

## **DA clears Bartlesville officers - TOWNSEND - Bartlesville Examiner-Enterprise (OK) - February 9, 2018 - page A1**

February 9, 2018 | Bartlesville Examiner-Enterprise (OK) | Tim Hudson | Page A1

District Attorney Kevin Buchanan announced Friday that he will not pursue charges against Bartlesville police officers involved in the Jan. 17 shooting death of **Geraldine Townsend** of Bartlesville.

Buchanan received the report from the Oklahoma State Bureau of Investigation about its investigation into the shooting incident on Feb. 1. The report consisted of more than 200 documents, recorded interviews and scene photos. Buchanan based his decision on the report's findings.

Here' is Buchanan's statement:

On Jan. 17th, Bartlesville Police officers executed a search warrant on Maple Street in Bartlesville prior to 10 p.m. An officer had witnessed what he believed to be an illegal drug sale at the residence. The purchaser of the drugs was stopped and drugs in his possession were confirmed. This was the basis for the issuance of the search warrant.

Officers discussed the execution of the warrant before going to Maple Street, with specific assignments being given to each. Officers arrived and before approaching the house, one officer turned on his personal cellphone and placed it on the front of his ballistic vest which recorded both audio and video portions of the events that followed. Bartlesville officers do not have city issued "body cameras."

One officer loudly knocked on the front door and announced "Police, Search Warrant" three times. All reported hearing a voice, the words unintelligible. No apparent attempt was being made to respond to the door, and officers forced entry into the house. Upon entry, the officers encountered Michael Livingston who complied with commands to lie on the ground.

As Livingston was being secured, additional officers began to look through the rest of the house for any other occupants. Almost immediately, one officer (Officer 1) felt something strike his leg and heard a "popping noise." Officer 1 then saw **Geraldine Townsend** in or near the doorway of a bedroom pointing a handgun at him. Officer 1 began yelling at her to drop the gun. A fellow officer (Officer 2), seeing Officer 1 seeking cover and hearing his commands, got in position to help. Officer 2 was struck in the face, saw the gun held by Townsend and returned fire striking her once in the chest. Officer 2 later had a BB surgically removed from his face. Officers and emergency personnel both rendered aide to Townsend but were unable to prevent her passing.

The eventual search of the home produced what the state believes is marijuana, monitors displaying the approaches from both the front and back of the home, and a police band radio on and monitoring the Bartlesville Police channel. These all led to some of the charges filed against

Livingston. At no point in the events outlined above, from the decision to conduct surveillance to conclusion of the processing the scene of the shooting was Livingston's former father-in-law, a Bartlesville Reserve officer, involved in any way.

The most consequential items found in the house are the replica BB guns, one of which Townsend had been given to "defend" herself.

Two attached pages contain photos of the replica pistols and real handguns. Townsend was using the one depicted with the yellow tag attached (Umarex TPD 45). Below it is an actual 9mm handgun (Sig Sauer P250). The second page contains revolvers. The top one (Bear River Revolver) was found in the house near the suspected marijuana. The bottom is an internet image of an actual Ruger .357 magnum revolver. This author was not personally familiar with the degree to which some of the replica handguns are manufactured to imitate real guns. But this author is familiar with the regularity that law enforcement officers encounter these replicas. It is the intention of this office the use to circumstances of this tragic death to seek a change in the law. Currently, convicted felons, such as Livingston, are prohibited from possessing firearms. That includes BB guns that have been altered. The "altered" language is a reference to orange or other brightly colored tips that were once mandated for other toys, but not BB guns. Convicted felons know the law. They can carry a replica BB gun and not violate the law as long as they have not altered it, say by removing something intended to indicate that it is not a real gun. But today's replicas don't need to be altered in any way. So, their desire to carry one begs the question "why." The quality of the replication absolutely creates the impression that the person carrying one is in fact armed. Providing Townsend with the one depicted and planting the idea in her mind that it should be used to confront an armed police, or other, intruder, directly lead to her death. Charges against Livingston will be amended to include possession of a firearm after former conviction of a felony. This office will initiate the process of asking the Court of Criminal Appeals to revisit its 1971 decision that unaltered BB pistols are not prohibited under the law for convicted felons.