

# Man sues IMPD detectives, claiming wrongful arrest and imprisonment



Jill Disis, [jill.disis@indystar.com](mailto:jill.disis@indystar.com)

7:51 a.m. EDT July 3, 2015

*An Indiana man is suing five city employees after he claims they used faulty evidence to arrest and imprison him for murder.*



*(Photo: Robert Scheer/The Star)*

An Indiana man has filed a federal lawsuit against several detectives of the Indianapolis Metropolitan Police Department, alleging that they used false and misleading evidence to arrest and hold him for eight months.

The complaint, filed in U.S. District Court last month, claims detectives knowingly used testimony from a questionable witness, and mischaracterized evidence to link Derrick Hazelwood to the May 2012 slaying of a man on the city's Near Eastside.

Hazelwood's lawyers say they are seeking a public apology and monetary damages for their client's arrest and imprisonment. The lawsuit comes on the heels of [a \\$600,000 settlement that was reached in a separate federal wrongful arrest suit against an IMPD detective and the city \(/story/news/2015/05/23/carlos-starks-impd-lawsuit-settlement/27835841/\)](#). That suit, resolved in April, was the largest such financial settlement in recent city history.

Although Hazelwood's case is unrelated to the earlier settlement, one of the five defendants in Hazelwood's case also was a defendant in the earlier case. That defendant, Lesia Moore, said she was unaware of Hazelwood's lawsuit and declined to comment. She still works with IMPD, but is no longer a homicide detective.

While the city is not named in the suit, Moore and four other city employees are, including detectives Harry C. Dunn and Thomas Lehn, as well as Marion County Sheriff John Layton and Lisa Knopp, a woman described in The Indianapolis Star archives as a transcriptionist for the police department. Dunn and Layton's office declined to comment. Neither Knopp nor Lehn could be reached by the Star.

State law appears to require the city to defend its employees. But, when asked if the city would defend those named in the suit, Deputy Corporation Counsel Samantha DeWester said in an email: "Whomever is listed in the suit (you have the complaint) is who is being sued."

At the center of the suit is a dispute over words spoken on a 911 call Hazelwood made after the fatal shooting. The suit accuses police of misrepresenting Hazelwood's words on the 911 call when they transcribed them for use in a probable cause affidavit.

Police put portions of the transcription in the affidavit, including a passage in which they quoted Hazelwood as saying: "I killed my cousin. Oh, god. I killed my cousin. I did it. I did it." The confession, police wrote, happened as Hazelwood apparently thought he was on hold with the operator.

But Hazelwood and his attorneys claim he never said those words. They say Hazelwood could still hear the dispatcher during those moments and that his words — said while he was crying and hysterical — are too garbled to understand.

**You can hear a portion of the 911 call in this video:**



Derrick Hazelwood, who was cleared of a murder charge after spending nearly eight months behind bars, is suing several Indianapolis law-enforcement officials, claiming wrongful arrest and imprisonment. Robert Scheer / The Star

The murder charge was dropped in January after the Marion County Prosecutor's Office successfully moved to dismiss the case. Hazelwood's record has since been expunged.

Hazelwood, who has maintained his innocence since Wayne Keeylen's death, said he began considering legal action after he was released from the Marion County Jail. He said the way authorities characterized the evidence used to secure his arrest came as a shock to him.

"There was no physical evidence," said Hazelwood, who learned of the details in charging documents after consulting an attorney while in jail. "It was really weird to be sitting in there thinking, are they really going to take away my life with no evidence?"

### **Conflicting accounts**

Hazelwood's lawsuit also alleges police should have known that key witness testimony used to tie him to the shooting was not credible. The suit claims that detectives knew there were doubts about whether the witness lived on the street where the shooting took place, and that her testimony was not consistent with forensic evidence found at the scene.

The witness was interviewed by police at a hospital six months after the May 10, 2012, shooting. She said Keeylen stopped by her house on Brookside Avenue for a drink of water the night he was killed. She said Hazelwood ushered him away and toward another house on the street.

The woman told police she heard a gunshot and saw Keeylen fall to the ground. At that point, she said she saw Hazelwood try to "stuff the gun" on Keeylen, according to the probable cause affidavit.

