

Man Sentenced for November 2022 Officer Use of Deadly Force Incident

On Monday, August 19, 2024, Vincent Nesbitt was sentenced to 28 months in the Department of Corrections for his role in a shooting that occurred on November 12, 2022.

On November 12, 2022, at approximately 6:26 pm a woman reported two males had attempted to rob her of her vehicle in the area of 17th St SE and Hines St SE. She told officers that she had pulled over to take a phone call and as she was parked on the side of the road, two individuals approached her vehicle; one on the passenger side and one on the driver side. Both of these individuals attempted to open the doors to her vehicle, however, she had her doors locked, so they were unsuccessful. She further indicated that the suspect on the driver side of the vehicle had a handgun that was pointed at her while they attempted to open her door.

The woman was able to put her car in gear and drive off. As she was driving away from the scene, she observed a Salem Police Officer parked in the parking lot of the Les Schwab located at 2350 Mission Street NE. She pulled into the parking lot and informed Officer Zacharyah Fender of what had just happened. At approximately 6:28pm, Officer Fender dispatched over the radio to other officers the information that he had just been given.

Officer Fender knew immediately he needed to get this information out to other officers because he had been involved in a very similar investigation just three days prior, November 9, 2022. On that date, at approximately 9:12pm, a woman called in to 911 to report that her vehicle had just been stolen at gun point. She described that as she was sitting in her vehicle responding to work email, her driver side door was opened and a male with a handgun pointed at her, told her to “get the f*** out of the car”. There was another male on the passenger side of the vehicle also yelling at her to get out of the vehicle. She exited the vehicle and the males drove off in her vehicle, a 2012 Hyundai Sonata bearing Oregon license plate 880JAG.

The males who committed the robbery on November 9, 2022 had not been located and the Salem Police Department was actively working that investigation. As part of that investigation, traffic cameras were being monitored and officers were being asked to keep looking for the stolen vehicle during their shifts. Over the course of the next few days, the traffic cameras continued to be monitored.

On November 12, 2022, a traffic camera picked up the license plate of the stolen vehicle (880JAG) in the 1200 block of 19th Street NE and that information was shared at approximately 5:46pm with Corporal Joshua Buker, who was on duty.

Corporal Buker relayed that information to the other officers on duty. Corporal Buker then received another update at approximately 6:30pm, just after the attempted robbery at 17th Street NE and Hines Street NE was reported, that the vehicle bearing Oregon license 880JAG had been spotted on a traffic camera near 19th Street NE and Market Street NE. The location of where the stolen vehicle had been spotted at 6:30pm, is approximately a six minute drive to the location of where the attempted robbery occurred.

Officers flooded the area to begin looking for the suspects knowing that a vehicle that had just been stolen at gunpoint three days prior was now in the area of another attempted robbery. At approximately 6:48pm, Officer Jeremy Mitchell spotted a vehicle bearing Oregon license 880JAG in the area of 17th Avenue NE and Mission Street NE. Officer Mitchell got behind the vehicle as it traveled westbound on Mill Street NE and turned on his lights and sirens. The vehicle did not yield, but rather sped up and attempted to flee. Officer Mitchell saw that the vehicle appeared to be headed toward the intersection of 14th Street NE and Mill Street NE. This intersection is a four way stop and is known to have heavy pedestrian foot traffic. Officer Mitchell observed the vehicle blow through the stop sign at the intersection and due to the danger for pedestrians, Officer Mitchell terminated the pursuit at approximately 6:50pm.

Corporal Buker had been in the area when the first pursuit was terminated and continued to look for the vehicle. At approximately 6:52pm, Corporal Buker located the vehicle near the intersection of 14th Street NE and Center Street NE. He turned on his lights and sirens and began to pursue the vehicle down Center Street NE. After a series of turns, the vehicle approached the intersection of B Street NE and 14 Street NE. Corporal Buker observed the vehicle slow down, activate its brake lights, and the doors of the vehicle open.

Corporal Buker observed three people get out of the vehicle and run down 14th Street NE. Corporal Buker exited his patrol vehicle and began to chase the three individuals. As Corporal Buker was chasing the suspects, he noticed one of them appeared to have some type of bag on their person and appeared to be reaching into the bag. Due to this behavior, the fact that these individuals were in a vehicle that had been taken at gun point just three days earlier, and the fact that another vehicle had just been attempted to be taken at gun point, Corporal Buker drew his duty weapon.

As Corporal Buker chased the suspects down 14th Street NE, he began to give commands to the individuals to “stop running”, “get on the ground”, “get on the ground or I will shoot you”. None of the individuals stopped running. Instead, Corporal Buker observed two of the individuals (he had lost sight of the third person by this time) run into a driveway located at 680 14th Street NE. He observed lights were on in the home and a vehicle was parked in the driveway. He immediately became concerned that the house was occupied.

Fearing that the individuals could try to break into the home, Corporal Buker continued to run towards the two individuals, giving them commands. He saw two of the individuals in the driveway, near the vehicle. As he continued to run toward these individuals, he heard a shot from the direction where he had just observed the two individuals run and saw what he believed to be a muzzle flash in his direction. He immediately returned fire, firing three shots.

Immediately after Corporal Buker fired, he saw one of the individuals, later identified as Daren Shelton-Olson, put his hands up in surrender. Corporal Buker then gave commands for the second individual, later identified as Vincent Nesbitt, to surrender and he did so^[1].

Other officers had arrived on scene by this time and assisted in taking Shelton-Olson and Nesbitt into custody. A backpack and a firearm were located next to Nesbitt. The firearm was a black, 9mm Glock handgun with an extended magazine and a tactical light.

Neither Corporal Buker, Shelton-Olson, Nesbitt, nor any other bystander were injured during this exchange.

