

**Officer Involved Shooting
Carlos Sanchez**

CCDA File: 005-347964



**JOHN D. WENTWORTH
District Attorney
July 31,2023**

SUBJECT: Officer Involved shooting on April 29, 2023

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FINDING: Unanimous vote that use of force was justified under Oregon law.

SUMMARY:

On July 20, 2023, the Clackamas County District Attorney's office presented a grand jury panel with the investigation of the use of deadly physical force against Carlos Sanchez, which occurred on April 29th, 2023. A grand jury is a body of seven Clackamas County citizens drawn by the court at random from the pool of jurors and charged with inquiring into whether crimes have been committed within a county, and if so, presenting them to the court. selected to serve during a particular jury term.

The grand jurors heard testimony from the following law enforcement officers: Detective Tony Fich (Gladstone Police Department), Deputy Derek Huskisson (Clackamas County Sheriff's Office), Sgt David Heimback (Clackamas County Sheriff's office) and Officer Jeff Oliver (Gladstone Police Department).

The investigation into the use of deadly physical force was led by the Clackamas County Interagency Major Crimes Team (MCT) in cooperation with the Clackamas County DA's office. The MCT is a consortium of state, county and local law enforcement agencies who investigate serious crimes in Clackamas County.

In this case, Detectives from the Gladstone Police Department and the Tualatin Police Department were the lead investigators with the assistance of the Oregon State Police, Lake Oswego Police Department, Clackamas County Sheriff's Office, and the Clackamas County District Attorney's Office.

The grand jury also reviewed evidence collected in the cases including photographs, dash cam videos and body worn camera footage. Following deliberations, the grand jurors determined by a unanimous vote that the actions of the involved deputy were justified and lawful under Oregon law.

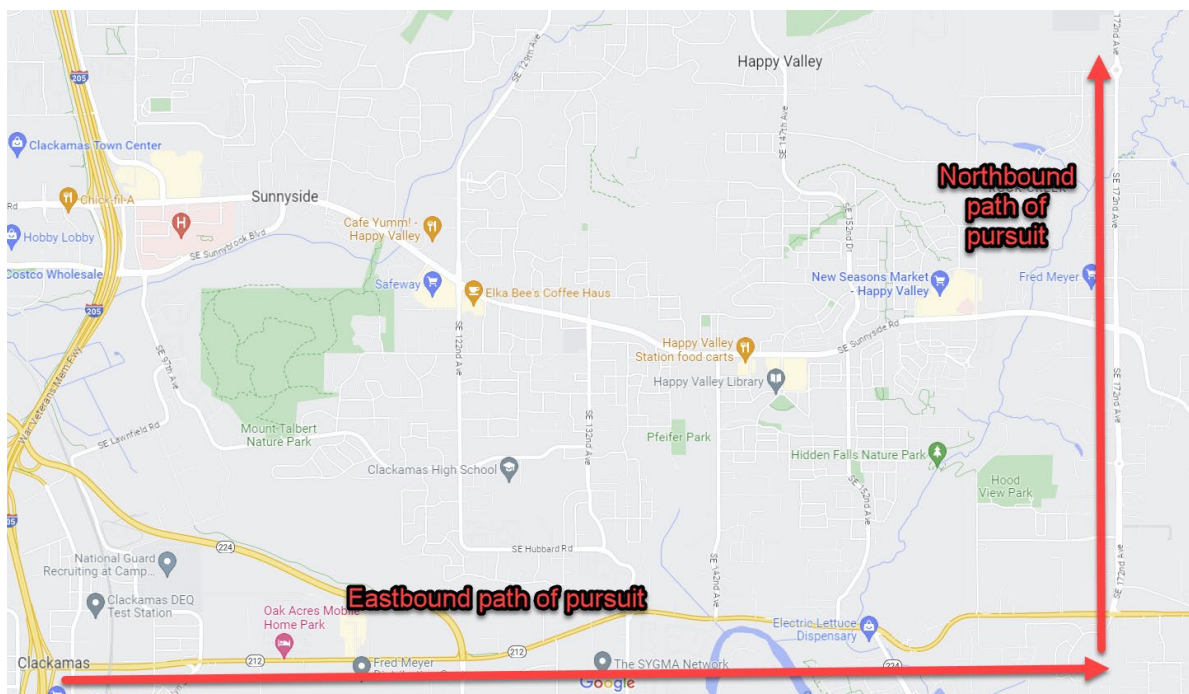
FACTS PRESENTED TO THE GRAND JURY

The Grand Jury heard that on April 29th, 2023, at 11:45 PM officers were dispatched to a report of a shooting at Greenhouse Square on 82nd Drive in unincorporated Clackamas near the intersection of SE 82nd Drive and SE Hwy 212.

