

Seeking justice in Harvey

Families: Suburb's police have failed their loved ones through shoddy work, inaction

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On an oil-stained blacktop beside a Harvey convenience store, someone shot and killed 20-year-old trade student Tommy Lee in his car.

Five years later, his parents still have the sedan, two bullet holes rusting in the hood and fender. They also have file folders documenting years of letdowns in their pursuit of Tommy's killer.

Sitting around the kitchen table in a suburban split-level, they say Harvey police lied to them, yelled at them and made them feel like a bother. A state police agent who reviewed the case told the Tribune that Harvey's handling of the investigation was a "travesty."

And so Lee's parents wait for an arrest, like scores of other victims' families who say they've learned the hard way how difficult it is to get justice in Harvey.

"I'm the kind of person that I believe the police are here to serve and protect, and they really do try to help and they really do try to solve crimes," Marsha Lee said, pausing to collect her thoughts. "I had no idea."

The Lees' education came in a community that bucks encouraging national and regional crime trends.

Experts say it's not unusual for impoverished places to have more crime and tougher cases to solve. But the Tribune found that those two factors alone don't explain what has happened in Harvey, where the competence and integrity of the department frequently come under fire.

It's a suburb that commissioned an audit that ripped its Police Department's detective work, and then promoted the head of the detective bureau.

It's a community where officers can keep their guns and badges despite questionable conduct highlighted in scandal after scandal.

Harvey's leaders are regularly subpoenaed to testify in lawsuits accusing the department of wrongdoing. Some are filed by officers themselves, who allege misconduct by their bosses or complain of mistreatment.

The lawsuits drain millions of dollars from the pockets of taxpayers in one of the Chicago area's poorest communities.

While the impact is felt most acutely in Harvey, experts say there are hidden costs to the rest of the area's taxpayers — with boosted public spending on services like health care — while the suburb's lawlessness creates a general drag on the regional economy.

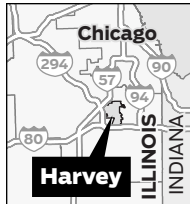
"I suffer from the crime problem in Harvey," said David Olson, a Loyola University Chicago criminal justice professor who lives in Cook County's northwest suburbs.

When asked about their crime-fighting efforts, Harvey officials pointed to their overall 2013 crime totals as being the lowest in 17 years. But the Tribune found that, given the suburb's population drop, Harvey's overall crime rate — crime per resident — remains higher than it was in 2002, the year before Mayor Eric Kellogg took office.

The Tribune found that the city's overall crime figures dropped mostly because

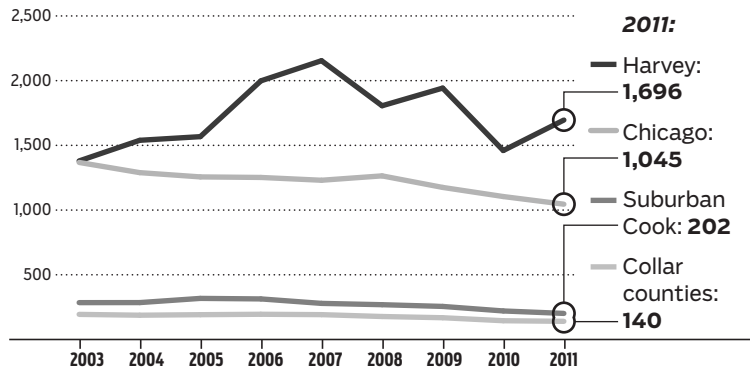
How Harvey crime and arrest rates compare

The south suburb of Harvey — population 25,000 — has long struggled with a violent crime rate that towers over that of Chicago and other suburbs.



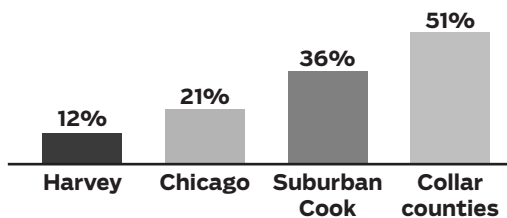
VIOLENT CRIME RATE SINCE 2003

Per 100,000 residents, violent crime includes murder, sexual assault, robbery and aggravated assault



ARREST RATE

Combined number of reported arrests for violent crime from 2007-11, compared with incidents of violent crime for those same years



NOTE: Definitions of crime categories can change from year to year. The collar counties are DuPage, Kane, Lake, McHenry and Will. Illinois does not collect data on crime clearance rates, making arrest figures the only way to attempt to quantify and compare the performance of area police departments.

