

BEFORE THE POLICE BOARD OF THE CITY OF CHICAGO

IN THE MATTER OF CHARGES FILED AGAINST)
SERGEANT KHALIL MUHAMMAD,) **No. 19 PB 2956**
STAR No. 960, DEPARTMENT OF POLICE,)
CITY OF CHICAGO,)
)
) **(CR No. 1086285)**
RESPONDENT.)

FINDINGS AND DECISION

On June 4, 2019, the Superintendent of Police filed with the Police Board of the City of Chicago charges against Sergeant Khalil Muhammad, Star No. 960 (hereinafter sometimes referred to as “Respondent”), recommending the Respondent be suspended from the Chicago Police Department for one-hundred-eighty (180) days for violating several Rules of Conduct.

On October 16, 2019, the parties entered into a Stipulation, stating that the Respondent seeks to plead guilty to said charges and accept the recommended 180-day suspension. The parties agree that they wish to avoid the time and expense of holding a full hearing on the undisputed charges, and that the Stipulation will provide the Police Board with sufficient facts for it to resolve this matter. The members of the Police Board read and reviewed the Stipulation and its exhibits. Hearing Officer Allison L. Wood made an oral report to and conferred with the Police Board before it rendered its findings and decision

POLICE BOARD FINDINGS

The Police Board of the City of Chicago, as a result of its hearing on the charges, finds and determines that:

1. The Respondent was at all times mentioned herein employed as a sergeant of police by the Department of Police of the City of Chicago.

2. A copy of the charges filed, and a notice stating the date, place, and time the initial status hearing would be held, were personally served upon the Respondent not fewer than five (5) days before the date of the initial status hearing for this case.

Introduction

3. The Stipulation sets forth the following facts. On August 13, 2017, at approximately 5:06 a.m., Sergeant Muhammad was off duty and driving alone to his home at [xxxxx] South Hermosa Avenue on the far South Side of Chicago. As he neared his home, he observed Ricardo Hayes, an 18-year-old male, standing by a neighbor's vehicle. Sergeant Muhammad thought Mr. Hayes looked suspicious, and decided to investigate because of recent car burglaries in the area.

Sergeant Muhammad, while in his personal vehicle, approached Mr. Hayes, allegedly identified himself as a police officer, and asked what he was doing. Mr. Hayes did not respond and began running away. Sergeant Muhammad made a U-turn and followed Mr. Hayes in his vehicle, eventually catching up to Mr. Hayes and stopping his vehicle in the street perpendicular to where Mr. Hayes was standing on the sidewalk. Sergeant Muhammad again asked Mr. Hayes what he was doing. Instead of responding, Mr. Hayes began walking toward Sergeant Muhammad's vehicle. Mr. Hayes turned toward Sergeant Muhammad and began to pull a dark object out of his waistband. Sergeant Muhammad ordered Mr. Hayes to show his hands and immediately discharged his firearm two times, striking Mr. Hayes. Mr. Hayes threw the dark object in the air and ran away.

Sergeant Muhammad exited his vehicle to see where Mr. Hayes went, then returned to his vehicle and followed him to the rear of Morgan Park High School. Sergeant Muhammad then chased Mr. Hayes on foot, detained him on the ground, and called 911 for assistance.

When the Chicago Fire Department arrived, Mr. Hayes was lying face-down on his stomach. He was agitated and continually stated to first responders, “Why was I shot? All I had was a telephone.” Mr. Hayes sustained a through-and-through gunshot wound to the left side of his chest, close to his arm, and was transported to the hospital. A black mobile phone belonging to Mr. Hayes was recovered on the sidewalk near where he was shot; no weapons were recovered from the area, and Mr. Hayes was not arrested.

4. According to the Stipulation, Mr. Hayes suffers from an intellectual disability and is unavailable to be called as a witness at a hearing before the Board, and there are no other witnesses to the shooting. The exhibits to the Stipulation include video of the shooting taken from a residential surveillance camera, and statements Sergeant Muhammad and one of the first responders made to the Civilian Office of Police Accountability in September 2017. Because a full evidentiary hearing before the Board will not result in a materially more complete record on which to decide this case, the Board accepts the Stipulation entered into by the Superintendent and Sergeant Muhammad.

