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### News Release

## Marion County Grand Jury Rules Salem Police February 7, 2022, Use of Deadly Force Justified - 02/17/22

Today a Marion County Grand Jury unanimously found that three Salem Police Department Officers were justified in their use of deadly force against Richard Allan Meyers on February 7, 2022.

The Grand Jury heard testimony from 4 civilians, witnesses from the Salem Police Department, and investigators from the Oregon State Police regarding the February 7, 2022, incident. It reviewed video exhibits from both civilian and police sources and examined photographs, scene diagrams, dispatch recordings, ballistics, firearms, and autopsy conclusions. The Grand Jury also heard from Rachel Cobel, Richard Meyers' sister. The Oregon State Police led the investigation.

The following is a factual summary of evidence found by the Grand Jury:

On Monday, February 7, 2022, at approximately 12:37 A.M., Salem Police Department Officer Griffin McDowell observed a gold 1995 Mercedes in the area of Hawthorne and Market in Northeast Salem. The driver and sole occupant of the vehicle was Richard Allen Meyers, DOB 4/14/1981. Also in the car was Meyers' pit bull dog, Zeeva.

Officer McDowell was operating a clearly marked Salem Police Department vehicle. Officer McDowell ran the Mercedes' license plate after observing the Mercedes pull into a parking lot in a manner that appeared to Officer McDowell to be an attempt to avoid the police officer. Records showed Officer McDowell that the vehicle was recently sold, did not have insurance and there was no new registered owner listed. As Officer McDowell was learning this information, the Mercedes left the parking lot and turned north on Hawthorne but failed to stop before entering the roadway from the parking lot. This is a traffic infraction, and Officer McDowell chose to follow the vehicle and initiate a traffic stop.<sup>[1]</sup>

This area of Hawthorne has several entrance and exit ramps from Interstate 5, with numerous hotels and motels catering to travelers. Traffic remains busy at all hours of the day, and it is also an area known for criminal activity.

The Mercedes pulled into Weston Ct NE and turned around. At this point, Officer McDowell turned

on his overhead lights to stop the car. Instead of stopping, the Mercedes accelerated away back towards Hawthorne where it again turned north. Officer McDowell notified other units over the radio that the vehicle was fleeing and that he now had probable cause for the felony of Attempting to Elude a Police Officer.

Despite having committed a felony, Officer McDowell chose to not pursue the Mercedes so he turned off his lights and did not use his siren. Instead, Officer McDowell followed the vehicle as he coordinated with other officers about locating the Mercedes. Officer McDowell followed as the Mercedes ran two red lights: the intersection of Hawthorne and Market (a busy intersection at any time of day) and Hawthorne and Sunnyview. Because the Mercedes was a risk to other travelers, responding officers began to coordinate laying a spike strip for the Mercedes ahead of its location.[2]

The Mercedes continued to travel northbound on Hawthorne. By the time it reached the intersection of Hawthorne and Silverton Road the Mercedes had stopped driving recklessly and drove similarly to the flow of traffic. Officers continued to try and coordinate how they were going to stop the vehicle but before they could do so, the Mercedes pulled into the northeast parking lot of Northgate Park. This parking lot has one entry/exit from Hawthorne.

Salem Police Department Officers McDowell, David Baker, and Chad Treichler all pulled in after the Mercedes and attempted to use their vehicles to box the Mercedes in. All three of these officers were operating marked patrol SUVs with emergency lights on. They were able to see the driver, Meyers, yelling something at them and they could see that he was clearly agitated.

None of these officers had prior contact with Meyers nor did they recognize the gold Mercedes from a specific prior investigation or response.

Officer Treichler got out of his vehicle and held his firearm at "low ready" (pointed at the ground) as Meyers, still seated behind the wheel of his car, said something similar to: "You wanna see my hands?!" As Meyers said this, he would flash his hands at the officers and then quickly drop them back to his lap. After that, despite the officers' attempt to box him in, Meyers was able to turn his vehicle around enough to drive the Mercedes westward, onto the sidewalk, down a berm and into a gully. As Meyers drove out of the gully, he hit a tree damaging the front driver side of the Mercedes and then entered a field in the middle/north end of the park.

Investigators later recovered a dashboard camera from inside Meyers' Mercedes that recorded this portion of Meyers' route (out of the parking lot, down the berm, and into the park). It also captured audio from inside Meyers' car. Shortly prior to driving westward down the berm into the gully, Meyers can be heard on the video stating, "Fuck you! You're going to have to shoot me! Shoot me motherfucker! Shoot me! Shoot me!"

By this time several other patrol vehicles had responded to Northgate Park and more were on their way. Specifically, Salem Police Department Officer Jonathan McNichols responded in his Salem Police SUV as well as Marion County Sheriff Deputy Joshua Tribby.[3]

The officers saw Meyers fishtailing in the muddy field and he appeared stuck or unable to control the vehicle. Officer McDowell testified that he was concerned that the Mercedes would continue its uncontrolled attempt to drive across the muddy field towards Fairhaven Avenue, which also connects to the park in an attempt to get away. To reach that adjacent road, Meyers would have

had to drive across a large field and an area where unhoused individuals tend to congregate.

