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Reporting Category

Category	Subcategory	Situation	Victim/Offender Armed?	Weapon Types	Weapon Other	Weapon Recovered?	Deceased?
18B FIREARM DISCHARGE WITH HITS / OFF DUTY	FIREARM DISCHARGE WITH HITS - HANDGUN	-	No	-	-	No	No

row(s) 1 - 1 of 1

Log No: 1086285 Type:CR, U

Accused Members

Review Name	Status	Accused Overall Finding	Recommended Penalty	No. of Days	Date/Time Served	Created Date	Complimentary History
View MUHAMMAD, KHALIL	PENDING POLICE BOARD HEARING	SUSTAINED	SUSPENSION	180	-	15-AUG-2017	View

row(s) 1 - 1 of 1

Attachments

No.	Type	Related Person	No. of Pages	Narrative	Original in File	Entered By	Entered Date/Time	Status	Approve Content?	Approve Inclusion?
View 1	FACE SHEET	N/A	-	-	-	ZACHAR, STEPHANIE	AUG-13-2017 06:15	-	-	-
View 2	CONFLICT CERTIFICATION	N/A	-	-	-	HENNARD, JACQUELINE	AUG-23-2017 11:43	-	-	-
View 3	CONFLICT CERTIFICATION	N/A	1	Supervisor Conflict Certificate	YES	HENNARD, JACQUELINE	SEP-07-2017 14:06	APPROVED	-	YES
View 4	REPORT (OTHER)	N/A	3	Preliminary Report	YES	HENNARD, JACQUELINE	MAR-28-2018 11:24	APPROVED	-	YES
View 5	REPORT (OTHER)	N/A	6	Original Case Incident Report	NO	WILLIAMS, TAKEYLA	AUG-18-2017 16:17	APPROVED	-	YES
View 6	TACTICAL RESPONSE REPORT (TRR)	N/A	4	Tactical Response Report	NO	WILLIAMS, TAKEYLA	AUG-18-2017 16:21	APPROVED	-	YES
View 7	OFFICERS BATTERY REPORT	N/A	1	Officer's Battery Report	NO	WILLIAMS, TAKEYLA	AUG-18-2017 16:25	APPROVED	-	YES
View 8	OEMC EVENT QUERY	N/A	12	Event Query Report	NO	WILLIAMS, TAKEYLA	AUG-18-2017 16:26	APPROVED	-	YES
View 9	OEMC EVENT QUERY	N/A	4	CFD Event Query Report	NO	WILLIAMS, TAKEYLA	AUG-18-2017 16:27	APPROVED	-	YES
View 10	GPS DATA	N/A	24	GPS Report	NO	WILLIAMS, TAKEYLA	AUG-18-2017 16:30	APPROVED	-	YES
View 11	OEMC EVENT QUERY	N/A	30	PDT Report	NO	WILLIAMS, TAKEYLA	AUG-18-2017 16:44	APPROVED	-	YES
View 12	TO/FROM REPORT	N/A	1	Re: [REDACTED] cell phone	NO	WILLIAMS, TAKEYLA	AUG-18-2017 16:50	APPROVED	-	YES
View 13	REQUEST FOR INTERVIEW/STATEMENT/REPORT	N/A	1	Request for Interview for [REDACTED]	NO	WILLIAMS, TAKEYLA	AUG-18-2017 16:53	APPROVED	-	YES
View 14	REQUEST FOR INTERVIEW/STATEMENT/REPORT	N/A	1	Request for Interview [REDACTED]	NO	WILLIAMS, TAKEYLA	AUG-18-2017 16:54	APPROVED	-	YES
View 15	TO/FROM REPORT	N/A	1	Re: photographs and video of the scene	NO	WILLIAMS, TAKEYLA	AUG-18-2017 16:55	APPROVED	-	YES
View 16	TO/FROM REPORT	N/A	1	Re: Photographs of Subject and collection of shirt	NO	WILLIAMS, TAKEYLA	AUG-21-2017 09:18	APPROVED	-	YES
View 17	TO/FROM REPORT	N/A	1	Re: Canvass of Hospital	NO	WILLIAMS, TAKEYLA	AUG-21-2017 09:19	APPROVED	-	YES
View 18	TO/FROM REPORT	N/A	3	Re: 14 August 2017 Canvass of S. Hermosa	NO	WILLIAMS, TAKEYLA	AUG-21-2017 09:20	APPROVED	-	YES

View	19	CONSENT FOR AUDIO RECORDED INTERVIEW	N/A	1	Consent to Record for [REDACTED]	NO	WILLIAMS, TAKEYLA	AUG-21-2017 09:21	APPROVED	-	YES
View	20	AUDIO INTERVIEW	N/A	1	Interview of [REDACTED]	NO	WILLIAMS, TAKEYLA	AUG-21-2017 09:23	APPROVED	-	YES
View	21	SWORN AFFIDAVIT - NOT REQUIRED	N/A	2	Affidavit of [REDACTED]	NO	WILLIAMS, TAKEYLA	AUG-21-2017 09:25	APPROVED	-	YES
View	22	CONSENT FOR AUDIO RECORDED INTERVIEW	N/A	1	Consent to Record for [REDACTED]	NO	WILLIAMS, TAKEYLA	AUG-21-2017 09:25	APPROVED	-	YES
View	23	AUDIO INTERVIEW	N/A	1	Interview of [REDACTED]	NO	WILLIAMS, TAKEYLA	AUG-21-2017 09:26	APPROVED	-	YES
View	24	SWORN AFFIDAVIT - NOT REQUIRED	N/A	2	Affidavit of [REDACTED]	NO	WILLIAMS, TAKEYLA	AUG-21-2017 09:27	APPROVED	-	YES
View	25	TO/FROM REPORT	N/A	1	Re: Encounter with Muhammad	NO	WILLIAMS, TAKEYLA	AUG-21-2017 09:28	APPROVED	-	YES
View	26	TO/FROM REPORT	N/A	2	Re: Encounter with Muhammad	NO	WILLIAMS, TAKEYLA	AUG-21-2017 09:29	APPROVED	-	YES
View	27	TO/FROM REPORT	N/A	1	Re: Attempt to obtain video from 10927 S. Hermosa	NO	WILLIAMS, TAKEYLA	AUG-21-2017 09:29	APPROVED	-	YES
View	28	LETTER TO COMPLAINANT	N/A	1	Notice of investigation to Subject's Attorney	NO	WILLIAMS, TAKEYLA	AUG-21-2017 09:30	APPROVED	-	YES
View	29	TO/FROM REPORT	N/A	1	Letter to Muhammad re notice of investigation	NO	WILLIAMS, TAKEYLA	AUG-21-2017 09:32	APPROVED	-	YES
View	30	TO/FROM REPORT	N/A	1	MIN Report request	NO	WILLIAMS, TAKEYLA	AUG-21-2017 09:32	APPROVED	-	YES
View	31	INVENTORY SHEET	N/A	24	JA389109	NO	WILLIAMS, TAKEYLA	AUG-21-2017 09:35	APPROVED	-	YES
View	32	TO/FROM REPORT	N/A	1	Re: Follow up phone call with [REDACTED]	NO	WILLIAMS, TAKEYLA	AUG-21-2017 09:36	APPROVED	-	YES
View	33	TO/FROM REPORT	N/A	1	Re: SI call from Sgt. Muhammad	NO	WILLIAMS, TAKEYLA	AUG-21-2017 09:36	APPROVED	-	YES
View	34	VIDEO RECORDING	N/A	1	Video of scene from 14 Aug 17- disc in file	YES	HENNARD, JACQUELINE	MAR-30-2018 13:03	APPROVED	-	YES
View	35	PHOTOGRAPH	N/A	53	Photographs of Hayes and clothing-taken by IPRA- Disc in file	NO	WILLIAMS, TAKEYLA	AUG-21-2017 10:11	APPROVED	-	YES
View	36	PHOTOGRAPH	N/A	125	Photos of scene-taken by IPRA- disc in file	NO	WILLIAMS, TAKEYLA	AUG-21-2017 10:20	APPROVED	-	YES
View	37	PHOTOGRAPH	N/A	80	Photographs of scene-taken by IPRA- disc in file	NO	WILLIAMS, TAKEYLA	AUG-21-2017 14:57	APPROVED	-	YES
View	38	VIDEO RECORDING	N/A	1	Video footage of scene-taken by IPRA-disc in file	NO	WILLIAMS, TAKEYLA	AUG-21-2017 15:09	APPROVED	-	YES
View	39	PHOTOGRAPH	N/A	82	Photographs of scene-taken by IPRA- disc in file	NO	WILLIAMS, TAKEYLA	AUG-21-2017 15:28	APPROVED	-	YES
View	40	VIDEO RECORDING	N/A	1	Video of scene-taken by IPRA- disc in file	NO	WILLIAMS, TAKEYLA	AUG-21-2017 15:37	APPROVED	-	YES
View	41	AUDIO RECORDING	N/A	1	EMS South 0455- 0551	YES	HENNARD, JACQUELINE	AUG-23-2017 11:49	APPROVED	-	YES
View	42	AUDIO RECORDING	N/A	1	FIRE South 0452-0646	YES	HENNARD, JACQUELINE	AUG-23-2017 11:53	APPROVED	-	YES
View	43	AUDIO RECORDING	N/A	1	911 Call	YES	HENNARD, JACQUELINE	AUG-23-2017 13:30	APPROVED	-	YES
View	44	AUDIO RECORDING	N/A	1	911 Call	YES	HENNARD, JACQUELINE	AUG-23-2017 13:31	APPROVED	-	YES
View	45	AUDIO RECORDING	N/A	1	CPD Radio transmission 0503-0603	YES	HENNARD, JACQUELINE	AUG-23-2017 14:40	APPROVED	-	YES
View	46	AUDIO RECORDING	N/A	1	CPD Radio Transmission 0603-0703	YES	HENNARD, JACQUELINE	AUG-23-2017 14:41	APPROVED	-	YES
View	47	OEMC EVENT QUERY	N/A	16	Event Query Report	YES	HENNARD, JACQUELINE	AUG-23-2017 14:48	APPROVED	-	YES

View	48	IAD SYNOPSIS REPORT	N/A	15	-	YES	HENNARD, JACQUELINE	AUG-23-2017 14:56	APPROVED	-	YES
View	49	REPORT (OTHER)	N/A	2	Response for BWC and ICC request	YES	HENNARD, JACQUELINE	AUG-23-2017 15:06	APPROVED	-	YES
View	50	CANVASS SHEETS	N/A	3	-	YES	HENNARD, JACQUELINE	AUG-28-2017 12:07	APPROVED	-	YES
View	51	OEMC EVENT QUERY	N/A	1	911 Call back	YES	HENNARD, JACQUELINE	AUG-28-2017 12:09	APPROVED	-	YES
View	52	CONSENT FOR AUDIO RECORDED INTERVIEW	N/A	1	Consent to Record for [REDACTED]	YES	HENNARD, JACQUELINE	AUG-28-2017 12:11	APPROVED	-	YES
View	53	AUDIO INTERVIEW	N/A	1	Interview of [REDACTED]	YES	HENNARD, JACQUELINE	AUG-28-2017 12:15	APPROVED	-	YES
View	54	AUDIO INTERVIEW	N/A	1	Interview of Officer Washington	YES	HENNARD, JACQUELINE	AUG-28-2017 12:17	APPROVED	-	YES
View	55	AUDIO INTERVIEW	N/A	1	Interview of Officer Hobbs	YES	HENNARD, JACQUELINE	AUG-28-2017 12:18	APPROVED	-	YES
View	56	REPORT (OTHER)	N/A	38	General Progress Reports	YES	HENNARD, JACQUELINE	AUG-28-2017 17:02	APPROVED	-	YES
View	57	REQUEST FOR INTERVIEW/STATEMENT/REPORT	N/A	1	Sgt. Fernandez	YES	HENNARD, JACQUELINE	AUG-29-2017 11:06	APPROVED	-	YES
View	58	WITNESS NOTIFICATION FOR FERNANDEZ, JOSEPH	WITNESS - FERNANDEZ, JOSEPH	-	-	-	HENNARD, JACQUELINE	AUG-29-2017 13:41	WITNESS ACKNOWLEDGED NOTIFICATION	-	-
View	59	CRIME SCENE PROCESSING REPORT	N/A	5	Crime Scene Processing Report	YES	HENNARD, JACQUELINE	JUN-04-2018 10:42	APPROVED	-	YES
View	60	CRIME SCENE PROCESSING REPORT	N/A	3	Crime Scene Worksheet	YES	HENNARD, JACQUELINE	AUG-30-2017 11:50	APPROVED	-	YES
View	61	REPORT (OTHER)	N/A	2	Administrative subpoena and preservation order	YES	HENNARD, JACQUELINE	AUG-30-2017 11:53	APPROVED	-	YES
View	62	REPORT (OTHER)	N/A	1	General Consent for Release of video evidence from [REDACTED]	YES	HENNARD, JACQUELINE	SEP-01-2017 10:03	APPROVED	-	YES
View	63	REPORT (OTHER)	N/A	2	Subpoena to produce surveillance footage and preservation order	YES	HENNARD, JACQUELINE	SEP-01-2017 10:04	APPROVED	-	YES
View	64	MEDICAL RECORDS	N/A	4	Correspondence re unable to process request for medical records	YES	HENNARD, JACQUELINE	SEP-05-2017 11:05	APPROVED	-	YES
View	65	MEDICAL RECORDS	N/A	72	Medical records for [REDACTED]	YES	HENNARD, JACQUELINE	SEP-05-2017 11:07	APPROVED	-	YES
View	66	SWORN AFFIDAVIT - NOT REQUIRED	N/A	1	Sworn Affidavit of Joan Marquardt	YES	HENNARD, JACQUELINE	SEP-05-2017 16:36	APPROVED	-	YES
View	67	CONSENT FOR AUDIO RECORDED INTERVIEW	N/A	1	Consent for audio recorded interview of Joan Marquardt	YES	HENNARD, JACQUELINE	SEP-05-2017 16:37	APPROVED	-	YES
View	68	AUDIO INTERVIEW	N/A	1	Interview of Joan Marquardt	YES	HENNARD, JACQUELINE	SEP-05-2017 16:38	APPROVED	-	YES
View	69	REPORT (OTHER)	N/A	2	Exhibit A, CFD Incident Report for interview of Joan Marquardt	YES	HENNARD, JACQUELINE	SEP-05-2017 16:40	APPROVED	-	YES
View	70	SWORN AFFIDAVIT - NO CONTACT	N/A	1	Sworn affidavit of Ronald Taylor	YES	HENNARD, JACQUELINE	SEP-05-2017 16:41	APPROVED	-	YES
View	71	CONSENT FOR AUDIO RECORDED INTERVIEW	N/A	1	Consent to record for Ronald Taylor	YES	HENNARD, JACQUELINE	SEP-05-2017 16:42	APPROVED	-	YES
View	72	AUDIO INTERVIEW	N/A	1	Audio Interview of Ronald Taylor	YES	HENNARD, JACQUELINE	SEP-05-2017 16:43	APPROVED	-	YES
View	73	REPORT (OTHER)	N/A	2	Exhibit A to interview of Ronald Taylor- CFD Incident Report	YES	HENNARD, JACQUELINE	SEP-05-2017 16:44	APPROVED	-	YES
View	74	SWORN AFFIDAVIT - NO CONTACT	N/A	1	Sworn Affidavit of [REDACTED]	YES	HENNARD, JACQUELINE	SEP-05-2017 16:46	APPROVED	-	YES
View	75	CONSENT FOR AUDIO RECORDED INTERVIEW	N/A	1	Consent to record for [REDACTED]	YES	HENNARD, JACQUELINE	SEP-05-2017 16:47	APPROVED	-	YES
View	76	AUDIO INTERVIEW	N/A	1	Audio Interview of [REDACTED]	YES	HENNARD, JACQUELINE	SEP-05-2017 16:48	APPROVED	-	YES