SOURCE: Tribune analysis of state data

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ANTONIO PEREZ/TRIBUNE PHOTO

Thomas Lee points at bullet holes in his son's car. He and his ex-wife say Harvey police lied to them and berated them about their son's slaying.



Tommy Lee, who played football as a teen, was an aspiring barber.

of slides in property crime, particularly auto theft. In the categories that gauge violence — homicides, rapes, robberies and assaults — the most recent figures provided by Harvey show violent crime rose last year and was comparable to the year Kellogg took office, when he said crime had put the community in a “state of emergency.”

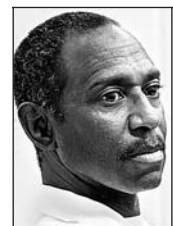
Harvey officials, in an interview last year, blamed much of the crime on outsiders — such as parolees and sex offenders who moved into town. They also downplayed the significance of the suburb's low arrest numbers, arguing that officials focus on youth activities, jobs and neighborhood improvement to reduce crime.

“It is not just about locking everyone up. If that is what it is all about, something is wrong,” said Denard Eaves, the acting police chief — a title he has held for six years.

Kellogg has complained that the suburb's problems are overblown by an unfair media and politicians looking to malign the suburb to make headlines.

But one of the critical politicians — Cook County Sheriff Tom Dart — said Harvey's problems go so deep that it raises a moral question of just how lawless a place can become before people elsewhere start to care.

“There are a lot of really good families that live out there,” Dart said. “The notion that because of where they live, they get less police protection, substandard police protection, no police protection — that's appalling. Nobody in our county, frankly no one in our state, should accept that as being OK.”



Acting Chief Denard Eaves



Mayor Eric Kellogg

Off-the-chart crime

Harvey is not alone in complaints of shoddy police work or shaky leadership.

Stories abound — from police departments in Robbins to Schaumburg — of recklessness and cluelessness that can be found, to certain degrees, in any profession.

But what separates Harvey from other areas — inside and outside Chicago — is the coinciding, glaring statistics.

Measuring crime can be tricky. Towns can define offenses differently or even fudge the numbers. The Tribune analyzed the best and most recently available data, compiled by state police.

Year after year, Harvey has reported the highest rate of violent crime of any suburb with more than 500 residents in the six-county region — a rate that approaches some of Chicago’s most dangerous neighborhoods.

At the same time, the arrest rate has been lower than that of any other Chicago-land community battling significant violent crime, including Chicago’s most troubled neighborhoods.



CHRIS SWEDA/TRIBUNE PHOTO

Craig Kimsey washes his car outside his mother’s Harvey home. He said he was robbed and pistol-whipped outside his childhood home in the neighborhood two years ago and never heard anything from police.

From 2007 through 2011, Harvey had 54 slayings, with 16 arrests. That’s less than one arrest for every three cases.

During that period, Harvey recorded 2,446 other violent crimes, with 285 arrests, or nearly one for every nine cases.

Compare Harvey’s numbers for that period with those of Wilmette, a wealthy north suburb with a violent crime rate that was nearly 50 times lower than Harvey’s, and an arrest rate more than four times higher.

Or to middle-class west suburban Villa Park, with 13 times less violent crime and quadruple the arrest rate.

Or Chicago Heights, a high-poverty suburb like Harvey but with about half the violence rate and more than twice the arrest rate.

The statistics come to life in the neighborhoods of Harvey, even those not scarred by boarded-up houses and pothole-riddled streets.

On the blocks near Southwest Park, tidy split-levels anchor a neighborhood that’s attracted newer two-story homes. Sculpted shrubs compete for attention amid neatly manicured lawns — and neighbors’ worried tones about encroaching crime.

