see him through
8 the open window, right?

9 A Right.

10 Q And you see that -- he's on the sidewalk. He's
11 to your left then?

12 A Right.

13 Q Okay. So, what do you do? You pull up and do
14 you stop?

15 A Yeah.

16 Q Okay. Where do you stop?

17 A I'm -- in the street.

18 Q Perpendicular to him?

19 A Yeah, I was perpendicular to him.

20 Q Okay. So if you had to guess the distance
21 between you and him, what would it be?

22 A Maybe 15 feet --

23 Q Okay.

24 A -- from the street to the sidewalk --

1 (inaudible 0:18:39.2) the vehicle, around 20 feet.

2 Q And at this point, is this when he stopped,
3 when you pull up?

4 A I believe he stopped, yeah.

5 Q And then you stop?

6 A Uh-huh.

7 Q Do you remember -- do you say anything to him
8 then, at that point?

9 A I mean, I'm still saying, "Chicago police, let
10 me see your hands."

11 Q Okay.

12 A But you know, just to try to get him to comply.

13 Q Is he looking at you at this point? Is he
14 facing you?

15 A I can't remember, to be honest with you.

16 Q Okay. Is he running?

17 A No, he had stopped.

18 Q Okay.

19 A Yeah.

20 Q So you stop, and you're saying, "Chicago police
21 --"

22 A Right.

23 Q -- "let me see your hands," and then, this is
24 when he pulls the dark object from his right side; is

1 that what you said?

2 A Right.

3 Q Okay. Could you tell -- could you see what he
4 was pulling from the right side?

5 A I couldn't tell, no. I mean, it was a dark
6 object. You know, he was pulling with his right hand,
7 that was consistent with, just based on training and you
8 know, from people that carry guns or whatever -- he was
9 pulling it from that area --

10 Q Okay.

11 A -- of his body.

12 Q Okay. But did you see that he had to go in his
13 pocket? Does he have to lift his shirt?

14 A No.

15 Q Could you see his waistband or anything like
16 that?

17 A I can't remember if I -- I just know he went to
18 the waistband area.

19 Q Okay.

20 A He may have lifted his shirt -- it wasn't the
21 front pocket, it was right on the waistband area, with
22 his right hand.

23 Q Does he say anything before he does that?

24 A No.

1 Q Up to this point, had he said anything to you
2 at all?

3 A No.

4 Q Respond in any way, shape or -- other than
5 running?

6 A No.

7 Q Okay. So then -- so you're about 15 feet away,
8 you're about perpendicular to him, right?

9 A Uh-huh.

10 Q He pulls a dark object --

11 A Uh-huh.

12 Q -- and what do you do?

13 You got to say "yes," instead of "uh-huh."

14 A Oh, yes.

15 Q Just because they're going to transcribe it so
16 -- you're doing great though.

17 A Okay, no problem. All right. I'm sorry.

18 Q That's all right.

19 A What was the question?

20 Q So you see him making movements now, you said,
21 based on your training and your experience, this is what
22 somebody does carrying guns.

23 A It's consistent with someone about to pull --
24 that's pulling a gun.

1 Q Right.

2 A So, he's pulling this dark object from his
3 waistband area; I'm thinking it's a gun. Like I said,
4 just based on the training, it's consistent with pulling
5 from his waistband. And as he's pulling it, that's when
6 I -- you know, I pull my weapon and I fired twice.

7 Q Okay. Is he facing you at this point?

8 A I believe so, yes.

9 Q Okay. And you're saying, from his -- from the
10 right side, correct?

11 A Right.

12 Q Okay. So you see him do this; you believe at
13 this point, what's about to happen? You see him pulling
14 something from his right side; you believe what's about
15 to happen?

16 A I believe he's about to kill me.

17 Q Okay; with a firearm?

18 A Yes.

19 Q So you pull yours?

20 A Yes.

21 Q And you fire twice?

22 A Yes, sir.

23 Q All right. Where was your pistol?

24 A It was -- when, after?

1 Q When you pull -- where did you pull from?

2 A From my waistband. I had a pancake holster.
3 I'm a lefty, so it was on my left side.

4 Q Okay. So, a pancake holster is -- for the
5 purpose -- a pancake holster --

6 A It's an off-duty holster.

7 Q Okay. It's a smaller holster than your on-duty
8 one.

9 A Right, right. But it was my on-duty weapon.

10 Q Correct.

11 A Yeah.

12 Q Okay. So -- and you're left-handed?

13 A Yes.

14 Q So your pistol is between your body and the
15 driver's door?

16 A Yes.

17 Q Okay. So you believe he's about to pull a gun
18 on you, you believe he's about -- he's going to try and
19 kill you?

20 A About to kill me, yeah.

21 Q So you pull your pistol, right? What do you
22 have? What do you carry?

23 A A Glock 19, which is a 9 millimeter.

24 Q Okay. And what's the finish on it?

1 A It's dark; is it (inaudible 0:21:49.8)?

2 Q Okay. Black in color?

3 A Yes.

4 Q All right. And then, what's fully loaded on
5 that thing, do you know?

6 A 14.

7 Q 14?

8 A 14 and 1, I believe.

9 Q Okay. So you pull -- and do you remember how
10 you held your gun when you fired it?

11 A No, it happened so fast. You know, like I
12 said, he's pulling, I see a dark object coming from the
13 waistband and I think it's a gun, thinking I'm about to
14 get killed, and I just pulled. I guess I probably leaned
15 or whatever, and I shot twice.

16 Q Do you recall if you did one-handed, two-
17 handed?

18 A No. I'm sure I did one hand.

19 Q Okay. Do you recall if you used blinded sights
20 or not?

21 A No.

22 Q No, you didn't, or no, you don't recall?

23 A I don't recall.

24 Q Okay. And when you fired twice -- let me ask

1 you, were you aware at the moment that you had fired
2 twice?

3 A No, I -- I guess it's just based on training, I
4 defaulted to training, so, in the Academy it's trained
5 two shots, boom, boom -- you know -- so --

6 Q Did you count them? Is it --

7 A No, I can't.

8 Q Okay.

9 A In the heat of the moment --

10 Q Sure.

11 A -- I doubt it.

12 Q You found out later how many times you had
13 fired?

14 A Right.

15 Q Okay. And when you fired, I know you just
16 went, boom, boom; were your shots in a quick succession
17 like that?

18 A Yes.

19 Q Okay. And then after you fired your two shots,
20 what happens?

21 A Something flipped up in the air, and he took
22 off running.

23 Q Okay.

24 A Something dark flipped in the air and he took

1 off running southbound again.

2 Q And where did that -- that "something dark,"
3 where did that come from?

4 A I don't know; his hand, whatever.

5 Q From his hand or your hand?

6 A From his hand. It came from him.

7 Q Something dark from over his way?

8 A Right.

9 Q Up in the air?

10 A Right.

11 Q Was it what he was pulling from his right side,
12 do you know?

13 A I don't know; I believe so.

14 Q Okay. And what happens then? It flips up in
15 the air and what happens?

16 A He takes off running southbound. So I believe
17 at that point, I may have put it in drive (sic), because
18 I got out of the vehicle at that point, to just kind of
19 see where he's going.