View	77	SWORN AFFIDAVIT - NO CONTACT	N/A	1	Sworn affidavit of [REDACTED]	YES	HENNARD, JACQUELINE	SEP-05-2017 16:50	APPROVED	-	YES
View	78	CONSENT FOR AUDIO RECORDED INTERVIEW	N/A	1	Consent to record interview for [REDACTED]	YES	HENNARD, JACQUELINE	SEP-05-2017 16:51	APPROVED	-	YES
View	79	AUDIO INTERVIEW	N/A	1	Audio Interview of [REDACTED]	YES	HENNARD, JACQUELINE	SEP-05-2017 16:52	APPROVED	-	YES
View	80	REPORT (OTHER)	N/A	3	MIN Report	YES	HENNARD, JACQUELINE	MAR-30-2018 15:24	APPROVED	-	YES
View	81	REQUEST FOR INTERVIEW/STATEMENT/REPORT	N/A	1	Rescheduled interview or Sgt Fernandez	YES	HENNARD, JACQUELINE	SEP-06-2017 13:59	APPROVED	-	YES
View	82	PHOTOGRAPH	N/A	1	Crime Scene Photographs	YES	HENNARD, JACQUELINE	SEP-08-2017 16:26	APPROVED	-	YES
View	83	REPORT (OTHER)	N/A	2	Response to request for in car camera (CD attached)	YES	HENNARD, JACQUELINE	SEP-08-2017 16:54	APPROVED	-	YES
View	84	REPORT (OTHER)	N/A	3	Subpoena for Dr. McElmeel/Christ Medical	YES	HENNARD, JACQUELINE	SEP-08-2017 16:56	APPROVED	-	YES
View	85	REPORT (OTHER)	N/A	1	RCFL Intake Evidence Receipt	YES	HENNARD, JACQUELINE	SEP-08-2017 17:00	APPROVED	-	YES
View	86	REQUEST FOR ANALYSIS/RECEIPT FOR EXHIBIT	N/A	2	RCFL request	YES	HENNARD, JACQUELINE	SEP-11-2017 11:05	APPROVED	-	YES
View	87	REPORT (OTHER)	N/A	3	Updated original case incident report	YES	HENNARD, JACQUELINE	SEP-11-2017 11:06	APPROVED	-	YES
View	88	DETECTIVE SUPPLEMENTARY REPORT	N/A	3	-	YES	HENNARD, JACQUELINE	SEP-11-2017 11:07	APPROVED	-	YES
View	89	DETECTIVE SUPPLEMENTARY REPORT	N/A	3	-	YES	HENNARD, JACQUELINE	SEP-11-2017 11:08	APPROVED	-	YES
View	90	VIDEO RECORDING	N/A	1	Footage from Morgan Park High School 0300-0500- 4 discs in file	YES	HENNARD, JACQUELINE	SEP-11-2017 15:11	APPROVED	-	YES
View	91	VIDEO RECORDING	N/A	1	Footage from Esmond Elementary School- 2 discs in file	YES	HENNARD, JACQUELINE	SEP-11-2017 15:12	APPROVED	-	YES
View	92	VIDEO RECORDING	N/A	1	In Car Camera Beat 2212R	YES	HENNARD, JACQUELINE	SEP-11-2017 15:14	APPROVED	-	YES
View	93	VIDEO RECORDING	N/A	1	Footage from Morgan Park High School West End of Library 0430-0600	YES	HENNARD, JACQUELINE	SEP-11-2017 15:16	APPROVED	-	YES
View	94	VIDEO RECORDING	N/A	1	Footage from Morgan Park High School Exit South, Exit SW and West End 0430-0600	YES	HENNARD, JACQUELINE	SEP-11-2017 15:18	APPROVED	-	YES
View	95	VIDEO RECORDING	N/A	1	Surveillance footage from 10927 S. Hermosa	YES	HENNARD, JACQUELINE	SEP-11-2017 15:20	APPROVED	-	YES
View	96	CONSENT FOR AUDIO RECORDED INTERVIEW	N/A	1	Consent of Timothy Hicks- CFD	YES	HENNARD, JACQUELINE	SEP-14-2017 16:07	APPROVED	-	YES
View	97	INTERVIEW - WITNESS	N/A	1	Affidavit of Timothy Hicks- CFD	YES	HENNARD, JACQUELINE	SEP-14-2017 16:08	APPROVED	-	YES
View	98	AUDIO INTERVIEW	N/A	1	Audio Interview of Timothy Hicks- CFD	YES	HENNARD, JACQUELINE	SEP-14-2017 16:09	APPROVED	-	YES
View	99	CONSENT FOR AUDIO RECORDED INTERVIEW	N/A	1	Consent to Record Interview for Theodore Bolden- CFD	YES	HENNARD, JACQUELINE	SEP-14-2017 16:27	APPROVED	-	YES
View	100	AUDIO INTERVIEW	N/A	1	Affidavit of Theodore Bolden- CFD	YES	HENNARD, JACQUELINE	SEP-14-2017 16:28	APPROVED	-	YES
View	101	AUDIO INTERVIEW	N/A	1	Audio Interview of Theodore Bolden- CFD	YES	HENNARD, JACQUELINE	SEP-14-2017 16:29	APPROVED	-	YES
View	102	SWORN AFFIDAVIT - NOT REQUIRED	N/A	1	Sworn Affidavit of Chase Faulkner- CFD	YES	HENNARD, JACQUELINE	SEP-20-2017 16:19	APPROVED	-	YES
View	103	CONSENT FOR AUDIO RECORDED INTERVIEW	N/A	1	Consent to Record Interview Chase Faulkner- CFD	YES	HENNARD, JACQUELINE	SEP-20-2017 16:19	APPROVED	-	YES
View	104	AUDIO INTERVIEW	N/A	1	Audio Interview of Chase Faulkner- CFD	YES	HENNARD, JACQUELINE	SEP-20-2017 16:21	APPROVED	-	YES
View	105	AUDIO INTERVIEW	N/A	1	Audio Interview of Sergeant Fernandez	YES	HENNARD, JACQUELINE	OCT-05-2017 09:56	APPROVED	-	YES

View	106	TO/FROM REPORT	N/A	2	Memorandum re Garrity designations	YES	HENNARD, JACQUELINE	SEP-26-2017 11:47	APPROVED	-	YES
View	107	REPORT (OTHER)	N/A	4	Subpoena for [REDACTED] RN	YES	HENNARD, JACQUELINE	OCT-05-2017 10:08	APPROVED	-	YES
View	108	REPORT (OTHER)	N/A	6	Resent subpoena for [REDACTED] RN	YES	HENNARD, JACQUELINE	OCT-05-2017 10:12	APPROVED	-	YES
View	109	TO/FROM REPORT	N/A	1	To/From re obtaining footage from 10951 S. Hermosa	YES	HENNARD, JACQUELINE	OCT-05-2017 10:14	APPROVED	-	YES
View	110	CONSENT FOR AUDIO RECORDED INTERVIEW	N/A	1	Consent to Record from [REDACTED]	YES	HENNARD, JACQUELINE	OCT-13-2017 11:43	APPROVED	-	YES
View	111	SWORN AFFIDAVIT - NOT REQUIRED	N/A	1	Sworn Affidavit of [REDACTED]	YES	HENNARD, JACQUELINE	OCT-13-2017 11:45	APPROVED	-	YES
View	112	AUDIO INTERVIEW	N/A	1	Audio Interview of RN [REDACTED] - CD in file	YES	HENNARD, JACQUELINE	OCT-16-2017 15:31	APPROVED	-	YES
View	113	AUDIO INTERVIEW	N/A	72	Attachment A to Interview of [REDACTED]	YES	HENNARD, JACQUELINE	OCT-13-2017 11:57	APPROVED	-	YES
View	114	TO/FROM REPORT	N/A	3	To/From re Observation of [REDACTED]	YES	HENNARD, JACQUELINE	OCT-16-2017 15:32	APPROVED	-	YES
View	115	WITNESS NOTIFICATION FOR TURNEY, JAMES	WITNESS - TURNEY, JAMES	-	-	-	HENNARD, JACQUELINE	OCT-16-2017 15:41	WITNESS ACKNOWLEDGED NOTIFICATION	-	-
View	116	AUDIO RECORDING	N/A	1	Interview of Officer Turney- CD in file	YES	HENNARD, JACQUELINE	OCT-19-2017 16:14	APPROVED	-	YES
View	117	AUDIO INTERVIEW	N/A	1	Exhibit A to Interview of Officer Turney	YES	HENNARD, JACQUELINE	OCT-19-2017 16:34	APPROVED	-	YES
View	118	WITNESS NOTIFICATION FOR NEWELL, GEORGE	WITNESS - NEWELL, GEORGE	-	-	-	HENNARD, JACQUELINE	OCT-23-2017 12:04	PENDING WITNESS ACKNOWLEDGEMENT	-	-
View	119	WITNESS NOTIFICATION FOR BURNETTE, MICHAEL	WITNESS - BURNETTE, MICHAEL	-	-	-	HENNARD, JACQUELINE	OCT-23-2017 12:06	WITNESS ACKNOWLEDGED NOTIFICATION	-	-
View	120	AUDIO INTERVIEW	N/A	1	2nd Interview of Sgt Fernandez- CD in file	YES	HENNARD, JACQUELINE	OCT-27-2017 10:10	APPROVED	-	YES
View	121	AUDIO INTERVIEW	N/A	1	Audio Interview of PO Burnette- CD in file	YES	HENNARD, JACQUELINE	OCT-31-2017 09:46	APPROVED	-	YES
View	122	AUDIO INTERVIEW	N/A	1	Audio Interview of PO Newell- CD in file	YES	HENNARD, JACQUELINE	NOV-08-2017 11:13	APPROVED	-	YES
View	123	REPORT (OTHER)	N/A	2	Chicago RCFL Pick up receipt	YES	HENNARD, JACQUELINE	NOV-09-2017 10:46	APPROVED	-	YES
View	124	VIDEO RECORDING	N/A	1	RCFL Video Enhancements- CD in file	YES	HENNARD, JACQUELINE	NOV-09-2017 10:49	APPROVED	-	YES
View	125	SWORN AFFIDAVIT - NOT REQUIRED	N/A	2	Affidavit and drivers license for [REDACTED]	YES	HENNARD, JACQUELINE	NOV-24-2017 10:22	APPROVED	-	YES
View	126	TO/FROM REPORT	N/A	4	To/From re Interview of [REDACTED]	YES	HENNARD, JACQUELINE	NOV-28-2017 16:41	APPROVED	-	YES
View	127	INTERVIEW - WITNESS	N/A	43	Transcribed Statement of Witness [REDACTED]	YES	HENNARD, JACQUELINE	JAN-02-2018 10:43	APPROVED	-	YES
View	128	INTERVIEW - WITNESS	N/A	20	Transcribed Statement of [REDACTED]	YES	HENNARD, JACQUELINE	JAN-02-2018 10:44	APPROVED	-	YES
View	129	INTERVIEW - WITNESS	N/A	25	Transcribed Interview of Officer Tiffany Washington	YES	HENNARD, JACQUELINE	JAN-02-2018 10:45	APPROVED	-	YES
View	130	INTERVIEW - WITNESS	N/A	23	Transcribed Interview of Officer Anthony Hobbs	YES	HENNARD, JACQUELINE	JAN-02-2018 10:46	APPROVED	-	YES
View	131	INTERVIEW - WITNESS	N/A	31	Transcribed Interview of [REDACTED]	YES	HENNARD, JACQUELINE	JAN-02-2018 10:48	APPROVED	-	YES
View	132	INTERVIEW - WITNESS	N/A	15	Transcribed Interview of Ronald Taylor- CFD	YES	HENNARD, JACQUELINE	JAN-02-2018 10:54	APPROVED	-	YES
View	133	INTERVIEW - WITNESS	N/A	13	Transcribed Interview of Joan Marquardt- CFD	YES	HENNARD, JACQUELINE	JAN-02-2018 10:56	APPROVED	-	YES
View	134	INTERVIEW - WITNESS	N/A	13	Transcribed Statement of Robert Wilson II- CFD	YES	HENNARD, JACQUELINE	JAN-02-2018 10:57	APPROVED	-	YES

