



Press Release For Immediate Release

March 3, 2017 at 12:20pm

On March 3, 2017 at 9:00 a.m., the Jackson County Grand Jury met to consider the officer-involved shooting and criminal charges regarding the incident involving Justin Daniel Lopez. The incident under consideration occurred on February 19, 2017, when one officer fired at and struck Mr. Lopez after Mr. Lopez was involved in an elude and exited his car and approached the officer holding a shotgun.

The Grand Jury was asked to consider two separate issues. First, whether the action of the involved officer was justified as a lawful use of force. Oregon law provides that a police officer may use deadly physical force against another person if the officer reasonable believes that person is about to use deadly physical force against the officer or another person. (ORS 161.239) The second issue for the Grand Jury is if there is sufficient evidence to hold over the suspect on the submitted criminal charges.

In deciding the case, the Grand Jury heard testimony from several witnesses to include the officer directly involved in the shooting, other officers who arrived on scene near the time of the incident, and other officers involved in the investigation. Oregon State Police was the lead agency on the case, and was assisted by members of the Major Assault and Death Investigation Unit (MADIU). The MADIU team is comprised of detectives from the following: Oregon State Police, Medford Police, Jackson County Sheriff, Central Point Police and Ashland Police.

Officer Identified:

Officer D. Brown has been with the Central Point Police Department for approximately 1.5 years. He initially was hired as a reserve officer. After completing the reserve officer academy, he was later offered a full-time position, and graduated from the DPSST Police Academy in February 2016.

Testimony and Evidence Presented to the Grand Jury:

On February 19, 2017, at approximately 2:57 a.m., Central Point Police Officer D. Brown was sitting at a red-light eastbound at the intersection of East Pine Street and I-5 northbound off-ramp. A red Camaro, being driven by Justin Daniel Lopez stopped at the red-light next to the officer. After a few seconds, the Camaro started spinning its tires and drove through the red-light, eastbound on East Pine Street. Officer Brown turned on his lights and sirens and pursued the Camaro, with speeds exceeding 70 miles per hour. Mr. Lopez turned northbound onto Hamrick Road, and traveled an extended distance in the southbound lane of Hamrick Road. Officer Brown continued his pursuit on Hamrick Road, until Mr.

Lopez turned into Don Jones Memorial Park. Mr. Lopez stopped his car, and Officer Brown stopped several car lengths behind the Camaro.

Before Officer Brown could get out of his vehicle, Mr. Lopez stepped out of the driver's side of the Camaro and pointed a long-gun at Officer Brown. At this point, Officer Brown feared for his life believing that Mr. Lopez had a rifle and Officer Brown was in a position in the vehicle with no cover for his safety. Mr. Lopez started walking toward Officer Brown's vehicle, and Officer Brown quickly exited and made his way to the rear of his police vehicle in order to have the cover from the engine block in case Mr. Lopez started firing shots. During this time Officer Brown had taken out his firearm and when he looked toward Mr. Lopez's car from the passenger side of the police vehicle, Officer Brown saw Mr. Lopez approximately fifteen feet away.

Officer Brown now recognized that Mr. Lopez was armed with a shotgun, and Mr. Lopez was racking the shotgun in an attempt to chamber a round. Based on his training and experience, Officer Brown knew that his bullet proof vest would not stop a shotgun blast at that close of range. At this point, Officer Brown believed his life was in danger and he felt he had no choice but to use his firearm. Mr. Lopez was given a command to drop the gun, however, he continued to approach Officer Brown, and Officer Brown fired his gun six times. One of those six shots struck Mr. Lopez in the pelvic region. As soon as Mr. Lopez fell to the ground Officer Brown stopped shooting and started yelling commands to Mr. Lopez to show his hands because Officer Brown feared Mr. Lopez may have another gun in his possession. From the time that Mr. Lopez exited his car, until Officer Brown fired only approximately 13 seconds passed.

Back-up officers from Central Point Police Department and the Jackson County Sheriff's Office arrived on scene about one minute after the shooting. Mr. Lopez was on the ground screaming at those officers to just kill him. Those officers were able to drag Mr. Lopez away from the shotgun that was still lying near him, and Mr. Lopez began receiving aid. During the processing of evidence on scene, it was determined that Mr. Lopez's shotgun was unloaded. Mr. Lopez was transported to Rogue Regional Medical Center with a single gunshot wound to his pelvic region.

The Central Point Police vehicle driven by Officer Brown video recorded (the car is not equipped with audio recording) the incident from the time the elude started, at the East Pine intersection, until the shots were fired. However, the shooting takes place outside the view of the camera and the last visible image of Mr. Lopez is him walking across the camera racking the shotgun. Officer Brown was wearing a body camera, but due to the quick unexpected actions by Mr. Lopez exiting his car with a gun, Officer Brown was unable to activate his camera until a couple of seconds after the shooting. One of the Jackson County Sheriff Deputies who arrived approximately a minute after the shooting, had his body camera on and recorded his actions taking Mr. Lopez into custody and aid being rendered by first responders. These videos were presented to the grand jury for viewing.

The grand jury also heard from Mr. Lopez's friend who had given Mr. Lopez the shotgun as a gift several months prior. Another witness was Mr. Lopez's sister who discussed receiving a text messages from Mr. Lopez less than twenty minutes before the shooting. During the investigation detectives were able to view text messages sent, at approximately 2:40 a.m., from Mr. Lopez to his sisters. The essence of those text messages was that Mr. Lopez loved them, and that he was sorry. Images of those messages were shown to the grand jury.

Conclusion:

Our protocols require that a grand jury make the determination as to whether the officer's use of force was justified under Oregon Law. The grand jury deliberated for less than five minutes before announcing their decision that the action of the involved officer in this case was fully justified and in compliance with Oregon Law. This case was presented to the grand jury by Chief Deputy District Attorney Jeremy Markiewicz. The grand jury also returned an indictment against Justin Daniel Lopez on the charges of Unlawful Use of a Weapon with A Firearm, Attempt to Elude a Police Officer, Menacing, Reckless Driving, and Pointing a Firearm at Another.

Since the defendant is charged with crimes, no further evidence or information will be released, pending the resolution of the criminal case.