Responding deputies arrived and were flagged down by a female identified Shaelynn Syverson, who had suffered a non-fatal gunshot wound. Syverson reported she had been shot by an individual driving a Toyota Camry, and that individual was later determined to be Carlos Sanchez. Sanchez was still near this location in the Camry and the victim was able to identify the car to responding deputies as it fled the scene. Deputies at the scene provided a detailed vehicle description via radio for other responding patrol units.

Almost immediately after the radio broadcast, Clackamas County Sheriff's Deputy Derek Huskisson and Sgt. David Heimbeck were on patrol and arrived in the area along with Officer Jeff Oliver of the Gladstone Police Department. The three law enforcement officers quickly located Sanchez driving the Camry and activated their overhead lights and sirens giving Sanchez visible and audible alerts to stop his vehicle. Sanchez continued to flee the area and attempted to elude the three officers.

Sanchez eluded officers for approximately 7 minutes, traveling from the intersection of SE 82nd Drive and State Highway 212 to 172nd Ave also in Clackamas County. (SEE MAP)



During this time, Sanchez engaged in evasive maneuvers to escape law enforcement. As Sanchez was believed to have just shot Ms. Syverson and was actively eluding law enforcement, Sgt. Heimbuck authorized Deputy Huskisson to engage in a PIT (Pursuit Intervention Tactic) maneuver to stop Sanchez' vehicle.

As Sanchez approached the intersection of 172nd and Scouters Mountain Road, Deputy Huskisson executed a PIT maneuver. The first attempt at the PIT maneuver was unsuccessful and Huskisson's vehicle ended up parallel and to the left of Sanchez' vehicle. At this time, Sanchez brandished a firearm, stuck his arm outside of the driver's side window, and fired at Deputy Huskisson. This incident was captured on Sgt. Heimbuck' s dash cam in its entirety.



Photo from Sgt. Heimbuck' s dash camera during pursuit shows Dep. Huskisson's SUV and Sanchez' vehicle. Sanchez has his arm extended out driver's window with handgun.

Shortly after Sanchez fired at Deputy Huskisson, the PIT maneuver had its desired and effect and Sanchez car was immobilized. Deputy Huskisson returned fire at Sanchez, firing four rounds in his direction. Sanchez stopped moving and at the time it was believed he had been shot by Deputy Huskisson. Other Deputies quickly arrived at the scene. Sanchez was removed from the vehicle, and it was observed that he had gunshot wounds to the head. He was transported to Legacy Emanuel Hospital where he later died. A subsequent search of the vehicle revealed the presence of Sanchez' firearm along with a bullet hole in Deputy Huskisson's patrol vehicle.



(Firearm recovered from Sanchez's vehicle)

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Image of bullet hole in Dep. Huskisson's patrol car from bullet fired by Sanchez.

The subsequent investigation produced more detail about what had transpired prior to the law enforcement response at Greenhouse Square.

On Saturday, April 29th, 2023, Mr. Joseph Santos had his Toyota Camry stolen at gunpoint in Portland by Sanchez. This Camry was the vehicle that Sanchez was operating when contacted by police. The Camry still contained Santos' cell phone. Santos did not notify police, but instead went to the home of several associates, which included Ms. Syverson. Using a phone-based application, Santos tracked his phone which was inside of the stolen car. He determined the car was at Greenhouse Square on 82nd Drive in Clackamas. Mr. Santos obtained a firearm from an associate and had Ms. Syverson drive him to Greenhouse Square in Clackamas.