View	135	INTERVIEW - WITNESS	N/A	15	Transcribed Interview of [REDACTED] Fox- CFD	YES	HENNARD, JACQUELINE	JAN-02-2018 10:58	APPROVED	-	YES
View	136	INTERVIEW - WITNESS	N/A	12	Transcribed Interview of Theodore Bolden- CFD	YES	HENNARD, JACQUELINE	JAN-02-2018 10:59	APPROVED	-	YES
View	137	INTERVIEW - WITNESS	N/A	13	Transcribed Interview of Lt. Timothy Hicks- CFD	YES	HENNARD, JACQUELINE	JAN-02-2018 11:00	APPROVED	-	YES
View	138	INTERVIEW - WITNESS	N/A	15	Transcribed Interview of Chase Faulkner- CFD	YES	HENNARD, JACQUELINE	JAN-02-2018 11:01	APPROVED	-	YES
View	139	TO/FROM REPORT	N/A	1	Memo recommending removal of police powers	YES	HENNARD, JACQUELINE	APR-17-2018 15:30	APPROVED	-	YES
View	140	VIDEO RECORDING	N/A	1	RCFL video from 10951 S. Hermosa- Disc in file	YES	HENNARD, JACQUELINE	APR-17-2018 15:31	APPROVED	-	YES
View	141	VIDEO RECORDING	N/A	1	Video from 10951 S. Hermosa- original version- Disc in file	YES	HENNARD, JACQUELINE	APR-17-2018 15:44	APPROVED	-	YES
View	142	ADMINISTRATIVE PROCEEDINGS RIGHTS	N/A	1	Administrative Proceedings Rights for Sgt. Muhammad	YES	HENNARD, JACQUELINE	APR-17-2018 16:44	APPROVED	-	YES
View	143	WAIVER OF COUNSEL/REQUEST TO SECURE COUNSEL	N/A	1	Request to secure counsel for Sgt. Muhammad	YES	HENNARD, JACQUELINE	APR-17-2018 16:44	APPROVED	-	YES
View	144	AUDIO INTERVIEW	N/A	1	Audio Interview of Sgt. Muhammad- Disc in file	YES	HENNARD, JACQUELINE	APR-17-2018 16:45	APPROVED	-	YES
View	145	STATEMENT OF POLICE OFFICER	N/A	88	Transcribed Statement of Sgt. Muhammad 22 Sept 2017	YES	HENNARD, JACQUELINE	APR-17-2018 16:50	APPROVED	-	YES
View	146	STATEMENT OF POLICE OFFICER	N/A	5	Exhibits to Sgt. Muhammad Interview	YES	HENNARD, JACQUELINE	APR-17-2018 16:52	APPROVED	-	YES
View	147	NOTIFICATION OF CHARGES/ALLEGATIONS	N/A	1	Notification of Allegations for Sgt. Muhammad	YES	HENNARD, JACQUELINE	APR-17-2018 16:52	APPROVED	-	YES
View	148	ADMINISTRATIVE PROCEEDINGS RIGHTS	N/A	1	Administrative Proceedings Rights for Sgt. Muhammad	YES	HENNARD, JACQUELINE	APR-17-2018 16:54	APPROVED	-	YES
View	149	WAIVER OF COUNSEL/REQUEST TO SECURE COUNSEL	N/A	1	Request to Secure Counsel for Sgt. Muhammad	YES	HENNARD, JACQUELINE	APR-17-2018 16:54	APPROVED	-	YES
View	150	STATEMENT OF POLICE OFFICER	N/A	51	Transcribed Statement of Sgt. Muhammad 11 Oct 2017	YES	HENNARD, JACQUELINE	APR-17-2018 16:55	APPROVED	-	YES
View	151	AUDIO INTERVIEW	N/A	1	Audio Interview of Sgt. Muhammad- Disc in file	YES	HENNARD, JACQUELINE	APR-17-2018 16:57	APPROVED	-	YES
View	152	INVESTIGATOR CASE LOG	N/A	6	Investigator Case Log	YES	HENNARD, JACQUELINE	APR-17-2018 16:57	APPROVED	-	YES
View	153	ORIGINAL INCIDENT CASE REPORT	N/A	2	Original Case Incident Report JA390030	YES	HENNARD, JACQUELINE	MAY-10-2018 09:51	APPROVED	-	YES
View	154	DETECTIVE SUPPLEMENTARY REPORT	N/A	2	JA390030	YES	HENNARD, JACQUELINE	MAY-10-2018 09:51	APPROVED	-	YES
View	155	DETECTIVE SUPPLEMENTARY REPORT	N/A	3	JA389109	YES	HENNARD, JACQUELINE	MAY-10-2018 09:52	APPROVED	-	YES
View	156	DETECTIVE SUPPLEMENTARY REPORT	N/A	3	JA389109	YES	HENNARD, JACQUELINE	MAY-10-2018 09:53	APPROVED	-	YES
View	157	DETECTIVE SUPPLEMENTARY REPORT	N/A	3	JA389109	YES	HENNARD, JACQUELINE	MAY-10-2018 09:54	APPROVED	-	YES
View	158	ILLINOIS STATE POLICE FORENSIC SCIENCE CENTER (REPORT)	N/A	2	ISP Lab Report	YES	HENNARD, JACQUELINE	JUN-22-2018 10:30	APPROVED	-	YES
View	159	REPORT (OTHER)	N/A	3	Watch Sheet for PO Rodriguez and corresponding map **Includes Personal Information**	YES	HENNARD, JACQUELINE	AUG-13-2018 16:10	APPROVED	-	YES
View	160	ATTENDANCE AND ASSIGNMENT RECORD	N/A	1	Overtime/Compensatory Time Report for Sgt. Muhammad	YES	HENNARD, JACQUELINE	AUG-17-2018 11:30	APPROVED	-	YES
View	161	ATTENDANCE AND ASSIGNMENT RECORD	N/A	8	005 A&A Sheet for 12 August 2017	YES	HENNARD, JACQUELINE	AUG-17-2018 11:32	APPROVED	-	YES
View	162	CONFLICT CERTIFICATION	N/A	-	-	-	HOLLOWAY, REGINA	SEP-24-2018 09:58	-	-	-
View	163	CONFLICT CERTIFICATION	N/A	-	-	-	MORLEY, CHANTALL	SEP-24-2018	-	-	-

View	164 DISCIPLINARY HISTORY	N/A	3	Sgt. Khalil Muhammad	YES	MORLEY, CHANTALL	09:58 SEP-24-2018 10:35	APPROVED	-	YES
View	165 SUMMARY REPORT	N/A	30	-	YES	MORLEY, CHANTALL	SEP-24-2018 10:36	APPROVED	-	YES
View	166 REPORT (OTHER)	N/A	3	Email Correspondence with Atty. Dan Herbert's Office	YES	MORLEY, CHANTALL	APR-05-2019 15:37	APPROVED	-	YES
View	167 ADMINISTRATIVE PROCEEDINGS RIGHTS	N/A	1	Administrative Rights	YES	MORLEY, CHANTALL	APR-05-2019 15:48	APPROVED	-	YES
View	168 NOTIFICATION OF CHARGES/ALLEGATIONS	N/A	1	Notification of Charges	YES	MORLEY, CHANTALL	APR-05-2019 15:50	APPROVED	-	YES
View	169 WAIVER OF COUNSEL/REQUEST TO SECURE COUNSEL	N/A	1	Waiver of Counsel	YES	MORLEY, CHANTALL	APR-05-2019 15:51	APPROVED	-	YES
View	170 REPORT (OTHER)	N/A	1	Addendum to SRI	YES	MORLEY, CHANTALL	APR-09-2019 10:55	APPROVED	-	YES
View	171 AMBULANCE REPORT/SHEET	N/A	12	-	-	HAYES, SHANNON	MAY-24-2019 10:47	APPROVED	-	YES
View	- COMMAND CHANNEL BYPASS	N/A	1	CR#1086285;MUHAMMAD CCR ByPass;16Oct18	NO	ALEJO, LUIS	OCT-16-2018 13:29	APPROVED	YES	YES
View	- COURT DOCUMENTS (E.G., CIVIL COMPLAINTS, BOND SLIPS)	N/A	10	Complaint - Lambert v. City of Chicago (2019L002276)	NO	WESTENSEE, JAY	MAR-06-2019 16:49	APPROVED	-	YES
View	- ADDITIONAL INFORMATION	N/A	4	CR#1086285;MUHAMMAD Signed PoBo w Charges	NO	ALEJO, LUIS	JUN-20-2019 15:49	APPROVED	YES	YES
View	- ADDITIONAL INFORMATION	N/A	2	CR#1086285;MUHAMMAD Charges	NO	ALEJO, LUIS	JUL-17-2019 11:21	APPROVED	YES	YES
View	- LETTER TO/FROM CORPORATION COUNSEL	ACCUSED - MUHAMMAD, KHALIL	1	Letter seeking charges 12 Dec 18	NO	CONNOLLY, LUKE	JUL-29-2019 11:43	APPROVED	-	YES
View	- REPORT (OTHER)	N/A	1	Transmittal letter with file to Corp Counsel	-	DOMAIN, ALEXANDRA	DEC-19-2018 14:11	APPROVED	-	YES
View	- REPORT (OTHER)	N/A	1	Department concurrence findings non-concurrence penalty	NO	CONNOLLY, LUKE	DEC-03-2018 16:42	APPROVED	-	YES

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Internal Use Only

No Internal Use Only attachments available.

Print Accused Appeal Forms

No Accused Appeal forms available for this Log No.

Related Incidents

TIP Related Incidents listed below are for reference only. These may be viewed using the related application search screens.

Log No./Tracking No.	Type	Comments
104360	RELATED - TACTICAL RESPONSE REPORT	RD No.JA389109 - Event No.1722503685 - CB No.

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Status History

TIP Every employee included in the Status History is subject to be called for legal or administrative proceedings.

Resulting Status	Status Date/Time	Created By	Position	Employee No.	Assigned/ Detailed Unit	Comments
PENDING POLICE BOARD HEARING	29-JUL-2019 11:46	CONNOLLY, LUKE	SERGEANT OF POLICE		121 / -	-
PENDING ADVOCATE REVIEW	29-JUL-2019 11:42	CONNOLLY, LUKE	SERGEANT OF POLICE		121 / -	-
PENDING REVIEW INCIDENT (I.A.D./DISTRICT USE)	30-APR-2019 11:29	DOMAIN, ALEXANDRA	SUPERVISOR PARALEGAL		113 / -	-
PENDING REVIEW INCIDENT (C.O.P.A. USE ONLY)	29-APR-2019 17:18	KERSTEN, ANDREA	DEPUTY CHIEF ADMINISTRATOR		113 / -	-
PENDING C.O.P.A. COORDINATOR REVIEW	29-APR-2019 16:55	HAYES, SHANNON	SUPERVISING INV COPA		113 / -	-
PENDING INVESTIGATIVE REVIEW	29-APR-2019 09:42	MORLEY, CHANTALL	INVESTIGATOR 2 COPA		113 / -	-
PENDING ADDITIONAL INVESTIGATION	05-APR-2019 14:26	KERSTEN, ANDREA	DEPUTY CHIEF ADMINISTRATOR		113 / -	-
PENDING CORPORATION COUNSEL	19-DEC-2018 14:11	DOMAIN, ALEXANDRA	SUPERVISOR PARALEGAL		113 / -	-
PENDING REVIEW AFTER SUPERINTENDENT DECISION	10-DEC-2018 13:40	BOIK, ROBERT	SUPT'S CHIEF OF STAFF		111 / -	-
PENDING SUPERINTENDENT DECISION	04-DEC-2018	DOMAIN, ALEXANDRA	SUPERVISOR PARALEGAL		113 / -	-

PENDING COMMAND CHANNEL REVIEW COMPLETE (C.O.P.A.)	15:19 03-DEC-2018 16:42	CONNOLLY, LUKE	SERGEANT OF POLICE		121 / -	-
PENDING ADVOCATE REVIEW	03-DEC-2018 16:40	CONNOLLY, LUKE	SERGEANT OF POLICE		121 / -	-
PENDING SUPERINTENDENT DECISION	05-NOV-2018 13:15	CONNOLLY, LUKE	SERGEANT OF POLICE		121 / -	-
PENDING ADVOCATE REVIEW	16-OCT-2018 13:30	ALEJO, LUIS	POLICE OFFICER		121 / -	-
PENDING REVIEW INCIDENT (I.A.D./DISTRICT USE)	24-SEP-2018 13:06	DOMAIN, ALEXANDRA	SUPERVISOR PARALEGAL		113 / -	-
CLOSED AT C.O.P.A.	24-SEP-2018 12:43	DOMAIN, ALEXANDRA	SUPERVISOR PARALEGAL		113 / -	-
CLOSED AT C.O.P.A.	24-SEP-2018 12:43	DOMAIN, ALEXANDRA	SUPERVISOR PARALEGAL		113 / -	-
PENDING REVIEW INCIDENT (C.O.P.A. USE ONLY)	24-SEP-2018 12:41	KERSTEN, ANDREA	DEPUTY CHIEF ADMINISTRATOR		113 / -	-
PENDING C.O.P.A. COORDINATOR REVIEW	24-SEP-2018 10:56	HOLLOWAY, REGINA	SUPERVISING INV COPA		113 / -	-
PENDING INVESTIGATIVE REVIEW	24-SEP-2018 10:53	MORLEY, CHANTALL	INVESTIGATOR 2 COPA		113 / -	-
PENDING INVESTIGATION	24-SEP-2018 09:58	HOLLOWAY, REGINA	SUPERVISING INV COPA		113 / -	-
PENDING INVESTIGATION	16-AUG-2017 08:36	HUNT, JOSHUA	DEPUTY CHIEF ADMINISTRATOR		113 / -	-
PENDING ASSIGN INVESTIGATOR	16-AUG-2017 08:36	HUNT, JOSHUA	DEPUTY CHIEF ADMINISTRATOR		113 / -	-
PENDING ASSIGN TEAM	15-AUG-2017 17:23	DEAN, BRUCE	SUPERVISING INV COPA		113 / -	-
PENDING SUPERVISOR REVIEW	15-AUG-2017 17:22	DEAN, BRUCE	SUPERVISING INV COPA		113 / -	-
PRELIMINARY	15-AUG-2017 17:22	DEAN, BRUCE	SUPERVISING INV COPA		113 / -	-
PRELIMINARY	15-AUG-2017 16:58	DEAN, BRUCE	SUPERVISING INV COPA		113 / -	-
PRELIMINARY	15-AUG-2017 16:54	DEAN, BRUCE	SUPERVISING INV COPA		113 / -	-
PRELIMINARY	15-AUG-2017 16:47	DEAN, BRUCE	SUPERVISING INV COPA		113 / -	allegation, notifications
PENDING SUPERVISOR REVIEW	15-AUG-2017 15:57	DEAN, BRUCE	SUPERVISING INV COPA		113 / -	-
PRELIMINARY	15-AUG-2017 15:56	DEAN, BRUCE	SUPERVISING INV COPA		113 / -	-
PRELIMINARY	15-AUG-2017 15:49	DEAN, BRUCE	SUPERVISING INV COPA		113 / -	-
PRELIMINARY	14-AUG-2017 14:29	HENNARD, JACQUELINE	INVESTIGATOR		113 / -	-
PRELIMINARY	14-AUG-2017 14:28	HENNARD, JACQUELINE	INVESTIGATOR		113 / -	-
PRELIMINARY	14-AUG-2017 09:23	PFEIFER, ADAM	SUPERVISING INV COPA		113 / -	-
PRELIMINARY	14-AUG-2017 09:15	PFEIFER, ADAM	SUPERVISING INV COPA		113 / -	-
PRELIMINARY	13-AUG-2017 06:15	ZACHAR, STEPHANIE	POLICE OFFICER		003 / 116	-

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Command Channel Reviewers

No Command Channel Reviewers have been assigned.

SUMMARY REPORT OF INVESTIGATION¹

I. EXECUTIVE SUMMARY

Date of Incident:	August 13, 2017
Time of Incident:	5:06 a.m.
Location of Incident:	[REDACTED]
Date of COPA Notification:	August 13, 2017
Time of COPA Notification:	6:07 a.m.

On August 13, 2017, at approximately 5:06 a.m., off duty Sergeant Khalil Muhammad, #960, was alone and driving to his residence, located at [REDACTED]. Sergeant Muhammad was driving a [REDACTED] [REDACTED] with [REDACTED] license plates northbound on [REDACTED]. Sergeant Muhammad observed an African American male, now known to be [REDACTED],² near [REDACTED] by a parked vehicle.

After likely observing Sergeant Muhammad, [REDACTED] ran south on [REDACTED]. Sergeant Muhammad remained in his vehicle, made a U-turn, and followed [REDACTED] southbound on [REDACTED]. [REDACTED] stopped running in the middle of the street, looked back, and continued running southbound on [REDACTED]. [REDACTED] stopped in front of [REDACTED]. Sergeant Muhammad remained in the SUV and stopped in front of [REDACTED]. Sergeant Muhammad then spoke to [REDACTED]. [REDACTED] made a grunting noise, and Sergeant Muhammad repeated himself. [REDACTED] then reached towards his back pocket and took several steps towards Sergeant Muhammad's vehicle. Sergeant Muhammad fired two shots.³ [REDACTED] yelled, "Fuck!" and ran south on [REDACTED] towards [REDACTED].

Sergeant Muhammad pursued [REDACTED] in his vehicle, towards [REDACTED]. Near [REDACTED], Sergeant Muhammad exited his vehicle and detained [REDACTED]. Sergeant Muhammad then called 911 from his cell phone. [REDACTED] was transported to [REDACTED] for medical treatment.

No firearm was ever found on [REDACTED] or along the path of his flight between where he was shot and [REDACTED]. Between the sidewalk and street in front of [REDACTED], a resident, [REDACTED], recovered a black cell phone from the lawn, which was later determined to belong to [REDACTED]. No criminal charges were brought against [REDACTED].

