

**Fatal Officer Involved Shooting of
Andrew Hyun Song**

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SUBJECT: Fatal Officer Involved Shooting of Andrew Hyun Song

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On May 29th and May 30th, 2024, the Clackamas County District Attorney's Office presented a grand jury panel with the investigation of the officer involved fatal shooting of Andrew Hyun Song, which occurred April 30th, 2024. A grand jury is a body of seven Clackamas County citizens drawn by the court at random from the pool of jurors selected to serve during a particular jury service term.

The grand jurors heard testimony from the involved officers, witnesses, and investigators. The grand jury also reviewed evidence collected in the case including but not limited to body worn camera footage, photographs, and surveillance footage. Following deliberations, the grand jurors determined by a unanimous vote that the actions of the involved officers and deputies were justified and lawful under Oregon law.

The investigation into the death of Mr. Song was led by the Clackamas County Interagency Major Crimes Team in cooperation with the Clackamas County District Attorney's Office. The Major Crimes Team (MCT) is a consortium of state, county and local law enforcement who investigate serious crimes in Clackamas County. In this case, investigators from Molalla Police Department and the Oregon City Police Department were the lead investigators with assistance from the following law enforcement agencies:

- Oregon State Police
- Milwaukie Police Department
- Lake Oswego Police Department
- West Linn Police Department
- Gladstone Police Department
- Tigard Police Department
- Tualatin Police Department

All these agencies were also assisted by the Interagency Crime Reconstruction and Forensics Technicians (CRAFT) as well as the Crime Scene Investigation Team.

FACTS PRESENTED TO THE GRAND JURY

The Grand Jury heard that on April 29th, 2024, at 8:35 PM officers responded to 9689 South East Westview Court, Happy Valley, Oregon regarding reports that Andrew “Andy” Song was walking around his house with a knife, acting paranoid, trying to hurt himself, and barricading his family inside. Mr. Song had taken his wife’s phone away. Also in the house were their two children, ages 11 and 12. Mrs. Song was able to reach out to family members using her work cell that Mr. Song was unaware of and started asking for help. Extended family requested a welfare check.

When the officers arrived, they attempted to contact Mr. Song who refused to open the door and refused to let officers speak to his wife and children. Officers reported smelling an overwhelming odor of gasoline coming from the vents, and that all points of entry were barricaded. Officers continued to attempt to contact Mr. Song’s wife and children, but Mr. Song refused to answer the door and was coaching his family to tell officers they were fine. During one of their communications with Mr. Song, he admitted to spilling gasoline in the home. Officers reported seeing a lighter flicking on and off, causing officers greater concern given the presence of gasoline.

Due to the high-risk nature of the call, the danger to both the Song family, as well as neighbors and police patrol, deputies requested the assistance of the Clackamas County SWAT Team, Crisis Negotiation Team and Clackamas Fire and Rescue.

In addition to the Clackamas County SWAT Team and Crises Negotiation Team, the Washington County Tactical Negotiations Team (TNT) and the Washington County Crises Negotiation Unit (CNU) responded to support the units already on scene. This deployment of additional resources is standard practice in incidents that may require more personnel or present tactical situations where additional resources are required.

The incident evolved rapidly into a hostage rescue situation in which the deputies and officers faced many life-threatening dynamics not normally encountered. Since gasoline had been dispersed in the house and there were children inside, the combustible fuel and vapors presented a limitation on less than lethal options such as the use of pyrotechnics or distraction devices. Additionally, law enforcement could see that Mr. Song was in possession of a lighter/ignition source that he was seen flicking on and off. Furthermore, the entrances to the residence were all barricaded by Mr. Song with household goods and furniture, making any rapid entry into the home or a hasty exit for Mr. Song’s family nearly impossible.

