

UNREST FEARED

Chicago officer charged with murder in teen's death

By Don Babwin and Jason Keyser
The Associated Press

CHICAGO » A white Chicago police officer who shot a black teenager 16 times last year was charged with first-degree murder Tuesday, hours before the city released a video of the killing that many people fear could spark unrest.

City officials and community leaders have been bracing for the release of the dash-cam video, fearing the kind of unrest that occurred in cities such as Baltimore and Ferguson, Missouri, after young black men were slain by police or died in police custody.

A judge ordered that the recording be put out by Wednesday. Moments before the footage was made public Tuesday evening, the mayor and the police chief appealed for calm.

"People have a right to be angry. People have a right to protest. People have a right to free speech. But they do not have a right to ... criminal acts," Police Superintendent Garry McCarthy said.

The relevant portion of the video runs for less than 40 seconds and has no audio.

Laquan McDonald, 17, swings into view on a four-lane street where police vehicles are stopped in the middle of the roadway. As he jogs down the street, he appears to pull up his pants and then slows to a brisk walk, veering away from two officers who are emerging from a vehicle and drawing their guns.

Almost immediately, one



CHARLES REX ARBOGAST — THE ASSOCIATED PRESS

Chicago Mayor Rahm Emanuel, left, and Police Superintendent Garry McCarthy appear at a news conference Tuesday in Chicago, announcing first-degree murder charges against police officer Jason Van Dyke in the Oct. 24, death of 17-year-old Laquan McDonald. The city then released the dash-cam video of the shooting to media outlets.

of the officers appears to fire from close range. McDonald spins around and crumples to the pavement. The second officer simultaneously lowers his weapon.

The car with the camera continues to roll forward until the officers are out of the frame. Then McDonald can be seen lying on the pavement, moving occasionally. At least two small puffs of smoke can be seen coming off his body as the officer continues firing.

In the final moments, an officer can be seen kicking something out of McDonald's hands.

Authorities have said the teen had a knife, and a 3-inch knife was recovered

from the scene. City officials spent months arguing that the footage could not be made public until the conclusion of several investigations. After the judge's order, the investigation was quickly wrapped up and a charge announced.

'Highly complex'

Cook County State's Attorney Anita Alvarez defended the 13 months it took to charge officer Jason Van Dyke. She said cases involving police officers present "highly complex" legal issues and she would rather take the time to get it right than "rush to judgment." Alvarez said the impend-

ing release prompted her to move up the announcement of the murder charge out of concern the footage could spark violence.

"It is graphic. It is violent. It is chilling," she said. "To watch a 17-year-old young man die in such a violent manner is deeply disturbing. I have absolutely no doubt that this video will tear at the hearts of all Chicagoans."

But she insisted that she made a decision "weeks ago" to charge Van Dyke and the video's ordered release did not influence that.

Some community leaders said there was no doubt that Alvarez only brought charges because of the order to release the video

from Oct. 20, 2014.

"This is a panicky reaction to an institutional crisis within the criminal-justice system," said the Rev. Jesse Jackson, who said he hoped to see "massive" but peaceful demonstrations.

Months after McDonald's death, the city agreed to a \$5 million settlement with his family, even before relatives filed a lawsuit.

The city's hurried attempts to defuse tensions also included a community meeting, official statements of outrage at the officer's conduct and an abrupt announcement Monday night that another officer who has been the subject of protests for months might now be fired.

"You had this tape for a year, and you are only talking to us now because you need our help keeping things calm," the Rev. Corey Brooks said of Monday night's community gathering with Mayor Rahm Emanuel.

Autopsy report

An autopsy report says McDonald was shot at least twice in his back. It also said PCP, a hallucinogenic drug, was found in his system.

At the time of his death, police were responding to complaints about someone breaking into cars and stealing radios.

Van Dyke, who was denied bond on Tuesday, was the only officer of the several who were on the scene to open fire. Alvarez said the officer emptied his 9 mm pistol of all 16 rounds and that he was on the scene for just 30 seconds

before he started shooting. She said he opened fire just six seconds after getting out of his vehicle and kept firing even though McDonald dropped to the ground after the initial shots.

At Tuesday's hearing, Assistant State's Attorney Bill Delaney said the shooting lasted 14 or 15 seconds and that McDonald was on the ground for 13 of those seconds.

