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JEFFERSON CITY, MISSOURI

TUESDAY, JULY 8, 2003

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Officer cleared in shooting outside police station

By **BOB WATSON**
News Tribune

Cole County Prosecutor Bill Tackett late this morning cleared Jefferson City Police Officer Patrick McCutchen of any wrong in last week's shooting outside the police station.

McCutchen, a nearly three-year Police Department veteran, exchanged shots with Jonathon Russell, 25, Holts Summit, about 10:45 p.m. July 1.

Less than 20 minutes earlier,

*State officials considering review
of gun trades in wake of shooting*

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Russell had been identified as the shooter who killed three co-workers and wounded five others at Jefferson City's Modine Manufacturing Co., then left the plant in his white Ford pickup truck.

"The bottom line is, it was the proper use of force, given this set of circumstances," Tackett told the News Tribune. "This was a near text-book example of how a law enforcement officer should con-

duct his or herself given this same set of circumstances."

Reports indicate Russell fired at McCutchen's police car after the officer made a U-turn on Monroe street and was returning to the station because he saw the pickup sitting in a parking lot just to the south of the station's classroom.

McCutchen has told investigators and Tackett in separate interviews that he made the U-turn after seeing a man sitting in the truck, with one leg hanging out of

it.

After making the turn, McCutchen told officials, Russell got out of the truck, took three steps toward McCutchen's car, and fired one shot.

Tackett said this morning McCutchen then pulled into the alley across Monroe Street from the station and parked at the west end of the hotel building at 422 Monroe St.

McCutchen then grabbed his
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shotgun and headed back toward Monroe Street, shouting an order for Russell to stop.

Instead, he said, the armed man continued north on Monroe, then cut across the grass toward the police station entrance.

McCutchen fired one shot and Russell fell, Tackett said.

But Russell got up and again headed toward the door.

So the officer fired a second shot.

McCutchen's shots at Russell were "appropriate and proper and, I think, the officer had a duty to use the force that he did," Tackett said.

The prosecutor said McCutchen was acting on the belief that Russell — who already had fired one shot at an officer and was known to have shot eight others at the Modine plant — was heading toward unarmed dispatchers inside the police station.

"You can eliminate the theory that he was trying to turn himself in," Tackett said.

An autopsy conducted last Wednesday in Columbia con-

firmed that Russell turned his own weapon on himself and committed suicide, after being hit by the second shot from McCutchen's gun.

Tackett this morning said, for the first time, that a rookie officer inside the police station saw Russell point his own gun under his chin, then fire.

McCutchen said he cannot discuss the shooting because an internal police investigation is ongoing.

Tackett said he confirmed McCutchen's version of the events by listening to the police tapes of radio transmissions between the officer and the dispatchers.

Tackett said he would have made the same ruling, even if McCutchen's shots had been fatal. The prosecuting attorney is required to review shooting incidents involving law officers.

"Law enforcement officials are afforded more latitude when making decisions involving the use of force," he explained. "But, from a prosecutor's standpoint, it's my job to make sure that the use of force stays within the confines of the law."