

**Fatal Officer Involved Shooting of
Nathan T. Honeycutt**

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District Attorney

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SUBJECT: Fatal Officer Involved Nathan Thomas Honeycutt

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On October 22, 2021 the Clackamas County District Attorney's Office presented a grand jury panel with the investigation of the fatal shooting of Nathan Honeycutt which occurred September 27th, 2021. 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 deputies, a civilian, deputy medical examiner and scene investigators, and were presented the evidence collected in the case including but not limited to photographs, dispatch recordings and dash cam videos. Following deliberations, the grand jurors voted and determined unanimously that the actions of the involved deputies were justified and lawful under Oregon law.

The investigation into the death of Nathan Honeycutt 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 crimes in Clackamas County.

In this case, investigators from Tualatin Police, Oregon State Police, Oregon City Police, Milwaukie Police, Gladstone Police, Lake Oswego Police, Clackamas County Sheriff's Office and Clackamas County District Attorney's Office participated and were assisted by the Interagency Crime Reconstruction and Forensics Team (CRAFT).

Additionally the Clackamas County and State Medical Examiner's Offices conducted their own investigations into the cause and manner of Mr. Honeycutt's death.

FACTS PRESENTED TO THE GRAND JURY

The Grand Jury heard that on September 27, 2021 at 1:57am, Deputy Evan Sanders of the Clackamas County Sheriff's Office was on patrol in the city of Happy Valley when he observed a white pickup truck with no license plates failing to maintain its lane of travel. Deputy Sanders attempted to conduct a lawful stop of that vehicle at the intersection of SE 132nd and SE King Rd for operating a motor vehicle while failing to display license plates (ORS 803.450) and failure to maintain a lane of travel (ORS 811.370). Deputy Sanders was operating a fully marked police vehicle, with activated emergency lights and sirens. At 1:58am, Deputy Sanders notified dispatch that the vehicle was not yielding to emergency lights and had accelerated eastbound

on SE 122nd. Deputy Sanders deactivated his emergency lights and did not pursue the vehicle but followed it from a distance as it continued east. Deputy Sanders was able to notify dispatch that the truck had continued east to SE 145th at which point it turned South on SE 145th. Deputy Sanders updated dispatch at 1:59am that he no longer had sight of the vehicle. Deputy Sanders saw the vehicle again as it turned east on to SE Scouters Mountain Road which has no outlet. Deputy Sanders updated dispatch at 2:00am that he had set up spike strips across SE Scouters Mountain Road in the even the truck returned westbound. Sanders also stated that the vehicle had its tailgate down.

At 2:02am, Deputy Jansen Bento had arrived in the area. At 2:03am Deputy Sanders broadcasted that the vehicle had struck the spike strips and had continued west on Scouters Mountain Road. At 2:03am Deputy Matthew Roach arrived in the area. The four deputies on this call were all in marked patrol vehicles. Deputy Roach notified dispatch he had seen the truck enter a traffic roundabout at SE Scouters Mountain Road and SE 145th Ave then continue northbound on SE 145th at approximately 40mph. At this point none of the deputies had their emergency lights on nor were they pursuing the truck.

Deputy Roach then updated dispatch at 2:04am that the truck had accelerated to 50mph and entered the oncoming lane of travel continuing on flat tires. Deputy Roach then activated his overhead lights to direct the vehicle and the driver to pull over but the vehicle continued northbound. As the vehicle approached SE 145th Ave and SE Ridgecrest Rd, Deputy Roach executed a PIT maneuver on the truck causing the vehicle to swerve. The driver losing control, struck a traffic barrier came to an abrupt stop just west of the intersection of SE 145th and SE Ridgecrest Rd, pinned by Deputy Roach.



Fig 1.



Fig 2.

The driver of the vehicle rapidly exited via the driver's door and began to run.

Deputy Roach exited his patrol car and grabbed the driver, Mr. Honeycutt as he ran, tackling him to the ground in a landscaped area on the southwest corner of the intersection.



Fig 3.

Deputy Roach was quickly joined by Deputies Jansen Bento and Sam Tharp. They attempted to take Honeycutt into custody using physical control. Honeycutt continued to struggle, he said he had a gun and refused to show deputies his hands. Deputy Bento was able to pull Honeycutt's arm free and saw he had a revolver in his hand. Deputy Bento ordered the Honeycutt to drop the gun. He didn't. The gun was pointed inches away from Deputy Bento's chest. Deputy Bento feared serious physical injury or death and fired three shots in rapid succession striking Honeycutt in the chest three times.

At 2:05 hours Deputy Roach broadcasted that shots had been fired and that an ambulance and medical responders were needed. Deputies began to render immediate medical aid to Honeycutt and cleared the scene to allow medical units to come directly into the area. Honeycutt died at the scene despite medical efforts. Scene investigators seized the firearm possessed by Honeycutt, seen in Fig. 4, placard #1.



Fig 4.



Fig 5.

During the investigation it was quickly determined that the truck Nathan Honeycutt was driving had been stolen on 9/24/21 in the City of Portland.

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).

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 Bento was justified in using deadly physical force.

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