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Officers in shooting cleared to work - Two Pekin policemen killed Bartonville man during standoff

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Article Text:

BARTONVILLE - The two Pekin police officers who confronted a Bartonville man in a fatal standoff last week have been cleared to go back to work.

Officer Jeff Stolz has been with the Pekin Police Department 9 1/2 years, Officer Mark Smith for eight years. Both are members of the Central Illinois Emergency Response Team (CIERT), which negotiated with Ty Miller, a former Marine armed with an assault rifle, for six hours while he was holed up at his Hollis Township home Dec. 23.

Earlier that evening, Miller, 41, had fired several shots from a window. He reportedly told a neighbor he was upset about his pending divorce and hoped to commit suicide by provoking police. He said he wouldn't harm any officers but would defend himself if they came in his house.

Stolz and Smith ultimately shot and killed Miller after entering his kitchen and finding him crouched and pointing a gun at them.

The officers' time off work was standard procedure, Peoria County Sheriff Mike McCoy said Thursday. "Anytime there's a major incident in police work, there is a debriefing."

Miller's brother, Todd Miller of California, has publicly criticized the CIERT team's actions, asking why officers fired live bullets instead of using a Taser or another non-lethal method of control. He has called for an outside investigation into the shooting.

McCoy, chairman of the CIERT team committee, said officers "absolutely" followed protocol and acted professionally in what he has classified as a justifiable shooting.

"It was not a 'perceived threat.' It was an imminent life-or-death situation," the sheriff said.

"Mr. Miller was pointing a weapon at the two officers. . . . We're not going to risk an officer's life to get him close enough to a man who has been threatening to kill police for over six hours."

Miller, 6428 Cheyenne Drive, was maintenance supervisor at Pekin Community High School.

The father of two served six years in the Marine Corps and had previously volunteered with the Peoria County Sheriff's Department's auxiliary unit. He had a small cache of weapons in his home.

About 8 p.m. Dec. 23, a neighbor heard Miller fire seven or eight gunshots out of a window. That man called another neighbor who was better acquainted with Miller, thinking he could perhaps talk to him, according to sheriff's reports.

The second neighbor knew Miller to be depressed about the recent end of his 11-year marriage and ensuing financial hardships, he later told police.

As the neighbor walked up to Miller's front door to check on him, Miller suddenly appeared from the side of the house, wearing a bulletproof vest and with two holstered handguns and an M-16 assault rifle slung over his shoulder.

The neighbor said Miller appeared to be intoxicated and told him he'd been drinking since 1 p.m. He admitted he'd "capped off" a few rounds from his window.

He also said he hoped to commit suicide by provoking a confrontation with police. He added that he didn't want to harm any police officers, since they "have families," but would defend himself if they came in his home, sheriff's reports said.

The neighbor called police after Miller refused his help.

Negotiators communicated with Miller by phone while 17 members of the CIERT team surrounded the house.

Miller was persuaded to walk outside about 5 a.m. Though instructed to come out unarmed, he still refused to take his hands out of his pockets and show officers he did not have any weapons, McCoy said Thursday.

"At no time did we see Todd Miller's hands," he said. "We believed he still had a weapon."

The danger prevented officers from getting close enough to tackle him or use a Taser or otherwise less-lethal method to subdue him, McCoy said.

Soon after, Miller got spooked and ran back inside. CIERT members ran after him. When they entered the kitchen, he was reportedly in a crouch, pointing a gun at them.

The two officers shot Miller, hitting him repeatedly. He never fired his weapon.

"This entire incident was dictated by Ty Miller, not the police," McCoy said.

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