

Officers justified in killing armed robbery suspect, Jackson prosecutor rules

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FULL TEXT

May 17--JACKSON, Mich. -- Five police officers who shot and killed an armed robbery suspect in March on Tyson Street acted properly in defense of themselves and their fellow officers, Jackson County Prosecutor Jerry Jarzynka has concluded.

"Moreover, it is also evident that from the perspective of the police officers, they honestly and reasonably believed that Kenneth Townley posed a threat to each of them," Jarzynka wrote in an opinion released Thursday, May 17. Blackman-Leoni Township public safety Officers Chandler Fryt and James Prus, Jackson County Sheriff's Deputy Archie Wickham and Jackson Officers David Renteria and Peter Postma discharged their weapons March 11 in Blackman Township only after Townley extended his arm with a gun pointed at them, Jarzynka reported.

This means the officers will not be charged with any wrongdoing.

Fryt told Townley, believed to have robbed a Dollar General store minutes earlier, at least four times to put his hands on his head and he did not comply. He then reached his right hand into the pocket of his sweatshirt. Fryt yelled several times for Townley to get his hand out of his pocket. He instead pulled what appeared to be a gun partially out of the sweatshirt, according to Jarzynka.

Townley failed to heed numerous "loud verbal commands" to drop the weapon, which was later discovered to be an Airsoft or toy gun.

Fryt told Townley to put down the gun 10 times, according to Jarzynka. "Hey, we can work this out," he says, a video shows. Townley raised it and pointed at Fryt's vehicle, which officers were using for cover. Officers continued to yell, but Townley brought the gun to shoulder level, directing it at the officers.

Townley, 47, fell to the ground after several shots rang out and died during surgery at Henry Ford Allegiance Health. An autopsy revealed Townley had five gunshot wounds.

This information was consistent with witness accounts the day of the shooting, and among the evidence reviewed by Jarzynka and collected by the Michigan State Police First District Special Investigation Section was video from a Blackman-Leoni Township public safety vehicle. Michael Jester, director of the public safety department, has since released the recording.

Fryt had spotted a man about 2:39 p.m. on Tyson Street near Watts Street who matched the description of a man who used a gun to rob the Dollar General store at 3025 E. Michigan Ave. He took \$371.19 from the register. The robbery had been reported about 2:24 p.m.

The officer stopped his patrol vehicle and contacted the man, later identified as Townley. "Sir, show me your hands," he yells. He asked Townley to walk toward him, and Townley did, Jarzynka wrote. About that time, the other four officers and public safety Officer Jeremiah Wheeler arrived. State police found Wheeler did not fire his weapon.

Released from jail one day earlier after a months-long, theft-related stint, Townley, believed to be homeless, allegedly stole the Airsoft pistol March 10 from the Meijer store at 3333 E. Michigan Ave. A short time later, he committed an armed robbery and attempted car jacking at the store, the prosecutor wrote.

The public safety department earlier reported officers believed Townley demanded a 54-year-old woman's purse and keys about 12:20 a.m. March 11 in the store parking lot.

After watching surveillance video, public safety authorities identified Townley as the parking lot culprit and disseminated this information.

Michigan law allows a person to use deadly force to defend himself or the life of another person. According to Jarzynka, it is justified when the actor is not the aggressor, acts under an honest and reasonable belief of imminent death or great bodily harm and retreats if possible, and when the only recourse in repelling the attack is use of deadly force.

The Michigan Supreme Court has clarified a person "is never required to retreat from a sudden, fierce and violent attack; nor is he required to retreat from an attacker who he reasonably believes is about to use a deadly weapon," Jarzynka wrote. Police in particular do not have an obligation to withdraw because of their duty to protect the public, according to the prosecutor.

Jarzynka said the purpose of his review was not to determine if the officers could have or might have done something differently.

"It is not whether, given the full benefit of hindsight, this tragic death could have been avoided," he wrote. "Rather, the sole question to be decided is whether the death of Kenneth Scott Townley was the result of a criminal act by the officers involved in this shooting."

The involved officers were placed on paid administrative leave after the shooting. By Thursday, all of them had returned to work, administrators for the various departments reported. Renteria, back on patrol in early April, retired last month.

Jarzynka will soon have to review another state police report on an officer-involved shooting, which was still open and pending as of last week. Three weeks after Townley's death, Jackson police shot and killed Christopher Lamarr Hall on April 1 outside a house on Chittock Avenue. They were called to domestic assault and Hall, who had badly beaten his girlfriend, shot and wounded an officer.

CREDIT: By Danielle Salisbury

DETAILS

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