



News Release

For Immediate Release

April 24, 2007

Issued By: Matt Harshberger, Chief of Police
City of Ypsilanti Police Department

Re: Conclusion of Internal Investigation of Officer-Involved Shooting
(LAWNET Shooting of January 23, 2007)

General Incident Summary:

On January 23, 2007, LAWNET conducted a "buy-bust" drug (crack cocaine) purchase operation at the Keg Party Store, 534 N. Huron Street in the City of Ypsilanti. Ypsilanti Police Officer Uriah Hamilton was assigned to LAWNET as part of the multi-jurisdictional narcotics enforcement team and Ofc. Hamilton was the undercover buy officer involved in the transaction with the informant.

David Antjuan Ware was the primary suspect involved in the purchase as he was the suspect that Ofc. Hamilton and the informant had arranged to make a cocaine purchase from. At the time of the transaction, David Ware had an accomplice/driver, Maurice Moore, with him to assist with the transaction.

The cocaine transaction, which had changed locations several times, was successfully completed in the Keg Party Store (534 N. Huron St.) parking lot in the presence of Ofc. Hamilton, who was seated in the informant's vehicle. However, as officers moved in to apprehend the suspects, the situation quickly deteriorated.

Maurice Moore and David Ware attempted to flee the scene by accelerating their vehicle toward a LAWNET undercover officer. In response, the LAWNET officer fired his service pistol three times into the suspect vehicle while diving out of its path. Another LAWNET officer entered into the parking lot in his vehicle and was able to block the suspect vehicle from leaving the scene. Upon doing so, David Ware and Maurice Moore were able to exit the suspect vehicle.

David Ware threw down a plastic bag containing a sizeable quantity of cocaine and ran on foot westbound. Maurice Moore, who was grazed by one of the bullets fired at him by the first LАWNET officer, exited the suspect vehicle and complied with commands to lie facedown in the parking lot where he was apprehended.

Because David Ware continued to flee on foot westbound toward Arcade Street, LАWNET Ofc. Hamilton, who had exited the informant's vehicle, gave chase on foot. Other LАWNET officers followed Ofc. Hamilton as David Ware and Ofc. Hamilton ran westbound on Arcade Street.

While the foot pursuit proceeded, Ofc. Hamilton yelled, "Police, don't make me shoot you". Ofc. Hamilton observed David Ware turn toward him with his hand reaching into his waistband and in response, Ofc. Hamilton, believing David Ware was pulling a handgun from his waistband to open fire on him, fired his service pistol one time at David Ware. David Ware proceeded a short distance further on Arcade before again turning toward Ofc. Hamilton with his hand at his waistband. Believing that David Ware possessed a handgun and was preparing to shoot at him, Ofc. Hamilton shot two additional times at David Ware.

At this time, David Ware fell to the ground – he had been shot three times by Ofc. Hamilton. In his left hand, David Ware had been clenching the money that LАWNET used to purchase the crack cocaine. David Ware had no handgun, nor any other weapon, and he died shortly thereafter.

Summary of Determining Factors:

Pre-Operation Information – LАWNET had obtained credible information (listed below) prior to the operation that David Ware carried a handgun and was involved in illegal drug trafficking activities.

- LАWNET officers had information that David Ware normally carried a handgun while conducting drug transactions and that Ware normally had an accomplice, who would be armed, present during the transaction.
- LАWNET officers had viewed a rap music DVD in which David Ware is observed cooking suspected crack cocaine on a stove and singing violent lyrics while armed with a handgun and repeatedly pulling the handgun from his waistband and pointing it at the camera. (See additional information below with regard to the DVD)
- August 2005 – LАWNET received information that David Ware had a large amount of cocaine and was performing narcotics trafficking at a location in Ypsilanti Township. It was reported that Ware had approximately two (2) kilograms or "Kilos" of soft/powder cocaine and ½ "kilo" of hard/rock cocaine. It was also reported that David Ware was observed with a handgun tucked in his waistband.