Due to those concerns, Officers McDowell and Baker again attempted to box in Meyers' vehicle.

Officers Treichler and McNichols heard this plan and all four officers drove onto the field, approaching Meyers from different angles west of Meyers' position.

Officer McDowell contacted the Mercedes first and used the front of his SUV to bump and block the front of the Mercedes. Officer McDowell was able to clearly see Meyers and the interior of the Mercedes due to the patrol vehicle's height and its headlights shining directly into the Mercedes.

As Officer McDowell put his vehicle into park, he saw Meyers lean towards the steering wheel holding what looked like a sawed-off shotgun or rifle, pointed directly at Officer McDowell.

Officer McDowell testified that he was waiting for his windshield to shatter because he believed that he was about to be shot. In response, Officer McDowell drew his police-issued pistol and fired several shots through his windshield towards Meyers who was still in the Mercedes. Officer McDowell fired approximately three or four shots through the police SUV's windshield.

Meyers turned away from Officer McDowell and lowered his hands. At this time, Meyers' front driver door was open, but Meyers remained in the driver's seat. Officer McDowell stopped firing and got out of his SUV to get a clearer, unobstructed view of the Mercedes.

As Officer McDowell got out of the vehicle, he yelled a warning to the other officers of something similar to "He pointed a gun at me!" When Officer McDowell yelled this, Meyers turned back towards Officer McDowell and re-pointed the object at Officer McDowell. Officer McDowell then fired a second volley of shots at Meyers, shooting through the windshield of the Mercedes.

Officer McNichols had stopped his vehicle almost perpendicular to where Officer McDowell and Meyers were located. Using his vehicle for cover, he heard Officer McDowell yell something similar to "He has a gun! He pointed it at me!" Officer McNichols then saw the windshield of the Mercedes "dust"<sup>[4]</sup>, however, he was unable to determine who was firing at whom. Officer McNichols fired his weapon at Meyers. A round count later confirmed that Officer McNichols fired eight shots at Meyers.

Officer Treichler was positioned behind Officer McDowell's patrol vehicle, facing Meyers at a roughly a 4:00 angle. He testified that he saw the driver side door of the Mercedes open, and something black in Meyers' hand. At this point Officer Treichler had gotten out of his vehicle and was moving towards Officer McDowell. Officer Treichler also opened fire towards Meyers during Officer McDowell's second volley of shots. The investigation later showed that Officer Treichler fired two shots.

Immediately prior to Officer McDowell attempting to box in Meyers, Marion County Sheriff's Deputy Tribby approached in his patrol SUV from behind Officer McDowell's vehicle. Unlike the Salem Police vehicles, the Marion County Sheriff's vehicle had a dashboard camera which recorded Officer McDowell get out of his SUV and the second volley of shots fired by several officers.

Overall, Officer McDowell fired a total of 12 shots over two distinct volleys, the first from inside the vehicle, and the second from outside the vehicle. In total, the three officers fired 22 rounds at

Meyers.

Meyers was struck 5 times. The Mercedes was struck at least 18 times, and other rounds were located around the vehicle after it was removed from the scene.

Over the next approximately three and a half minutes, officers attempted to place Meyers into custody. Law enforcement gave numerous commands for Meyers to show his hands, but from their perspective Meyers was not compliant. Meyers appeared injured and in pain, and sometimes even responded to the officers' commands stating that he was unable to show his hands. However, due to safety concerns, officers did not immediately go to Meyers. Eventually, Meyers got out of his vehicle and fell to the ground. At that point, and with a ballistic shield, officers approached Meyers. Once law enforcement had him safely in custody, they began to render medical aid.[5]

Meyers' pit bull dog, Zeeva, was also injured during the incident, sustaining an injury to the face and a gunshot wound to the leg. The dog was taken by Salem Police Officers to a Portland area veterinarian who estimated that medical treatment would cost approximately ten thousand dollars. The Salem Police Department offered to pay for the procedure(s), but family members declined and decided to put the dog down.

When officers cleared the vehicle, they found a pellet gun on the driver side floorboards, directly beneath where Meyers was seated.[6] This pellet gun had a lever-pump that swung from underneath the barrel of the weapon, which if held, would be similar to how one holds a sawed-off shotgun.

As required in Marion County use of deadly force investigations, the investigation was conducted by a non-involved agency - in this case, the Oregon State Police. Marion County Circuit Court Judge Thomas Hart signed a search warrant for the Mercedes.

It appeared that Meyers had been living out of his vehicle. While searching the Mercedes, investigators discovered a dashboard camera in Meyers' car. Marion County Circuit Court Judge David Leith granted an additional search warrant to review that dashboard camera.