Van Dyke's attorney, Dan Herbert, maintains his client feared for his life and acted lawfully and that the video does not tell the whole story. Van Dyke, though stripped of his police powers, has been assigned to desk duty since the shooting.

Herbert said the case needs to be tried in a courtroom and "can't be tried in the streets, can't be tried on social media and can't be tried on Facebook."

Chicago police also moved late Monday to discipline a second officer who shot and killed an unarmed black woman in 2012 in another incident that caused tensions between the department and minority communities.

McCarthy recommended firing officer Dante Servin for the shooting of 22-year-old Rekia Boyd, saying Servin showed "incredibly poor judgment." A judge acquitted Servin of involuntary manslaughter and other charges last April, and Alvarez was accused of having not prosecuted the case properly.

Jackson said a special prosecutor should oversee the Van Dyke case instead of Alvarez's office.

HEALTH

HIV now treatable but most states keep laws criminalizing exposure

By David Crary and Brian Melley
The Associated Press

LOS ANGELES » Charlie Sheen's recent revelation that he's HIV-positive served as a reminder that his home state of California remains among a large group of states with HIV-specific criminal laws that activists consider outdated and that the U.S. Justice Department says should be revised.

According to the U.S. Centers for Disease Control, 33 states have HIV criminal laws, generally making it a crime to expose others to HIV or fail to disclose HIV-positive status. Sheen, who says his sexual partners knew of his diagnosis, has not been charged, and there's no indication he would face prosecution under California's laws.

The earliest of the laws — in Florida, Tennessee and Washington state — date back to 1986 when fears about AIDS were intense. Most of the measures were enacted over the next several years, before antiretroviral therapies sharply reduced the risk of transmission and transformed HIV — the virus that causes AIDS — into what is now considered a manageable chronic medical condition.

The laws vary from state to state. According to the CDC, 24 states require people who know they have HIV to disclose their status to sexual partners and 25 states criminalize one or more behaviors now known to pose a low or negligible risk for HIV transmission — such as oral sex, spitting and biting.

In recent years, there's been a growing push by advocacy groups, health experts and others for states to modify or eliminate those laws. Critics have formed task forces in several states — including Colorado, Ohio, Georgia and Tennessee — to lobby for changes and draft new legislation.

In California, a coalition of 14 groups has drafted a bill that would reform several criminal laws, though they are still seeking a lawmaker to lead the effort to enact it.

The overarching theme



PETER KRAMER — NBC

Former "Two and a Half Men" star Charlie Sheen, right, is interviewed by Matt Lauer on NBC's "Today" in New York.

would be to remove HIV-specific language in several laws to bring them in line with the current understanding of the virus, said Craig Pulsipher of AIDS Project Los Angeles.

The proposed changes would address five laws on the books in California. One, in place since 1939, makes it a misdemeanor to willfully expose someone to a contagious, infectious or communicable disease. Another, enacted in 1998, makes it a felony punishable by up to eight years in prison to intentionally try to transmit HIV through consensual unprotected sex.

California also has laws that target HIV-positive prostitutes and people with HIV who donate blood, organs, tissue, semen or breast milk. Another law adds three years to a prison sentence for exposing a victim to HIV through a sex crime. None of the laws currently requires HIV transmission for a conviction.

In general, the proposed reforms would remove HIV from the language so the laws could apply to all serious communicable diseases. The changes would also require transmission of a disease.

"What this does is eliminate these laws that single out HIV from other diseases," Pulsipher said. "We want to make sure we have statutes that take into account things that may come down the line later that aren't on our radar currently."

The misdemeanor law would be revamped to require that someone intentionally transmit a disease, Pulsipher said.

Requiring proof of intent has made prosecution under the felony law a rarity in California, said Ayako Miyashita, a UCLA law professor.

"Intent makes it harder to bring a case," she said. "It's a step above negligence."

The most recent prosecution in California was in a case in which a man falsely claimed to be HIV-negative and urged his boyfriend at the time to have unprotected sex, according to San Diego city prosecutors. The other man later was diagnosed HIV-positive.

Thomas Guerra pleaded no-contest to a misdemeanor health code violation and was sentenced to six months in jail, the maximum.

The judge called the term a "travesty" and said she wished she could give him more prison time.

On the national level, Rep. Barbara Lee, a California Democrat, has been trying for several years to build support for a bill in Congress that seeks to modernize federal and state laws that can discriminate against people with HIV.