LАWNET obtained and executed a search warrant at this location. LАWNET officers recovered 1,387 grams (almost one and a half Kilograms or "Kilos") of powder cocaine, 287.5 grams of crack cocaine, \$4,500 US currency and a Jennings 9mm handgun.

- In addition to the above incident, LАWNET officers knew of David Ware's extensive criminal history. (Information pertaining to David Ware's criminal history can be obtained through the Michigan State Police website, ICHAT)

Rap Music DVD Information – Midwest Entertainment UNSIGNED Y-Town edition. This rap music DVD was viewed by LАWNET officers prior to the "buy-bust" operation with David Ware and Maurice Moore.

- David Ware is observed in the video rapping/singing about selling illegal narcotics and shooting those he did transactions with who do not pay their debts to him. The video also shows David Ware produce a handgun and point it at the camera several times. The handgun is in his waistband and

David Ware is shown pulling the handgun out quickly multiple times while singing the below lyrics to apparently add emphasis to what he was saying/singing. The video also shows David Ware cooking what appears to be crack cocaine on a stove and rap singing about making crack cocaine and selling it on the street.

- The following are some excerpts/quotes taken from David Ware's music video called **Garden Boyz - Comeback by Yung Dizzy** (David Ware).
 - *"No debts get quashed, pay the piper"* – David Ware appears to be talking about those who get arrested, but must still pay their debts to him for the drugs he had provided them.
 - *"I need to pop me a mother fucker this time"* – David Ware appears to be expressing his need to shoot someone.
 - *"Mother fucker, who owes me money, I am coming for you"* – David Ware appears to be expressing that he is going after anyone owing him money.
 - *"I always roll with my baby nine"* – David Ware appears to be expressing that he always travels with his 9mm pistol as he is observed waving it and pointing it at the camera.
 - *"I got more pistols than I got issues"* – David Ware appears to be expressing that he has more guns than he has problems.
 - *"Bust some slugs in that wig"* – David Ware appears to be expressing that he is going to shoot someone in the head.
 - *"I hustle drugs and protect it by any means"* – David Ware appears to be expressing that he sells drugs and is willing to protect his trade by any means.

Officers Cleared in Criminal Investigation – The Michigan State Police submitted their investigation to the Washtenaw County Prosecutor's Office for review of potential charges against LАWNET officer(s).

- On February 6, 2007 the Washtenaw County Prosecutors Office determined that the shooting was justified under Michigan Criminal Law. The actions of Ofc. Hamilton and other LAWNET officers were justified under the law and officers were cleared of criminal wrongdoing.

As stated in the Washtenaw County Prosecutor's Press Release dated February 6, 2007, *"Based on the evidence presented to the Washtenaw County Prosecuting Attorney's Office, the actions of both officers who discharged their weapons during this incident were justified under the applicable Michigan criminal law."*

Results of Post-mortem Examination – Dr. Cassin's office provided YPD investigators with the final autopsy report, which included Toxicology results.

- Dr. Bader Cassin reports that three gunshot wounds were found when examining David Ware during the autopsy. All three bullets were recovered from the gunshot wounds and the three bullets were .40 caliber in size. The bullets were later determined through ballistics tests to be from Ofc. Hamilton's handgun/pistol.
 - Dr. Cassin reported that only one of the three wounds was fatal. The wound to the right upper back was the fatal gunshot wound. It entered David Ware at the right side of the upper back and traveled left through the spine, tore the left subclavian artery at its aortic root, struck the left first rib and was diverted into the left upper lung.