Charges Against the Respondent

5. The Respondent, Sergeant Khalil Muhammad, Star No. 960, charged herein, is **guilty** of violating Rule 2, Rule 3, Rule 6, and Rule 38 in that the Superintendent proved by a preponderance of the evidence the following charges:

On or about August 13, 2017, at approximately 5:06 a.m., in the vicinity of [xxxxx] South Hermosa Avenue, Chicago, Sergeant Khalil Muhammad, while off duty, without lawful justification, used force likely to cause death or bodily harm without a reasonable belief that such force was necessary when he fired one or more shots at R.H., a member of the public. Sergeant Muhammad thereby violated:

- a. Rule 2, which prohibits any action or conduct which impedes the Department’s

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efforts to achieve its policy and goals or brings discredit upon the Department;

- b. Rule 3, which prohibits any failure to promote the Department's efforts to implement its policy or accomplish its goals;
- c. Rule 5, which prohibits any failure to perform any duty;
- d. Rule 6, which prohibits disobedience of an order or directive, whether written or oral, by disobeying General Order G03-02-03, Section II (effective February 10, 2015); and
- e. Rule 38, which prohibits unlawful or unnecessary use or display of a weapon.

Sergeant Muhammad admits in the Stipulation that he engaged in the above conduct and that it violates Rule 2, Rule 3, Rule 6, and Rule 38.

6. The Respondent, Sergeant Khalil Muhammad, Star No. 960, charged herein, is **guilty** of violating Rule 2 and Rule 3 in that the Superintendent proved by a preponderance of the evidence the following charges:

On or about August 13, 2017, at approximately 5:06 a.m., in the vicinity of [xxxxx] South Hermosa Avenue, Chicago, Sergeant Khalil Muhammad, while off duty, fired one or more shots at or near R.H., a member of the public, striking and/or injuring him. Sergeant Muhammad thereby violated:

- a. Rule 2, which prohibits any action or conduct which impedes the Department's efforts to achieve its policy and goals or brings discredit upon the Department; and
- b. Rule 3, which prohibits any failure to promote the Department's efforts to implement its policy or accomplish its goals.

Sergeant Muhammad admits in the Stipulation that he engaged in the above conduct and that it violates Rule 2 and Rule 3.

Penalty

7. Based on Sergeant Muhammad's admissions in his statement to the Civilian Office of Police Accountability and in the Stipulation, his complimentary record (39 total awards, including one Department commendation and 23 honorable mentions), and his having no sustained complaints on his disciplinary history, and because a full evidentiary hearing will not result in a materially more complete record on which to decide this case (see paragraph no. 4 above), the Board finds that the 180-day suspension recommended by the Superintendent and agreed to by Sergeant Muhammad is appropriate.

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POLICE BOARD DECISION

The members of the Police Board of the City of Chicago hereby certify that they have read and reviewed the record of proceedings, received the oral report of the Hearing Officer, and conferred with the Hearing Officer. The Police Board hereby adopts the findings set forth herein by the following votes.

By votes of 7 in favor (Ghian Foreman, Paula Wolff, Matthew C. Crowl, Eva-Dina Delgado, Steve Flores, John P. O'Malley Jr., and Andrea L. Zopp) to 0 opposed, the Board finds the Respondent **guilty** of violating Rule 2, Rule 3, Rule 6, and Rule 38, as set forth in paragraph nos. 5 and 6 above.

As a result of the foregoing, the Board, by a vote of 7 in favor (Foreman, Wolff, Crowl, Delgado, Flores, O'Malley, and Zopp) to 0 opposed, hereby determines that cause exists for suspending the Respondent from his position as a sergeant with the Department of Police and from the services of the City of Chicago for a period of one-hundred-eighty (180) days.

NOW THEREFORE, IT IS HEREBY ORDERED that the Respondent, Sergeant Khalil Muhammad, Star No. 960, as a result of having been found **guilty** of all charges in Police Board Case No. 19 PB 2956, shall be **suspended** from his position as a sergeant with the Department of Police and from the services of the City of Chicago for a period of one-hundred-eighty (180) days.

This disciplinary action is adopted and entered by a majority of the members of the Police Board: Ghian Foreman, Paula Wolff, Matthew C. Crowl, Eva-Dina Delgado, Steve Flores, John P. O'Malley Jr., and Andrea L. Zopp.

DATED AT CHICAGO, COUNTY OF COOK, STATE OF ILLINOIS, THIS 12th DAY OF DECEMBER, 2019.

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Attested by:

/s/ GHIAN FOREMAN
President

/s/ MAX A. CAPRONI
Executive Director

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DISSENT

The following members of the Police Board hereby dissent from the Findings and Decision of the majority of the Board.

[None]

RECEIVED A COPY OF

THESE FINDINGS AND DECISION

THIS ____ DAY OF _____, 2019.

CHARLIE BECK
Interim Superintendent of Police