20 Q You put it in park?

21 A Yes.

22 Q (Inaudible 0:23:46.2) Were you still in drive
23 when you stopped and fired your weapon?

24 A I can't remember.

1 Q Okay. So something flips up in the air and you
2 -- two shots, boom, boom; and immediately, what does he
3 do?

4 A He takes off running.

5 Q Okay. And that's before -- right before you
6 see something up in the air? Something dark?

7 A What you mean?

8 Q So you fire your gun.

9 A Uh-huh.

10 Q Two shots.

11 A Uh-huh.

12 Q And then you said -- what's the first thing you
13 saw?

14 A Something flips up in the air and then he takes
15 off running.

16 Q And he goes south --

17 A Right.

18 Q -- on Hermosa. Is he like running southbound
19 on the sidewalk?

20 A Yes.

21 Q Okay. And then -- so you get out of the car?

22 A Right.

23 Q And what do you do?

24 A I'm getting out of the car just to try to see

1 where he's going, because I know he's going towards the
2 corner, so I didn't want to commit to either chasing him
3 or jumping back in the vehicle until he either passed
4 Chelsea, or he made a turn on Chelsea -- either way.

5 Q Why is that?

6 A Because if he, you know -- it would have maybe
7 decide what I was going to do; if I was going to jump
8 right back in the vehicle or if I was going to run after
9 him with a -- if he was going to stop at the corner; I
10 don't know.

11 Q Well, if he had taken a left on Chelsea, what
12 would have happened?

13 A I don't know. I mean, I can't say when I look
14 at that.

15 Q Okay. All right. So you get out and where do
16 you go?

17 A He just kept -- where did I go?

18 Q Where you -- where do you go?

19 A Oh. When I seen him pass Chelsea, that's when
20 I jumped back in the vehicle.

21 Q No, no, no. Okay, so you fired shots, and he
22 runs, and you get out; do you just stand by your car?

23 A Yeah, because -- just kind of standing where I
24 could see him running down the sidewalk.

1 Q All right. So you're watching him run?

2 A Right.

3 Q And then what happens?

4 A Once he passes Chelsea, I jump back in the
5 vehicle and now I'm following him, because I know he's
6 going behind the school. There's really no way he can go
7 east, he can only run across my vehicle, and he would
8 have been running over to the 22nd District at that
9 point.

10 Q Okay. And the school you're talking about is
11 the --

12 A Morgan Park High School.

13 Q Okay. All right, so you get out, you look,
14 you're watching him; are you standing in the street
15 watching him do this?

16 A No, I jumped back in the vehicle at that point.

17 Q No, when you get out, do you just stand in the
18 street and watch him run?

19 A Yeah, I'm standing on the side of my vehicle
20 and I'm just kind of watching him run.

21 Q Okay. And then you see him cross south of
22 Chelsea and sitting in like the back side of Morgan Park
23 High School?

24 A Right.

1 Q And does he continue south that way?

2 A Yes.

3 Q Is he still running along the sidewalk?

4 A Yes, as far as I know -- it's dark.

5 Q Okay. And so, you jump back in your vehicle?

6 A Uh-huh.

7 Q And what do you do?

8 A I proceed southbound behind him.

9 Q And then what happens?

10 A Once I know he's behind the school, I ride up
11 on the sidewalk, but at that point, I felt like, man, I'm
12 trapped in this vehicle, you know, so let me jump out of
13 the vehicle. I feel safer out of the vehicle at that
14 point.

15 So again, I'm announcing my office, "Chicago police,
16 get on the ground, get on the ground." I catch up to him
17 to take him into custody, and that's -- he gets on the
18 ground and I just kind of stand up and I'm holding him
19 down.

20 Q Does he ever say anything to you then?

21 A Not that I could remember. I'm like, "Are you
22 shot?" Or you know, whatever. But I can kind of see a
23 little blood at that point, you know. I mean, it feels
24 wet or whatever, so, I'm looking. So that's when I pull

1 myself on out and call 9-1-1.

2 Q And where is the blood that you're talking
3 about?

4 A It was on my hand.

5 Q Okay. But it came from --

6 A Oh, his body -- I don't know.

7 Q Okay. That's when you approached him?

8 A Yeah.

9 Q Okay. Could you see any blood on him, or you
10 just felt that -- you know?

11 A I really can't remember, to be honest with you.
12 You know, I had him in 90 degree, you know -- he's lying
13 across just whatever, and I'm just holding him down with
14 my -- I believe my right hand, because I pulled my cell
15 phone -- I keep it in my left pocket.

16 Q Okay.

17 A And I called 9-1-1.

18 Q Did you have to cuff him?

19 A I didn't have any cuffs on me.

20 Q So you just held him?

21 A Yeah.

22 Q And called 9-1-1?

23 A Yeah.

24 Q All right. And what do you say to 9-1-1, do

1 you remember?

2 A I believe I said, you know, "I'm a Chicago
3 police officer," or police sergeant, whatever, "I just
4 got -- on my way home," you know, "I thought this guy was
5 about to shoot me, I believe he had a gun, and I believe
6 he's been shot. I need some assistance."

7 Q Sure.

8 A And kind of gave them a location.

9 Q Okay. And you did that from your cell phone,
10 right?

11 A Yes, sir.

12 Q What's your cell number?

13 A 773-406-9742.

14 Q All right. Your carrier?

15 A Sprint.

16 Q Did you make any other calls after that?

17 A I called the Watch Operations Lieutenant.

18 Q Who is that?

19 A Patrina Wynes (phonetic).

20 Q Okay.

21 A From where I work.

22 Q From 5?

23 A Yeah.

24 Q And why is that?

1 A Just to notify what was going on.

2 Q Did you call her like at -- like in the office,
3 or did you call her on her own cell phone or something
4 like that?

5 A No. I believe I called 5, I can't remember.

6 Q Okay.

7 A I know I called -- yeah, I called her. It was
8 kind of hard -- difficult at that time, because I know
9 when you dial 9-1-1, they cut you off from like calls.
10 So I'm like, I remember trying to get through like -- it
11 was like an automated thing or whatever. So I'm like,
12 "Shit, why can't I call?" And I'm going through this
13 whole process.

14 Q Automated on 9-1-1?

15 A Yeah.

16 Q That's scary.

17 A You can't go in, you can't -- you know. So I'm
18 like, "Shit," you know, just trying to get through that
19 any make sure I make my notifications. I called her, and
20 then I called the Chief of Patrol; I knew he lived in the
21 area. And that was it.

22 Q And you called the Chief of Patrol?

23 A Yeah.

24 Q Who's that?

1 A Fred Waller.

2 Q Okay. And this is all while you're holding
3 this kid down and waiting for a response?

4 A But I -- no, I -- 9-1-1 while I'm holding him
5 down.

6 Q Correct.

7 A You know, once medical attention gets there,
8 that's when I called her to make a notification, and then
9 I called him.

10 Q Okay. So --

11 A Because by that time I'm making it --

12 Q It wasn't all back to back, as you're holding
13 this kid down and waiting for the people to show up?

14 A No.

15 Q I got you. All right. So, you called Patrina
16 Hynes.

17 A Patrina Wynes.

18 Q Wynes. And then, Fred Weller?

19 A Yes.

20 Q Do you know who the first officers were to
21 respond?

22 A I almost want to say it was the lieutenant;
23 Lieutenant Wynes.

24 Q Oh, okay.

1 A Yeah. The ambulance was there treating him,
2 and I remember seeing her. I don't remember the squads;
3 I couldn't tell you who they were.

4 Q Okay. And going back, did you ever find out
5 what that dark object was that he was pulling from his
6 right side?

7 A No.

8 Q Okay. And then going back -- the first time
9 you encountered this person, and for the sake of this
10 statement, Riccardo Hayes is who we're talking about.

11 A Okay.

12 Q All right? So the first time you see Riccardo
13 Hayes is, he's out, he's in the street near your
14 neighbor's car --

15 A Right.

16 Q You think it's suspicious because you don't
17 recognize him, you don't know him, it's your neighbor's
18 car --

19 A Right.

20 Q -- and then there's a car with its lights on,
21 and as far as you're aware, no occupants.

22 A Right.

23 Q A car you've never seen before. And then you
24 said -- I know you mentioned that a police officer you

1 know, a neighbor, her car got broken into recently,
2 correct?