- During our internal investigation, we interviewed Dr. Cassin with regard to the trajectory of the bullet wounds suffered by David Ware. Dr. Cassin reported that he believes the first round fired by Ofc. Hamilton was the bullet that struck Ware in the right side of the upper back.
- Further, Dr. Cassin reported that in order for the bullet to strike David Ware in this location and then follow the path that it did, David Ware had to have been turned at an angle toward his right side consistent with turning to look over his right shoulder or turned to his right to look behind him (consistent with the officers' statements that Ware turned back toward Ofc. Hamilton).
- Dr. Cassin reported the other two bullets entered David Ware frontally and that Ware had to have been facing directly toward Ofc. Hamilton when he was struck. One of the bullets entered Ware's right front groin/thigh area and traveled upward at a significant angle, indicating that David Ware was stumbling or falling down to a supine position when struck. The round traveled upward behind the abdomen, grazing the right kidney, pierced the right side of the diaphragm and muscle below the ninth rib and entered the right side of the back where it was recovered. This wound was not fatal.
- The third bullet entered the front of the left hip and traveled upward at a similarly significant angle as the second bullet. The bullet passed through body tissue of the abdomen and chest wall as it traveled upward and was recovered overlying the left shoulder blade. This wound was not fatal.
- The Toxicology report indicated that David Ware had Cannabis/Marijuana in his system at the time of his death.

Internal Investigation Conclusion:

After a lengthy, comprehensive investigation and a thorough review of all the information obtained during the MSP criminal investigation and the YPD internal investigation, it was determined that Ofc. Hamilton's actions were reasonable and justified, especially where all the available evidence shows that it was reasonable for Officer Hamilton to believe, after taking into account the credible information he and other LАWNET officers received and/or knew prior to the buy-bust operation, that David Ware possessed a handgun and was prepared to use it to protect himself and facilitate his narcotics trafficking activities.

This incident became very fluid and unpredictable over the course of seconds, not minutes. Officer Hamilton had to rely on his past training, experiences and knowledge of departmental policy and procedures to make the decision to shoot. Officer Hamilton believed that his fellow LАWNET officer was shot and that the suspect was fleeing the scene in an attempt to escape. It was reasonable to believe that while fleeing on foot, David Ware was an imminent threat to the officers in pursuit, especially to Ofc. Hamilton, as he was the closest, when Ware turned toward him twice with his hand in and/or near his waistband and officers had received considerable intelligence that Ware would be carrying a handgun at the time of the drug transactions.

As stated in the Washtenaw County Prosecuting Attorney's Office Press Release dated February 6, 2007, "The second officer (Hamilton) shot and killed David Ware in an effort to prevent the escape of a fleeing felon. It is noteworthy that the decedent was known to have just fled the scene of a felony drug transaction where a fellow officer had been attacked with the vehicle from which Ware had fled. Furthermore, all of the LАWNET officers had positive information that Ware had possessed firearms in the past."

Final Conclusion:

LAWNET officers, including Ofc. Hamilton, had reasonable belief that David Ware had the ability to cause death or serious bodily injury. Ofc. Hamilton had reasonable belief that David Ware had immediate opportunity to cause death or serious injury to him or others. Ofc. Hamilton also had reasonable belief that he and others were in immediate jeopardy of being killed or seriously injured by David Ware.

Accordingly, upon review of all the information obtained, it has been determined that Ofc. Hamilton's actions were justified and did not violate the Ypsilanti Police Department's Policy and Procedure on the Use of Force.

Closure of Internal Investigation:

This was truly a tragic incident that I sincerely believe everyone wishes could be undone. Sadly, however, it cannot and the incident will be long remembered as yet another example of our continuing inability to peacefully resolve the multitude of problems involving illegal drugs and the ready availability of guns in our community. Inasmuch as we can do nothing to reverse the unfortunate tragedy that occurred on January 23, 2007, we must strive to join together with the commitment to work in partnership toward finding the ever-elusive answers to these problems.

Lastly, on behalf of the men and women of the Ypsilanti Police Department, I wish to express my heartfelt condolences to David Antjuan Ware's family and friends.

Matthew E. Harshberger, Chief of Police
City of Ypsilanti Police Department
505 W. Michigan Avenue
Ypsilanti, MI 48197

Telephone: (734) 483-8590 – office
(734) 483-9510 – dispatch

Email: mharshberger@cityofypsilanti.com