

Cop acquitted in drug-raid killing

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LIMA - Off the courtroom in a back hall, family and fellow officers of a police sergeant acquitted in the shooting death of a woman during a drug raid greeted him with handshakes and hugs while the family of the woman he killed stood outside the courthouse in shock.

"The truth. I just want the truth," Ivory Austin II answered when asked what he'd like to say to Sgt. Joe Chavalia, the police officer an all-white jury acquitted of criminal charges in the death of his sister, Tarika Wilson, a biracial woman.

"I'm not saying he went up there and intentionally killed her, but he should be held accountable for his mistake," Austin said.

Chavalia left an Allen County courtroom Monday without making a statement or showing any emotion after a jury of four women and four men acquitted him of negligent homicide and negligent assault in the Jan. 4 shooting death of Wilson and injury to her 1-year-old son in her East Third Street home.

Reaction to the verdict

Chavalia's attorney, Bill Kluge, of Lima said the trial should settle any questions on whether Chavalia acted appropriately given the circumstances of a fast-paced, dangerous raid by the special weapons and tactics team.

"No one intended to kill anyone here. There was a threat and Joe responded to it," Kluge said. "Joe was justified in what he did and it was not just a random shooting."

Kluge said the key to the acquittal on the charges that carried a maximum sentence of eight months in jail did not boil down to only one point.

"I think the difference was we presented the case so everyone could understand it and kept hammering home certain points," Kluge said.

However, that "everyone" did not include Wilson's family, who let out gasps of disbelief when the words "not guilty" were read by visiting Judge Richard Knepper following more than three hours of jury deliberations.

"No," one family member said. Another said she needed out of the courtroom and quickly left with the rest of Wilson's family, including her mother, Darla Jennings.

Chavalía sat stoically next to his attorneys who patted him on the back as the verdicts were read. His wife, Pam Chavalía, hugged members of their family and her husband, all of whom were surrounded by officers from Chavalía's department.

Those police officers in the courtroom, numbering at least a dozen, also showed no emotion in the courtroom.

Special Prosecutor Jeffrey Strausbaugh said he would have no comment and left the courtroom following the verdicts.

When asked what Kluge thought Chavalía would say to the community, had he chosen to speak, Kluge said, "Joe would want the community to move on and help stop the gang violence that is going on."

Kluge said the criminal trial and acquittal were just the first steps for Chavalía in handling the aftermath of his role in Wilson's death. He expects a civil lawsuit to be filed.

The criminal trial verdict, however, will be well heard across the state where departments from all over were keeping a close eye on the outcome, Kluge said.

"If we couldn't justify it based on Joe's conduct in this case, every officer on a SWAT raid, from this point on, would be thinking, 'Well, look what happened to Joe Chavalía,'" he said.

Kluge also said Chavalía never would have been charged if not for public opinion early on.

"I think the only reason the grand jury returned the indictment in this case, and I'll be real blunt about this, is because they thought they had to respond to what was going on in the community. Had this case waited two or three months going to the grand jury, it might have been different," he said.

Wilson's family in shock

Outside the courtroom, Austin stood shaking his head in disbelief and other members of his family shouted while Chavalía was ushered out a private entrance far away from them and the public.

Austin questioned the honesty of police officers who testified, including Chavalía. He said some things just didn't make sense such as the fact no officer reported hearing or seeing children or anyone in the house before the shooting.

"Come on, six babies would have been screaming and carrying on," he said.

Austin said he just couldn't believe a seasoned officer such as Chavalía with 32 years on the department could shoot his sister while she held her baby without being found at fault.

Austin continued to question police procedure and blast the Police Department not only for killing his sister but also for its handling of the drug case against Anthony Terry, the man police were after when they raided Wilson's home. Had police picked Terry up after selling drugs following any of the seven undercover buys, his sister still would be alive, he said.

He questioned how police, while conducting surveillance on the house, never saw Wilson's children coming home from school or Wilson taking any of her six children out of the house.

What's next for the Wilson family

Initially, the family has to deal with the shock of the verdicts, something Austin and other family members are having a hard time understanding.

No matter what the verdicts were, however, the family still has an obligation to Wilson's children, who are being raised by Wilson's mother, Darla Jennings, Austin said.

"We still have babies to raise, children to raise," he said.

They also must deal with Wilson's loss, which they continue to grieve and will for some time, he said.

"I miss my little sister so much," he said.

Austin said he and others are going to have an even harder time trusting police, who he said not only treat members of the black community poorly but also now know they can shoot and kill a black person and "get away with it."

"How does the community I'm from respect police?" he asked.

Chavalía and the department's future

Chavalía's future with the department is unclear. Chief Greg Garlock said he would remain on paid administrative leave pending an internal investigation. Garlock did not know how long that would take.

Kluge suggested Chavalía's career with the Lima Police Department was over but declined comment when asked if Chavalía would retire.

"Unfortunately, I don't believe that he will be an officer in Lima anymore and that's Lima's loss," Kluge said.

Garlock said the entire shooting and everything that surrounded it, including how police handled the release of information to the public afterward, would be examined. The chief said he knows the lack of information fueled a fire but it seemed the best thing to do, at the time, to protect the integrity of the investigation.

Police had an idea of what happened that night but did not know all the facts the investigation revealed, Garlock said.

The department will examine whether more information could have been released and what that information would have been that could have possibly given answers to the community and eased some of the tension, he said.

The chief said there has been and will continue to be SWAT raids, something members of the community asked Garlock not to stop shortly after the shooting.

The city also may establish a civilian review board for incidents where officer's conduct is questioned but that issue has yet to be decided, Garlock said.

The chief said the department also would look into whether there is a better way of dealing with dogs SWAT officers often confront on raids. In the Jan. 4 raid, gunfire aimed at two charging pit bulls prompted Chavalía to shoot at Wilson because he said he believed he was being fired upon.

Officers conducting surveillance were unaware dogs were inside the home. Garlock said SWAT officers have tried to use animal control officers and stun guns on dogs in the past but that isn't always an option especially if they don't know the dogs are in the house.

"It's what we know when we go in that is the most important thing. Knowing they're in there a head of time," Garlock said.