An intensive investigation was led by the Oregon State Police at the request of the Marion County District Attorney's Office per Marion County's Law Enforcement Use of Deadly Physical Force Response Plan (sometimes referred to as "SB111 plan"). The Marion County Sheriff's Office assisted with the investigation.

During the investigation, it was learned that the incident had been witnessed by a male who had been driving his truck down 14th Street NE. This male reported that he had watched as the Hyundai Sonata entered the intersection, with a police car following behind with its lights activated. He observed three individuals get out of the Sonata and start to run down 14th Street NE, toward him, so he pulled his vehicle over to the side of the road. He saw one of the individuals appear to have a bag and was reaching into the bag. As the individuals ran by his truck, he turned off his headlights so that the officer running down the street after them would not be blinded by his headlights.

The male then heard a shot, followed by two or three other shots. He observed other officers running down the street shortly after that and exited his vehicle to take cover until the scene was secure.

It was also learned during the investigation that the residents of 680 14th Street NE were in fact home during the shooting. The two residents of the home, along with three children were present that evening. The children had been watching TV downstairs. After hearing the shots, the family crawled to the back of their house and waited until officers were able to take the two suspects into custody.

On the scene, Detectives recovered the backpack and firearm that had been located next to Nesbitt. In examining the firearm located next to Nesbitt, the Detectives located a 9mm spent casing that was lodged in the chamber, indicating that the firearm had been fired but the casing had not ejected from the firearm.

In addition, they recovered 3 spent casings; two in the roadway of 14th Street NE and one in the grassy area between 14th Street NE and the sidewalk in front of 680 14th Street NE. These casings were all Luger Speer 9mm casings and were consistent with the type of ammunition found in Corporal Buker's firearm.

The vehicle parked in the driveway at 680 14th Street NE had been hit three times. It was determined that those three shots came from Corporal Buker. There were no other bullets or bullet strikes located at the scene.

Detectives also canvassed the neighborhood and were able to locate video evidence. Specifically, video footage was obtained of the intersection of 14th Street NE and B Street NE which shows the Sonata pulling into the intersection and three individuals exiting the vehicle and running. Additionally, Ring Camera audio was obtained which captured Corporal Buker yelling commands to the individuals followed by a gun shot, and then three more gun shots.

On November 21, 2022, a Marion County Grand Jury unanimously found that Salem Police Corporal Joshua Buker was justified in using deadly physical force upon Vincent Nesbitt, DOB: 10/6/2003, Daren Shelton-Olson, DOB: 7/24/2003, and the unknown third suspect on November 12, 2022.

That same grand jury that found Corporal Buker's actions to be justified, also indicted the two suspects who were arrested at the scene.

Daren Shelton-Olson was charged with Unauthorized Use of a Vehicle^[2].

Initially, Vincent Nesbitt was charged with Attempted Murder in the First Degree with a Firearm, Attempted Assault in the First Degree with a Firearm, Unlawful Use of a Weapon with a Firearm, and Unauthorized Use of a Vehicle.

However, as the investigation continued, additional information was obtained by the state that made it impossible for the state to prove whether Nesbitt fired the gun directly at Corporal Buker or if there was an accidental discharge. Therefore, the State and Nesbitt negotiated a plea to Unauthorized Use of a Vehicle (for riding in a vehicle he knew was stolen) and to Unlawful Use of a Weapon with a Firearm since it was clear that Nesbitt had possessed the gun with the intent to use it unlawfully. Nesbitt was sentenced to 28 months in prison as a result of the negotiation. Nesbitt had no criminal history prior to this incident.

No incident details were available for release until the lengthy prosecution of Nesbitt was complete to protect the prosecution.

Corporal Joshua Buker, who had initially been placed on administrative leave in accordance with Marion County's Use of Deadly Force protocol, returned to work after the Grand Jury found his use of deadly physical force justified on November 21, 2022. Corporal Buker began his law enforcement career with the Salem Police Department in 2014. Prior to that, Corporal Buker served in the military beginning in 2008 with the Air Force National Guard. In 2010, he joined the Army National Guard. Corporal Buker continues to serve with the Army National Guard as a Captain.

The case was presented to the Grand Jury by Deputy District Attorney Shannon Sullivan. She also prosecuted the subsequent criminal cases against Shelton-Olson and Nesbitt.

District Attorney Paige Clarkson said, "Any time our police officers respond to individuals armed with guns, they put their lives at risk for our community. Salem Police Corporal Joshua Buker acted consistent with my experience with Marion County Law Enforcement professionals: namely he acted with selfless courage, admirable heroism, and the utmost integrity. I am grateful for Corporal Buker's safety and his commitment to our protection."

The following items from the investigation can be located from the Google Drive link below:

- Photograph of the gun found on the scene

- Overhead aerial view of the scene during the night

- Overheard aerial view of the scene during the day

- Ring camera audio from 625 14th Street NE

- Surveillance camera footage of the intersection of 14th Street NE and B Street NE

<https://drive.google.com/drive/folders/1woZ6m1u9DKX5UTrpT8tqEuXGvRsLtD68?usp=sharing>

Questions can be directed to Marion County Deputy District Attorney Shannon Sullivan at (530) 588-5222 or LSullivan@co.marion.or.us

[1] The third individual who ran from the stolen vehicle was not located that evening. When the scene was processed, personal items such as a red bandana, money, and a drum magazine were located along the fence line of the property. It is believed the third individual jumped the fence and continued running. This individual was not located during the investigation.

[2] This case was later dismissed due to the ongoing investigation into Shelton-Olson's possible involvement in the robbery on November 9, 2022, and the attempted robbery on November 12, 2022.