3 A A girl that works with me, yeah; not too far.

4 Q Who's that?

5 A Her name is Tiffany Rodriguez.

6 Q Okay. So when you first pull up along this kid
7 and he --

8 A And I know during that time it's consistent
9 with cars being broken into or whatever. I mean, I see a
10 suspicious person who I haven't seen before by a
11 neighbor's car, and let me go check this out.

12 Q A hundred percent. So then you see him, you
13 identify yourself as a Chicago police officer?

14 A I said -- the initial, I just believe I said,
15 "I'm the police, I'm the police, what are you doing?"

16 Q Okay. He doesn't say anything or respond at
17 all?

18 A Not that I can recall.

19 Q He runs?

20 A He just takes off and runs, right.

21 Q Okay. And that's when you turn it around and
22 then he ends up on the sidewalk, just past or near the
23 white car that you're talking about?

24 A Yeah.

1 Q And then -- and you say to him again, "Chicago
2 police, let me see your hands."

3 A Right.

4 Q All right. Did you just say it one time?

5 A I -- multiple.

6 Q Do you know if you already stopped, or were you
7 still moving when you said that?

8 A I can't really remember. I mean, I could
9 probably say as I'm riding up, I'm saying it, but at some
10 point, I do stop.

11 Q Okay. And then when you stopped, do you say
12 anything else to him?

13 A Same thing, "Chicago police, let me see your
14 hands."

15 Q Okay. And then that's when he -- and he
16 doesn't say anything? He doesn't like verbally respond
17 to you at all?

18 A Right, no.

19 Q And then that's when you see him pulling a dark
20 object from his right side?

21 A Right.

22 Q All right. And then that's when you fired
23 twice. When he ran -- after you fired and he took off
24 running, what did you think?

1 A I didn't think I hit him. I didn't know what
2 to think. Like, okay, this car is here, is he going to
3 try to double back to get back to this car? Does he got
4 people down there waiting? I don't know -- you know.
5 I'm just like, let me grab this guy. You know, it looked
6 like he's about to try to kill me, so let me get him into
7 custody; at least try to see where he's going. So --

8 Q Okay. And at this time of day, at 5:06 in the
9 morning, what's the lighting condition there?

10 A It's dark, it's dark.

11 Q It's dark outside?

12 A Yeah.

13 Q You guys got street lights?

14 A Yeah.

15 Q Okay. And then when you're driving, you know,
16 you're coming home from work and you run into him; your
17 headlights are on?

18 A Yes.

19 Q Okay. And after you fired two times, and you
20 don't think you hit him, he takes off running.

21 A Uh-huh.

22 Q And you say, you get out of your car, right?

23 A To see where he's going.

24 Q And I know I asked you that -- I mean, you just

1 stand right next to your car?

2 A Yeah.

3 Q Stay in the street?

4 A I really can't tell you, you know. I mean,
5 jumping out of the car, I may have went past the door or
6 I may have stayed within the door; I don't recall.

7 Q Do you remember if you went up on the sidewalk?

8 A No, I know I didn't go that far.

9 Q Okay.

10 A I didn't have to. I mean, my purpose was
11 trying to see where this guy is going. So I'm just kind
12 of like looking to see where he's going.

13 Q All right.

14 A And he's kind of away from me at this point,
15 so, I mean I felt a little relieved that he's away from
16 me now, at this point, you know.

17 Q And then -- I know you saw the dark object kind
18 of up in the air, it got thrown up in the air; do you
19 know what it was now? Or did you know what it was then,
20 when you saw it in the air?

21 A No, sir.

22 Q Do you know what it was now?

23 A I mean, I heard someone said it was a cell
24 phone, but they had to retrieve something from a neighbor

1 and that -- you know, so -- that's all I know.

2 Q You didn't go retrieve it though?

3 A No, sir.

4 Q Did you go look for it?

5 A No -- I mean, just while we were out there, you
6 know, I asked, "Did you guys find anything?" So, I
7 really didn't know.

8 Q Before responding, before even catching the
9 kid, did you go look?

10 A Oh, no.

11 Q All right. So then, you get out of the car,
12 he's still running south, and you don't think you hit
13 him, you jump back in your car --

14 A To track and follow him to see where he's
15 going. I kind of remember thinking, as I'm saying this,
16 I didn't want him to cross 111th or Monterey, what it
17 was, because now it's like a whole another situation.
18 I'm away, you know, and I couldn't drive my vehicle. I
19 would have to get out and like run a distance. So you
20 know, I'm like up there.

21 Q Well, like past Morgan Park, is where you're
22 talking about, right?

23 A Yes; Chelsea and then it's Monterey.

24 Q Right.

1 A So it's kind of like 111th, so he's right
2 behind the school. So I'm like, man, I got to catch him
3 before he gets to the street. That's when I get out of
4 -- I go over the curb, I go over a hump, and we're behind
5 the school -- let me get out of here. You know, and I
6 don't want to be trapped in the vehicle anymore.

7 Q Now, did you have to get out and chase him on
8 foot and catch him?

9 A Yeah.

10 Q And that's when you're then able to get him
11 down?

12 A Right.

13 Q Get him down face down?

14 A Right.

15 Q And you were able to hold his hand behind his
16 back?

17 A I believe he was just pulling and I just kind
18 of had him by the body. I may have grabbed his arm, I
19 don't know.

20 Q Okay. Was he fighting with you at all?

21 A No. I mean, I was saying, "I'm the police,"
22 you know, "stay on the ground." You know, "Don't move."
23 You know -- I can't recall what our conversation was.

24 Q Sure. But he was relatively compliant?

1 A At that point, yes.

2 Q Okay. And then that's when you noticed -- or
3 you felt blood or whatever on him?

4 A I felt something on my hand.

5 Q Right.

6 A And I'm like, "Okay, shit, he's been hit, so
7 let me call 9-1-1."

8 Q And then you tell them what happened, ask for
9 an ambulance, and then wait?

10 A Right.

11 Q It's after that, then you call Patrina Wynes
12 and --

13 A Patrina Wynes.

14 Q -- and Fred Waller.

15 A Chief Waller.

16 Q I got you. And then as far as -- were you
17 injured at all?

18 A No.

19 INVESTIGATOR KILLEN: You have anything?

20 SUPERVISOR BECKNEK: You guys want to take a quick
21 break or are you okay?

22 SERGEANT MUHAMMAD: I'm all right.

23 SUPERVISOR BECKNEK: I'm just going to go over some
24 of the photos. We'll mark this one as I'm showing you

1 it.

2 MR. HERBERT: Are we going to make these part of the
3 record, then?

4 SUPERVISOR BECKNEK: Yeah.

5 MR. HERBERT: Okay.

6 SUPERVISOR BECKNEK: Each one will be labeled as an
7 Exhibit.

8 MR. HERBERT: Okay.

9 BY SUPERVISOR BECKNEK:

10 Q The first will be Exhibit 1; it's a Google
11 satellite image of the area we're discussing here today.
12 Do you recognize that? This being Morgan Park High
13 School and the pin drop is actually 10914, so it's the
14 house after your residence; do you recognize that area?

15 A Yeah.

16 Q Okay. As I reflected to you, the pin drop, the
17 green pin drop here is 10914. You are 10912, is that
18 correct?

19 A Uh-huh.

20 Q So you're the house directly to the south?

21 A North.

22 Q Directly to the north?

23 A Right.

24 Q Okay. Would you mind marking your house for

1 me, please? If you can just put an "X" to reflect your
2 home. Thank you.

