



Date and Time: Saturday, April 6, 2019 8:40:00 PM PDT

Job Number: 86466769

Document (1)

1. [Prosecutors clear police in fatal I-89 shooting](#)

Client/Matter: -None-

Search Terms: "Benjamin Gregware"

Search Type: Natural Language

Narrowed by:

Content Type
News

Narrowed by
Timeline: Jan 01, 2018 to Apr 06, 2019

Prosecutors clear police in fatal I-89 shooting

VT Digger

June 2, 2018 Saturday 2:19 AM EST

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Length: 1555 words

Byline: Alan J. Keays

Body

Jun 02, 2018(VT Digger: <http://vtdigger.org> Delivered by Newstex) Richmond police officer Richard Greenough was one of two police officers who shot and killed a man on I-89. Trooper Christopher Brown, Middlesex Barracks. Hired Jan. 16, 2012. Vermont State Police photoBURLINGTON - Two police officers who fatally shot a man who was pointing a gun at his own head, shortly after he had been pulled over on Interstate 89 in Richmond, will not face charges, prosecutors said on Friday. **Benjamin Gregware**, 42, of Sheldon, who was described as suicidal by police at the time of the shooting, and who had told a trooper earlier that he wanted to 'end it,' was hit by four of about a dozen shots fired by the two officers — in the head, torso and arms.

He died later at a hospital, police reports said. Get all of VTDigger's criminal justice news. You'll never miss our courts and criminal justice coverage with our weekly headlines in your inbox. Email me stories on these subjects... #38; #38; Email me stories for these regions Prosecutors on Friday said they had cleared the two officers involved in the shooting, State Police Trooper Christopher Brown, and Corporal Richard Greenough of the Richmond Police Department, of criminal wrongdoing in the February shooting. The decision, they said, was based on a review of an investigation conducted by Vermont State Police, as well as police body cam and dash cam footage of the shooting in the breakdown lane of Interstate 89. 'The death of Ben Gregware was justified,' Vermont Attorney General TJ Donovan said at a press conference in Burlington conducted with Chittenden County State's Attorney Sarah George. 'Therefore,' Donovan added, 'there will be no criminal charges and this matter is closed.' George spoke moments later, saying she concurred with the attorney general. Donovan said he reached out to Gregware's family on Thursday afternoon, to express condolences and to alert them of his findings. Gary Barnes of East Bakersfield, a friend of Gregware, who learned of the prosecutors' decision only when contacted by a reporter Friday afternoon, said he was disappointed. 'I think that's a sad thing, it's a very sad thing,' Barnes said. 'I just think if somebody is only endangering themselves, why does somebody else have to be involved to kill him. Barnes described Gregware as a 'gentle giant' with a calm demeanor, who could fix just about anything with a motor. 'He never pointed his pistol at anybody but himself, so who is he endangering?' Barnes said. 'Is this the best we can do, to kill somebody that only wants to kill themselves?' He added, 'All this man wanted was help and all they can offer him is a bullet? That doesn't say much for our society.' Investigators confirmed Friday that at no point had Gregware directed his firearm at anyone other than himself. Adam Silverman, a spokesperson for Vermont State Police, said later on Friday that police are not required to wait until a gun is pointed at them to use deadly force. 'That's because action is faster than reaction,' Silverman said. 'You couple that with the fact that (Gregware) was armed with the assault-type weapon that he was armed with, he was reported to be suicidal and intoxicated, they knew that he was noncompliant with commands, including 14 commands to drop the gun, he was along a busy interstate highway, and he approached law enforcement officers.' Asked during the Friday morning press conference whether the officers had had non-lethal options, Col. Matthew Birmingham, director of the state police, said he didn't believe so. 'Not in this situation,' Birmingham told reporters. 'It unfolded very quickly. From the minute it started they knew it was a lethal situation because they knew he was armed.' Police said Gregware was holding a '9mm MAC-10 style assault pistol' with an extended magazine. After the shooting, according to police, they recovered the firearm and found 14 live rounds in the magazine, a bullet in the chamber, and the safety disengaged. 'This was a dynamic situation, this was done on Interstate 89 with people coming home from skiing,' Donovan said. 'We are lucky that