¹ On September 15, 2017, the Civilian Office of Police Accountability (COPA) replaced the Independent Police Review Authority (IPRA) as the civilian oversight agency of the Chicago Police Department. Therefore, this investigation, which began under IPRA, was transferred to COPA on September 15, 2017, and the recommendation(s) set forth herein are the recommendation(s) of COPA.

² At the time of the incident, [REDACTED] was 19 years old. However, due to his mental capacity, [REDACTED] was a ward of the state at the time of the incident. [REDACTED] will remain a ward of the state until his 21st birthday.

³ At least one of Sergeant Muhammad's shots struck [REDACTED].

II. INVOLVED PARTIES

Involved Officer #1:	Khalil Muhammad, star #960, employee ID# [REDACTED], DOA: August 14, 2000, Sergeant, unit of assignment: 189, DOB: [REDACTED], [REDACTED] male, black
Involved Individual #1:	[REDACTED], DOB: [REDACTED], male, black

III. ALLEGATIONS

Officer	Allegation	Finding
Sergeant Khalil Muhammad	1. It is alleged that on August 13, 2017, at approximately 5:06 a.m., at or near [REDACTED] Sergeant Muhammad used unjustified deadly force by shooting [REDACTED] in violation of General Order 03-02-02 and Rules 2,3,6 and 38.	Sustained
	2. It is alleged that on August 13, 2017, at approximately 5:06 a.m., at or near [REDACTED] Sergeant Muhammad failed to identify himself as a police officer, in violation of Rules 2 and 3.	Not Sustained

IV. APPLICABLE RULES AND LAWS**Rules**

1. Rule 2- Any action or conduct which impedes the Department's efforts to achieve its policy and goals or brings discredit upon the Department.
2. Rule 3- Any failure to promote the Department's efforts to implement its policy or accomplish its goals.
3. Rule 6- Disobedience of an order or directive, whether written or oral.
4. Rule 38- Unlawful or unnecessary use or display of a weapon.

General Orders

1. General Order 03-02-02

Federal Laws

1. The Fourth Amendment to the United States Constitution

State Laws

1. 720 ILCS 5/7-5

V. INVESTIGATION⁴

a. Interviews

Civilian Interviews: IPRA interviewed witness [REDACTED] on August 14, 2017.⁵ [REDACTED] stated that he was at his residence located at [REDACTED] on the morning of August 13, 2017. He explained he was awake at approximately 5:00 a.m. and, at the time, was in the second-floor bedroom, which has a window overlooking [REDACTED].

[REDACTED] stated that at approximately 5:00 a.m. on August 13, 2017, the window was open, and the television was on at a low volume. [REDACTED] heard a male voice. He was not able to make out exactly what the voice said, but believed it was something along the lines of, "What are you doing over here?"⁶ [REDACTED] stated that he then heard two gunshots in quick succession. In a follow up phone call on August 18, 2017, [REDACTED] said that he did not hear the male voice say "police" or anything similar.⁷

After [REDACTED] heard the gunshots, he ducked and went into the bathroom because it was darker, and he was concerned the shooter might be able to see into the bedroom. He heard a car drive away as he was moving from the bedroom to the bathroom. After [REDACTED] realized the shooting had stopped, he looked out the window and noticed a [REDACTED] parked on the street with its hazard lights flashing. [REDACTED] recognized that the [REDACTED] belonged to his brother-in-law, [REDACTED].⁸ [REDACTED] stated proceeded outside to try to find his brother-in-law. [REDACTED] checked near the [REDACTED] but did not see his brother in law. [REDACTED] then went around the corner at the intersection of [REDACTED], [REDACTED], and [REDACTED] to look for his brother-in-law but did not see him. When [REDACTED] did not find his brother-in-law, he returned to his house and found his brother-in-law asleep in the basement.

[REDACTED] stated that, as he was walking back to his house, he saw a phone on the ground, "right in front of the tree on the sidewalk."⁹ [REDACTED] believed the phone could belong to his brother-in-law and picked it up. [REDACTED] stated that approximately twenty minutes later, police were taping off the area. [REDACTED] said he went outside to smoke when a CPD member in a white shirt, now known to be Sergeant Fernandez,¹⁰ asked him if he picked up a phone. [REDACTED] told Sergeant Fernandez that he did pick up a cell phone and gave the phone to Sergeant Fernandez.

⁴ COPA conducted a thorough and complete investigation. The following is a summary of the material evidence gathered and relied upon in our analysis.

⁵ Att. 20, 127

⁶ Att. 127, p. 31, lines 2-3

⁷ Att. 128

⁸ [REDACTED] referred to [REDACTED] brother, [REDACTED] as his brother-in-law. However, both [REDACTED] and [REDACTED] stated that they were not married.

⁹ *Id.*, p. 12, line 5.

¹⁰ COPA interviewed Sergeant Fernandez, #1569, on September 21, 2017, and October 27, 2017, Att. 105 and Att. 120. Sergeant Fernandez confirmed that he recovered a cell phone from [REDACTED] the morning of the incident.

IPRA interviewed witness [REDACTED] on August 14, 2017.¹¹ [REDACTED] stated that she was at her residence, which she shares with [REDACTED] located at [REDACTED] on the morning of August 13, 2017. [REDACTED] explained that her alarm went off that morning at 4:45 a.m. as that is the time she sets her alarm every morning.

[REDACTED] said she was in her bedroom, which faces [REDACTED] with the windows open and the television on when she heard a man yell something and then she heard two gunshots. [REDACTED] explained that she has difficulty hearing and could not make out what the man said. [REDACTED] stated that the gunshots were so loud that she believed they might have been fired from her front porch. She stated that after the gunshots, she heard a “yelp”¹² and that it sounded like someone was in pain. [REDACTED] subsequently heard a vehicle drive away.

[REDACTED] explained that she tried to look out the bedroom window, but that her boyfriend, [REDACTED], told her to stay back. [REDACTED] told [REDACTED] that he believed her brother was outside, because he could see the lights on in his car. [REDACTED] ran out of the house. [REDACTED] stayed in the room until [REDACTED] returned to the house. When [REDACTED] returned, he told [REDACTED] that he saw a phone on the ground and that he picked it up. [REDACTED] stated that she did not actually look at the phone [REDACTED] brought back.

IPRA interviewed witness [REDACTED] on August 24, 2017.¹³ [REDACTED] stated that on August 13, 2017, at approximately 5:00 a.m., she was home at her residence, located at [REDACTED]. [REDACTED] stated that shortly after 5:00 a.m., she was in her bedroom with the windows closed when she heard two loud noises that sounded like gunshots. [REDACTED] said that the noises sounded as if they came from the immediate vicinity of her home. [REDACTED] stated that she did not hear any arguments or other noises.

After she heard the noises that sounded like gunshots, she looked out the side window but did not see anything. [REDACTED] said that she then went to the front window and called 911¹⁴. While on the phone with the 911 operator, [REDACTED] saw her neighbor outside checking a car and then return to his house.

On November 22, 2017, COPA and the Cook County State’s Attorneys’ Office (CCSAO) conducted an interview with witness [REDACTED].¹⁵ [REDACTED] is [REDACTED] foster mother, and he has been living with her since February 2006. [REDACTED] explained that [REDACTED] has been a ward of the state since February 2006 and that he will remain a ward of the state until he turns 21 years old. [REDACTED] said that around the time [REDACTED] started living with her, he was diagnosed with Attention Deficit Hyperactivity Disorder (ADHD), Impulsive Disorder, mild mental retardation and Autism Spectrum Disorder.

[REDACTED] explained that these diagnoses impact [REDACTED] daily life because his memory is not reliable, and he becomes frustrated very easily. [REDACTED] stated that [REDACTED] cannot relay things

¹¹ Att. 23, 128

¹² *Id.*, page 12, line 22

¹³ Att. 53, 131

¹⁴ This call is recorded as Chicago Police Department Event Query # [REDACTED], Att. 44.

¹⁵ Att. 126. This interview was not audio recorded because [REDACTED] would not consent to a recording. However, a COPA investigator took contemporaneous notes.

that happened to him to other people accurately. ██████ explained that if ██████ is in a calm state he is more accurate, but if he becomes frustrated he has a difficult time. ██████ said that ██████ cannot relay events in the correct chronological order. ██████ said that ██████ has problems differentiating between facts he knew at a specific time and things he learned later. ██████ also said that ██████ tends to tell people what he believes they want to hear.

██████ stated that the night before the shooting, ██████ snuck out of the house to go try to talk to a girl. ██████ called the police to report ██████ missing, but explained she was not overly worried because ██████ has run away in the past. ██████ said that on the morning of August 13, 2017, a detective arrived at her house and informed her that ██████ had been shot, was at ██████, and would be taken to a police station¹⁶ before she would be able to get to the hospital.

██████ said that even prior to the shooting, ██████ tended to hide from the police. ██████ was not certain why ██████ often hides from the police. ██████ explained that ██████ had not previously been arrested and his primary interactions with the police involved officers returning him after he ran away from home.

██████ said that she did not believe ██████ knew the person who shot him was a police officer at the time of the shooting, but rather that he told people that because he learned it later. ██████ told her that he knew the man who shot him was a police officer because of his vest, but she was not sure that ██████ would have seen the vest prior to the shooting.¹⁷ She also stated that she did not fully understand the timeframe in which ██████ ran from the officer.

On October 10, 2017, COPA Investigators, an Investigator with the CCSAO, and two Assistant State's Attorneys conducted a meeting with ██████ and his attorney¹⁸

██████ stated that he was "not doing anything," before the person now known to be Sergeant Muhammad shot him. ██████ explained that prior to being shot, he was walking around the area near ██████ and talking to people on his cell phone. ██████ said that he usually keeps his cell phone in the back pocket of his pants.

██████ said that he knew the man who shot him was a police officer because he had a badge and was wearing a blue and black uniform. ██████ explained that Sergeant Muhammad was driving

¹⁶ An IPRA Investigator observed ██████ in handcuffs at ██████ on the morning of the incident. During an interview with COPA on October 13, 2017, ██████ stated that ██████ was not restrained while receiving medical treatment. On October 19, 2017, October 30, 2017, and November 8, 2017 respectively COPA interviewed CPD Officers Turney, Burnette, and Newell, who were assigned to guard ██████ at the hospital and/or transport him to the police station, Att. 116, Att. 121 and Att. 122. Officer Newell stated that he handcuffed ██████ to walk from the hospital bed to the squadrol and that ██████ was no longer handcuffed after entering the squadrol. Officer Newell stated that he handcuffed ██████ because he always handcuffs people in police custody for safety reasons. Officer Newell stated that ██████ was not handcuffed after leaving the hospital because ██████ was clearly not a threat.

¹⁷ COPA notes that the investigation revealed that Sergeant Muhammad was not wearing a vest at all during the incident.

¹⁸ Att. 114. This meeting was not audio recorded because ██████ and his attorney would not consent to a recording. However, a COPA investigator took contemporaneous notes. ██████ did not sign an affidavit prior to meeting with COPA and CCSAO. The allegations against Sergeant Muhammad are based on other evidence and were drafted and were served prior to the meeting with ██████.

a red truck. According to [REDACTED], Sergeant Muhammad did not say anything to him prior to firing his weapon.

[REDACTED] stated that he heard two shots, felt a pain from the shots, but afterward he “didn’t do anything.” [REDACTED] also said that he was running home after he was shot. [REDACTED] stated he was running towards the park because the police could not see him in the park. When asked what happened after he was shot, [REDACTED] responded that he “laid down in the park.”¹⁹ [REDACTED] said that “firemen came to help him.”²⁰ [REDACTED] stated that he went to the hospital in an ambulance.

[REDACTED] said that he dropped his cell phone. During the meeting, [REDACTED] demonstrated with his wallet how he was holding his phone. [REDACTED] removed his wallet from the back pocket of his pants and held it at approximately hip height. When asked if reached for his phone during the incident to make a phone call, [REDACTED] explained that the phone was broken. [REDACTED] was then asked why he took his phone out of his pocket if it was broken, but he did not answer.

When asked where he was shot, [REDACTED] pointed to his arm and his ribcage. [REDACTED] was asked where the phone was located when he was shot. In response, [REDACTED] said that the police officer told him to put his hands up and that the phone was on the ground. [REDACTED] stated that after he was shot, the police officer told him to get on the ground and that the police officer chased him. When asked if the police officer was in his car during the chase, [REDACTED] said that the police officer never got out of the car.

Chicago Fire Department Interviews

On September 14, 2017, IPRA interviewed witness Lieutenant Timothy Hicks.²¹ Lieutenant Hicks said that he is employed by the Chicago Fire Department (CFD) and responded to a shooting at [REDACTED] on August 13, 2017. Lieutenant Hicks was returning from [REDACTED] when he received a call over the radio to respond to [REDACTED]. Lieutenant Hicks estimated that it took him approximately a minute and a half to arrive at the school. Lieutenant Hicks was the first member of the CFD to arrive.

Lieutenant Hicks stated that upon arrival at the high school, he was “waved or flagged down”²² by an African American male with a flashlight, now known to be Sergeant Muhammad. Lieutenant Hicks said that he assumed Sergeant Muhammad was a member of the CPD because of the pants he was wearing, but nothing about his shirt indicated he was a police officer. Lieutenant Hicks also observed a young African American male, now known to be [REDACTED] laying on his stomach on the ground in pain, with Sergeant Muhammad standing near him. Lieutenant [REDACTED] observed “a little bit of blood on his [REDACTED] side.”²³ Lieutenant Hicks stated “[REDACTED] kept repeating the same things over and over, ‘Why was I shot? All I had was a phone.’ And then he kept saying ‘I’m sorry. All I had was a telephone.’”²⁴

¹⁹ Att. 114

²⁰ *Id.*

²¹ Att. 98, 137

²² *Id.*, Page 6, line 9

²³ *Id.*, page 8, line 5

²⁴ *Id.*, page 8, lines 22-24, page 9, line 1

IPRA conducted an interview with witness [REDACTED] on September 5, 2017.²⁵

[REDACTED] is employed by the CFD as a Firefighter Paramedic. [REDACTED] stated that on August 13, 2017, at 4:00 or 5:00 a.m., a call came in to provide care to a gunshot victim near [REDACTED].

[REDACTED] stated that when she arrived at [REDACTED] she saw a young African American male, now known to be [REDACTED], lying on the grass near the west side of the high school. [REDACTED] guessed his age to be approximately eighteen years old. [REDACTED] added that a fire company was already present and had bandaged an injury to [REDACTED] left chest. [REDACTED] also observed an injury to his left inner arm.

[REDACTED] said that she asked [REDACTED] what happened, and he told her that he was taking his cell phone out of his pocket and “they”²⁶ shot him. [REDACTED] stated that at the time she was providing care to [REDACTED], she did not know who he was referring to when he said, “they shot”²⁷ him. [REDACTED] explained that she later learned an off-duty officer shot [REDACTED]. [REDACTED] said that [REDACTED] told her that he lives with his mother and he snuck out of the house to see some friends.

[REDACTED] described [REDACTED] as “skittish”²⁸ and stated that he seemed immature for his age and distracted. [REDACTED] added that [REDACTED] kept repeating that he was taking his phone out of his pocket.

IPRA conducted an interview with witness [REDACTED] on September 5, 2017.²⁹

[REDACTED] stated that he is employed by the CFD as a Paramedic in Charge. On August 13, 2017, [REDACTED] responded to a call to provide care to a shooting victim near [REDACTED].