"These laws serve only to breed fear, distrust and misunderstanding," Lee said.

With similar goals in mind, the U.S. Justice Department's Civil Rights Division issued a "best practices guide" in July 2014 encouraging states to reconsider laws that no longer reflect contemporary medical understanding of HIV transmission and thus perpetuate unwarranted stigma affecting HIV-positive people. Both the Justice Depart-

ment and the CDC say such stigma can dissuade some people from learning their HIV status, disclosing their status to others, and accessing medical care.

The Justice Department recommended that states eliminate HIV-specific criminal penalties except in two distinct circumstances applying only to people who know they are HIV positive. These instances would be sexual assault where there is risk of transmission, or when an HIV-positive individual clearly intended to transmit the virus.

"While HIV-specific state criminal laws may be viewed as initially well-intentioned and necessary law enforcement tools, the vast majority do not reflect the current state of the science of HIV," said the Justice Department.

Thus far, there's been little legislative response to the Justice Department initiative, though two states took action earlier.

Illinois revised its HIV law in 2012, stipulating that prosecutors would have to prove that an individual specifically intended to transmit HIV to another person. The revised law also says there can be no criminal charges if the HIV-positive person wore a condom during sexual activity.

Iowa modified its law in May 2014, lessening the penalties for people who unknowingly expose someone to HIV with no intention of infecting them. Previously a person who exposed a partner to HIV without their consent could face up to 25 years in prison.

The change came as attorneys for an Iowa man, Nick Rhoades, were successfully challenging a 24-year sentence imposed on him despite evidence that he had used a condom and had no intent to expose his partner to HIV.

Scott Schoettes, an HIV-positive attorney who is HIV Project Director for the LGBT-rights group Lambda Legal, wishes the pace of change was faster but remains optimistic.

"The legislative process is sometimes slow," he said. "But we are on the road to reform in a number of places."

POLICE PROTESTS

Group raised suspicions before 5 people were shot

By Amy Forliti and Steve Karnowski
The Associated Press

MINNEAPOLIS » Protesters demanding justice for a black man fatally shot by Minneapolis police were settling in for their ninth night of demonstrations when something just didn't seem right.

Lingering in the crowd were four people who seemed out of place. They were asked to leave. Moments later, shots rang out about a block away.

"I really did think it was like firecrackers or something initially because it was so loud and there was like this acrid smell," protester Jie Wronski-Riley said. "I thought, 'Surely, they are not shooting at us.'"

Then Wronski-Riley heard the cries of wounded people on the ground. "I

None suffered life-threatening wounds.

On Tuesday, authorities arrested two men — one 23-year-old white man and one 32-year-old Hispanic man — and said they were seeking additional suspects.

According to police, Clark was shot after he struggled with officers. But some people who said they saw the shooting said the 24-year-old was handcuffed.

Hennepin County Attorney Mike Freeman said it will be up to a grand jury to decide whether to bring charges against officers in Clark's death.

Freeman issued a statement Tuesday after repeated requests by black activist groups to make the decision himself rather than go to a grand jury. Protesters have complained that grand in-

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MARE ISLAND
SSIC NO. 5090.3.A

shooting of Jamar Clark. attack.

PUBLIC TOUR
MARE ISLAND NAVAL SHIPYARD
RESTORATION ADVISORY BOARD (RAB)
December 2, 2015 RAB Tour

The Department of Navy (DON) invites interested members of the public to attend a tour of environmental cleanup sites at the Former Mare Island Naval Shipyard (MINS) with members of the RAB made up of representatives from the local community, DON, and regulatory agencies.

The DON encourages the public to keep informed about the environmental cleanup at MINS, Vallejo, California.

RAB TOUR - December 2, 2015

The tour will visit environmental cleanup sites managed by the DON as well as sites managed by the City of Vallejo's developer, Lennar Mare Island.

Note: No RAB Meeting on December 3rd

Date: Wednesday, December 2, 2015
Time: 1:00 p.m. to 3:00 p.m.
Location: 535 Walnut Avenue, Vallejo, CA

Ask questions and voice your concerns. You Can Make a Difference!

FOR MORE INFORMATION CONTACT:
Janet Lear, (649) 524-4924 or Myra Hayes, (707) 249-9533
Mare Island Environmental Web Page: <http://www.mareisland.org>