3 And then, can you please identify for me
4 approximately -- I know that there's trees in this photo,
5 so it makes it a little bit difficult. We're not looking
6 for a precise, exact location. We actually have other
7 photographs that we'll go through, but can you identify
8 for me where you first see the subject? And you can
9 write a big "S" for subject.

10 And do you mind if I see the photo at the same time
11 that you do?

12 I appreciate that.

13 At that point in time is when you first see the
14 subject, you identify yourself, you say, "Chicago
15 police."

16 A "I'm a police, what are you doing?"

17 Q "What are you doing?" He takes off, runs --

18 A South.

19 Q South, okay. Can you identify for me where he
20 runs to, approximately?

21 MR. HERBERT: Where he runs to and stops?

22 SUPERVISOR BECKNEK: Correct.

23 BY SUPERVISOR BECKNEK:

24 Q And if you want to draw a line indicating where

1 you first see him, through to the part where you see him
2 the second time, that would be great.

3 A What do you mean a second time?

4 MR. HERBERT: Can you do it in this? Well --

5 BY SUPERVISOR BECKNEK:

6 Q If not, we can do it --

7 A I mean, I can't --

8 Q -- a second photograph.

9 A Yeah, because I can't see this --

10 Q Could you do this one?

11 A I can't see the alley. I don't know if this is
12 supposed to be the alley?

13 Q That is supposed to be the alley. That's
14 correct.

15 A Okay. So it should be --

16 MR. HERBERT: So this is Exhibit 2. We're marking
17 that.

18 SUPERVISOR BECKNEK: We can mark that Exhibit 2,
19 yes.

20 Let's keep these in order.

21 BY SUPERVISOR BECKNEK:

22 Q Same pin drop; I believe it's -- this is
23 actually 10910 South Hermosa. So the house north of that
24 would be your home, is that correct.

1 A Wait, wait; say that one more time?

2 Q This is actually 10910 -- Exhibit 2 is 10910
3 South Hermosa Avenue.

4 A Okay.

5 Q So I believe the house north of that would be
6 your home?

7 A No. My -- 109 -- it's 10914, and then it's
8 10912, which is my house.

9 MR. HERBERT: Yeah, and just for the record, Exhibit
10 1 looks like it was 10910 as well.

11 SUPERVISOR BECKNEK: Was it 10910? Okay, let me
12 back --

13 MR. HERBERT: I don't know, that's what it shows on
14 there, so.

15 SUPERVISOR BECKNEK: Sure, sure.

16 BY SUPERVISOR BECKNEK:

17 Q Could you reflect in Exhibit 1, where you put
18 the "Xs" at? Is that your home?

19 MR. HERBERT: Assuming that pin drop is 10910.

20 SUPERVISOR BECKNEK: Correct.

21 SERGEANT MUHAMMAD: Oh, no. Well --

22 SUPERVISOR BECKNEK: 10914 is what -- or, 10910.

23 MR. HERBERT: That's what is says on the top there.

24 SUPERVISOR BECKNEK: Sure -- yeah.

1 BY SUPERVISOR BECKNEK:

2 Q So where you put the "X", would that be your
3 home?

4 A No, if this is -- this supposed to be 10910?

5 Q Yes.

6 A 109 -- 10909 or 10910?

7 Q 10910, correct. This pin drop -- this green
8 pin drop.

9 A Yeah, now -- and then it'll be two down. It
10 would be here I guess.

11 Q That's where the "X" is?

12 A Right.

13 Q Okay. And we'll reflect that in the record
14 that you moved the "X" to where your actual home is
15 located.

16 A Yeah, if that's 10- -- if the pin is 10910.

17 Q Sure, sure.

18 A On this house here, right?

19 Q Sure. Yes. Actually, the larger photos don't
20 seem to be helping as much. We'll get into the actual
21 street view photographs.

22 There's a couple of street view photographs that
23 we're going to use from Google. Unfortunately, the ETs
24 at the scene didn't take photos all the way up to your

1 house. For whatever reason, they did at the exact site
2 of the location of the shooting, but not up by your
3 house. Okay?

4 A Okay.

5 Q So let me move Exhibit 1 and Exhibit 2 out of
6 the way for you, and now we are on Exhibit 3, and I'll
7 mark that for you.

8 In Exhibit 3, this is a Google image; and can you
9 see your home?

10 A Well, I know where it is. Yeah -- I mean, I
11 know where it is just by looking at this.

12 Q Yeah. You can see your home?

13 A Through the trees, yeah.

14 Q Yeah. Okay, can you make an "X" for me where
15 your home is located? And it's this white one, correct?

16 A No, that's -- yeah.

17 Q Yeah, this one right here.

18 A Right.

19 Q That's your home. And that's actually kind of
20 a coincidence, but it's actually the red Chevy, Tahoe --

21 A Right.

22 Q -- in the Google image, that is yours --

23 A Right.

24 Q -- parked out in front of your home, right?

1 A Yeah.

2 MR. HERBERT: But just, if we can set it -- if he's
3 referring to Exhibit 4 --

4 SUPERVISOR B BECKNEK: Exhibit 3. Yeah.

5 MR. HERBERT: Right, but you were showing him
6 Exhibit 4, weren't you?

7 SUPERVISOR BECKNEK: No, this is still Exhibit 3.

8 MR. HERBERT: Oh, I'm sorry.

9 SUPERVISOR BECKNEK: Yeah. I gave him --

10 MR. HERBERT: Okay, disregard.

11 SUPERVISOR BECKNEK: I gave him (inaudible
12 0:41:21.2).

13 MR. HERBERT: I got you, I got you.

14 SUPERVISOR BECKNEK: Yeah.

15 BY SUPERVISOR BECKNEK:

16 Q Okay. So we're on Exhibit No. 3 there, and
17 you've marked for us what your home is with an "X"?

18 A Uh-huh.

19 Q In this photograph, can you identify where you
20 saw Mr. Hayes for the first time -- who we now know to be
21 Mr. Hayes, for the first time?

22 A Probably in this area right here.

23 Q Can you mark it for me with an "S" for subject?
24 And I believe you identified for us earlier, that there

1 was a black -- or, I think you actually said, "Green
2 vehicle" that was located --

3 A Yeah.

4 Q -- in front of your neighbor's home; can you
5 identify just maybe with "BEH" where that green vehicle
6 would have been?

7 Okay. And you identified for us on the record
8 earlier, that as you approached this, you said, "Chicago
9 police."

10 MR. HERBERT: Actually, I think he said, "Police."

11 SERGEANT MUHAMMAD: "Police." "I'm the police, what
12 are you doing?"

13 SUPERVISOR BECKNEK: "What are you doing?"

14 BY SUPERVISOR BECKNEK:

15 Q He does not respond to you in any way, is that
16 correct?

17 A Right. He just takes off running.

18 Q Takes off running. Does he run down the middle
19 of the street?

20 A Yes.

21 Q Okay. South down Hermosa?

22 A Right.

23 Q You put it in a -- essentially a three-point
24 turn; is that essentially in Exhibit No. 3, where your

1 vehicle would be located -- in this photo is where you
2 conducted your three-point turn, approximately?

3 A No, it was actually past there.

4 Q It would have been past there?

5 A Yeah.

6 Q Approximately how far? Feet?

7 A Probably down there by this gray vehicle.

8 Q Okay.

9 A Because there's usually a truck parked right
10 here, and I had to go around it.

11 Q Okay. So approximately 10 to 15 feet past
12 where your red vehicle is located at --

13 A No, it's probably more like 25 feet.

14 Q Okay. 25 feet from where your red vehicle is,
15 you put it in a three-point turn and you come back south
16 on Hermosa.

