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Chief Jim Coleman
Hillsboro Police Department
250 SE 10th Ave.
Hillsboro, Oregon 97123

Re: October 2019 Officer-involved shooting

Dear Chief Coleman,

The purpose of this letter is to formally notify you of the District Attorney's Office's findings and decision regarding the officer-involved shooting that occurred on October 21, 2019 with Officer Bobby Voth.

Per standard protocol, the incident was investigated by the Washington County Major Crimes Team. Washington County Sheriff's Detective Walter Monk and Tualatin Police Detective Kevin Winfield led the investigation, with the assistance of detectives and forensic experts from multiple police agencies. I was able to respond and observe the scene firsthand. The investigation was extremely thorough and is now complete. From it, the following facts have been established:

Just after 6:00 PM on October 21st, Flugencio Osornio-Ambriz, a 35-year old male, drove his red Ford Explorer into the parking lot of the Hillsboro Police west precinct located on SE 10th Ave. Another male, later identified as Jason Livengood, followed in a Toyota 4Runner. Osornio-Ambriz parked on the side of the building in a blocked driveway leading to a secure parking area, near the precinct's side employee entrance. Livengood parked directly behind him. Osornio-Ambriz, who was concerned about being followed, rang a bell near the door and got the attention of two civilian employees who happened to be in the process of leaving the building for the day. Speaking limited English, Osornio-Ambriz communicated that Livengood had followed him. He appeared frightened and concerned.

The employees noticed Officer Bobby Voth in the front of the building and asked him to help. Officer Voth attempted to sort out the situation by speaking to the parties. Livengood stood next to the building, mute, staring straight ahead but looking at Osornio-Ambriz out of the corner of his eye. Voth then noticed that Livengood had a black handgun tucked into the crook of his left arm, easily accessible, with the exposed hammer pulled back (i.e. ready to be fired).

Voth notified dispatch and un-holstered his own gun, holding it behind his leg. Osornio-Ambriz was directed by Voth to move back to the side of the building where he had parked, but Livengood began to follow him. Officer Voth tried to prevent him from following Osornio-Ambriz, by using a combination of verbal commands and by physically grabbing and holding on to him. Livengood struggled against Voth's restraint and continually attempted to move towards Osornio-Ambriz. Voth repeatedly commanded Livengood to "drop the gun" but Livengood refused. Osornio-Ambriz retreated to the area near the front of his vehicle as Voth and Livengood struggled. Eventually Livengood broke free from Voth's grasp and, while still holding the gun and with a clear path towards Osornio-Ambriz, took several steps towards him. At that time Voth fired twice from behind, striking Livengood in the center of his back and causing him to fall to the ground.

Backup officers arrived seconds after the shooting occurred. Livengood died at the scene. It was determined that the handgun Livengood had possessed was a .45 caliber semi-automatic, fully loaded with a bullet in the chamber.

Osornio-Ambriz provided the following information to investigators. He explained that he had left his jobsite in Camas, Washington earlier that day. Before leaving the Camas area, he noticed that he was being aggressively followed by Livengood. He did not know Livengood or know why he was being followed. Livengood followed Osornio-Ambriz down Highway 14 to Interstate 5, across the Interstate Bridge into Oregon, then to Interstate 405, to Highway 26, and finally into downtown Hillsboro. Throughout the roughly 60-minute drive, Livengood tailgated Osornio-Ambriz and made aggressive lane changes to stay directly behind his vehicle. When Osornio-Ambriz stopped in Hillsboro to get gas, Livengood followed him to the gas station, parked and waited, and continued following when he left. Osornio-Ambriz was very concerned for his safety. He did not want Livengood to follow him to his home and put his family in danger, so he drove to the police station for help. He said that after parking behind him, Livengood was visibly angry and was coming at him. Osornio-Ambriz said that during the ensuing interaction with Officer Voth, it appeared that Livengood was trying to assault Voth, who was trying to calm Livengood down. Osornio-Ambriz said that he was hiding from Livengood towards the front of his Explorer when Livengood had begun aggressively coming at him when the shooting happened.

Officer Voth fully cooperated with the investigation. He stated that he observed that Livengood was essentially fixated on Osornio-Ambriz and that he quickly ascertained that Livengood was armed. He said his objective was to keep Osornio-Ambriz safe and that he attempted to do so by having him move away from Livengood, by attempting to disarm Livengood, and by physically attempting to restrain Livengood. He explained that his use-of-force options were limited due to Livengood being armed with a gun and the rapidly evolving nature of the incident.

Officer Voth was wearing a body-worn camera during this incident. He activated the camera shortly after the beginning of his interaction with Livengood. The captured footage, which includes most of the interaction and the shooting itself, is consistent with

his statement and the statement of Osornio-Ambriz.

Toxicology testing showed that Livengood was not under the influence of alcohol or illegal drugs at the time of the incident (although toxicology testing showed a positive result for amphetamine which is believed to be the result of excessive prescription Adderall use). The investigation revealed that Livengood had recently had the misfortune of multiple family members dying and had reportedly struggled with PTSD from a car accident. According to his girlfriend, he had left their home in Camas about an hour prior to the shooting, ostensibly to go to the grocery store. As he was leaving, he said "I think it's almost time for me to go home," which she interpreted as going to see God. He had also recently expressed the belief that "red cars contain evil" and had made other statements that could be interpreted as delusional. The investigation established that Livengood had begun following Osornio-Ambriz's red SUV near Woodburn Elementary School in Camas, just after he left home, and that he followed him for a total of 42 miles.

Oregon law, specifically ORS 161.219, justifies the use of deadly physical force against another person if the other person is either using or about to use unlawful deadly force against another person. In this case, Officer Voth knew that Livengood was armed with a cocked handgun, that he was refusing commands to drop the gun, that he had followed Osornio-Ambriz and was the aggressor, and that he was resisting vigorous efforts to stop him from going after Osornio-Ambriz. Only after Livengood had broken free from Voth's grasp and had an unimpeded path to Osornio-Ambriz, did Voth fire his gun. At the time Voth fired the only reasonable conclusion was that Livengood was about to use deadly force against Osornio-Ambriz. His decision to use deadly force was clearly justified under Oregon law and likely saved Osornio-Ambriz's life.

Because there is no evidence of the commission of a crime, the Grand Jury will not be asked to review this case.

Our review of this matter has concluded. The investigative reports will be available for release pursuant to Oregon public records laws.

Sincerely,



Jeffrey M. Lesowski
Chief Deputy District Attorney