



Orange County News

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District Attorney Hoovler Announces Final Findings in Town of Montgomery Police-Involved Shooting Investigation

*Orange County Grand Jury Clears Police Officer Who Discharged his Weapon
In Defense of Self and Other Officers*

*Independent Investigation by District Attorney's Office Concludes That
Police Were Justified in Using Deadly Physical Force*

Orange County District Attorney David M. Hoovler announced on August 21, 2017, that an Orange County grand jury declined to file charges against a Town of Montgomery police officer who discharged his weapon in the direction of a subject who had fired upon police officers attempting to arrest him on May 16, 2017, at 812 Abbey Avenue, in the Village of Maybrook. The subject fired one round at officers striking the Town of Montgomery Police Chief in his left shoulder. A Town of Montgomery officer immediately returned fire multiple times, but did not strike the subject. The subject then committed suicide by shooting himself in the head, before police could take any further action. The grand jury's finding, known as a "No Bill," ended the grand jury's investigation, and ensured that no state criminal charges would be brought against the police officers involved in this matter.

The Orange County District Attorney's Office, aided by the New York State Police, conducted an investigation of the incident which was independent of, and in addition to, the grand jury's investigation. Under a pending Governor's Executive Order, incidents involving allegations that police used deadly physical force against "unarmed" civilians must be investigated by the New York State Attorney General's Office. After consultation with the Attorney General's Office, however, it was determined that this investigation would most appropriately be handled by the District Attorney's Office, since the deceased was armed with a semi-automatic pistol at the time the incident occurred.

Although proceedings before grand juries are secret as a matter of law, the findings of the District Attorney's Office made from evidence uncovered outside of the grand jury proceeding can be made public. In order to ensure public confidence in a fair investigation, the District

Attorney's Office had previously released portions of the recordings of a police worn body-camera. The District Attorney's investigation revealed:

1. On May 16, 2017, at approximately 3:15 AM the Town of Montgomery Police Department received a walk-in complaint regarding a domestic altercation at 812 Abbey Avenue, in the Village of Maybrook. The complaint identified Anthony Bostick ("Bostick") as the suspect initiating the altercation with his girlfriend.
2. At approximately 8:35 AM, Town of Montgomery police officers responded to 812 Abbey Avenue, and attempted to contact Bostick. Bostick refused to exit his apartment after he was advised of his impending arrest. About this time, officers learned Bostick had made suicidal comments earlier that day. Police continually tried to engage Bostick in conversation and coax him out of the apartment. Communication between Bostick and the police ceased after about 40 minutes as Bostick left the area near the apartment door and went deeper into the apartment.
3. Fearing that Bostick intended to commit suicide due to his impending arrest and comments, officers breached the apartment door and entered the apartment. At the time they entered the apartment, police were aware that Bostick had a prior criminal history.
4. Once inside the apartment, officers encountered Bostick hiding in a bathroom area at the end of a hallway. After Bostick refused to exit the bathroom, or show officers his hands, he abruptly produced a semi-automatic pistol and fired one round toward three police officers in the hallway. The round struck Police Chief Arnold Amthor in the upper left shoulder. A Town of Montgomery officer returned fire multiple times as the Chief was removed from the area by other police officers. After the exchange of gunfire, approximately ten seconds elapsed, and then a single muffled shot could be heard coming from the bathroom area. Officers then vacated the apartment and established a containment perimeter around the house. The entire incident, from the time officers entered the apartment, until they left, was captured by a body camera worn by the officer who returned fire.
5. After approximately six hours police determined there was no threat inside 812 Abbey Avenue by using a robot to survey the apartment. Members of New York State Police forensic identification unit then entered into the apartment and found Bostick deceased, in the bathroom, apparently suffering from a single gunshot wound to the head. Within two feet of Bostick's body a loaded and operable semi-automatic pistol was recovered.
6. An autopsy on the body of Bostick was conducted by the Orange County Medical Examiner's Office on May 17, 2017. A forensic pathologist concluded that Bostick had died of a single self-inflicted gunshot wound to the left temple. Bostick was left handed. Bostick had no other significant injuries to his body other than the gunshot wound to the head. Toxicology results indicated Bostick had smoked marijuana recently.

7. Ballistics evidence recovered at the scene was consistent with the pistol recovered near Bostick's body, suggesting this was the weapon he used to commit suicide. Additionally, Bostick's DNA was recovered from the trigger area of the pistol.

8. A forensic examination of the entire area where the shooting occurred further revealed that no gunshots fired by the Town of Montgomery police officer ever struck Bostick.

After reviewing all the attendant facts and circumstances involving the police shooting, including interviews of witnesses and police officers, and a review of the available evidence, it is the conclusion of the District Attorney's Office that the police officers' actions in this case were justified under the New York State Penal Law. The incident may be separately reviewed by the Town of Montgomery to determine whether departmental policies were adhered to.

"It is truly fortunate that Police Chief Amthor was not more severely injured or killed during this incident," said District Attorney Hoovler. "The images from the police body-worn camera, along with the other evidence developed during the investigation, demonstrate that the police officers acted lawfully and professionally, even during the time that Mr. Bostick began shooting at them and then took his own life. The recording also demonstrates the difficult and dangerous circumstances that police officers often face, particularly when responding to domestic violence incidents. I thank all the Orange County law enforcement agencies that responded and the New York State Police for their assistance and cooperation in this investigation."

The investigation was personally handled by District Attorney Hoovler.

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