

# Illinois State Police argue decision to ID cop who fatally shot Jemel Roberson should be Midlothian's

Koeske, Zak . TCA Regional News ; Chicago [Chicago]08 Jan 2019.

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## FULL TEXT

Jan. 08--The Illinois State Police are arguing that they should not have to identify the Midlothian police officer who fatally shot security guard Jemel Roberson outside a Robbins bar last November, according to court filings.

The state police, whose Public Integrity Task Force is investigating the shooting, say any decision on releasing the officer's identity should be made by Midlothian, which has argued against identifying him. The state police also is seeking to withhold video and witness statements from the Nov. 11 incident until its investigation concludes. It wants a six-month extension.

An attorney for the ISP made the request Friday in a motion asking the court to extend its deadline for responding to a subpoena filed by an attorney for Roberson's estate.

The subpoena, filed Nov. 16 by Gregory Kulis, had sought the release of records related to the shooting, including the identity of the Midlothian police officer who shot Roberson.

The state police's request for an extension comes on the heels of two previous extensions the agency requested and was granted.

Neither the ISP attorney who requested the extension nor Kulis immediately responded to requests for comment Monday.

The basis for the latest extension request, ISP argues, is law enforcement investigative privilege.

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"The purpose of the law enforcement investigative privilege and reason for asserting it here is to ensure that the ongoing criminal investigations" -- ISP is investigating Roberson's shooting and the Cook County sheriff's office is investigating the multiple shootings inside Manny's Blue Room Lounge in Robbins that preceded it -- "are thorough, complete, and accurate so that the truth is ascertained," the motion states.

State police argued that any decision to release the officer's identity, which has been kept under wraps for nearly two months since the shooting, should be left up to Midlothian.

"Given the possibility of threats to the Officer, (Midlothian) is in the best position to determine whether those threats justify withholding Office (sic) John Doe's identity," the motion states.

The village, in previously denying a reporter's Freedom of Information Act request for the officer's personnel file, said the officer had been the target of epithets and death threats, and had a "very real fear for his life if he is identified at this time."

The officer, who is white, has been with the department for nearly four years and was a team leader on the regional SWAT team, the village has said. He is on paid administrative leave pending the conclusion of the state police investigation.

Roberson, who was black, had been working security inside Manny's Blue Room the night before and early morning of the shooting.

According to witness accounts, he sprang into action after a fight broke out between two groups of men and shots

were fired.

Amid the chaos, Roberson, 26, of Chicago, managed to apprehend one of the bar shooting suspects, and was holding the man at gunpoint on the ground in Manny's parking lot when a police officer shot him dead, witnesses said.

Witnesses said the officer fired on Roberson, who was wearing garb clearly marked with the word "Security," without giving him an adequate opportunity to respond to his verbal commands.

The incident sparked protests and calls for justice by activists, who demanded the officer's immediate termination and arrest for murder.

Two days after the shooting, Illinois State Police released a statement contradicting previously published witness accounts and said its preliminary investigation had found the officer gave "multiple verbal commands" to Roberson to drop his gun and get on the ground before shooting him.

The ISP statement also said Roberson was wearing "plain black clothing with no markings readily identifying him as a Security Guard."

Kulis, the attorney for Roberson's estate, said ISP's release of its preliminary findings – which were attributed to "witness statements" – just 2 1/2 days after the incident, was unprecedented.

He filed a subpoena seeking the witness statements and evidence police had used to make their preliminary findings, arguing that because the agency had issued a press statement citing the findings, he was entitled to see the evidence supporting them.

U.S. District Judge Joan Lefkow denied his motion requesting the release of the officer's name on Nov. 20, and granted state police an extension until Dec. 18 to respond to his subpoena for other investigative documents.

On Dec. 18, state police requested an additional extension until Jan. 4, which was granted Jan. 2.

The ISP's Jan. 4 motion to stay Kulis' subpoena argues that disclosing the information he requested would discourage other witnesses from coming forward, especially since the suspects in the initial bar shooting – which sheriff's police are investigating – have not yet been arrested.

State police claim that releasing witness information would hinder both investigations by putting witnesses' and victims' lives in danger and potentially affecting subsequent witness testimony.

"The (Public Integrity Task Force) is tasked with conducting a thorough investigation to ascertain the truth and provide a complete report to the State's Attorney so it can conduct any criminal proceedings," the ISP motion states. "If the PITF is to accomplish this, then it requires some time to investigate without outside influences, including those of civil litigants. Otherwise, these outside interferences undermine the integrity of the investigation, place innocent citizens' lives at risk, and jeopardize potential criminal defendants' right to a fair trial."

Kulis responded Monday to the state police's motion by filing his own motion requesting sanctions against the agency for its failure to comply with deadlines agreed to and set by the court.

"The Illinois State Police should be found in Contempt of Court for failure to meet its Court promises and comply with the Court Order," he wrote in his motion, which also requests \$3,127.50 in attorney's fees and that the court deny the ISP's motion to stay his subpoena.

CREDIT: By Zak Koeske

## DETAILS

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