17 A Right.

18 MR. HERBERT: And just so I'm clear, 25 feet from
19 where the red vehicle is depicted on this picture, or
20 where it --

21 SUPERVISOR BECKNEK: That's correct.

22 BY SUPERVISOR BECKNEK:

23 Q And that's what you testified to, right?

24 A Yeah.

1 MR. HERBERT: Do you understand that? Just so we're
2 clear.

3 SERGEANT MUHAMMAD: Yeah, it's about -- it's behind
4 it. It's not right directly behind it --

5 SUPERVISOR BECKNEK: Exactly.

6 SERGEANT MUHAMMAD: -- but it's there.

7 SUPERVISOR BECKNEK: Like you said, about 25 feet
8 behind, where this red vehicle is depicted --

9 SERGEANT MUHAMMAD: Possibly.

10 SUPERVISOR BECKNEK: -- in Exhibit 3.

11 SERGEANT MUHAMMAD: Right.

12 SUPERVISOR BECKNEK: Okay.

13 BY SUPERVISOR BECKNEK:

14 Q At that point in time, when you see him behind
15 that vehicle, is he attempting to hide from you? Is he
16 trying to open the vehicle? What is he doing?

17 A I really don't remember. I just know he was by
18 the vehicle in a way that just alerted me, knowing it's
19 not his vehicle. I don't know this guy, he's at my
20 neighbor's vehicle, what is he doing? Let me go see what
21 he's doing.

22 Q And you stated that earlier, the green vehicle
23 you know to be your neighbor's vehicle?

24 A Right.

1 Q Who is Nate?

2 A Nate, right.

3 Q Right? Okay. And Nate presumably lives in the
4 house next to yours, here?

5 A Right, right here.

6 Q Okay. That individual that you see -- I know
7 you get closer to him and you can actually see him, but
8 when you're about to turn into the alley a little bit
9 further down the street, can you identify this
10 individual? Can you see him from that far?

11 A I could see it's someone that I know that
12 doesn't -- that I've never seen before.

13 Q Tell me how you can identify that?

14 A I want to say he may have had a light shirt on
15 and I know what Nate looks like, he's an older guy. I
16 know what his wife looks like, she's an older lady. I
17 know that was not Nate. And my house being right next to
18 it, there's nobody that lives there at my house, so --

19 Q And immediately prior to this, you saw a
20 vehicle on the east side of the street that had its
21 lights on?

22 A Right.

23 Q A white vehicle.

24 A Right.

1 Q You can't recall at this point whether or not
2 there is anyone in the vehicle, but the lights were on.

3 A Right.

4 Q And did that raise your suspicion?

5 A Yes.

6 Q Why?

7 A I've never seen the vehicle before given --
8 this white vehicle I've never seen before on 5:00 o'clock
9 in the morning which usually nobody out, and to see this
10 guy down by Nate's vehicle that I don't recognize. So
11 I'm like, this doesn't look right. I need to go find out
12 what's going on -- see what's going on.

13 Q So at that same time that you're about to turn
14 into the alley, you can see both the white vehicle on the
15 east side of the street with its lights on, and you can
16 see the individual up the road a little bit further,
17 who's around at your point, behind Nate's vehicle?

18 A I don't know if I could see them at the same
19 time. I mean, I see the white vehicle as I'm turning --
20 the white vehicle (inaudible 0:45:47.1) turn the alley.
21 Oh, shit, who is this? And that's when I see him.

22 Q So in that process, that couple of seconds in
23 time, you're able to identify both?

24 A Right.

1 Q And your suspicion is raised when you see this
2 individual by Nate's vehicle that you know not to be
3 Nate?

4 A Right.

5 Q What was your intention when you wanted to
6 speak with this suspect?

7 A Just to find out who he was and why was he
8 standing by Nate's vehicle and what was he doing.

9 Q At that -- I'm sorry, did I cut you off?

10 A No, I was just saying, "What was he doing?"

11 Q Sure. When you did get to this individual --
12 when you made your way up to him, can you see him?

13 A When I get up to him?

14 Q Yes.

15 A Yeah.

16 Q Okay. How far away are you from him?

17 A Oh, once I get up and say what I say?

18 Q Correct.

19 A Oh, maybe 5, 7 feet --

20 Q Okay.

21 A -- from him. I'm in the driver's seat, he's in
22 the street.

23 Q Can you see his face?

24 A Yeah. I mean, I see his face; I couldn't tell

1 you what it looks like and expressions he would make, I
2 didn't know anything like that.

3 Q Male, black?

4 A Right.

5 Q He looked young to you?

6 A Early 20s.

7 Q He didn't appear to be a minor?

8 A No.

9 Q And like you said, you're just going to ask him
10 some questions at that point?

11 A Right.

12 Q To determine why he's standing next to your
13 neighbor's car?

14 A Right.

15 Q You indicated that there had been a burglary of
16 actually, one of the individuals who's under you at the
17 police department? I wrote down her name, but what is
18 it?

19 A Tiffany Rodriguez. I mean it's -- she's like
20 on 100 -- Hayle, maybe.

21 Q Okay. So, I was going to ask but -- not her
22 approximate address, of course --

23 A Oh.

24 Q -- but she lives in the area of 130th and

1 Hayle?

2 A 115th maybe -- and Hayle.

3 Q 115th and Hayle?

4 A 118th, I mean.

5 Q Okay.

6 A Yeah.

7 Q So for the most part, same neighborhood?

8 A Right.

9 Q Okay. And you knew her car to have recently
10 been broken into?

11 A Right.

12 Q Did you say her duty weapon was stolen?

13 A No, her off-duty; I think it was just one of
14 her undercover weapons.

15 Q Did you know or were you aware of any other
16 threats to your neighborhood?

17 A Yeah, I mean, people getting their vehicles
18 broken into. I remember talking to her specifically -- I
19 know we're just talking about people just going by
20 checking car doors to see if they're open and just going
21 into them. So you know, of course it raises your
22 suspicion if you see someone in the neighborhood that's
23 not supposed to be there, and then it just happens. So
24 it's like -- let me see what's going on.

1 Q And that's why you wanted to talk to him?

2 A Right.

3 Q The suspect at the time.

4 A Yes.

5 Q Can you identify for me where your vehicle was
6 when you first saw him, and you said, "Police, what are
7 you doing?"

8 MR. HERBERT: And we're on Exhibit 3 still?

9 SUPERVISOR BECKNEK: Correct.

10 MR. HERBERT: You want him to mark where his vehicle
11 was when he first saw the subject.

12 SUPERVISOR BECKNEK: And said to the subject,
13 "Police."

14 SARGEANT MUHAMMAD: Probably right here, just by the
15 car.

16 SUPERVISOR BECKNEK: Can you write, "Car" for me?

17 BY SUPERVISOR BECKNEK:

18 Q So you're essentially perpendicular with him,
19 and you said about 5 to 7 feet I think you said?

20 A Yeah, from the car to the street.

21 Q So you can clearly identify the kid, and he
22 does not respond to you?

23 A Right.

24 Q He takes off south?

1 A Right.

2 Q At that moment in time, do you see anything in
3 his hands?

4 A No. I mean, I'm in the vehicle and he's on the
5 street, and I say what I say, he takes off running, I
6 don't -- I mean, I'm looking through my rearview mirror
7 like, where is this kid going? Oh shit, maybe he's
8 trying to get back to his car. Did he just do something,
9 just trying to get back to take off, or what?

10 Q At that point in time, you believe that there
11 is potentially a connection between this white vehicle
12 with the lights running, and the suspect, at the time,
13 who is by your neighbor's car.

14 A Right.

15 Q And were you able to see his hands?

16 A No. I mean, he's running.

17 Q No, I mean -- I'm sorry, I apologize for that
18 question.

19 With regard to where we are in Exhibit 3, where you
20 marked "car" and you marked "subject", you're
21 approximately 5 to 7 feet from him, and you're
22 perpendicular -- I presume, correct me if I'm wrong --
23 your driver's side window, which is down, and he's here
24 and you say, "Police, what are you doing?" Is that

1 correct?

