

Marion County Grand Jury Finds Salem Police Officer's Use of Deadly Force Justified

Today, a Marion County Grand Jury unanimously found that the police shooting of Tayler Osborne, on April 11, 2022, was a lawful and justified use of deadly force.

At approximately 6:00 p.m. on that day, Salem Police responded to a call of an occupied stolen vehicle in the parking lot behind Johnny's Bar and Grill, located at 17th and Center St. in Salem. The caller reported that he recognized a friend's stolen Mazda Miata at that location and that two men, later identified as Matthew Calkins and Christopher Esman, were sitting inside it. The caller, who remained on the phone with the 9-1-1 operator until Salem Police arrived, then reported that the two men had gotten out of the Miata and were now in a blue Yukon which was parked next to it.

When police officers arrived they conducted a high risk stop and ordered Calkins and Esman out of the Yukon. They also ordered the driver of the Yukon, Tayler Osborne, to exit the vehicle while they investigated the report of the stolen Miata. Police then visually cleared the Yukon to ensure that there were no other people hiding inside it. As they did so they noticed a large bag of a white crystal substance on the driver's seat (which they suspected was methamphetamine).^[1] Additionally, they saw what appeared to be the barrel of a partially hidden rifle tucked between the driver's seat and the center console. Officers also observed what appeared to be the barrel of a tan Glock pistol behind/under the front passenger's seat and a matching colored ammunition magazine on the rear floorboard.

Once the three men were out of the vehicle, they were separated, advised of their Miranda rights and questioned. One of the men, Matthew Calkins, told police that Tayler Osborne dealt drugs out of his Yukon and that he had large amounts of methamphetamine and "oxycodone pills," as well as a "Tiffany blue" colored 9 mm pistol hidden inside the vehicle. Matthew Calkins also told police Taylor Osborne had been smoking methamphetamine in the Yukon prior to police arrival.

Upon questioning, Tayler Osborne denied any knowledge of the bag containing the white crystal substance (the suspected methamphetamine) and gave police consent to remove the bag from the driver's seat. When law enforcement asked Tayler Osborne for consent to search the remainder of the Yukon he declined to give his consent. Officers were concerned with the remaining evidence they believed to be in Tayler Osborne's vehicle.

Following the investigation of the stolen Miata, Matthew Calkins and Christopher Enson were given citations and released from the scene.^[2]

Taylor Osborne, who was a convicted felon, was arrested at the scene while the investigation of drugs and firearms continued. Officers intended to apply for a search warrant to search Taylor Osborne's vehicle for any additional evidence of Delivery of Methamphetamine, Possession of Methamphetamine, and Felon in Possession of a Firearm.^[3]

Taylor Osborne was handcuffed with his hands behind his back and placed in the back of the Salem Police vehicle being operated by Officer Susan Slivkoff. After a period of time, Taylor Osborne complained of being thirsty and Officer Slivkoff offered him a drink of water. When she opened the rear door of her patrol vehicle to give him a drink she noticed that Taylor Osborne had slipped his handcuffs to the front. Officer Slivkoff then took Taylor Osborne out of the vehicle so that she could re-handcuff him with his hands behind his back.

Although Taylor Osborne had appeared cooperative and compliant up to that point, when his left hand was released from the handcuff he immediately pushed Officer Slivkoff and began to run towards his Yukon in an attempt to escape from her custody. Officer Slivkoff, who still had a hold of Taylor Osborne's right wrist, ordered him to stop as he dragged her to the other side of her vehicle.

At that point, Corporal Joshua Buker, who was parked a short distance away, heard the yelling and ran to assist Officer Slivkoff. Together, Corporal Buker and Officer Slivkoff grabbed Taylor Osborne and the three of them fell to the ground. Corporal Buker and Officer Slivkoff gave Taylor Osborne repeated commands to stop resisting, but Taylor Osborne continued to fight with police in an effort to escape.

During the fight, Taylor Osborne punched Corporal Buker in the face causing two cuts and a black eye. Additionally, Taylor Osborne grabbed at Corporal Buker's duty belt with his left hand in an effort to get Corporal Buker's gun. Although Corporal Buker was able to control Taylor Osborne's left arm, Taylor Osborne was able to use his right hand to grab Corporal Buker's taser. Taylor Osborne then deployed Corporal Buker's taser twice.^[4] One of the taser probes lodged in Corporal Buker's holster but the other did not. Both Corporal Buker and Officer Slivkoff could feel the shock from the taser as their bodies made contact with the taser wires.

