

John B. Geer had hands up when shot by police, four officers say in documents

By [Tom Jackman](#)

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John B. Geer stood with his hands on top of the storm door of his Springfield, Va., townhouse and calmly said to four Fairfax County police officers with guns pointed at him: “I don’t want anybody to get shot . . . And I don’t wanna get shot, ’cause I don’t want to die today.”

But as one officer tried to ease Geer through the standoff, another officer, Adam D. Torres, [shot and killed Geer](#) from 17 feet away, telling investigators that he saw Geer move his hands to his waist and thought he might be reaching for a weapon, according to newly released documents from the county.

The other three officers, and a lieutenant watching from a distance, said they saw no such thing, the documents show.

How and why Geer died that afternoon in August 2013 after police responded to a domestic dispute at his home have remained a mystery, as police and prosecutors have declined to comment on the case for 17 months. But Friday night, [under a court order obtained by lawyers](#) for the Geer family, Fairfax released more than 11,000 pages of documents that shed new light on the police shooting.

The other officers contradicted [Torres’s story](#), all agreeing that Geer had his hands above his shoulders, did not move them to his waist and was unarmed when he was shot.

The documents also show that Torres was involved in an argument with his wife in the 16 minutes leading up to his arrival at Geer’s home that may have caused him to miss key facts about Geer and the situation at the townhouse. He also did not issue a warning to Geer before he pulled the trigger.

“When the shot happened, his hands were up,” Officer Rodney Barnes, [who had been talking to Geer](#) at the moment of the shooting, told investigators that evening. “I’m not here to throw [Torres] under the bus or anything like that, but I didn’t see what he saw.”

The documents, which include police investigative reports, transcripts, timelines, photos and dispatcher audiotapes, indicate that Torres said he considered Geer “a credible threat,” because he had placed a holstered gun at his feet at the beginning of the standoff. But the other three officers told investigators that they never considered firing at Geer.

“It’s not good,” Officer David Parker, [who was crouching](#) 15 feet behind Torres, told investigators. “He killed that guy and he didn’t have to.”

But Torres said he thought Geer could have had another weapon hidden at his waist. “It was not accidental,” Torres told investigators. “No, it was justified. I have no doubt about that at all. I don’t feel sorry for shooting the guy at all.”

The files also reveal for the first time why the Fairfax prosecutor shifted the case to the U.S. attorney’s office in Alexandria: an internal affairs investigation into a loud, angry “meltdown” Torres had in the Fairfax County Courthouse. In that incident, five months before the Geer shooting, Torres repeatedly cursed at an assistant county prosecutor and stormed out of the courthouse, according to the prosecutor’s statement included in the released documents.

But county police refused to make the internal affairs file available to Fairfax Commonwealth’s Attorney Raymond F. Morrogh. A frustrated Morrogh has said he [passed the investigation to the Justice Department](#) because he was unable to get anywhere with the Fairfax police department.

Mike Lieberman, an attorney for the Geer family, said: “If this was a similar situation involving two ordinary citizens, there is little doubt that any individual who shot an unarmed man who was holding his hands up in the air and claiming that he did not want to hurt anyone would have been arrested and charged.

“Within days of the shooting, the police department, at the highest levels, knew of the gross discrepancies between Officer Torres’s version of the events and the accounts provided by every other eyewitness.”

Torres has not spoken publicly since the shooting, and he did not return e-mail and phone messages Friday. His lawyer, John Carroll, also did not return messages.

Sharon Bulova, the chairman of the County Board of Supervisors, declined to comment on the case.

Geer's father, Don Geer, also witnessed the shooting from behind a police line and said the police statements corroborate his own account. "Four officers saw the same thing I did," he said.

The family, on behalf of Geer's two daughters, has filed a wrongful death suit against the county. "John had his hands above his shoulders and he was unarmed," Don Geer said. "And there was no justification for Officer Torres to shoot him. I think they should go through and press charges against Torres and let the legal system do what it does."

His 'hands were up'

The police documents paint a vivid picture of a tense 44-minute showdown between Geer, 46, and the officers who had come to resolve a domestic dispute between Geer and his live-in partner of 24 years, Maura Harrington. The couple, who had two daughters together, had just had an argument over the phone, and Geer had begun throwing some of Harrington's belongings onto their front yard. Harrington came home and called 911.

When Torres, then a 30-year-old officer with seven years' experience, and Officer David Neil arrived at 2:52 p.m., Geer immediately turned and walked inside the townhouse. As the officers approached, Geer held up a holstered handgun and, according to both officers, said, "I have a gun; I will use it if I need to because you guys have guns."

Torres quickly ducked behind a tree trunk 17 feet from the front door, pulled his gun and aimed it at Geer. Neil pulled his gun but kept it pointed down. Geer soon placed his gun on the ground, and no officer saw it again, according to their statements.

Five minutes later, Barnes arrived. Neil went to a nearby townhouse to interview Harrington.

Barnes, a 49-year-old former Navy seaman, was a trained negotiator who was on patrol that day. He began to develop a rapport with Geer, and he told investigators that he felt Geer was comfortable with him, the records show.

