

Chicago police officer charged with first-degree murder for killing unarmed man

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On Wednesday, a Chicago police officer was arrested and charged with first degree murder for the fatal shooting of an unarmed man at the beginning of the year.

The officer, Lowell Houser, 57, shot Jose Nieves, 38, following an argument on the morning of January 2 in Hermosa, a working class neighborhood on the city's Northwest Side.

The charges against Houser come just days after the release of a damning report on Chicago police conduct by the US Department of Justice, which carried out a 13-month investigation of the Chicago Police Department (CPD). The report catalogued systematic violence and lawlessness on the part of the CPD, and concluded, in its restrained language, that the department engaged in "a pattern or practice of force in violation of the Constitution."

In one measure of the unaccountability of the police, the report found that in the five-year period it examined (2011-2016), the city of Chicago received over 30,000 complaints of police misconduct, with 98 percent of complaints resulting in no disciplinary actions.

For his part, Houser, an African-American and 28-year veteran of the force, seems to have participated throughout his career in the day-to-day intimidation, bullying and abuse expected of Chicago police. Like many of his peers, he often escaped any consequences, at most incurring the occasional slap on the wrist.

According to an examination of police records by the *Chicago Tribune*, Houser collected at least 20 complaints against him since the early 1990s. Although the paper stated that the records did not include much detail about the nature of the complaints, in one instance in 1994, Houser was placed on a five-day suspension because of a "domestic altercation or disturbance" occurring while he was off-duty.

In the most recent publicly available complaint against Houser, from October 2014, he was accused of detaining and shoving a person to the ground at an "L" train station on Chicago's South Side, and failed to "properly document" the encounter. It was not indicated whether he was disciplined for the complaint.

According to state prosecutors, Houser and Nieves had previously encountered each other and argued at the apartment building where Nieves and Houser's female companion lived. In December, Houser had brandished a gun at Nieves and ordered him back into his apartment. Nieves filed a report with the police about the incident, which seemingly was not acted upon.

On the morning of January 2, Nieves was unloading boxes from his car and carrying them to his apartment with a female friend. Houser allegedly accosted the woman from his own car, saying, "Who are you? Why are you helping him? Are you his mother? You know he treats women badly?" The woman relayed the information to Nieves, who went over to Houser to confront him, saying that he should speak with him directly.

What transpired after the men began talking is unclear. A neighbor cited by a state prosecutor saw the men arguing from an apartment window. Returning to watch TV, the neighbor then heard a loud bang. They went back to the window and saw Nieves, who was across the street from Houser. After placing his hand to his chest, Nieves fell backwards to the ground, face up. In all, the neighbor heard three bangs.

Houser himself called 911 after shooting Nieves, telling the operator, "A gentleman tried to attack me. I had to shoot him."

William Fahy, Houser's attorney, said in court Thursday that Houser acted in self-defense after Nieves

threatened to shoot him, and that the latter had made a move towards his waistband indicating he had a gun—a well-worn alibi on the part of police who shoot those who are unarmed.

An autopsy report cited in the *Chicago Tribune* indicated that Houser shot Nieves at least once from behind, with a bullet entering his lower-left back and lodging in his chest.

CPD spokesman Anthony Guglielmi stated Wednesday that the department had now “taken steps” to suspend Houser without pay, after previously putting him on paid administrative leave.

In a mark of the kid-gloves treatment Houser is being afforded, Cook County Judge Donald Panarese, Jr. ruled Thursday that he could be released on his own recognizance—i.e., without paying bail—provided he be subject to electronic monitoring. By contrast, those who are working class or poor and find themselves caught up in the criminal “justice” system can often find themselves held in jail without bond for months pending trials for much lesser charges.

In addition to the criminal charge against Houser, Nieves’ family has filed a lawsuit alleging civil rights violations against the officer and the City of Chicago. The suit cites many of the practices documented in the Justice Department report—excessive use of force, disregard for legality, a “code of silence” among police officers, and a lack of meaningful oversight—and draws the conclusion, “But for the belief that he would be protected, both by fellow officers and by the department, from serious consequences, Defendant Officer Lowell Houser would not have engaged in the conduct that resulted in the shooting and death of Jose Angel Felipe Nieves.”

After Houser’s bond hearing Thursday, Nieves’ sister, Anjelica, told reporters, “I want it to be known that my family is broken and will never be the same. A piece of our family has been taken away from us.” She added, “Knowing that he was taken in the most horrible way, unjustified. It’s just cruel.”

Houser is the second Chicago cop to be charged with murder in little over a year. The previous, Jason Van Dyke, was charged with first-degree murder on November 24, 2015, for the killing of 17-year-old Laquan McDonald over a year earlier, in October 2014.

Van Dyke was arrested and indicted only after the attempt to suppress video footage of the brutal murder

unraveled. The administration of Democratic mayor Rahm Emanuel, the city council, the CPD leadership, and virtually the entire Chicago political establishment were implicated in the criminal conspiracy to bury the murder, provoking a major crisis and sustained protests throughout much of late 2015 and into 2016, and prompting the just concluded Justice Department investigation.

The current murder charge against Houser has been brought by the new Cook County State’s Attorney, Kim Foxx. Foxx, although having led a thoroughly conventional career, has been promoted as a “progressive” Democrat and supported by sections of Black Lives Matter. Foxx defeated Anita Alvarez in the Democratic primary elections for Cook County State’s Attorney last spring, with Alvarez herself being widely despised for her role in the cover-up Laquan McDonald’s murder.

The speed with which the murder charge was brought against Houser is a mark of the nervousness on the part of the Emanuel administration, which remains fearful of the atmosphere of hatred and disgust with the police which continues to simmer. Emanuel is also no doubt concerned about provoking mass protests against police violence in the near term, particularly in the aftermath of Trump’s inauguration (with whom Emanuel has communicated repeatedly since the elections). If history is any guide, however, Houser will be afforded every assistance by the state in order to evade the charges against him.



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