

## **Grand Jury Finds Salem Officers Justified in July 13, 2022 Shooting Incident**

Today a Marion County Grand Jury unanimously found that three Salem Police Officers were justified in the shooting death of 16-year-old Robert Brown on the evening of July 13, 2022. The following evidence was heard by the Grand Jury:

The Salem Police Department obtained an arrest warrant signed by Marion County Circuit Court Judge Donald D. Abar for the arrest of Brown finding probable cause to believe he was responsible for a recent downtown shooting on June 13, 2022 in which another person was injured. Salem Police further had probable cause to believe that Brown was the perpetrator of an earlier shooting at the Salem Center Mall on March 18, 2022 which also left a victim injured. Both detailed investigations led to Brown as the identified suspect. Salem detectives had been monitoring Brown's location and surveilling his actions in the days leading up to July 13, 2022. Investigators had reason to believe Brown was armed and a likely continual danger to both the community and any officers attempting to make an arrest. Because of that, the Salem Police Department Special Weapons and Tactics team (SWAT) was mobilized to take Brown into custody. A plan of operations designed to limit risk to the suspect, the community and arresting officers was created and briefed by the SWAT team. All assigned officers in this operation wore variations of tactical police uniforms, but all were clearly marked with badges and/or the word "POLICE" clearly displayed. They staged in a location near 4942 Oak Park Drive NE in Salem. Brown was associated with an occupant of that house and had been seen at that location throughout the day.

Shortly after 5PM, officers witnessed Brown and three other individuals in a red parked car in front of the residence. Brown was seated in the back seat behind the driver. Pursuant to their plan, numerous SWAT officers in three different unmarked cars surrounded the suspect vehicle<sup>[1]</sup>, pinning it from both the front and back bumpers as well as blocking any egress from the side while simultaneously deploying two "flash bangs"<sup>[2]</sup>.

Almost immediately upon this contact, Brown momentarily ducked out of view and quickly returned brandishing a loaded pistol in his right hand and firing in the direction of the officers.<sup>[3]</sup> Upon seeing this action, three different officers returned fire despite having virtually no cover and only glass windshields between them and the repeated gunfire by Brown. Commands were given loud enough that a neighbor could hear the police identifying themselves from inside his house across the street.

Officer Brian Frazzini fired his rifle 11 times toward Brown from the front passenger seat of the undercover car positioned at the front bumper of the suspect vehicle. He is a

19-year veteran of the Salem Police Department and worked as a Trooper for the Oregon State Police for three years prior to that. Corporal Waite, a Salem Police Officer for 14 years and an US Army Combat veteran, was the driver of that same undercover vehicle and fired his rifle three times at Brown through the front windshield of the driver's seat.

Officer Ryan Morris was driving the undercover car that blocked the suspect vehicle from the side. He fired his pistol six times in the direction of Brown. Officer Morris is a 20-year veteran of the Salem Police Department.

Detective Erik Hernandez was a back seat passenger behind Officer Frazzini in the undercover car positioned at the front of the suspect vehicle. As he sought cover at the back of his vehicle, he was hit in the ankle by a bullet fired by Brown. Despite his injury, he stayed in the firefight until the threat had ceased and the shooting ended. He was treated on-scene and transported to Salem Health for further treatment. He is expected to make a full recovery.

At the opposite side of the suspect vehicle pinning it from behind, was the undercover vehicle containing Captain Luke Barr of the Salem Fire Department who was seated in the front passenger seat. Captain Barr is 15-year veteran firefighter and paramedic and is cross-trained with SWAT as their assigned medic. As he was exiting his vehicle to provide cover for the other SWAT officers on-scene, he was injured in the face, arms and torso by shrapnel that impacted the butt of his rifle. Instead of seeking medical treatment for his own injuries, Captain Barr remained on scene to provide treatment to both Detective Hernandez as well as Brown. Captain Barr will make a full recovery from his injuries.