[REDACTED] stated that the victim was a young African American male, now known to be [REDACTED]. [REDACTED] guessed that [REDACTED] was in his late teens. [REDACTED] stated that when he arrived at [REDACTED], he observed [REDACTED] lying face down in the grass near the west side of the school. [REDACTED] observed that [REDACTED] had sustained two gunshot wounds. [REDACTED] described one of the wounds as “through and through on the left side, more like the flank area,”³⁰ and the other as a gunshot wound to the arm. [REDACTED] said that [REDACTED] informed him that he only heard one shot and based on that, [REDACTED] assumed that both wounds were caused by the same shot.

[REDACTED] stated that [REDACTED] “appeared slow,”³¹ in the way he was answering questions and believed [REDACTED] might have a mental disability. [REDACTED] told [REDACTED] he was taking medication for Attention Deficit Disorder. [REDACTED] explained that [REDACTED] kept saying, without being asked, “I don’t know why he shot me. I was reaching for my phone.”³² [REDACTED] described [REDACTED] as “scared.”³³

²⁵ Att. 68, 133

²⁶ Att. 133, page 6, line 10

²⁷ *Id.*, page 6, line 10

²⁸ *Id.*, page 7, line 15

²⁹ Att. 72, 132

³⁰ Att. 132, page 6, lines 18-19

³¹ *Id.*, page 8, line 4

³² *Id.*, page 8, line 24, page 9, line 1.

³³ *Id.*, page 12, line 7

IPRA conducted an interview with witness [REDACTED] on September 5, 2017.³⁴ [REDACTED] is employed by the CFD as a Firefighter Paramedic. [REDACTED] stated that in the early morning of August 13, 2017, CFD received a call for a gunshot victim near [REDACTED]. [REDACTED] stated that when they arrived, there was an African American male, approximately 16-19-year-old, gunshot victim, now known to be [REDACTED] laying in a "semi-curled position."³⁵ [REDACTED] stated that he observed an entry/exit wound on the left side of [REDACTED] body and a "cut under his left arm pit,"³⁶ which might have been a laceration caused by a bullet.

[REDACTED] stated that when he arrived, he observed the victim, a [REDACTED] parked on the walkway, and an African American man with a flashlight who "flagged us [Truck #42] over."³⁷ [REDACTED] stated that the man identified himself as an off-duty police officer, now known to be Sergeant Muhammad. [REDACTED] stated that Sergeant Muhammad was in civilian dress but might have been wearing a duty belt. [REDACTED] added that Sergeant Muhammad appeared "calm."³⁸

[REDACTED] said that [REDACTED] was "not calm."³⁹ [REDACTED] described [REDACTED] behavior as "kind of erratic."⁴⁰ According to [REDACTED] [REDACTED] told him, "This guy shot me for no reason. I had my phone, maybe that is why he did it."⁴¹

On September 5, 2017, IPRA conducted an interview with witness [REDACTED]⁴² [REDACTED] is employed by the CFD as a firefighter. [REDACTED] stated that on August 13, 2017, they received a call of a shooting near [REDACTED]. [REDACTED] said that when they arrived at the high school there was a victim, who had been shot, now known to be [REDACTED] lying on the ground.

[REDACTED] stated that he observed [REDACTED] sustained gunshot wounds. [REDACTED] asked [REDACTED] what happened, and [REDACTED] told him that he did not know why he was shot, that he was just holding a cell phone. [REDACTED] explained that [REDACTED] was getting "worked up and hyper"⁴³ and that the responding members of the CFD were trying to calm him down. [REDACTED] said that [REDACTED] kept repeating, "It was a cell phone. Why did I get shot?"⁴⁴

[REDACTED] stated that he was aware that the person who shot [REDACTED] now known to be Sergeant Muhammad, was present when they arrived. [REDACTED] described Sergeant Muhammad to be in civilian dress. [REDACTED] asked Sergeant Muhammad what happened, and Sergeant Muhammad informed him that [REDACTED] had been shot. [REDACTED] stated, "I asked, [...] Did you shoot him? Because he's standing there in street clothes. And, he's, 'Oh, yeah. I'm off-duty CPD.' I said, Okay. So, what happened? 'Well, I saw him prowling cars... I told him to stop; he didn't stop.'"⁴⁵ [REDACTED] explained that at this

³⁴ Att. 76, 135

³⁵ *Id.*, page 8, line 11.

³⁶ *Id.*, page 5, line 21

³⁷ *Id.*, page 6, line 10.

³⁸ *Id.*, page 11, line 20.

³⁹ *Id.*, page 7, line 14.

⁴⁰ *Id.*, page 8, line 21.

⁴¹ *Id.*, page 8, lines 17-18.

⁴² Att. 79, 135

⁴³ *Id.*, page 7, lines 9-10.

⁴⁴ *Id.*, page 7, lines 7-8.

⁴⁵ *Id.*, page 9, lines 21, 23-24, page 10, lines 1-3.

point in his conversation with Sergeant Muhammad, the CPD responded, and he decided to let the CPD address the situation.

On September 14, 2017, IRPA interviewed witness [REDACTED].⁴⁶ [REDACTED] is employed by the CFD as a Firefighter/EMT. [REDACTED] said that on August 13, 2017, between 4:30 and 5:30 a.m., he responded to a call to provide care to a shooting victim near [REDACTED].

[REDACTED] stated that, when he arrived at the high school, he observed a black male who appeared to be a teenager, now known to be [REDACTED], lying down and only wearing one shoe. [REDACTED] described [REDACTED] as “agitated” and “not responding normally,”⁴⁷ and that he did not want his new shirt cut. [REDACTED] stated that there was a black male present when he arrived, who identified himself as an off-duty police officer.

Chicago Police Department Interviews

On August 25, 2017, IPRA conducted an interview with witness Officer Anthony Hobbs, #9013.⁴⁸ Officer Hobbs stated that on August 13, 2017, at approximately 4:45 a.m., he was assigned to routine patrol, in full uniform, with his partner, Officer Tiffany Washington. Officer Hobbs stated that, just prior to the shooting, he and Officer Washington were near [REDACTED] when they received a call over the radio. Officer Hobbs stated that, just after they started driving, he observed an African American male with lighter skin and a slim build wearing a red and white patterned shirt and shorts, whom he now believes to be [REDACTED], running northbound on [REDACTED].

Officer Hobbs stated that [REDACTED] stopped running for a second, looked at their car, and continued running. Officer Hobbs explained that he did not stop [REDACTED] because “at the moment he really hadn’t done anything...besides stopping and look at us ... wasn’t anything to really stop him for at that moment.”⁴⁹

Officer Hobbs stated, shortly afterwards, he was assigned to respond to the scene of an officer involved shooting. Officer Hobbs explained that after he finished that assignment, he went to Area South detectives’ division. Officer Hobbs said that he observed someone in an interview room who he recognized to be the same person he saw running on [REDACTED] earlier that morning. Officer Hobbs said that person in the interview room had a similar physical description and was wearing dark colored shorts but was no longer wearing a shirt.

On August 25, 2017, IPRA conducted an interview with witness Officer Tiffany Washington, #14376.⁵⁰ Officer Washington stated that on August 13, 2017, at approximately 4:45 a.m., she was assigned to routine patrol, in full uniform, with her partner, Officer Hobbs, #9013. Officer Washington stated that at approximately 4:45 a.m., she saw a person wearing a red and

⁴⁶ Att. 136

⁴⁷ *Id.*, page 6, lines 17-18

⁴⁸ Att. 55, 130

⁴⁹ *Id.*, page 21, lines 5-8.

⁵⁰ Att. 54, 129

black striped shirt whom she later learned to be to be [REDACTED] running northbound on [REDACTED] near [REDACTED]. Officer Washington explained that she learned [REDACTED] name from one of the reports generated following the shooting. Officer Washington was in a marked vehicle, driving westbound on [REDACTED] when she observed [REDACTED]. Officer Washington stated that she found [REDACTED] presence to be “weird”⁵¹ but that she did not stop him because she was on her way to another call.

Officer Washington stated that later, during her shift, she responded to an officer involved shooting involving Sergeant Muhammad. Officer Washington explained that she was assigned to block off the scene. Officer Washington explained that at approximately 9:00 or 10:00 a.m. she returned to the 5th District,⁵² where she observed [REDACTED] again. She believed he was waiting to speak to IPRA Investigators.

On September 22, 2017, COPA conducted in interview with Sergeant Khalil Muhammad, #960.⁵³ Sergeant Muhammad is assigned to the 5th District. Sergeant Muhammad stated that on August 12, 2017, he started his shift at 3:30 p.m. and normally ends his shift at 2:00 a.m. On the date of the incident, an unrelated event extended Sgt. Muhammad’s work hours and he left the 5th District at approximately 4:50 a.m. on August 13, 2017. Sergeant Muhammad was driving directly to his home in his girlfriend’s maroon [REDACTED]. Sergeant Muhammad stated that the vehicle has an Indiana license plate.

Sergeant Muhammad said he drove westbound on [REDACTED] and then turned right onto [REDACTED]. Sergeant Muhammad said that after he turned onto [REDACTED], he noticed a white vehicle with the lights on, parked on the east side of the street. Sergeant Muhammad stated, “I never seen [sic] the car before, so it kind of caught my attention. And I’m driving past, I see down the block, by my neighbor’s car, on the east side of the street, there’s a guy just kind of just in the area, like suspicious to me, because I knew that wasn’t his vehicle. I’d never seen this guy before.”⁵⁴ Sergeant Muhammad described the person as a male black, likely in his early 20s. Sergeant Muhammad explained that he observed this person directly in front of his next-door neighbor’s vehicle, which was parked directly in front his next-door neighbor’s home. Sergeant Muhammad could not remember what the person was wearing. Sergeant Muhammad stated that it seemed as if he was, “kind of going behind it [the neighbor’s vehicle], maybe.”⁵⁵

Sergeant Muhammad stated that he had the windows rolled down. Sergeant Muhammad explained that he “roll[ed] up on the guy,”⁵⁶ now known to be [REDACTED]. Sergeant Muhammad stated that [REDACTED] was approximately five to seven feet away to his left side. Sergeant Muhammad stated, “I pull up on him and say, ‘Hey, I’m the police, what are you doing?’”⁵⁷ Sergeant Muhammad said that he believed [REDACTED] looked at him once, he said something, and then ran southbound on [REDACTED].

⁵¹ Att. 129, page 10, line 18.

⁵² The 5th District and Area South are housed in the same building.

⁵³ Att. 145

⁵⁴ *Id.*, page 10, lines 12-18.

⁵⁵ *Id.*, page 13, line 19.

⁵⁶ *Id.*, page 15, line 19.

⁵⁷ *Id.*, page 15, lines 22-23.

Sergeant Muhammad explained that he attempted to make a U-turn but due to a truck parked to his right, he had to proceed further north on [REDACTED] to make the turn. Sergeant Muhammad said that as he attempted to turn he tried to watch [REDACTED]. As [REDACTED] ran, he turned back to look at Sergeant Muhammad. Sergeant Muhammad stated that he was concerned [REDACTED] had a vehicle nearby was trying to return to that car. Sergeant Muhammad was aware that an officer who lived nearby had her gun and wallet stolen from her vehicle and expressed concern that [REDACTED] presence in the area could be related to that incident.

Sergeant Muhammad stated that, as [REDACTED] ran southbound, he went from the street onto the sidewalk. Sergeant Muhammad stated, "I believe he's still facing south...and I announce my office, 'Hey, Chicago Police, let me see your hands. Chicago police, let me see your hands.' [...]. At some point he turns towards me. As he's turning towards me, he reaches back with his right hand in his waistband area, and he starts to pull something, a dark object, out of his waistband, which to me was consistent with someone pulling a weapon."⁵⁸ Sergeant Muhammad stated that, at this point, he pulled out his firearm and shot twice. Sergeant Muhammad stated that he believed [REDACTED] was going to kill him.

Sergeant Muhammad explained that he is left handed and had his duty weapon, a Glock 19, in a pancake holster on his left side waistband. Sergeant Muhammad explained that when he unholstered the weapon it was between his body and the driver's door of the Tahoe. Sergeant Muhammad stated he unholstered his weapon immediately before discharging it. Sergeant Muhammad stated that he had a one-handed grip on the weapon when he fired from the driver's seat of his girlfriend's [REDACTED]. After he fired, a dark object "flipped up in the air,"⁵⁹ and [REDACTED] started running southbound again.

Sergeant Muhammad stated that, at that point, he put the vehicle in park and got out to see where [REDACTED] went. Sergeant Muhammad stated, "I know he's going towards the corner, so I didn't want to commit to either chasing him or jumping back in the vehicle until he either passed [REDACTED] or he made a turn on [REDACTED]."⁶⁰ Sergeant Muhammad stated that when he saw [REDACTED] pass [REDACTED] he got back into the vehicle and followed him in the vehicle.

Sergeant Muhammad said that he knew [REDACTED] was behind the school because [REDACTED] would not have been unable to run in another direction without ending up at the 22nd District Police Station. Therefore, Sergeant Muhammad proceeded in his vehicle over the sidewalk. Sergeant Muhammad said that he eventually felt "trapped"⁶¹ in the vehicle and, believing it to be safer outside, he exited the vehicle. Sergeant Muhammad stated that he again announced his office and said, "Chicago Police, get on the ground. Get on the ground."⁶² Sergeant Muhammad explained that [REDACTED] then put his hands up and got on the ground. Sergeant Muhammad stated that he did not remember [REDACTED] saying anything to him.

⁵⁸ *Id.*, page 21, lines 11-22.

⁵⁹ *Id.*, page 31, line 21.

⁶⁰ *Id.*, page 34, lines 1-4.

⁶¹ *Id.*, page 36, line 12.

⁶² *Id.*, page 36, lines 15-16.

Sergeant Muhammad said that, at this point of the encounter, he did not know if [REDACTED] had a weapon and that he might have done a cursory search. Sergeant Muhammad explained that he did not have handcuffs on him and therefore held [REDACTED] down while he called 911.⁶³ Sergeant Muhammad stated that, after medical attention arrived, he called Lieutenant Patricia Wynes at the 5th District to inform her of the situation. He then called the Chief of Patrol, Fred Waller.

Sergeant Muhammad stated that he later learned what the dark object [REDACTED] pulled from his waistband was when he heard someone say it was a cell phone. He also heard afterwards that the cell phone was retrieved from a neighbor.

On October 11, 2017, COPA conducted a second interview with Sergeant Khalil Muhammad.⁶⁴ At the onset of this interview, Sergeant Muhammad viewed the video footage obtained from [REDACTED]. Sergeant Muhammad stated he remembered it being darker at the time of the incident than it appears on video. Sergeant Muhammad believed it was likely due to the artificial lighting on the exterior of the house.

When asked about what is heard on the video, Sergeant Muhammad stated that the video speaks for itself and that he stands by his previous statement. When asked about his actions after firing his weapon and exiting the vehicle, Sergeant Muhammad stated, "After seeing the video for the first time, I noticed that I did appear to walk a little further than I previously noted,"⁶⁵ referring to the portion of the video after the shooting. Sergeant Muhammad maintained that when he got out of the vehicle, he only watched [REDACTED]. Sergeant Muhammad stated that, after watching the video, he remembered going to the trunk of the vehicle to look for a flashlight.