2 A Right.

3 Q At that point in time, can you see his whole
4 body?

5 A I -- honestly, I don't remember.

6 Q Is he behind the vehicle, or is he directly in
7 front of that green vehicle?

8 A He's right at the rear driver's side, street
9 side -- I mean like at the corner of the vehicle.

10 Q Okay. So presumably, his body would have been
11 -- you would have been able to see his whole body. He
12 wasn't hiding behind the car at the moment you were
13 talking to him?

14 A No, at that point, no.

15 Q He may or may not have been hiding prior to you
16 rolling up on him, but at the time that you speak to him,
17 you can see his whole body?

18 MR. HERBERT: Well, he can see one side of his body.

19 SARGEANT MUHAMMAD: Yeah, yeah.

20 SUPERVISOR BECKNEK: Yeah, I apologize.

21 SARGEANT MUHAMMAD: Right.

22 SUPERVISOR BECKNEK: You could see the front of his
23 body, as he's speaking to you.

24 SERGEANT MUHAMMAD: Right.

1 SUPERVISOR BECKNEK: Okay.

2 BY SUPERVISOR BECKNEK:

3 Q And you didn't see anything in his hands?

4 A Not that I can recall.

5 Q You may have answered this already but, do you
6 recall what he was wearing?

7 A No. Maybe a light shirt, I don't know. That's
8 all I remember.

9 Q Okay. Summertime t-shirt? He wasn't wearing a
10 jacket, was he?

11 A I don't think so.

12 Q Okay. Shorts?

13 A I don't -- I can't recall.

14 Q If you don't recall, you don't recall. Did you
15 see anything else on him that raised suspicion with
16 regard to him in particular? Not necessarily his
17 actions, but him?

18 A Not from when I initially -- yeah, I didn't get
19 a chance, you know. It was -- when I rolled up, "Hey,
20 I'm the police, what are you doing?" He takes off. You
21 know, he gets to where he's at, I'm, "Chicago police
22 officer, let me see your hands. Chicago police, let me
23 see your hands," and then he goes and does what he does.
24 It's just that fast.

1 Q Okay. With regard to Exhibit 3, the precise
2 point in time where you're in your vehicle and you're
3 looking directly at him; how long does that take?

4 A Say it once more, please?

5 Q Sure. In the exact, precise time where you're
6 in your vehicle, where you've marked in Exhibit 3, and
7 the suspect is standing -- or, he's standing, as you've
8 marked in Exhibit 3; how long does that conversation --
9 and I'm using the term, "conversation" liberally, how
10 long does that take place?

11 MR. HERBERT: Just so I'm clear. How long does it
12 take place before the guy takes off running?

13 SUPERVISOR BECKNEK: Absolutely.

14 SERGEANT MUHAMMAD: It seemed like it was right as
15 soon as I said, "I'm the police, what are you doing?" He
16 takes off.

17 BY SUPERVISOR BECKNEK:

18 Q And you said, just like you said it right
19 there: "Police, what are you doing?" Boom, he runs?

20 A I believe so, yeah. "I'm the police, what are
21 you doing?" And takes off.

22 Q And at that moment, what were you thinking?

23 A "Shit, what did this dude just do? He's trying
24 to get back to his vehicle to get away?" You know, I

1 don't know him, I don't know the vehicle. Is it tied up
2 with the people who get their stuff broken into? Let me
3 find out what's going on. I don't know, I just reacted
4 as the "police."

5 Q Sure. But at that point in time, just to be
6 clear, you didn't see anything in his hands: Any
7 utensils that would have been used to break open a car, a
8 home, any products or items that he would have stolen
9 from a house or a car?

10 MR. HERBERT: I got to object here and put it on the
11 record.

12 First of all, he's charged -- or, he's alleged in
13 this case to have used unreasonable force. We don't know
14 what force IPRA (sic) is referring to, but we can assume
15 that it's the use of deadly force.

16 They didn't allege that he used an unreasonable
17 force in seizing him, so none of these questions are
18 relevant to the allegation here, which is the use of
19 force.

20 Second of all, he's gone through this story at least
21 4, 5 times about the situation. So at some point, I'm
22 just telling you that I'm going to instruct my client to
23 say that he rests on his previous answer.

24 SUPERVISOR BECKNEK: He's been consistent counsel,

1 and it does say in the allegation that it's shooting of
2 Riccardo Hayes. Clearly what your client was thinking
3 along the way, is relevant to how we get to the actual
4 incident. And to be honest with you, he's been very
5 consistent. So --

6 BY SUPERVISOR BECKNEK:

7 Q We're going to move on from Exhibit 3, and
8 we're going to move to Exhibit No. -- I'm going to mark
9 for you what is Exhibit No. 4.

10 Exhibit No. 4 is a Google image; it's taken from
11 10932 South Hermosa. Do you recognize this as facing
12 straight south down Hermosa Avenue?

13 A Yes.

14 Q And does the suspect run according to you, down
15 Hermosa, down the middle of the street?

16 A Yes, until he comes on the sidewalk.

17 Q Could you mind marking for me with a line, the
18 direct pattern that the suspect takes, and to the best of
19 your recollection, where he crosses to go into the
20 sidewalk? I know it's an approximation.

21 A Say, maybe behind this gray car.

22 Q Okay. And from what you've marked in Exhibit
23 No. 4, he's running down south Hermosa, he runs behind
24 the red car, and he jumps up on the sidewalk, correct?

1 A Right.

2 MR. HERBERT: Just so we're clear, the red car --
3 we're not saying the red car was there the night of the
4 shooting?

5 SUPERVISOR BECKNEK: That's correct, that's correct.

6 MR. HERBERT: So he ran in that area where the red
7 car is depicted in Exhibit 4.

8 SUPERVISOR BECKNEK: Absolutely.

9 MR. HERBERT: Okay.

10 SUPERVISOR BECKNEK: If I had this photograph from
11 an ET, I would have showed it to you. But unfortunately,
12 I don't.

13 MR. HERBERT: I just want to make sure we're -- the
14 record's clear, you know.

15 SUPERVISOR BECKNEK: Right. We are now going to get
16 -- a couple of the photographs are from the ET, so it's
17 the night of the actual shooting, with the cars that are
18 in place at the time.

19 BY SUPERVISOR BECKNEK:

20 Q We are going to mark for this one, what is
21 going to be Exhibit No 5, and this is one of the
22 photographs that is taken by the ETs that evening.

23 Do you recognize what is depicted in this
24 photograph?

1 A It's depicted that that's the white car. I
2 mean, I notice this is the area.

3 Q Right. Does this appear to you to be the white
4 car that had its lights on?

5 A It could be. You just got like a quarter of a
6 car, so --

7 Q Sure. And of course, the lights are on at this
8 time and it's, you know, the next morning when the ETs
9 are out there. But appears to be the car in the location
10 that you thought it would be in? Or that you testified,
11 was in?

12 A I would assume so.

13 Q Okay. And you know, as you stated earlier,
14 that car was, you know, approximately 25 feet or so from
15 where Mr. Hayes eventually stopped, correct?

16 A Wait, said that again?

17 Q Sure. You testified earlier that he goes past
18 this white car, by about 25 feet, correct?

19 A I don't remember saying that part. I know he -
20 - if this is the white car, he ran up on the sidewalk in
21 this area somewhere.

22 Q Sure. Do you mind marking for me where you
23 believe Riccardo Hayes was at the moment that you
24 interacted with him, immediately prior to the shooting?