Geer kept his hands on top of the storm door and repeatedly declined Barnes's requests to come out, the officers reported. Instead, Geer repeatedly asked Torres to lower his weapon. Torres did so, but whenever Geer announced that he had to scratch his nose, Torres would refocus his aim on Geer's chest, the documents show.

Officers Parker and Benjamin Kushner arrived next and took up positions behind vehicles in the townhouse community's parking lot. Parker had a rifle and Kushner had a shotgun, the reports said. Each said they kept their eyes trained on Geer, with Parker telling investigators, according to transcripts: "I never even took my gun off of safety." They said they could hear the conversation between Barnes and Geer, and both Parker and Barnes recalled Geer saying he did not want to get shot.

Meanwhile, Neil interviewed Harrington and radioed his findings to the other officers. Geer had "made comments that he's 45 seconds from putting a bullet in his head," Neil told his fellow officers, according to the transcripts, "and he told a friend of his that he had a gun and he might do a suicide-by-cop type of situation. Be advised."

Neil also reiterated Harrington's statement that she made in her 911 call that Geer had other guns, including a handgun and a rifle, in the house, "so there might be some more weapons inside the house as well." Torres would later tell investigators that he did not hear any updates from Neil's interview with Harrington about Geer's state of mind or that he had other guns in the house.

But at 3:34 p.m., as Barnes was still talking with Geer, Torres squeezed his trigger and shot Geer, surprising the three other officers, the documents say. Geer closed the front door, and Barnes and Torres darted to the side of the townhouse. "Who shot?" Barnes said he demanded angrily. "I did," Torres said he told him. "I'm sorry."

But police, unsure whether Geer was alive and armed, did not enter the house for 70 minutes, until the SWAT team arrived with an armored truck and battering ram. When the tactical officers entered, Geer was dead just inside the front door.

Torres said he fired because Geer had been complaining about being thirsty "and then . . . he brought both his hands down really quick near his waist, and I pulled the trigger one time, and hit him under his right rib cage."

Homicide Detective John Farrell, who was the lead investigator into the shooting, asked whether the shot was accidental. Torres emphasized that it was not. "He brought his hands down too far," Torres said.

Barnes told investigators that Geer’s “hands were up.” Parker told investigators that Geer “started to move his left hand barely off the sill of the door.” Kushner said Geer’s hands were “right around his face area.” Lt. Ronald Manzo, who also was at the scene, said Geer’s hands were at “about his shoulder height.”

Investigation begins

As police investigated the shooting, detectives questioned Torres about whether there were any other reasons he might have shot Geer, the records show.

The detectives learned that immediately after the shooting, Torres told Barnes that he had been arguing with his wife on the phone as he drove to the call. The argument may have caused Torres to miss key facts about the situation that had been broadcast by dispatchers, the documents show, such as the warning that Geer had other weapons in the house.

Farrell and his partner, homicide Detective Chris Flanagan, pressed Torres about the phone call with his wife: “Do you shoot Mr. Geer because you’re angry at your wife?” Farrell asked him, a transcript shows.

“No,” Torres replied. “Not at all.”

But the investigation continued to delve into Torres’s background as the county prosecutor considered whether to seek an indictment.

In particular, Morrogh was aware of Torres’s blowup in the courthouse with an assistant prosecutor five months earlier. The prosecutor was Chuck Peters, a former Fairfax deputy police chief who became a lawyer after he retired.

In March 2013, while handling a drunken-driving case brought by Torres, Peters told the officer that there were problems with the case. Torres repeatedly cursed at Peters and then stormed out of the courthouse. Word of the incident reached police headquarters, and Peters told investigators that five top police commanders called him to apologize for Torres’s outburst.

An internal affairs investigation was launched, but the outcome is unknown. When Morrogh requested the file in the fall of 2013, the police department refused to give it to him. In January 2014, he sent the case to the U.S. attorney’s office in Alexandria, who also ran into resistance from the Fairfax police, the Justice Department said. The case is still being reviewed by the Justice Department’s [civil rights division](#), with no known resolution date.

Lieberman, the Geer family lawyer, said, “It is hard to believe that a Virginia state grand jury has not been presented with this information and that it took Fairfax County 17 months to disclose this information to the Geer family.”

Justin Jouvenal contributed to this report.

884 Comments



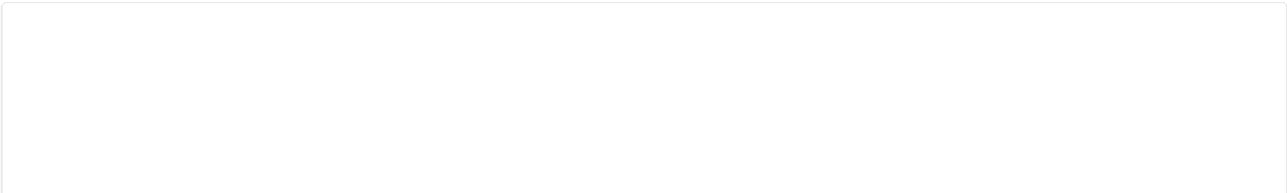
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