Craig Kimsey said he was robbed and pistol-whipped outside his childhood home in the neighborhood two years ago. Kimsey said he never heard anything from police about the case.

He doesn’t live in Harvey anymore, but his mother does. Kimsey said he would never return to a town where police incompetence has become a running joke.

“We always say that Harvey never caught anybody,” he said. “I honestly believe Harvey’s a lost cause right now.”

‘Lawless’

Just how bad Harvey policing had become was laid bare in a rare independent audit the suburb quietly commissioned two years ago.

As part of the audit, which was obtained by the Tribune, two retired state police officers dug through 14 homicide cases and found a litany of problems that could have helped killers remain free.

Some files listed potential suspects, with no record that anybody followed up on the leads.

Some had no record of anyone doing basic checks for witnesses — often key to identifying a suspect.

And some case files lacked even a standard incident report — the first step to documenting a crime.

The auditors were left with a damning conclusion: “It is clear that the department has not completed a thorough investigation on many of these cases.”

None of those problems surprises Curtis Jackson Sr. His 20-year-old daughter, Tamela, was found stabbed more than 40 times in 2003, according to court records. Jackson said stress from the slaying of his daughter, who was set to start a job as a hairstylist, led him to quit his job at Ford.

He said detectives did so little to solve the case that he spent days and nights tracking suspects. Police had a decent fingerprint but needed to find a suspect to compare it with. Jackson said he eventually found one, but Harvey police ignored his tip.

Records show it took intervention by police elsewhere to crack the case two years later. By then, the assailant had struck again, beating and robbing a disabled man.

Jackson remains furious at what he considers inferior police work. He said the case could have been solved in weeks instead of years: “They did a pretty sloppy job. ... I asked questions. That’s how I could give them this information about the guy who actually did it.”

And that case counts for an arrest in Harvey’s totals.

There are other families still awaiting justice, like the Lees. Thomas Lee, a retired manager with Sunoco, said he passed out fliers offering a \$10,000 reward near the scene of his son’s slaying, outside The Huddle convenience store. Instead of thanking him, Lee said, a detective told him that the reward was too small and that he should stay away from the scene.

Three years later, state police would take a look at the case and discover a key failure: Harvey had a witness who identified a prime suspect, but police never followed up.

“It was a solvable case,” said retired state police Detective Tony Gentry, who handled that agency’s review. “The Lee case was a travesty because everything could have been done right away.”

Harvey police declined to discuss cases.

Others also felt their crime-fighting assistance wasn’t welcome in Harvey.

The owners of a family business said they became victims of Harvey police in 2005 after seeing two thieves breaking into a car.

Two owners and an employee called 911 and chased down one thief, who fought back as Harvey police arrived. According to court records, officers let the thief go, handcuffed the owners and worker for allegedly battering the thief and marched them down the street as a crowd jeered the men. They were jailed for 34 hours, but battery charges against the three were later dropped.

The men sued, prompting the suburb to pay to settle the case. Tim McKernin, one of the owners who was jailed, said the family soon moved its exhibits business out of town, in part because it could no longer trust the police there.

“It was the most unbelievable thing that you could experience with law enforce-



COOK COUNTY CRIME STOPPERS

Tamela Jackson, slain in Harvey.
Police elsewhere solved the case.

ment,” McKernin said, the anger fresh in his voice years later. “There is no truth in Harvey. ... It is essentially lawless.”

Broken promises

The cases involving the Jackson, Lee and McKernin families didn’t garner many headlines. But one event did, throwing the spotlight briefly on incompetence in Harvey.

In 2007, county deputies and prosecutors took the highly unusual step of seizing from Harvey evidence that had long gone ignored, which allowed violent criminals to walk free for years. They discovered that hundreds of evidence kits from rape cases had not been tested. Harvey officials pledged cooperation.



ZBIGNIEW BZDAK/TRIBUNE PHOTO

Harvey’s violent crime rate last year was comparable to that of 2003, when new Mayor Eric Kellogg said crime had created a “state of emergency.”



PHIL VELASQUEZ/TRIBUNE PHOTO

A woman who was raped as a teen in 2008 said Harvey police waited days to interview her. Nearly six years later, no one has been arrested. “I just feel like I could have been so much further in life right now,” she said.