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there was not more of a tragedy that day, and, in large part, that's because of the bravery and judgment of the officers involved on that day.' It was the third fatal shooting involving Vermont State Police over a six month span, from Sept. 1, 2017, to Feb. 11, 2018. In each case, prosecutors ruled that officers were justified in their use of deadly force. State police trooper Brown fired shots in all three of those shootings, the first two as a member of the state police tactical team. He had been taken off the special unit shortly before the third shooting. Brown was one of nine officers, including eight state police troopers, who shot and killed Nathan Giffin, 32, of Essex, on the grounds of Montpelier High School on Jan. 16. Giffin was shot after robbing the nearby Vermont State Employees Credit Union. Police said that during a standoff on the school field Giffin issued threats and made suicidal statements, and he displayed a handgun and approached the officers. The weapon later was identified as a BB gun. Prosecutors said last month that the actions by all of the officers in that shooting were justified. Brown also was one of five troopers who fired shots in Poultney in September that left Michael Battles dead. Battles also was wielding a BB gun. All five officers were cleared of any wrongdoing. Following the third fatal officer-involved shooting on Feb. 11, state police said they were undertaking a review of their policies in responding to similar situations. State Police have since announced plans to pursue more non-lethal force options and new tactical training for officers. In the last case, the circumstances leading to Gregware's shooting started around 2:15 p.m. on Sunday, Feb 11, with calls to state police from Gregware's ex-wife, who said she had 'concerns' about her ex-husband, and that he had been struggling with alcohol addiction. She told police that Gregware, who had recently lost his job, and custody of his children, had just driven away from his home. She said he appeared to be intoxicated and 'not in his right mind.' Police said that state trooper Jay Rikken was able to call Gregware on his cellphone and Gregware told him he was 'not OK.' Gregware's speech, Rikken reported, was 'slurred, mumbled, confused, and at time unintelligible.' Gregware also told Rikken that he had a 9mm handgun with him and that he had just bought ammunition at Walmart in St. Albans, police said. Gregware told Rikken that he was going to continue driving south on I-89 and that when he ran out of gas he was going to 'end it,' police said. Gregware told Rikken that he had just passed exit 11 on I-89. He said something to the effect of 'You can bring all of the guns you want ' The call lasted about 20 minutes, and then disconnected, police said. Both Brown and Greenough were both driving south on the interstate trying to find Gregware. At about 3:50 p.m. they spotted his vehicle, with Brown initiating a 'high-risk' traffic stop. Gregware pulled into the breakdown lane and stopped near mile marker 69 in the southbound lane. Brown yelled at Gregware to get out of the car, and 'put the gun down' several times, according to a police video, which was released on Friday. Play Video[1]In the video, Gregware can be seen getting out of the car, and pointing his gun to his head. After Gregware refused more orders to put the gun down, both Brown and Greenough opened fire. The officers 'secured' Gregware's firearm after he was shot, and began to provide medical aid until rescue personnel arrived at the scene, police said. Gregware was taken by ambulance to University of Vermont Medical Center in Burlington where he later died. Police said Brown was armed with a rifle and Greenough had a .40-caliber handgun. Brown, police said, fired first, followed 'almost instantaneously' by Greenough. Brown fired six or seven times, while Greenough fired five times. Brown was closest to Gregware, with about 25 feet separating those two men, police said, with Greenough about five feet from Brown. Birmingham, director of the state police, said Friday that Trooper Brown has been on administrative duty, carrying out non-law enforcement related tasks while the investigation was pending. Birmingham said he would be assessing Brown's 'status' now that the criminal review is complete. Richmond Police Chief Alan Buck said Greenough had returned to the force after taking some time off to deal with the trauma from the shooting. George, the Chittenden County State's attorney, said while criminal charges will not be filed, it does not change the fact that Gregware lost his life on Feb. 11. 'He was a son, a father, a partner, and a friend, to many, and the loss of his life is tragic and unfortunate,' she said. 'The day of this incident does not define Mr. Gregware,' she said, 'and we hope that those who knew him can remember him as he was on his best of days rather than the high-profile way in which he died.' Read the story on VTDigger here: Prosecutors clear police in fatal I-89 shooting[2]. [1]: <https://www.youtube.com/embed/1qYWQ1Mglj0> [2]: <https://vtdigger.org/2018/06/01/prosecutors-clear-police-fatal-89-shooting/>

Classification

Language: English

Publication-Type: Web Blog

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Journal Code: IVNN-127906

Subject: POLICE FORCES (92%); DEATHS & INJURIES BY POLICE (90%); SHOOTINGS (90%); DEATH & DYING (90%); GUNSHOT WOUNDS (90%); LAW ENFORCEMENT (90%); PUBLIC PROSECUTORS (89%); CRIMINAL OFFENSES (89%); INVESTIGATIONS (89%); US STATE GOVERNMENT (78%); ATTORNEYS GENERAL (72%); PRESS CONFERENCES (67%); Criminal justice; Christopher Brown; Sarah George; police shooting; Vermont State Police; TJ Donovan

Geographic: BURLINGTON, VT, USA (79%); VERMONT, USA (93%)

Load-Date: June 2, 2018

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