SWAT and crisis negotiation teams spent multiple hours trying to negotiate with Mr. Song and deescalate the situation to reach a peaceful resolution. Officers placed a camera on a window above the front door and used a drone to capture video of what was taking place inside the home. Mr. Song could be seen carrying a large kitchen knife, forcing his family to move to different points in the house and often using them as shields. For over four hours, officers attempted to resolve this in a manner that did not lead to injury to any of the parties involved. However, Mr.

Song eventually told officers that in five minutes he would “slit” the throat of a member of his family.

Mr. Song was seen using a family member as a human shield as he moved about the house while still holding the knife and then eventually gathered his family together into a tight group and covered them and himself with a blanket. Mr. Song continued to move himself and his family around the house while covered and armed, which frustrated the ability of rescuers to see and take life-saving action. With a countdown now put in place by Mr. Song, the presence of explosive vapors and combustible fuels, Mr. Song being armed and holding his family hostage and law enforcement unable to use may less than lethal techniques, it was imperative to end the event as quickly as possible.

Tactical team members could see the blanket-covered Song family moving upstairs and felt this was their last and best opportunity to save the lives of the Song family. SWAT entered the house at 1:00 AM through the heavily barricaded front door. SWAT could not use any form of explosive to eradicate the barricade that prevented entrance due to the presence of gasoline throughout the home.

Once inside, SWAT Team members saw Mr. Song pinning his wife to the ground and holding a knife to her throat as she tried to escape. Detective Jesse Unck of the Clackamas County Sheriff’s Office gave multiple orders to drop the knife. Mr. Song did not drop the knife and Detective Unck and Officer Charles Wujcik of the Beaverton Police Department fired a combined total of 6 shots at close range to save Ms. Song’s life. Ms. Song and her children were rescued by officers and suffered no serious physical injuries. Mr. Song died immediately at the scene.

Crime scene investigators located multiple knives and sharp objects staged throughout the house, and multiple uncapped gas cans, paper towels, and gas cans stuffed with paper towels. Multiple lighters were also found in the house and in Mr. Song’s pocket. Crime scene investigators observed that each point of entry into the home was heavily barricaded. The majority, if not all, of law enforcement’s interactions with Mr. Song were captured via body worn camera footage, including the point where officers used deadly physical force.

Legal Analysis

Oregon law provides that a peace officer may use deadly physical force when the peace officer reasonably believes that the use of deadly physical force is necessary to defend the peace officer or another person from the use or threatened imminent use of deadly physical force, or the officer’s life or personal safety is endangered in the particular circumstances involved. ORS 161.239(1) (c) and (e).

The "reasonableness" inquiry is whether the officer’s actions are "objectively reasonable" in light of the facts and circumstances confronting them, without regard to their underlying intent or motivation. The "reasonableness" of a particular use of force must be judged from the perspective of a reasonable officer on the scene, and its calculus must embody an allowance for

the fact that police officers are often forced to make split-second decisions about the amount of force necessary in a particular situation. Graham v. Connor, 490 U.S. 386, 296-97 (1989).

Additionally, Oregon law states that prior to using deadly physical force upon another person, if the peace officer has a reasonable opportunity to do so, the peace officer shall:

- (a) 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
- (b) Give a verbal warning to the person that deadly physical force may be used and provide the person with a reasonable opportunity to comply.

Officers spent over 4 hours attempting to deescalate the situation and only chose to forcibly enter the home after Mr. Song stated he would kill a family member within 5 minutes.

Officers and Deputies could not use less than lethal options that would cause ignition of the fuel vapors or would pose a threat to the family being held hostage. Had law enforcement been able to separate Mrs. Song and her children from Mr. Song and extricate them from the house they would have done so.

Conclusion

The grand jury unanimously concluded that Detective Unck and Officer Wujcik were justified in their use of deadly physical force against Mr. Song.

The grand jury has completed its review of this case and will take no further action.

(Note: the inclusion of body camera images and photos has been omitted in this public report due to capturing the images of crime victims which include minor children and show tactics used by law enforcement in hostage rescues).