Sergeant Muhammad stated that he believed his statement was consistent with the video footage, including where he details announcing his office.

b. Digital Evidence

IPRA obtained **security camera footage directly from the homeowners of [REDACTED]**. This footage includes three camera angles taken from the residence on the morning of August 13, 2017.⁶⁶

Camera 3:

Camera 3 appears to be placed on the north end of the house near the rear. The camera captures a vacant lot and an unobstructed view of [REDACTED].

At 03:45:57,⁶⁷ a person, now known to be [REDACTED] is shown walking north on [REDACTED]. [REDACTED] Hayes appears to hide behind a car. At 03:46:51, an SUV, now known to be the vehicle

⁶³ This call is documented as Chicago Police Department Event Query # [REDACTED], Att. 43.

⁶⁴ Att. 150

⁶⁵ *Id.*, page 44, lines 11-12.

⁶⁶ Att. 95

⁶⁷ The homeowner of [REDACTED] informed IPRA that the times shown on the security cameras are not correct.

Sergeant Muhammad was driving, is seen driving north on [REDACTED]. The SUV drives past [REDACTED] without stopping. At 03:46:52, [REDACTED] appears from behind the vehicle and runs south on [REDACTED] and goes off camera view at 03:46:58. At 03:47:14, the SUV is observed making a U-turn and driving south on [REDACTED].

Camera 4:

Camera 4 appears to be placed on the front of the residence. The camera captures an unobstructed view of [REDACTED].

At 03:44:51, [REDACTED] is shown walking north on [REDACTED]. [REDACTED] stops at a car parked on the street, stops at the front door, stops at the back door, and stops near the trunk. [REDACTED] then walks to the next car parked on the street and repeats the same behavior. [REDACTED] is no longer visible on camera at 03:45:23.

At 03:46:34, an SUV is shown driving north on [REDACTED]. The vehicle drives off camera view at 03:46:40. At 03:47:00, [REDACTED] is seen running south on [REDACTED]. At 03:47:07, [REDACTED] stops in the street south of [REDACTED] and stands in the street, [REDACTED] then walks a few steps to the south and then runs south. The SUV is seen driving southbound on [REDACTED] at 03:47:21 and is off camera view at 03:47:30.

Camera 5:

The camera appears to be placed at or near the front of the house. It captures the front yard and [REDACTED]. Spider webs partially obstruct the view. The frame speed for this camera angle is not consistent.

At 3:46:36, the SUV drives north on [REDACTED]. At 03:46:58, [REDACTED] is seen running south on [REDACTED] with an SUV following at 03:47:17.

IPRA obtained motion activated **security camera footage from** [REDACTED] directly from the homeowner and directly from [REDACTED].⁶⁸

The camera is located on the front porch of [REDACTED]. At the onset of the video, the SUV is shown driving northbound on [REDACTED] and drives off camera view. Less than 60 seconds into the footage, [REDACTED] is seen running south in the street on [REDACTED]. The SUV is observed driving south on [REDACTED]. Immediately in front of [REDACTED], [REDACTED] runs from the street to the sidewalk, stops, and faces north. The SUV stops in front of [REDACTED].

A male voice, now known to be Sergeant Muhammad, speaks to [REDACTED]. Sergeant Muhammad says a few words. It is difficult to discern the exact phrase, but Sergeant Muhammad

⁶⁸ Att. 140, 141. The video was submitted to the Federal Bureau of Investigation's Regional Forensic Computer Laboratory for audio and video enhancements, the enhanced version is documented as Att. 124.

says something to the effect of “What are you doing here, man?” or “Come over here, man.”⁶⁹ In response, [REDACTED] says, “Huh?” and Sergeant Muhammad speaks again. It is unclear what Sergeant Muhammad says at this point, but it is at most a few syllables. [REDACTED] appears to move his right hand towards his back right pocket of his shorts and takes several steps towards the SUV. Sergeant Muhammad fires two shots. [REDACTED] yells, “Fuck!” and runs south on [REDACTED] towards [REDACTED].

Sergeant Muhammad exits the vehicle, walks over to the sidewalk near where [REDACTED] was standing and looks around. He then goes to the trunk of the SUV, opens the trunk, and then gets back in the vehicle and drives south.

Approximately three minutes into the video, a male, now known to be [REDACTED] exits the residence. [REDACTED] goes north on [REDACTED] and stops near a vehicle parked on the street. [REDACTED] then walks southbound on [REDACTED] stops and picks up an item from the sidewalk near the area [REDACTED] was standing and continues southbound on [REDACTED]. Approximately 4:36 into the video, [REDACTED] enters the residence.

IPRA obtained **surveillance footage from [REDACTED]**⁷⁰ directly from Chicago Public Schools. The footage includes nine camera angles taken from [REDACTED] taken on August 13, 2017. Only one camera angle provides relevant footage.

Exit- West End of Library

This camera shows [REDACTED] and the adjacent sidewalk next to the tennis courts near the school. The view is obstructed by a tree.

At 05:03:18 a.m., [REDACTED] is seen running south on the sidewalk. At 05:03:23 a.m., the SUV is seen driving south on [REDACTED].

In-car camera taken from beat # [REDACTED] shows a person running north across [REDACTED] at 04:49 a.m., on August 13, 2017.⁷¹

Chicago Police Department Event Query # [REDACTED]⁷² for August 13, 2017, at approximately 5:04 a.m.,⁷³ documents a 911 call from Sergeant Muhammad. [REDACTED] is heard in the background saying, “That’s all. That’s all I was doing.” [REDACTED] is also heard in the background mentioning a phone. The caller identifies himself as Sergeant Muhammad and requests an ambulance and CPD units to respond to [REDACTED] for “a person down.” Sergeant Muhammad is transferred to CFD dispatch. [REDACTED] is heard yelling and groaning in the background.

⁶⁹ This portion of the recording does not reflect Sergeant Muhammad identifying himself as a police officer or stating words to the effect of “let me see your hands.”

⁷⁰ Att. 93. Chicago Public Schools provided all available security footage from [REDACTED]. However, only the footage showing the immediate aftermath of the shooting is summarized.

⁷¹ Att. 92. IPRA Investigators who responded to the incident viewed the in-car camera at Area South and were informed by Sergeant Flaherty, #1732 that the person running in video is [REDACTED]

⁷² Att. 43.

⁷³ COPA acknowledges the inconsistency with the time, however the general order of events is not in dispute and no other documents reflect Sgt. Muhammad calling 911 before the reported time of incident.

The dispatcher asks Sergeant Muhammad what happened and Sergeant Muhammad states, “The guy pulled, like he was going to pull a gun on me, walked up to the car and I had to shoot.”

Chicago Police Department Event Query # [REDACTED]⁷⁴ for August 13, 2017, at approximately 5:07 a.m., documents a call from a female caller, now known to be [REDACTED]. [REDACTED] reports, “Somebody just fired two shots over here next to my house at 109th and [REDACTED].” The dispatcher informs [REDACTED] they will send the police. [REDACTED] states, “It came from the second house off the corner. Right here, I think. I just saw this guy running.” [REDACTED] described the man she saw running as a black man with dreadlocks pulled back and a grey or blue shirt.⁷⁵

The **Evidence Technician Photographs**⁷⁶ document [REDACTED], [REDACTED] injuries, [REDACTED] clothing, [REDACTED] cell phone, the scene, the [REDACTED], Sergeant Muhammad and his firearm. Photographs documenting [REDACTED] cell phone and Sergeant Muhammad’s clothing are included below.



Figure 1: Photograph of Sergeant Muhammad’s clothing.

⁷⁴ Att. 44

⁷⁵ [REDACTED] later learned that the man she saw running was her neighbor, [REDACTED]

⁷⁶ Att. 82



Figure 2: [REDACTED] cell phone.

c. Physical Evidence

The Medical Records for [REDACTED] obtained from [REDACTED]⁷⁷ document that [REDACTED] was admitted to the hospital at 5:36 a.m. on August 13, 2017, to receive treatment for two gunshot wounds, one through and through wound to the left armpit, directed through the muscle body of the pec major and a graze wound to the upper left arm.⁷⁸ The registered nurse providing treatment documented that [REDACTED] told him, “I was shot by police. I was pulling a black object out of my pocket and turned to run. I dropped my cell phone and left it there.”⁷⁹ A medical resident providing treatment documented, “Per his report, he was standing by a black car, face to face, in front of a police officer who was standing by a police vehicle. He raised his hands as directed by the officer and then heard two gunshots and was struck by two bullets, fired by the officer.”⁸⁰ [REDACTED] was discharged from the hospital at approximately 7:55 a.m. the same day.

d. Documentary Evidence

Sergeant Muhammad’s **Tactical Response Report (TRR)**⁸¹ documents that [REDACTED] did not follow verbal direction, fled, presented an imminent threat of battery using “an unknown dark

⁷⁷ Att. 65

⁷⁸ It is unclear if the two wounds were caused by the same bullet or two separate bullets.

⁷⁹ On October 13, 2017 COPA interviewed Registered Nurse [REDACTED] who stated the information contained in the medical records was consistent with what he remembers from his interaction with [REDACTED] Att. 112.

⁸⁰ Att. 65, p. 38. The medical records do not specifically state who provided this report, but the reporting party is clearly [REDACTED] as the records reflect his medical treatment. IPRA subpoenaed this medical resident, [REDACTED] [REDACTED] did not appear on the scheduled date to provide a statement.

⁸¹ Att. 6

object perceived as a gun,” and used force likely to cause death or great bodily harm using a weapon, specifically “an unknown dark object perceived as a gun.” Sergeant Muhammad reported that he fired two shots from a distance between 10-15 feet from the subject. Sergeant Muhammad identified himself as off-duty, in civilian dress. He noted that he was not injured.

Sergeant Muhammad’s **Officer Battery Report (OBR)**⁸² documents that he was off-duty and wearing citizen’s dress at the time of the incident. Sergeant Muhammad lists the activity as “investigating [a] suspicious person” at the time of the incident. Sergeant Muhammad classified the manner of attack as “other” and the type of weapon/threat as “other: displayed dark object perceived to be a gun.” Sergeant Muhammad did not sustain any apparent injuries.

The **Crime Scene Processing Report**⁸³ documents the inventoried and photographed evidence, including one (1) fired cartridge case recovered from the street at [REDACTED] and one (1) fired cartridge case recovered from the sidewalk at [REDACTED], a pair of headphones recovered from the sidewalk at [REDACTED], and a black cell phone recovered from the crime scene.

IPRA’s Preliminary Report documents that IPRA investigators observed Sergeant Muhammad’s weapon being processed.⁸⁴ Sergeant Muhammad’s firearm had one (1) live 9mm Luger Winchester cartridge in the chamber. The magazine has a fifteen (15) -round capacity with thirteen (13) live 9mm Luger Winchester cartridges.

Chicago Police Department Inventory Sheet # [REDACTED] documents that CPD recovered one (1) Glock 19 Gen 4, 9mm semi-automatic firearm, one (1) 9mm Luger P Win round recovered from the chamber of the firearm, one (1) Glock 9mm magazine and thirteen (13) 9mm Luger P Win live rounds recovered from the magazine. **Inventory Sheet # [REDACTED]** documents that CPD recovered one (1) UMX cell phone. **Inventory Sheet # [REDACTED]** documents that CPD recovered one (1) 9mm Luger +P fired cartridge case from the street pavement at 10958 S. Hermosa Avenue. **Inventory Sheet # [REDACTED]** documents that CPD recovered one (1) 9mm Luger +P expended shell from the sidewalk at 11211 S. Hermosa Avenue.⁸⁵

The Illinois State Police Laboratory Report documents the results of test firing Sergeant Muhammad’s weapon, a Glock model 19 Gen 4, 9-millimeter semiautomatic pistol.⁸⁶ The report concludes that the two (2) recovered fired cartridge cases were fired from Sergeant Muhammad’s weapon.

⁸² Att. 7

⁸³ Att. 59

⁸⁴ Att. 4

⁸⁵ Att. 31. The casing located at [REDACTED] likely fell inside the [REDACTED] or on Sergeant Muhammad after the shooting and subsequently fell out of the vehicle or off of Sergeant Muhammad when he exited his vehicle to detain [REDACTED]

⁸⁶ Att. 158

VI. ANALYSIS

a. Applicable Law

1. Use of Deadly Force

Consistent with Illinois state law as codified at 720 ILCS 5/7-5, according to the Chicago Police Department's General Order 03-02-03, Section II, A.⁸⁷

A sworn member is justified in using force likely to cause death or great bodily harm only when he or she reasonably believes that such force is necessary:

1. to prevent death or great bodily harm to the sworn member or to another person, or;
2. to prevent an arrest from being defeated by resistance or escape and the sworn member reasonably believes that the person to be arrested:
 - a. has committed or has attempted to commit a forcible felony which involves the infliction, threatened infliction, or threatened use of physical force likely to cause death or great bodily harm or;
 - b. is attempting to escape by use of a deadly weapon or;
 - c. otherwise indicates that he or she will endanger human life or inflict great bodily harm unless arrested without delay.

Determinations regarding the potential use of excessive force in the course of an arrest, investigatory stop, or other seizure are analyzed under the Fourth Amendment's objective reasonableness standard. The question is whether the officer's actions are objectively reasonable in light of the facts and circumstances confronting them, without regard to their underlying intent or motivation. *Graham v. Connor*, 490 U.S. 386, 397 (1989); see *Estate of Phillips v. City of Milwaukee*, 123 F.3d 586, 592 (7th Cir. 2003). The following factors are instructive in making the determination of whether an officer's use of force is reasonable: (1) "the severity of the crime at issue;" (2) "whether the suspect poses an immediate threat to the safety of the officers or others;" and (3) "whether he is actively resisting arrest or attempting to evade arrest by flight." *Graham*, 490 U.S. at 396 (citing *Tennessee v. Garner*, 471 U.S. 1, 8-9 (1985)). The analysis of the reasonableness of an officer's actions must be grounded in the perspective of "a reasonable officer on the scene, rather than with the 20/20 vision of hindsight" and "allow for the fact that police officers are often forced to make split-second judgments – in circumstances that are tense, uncertain, and rapidly evolving – about the amount of force that is necessary in a particular situation." *Plumhoff v. Rickard*, 134 S. Ct. 2012 (2014) (internal quotations and citation omitted). The analysis must take into account the totality of the circumstances confronting the officer, rather

⁸⁷ This report references the version of General Order 03-02-03 in effect on the date of incident. The Department has subsequently amended its Use of Force Policy.

than just one or two factors. *Plumhoff*, 134 S. Ct. at 2020; *see also Scott v. Edinburg*, 346 F.3d 752, 756 (7th Cir. 2003).

2. Preponderance of the Evidence

The standard of proof in administrative cases investigated by COPA is a preponderance of the evidence. A preponderance of evidence can be described as evidence that makes it more likely than not that the alleged misconduct took place. *See Avery v. State Farm Mutual Automobile Insurance Co.*, 216 Ill. 2d 100, 191 (2005) (a proposition is proved by a preponderance of the evidence when it has found to be more probably true than not). If the evidence gathered in an investigation establishes that it is more likely that the misconduct occurred than that it did not occur, even if by a narrow margin, then the standard of proof has been met.⁸⁸

b. Analysis of the Allegations Against Sergeant Muhammad

The evidence conclusively demonstrates that Sergeant Muhammad discharged his firearm two times at [REDACTED] on August 13, 2017. Sergeant Muhammad asserts that he discharged his firearm at [REDACTED] because [REDACTED] put him in fear of his life by pulling a dark object from his waistband area in a manner that he believed to be consistent with someone pulling a weapon.⁸⁹ However, as outlined below, a preponderance of the evidence demonstrates that Sergeant Muhammad's decision to discharge his firearm at Hayes was objectively unreasonable and violated General Order 03-02-03.

