

MARION COUNTY GRAND JURY FINDS SALEM POLICE OFFICER JUSTIFIED IN USING DEADLY FORCE

News Release from **Marion Co. Dist. Attorney's Office**

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Today, a Marion County Grand Jury unanimously found that Salem Police Officer Nathan Bush was justified in using deadly force against Arcadio Castillo III on July 9, 2021.

The Grand Jury's findings today stem from an incident that began in the late evening of Friday, July 9, 2021, when Salem Police Officer Nathan Bush responded to a report of an ongoing domestic violence situation.

At approximately 11:20 pm on that night, Misty Castillo called 9-1-1 to report that her son, Arcadio Castillo III,^[1] dob 3/27/98, was assaulting her and her husband at their home, located at 3798 June Ave NE. She went on to report that her son was mentally ill and that he was drunk and high as well. She also reported that she was outside in the driveway but that her son was inside the residence with her disabled husband and that she feared for her husband's safety because her son was armed with a knife and had been threatening them. While the 9-1-1 operator attempted to gather further information from Misty Castillo, the call was interrupted by the sounds of a struggle and an inaudible male voice. Misty Castillo could be heard saying, "get away from me" and then screaming as the line went dead.^[2]

Officer Nathan Bush, who was in the vicinity when the call came in, was the first officer to respond. Officer Bush parked his police vehicle down the block and then ran to the house on foot so as to not alert Castillo III to his presence. As he approached the house he encountered Misty Castillo who was still in her driveway and had obvious injuries as a result of being assaulted by her son.^[3] Misty Castillo told Officer Bush that she needed his help and that he needed to go in the house and protect her husband. Officer Bush then walked to the front door of the residence where he could hear two male voices and noted that one of the voices seemed to be growing increasingly agitated. Fearing that the situation inside the house was about to become violent, Officer Bush tried to open the door just as Arcadio Castillo Jr.^[4] (the father) was opening it for him. When the door opened Officer Bush saw Castillo Jr. standing in the living room, just to the left of the front door and Castillo III standing approximately twelve feet away, directly in front of Officer Bush. He also noticed that Castillo III was holding a large butcher knife in his hand which was at his side. Officer Bush pointed his pistol at Castillo III and ordered him to "Drop the knife!" several times. Instead of dropping the knife as ordered, Castillo III began to slowly walk towards Officer Bush. After a couple of steps, Castillo III stopped, turned and began to walk away from Officer Bush and towards the back of the house. Officer Bush viewed this retreat as an opportunity to get Castillo Jr. out of the house and to safety so he took one step into the residence and motioned with his left hand for Castillo Jr. to come outside.^[5] Just as Officer Bush did this, Castillo III abruptly turned and rushed towards him with the knife now raised in a stabbing position as he closed the distance between the two men to approximately five feet. In response, Officer Bush fired 4 shots in rapid succession as Castillo III advanced towards him. All four shots struck Castillo III and as a result, he collapsed on the living room floor near the front door. Officer Bush then immediately called for medics and began life saving measures on Castillo III.^[6] Other officers and medics quickly arrived and also attempted to save Castillo III's life, however, he died at the scene as a result of his injuries.

In a recorded interview that same night, Misty Castillo told police that her son's anger and violence had been escalating over the past few months. She also told them that prior her calling 9-1-1 that evening that her son had hit and kicked both her and Castillo Jr. and that he had menaced them with a butcher knife.^[7] When Misty Castillo told Castillo III that she was going to call the police, her son responded by promising that, "he wasn't going to be leaving his house and that if anyone tried to take him from his house, he was going to stab 'em." When Misty Castillo fled the residence to call 9-1-1 she said her son followed her, assaulted her and took her phone from her, thus ending the call. She said that moments later Officer Bush arrived on scene.

The Oregon State Police conducted the investigation and the Marion County District Attorney's Office presented evidence to the Grand Jury.^[8] The Grand Jury heard the testimony of Oregon State Police Detectives and reviewed dozens of exhibits including pictures, a neighboring house's Nest security camera video, and the recorded statements of Misty Castillo and Arcadio Castillo Jr. taken the night of the incident. Additionally, Misty Castillo and Arcadio Castillo Jr. testified in person and under oath before the Grand Jury. Based on that evidence and the relevant legal principles the Grand Jury unanimously ruled that the use of deadly force by Salem Police Officer Nathan Bush on July 9, 2021, was lawful and justified.^[9]

[1] Hereafter referred to as Castillo III

[2] The 9-1-1 operator's call back to Misty Castillo's phone went straight to voicemail.

[3] Misty Castillo had injuries to hand, wrist, knee and lower leg as a result of her son slamming her into her car, knocking her to the ground and then dragging her across the cement.

[4] Hereafter referred to as Castillo Jr.

[5] Officer Bush's goal was to get Castillo Jr. out of the house to allow Salem Police to then lock down the residence and give them an opportunity to bring in other resources to end the situation safely and peacefully.

[6] Nathan Bush has received training, both as a police officer and as U.S. Marine combat veteran, on treating gunshot wounds.

[7] Misty Castillo described this butcher knife as having a stainless steel handle. The butcher knife that Castillo III tried to stab Officer Bush with had a black handle. Both butcher knives were found on the living room floor and a third knife was found on a recliner chair in that same room.

[8] Pursuant to Marion County's SB 111 Protocol, an outside agency, in this case the Oregon State Police, conducts the investigation of any use of deadly force by a police officer.

[9] HB 4301 (effective Jan 1, 2021) A peace officer may use deadly physical force upon another person only when it is objectively reasonable, under the totality of the circumstances known to the peace officer, to believe that the person poses an imminent threat of death or serious physical injury to the peace officer or third person and the use of deadly physical force is necessary to:

(a) Make a lawful arrest when officer has probable cause to believe the person committed a violent felony; (b) Defend the peace officer or third person from imminent threat of death or serious physical injury; or, (c) Prevent escape from custody of the person when the peace officer has probable cause to believe the person has committed a violent felony.

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