But the Tribune has found that, weeks after the seizure, a teenager reported being raped by an acquaintance, and her evidence wasn’t tested for four years, according to court records. Only when it was finally tested was the rapist charged and eventually convicted.

In those four years, the victim recalled, she regularly saw her rapist at the bus terminal in town. She pointed him out to Harvey police, but they told her that nothing could be done, she said.

“Every time I saw him, my heart dropped,” she told the Tribune. “It got to me, seeing that he was out walking freely and nothing was done.”

In 2008, another teenage girl reported that a stranger abducted and raped her in an abandoned home near her school. She still remembers the man’s distinctive

four-colored, horizontal-striped shirt. She said she would have eagerly told police, who could have scoured the area, but she and her mother sat at the hospital for more than six hours waiting to talk to an officer who never showed up.

Only five days later, after the mother complained, did Harvey police take their statements, the mother said. They did send the teen’s evidence for testing, but nearly six years later no one has been arrested.

The teen started to cry as she spoke of what she has lost since then: her senior year of high school, prom, emotional bonds with family and friends. She blames not just the rapist but also police treating her like a “nuisance.”

“I just feel like I could have been so much further in life right now. Because of

this situation, because of what they did, I feel just so held back,” she said, her voice cracking.

Both young women are part of a broader pending lawsuit brought by alleged rape victims against Harvey. The suit was filed by attorney Yao Dinizulu, who said it could affect more than 700 victims from cases dating to 1997. The lawsuit is among scores filed by victims and suspects over the years, many of which Harvey has settled.

Records provided by Harvey show that the payments for verdicts, settlements and legal fees since 2006 involving improper policing approach \$7 million. Only some of the cases include allegations of shoddy police work because, lawyers say, the law makes it hard for victims of crime to sue police departments for doing little to solve crimes.

Frustrated family

Eaves, Harvey’s acting chief, said in a statement that his department has made changes since the audit and does all it can to solve cases. He said sometimes there’s not enough evidence to persuade prosecutors to charge someone, but detectives “continually strive to bring closure to each case.”

“The department will continue to provide victims of crimes with thorough investigations,” he said.

But the Lees said they’ve given up on Harvey solving their son’s killing.

Marsha Lee recalls making phone calls, leaving voice mails, sending letters and making impromptu office visits across the area to try to interest county, state or federal authorities in the case. One pleading phone call — she’s not sure to whom — finally did the trick, and state police agreed to take a look.

That’s when Gentry began working the case. He recalled that there was such distrust of Harvey’s police force that the state agency tried to redo every step before going to Harvey to get copies of the case file. Even then, Harvey did not provide everything. The detective found out about a DVD that Harvey had sent to prosecutors with an interview of a key witness at the scene who identified a suspect.

Gentry said his agency was close to making an arrest before he retired in 2011. But in the years since, no arrest has come. Marsha Lee said another state police agent has promised to keep working the case. State police said they’ve interviewed a “person of interest” and are trying to schedule more interviews.

Thomas Lee said he’s skeptical that anyone will do anything. He’s getting ready to sell Tommy’s bullet-pocked 1996 Oldsmobile, its sentimental value waning.

For now, there is no justice for their son, a former high school football player from Blue Island who was taking classes to become a barber.

Instead the divorced couple are left with manila folders documenting all they tried to do to solve what they’ve been told was a botched robbery as their son was passing through Harvey.

In the folders is the only police report the parents say they ever got in the case, from Posen police. The 11 sentences in that report note that their son was shot in the abdomen in Harvey, passed out after his car crossed into Posen and ended up at a gas station. Harvey refused to give the parents copies of any of its records, saying the city doesn’t have to because it’s an ongoing investigation.

Also in the parents’ folders are receipts for \$1,600 spent on two billboards advertising a reward for tips in the case. The Lees aren’t sure what Harvey did with the tips they passed along to police.

And there’s the letter that Marsha Lee wrote documenting the berating she said she received from a Harvey commander when she asked about her son’s case.

She had planned to send it to the Harvey City Council but never did. She doubts anyone would care.