Sergeant Muhammad's decision to discharge his firearm at [REDACTED] was objectively unreasonable.

First, Sergeant Muhammad was off-duty, driving a civilian vehicle with [REDACTED] license plates, and not otherwise readily identifiable as a law enforcement official and therefore could not reasonably expect [REDACTED] to immediately submit to his authority.

Second, Sergeant Muhammad did not have probable cause to believe that [REDACTED] had committed any crime, let alone a violent crime.

Third, Sergeant Muhammad did not have any basis to believe that [REDACTED] was armed and dangerous.

Fourth, [REDACTED] did not reasonably pose an immediate threat of death and/or a great bodily harm to Sergeant Muhammad.

⁸⁸ In criminal cases the standard of proof is beyond a reasonable doubt, which is a significantly higher evidentiary standard than the preponderance of the evidence standard that applies to COPA's administrative findings.

Furthermore, COPA may rely on the compelled statement of Sergeant Muhammad in its analysis which would be inadmissible in a criminal case. *See Garrity v. New Jersey*, 385 U.S. 493 (1967).

⁸⁹ Att. 145 at 21-22.

1. Sergeant Muhammad was not readily identifiable as a Chicago police officer or any type of law enforcement official.

To the extent Sergeant Muhammad expected and required [REDACTED] to immediately submit to his authority in the same manner most people would immediately submit to the authority of a uniformed police officer, his belief was entirely unreasonable. Sergeant Muhammad could not be readily identified as a Chicago police officer or any other type of law enforcement official during the incident.

- i. Sergeant Muhammad was not visually identifiable as a police officer or any other type of law enforcement official

Sergeant Muhammad approached [REDACTED] alone in a [REDACTED] with [REDACTED] civilian license plates which - in no way - indicated that he was a Chicago police officer or any other type of law enforcement official. A reasonable person would not have identified Sergeant Muhammad's vehicle as belonging to a law enforcement official.

Sergeant Muhammad's clothing also did not indicate that he was a Chicago police officer or any other type of law enforcement official.⁹⁰ On the night of the incident, Sergeant Muhammad was wearing blue pants and a white Sergeant's shirt that was covered by a blue and grey hoodie with the stars from the City of Chicago flag on the front.⁹¹ Only Sergeant Muhammad's hoodie would have been visible to [REDACTED] while Sergeant Muhammad was seated in the driver's seat of the vehicle, and the hoodie would not have identified Sergeant Muhammad as a law enforcement official to a reasonable person. It is undisputed that Sergeant Muhammad's badge was not visible. While Sergeant Muhammad noted that there was a Chicago Police memorial star on his hoodie, it is extremely unlikely that [REDACTED] could have seen the star because the star was located on the sleeve of Sergeant Muhammad's hoodie and was small. More importantly, even assuming *arguendo* that the star was visible to [REDACTED] Sergeant Muhammad was still not readily identifiable as a police officer. Indeed, [REDACTED] and [REDACTED], CFD employees described Sergeant Muhammad as in civilian dress.⁹² Furthermore, Lieutenant Hicks expressly stated that nothing about Sergeant Muhammad's hoodie indicated he was a police officer.⁹³ Finally, even Sergeant Muhammad's own TRR reported that he was in civilian dress.⁹⁴

⁹⁰ [REDACTED] told COPA investigators during his informal statement that he knew Sergeant Muhammad was a police officer prior to the shooting because of Sergeant Muhammad's "vest." However, Sergeant Muhammad was not wearing a vest. [REDACTED] foster mom, stated that [REDACTED] has been diagnosed with Attention Deficit Hyperactivity Disorder (ADHD), Impulsive Disorder, mild mental retardation and Autism Spectrum Disorder. Att. 126. [REDACTED] also stated that [REDACTED] memory is not reliable. [REDACTED] also stated that [REDACTED] has problems differentiating between facts he knew at a specific time and things he learned later. Numerous witnesses reported that [REDACTED] acted erratically after the shooting and COPA's investigators' own observations of [REDACTED] make it apparent that he cannot accurately recall the incident. For these reasons, COPA places almost no weight on [REDACTED] informal statement except for [REDACTED] identification of his own cell phone.

⁹¹ Att. 145 at 9. See Section V(a) above for a picture of Sergeant Muhammad on the night of the incident.

⁹² Att. 134 at 9; Att. 135 at 9.

⁹³ Att. 137 at 10.

⁹⁴ Att. 6.

- ii. There is insufficient evidence to prove or disprove that Sergeant Muhammad verbally identified himself as a police officer

Sergeant Muhammad asserted that he announced his office (i.e. verbally identified himself as a police officer) to [REDACTED] prior to the shooting. Sergeant Muhammad asserts that upon his initial encounter with [REDACTED] he stated, “Hey, I’m the police. What are you doing?”⁹⁵ Sergeant Muhammad stated that upon his second encounter with [REDACTED] he stated, “Chicago Police, let me see your hands. Chicago Police, let me see your hands.”⁹⁶ COPA need not merely accept Sergeant Muhammad’s account of the events at issue. *Cruz v. City of Anaheim*, 765 F.3d 1076, 1079 (9th Cir. 2014) (“[I]n the deadly force context, we cannot simply accept what may be a self-serving account by the police officer.”) (quoting *Scott v. Henrich*, 39 F.3d 912, 915 (9th Cir. 1994)). COPA does not find Sergeant Muhammad credible on this issue.⁹⁷

First, there is no reliable independent evidence to corroborate Sergeant Muhammad’s assertion that he identified himself as a police officer prior to the shooting.

Second, as outlined below, circumstantial evidence demonstrates that Sergeant Muhammad did not identify himself as a police officer to [REDACTED] prior to the shooting incident.

The surveillance video from [REDACTED] circumstantially contradicts Sergeant Muhammad’s version of the initial encounter. Sergeant Muhammad stated that, as he initially approached [REDACTED] he “pull[ed] up” on him and said, “Hey, I’m the police. What are you doing?”⁹⁸ The footage shows that Sergeant Muhammad drove past [REDACTED] and did not come to a complete stop.⁹⁹ Sergeant Muhammad did not clearly articulate what he meant by the phrase “pull up”, but common-sense and human experience would suggest that Sergeant Muhammad would have stopped his vehicle before or while saying to [REDACTED] “Hey, I’m the police, what are you doing?” to allow [REDACTED] time to respond and engage in conversation with him. However, the surveillance video demonstrates that Sergeant Muhammad did not stop or even substantially slow down despite [REDACTED] not running away until *after* Sergeant Muhammad had driven past him.¹⁰⁰ Nonetheless, audio is not available and the video, alone, cannot sufficiently demonstrate that Sergeant Muhammad did not identify himself during his initial encounter with [REDACTED] near [REDACTED].

Similarly, the surveillance video from [REDACTED] also circumstantially contradicts Sergeant Muhammad’s version of his second encounter with [REDACTED]. Sergeant Muhammad asserted that he announced his office after [REDACTED] ran southbound on [REDACTED]. Sergeant Muhammad alleged that after Hayes stopped on the sidewalk, he said, “Chicago

⁹⁵ [REDACTED] denied that Sergeant Muhammad identified himself as a police officer. Att. 114. COPA is not relying on [REDACTED] informal statement because of concerns that his cognitive and emotional impairments make his statement unreliable.

⁹⁶ Att. 145 at 15.

⁹⁷ [REDACTED] recollection of the events was inconsistent. [REDACTED] stated that Sergeant Muhammad did not speak to him at all prior to shooting him (i.e. did not identify himself as a police officer), but later stated Sergeant Muhammad told him to show his hands. Att. 114. As explained above, COPA places almost no weight on [REDACTED] informal statement.

⁹⁸ Att. 145 at 15

⁹⁹ Att. 95

¹⁰⁰ *Id.*

Police, let me see your hands. Chicago Police, let me see your hands.”¹⁰¹ The audio portion of the surveillance video from [REDACTED] likely contains the entire verbal interaction between Sergeant Muhammad and [REDACTED] in front of [REDACTED]. Sergeant Muhammad’s tone and inflection, as reflected on the surveillance footage, is inconsistent with him identifying himself as a police officer.¹⁰² Rather, Sergeant Muhammad states words to the effect of “What are you doing here, man?” or “come on over here, man.”¹⁰³ Furthermore, in the initial portion of verbal exchange, Sergeant Muhammad does not identify himself as a police officer or state words to the effect of “let me see your hands.” Although Sergeant Muhammad speaks again to [REDACTED] he clearly did not use enough words to have possibly said “Chicago Police, let me see your hands. Chicago Police, let me see your hands” at this point of the interaction. [REDACTED] a resident of [REDACTED] [REDACTED] stated that he heard the interaction and believed he heard a male voice state words to the effect of “What are you doing over here?” but that he was not certain.¹⁰⁴ [REDACTED] also stated that he did not hear Sergeant Muhammad say “police” or otherwise identify himself as law enforcement.¹⁰⁵

A preponderance of the evidence demonstrates that Sergeant Muhammad did not announce his office on two separate occasions in the manner he alleges. Nonetheless, there is insufficient evidence to confirm or dispel that Sergeant Muhammad did not in *any way* verbally identify himself as a police officer at *any point* prior to shooting Hayes.¹⁰⁶

However, regardless, even assuming *arguendo* Sergeant Muhammad verbally identified himself as a police officer on two times in the exact manner he asserted, a proposition that is extremely unlikely, a reasonable person would not just unquestionably immediately believe that a stranger driving a civilian vehicle with an out-of-state license plate and wearing civilian clothing was a police officer simply because the stranger asserts it. It is undisputed that Sergeant Muhammad did not show his badge or otherwise provide any evidence that he was, in fact, a law enforcement official to [REDACTED] prior to the shooting [REDACTED]. A reasonable officer would take into account, as part of the totality of the circumstances, that he or she was off-duty and not readily identifiable as a police officer and evaluate and interpret the subject’s actions and behavior with this in mind. Sergeant Muhammad failed to do so.

The encounter between Sergeant Muhammad and [REDACTED] is quite distinguishable from the normal police-citizen interaction where the police officer is on-duty and readily identifiable as law enforcement. Because Sergeant Muhammad could not be readily identified as a police officer, Sergeant Muhammad could not have reasonably expected [REDACTED] to immediately and unquestionably submit to Sergeant’s Muhammad’s authority as a police officer. Sergeant Muhammad approached [REDACTED] on a relatively dark street prior to sunrise. A reasonable officer would recognize that a reasonable person would be extremely apprehensive and nervous about an encounter with a stranger under these circumstances and could react in a number of ways, including reaching for a cell phone to call for help. The fact that Sergeant Muhammad was not readily

¹⁰¹ Att. 145 at 21

¹⁰² Atts. 140-141

¹⁰³ See Att. 124.

¹⁰⁴ Att. 127 at 31

¹⁰⁵ Att. 128.

¹⁰⁶ For this reason, COPA recommends a finding of Not Sustained for Allegation #2 against Sergeant Muhammad.

identifiable as a police officer weighs against the objective reasonableness of his decision to shoot [REDACTED]

3. Sergeant Muhammad did not observe [REDACTED] commit any crimes and did not have probable cause to believe that [REDACTED] had committed any crime, let alone a violent crime.

Sergeant Muhammad had no information from which to discern that [REDACTED] had committed or would commit any crime prior to encountering [REDACTED] at approximately 5:05 a.m. on August 13, 2017. Sergeant Muhammad was off-duty and simply returning home after his shift ended.¹⁰⁷ Sergeant Muhammad did not know [REDACTED]¹⁰⁸ and did not have any specific information—such as calls to OEMC or information from an informant—from which to discern that criminal activity had recently occurred or was occurring near his residence.

Sergeant Muhammad stated that he initially became suspicious because he observed a vehicle that he did recognize with its lights on parked on [REDACTED] near his residence.¹⁰⁹ Sergeant Muhammad stated he then saw a black male “going behind” another vehicle which he recognized as belonging to his next-door neighbor.¹¹⁰ Sergeant Muhammad knew the man he observed “going behind” the vehicle was not his next-door neighbor.¹¹¹ Sergeant Muhammad also stated that another officer in the area had a weapon and possibly a wallet stolen from her personal vehicle parked near her house.¹¹² Finally, Sergeant Muhammad noted that [REDACTED] ran after he “pull[ed] up” on him.

Sergeant Muhammad did not have probable cause to believe that [REDACTED] had committed *any* crime.¹¹³ “Probable cause to arrest exists when the totality of the facts and circumstances known to a police officer would lead a person of reasonable caution to believe that the person apprehended has committed a crime.” *People v. Johnson*, 408 Ill. App. 3d 107, 119 (1st Dist. 2010). The totality of the facts and circumstances known to Sergeant Muhammad did not establish probable cause to believe [REDACTED] had committed any crime.

First, [REDACTED] clearly did not commit any crime by “going behind” a vehicle that did not belong to him even if this occurred early in the morning while it was still dark. Sergeant Muhammad did not even assert to COPA investigators that he suspected that [REDACTED] was breaking into his neighbor’s vehicle. Regardless, Sergeant Muhammad did not observe [REDACTED] with any tools or other instruments that an officer would normally associate with an individual attempting to break into a vehicle nor did he observe any evidence of break-ins in the area.¹¹⁴

¹⁰⁷ *Id.* at 5-7. Sergeant Muhammad’s shift ended at 2:00 a.m. *Id.* at 6. However, Sergeant Muhammad did not leave the 5th District until approximately 4:50 a.m. *Id.* at 7.

¹⁰⁸ *Id.* at 12.

¹⁰⁹ *Id.* at 10-11 .

¹¹⁰ *Id.* at 12-13 .

¹¹¹ *Id.*

¹¹² *Id.* at 19.

¹¹³ [REDACTED] was never charged with any crime.

¹¹⁴ Video footage from [REDACTED] shows that [REDACTED] was pulling car handles in the area, likely to check to see if the vehicles were unlocked, but Sergeant Muhammad did not report observing this to COPA investigators. Facts that were unknown to Sergeant Muhammad are irrelevant to the use of force analysis.

Second, even viewing the evidence in the light most favorable to Sergeant Muhammad, [REDACTED] lawfully ran away from Sergeant Muhammad. Sergeant Muhammad asserted that he “pull[ed] up” on [REDACTED] and said, “Hey, I’m the police. What are you doing?” and [REDACTED] then ran away.¹¹⁵ Sergeant Muhammad’s description of his initial encounter with [REDACTED] unequivocally constitutes a consensual encounter between an off-duty police officer and a civilian. Sergeant Muhammad did not order [REDACTED] to stop or otherwise attempt to detain him through a show of authority.¹¹⁶ Therefore, [REDACTED] could lawfully run away from Sergeant Muhammad.¹¹⁷ See *Florida v. Royer*, 460 U.S. 491, 497-98 (1983) (noting that individuals approached by police in a consensual encounter do not need to answer police questions and may go about their business). Moreover, as explained in detail above, Sergeant Muhammad was not readily identifiable as a police officer making [REDACTED] flight far less suspicious.