Between 11:30-11:45 PM, Santos and Syverson found the Toyota Camry parked in the parking lot of the Greenhouse Square mall. The Camry was occupied by Carlos Sanchez. Gunfire was exchanged between Santos and Sanchez, and Santos would later tell law enforcement that Sanchez shot first. Santos suffered a grazing bullet wound to the head, and Syverson was shot in her side. Santos fled the scene on foot and Syverson used her vehicle in an unsuccessful attempt to incapacitate Sanchez' vehicle. The gunfire led to 911 calls about an active shooting which generated the original police response. Clackamas County Sheriff's Deputies arrived

shortly thereafter and that is when Sanchez fled from law enforcement officers and the pursuit began. There is no surveillance footage of the exchange of gunfire between Sanchez and Santos. The gun used by Santos was recovered by investigators.

Photos taken of Sanchez' vehicle showed evidence consistent with the exchange of gunfire at Greenhouse Square, as it was determined there were bullet perforations in the windshield that were consistent with both outgoing and incoming projectiles.



(Photo of bullet strikes to both Toyota Camry as well as patrol car)

A post-mortem examination of Sanchez revealed he had two bullet wounds to the head, either of which could have been fatal. One bullet wound was determined to have been caused by Santos during the exchange of gunfire at the Greenhouse Square parking lot, as the wound was from a small caliber bullet which was consistent with weapon Santos was armed with. Therefore, it was evident Sanchez had sustained a life-threatening injury from Santos' gun, but was not incapacitated and eluded police in the Camry while injured.

The second gunshot wound to the head was of a larger caliber and passed through the head from right to left in an angle consistent with a self-inflicted gunshot wound.

Based on the observations at the post-mortem examination and a closer review of dash camera evidence, investigators have concluded the likely self-inflicted gunshot took place just after Sanchez fired at Deputy Huskisson, but before Deputy Huskisson returned fire.

In reviewing Sgt. Heimbeck's dash camera video, Sanchez is seen firing his gun at Deputy Huskisson. Sanchez' car is then forced to a stop. Just prior to Deputy Huskisson returning fire, an object near Sanchez head comes to view, and Sanchez' head can then be seen moving rapidly backward. This movement is inconsistent with the vehicle stopping but is consistent with a recoiling action of the head moving after a self-inflicted gunshot wound. Almost immediately after the movement of Sanchez' head, Huskisson fired his weapon at Sanchez.¹

In reviewing Deputy Huskisson's side dash camera video, the top of Sanchez' head is in view after his vehicle is forced to a stop. While the angle of the dash camera does not provide a clear view given the height differences on the vehicles, it shows in greater detail the movement of Sanchez' head prior to Deputy Huskisson's returned fire, and that movement or physical reaction is consistent with that of being shot in the head. Furthermore, Sanchez appears incapacitated and shows no physical reaction at the time Deputy Huskisson returned fire.

Furthermore, a search of the Camry was conducted by crime scene investigators as well as the pistol recovered from inside the Camry. The pistol was found to have been loaded with 9mm cartridges where the bullets were coated with a blue synthetic coating. These types of cartridges are available for civilian purchase but are not used by any of the law enforcement agencies involved.

