

Grand jury pardons Hallandale Beach cop who shot, killed man during 6 a.m. raid

Howard Bowe, 34, died 11 days after Hallandale Beach police SWAT members shot his dog, burst into his duplex, and shot him in his underwear in his kitchen.

Tonya Alanez Contact Reporter Sun Sentinel

Grand jury: Fatal shooting of Hallandale Beach man in his underwear during 6 a.m. raid of his home justified

Nearly two years after a Hallandale Beach SWAT team forced its way into a suspected drug dealer's duplex, felled his chained pit bull with a shotgun blast, deployed a flash grenade and fired a single fatal shot into the man's chest, a **Broward County** grand jury has pardoned the shooter.

Howard Bowe Jr., 34, died in the hospital 11 days after Officer Michael McKenzie shot him in the lower chest with a 12-gauge Remington 870 shotgun while executing an early-morning search warrant.

After hearing two days of testimony beginning March 16 and concluding Wednesday, a **Broward County** grand jury found Bowe's homicide "was the result of the justifiable use of deadly force," court documents show.

Bowe's family was tearful and disheartened by the grand jury's decision to excuse what it viewed as a needless death during a botched execution of a warrant, attorney Greg Lauer said.

"Not only was he unarmed, there wasn't even a weapon in the house," Lauer said. "You have to identify who is a threat and who is not; a guy standing in his kitchen in his underwear is not."

Archive: Man shot by Hallandale Beach SWAT dies

McKenzie, 48, fired from outside the home after seeing what he described as "a dark figure" inside holding a "shiny or reflective object in his hand," a report said. The 17-year veteran of the Hallandale Beach Police Department said he ordered Bowe to get down several times during the May 8, 2014 raid, but Bowe did not comply.

"He is certainly relieved that it's over," said McKenzie's police union attorney, Tony Alfero. "He's always maintained that he was following procedure and that he acted appropriately under the circumstances."

Bowe, who owned a car wash business and lawn mowing service, was in his kitchen, his 16-year-old son asleep in a bedroom, when a team of 15 cops broke down his door at 6 a.m., records show.

They were looking for what they considered to be justice. They think a family member of theirs died for no purpose. They're hurt and saddened by it.— Greg Lauer, attorney for Bowe family

Hallandale Beach police's SWAT and special operations unit members were carrying out the warrant nine days after a police informant purchased \$100 worth of crack cocaine from Bowe at his home in the 700 block of Northwest Fourth Street, records show.

"The defendant was encountered at the threshold of the rear door," an initial police report said. "SWAT members had to use force to take the defendant into custody."

When police approached the home, they came upon Bowe's 13-year-old pit bull chained near the back door. The dog was "friendly at first" but grew aggressive, so McKenzie shot it. When the dog rose to its feet, another officer followed up with a shot to the animal's head.

Clouding the chain of events were discrepancies over whether police followed protocol and "knocked and announced" their presence before entering.

Some officers weren't sure whether Detective Tony Distefano, responsible for making the pronouncement, did so, according to supplemental reports. Others were certain they heard Distefano pound on the door and shout "search warrant" and "Hallandale police" as many as three times.

But Distefano told investigators that he decided not to do a "knock and announcement" after all the racket created by the dog being shot, a report said.

The shiny object McKenzie said he saw Bowe holding was determined to possibly have been an aluminum broom that ended up outside next to the door, a report said.

The shotgun blast fractured two of Bowe's ribs, perforated his liver, small intestine and psoas muscle, which runs from the inner groin to the spine. He died May 19, 2014 at Memorial Regional Hospital.

Police confiscated about 18.5 grams of crack cocaine from Bowe's home.

In the decade from March 1998 to October 2008, Bowe has been sentenced three times on cocaine possession charges. The first sentence was the most severe: 30 days in jail followed by 18 months of probation. The others resulted in probation.

The grand jury has about 30 days to issue a report detailing what factored into its decision. State prosecutor Brian Cavanagh declined to comment until after that report is completed.

Now that the grand jury has made its finding, Lauer said he will file a federal civil lawsuit on the family's behalf. Bowe's family declined to comment Thursday.

Bowe's 39-year-old sister, Corneesa Bowe, was nearly inconsolable after learning the grand jury's decision, Lauer said. She lived in the duplex next to her brother and was awakened by the sound of gunfire and a commotion on the morning he was shot.

"She was next door, they had to clean up the blood, it messed her up," Lauer said. "They were looking for what they considered to be justice. They think a family member of theirs died for no purpose. They're hurt and saddened by it."

Hallandale Beach Police Chief Dwayne Flournoy said McKenzie has been working in an "administrative capacity" since the shooting but will return soon to full active-duty status.

"Although you feel that you're justified, to wait two years with that doubt lingering over your head, I can't imagine what Officer McKenzie went through the last two years," Flournoy said.

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