Brown had been obviously injured in the gun battle. He was unresponsive on the ground outside the car with his firearm still in his hand. The scene was quickly deemed secure with the other occupants of the suspect's car safely removed from the vehicle at which time Captain Barr removed the firearm from Brown's grip and then assessed his medical condition. Additional medics were summoned but Brown was declared dead at the scene. An autopsy conducted by State Deputy Medical Examiner Dr. Nicole Stanley revealed the cause of death was a gunshot wound to the head and a gunshot wound to the chest.

Shell casings at the scene revealed that Brown fired his pistol in the direction of the officers a total of 6 times. The entire incident from initial contact with the suspect car to the cessation of gunfire lasted only approximately twelve seconds.

The same Grand Jury that found the officers' actions to be justified, indicted another individual, Anthony Medeiros (20 years old), for his conduct during this same incident. He is being held at the Marion County Jail on charges of Unlawful Use of a Weapon with a

Firearm and Felon in Possession of a Firearm as well as two probation violations for prior convictions of Assault in the Third Degree. He will be arraigned on those charges Monday July 25<sup>th</sup> at the Marion County Court Annex located at 4000 Aumsville Highway. No further information will be released at this time related to Medeiros's case or the specifics of his actions as it is a pending criminal matter.

The Oregon State Police led the investigation at the direction of the Marion County District Attorney's Office with assistance from the Marion County Sheriff's Office and the Keizer Police Department. The grand jury heard testimony and evidence from twelve witnesses, including Detectives from the Oregon State Police and civilian witnesses and reviewed numerous exhibits including photographs and the video surveillance from the incident. They further reviewed medical examiner findings, relevant ballistics and firearm information, scene diagrams and dispatch recordings.

Pursuant to Oregon Revised Statute 161.239, in order to be justified in their use of deadly force, the Officers had to reasonably believe, under all the circumstances, that Robert Brown posed an imminent threat of death or serious physical injury to the officers or another person and that the force was necessary to:

- make an arrest when the officers had probable cause to believe Robert Brown had committed a violent felony; *or*
- defend the officers or a third person from death or serious physical, *or*
- prevent the escape from custody of Robert Brown when the officers had probable cause to believe the person has committed a violent felony.

The Grand Jury's decision today required a review of all the facts and evidence available to it and application of that evidence to the legal principles outlined above. The determination of the Marion County Grand Jury is that the actions of all three involved Salem Police Officers were justified under the law. The Grand Jury further found that the officers did not have any reasonable opportunity to use any alternative force options or de-escalation techniques.<sup>[4]</sup> Put simply, these officers were in a fight for their lives.

Marion County District Attorney Paige Clarkson stated:

“My gratitude to the grand jury for their thorough and thoughtful assessment of this dynamic and complex incident is eclipsed only by my admiration for the bravery and heroism displayed by these Salem Police Officers, the Salem Fire Captain and the entire SWAT team. Our community is safer because of their selfless willingness to stand in harm's way on behalf of us all. I am relieved that no officers lost their lives in this incident-an incident that but for the quick thinking and professional training of the Salem Police

Department, could have ended much more tragically. My sympathies are extended to the family of Robert Brown. Nobody wanted this outcome for him.”

[1] A diagram detailing the final location of the vehicles and relevant occupants is attached for reference.

[2] “Flash bangs” are audible, smoke-filled, projectile-free distraction devices. In this instance, they were intended to provide time for the arrest team to reach safe cover and direct the four individuals out of the suspect car.

[3] Brown’s conduct and relevant portions of the incident can be seen in the surveillance video included with this release. Still shots of this area of the car are also included here to aid in illustration, to include a shell casing ejecting to the right of the video.

<https://drive.google.com/drive/folders/1hx0UkMLh32V1ZP0uY9dAA3Vn3p3fOywx?usp=sharing>

[4] See ORS 161.239