During the commotion, the woman told police, two men came out of the house and accused Hazelwood of trying to rob them. She said they fired two shots at Hazelwood as he ran to his car.

Hazelwood's lawsuit claims there were significant doubts about whether the witness lived at the Brookside Avenue address from which she claimed to have witnessed the incident, including information from an internal IMPD investigation that says the witness's sister told police she never lived on that street.

The lawsuit also says that although the witness told police three shots were fired, a forensic report shows investigators recovered only one shell casing and one bullet from the scene. And while the witness told police she saw Hazelwood "stuff" the fired gun on Keeylen, the lawsuit says, the recovered shell casing did not match the gun found in Keeylen's pocket.

According to Hazelwood's account of the incident, Keeylen was killed as a result of a robbery. He told the Star that he and Keeylen, a friend of his whom he considers his "cousin," went to the Brookside Avenue house to meet a woman Keeylen said he knew. They left Hazelwood's car with two guns: a .40-caliber Smith & Wesson and a 9mm Taurus semiautomatic.

Hazelwood told police he and Keeylen encountered two men as they approached the house. He said one of the men shot Keeylen and ordered Hazelwood at gunpoint to hand over his gun, clothes and wallet. After complying, Hazelwood told authorities, he sprinted away and ran several miles until he reached his home and alerted his wife.



INDIANAPOLIS STAR

'Sometimes the police are wrong': Man settles \$650,000 suit with city

(<http://www.indystar.com/story/news/2015/05/23/carlos-starks-impd-lawsuit-settlement/27835841/>)

While police found the Smith & Wesson pistol in Keeylen's pocket, the second gun was never recovered.

The witness could not be reached by the Star for comment. Family members of Keeylen also declined to comment or did not respond to requests for interviews.

### Contested evidence

Police acknowledged the difficulty in understanding portions of the 911 call several times in internal IMPD investigation records obtained by the Star.

In July 2012, Moore wrote an e-mail to several IMPD officials about the call.

"This part of the conversation is not entirely clear," she wrote, "but upon listening to it, it sounds as if the caller implicated himself in the murder."

She asked in the e-mail whether there was an FBI official who could help clean up the audio for a proper transcription. But it's unclear whether that clean up ever took place.

In an e-mail sent by IMPD Chief Capt. Craig Converse that day to other officials about the 911 call, he said he was not aware the department had the ability to "clean up" tapes, but notes the FBI has assisted the department in the past.

"Detectives Moore and Lehn suspected from the beginning the victim Wayne Keeylen was accidentally killed by his 'cousin' Derrick Hazelwood," Converse wrote, later adding that in the 911 call Hazelwood "reportedly makes some admissions, but they are difficult to understand."

Attempts to clean up the tape or send it to the FBI are not mentioned again in the investigatory reports obtained by the Star. IMPD officials did not respond to requests for information on how the FBI resources are used for such investigations.

### Delayed release

Hazelwood also says he was held in jail for two days, after a Marion County Superior Court judge ordered him released on Jan. 9.

Such complaints against the Marion County Sheriff's Office are not new. [A separate, ongoing federal class-action lawsuit filed in December alleges the jail has held several inmates for days after they were supposed to be released \(/story/news/crime/2014/12/22/lawsuit-people-kept-long-marion-county-jail/20765079/\).](#)

Peg McLeish, a spokeswoman for the Marion County Prosecutor's Office, said the department could not comment because of the pending litigation.

Alex Beeman, an attorney at Ciobanu Law who is representing Hazelwood, said court records mentioned that the prosecution found difficulties with witness testimony. All online records of Hazelwood's case were removed after the charge was expunged from his record in early June.

Hazelwood said the dismissal and expungement of the charge have given him a chance to move on with his life. He said he plans on moving to Georgia, where he was living at the time of his arrest in June 2014, to pursue a semi-professional basketball career.

He said his experience, however, has shattered his trust in the criminal justice system.

"I just feel like they don't care that they destroyed my life," he said. "It's not about getting the right person for the crime. It's about getting the crime off the books as fast as they possibly can."

Star researcher Cathy Knapp contributed to this story.

Call Star reporter Jill Disis at (317) 444-6137. Follow her on Twitter: @jdisis.

Read or Share this story: <http://indy.st/1LXoj81>