1 MR. HERBERT: Real quick. For the record -- if my
2 client is making his determination based upon the
3 assumption that this is the white vehicle, and that this
4 white vehicle is parked in the same spot it was that
5 night, I want that to be clear, that that is the
6 assumption he is making.

7 SUPERVISOR BECKNEK: I will go one step further.
8 It's not just an assumption, that's the white vehicle and
9 it had not been moved.

10 Did you guys want to take a break?

11 MR. HERBERT: Yes, we'll take a break real quick.

12 INVESTIGATOR KILLEN: We're going to pause.

13 (Statement was paused for a break.)

14 BY INVESTIGATOR KILLEN:

15 Q All right, this is a continuation of Sergeant
16 Muhammad's statement.

17 BY SUPERVISOR BECKNEK: Okay Sergeant Muhammad, we're on
18 Exhibit No. 5, and we've marked it as Exhibit No. 5. I
19 just want you to reflect in this photograph with an "S",
20 where the subject was standing immediately prior to your
21 firearm being discharged.

22 A I'm assuming that this white car hadn't been
23 moved. When I seen it initially, I want to say it was
24 maybe in this area here.

1 Q Can you mark it with an "S"?

2 MR. HERBERT: Okay. Like my client said, for him to
3 make the determination of where that individual was, he
4 is assuming that the white vehicle in Exhibit 5, is the
5 white vehicle that he's already testified about, and that
6 white vehicle, as depicted in Exhibit No. 5, is in the
7 exact, same position as it was in which my client first
8 experienced that vehicle with that individual being
9 there.

10 SUPERVISOR BECKNEK: I believe, yes. We've made
11 that clear.

12 MR. HERBERT: But the point is, we don't know --
13 there's not enough foundation for us to say that this is
14 an accurate photo of the time in which he experienced it,
15 so we're saying that we're making these assumptions and
16 that if it turns out those assumptions are wrong, then
17 that explains the discrepancy in the testimony.

18 SUPERVISOR BECKNEK: We understand that.

19 BY SUPERVISOR BEKNEK:

20 Q Can you mark for me where your vehicle would
21 have been with a "BEH"?

22 So again, in that moment in time, in Exhibit No. 5,
23 you were again, perpendicular with the suspect we now
24 know to be Riccardo Hayes?

1 A Yes.

2 Q And you're how much distance, approximately?

3 A I'd say about 15, 20 feet; 15 to 20 feet.

4 Q And at that point in time, what do you say to
5 Riccardo Hayes?

6 A "Chicago police, let me see your hands."

7 Q And it's my understanding -- you stated earlier
8 that you said that as you were driving up to him, and
9 then, you said it again as you stopped the car, and
10 you're perpendicular with Riccardo Hayes?

11 A I believe so. I know I said it multiple times,
12 so --

13 Q At that point in time, is Riccardo Hayes -- and
14 this is immediately prior to the discharge of your
15 firearm -- is he standing perpendicular, standing,
16 looking at you, as we reflected in the initial incident?

17 A I don't think he's standing right at me,
18 because I -- what I recall is him turning towards me, so
19 --

20 Q So kind of at an angle?

21 A Yeah.

22 Q And Riccardo Hayes does what?

23 A He goes to the -- with his right hand, he goes
24 to the rear waistband area of his whatever he was

1 wearing, and he's pulling something dark object out from
2 his waistband area, that would be consistent with someone
3 pulling a weapon.

4 Q And does he get the chance to pull that object
5 -- I think you said, black object, all the way out of his
6 waistband area?

7 MR. HERBERT: I need to object to vagueness of the
8 question.

9 Do you understand the question?

10 Does he pull it all the way out?

11 BY SUPERVISOR BECKNEK: Does he pull it all the way out?
12 Where does he get to, with his arm, with that black
13 object?

14 MR. HERBERT: Prior to him shooting?

15 SUPERVISOR BECKNEK: Prior to -- Sergeant, let me ask
16 you.

17 SERGEANT MUHAMMAD: Well, he's pulling out what I
18 think -- like I said, what I think is a gun. He gets it
19 to where -- I mean I know it's something which I think is
20 a weapon, in his hand. Or I can tell it's -- I know it's
21 something in his hands, which I think is a weapon.

22 BY SUPERVISOR BECKNEK: And that's my question: It's no
23 longer behind him or within his waistband, it's out --

24 A Right, now it's out.

1 Q -- to the side --

2 A Right.

3 Q -- as if he would be carrying something in his
4 right hand?

5 A Right. Like he was carrying a gun.

6 Q What do you perceive that to be?

7 A A gun.

8 Q And what is that based on?

9 A My experience, my training, consistent with
10 people that carry guns. We carry guns in the waistband
11 area, and just the way he was pulling it out.

12 Q Is there artificial lighting in this area?

13 A Yes. Oh, yeah.

14 Q So you could clearly see Riccardo Hayes?

15 A I couldn't say "clearly," it was still dark and
16 I don't remember, it may have been on or not. I mean,
17 it's still 5 in the morning and it's dark.

18 Q Could you see him fairly well?

19 MR. HERBERT: I'm just going to object to that.
20 What we mean by "fairly well," he's already testified on
21 how he could see him. You can answer it if you
22 understand. You see him "fairly well?"

23 SERGEANT MUHAMMAD: Yeah, I see him. I mean, I know
24 it's him, the same guy that I initially --

1 BY SUPERVISOR BECKNEK:

2 Do you see his face?

3 A Yeah.

4 Q Can you describe his face at all? Wearing a
5 hat?

6 A I don't think he was wearing a hat.

7 Q But you believe it to be the same individual?

8 A Absolutely.

9 Q And you got a fair look at him twice?

10 A Initial and then this time, yes.

11 Q All right. You stated earlier that you did get
12 out of your vehicle --

13 A Uh-huh.

14 Q -- but you don't go towards that black object;
15 is that correct?

16 A Correct.

17 Q Why?

18 A I'm focused on him at this point, and I know I
19 got out. I don't know how close I got out. I know I
20 didn't recover anything, I just got out and my kind of
21 focus is him.

22 Q And you see him continue to run?

23 A Right.

24 Q And he runs across -- what is that street, I'm

1 sorry?

2 A This is Chelsea.

3 Q Chelsea; he runs across Chelsea. Does he
4 continue down that sidewalk of Morgan Park -- on Hermosa?

5 A Yes. On Hermosa, yes.

6 Q You get out of your vehicle -- I know you
7 testified to this a few times -- but you didn't step a
8 distance away from your vehicle, you were in the vicinity
9 of your vehicle.

10 A Absolutely.

11 Q You stated earlier that you saw a black object
12 fly out of his hand after you fired.

13 A Right.

14 Q Did you see it fall on the ground?

15 A I didn't even pay attention, I don't know. It
16 just -- something flipped up, he took off running -- I'm
17 focused on him.

18 Q Did you believe him to still have that weapon?

19 MR. HERBERT: At what point? After he started
20 running?

21 SUPERVISOR BECKNEK: Correct.

22 SERGEANT MUHAMMAD: I wasn't sure.

23 BY SUPERVISOR BECKNEK:

24 Q Why did you not go and see whether or not it

1 was a weapon, a cell phone, any other potential black
2 object that it could have been?

3 A I was focused on taking him into custody, so --
4 and it wasn't no one else that I thought or knew or seen
5 out there, so --

6 Q Approximately how long were you standing
7 outside of your vehicle, watching Mr. Hayes running down
8 the street?

9 A Seconds.

10 Q And then after those few seconds, you jumped
11 back in the car, and do you floor it to catch up to him?

12 A Right -- no, I didn't have to floor it; I mean,
13 he's running, so once I seen him pass Chelsea, I just got
14 back in the vehicle. I don't think I was flooring it,
15 because I just kind of tracking to see where he's going
16 to go.

