

Posted 6/20/22

TENACITY IS GREAT – UNTIL IT’S NOT

An aggressive citizen, a dogged cop, and a tragic outcome



For Police Issues by Julius (Jay) Wachtel. In 2014, after a decade-long stay in an African refugee camp, an eighteen year old Congolese youth [accompanied his family to the U.S.](#) But while his parents and siblings settled in Lansing, Michigan’s capital city, Patrick Lyoya soon relocated to Grand Rapids. He fathered two daughters, of whom little is known, and bounced between jobs.

Along the way, he also drew lots of attention from the cops. According to Grand Rapids police, Mr. Lyoya amassed eight misdemeanor convictions in Michigan and, in Illinois, a felony conviction for aggravated drunken driving. A recent complaint by the mother of one of his daughters that he “punched her in the face and slammed her head into a car after she refused to let him take her new bedsheets” led to a warrant for domestic violence. [MLive](#) and [WWMT](#) reported that Mr. Lyoya had a prior conviction for that offense. Their review of criminal records revealed that he also had three convictions for drunk driving, plus convictions for unlawful use of a motor vehicle and driving on a suspended license, and was awaiting sentencing for a 2021 DUI that could involve prison time. As one would expect, Mr. Lyoya’s Michigan driver license had been revoked.

None of that was known to Christopher Schurr, the Grand Rapids police officer whose attention was drawn to the vehicle that Mr. Lyoya was driving on the morning of April 4th. Officer Schurr’s lawyer would later assert that his client, who was patrolling alone, [stopped the car because it was proceeding “suspiciously slowly.”](#) That seems plausible, as according to the Coroner (yes, that’s how things turned out) Mr. Lyoya’s post-mortem blood alcohol level was .29, *more than three times* Michigan’s .08 limit.

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Officer Schurr quickly ran the plate. It came back to a different vehicle. Figuring that something was up – maybe the car was stolen? – he pulled it over. Mr. Lyoya promptly exited (he had a passenger, who remained seated). Officer Schurr walked up and promptly mentioned the mismatched plate. Mr. Lyoya didn't offer an explanation. Neither could he produce the driver's license that he said he had, as one didn't exist. Caught in a predicament, he simply walked away. (For the GRPD's montage of videos from the police car, the officer's body camera, a residential camera and the passenger's cellphone, click [here](#). For our condensed, annotated version, click [here](#). WARNING: they're graphic!)

At the time Officer Schurr didn't know who Mr. Lyoya was. And when he tried to stop the possible car thief from leaving, Mr. Lyoya resisted and ran off.



Officer Schurr chased Mr. Lyoya and radioed for backup. He also supposedly fired his Taser twice, but the probes evidently missed. He finally tackled Mr. Lyoya, then tried to walk him to the police car.



Mr. Lyoya, though, kept struggling. Officer Schurr pulled his Taser, which he probably intended to use it in "drive stun" mode to gain compliance. But before he could, Mr. Lyoya grabbed the device.



Officer Schurr repeatedly told Mr. Lyoya to let go. But he wouldn't. In fact, he quickly gained full possession of the device. Officer Schurr again took Lyola to the mat. During their final struggle the cop pulled his pistol and pressed it against Mr. Lyoya's upper body. And, within moments, fired.



He...*fired*?

[According to the autopsy](#), Mr. Lyoya died from a bullet that entered the back of his head. To his family, friends and, apparently, many others, what Officer Schurr did was an execution. We're unaware of any policing expert who's endorsed the shooting as the appropriate response. Several, though, have pointed out that the officer faced considerable risk from a strong, aggressive and seemingly determined adversary. Ditto the Grand Rapids Police Officers Association. [In their view](#), a police officer "has the legal right to protect themselves and community in a volatile dangerous situation such as this, in order to return to his/her family at the end of their shift."

That's the defense that Mark Dodge, the (now, former) cop's lawyer has advanced. Alleging that Mr. Lyoya's behavior gave the officer plentiful cause to believe that he was "in danger of serious bodily injury or death," [he pronounced the shooting "legally justified."](#) But Kent County prosecutors disagreed. On June 9 they charged Christopher Schurr with second-degree murder, [which Michigan defines](#) as a "spur of the moment" act that's either unplanned and intentional or caused "by a reckless disregard for human life." Officer Schurr didn't contest his proposed termination, and he was fired on June 10.