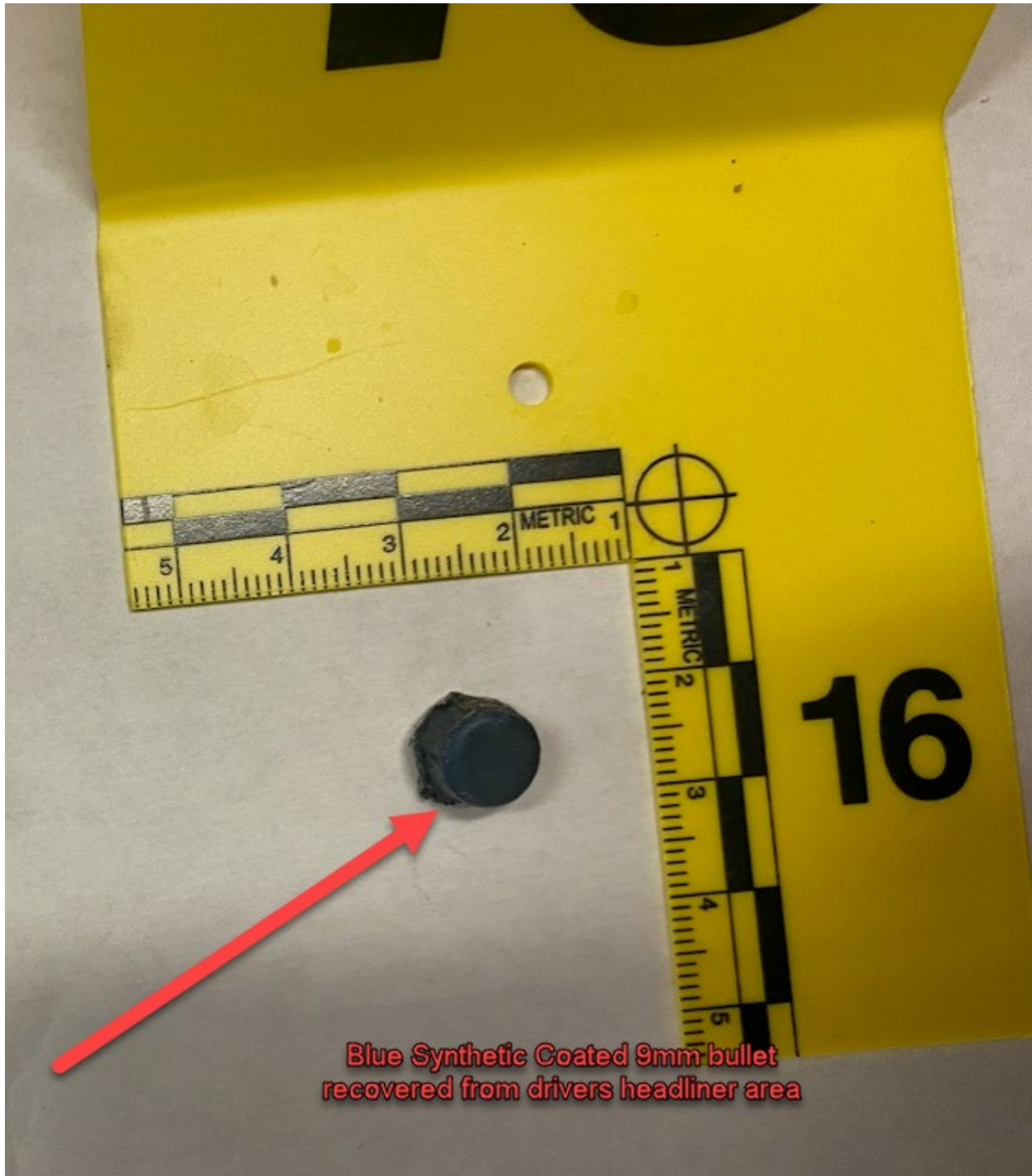
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¹ Deputy Huskisson did not have a clear enough view of Sanchez at this time and could not determine whether Sanchez' gunshot wound was self-inflicted.



(Magazine removed from Sanchez' pistol which is loaded with blue synthetic coated cartridges)

Also found during the search of the Camry was a single fired 9mm bullet stuck in the headliner area of the driver's side next to the drivers seat. This bullet when removed and examined also had blue synthetic coating consistent with those in the magazine of the pistol. The path that this bullet would have traveled would be right to left and is also consistent with the trajectory and size of the bullet wound that passed through Sanchez head.



**Blue Synthetic Coated 9mm bullet
recovered from drivers headliner area**

(Image of bullet recovered from vehicle head liner on driver's side. Blue synthetic coating present on bullet)

Accordingly, it is very likely Sanchez took his own life and was not struck by any bullets fired by Deputy Huskisson. Notwithstanding that conclusion, the matter was submitted for to the Clackamas County Grand Jury for review and public transparency as law enforcement's discharge of a firearm at another is considered "deadly physical force" pursuant to the Clackamas County Critical Incident Protocol.

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 circumstances involved. ORS 161.239(1) (c) and (e).

The "reasonableness" inquiry is whether the officer's actions are "objectively reasonable" considering 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).

The prosecution has the burden of proving beyond a reasonable doubt that the shooting in self-defense was not justified. ORS 161.055.

Conclusion

The grand jury unanimously concluded that Deputy Huskisson was justified in using deadly physical force.

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