

Guard Who Fatally Shot Man at a Walgreens Won't Be Charged, Prosecutor Says

The San Francisco district attorney, Brooke Jenkins, said the security guard “believed he was in mortal danger and acted in self-defense.”

By Michael Levenson and Derrick Bryson Taylor

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A security guard at a Walgreens in San Francisco will not be charged with murder after he fatally shot a man who was accused of shoplifting, the district attorney said this week.

In a statement on Monday, the district attorney, Brooke Jenkins, said that prosecutors could not prove beyond a reasonable doubt to a jury that the guard was guilty of a crime after they reviewed statements from witnesses and the guard, along with video footage of the April 27 episode at a store on Market Street.

“The evidence clearly shows that the suspect believed he was in mortal danger and acted in self-defense,” Ms. Jenkins said in the statement, referring to the private security guard, who was identified by the San Francisco Police Department as Michael Earl-Wayne Anthony, 33.

Although Ms. Jenkins called the killing of the man, Banko Brown, a “tragedy,” she said: “We cannot bring forward charges when there is credible evidence of reasonable self-defense. Doing so would be unethical and create false hope for a successful prosecution.”

The decision by the prosecutor to not bring charges infuriated activists and friends who knew Mr. Brown, whom they identified as a Black trans man who had struggled with homelessness.

In a statement last week, the Police Department said that officers had responded to a report of a shooting at a Walgreens at 6:33 p.m. on April 27 and had found a victim, later identified as Mr. Brown, with a gunshot wound.

Officers rendered aid and summoned medics. Mr. Brown was taken to a nearby hospital, where he died, the police said.

In the statement, the police said that they had arrested Mr. Anthony and had booked him into jail on a charge of homicide.

A preliminary investigation revealed that “during this incident a theft occurred,” the police statement said.

The statements from the police and the district attorney’s office did not include further details about the shooting.

The prosecutor’s office did not immediately respond to questions on Wednesday about what had happened during the encounter or how far Mr. Anthony was from Mr. Brown when he was shot. “We’re not releasing the video as it is part of the evidence that was gathered and although charges have not been filed at this time, this remains an active and ongoing investigation,” the office said in a statement.

In an interview with a CBS affiliate in the Bay Area, Ms. Jenkins said: “This was a shoplifting that, really, based on the facts, turned into and escalated into a robbery, and the armed security guard did, ultimately, end up using lethal force.”

A man who answered the phone at a number that was listed under Mr. Anthony’s name declined to comment.

Ms. Jenkins announced the decision on the same day that demonstrators gathered outside the Walgreens where Mr. Brown was shot to demand justice.

In an interview on Wednesday, Xavier Davenport, 35, a Black trans man who had mentored Mr. Brown since 2000, criticized the district attorney’s decision.

“I’m outraged because this is a prime example of how policing gone wrong is OK in Black and brown communities because our lives don’t matter as much,” said Mr. Davenport, who met Mr. Brown through the Young Women’s Freedom Center, an organization that supports young women and trans youth.

Mr. Brown was quiet and nice and “seemed eager to want to be better and have a better life,” Mr. Davenport said. Mr. Brown would ask Mr. Davenport about relationships and activism and had participated in Zoom meetings that Mr. Davenport helped to organize for Black and brown trans men.

Aaron Peskin, the president of the San Francisco board of supervisors, said in an interview on Wednesday that he was urging Ms. Jenkins to reconsider her decision not to charge the guard. He also urged her to release video footage of the encounter.

“I would like to see the video,” he said. “I think we should all see the video.”

The district attorney’s decision came as many in San Francisco have expressed concerns about violent crime and homelessness.

More than 7,700 people were homeless in San Francisco, and more than 3,300 of them were staying in shelters, according to the city's latest official count, conducted in 2022.

The city recorded 17 homicides from Jan. 1 to April 30, compared with 15 during the period last year according to the San Francisco Police Department. Robberies have risen 11.5 percent, but burglaries have fallen 10 percent, the data shows.

In 2021, Walgreens closed five stores in San Francisco because of what it called "organized" shoplifting in the city. Last month, Whole Foods closed a flagship store there, citing safety concerns for its employees.

In a statement on Wednesday, Walgreens said it was offering "condolences to the victim's family during this difficult time."

"The safety of our patients, customers and team members is our top priority, and violence of any kind will not be tolerated in our stores," the statement said. "We take this matter seriously and are cooperating with local authorities."

The Young Women's Freedom Center said in a statement that Mr. Brown was known as a community organizer who had joined activists in calling for more shelter and other services for people in San Francisco.

"We are beyond devastated by Banko's passing," Julia Arroyo, the co-executive director of the center, said in the statement. "He was a smart and funny young man who, though shy, made friends easily. He was resilient and tenacious and loved by our whole community."

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