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We're not convinced that murder charges are appropriate. Your writer recalls rolling around with an aggressive citizen on the porch of his home. Fortunately, a neighbor came to help, and handcuffs were soon in place. No one, though, stepped in to help Officer Schurr. Still, drawing the pistol seems a serious lapse in judgment, and the shooting is inexcusable. Officer Schurr could have jumped away and gained some distance. If he had in fact twice fired the Taser, it would be out of darts; if not, and Mr. Lyoya aimed the device at him, shooting could have been an appropriate response.



Officer Schurr seemed clearly determined to subdue the large, frenzied man and “finish” the job on his own. Indeed, his temperament may not have allowed him to wait for backup. During his seven years of service Officer Schurr [earned a slew of commendations](#) and received no significant demerits. [According to a former Detroit police chief](#) who reviewed his personnel file, Officer Schurr was a vigorous cop who consistently displayed initiative and determination. And a predilection for taking action:

What I noticed is that he does a lot of stops. There's a lot of commendations that are made and given to him by his supervisors (because) of the stops and what he recovers whether there's guns or narcotics...There was nothing in his file that I saw in his file that said he was doing anything that was egregious or that he was doing any stops that were unwarranted.

While Officer Schurr was definitely the tenacious sort, nothing that's been revealed about his prior service suggests that he lacked self-control or misused force. He definitely doesn't resemble the chronically misbehaving cops we discussed in “[Third, Fourth and Fifth Chances](#).” So why did he shoot? Grab another look at the last four images. (If you've got the stomach for it, click [here](#) for a video of those final few moments.) As they struggle – keep in mind, Mr. Lyoya now has the Taser – Officer Schurr draws his pistol and seemingly shoves the muzzle against Mr. Lyoya's upper body. Perhaps he wanted his adversary to feel the gun's presence, realize he could be shot, and give up. But Mr. Lyoya kept struggling. If the officer's index finger was on or near the trigger, a jolt could have caused an unintentional discharge.



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That's our best guess. Of course, police aren't trained to use guns this way. But if that's what Officer Schurr intended, the shooting seems much more a fit for [involuntary manslaughter](#) than murder.

Mr. Lyoya was as determined a soul as the cop, but to opposite ends. Voluntary compliance wasn't in his nature. He was on probation, by no means supposed to be driving, and the legal ownership of that vehicle was unclear (its license plate apparently belongs to a friend.) Being drunk can easily lead to bad decisions, and given his past and present legal baggage, he undoubtedly feared what would come.

Other than giving its participants personality transplants, what could have prevented that needlessly tragic ending? [Grand Rapids has reportedly shifted to two-officer cars](#), at least for the time being. That can help. But it's not a guaranteed fix. In June, 2020, two Atlanta cops tangled with an intoxicated man who was every bit as determined and



combative as Mr. Lyoya (“[Is it Ever OK to Shoot Someone in the Back?](#)”) He was also shot dead. That came after he punched one cop, snatched his Taser (see image), and, during a foot chase, fired it at the other. And no, he hadn't been fleeing from a crime scene. Rayshard Brooks fell asleep behind the wheel of his car in a Wendy's drive-through, and employees couldn't wake him. So they called police.

Catastrophic street encounters (remember, um, [George Floyd?](#)) have seriously undermined the relationship between citizens and police. Natch, *Police Issues* has a “better idea.” Given the lousy decisions that human beings often make, and especially while they're under the influence of alcohol or drugs, insistently trying to score a “capture” can yield, well, a corpse. In these fraught times, when voluntary compliance seems in particularly short supply, cops – especially, those working alone – should consider letting pesky citizens go. (“[Backing Off](#)” happens to be the title of a recent post. “[Want Happy Endings? Don't Chase](#)” is another.)

Mind you, we're not suggesting that shooters, robbers or evildoers flaunting knives or guns be ignored. However, none of that applied to Mr. Lyoya. Once backup arrived, officers could have interviewed the passenger, impounded the car, and tacked their findings onto the naughty one's bucket list. Instead, a man is dead, a city has been torn asunder, and a once-promising cop faces murder charges. Really, there is room for a “reset.” Sometimes both citizens *and* police need to be saved from themselves.