Third, Sergeant Muhammad’s general knowledge that another officer “in the area” had a weapon and possibly a wallet stolen for her personal vehicle parked near her house certainly did not establish probable cause to arrest [REDACTED]. Sergeant Muhammad did not provide COPA investigators any specifics about the alleged incident, such as the alleged date and time the incident occurred, any description of the suspect, or any other information that would reasonably connect the incident to [REDACTED].¹¹⁸

Fourth, although leaving a vehicle with its hazard lights¹¹⁹ on may violate the Chicago Municipal Code—§ 9-40-090—Sergeant Muhammad did not have sufficient information to adequately connect the [REDACTED] to [REDACTED]. Moreover, even assuming *arguendo* that Sergeant Muhammad could reasonably connect the vehicle to [REDACTED] this observation should have only decreased his suspicion that [REDACTED] was attempting to break into his neighbor’s vehicle, as leaving a vehicle with its lights on is likely to attract significant attention to an in-progress crime.

¹¹⁵ Att. 145 at 18. As explained above, there is insufficient evidence to prove or disprove that Sergeant Muhammad verbally identified himself as a police officer to [REDACTED].

¹¹⁶ In contrast, a person who flees from an officer who has initiated a lawful investigatory (*Terry*) stop or an arrest may be guilty of resisting arrest or obstructing a peace officer. See 720 ILCS 5/31-1.

¹¹⁷ COPA recognizes that unprovoked flight from the police may be an “additional factor” in determining whether probable cause to arrest exists and/or reasonable suspicion to conduct an investigatory stop. *People v. Jones*, 196 Ill. App. 3d 937, 956, (1990) (finding that the officer had probable cause to arrest when an eyewitness had identified the defendant in a detailed account to the police, some of the eyewitness’ testimony was independently verified by the police prior to the defendant’s arrest, and the defendant ran upon seeing the officers); see *Illinois v. Wardlow*, 528 U.S. 119, 125 (2000) (holding that “unprovoked flight” in a high crime area justified an investigatory stop); but see *People v. Horton*, 2017 IL App (1st) 142019, ¶¶69-79 (finding that the defendant’s flight did not justify the *Terry* stop and noting “it is not difficult to imagine why a young black man having a conversation with friends in a front yard would quickly move inside when seeing a police car back up” in light of the “reality of law enforcement in today’s racially charged environment.”), *vacated on other grounds*, 2017 Ill. LEXIS 1094. At most, [REDACTED] flight in conjunction with the other facts and circumstances known to Sergeant Muhammad justified a brief *Terry* stop.

¹¹⁸ The officer identified by Sergeant Muhammad as having her wallet stolen also lived approximately .8 miles away from the location where Sergeant Muhammad first encountered [REDACTED]. Att. 159.

¹¹⁹ Sergeant Muhammad did not specify which lights were left on (e.g. the hazard lights, the dome light or the headlights). However, the evidence obtained during this investigation demonstrates by a preponderance of the evidence that [REDACTED] brother who was staying at her residence located at [REDACTED] left a [REDACTED] with its hazard lights on near the residence on the night of the incident.

Finally, Sergeant Muhammad's failure to call 911 or otherwise contact law enforcement is circumstantial evidence that he did not subjectively believe he had probable cause to arrest [REDACTED] especially when Sergeant Muhammad did not even possess any handcuffs.

General Order 03-02-03, Illinois law, and the Fourth Amendment recognize that the severity of the crime at issue is an extremely important consideration in the use of force analysis. *See Graham*, 490 U.S. at 396. General Order 03-02-03, Illinois law, and Fourth Amendment reflect that officers have greater justification in using deadly force against individuals they reasonably believe are violent criminals. The evidence demonstrates that the facts and circumstances known to Sergeant Muhammad were insufficient to establish probable cause to believe [REDACTED] had committed *any* crime, let alone a violent crime.¹²⁰ This fact weighs heavily against the reasonableness of Sergeant Muhammad's decision to shoot [REDACTED] simply in response to [REDACTED] reaching for his back pocket and grabbing an unknown dark object.

4. Sergeant Muhammad did not have any reasonable basis to suspect that [REDACTED] was armed and dangerous.

The evidence demonstrates that Sergeant Muhammad had no reasonable basis to believe that [REDACTED] was armed or dangerous. Sergeant Muhammad did not articulate any basis to believe that [REDACTED] was armed with a firearm or any other weapon prior to [REDACTED] pulling out the dark object out of his back pocket.¹²¹ For example, Sergeant Muhammad did not observe any bulges on or near [REDACTED] waistband. Indeed, Sergeant Muhammad never even asserted to COPA investigators that he subjectively believed [REDACTED] was armed prior to [REDACTED] pulling the dark object out of his back pocket or waistband area, and it is undisputed that [REDACTED] was unarmed on the night of the incident.¹²² Again, Sergeant Muhammad was required to evaluate [REDACTED] action of reaching for his back pocket and pulling a dark object, in light of the totality of the circumstances confronting him. The fact that Sergeant Muhammad had no reasonable basis to believe that [REDACTED] was armed and dangerous weighs heavily against the objective reasonableness of his decision to shoot [REDACTED].

5. Under the totality of the circumstances, [REDACTED] did not reasonably pose an immediate threat of death or great bodily harm to Sergeant Muhammad, and Sergeant Muhammad's use of deadly force was not reasonably necessary to prevent death or great bodily harm.

Sergeant Muhammad told COPA investigators that he discharged his firearm after [REDACTED] pulled a dark object from his waistband area during their encounter in front of [REDACTED].

¹²⁰ While COPA addressed each fact and circumstance known to Sergeant Muhammad separately above for readability purposes, COPA viewed all the facts and circumstances in their totality in reaching its conclusion that Sergeant Muhammad did not have probable cause to believe [REDACTED] had committed any crime. At most, the totality of the facts and circumstances known to Sergeant Muhammad were sufficient to establish reasonable suspicion to justify a limited investigatory *Terry* stop. However, it would be entirely inappropriate for an off-duty officer to attempt a *Terry* stop. The appropriate step would have been to contact on-duty CPD officers.

¹²¹ The evidence demonstrates that [REDACTED] was in fact unarmed on the night of the incident.

¹²² Sergeant Muhammad also did not observe [REDACTED] with any burglary tools which could potentially be used as weapon.

Avenue.¹²³ Sergeant Muhammad's observation that [REDACTED] pulled a dark object from his waistband area was generally corroborated by the surveillance footage and other evidence.

The surveillance footage at [REDACTED] depicts [REDACTED] running south in the street on [REDACTED].¹²⁴ Immediately in front of [REDACTED], [REDACTED] runs from the street to the sidewalk, stops, and faces north.¹²⁵ Sergeant Muhammad's vehicle stops in front of [REDACTED].¹²⁶ Sergeant Muhammad speaks to [REDACTED].¹²⁷ [REDACTED] makes a grunting noise, and Sergeant Muhammad speaks to [REDACTED] again.¹²⁸ [REDACTED] then moves his hand towards the back pocket of his shorts and takes several steps towards the SUV.¹²⁹

Numerous witnesses stated that, after [REDACTED] was detained near [REDACTED], he repeatedly discussed the fact that he had just pulled a cell phone from his pocket. The surveillance footage at [REDACTED] depicts a man, now known to be [REDACTED], pick up an item from the ground close to the area where [REDACTED] was standing when Sergeant Muhammad shot him.¹³⁰ [REDACTED] told IPRA investigators that the item he picked up was a cell phone. That cell phone was later identified as belonging to [REDACTED].¹³¹ Neither Sergeant Muhammad nor any other individual located a firearm on [REDACTED] or in the area after the incident. For this reason, the evidence demonstrates that [REDACTED] did, in fact, pull a dark object from his back pocket, but that the dark object was his cell phone.

At the time Sergeant Muhammad discharged his firearm, he did not know whether the object [REDACTED] pulled from his waistband area was a firearm, a cell phone, or any other dark object. Sergeant Muhammad asserted to COPA investigators that he believed Hayes was pulling out a firearm and that [REDACTED] actions put him in fear of his life.¹³²

The pertinent inquiry is whether, under the totality of the circumstances, it was reasonable for Sergeant Muhammad to infer that [REDACTED] was threatening him by pulling out a firearm, and that deadly force was necessary to prevent his own death or serious injury. It is axiomatic that an individual reaching for his or her back pocket and pulling out a dark object cannot always justify the use of deadly force. To find otherwise, would permit police officers to use deadly force on *any person* who reaches for their back pocket and pulls out an object, which would inevitably result in the death or grave injury of many unarmed individuals.¹³³ Many people, particularly men, carry their cell phones and wallets in their back pockets and may reach for these items during a police encounter or an encounter with a stranger. In the instant case, it was not reasonable for Sergeant

¹²³ Att. 145 at 28.

¹²⁴ Atts. 140-141.

¹²⁵ *Id.*

¹²⁶ *Id.*

¹²⁷ *Id.* As explained above, there is insufficient evidence to determine exactly what was said.

¹²⁸ *Id.* Sergeant Muhammad did not assert that [REDACTED] made any type of threat to him.

¹²⁹ *Id.*

¹³⁰ *Id.*

¹³¹ Att. 127 at 5, 12. [REDACTED] identified the cell phone as belonging to him, and it is undisputed that a dark object was dropped by [REDACTED] during the shooting the incident.

¹³² Att. 145 at 28-29.

¹³³ COPA fully recognizes the legitimate safety interests of law enforcement officers and that reasonable errors of perception or other reasonable mistakes are justifiable under the Fourth Amendment and Department policy. Sergeant Muhammad's mistake in this case was not reasonable.

Muhammad to assume [REDACTED] was pulling out a firearm and assume that deadly force was necessary to prevent his own death or serious injury.

Sergeant Muhammad did not have enough information to justify the preemptive use of deadly force. Sergeant Muhammad's observations must be reviewed under the totality of the circumstances that confronted him which includes that: (1) Sergeant Muhammad was off-duty, driving a civilian vehicle with [REDACTED] license plates, and not otherwise readily visibly identifiable as a law enforcement official; (2) Sergeant Muhammad did not have probable cause to believe that [REDACTED] had committed any crime, let alone a violent crime; and (3) Sergeant Muhammad did not have an adequate basis to believe that [REDACTED] was armed and dangerous; and (4) [REDACTED] approached Sergeant Muhammad's vehicle only after Sergeant Muhammad attempted to engage [REDACTED] in conversation (i.e. made a verbal inquiry).¹³⁴ A reasonable officer would have taken these facts and circumstances into account when evaluating the danger [REDACTED] posed when he reached for his back pocket and pulled out a dark object.¹³⁵

Indeed, although Sergeant Muhammad stated that he believed [REDACTED] was pulling a firearm, Sergeant Muhammad never even asserted that he was able to identify the dark object as a firearm. This is not surprising because [REDACTED] was in fact holding a cell phone, and the cell phone in no way resembled a firearm.¹³⁶ For example, [REDACTED] cell phone does not have a handle or a barrel.¹³⁷ Indeed, it appears that, at least immediately after shooting [REDACTED] Sergeant Muhammad himself did not believe the dark object was a firearm because Sergeant Muhammad did not secure the dark object despite admitting that he saw [REDACTED] drop the dark object to the ground.¹³⁸ Finally, deadly force was not reasonably necessary because Sergeant Muhammad could have simply driven away from the potential threat. This would have created time and distance for Sergeant Muhammad to reassess the situation and to determine whether [REDACTED] was in fact an actual threat.

In its totality, the evidence demonstrates that an officer with similar training and experience as Sergeant Muhammad would not have reasonably believed that [REDACTED] posed an immediate threat of death or serious bodily harm and/or that the use of deadly force was otherwise justified. Accordingly, Sergeant Muhammad's use of deadly force was objectively unreasonable and did not

¹³⁴ Sergeant Muhammad did not assert that he subjectively found [REDACTED] stepping towards his vehicle threatening and never referenced [REDACTED] stepping towards his vehicle in his initial statement. In fact, Sergeant Muhammad simply described [REDACTED] as turning towards him in his first statement. Regardless, a reasonable officer would not have found it threatening that [REDACTED] stepped towards the vehicle because this occurred only after Sergeant Muhammad verbally engaged him. In fact, a reasonable officer would have expected [REDACTED] to act in this manner especially when Sergeant Muhammad does not even allege that he ordered [REDACTED] to "stop" or said, "don't move."

¹³⁵ Nonetheless, a preponderance of the evidence demonstrates that Sergeant Muhammad *subjectively* believed that [REDACTED] posed an immediate risk of death or great bodily to himself and did not act with malice. However, the relevant standard is objective reasonableness. Sergeant Muhammad's subjective belief was objectively unreasonable and therefore Sergeant Muhammad's decision to discharge his firearm at [REDACTED] violated CPD policy.

¹³⁶ See Section V(a) above for a picture of the cell phone.

¹³⁷ To the extent that the lighting conditions prevented Sergeant Muhammad from having a clear view of the dark object, Sergeant Muhammad certainly could not have reasonably identified the object as a firearm.

¹³⁸ Att. 145 at 32. An officer is clearly required to secure weapons for public safety reasons. While surveillance footage from [REDACTED] does show Sergeant Muhammad searching the area, it does not reflect that he secured the dark object, and Sergeant Muhammad stated that he did not attempt to retrieve it despite repeated questioning on the subject. Att. 145 at 45-46; Att. 150 at 34-38. However, COPA recognizes that Sergeant Muhammad's belief immediately after the shooting does not necessarily prove what he perceived immediately prior to the shooting.

comply with Chicago Police Department's General Order 03-02-03. For these reasons, COPA recommends a finding of **Sustained** for Allegation #1 against Sergeant Muhammad.¹³⁹

VII. RECOMMENDED DISCIPLINE FOR SUSTAINED ALLEGATIONS

a. Sergeant Khalil Muhammad, #960

1. Complimentary and Disciplinary History

COPA received and reviewed Sergeant Muhammad's complimentary and disciplinary history.

2. Recommended Penalty, by Allegation

Having taken that into consideration Sergeant Muhammad's complimentary and disciplinary history and in accordance with the applicable collective bargaining agreement, COPA recommends a suspension of **ninety (90)** days.

¹³⁹ COPA also evaluated Sergeant Muhammad's use of deadly force under General Order 03-02-03(II)(A)(2) and determined that is not applicable to these facts.

VIII. CONCLUSION

Based on the analysis set forth above, COPA makes the following findings:

Officer	Allegation	Finding/Recommendation
Sergeant Khalil Muhammad	1. It is alleged that on August 13, 2017, at approximately 5:06 a.m., at or near [REDACTED] [REDACTED] Sergeant Muhammad used unjustified deadly force by shooting [REDACTED] in violation of General Order 03-02-02 and Rules 2, 3, 6, and 38.	Sustained
	2. It is alleged that on August 13, 2017, at approximately 5:06 a.m., at or near [REDACTED] [REDACTED] Sergeant Muhammad failed to identify himself as a police officer, in violation of Rules 2 and 3.	Not Sustained

Approved:

[REDACTED]

Chief Administrator

9/24/18
Date

Appendix A

Assigned Investigative Staff

Squad#:

[REDACTED]

Major Case Specialist:

[REDACTED]

Acting Supervising Investigator:

[REDACTED]

Deputy Chief Administrator:

[REDACTED]