17 Q Yeah.

18 A You know, does he still see me? I don't know;
19 is he going to go somewhere and just try to hide? I
20 don't know.

21 Q Was he moving pretty good?

22 MR. HERBERT: I'm going to object to that; whatever
23 that means.

24 SERGEANT MUHAMMAD: Relative to what?

1 SUPERVISOR BECKNEK: Was he running fast?

2 SERGEANT MUHAMMAD: That's kind of relative.

3 SUPERVISOR BECKNEK: Okay.

4 SERGEANT MUHAMMAD: I mean, not fast enough for a
5 vehicle.

6 SUPERVISOR BECKNEK: Of course not, right?

7 BY SUPERVISOR BECKNEK:

8 Q Where do you catch up to him? Is it in the
9 middle of the block? Was it on Hermosa in Morgan Park,
10 or is it all the way when he gets to the high school?

11 A When I gets to the high school.

12 Q Okay. At that point in time, you stated
13 earlier that you took him into custody.

14 A Right.

15 Q You jumped out of your vehicle?

16 A Right.

17 Q Did you have to tackle him?

18 A No.

19 Q What was he doing?

20 A I guess he may have been out of breath, I don't
21 know. I felt trapped in the vehicle. I jumped out,
22 "Chicago police, get on the ground, Chicago police, get
23 on the ground," and at that point, I guess he complied.

24 Q Did he put his hands up and get on the ground?

1 A Right.

2 Q So he just -- at that point in time, somewhere
3 along that grassy area, he puts his hands up and jumps on
4 the ground?

5 A Jumps on the ground, right.

6 Q At that point, do you still believe he has a
7 weapon?

8 A I don't know. I mean, his hands were away from
9 his body.

10 Q But you believed when you fired, that he had a
11 weapon and you feared for your life?

12 A Absolutely.

13 Q You didn't get out and check for that weapon?

14 A No, I was just trying to --

15 Q When you catch up to him, are you still in fear
16 that he has a weapon?

17 A I wasn't sure, but he had complied at that
18 point, so I pretty much felt like I was in control.

19 Q Did you search him?

20 A Maybe just a cursory. I can't remember exactly
21 what I did. You know, he's down, I got him.

22 Q Does he say anything to you at all, throughout
23 either incident -- when I say "incident," time that you
24 indicated to him that you were a police officer, and he

1 ran. At either point in time, does he ever say anything
2 to you?

3 A Say it again, when he?

4 Q Sure. Let's just take it one by one: The
5 first point in time, when you say, "Police, what are you
6 doing?" does he say anything?

7 A No.

8 Q The second point in time, when he stops and
9 does the actions that you've testified that he did reach
10 behind his back pocket area, waistband area, does he say
11 anything to you?

12 A Not that I can recall, no.

13 Q When you fire, do you say anything at all?

14 A When I fire?

15 Q When you fire.

16 MR. HERBERT: Other than what he's testified to?

17 SUPERVISOR BECKNEK: Yes. No, we're beyond the
18 point in time where he says, "Chicago police, let me see
19 your hands." Do you say anything to him immediately
20 before or after firing, after you say, "Chicago police,
21 let me see your hands?" Anything happen?

22 A I believe that's the only thing I -- that was
23 said that I can recall.

24 Q Were you surprised that he was pulling

1 something out of his --

2 A Hell, yeah. It scared the shit out of me. I
3 mean, even going through this, I think about it and I
4 tense up because you know, have you ever had your life --
5 sorry.

6 MR. HERBERT: Just relax. For the record, he's
7 getting emotional.

8 SUPERVISOR BECKNEK: Do you want to take a quick
9 break?

10 Do you guys want to take a quick break?

11 MR. HERBERT: No, we'd rather keep going.

12 SUPERVISOR BECKNEK: We'll take a quick break.

13 (Statement was paused for a break.)

14 SUPERVISOR BECKNEK: We're back on the record.

15 BY SUPERVISOR BECKNEK:

16 Q When you called 9-1-1, you said that you had
17 your cell phone in your pocket, correct?

18 A Yes.

19 Q Was your cell phone in your pocket for the
20 entirety of this incident?

21 A I would assume so, yeah.

22 Q Yeah. I mean, you don't recall it being
23 anywhere else -- your cell phone?

24 A Oh, my cell phone?

1 Q Yes.

2 A No.

3 Q It was in your pocket?

4 A Yes.

5 Q Okay. You only fired twice, correct?

6 A I assume so, from what they told me.

7 Q At any point in time, did you ever think that
8 you needed to reload and get a new mag, or anything like
9 that?

10 A No.

11 SUPERVISOR BECKNEK: That's it for me.

12 BY INVESTIGATOR KILLEN:

13 Q The only question I have -- I know you said
14 when you fired, you know, the best of your recollection
15 is one hand and through the window; you're left-handed,
16 right?

17 A Yes.

18 Q So you're kind of at a disadvantage with the
19 door being right there on your left side, correct?

20 A Yes.

21 Q So you thought maybe you may have leaned back
22 out the window?

23 A To the side or whatever.

24 Q Leaned to your right and fired your weapon.

1 Had you hit him? I know you said when he took off
2 running you didn't think you hit him then, right?

3 A I wasn't sure.

4 Q Right. But he didn't fall down and he --

5 A No, he started running.

6 Q -- he ran another block or so?

7 A Right.

8 Q Had you hit him at that moment, where do you
9 think you would have hit him?

10 A I don't know.

11 Q Was he facing you, back to you, anything like
12 that?

13 A No, he was facing me.

14 Q Okay.

15 A (Inaudible 1:10:41.5).

16 Q Okay. So he wasn't running away from you at
17 that point, was he?

18 A No.

19 Q Okay. Is there anything you'd like to add?
20 Anything you want to bring up that you think might be
21 important that we didn't?

22 A I mean, you're in a situation like this where
23 you fear for your life, you think about your family, and
24 it's a quick-second decision based on your training and

1 what a (inaudible 1:11:03.7) person grabs at their waist,
2 is consistent with someone pulling or drawing a weapon,
3 and I'm feeling like I'm about to be killed and taken
4 away from my family, and I just reacted and go in a
5 police mode, based on my training, period.

6 Q Anything else you'd like to add Sarge?

7 A No.

8 Q All right. Everything you stated is a true and
9 accurate account of what occurred?

10 A Absolutely.

11 INVESTIGATOR KILLEN: All right. This concludes the
12 audio-recorded interview with Sergeant Khalil Muhammad,
13 regarding Log No. 1086285, U# 17-017. Today is the 22nd
14 of September, 2017, and the time is approximately 1344
15 hours.

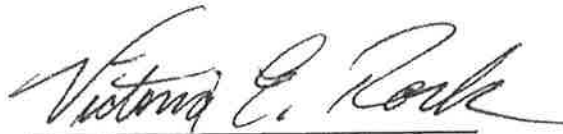
16 (STATEMENT ENDED)

1 STATE OF ILLINOIS)
2) SS
3 COUNTY OF C O O K)
4

5 I, VICTORIA E. ROCK, a Notary Public, Certified
6 Shorthand Reporter and President of Victoria Legal +
7 Corporate Services, do hereby certify that I caused
8 this audio recording to be transcribed.

9 I further certify that the foregoing is a true
10 and correct transcription to the best of my ability;
11 and further, that I am not counsel for nor in any
12 way interested in the outcome thereof.

13
14 IN TESTIMONY WHEREOF, I have hereunto set my
15 hand this 15th day of September, 2017.

16
17 
18

19 **VICTORIA E. ROCK**

20 Notary Public, Cook County, IL

21 C.S.R. License No. 084-001929

22 LOG# 1086285
23 Attachment 145