Corporal Buker believed that Taylor Osborne would incapacitate him or Officer Slivkoff with Corporal Buker's taser, which would give Taylor Osborne access to Corporal Buker or Officer Slivkoff's firearm or give Taylor Osborne an opportunity to escape to his Yukon where additional firearms were located. Corporal Buker believed that Taylor Osborne posed an imminent, deadly threat to him, Officer Slivkoff, and members of the public under

the circumstances. Corporal Buker drew his firearm and fired twice at Tayler Osborne from a distance of less than three feet. Tayler Osborne then dropped Corporal Buker's taser and Corporal Buker and Officer Slivkoff were able to back away from Tayler Osborne.^[5]

Officer Slivkoff announced over the radio that police had fired shots and other police officers quickly arrived on scene. While waiting for additional officers, Tayler Osborne continued to try to get up from the ground as Corporal Buker and Officer Slivkoff held him at gunpoint. When a sufficient number of backup officers arrived police immediately began providing him first aid. He was transported by ambulance to Salem Hospital where he was pronounced dead.^[6]

An autopsy conducted on April 12, 2022 revealed that Tayler Osborne had been shot two times – once in the left shoulder and once in the chest. Both gunshot wounds passed through Tayler Osborne's left lung and were fatal. Toxicology testing was not conducted given the blood transfusions Tayler Osborne received at the hospital.

The Oregon State Police conducted the investigation and the Marion County District Attorney's Office presented evidence to the Grand Jury.^[7] The Grand Jury heard the testimony of detectives from the Oregon State Police and the Marion County Sheriff's Office. They also heard the testimony of three members of the Salem Police Department, including Officer Slivkoff and Corporal Buker. Additionally, the Grand Jury reviewed dozens of exhibits including pictures and security camera videos. They were also given a demonstration of a taser and its effects. Based on that evidence and the relevant legal principles the Grand Jury unanimously ruled that the use of deadly force by Salem Police Corporal Joshua Buker on April 11, 2022, was lawful and justified.^[8] ^[9]

Marion County District Attorney Paige Clarkson stated, "This incident highlights the dangerous work our law enforcement officers do every day. I am grateful they returned home to their families that night. The grand jury should be commended for their diligent and careful review of all the evidence. My heartfelt condolences go out to the family of Tayler Osborne. Nobody wants these outcomes."

^[1] The white crystal substance later field tested positive for methamphetamine and had a total weight of 41.7 grams. This amount is far greater than what is considered a personal use amount of methamphetamine and indicated to police that Tayler Osborne was delivering methamphetamine.

[2] Both Calkins and Esman were cited for the Class C felony of Unauthorized Use of a Vehicle. They were given citations in lieu of being arrested and taken to jail given the Covid protocols still in place.

[3] Pursuant to a search warrant later issued by Marion County Circuit Court Judge Thomas M. Hart, police searched Tayler Osborne's Yukon and located a Tiffany blue 9mm Smith and Wesson pistol, a digital scale, \$1,140 in cash, an additional 142 grams of a substance that tested presumptive positive for methamphetamine, and 641.5 blue pills – which appeared to be the pills Calkins identified as oxycodone pills. The blue pills had a distinctive "M30" marking on them, consistent with fentanyl-laced pills. Due to the extreme danger in law enforcement handling these pills a sample was taken and has been submitted to the Oregon State Police crime lab for testing. The results of that testing are not yet available. Both the rifle and tan "Glock" pistol visible to law enforcement in the Yukon were found to be air soft replica guns.

[4] A download of Corporal Buker's taser showed that it was deployed twice, for two 5 second cycles, with a one second pause in between.

[5] The incident was captured on two security cameras from local businesses.

[6] The medical treatment included multiple blood transfusions.

[7] Pursuant to Marion County's SB 111 Protocol, an outside agency conducts the investigation of any use of deadly force by a police officer. In this case, the Oregon State Police conducted the investigation with the assistance of the Keizer Police Department and the Marion County Sheriff's Office.

[8] ORS 161.242 A peace officer may use deadly physical force upon another person only when it is objectively reasonable, under the totality of the circumstances known to the peace officer, to believe that the person poses an imminent threat of death or serious physical injury to the peace officer or third person and the use of deadly physical force is necessary to: (a) Make a lawful arrest when officer has probable cause to believe the person committed a violent felony; (b) Defend the peace officer or third person from imminent threat of death or serious physical injury; or, (c) Prevent escape from custody of the person when the peace officer has probable cause to believe the person has committed a violent felony. Prior to using deadly physical force upon another person, if the peace officer has a reasonable opportunity to do so, the peace officer shall: Consider alternatives such as verbal de-escalation, waiting, using other available resources and techniques if reasonable, safe and feasible, or using a lesser degree of force; and, give a verbal warning to the person that deadly physical force may be used and provide the person with a reasonable opportunity to comply

[9] The following hyperlink is to a file containing pictures of the Tiffany blue pistol, the air soft rifle, the replica Glock and magazine and the contents of the red bag – specifically, methamphetamine and M 30 pills and the \$1140.00 that were found during the search of the Yukon. The file also has the two security camera videos of the incident.

https://drive.google.com/drive/folders/1W8cu1JzDLJSGE5L37Jkz2Avhd_JTxu4E?usp=sharing

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