

Almost eight months after three children were shot by police in Hugo, still no ruling from the DA

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By Dylan Goforth | The Frontier

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Almost eight months after two Hugo Police Department detectives shot three small children while trying to apprehend a suspect in a pizza store robbery, the Choctaw County district attorney has yet to rule on the shooting and declined to answer *The Frontier's* questions about the case.

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Both detectives, Billy Jenkins and Chad Allen, were placed on leave following the April 26 shooting, but have since returned to work after being cleared by an internal Hugo Police Department shooting review board, according to Hugo Police Chief John Mitchell. While larger agencies may place officers involved in shootings on administrative leave or on desk duty while awaiting a ruling from the district attorney, smaller departments, such as Hugo, sometimes return officers to work early to keep up with manpower concerns.

But Choctaw County District Attorney Mark Matloff has yet to rule on whether he has found the shooting justified, Mitchell said.

An employee in Matloff's office in Idabel said that Matloff told her he "would not comment" on the case. Asked if Matloff could specify whether he had ruled on the shooting, the same employee returned minutes later and said Matloff had again told her he "would not comment and was not going to talk about it."

Mitchell told *The Frontier* he also has not received much information from Matloff, saying in an email that he has asked Matloff "a couple of times about when to expect a ruling ... and have not received a definitive answer."

The Oklahoma State Bureau of Investigation was asked by Hugo police to investigate the shooting and forward its results to Matloff. They did so in late May, nearly seven months ago.

On April 26, a little more than two weeks after a Pizza Hut in Hugo was robbed, Jenkins and Allen were driving an unmarked vehicle as they tracked 21-year-old William Devaughn Smith through Hugo. Hugo is a small southeast Oklahoma town of about 5,500 people, located a 10-minute drive from the Texas border.

Smith, who police suspected had robbed the store and was later charged with the robbery, was driving a pickup truck with his sister, Olivia Hill, and her four children as passengers when Jenkins and Allen began to approach the pickup on foot, police reports state.

Authorities have said that at this point Hill exited the vehicle and Smith "accelerated rapidly backwards," striking Jenkins before both detectives opened fire on the truck. Smith and three of the children, ages 1, 4, and 5, were shot. All four of them survived, though the recovery has been lengthy and difficult, according to an attorney for the family. The family has filed a tort claim indicating an intention to sue over the shooting.

"The kids are still struggling to adjust, with feeling unsafe," said Damario Solomon-Simmons, the family's attorney. "They're all in counseling, they're still going to the doctor, and the mom has hundreds of thousands of dollars in medical bills."

Solomon-Simmons said Hill and her children still live in the area, though they have moved from the house they resided in at the time of the shooting.

"It's terrifying, they have immense fear," Solomon-Simmons said, saying that the officers have returned to work and "resumed their lives," while Hill and her children are still recuperating mentally and physically. "(Hill) has four kids and all her family in that area, so she can't just leave."

Despite having returned to police work this summer, the ultimate fate of detectives Jenkins and Allen remains undecided. Most charging decisions in even high-profile officer-involved shootings in recent years have been decided relatively quickly. When reserve Tulsa County

deputy Robert Bates shot and killed Eric Harris in April 2015, he was charged with second-degree manslaughter less than two weeks later. By the following May, Bates had been convicted and sentenced to prison.

Betty Shelby, a former Tulsa Police Department officer, was charged six days after fatally shooting Terence Crutcher on a deserted Tulsa street. It only took eight months for Shelby's trial to begin, ending in an acquittal for the embattled officer.

And in 2017, about three weeks after Oklahoma City Police Department Sgt. Keith Sweeney shot a suicidal man who was attempting to light himself on fire, Oklahoma County District Attorney David Prater announced he had charged Sweeney with second-degree murder.

But sometimes the course plays out less conventionally. In November an officer in Blackwell, Lt. John Mitchell (no relation to the Hugo police chief), was indicted by a grand jury and charged with second-degree murder for his role in the May 20 fatal shooting of Micheal Ann Godsey.

Godsey was reportedly shooting at officers during a vehicle pursuit before being shot and killed. In court documents filed in Mitchell case, Stephens County District Attorney Jason Hicks noted that Mitchell shot "approximately" 60 rounds when he killed Godsey.

When the charge against Mitchell was announced, Jason Smith, the President of the Oklahoma Fraternal Order of Police, told Oklahoma City television state KFOR that he believed Mitchell would be acquitted, and argued that the six months in between the shooting and the grand jury indictment "seems excessive."

"To make someone wait to find out if they are going to be cleared of this incident ... we just want to make sure that the law is applied to officers fairly, not unfairly," Smith said.

Solomon-Simmons said he hopes charges are filed against the Hugo officers, saying that "the facts are what they are."

"These were plainclothes officers in an unmarked car who shot an unarmed person and three children," he said. "There's no justification for what they did."

Officer-involved shooting statistics

In 2019 there have been at least 48 officer-involved shootings, at least 32 of which have been fatal.

In 2018 there were at least 53 officer-involved shootings, at least 33 of which were fatal.

In 2019, records show the Oklahoma City Police Department has been involved in the most officer-involved shootings, 10, six of which have been fatal.

