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Castor: Officer justified in park shooting

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Article Text:

District Attorney Bruce L. Castor Jr. added the investigation determined that a shot fired by Officer Michael Ponto struck James E. Harper III in the trunk but wasn't the wound that killed Harper. County Coroner Halbert E. Fillinger Jr. ruled that Harper, 25, of Pottstown, died from a self-inflicted gunshot wound to the head and he concluded the manner of death was suicide. "We concluded that Officer Ponto reasonably feared he was in imminent danger of death or serious bodily injury and he acted with legal justification by employing deadly force in response to that threat," Castor said.

"As a law enforcement officer, Officer Ponto had a legal duty to confront the threat. He was under no obligation to retreat."

Castor said investigators concluded Harper chose to take his own life for personal reasons unrelated to his encounter with police.

Castor directed that the weapon used by Ponto be returned to the Pottstown Police Department. He said Ponto is free to return to duty.

Pottstown Police Chief Mark D. Flanders said Ponto, 31, is on administrative leave, which is the department's policy while the district attorney's office conducts investigations of such incidents.

"We'll leave it up to (Ponto) as to when he's ready to come back to work," Flanders said Thursday. "I'm grateful he is still alive and wasn't hurt or injured.

"It's an unfortunate event. It's unfortunate for the victim. It's unfortunate for the victim's family. And it's unfortunate for Officer Ponto because of the emotional stresses from being involved in any critical incident."

In accordance to state guidelines, the shooting, which took place at 1:11 a.m. March 14, was investigated by the district attorney and county detectives because a local police officer was involved. The investigation consisted of interviews with Ponto and Harper's relatives as well as an evaluation of forensic evidence collected at the scene.

According to investigators, Ponto was on routine patrol in a marked car in Riverfront Park when he came upon a Volkswagen Jetta stopped in a dark, empty parking lot on the park grounds. Ponto approached the vehicle and found Harper sitting in the driver's seat.

"Harper told the officer he was in the park to gather his thoughts because he was having marital difficulties," Castor explained.

Ponto reported Harper appeared to have been drinking and had a bottle of bourbon in the car. Ponto asked Harper if he had a weapon. Harper twice insisted he did not, according to Castor. But as Ponto started to back away from the car he noticed a gun partially hidden under the front passenger seat of Harper's car, according to investigators. After another police car arrived on the scene, Harper reached under the passenger seat and pulled out a 9mm semi-automatic pistol, authorities said.

Ponto drew his service weapon, a Smith & Wesson .40-caliber pistol, and fired two shots at

Harper, according to Castor.

"Harper immediately placed his own gun to his head and fired," Castor said.

Two other police officers who were on the scene corroborated Ponto's description of the incident. Ballistics tests further confirmed the events described by Ponto, investigators said. Authorities said Harper was found in the front seat of his car with a gun in his right hand, his finger still on the trigger.

Interviews with Harper's relatives revealed he purchased a gun after Sept. 11, 2001, authorities said. However, he didn't possess a valid license to carry a firearm. A relative, according to investigators, told detectives that Harper was having marital and family problems and that he often spoke about suicide or of shooting someone else to ease his own pain.

Harper is survived by his wife and a 3-year-old child, according to investigators.

Memo:

NORRISTOWN -- Montgomery County authorities ruled Thursday that a Pottstown police officer acted with legal justification when he used deadly force against a borough man who displayed a handgun while sitting in a car in Riverfront Park on March 14.

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