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# South Bend mayor wants prosecutor to publicly release evidence from Eric Logan shooting

By Marek Mazurek South Bend Tribune

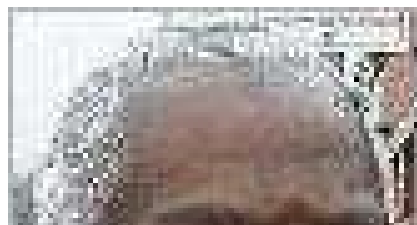
Mar 15, 2020



South Bend Mayor James Mueller speaks at a press conference addressing a special prosecutor's report on the fatal shooting of Eric Logan on Friday March 6, 2020

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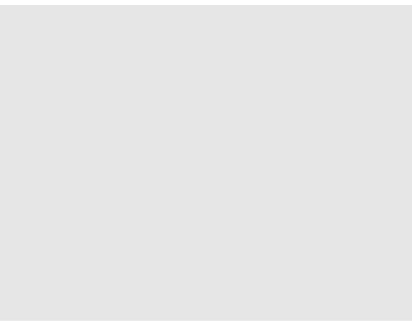
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SOUTH BEND — South Bend Mayor James Mueller wants the prosecutor who investigated the police shooting of Eric Logan to publicly release evidence in the case, saying there are lingering



Logan  
South Bend Tribune



O'Neill

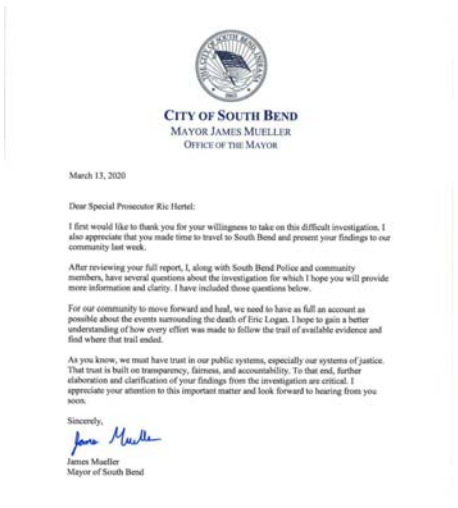
questions about the findings.

Mueller has sent a letter to Ripley County Prosecutor Ric Hertel asking for “more information and clarity” on the investigation. Hertel deemed that former South Bend police Sgt. Ryan O’Neill was justified in the June 2019 shooting of Logan.

“For our community to move forward and heal, we need to have as full an account as possible about the events surrounding the death of Eric Logan,” the letter reads. “I hope to gain a better understanding of how every effort was made to follow the trail of available evidence and find where the trail ended.”

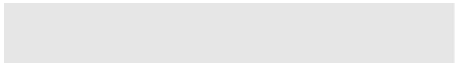
O’Neill, who is no longer on the force, shot Logan, 54, on June 16 in the parking lot of the downtown Central High Apartments, in a case that roiled the presidential campaign of then-Mayor Pete Buttigieg. O’Neill, who is white, was responding to a report of someone breaking into cars and said he opened fire after Logan, who was black, approached him with a knife. The officer did not have his body camera on during the incident.

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Hertel was appointed by a judge in July 2019 to review the case. He announced at a news conference March 6 that he would not file charges against O’Neill for the Logan shooting, though he did charge O’Neill with public indecency and misconduct for soliciting a prostitute in an unrelated incident.

At the conference, Hertel



released a report containing his conclusions and summarizing some of the evidence in the case. The report does not include, however, the evidence itself.

Mueller's letter includes 12 questions directed to Hertel. Many seek clarification about facts stated in the report,

while others ask the prosecutor to release evidence, including any maps, measurements or diagrams created during the investigation and official statements and videos.

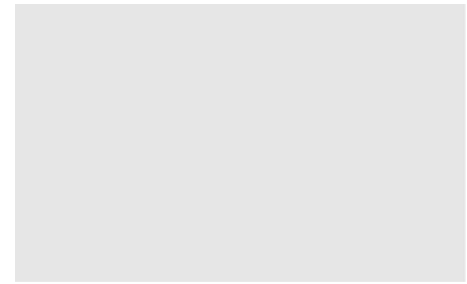
Hertel is not legally obligated to turn over the evidence, as investigatory records of law enforcement agencies are considered exempt from disclosure, but is free to do so if he chooses, according to Indiana Public Access Counselor Luke Britt.

Britt said investigators often do not disclose details of investigations if the disclosure could impede current or future investigations, or if there is a public safety concern.

But in the case of the Logan shooting, Britt acknowledged the public could benefit from transparency, considering the high-profile nature of the case.

"It might be prudent to put it all out there to say, 'Hey, this is what we had. Didn't have enough to bring charges; this is what we relied on to make our decision,'" Britt said.

In an interview with The Tribune, Mueller said he was hopeful Hertel would comply with his request.



Special Prosecutor Ric Hertel displays a photo of a knife found at the scene of the fatal shooting of Eric Logan by a South Bend police officer at a March 6 news conference.

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Tribune Photo/MICHAEL CATERINA

“I don’t have a sense of where he falls in his commitment to transparency,” Mueller said. “I would hope that he would take seriously that our community would like to have as clear a picture of what happened that night as possible.”

Hertel did not respond to requests for comment.

One of the biggest concerns raised by some residents is the lack of conclusive DNA evidence found on items collected at the scene.

There was not a “sufficient quantity of DNA” for analysis found on the knife, nor on a purse, wallet, radio face plate and tissue collected at the scene, according to the prosecutor’s report.

The report also does not answer precisely how far away Logan was from O’Neill when the officer shot him, and does not fully explain the trajectory of O’Neill’s bullet as it traveled toward Logan.

The report states forensic investigators could determine only that Logan was at least 4 feet from O’Neill when he was shot because there was no gunpowder residue on Logan’s body or clothes.

The report also does not provide a detailed analysis of why O’Neill’s bullet entered Logan’s body at a 30-degree downward angle given that Logan “raised the knife, made a grunting noise, and began to advance” toward O’Neill, according to the report. Logan was 6-foot-2.

“In terms of the trajectory of the shot, it would be nice to have a little more understanding of the analysis that went into that that would corroborate what was claimed to be the case,” Mueller said.

Mueller’s letter also asks Hertel for an explanation as to when exactly Logan threw the knife at O’Neill.

If the prosecutor denies the request, the city could file a petition in

court in an attempt to force Hertel to turn over evidence, according to Britt. Mueller said his staff will wait to see if Hertel grants the request before examining legal options.

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