



OFFICE OF THE  
**STATE'S ATTORNEY**  
 LAKE COUNTY, ILLINOIS  
**MICHAEL G. NERHEIM**  
 STATE'S ATTORNEY

January 3, 2020

Chief Wayne Walles  
 Waukegan Police Department  
 420 Robert V. Sabonjian Place  
 Waukegan, Illinois 60085

Dear Chief Walles,

As you are aware, Avion Cotton died on June 27, 2019 after running from officers of the Waukegan Police Department that were investigating allegations that Mr. Cotton was involved in drug trafficking. As your officers approached Mr. Cotton in order to execute a search warrant, he fled on foot, resulting in them giving chase. Before he could be apprehended by the pursuing officers, Mr. Cotton swallowed 2 bags of cocaine laced with fentanyl. Those bags were recovered from his stomach and his esophagus. The baggies that he ingested weighed a total of 38 grams and consisted of multiple illegal controlled substances. I have reviewed several videos including body worn camera footage and a video from an adjacent home. The video shows Mr. Cotton running from officers as they approached the house. The video shows him running across the street to flee the police. He is seen tripping as his shorts fell while running. Officers approached him after he had already tripped and after he had already ingested the baggies. There is no indication that the officers deployed a taser or any other defensive device, choked, abused, or tripped Mr. Cotton. In fact, one of the officers can be seen and heard pleading with him to spit out whatever he had ingested. Officers called for paramedics and administered naloxone. Officers and paramedics were unfortunately unable to resuscitate Mr. Cotton.

The autopsy report indicates that the sole cause of Mr. Cotton's death was poly substance toxicity. Toxicological testing of Mr. Cottons' blood revealed "lethal levels of Fentanyl, Cocaine, and Heroin." In short, it is apparent that Mr. Cotton died as a result of his ingestion of Fentanyl, Cocaine, and Heroin. I do not find that any of your officers acted contrary to the law and consider this matter closed.

As you are also aware, there had been a request from a member of the general public to view the video from this case. Based on the rules prohibiting such release until the conclusion of an investigation, I had requested that you not release the video to the public until the Illinois State Police concluded their investigation. Under the circumstances, we did agree to allow members of Mr. Cotton's immediate family the opportunity to review the videos. We have been waiting for the completion of this investigation so the matter could be reviewed. I received the completed investigation from the Illinois State Police on January 2<sup>nd</sup>, 2020 and began an immediate review. As I have indicated, the investigation is now completed. Based upon that fact, we no longer have an objection to the release of that video evidence.

Sincerely,

MICHAEL G. NERHEIM  
 LAKE COUNTY STATE'S ATTORNEY

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