Meyers' dashboard camera recorded three videos relevant to this investigation: first, Meyers fleeing from law enforcement in the vehicle shortly after the attempted traffic stop at 12:38 A.M.; second, in the Northgate Park parking lot as officers initially attempted to box in Meyers but failed at 12:40 A.M.; and third, immediately prior to Officer McDowell bumping the front of the Mercedes with his patrol SUV at 12:41 A.M.[7]

The 12:41 A.M. video shows the Mercedes pointing north in the field at Northgate Park, as police vehicles approach. Audio depicts Meyers breathing heavily and say: "You want some?! I swear to God, get the fuck back!"

The State Police investigation revealed that Meyers had previously made multiple statements to witnesses about committing suicide, specifically wanting law enforcement to shoot him. The Grand Jury heard from witnesses about the following interactions:

- On December 23, 2022, multiple Salem Police Department units responded to the same Northgate Park parking lot on a call that Meyers was threatening individuals with a

gun. Meyers was aggressive with law enforcement and refused to obey commands. A portion of the incident was recorded by a bystander, and you can hear Meyers yelling "Pull the trigger motherfucker!" as law enforcement officers were behind their vehicles for cover. Meyers eventually calmed down and gave the police consent to search his car. No weapon was located at that time.

- On February 5, 2022, two days before his death, Meyers' friend called Salem Police saying that Meyers wanted to shoot himself. Officers arrived at the location and parked down the street and did not approach out of concern of escalating Meyers. Instead, they called him. Over the phone, Meyers denied suicidal ideation but said several times that he would force the police to shoot him if they contacted him in person. Again, officers were eventually able to calm Meyers down. They offered Meyers services to Marion County's Psychiatric Crisis Center and that phone number, but Meyers declined. Meyers expressed appreciation to the officers but indicated that he only wanted to speak to his friend. The Salem Police Department officers determined that there was insufficient probable cause to force Meyers into psychiatric care<sup>[8]</sup>, and because the only thing that appeared to cause Meyers to escalate was police presence, they left. They told the friend who called that she was free to contact Meyers if she wanted to.
- A 14-year-old boy testified that he had met Meyers, (who was 40 years old at the time of his death) while hanging around Northgate Park. They became friends because of a common interest fixing remote control cars. He testified that Meyers talked about "cop suicide" almost "every other day".
- Meyers' sister Rachel Cobel testified that Meyers was suicidal and in mental health crisis. She talked about the family's numerous failed attempts to get Meyers' mental health services, including contacting the state hospital to no avail; attempts to get referrals from Meyers' parole officer, and frustrations with police response on prior incidents.

Despite these prior interactions with law enforcement, none of the officers that responded on February 7, 2022, had previous interactions with Meyers, and each involved officer testified that they did not recognize Meyers or his vehicle.

At the time of his death, Meyers had 42 arrest cycles, and multiple criminal convictions, including: Intimidation (2020); Failure to Register as a Sex Offender- Felony (2020); Public Indecency-felony (2015); Violating a Stalking Order (2012); Telephonic Harassment (2011); Assault IV Constituting Domestic Violence (2006); Disorderly Conduct (2006); Failure to Register as a Sex Offender (2005); and two counts of Rape in the Third Degree (2000).

The Grand Jury did not hear evidence of his prior criminal history. Furthermore, they were instructed to disregard any information that they may have read in the media, specifically the *Salem Reporter*, which reported on Meyers' criminal history before the investigation was complete.

An autopsy was conducted on February 8, 2022, by Oregon State Chief Medical Examiner Sean Hurst. That procedure determined that Meyers had 5 gunshot wounds: two to his torso, one in his right upper thigh, and two to his right arm. One of the bullets in the arm broke Meyers' right ulna. Mr. Meyers' cause of death was determined to be "gunshot wounds of chest."

Preliminary toxicology results revealed Myers had Methamphetamine in his system.

The Grand Jury applied the facts of this case to the legal principles dictating circumstances when deadly physical force can be used. Specifically, the Grand Jury found that each of the officers reasonably, under the totality of the circumstances known to the peace officers at the time, believed the following:

- Deadly physical force was necessary to defend a peace officer or another person from the use or threatened imminent use of deadly physical force; and
- Law enforcement did not have a reasonable opportunity to use a lesser degree of force or give a verbal warning that deadly physical force was about to be used.

The Marion County District Attorney's Office assigned a services Coordinator to Mr. Meyers' family to answer their questions throughout the investigation. The Coordinator was available to the family from the time that they were notified of Mr. Meyers' death and will remain available in the future. In addition to that Coordinator, family members met with investigators and the District Attorney's Office on Monday, February 14<sup>th</sup>.

Two preliminary press releases about this incident purposefully excluded information that Mr. Meyers pointed a replica gun at the officers before he was shot. This was necessary to protect the investigation. For example, releasing that information could affect the involved officer statements about what they perceived immediately prior to using their firearm.

In this case, each of the involved officers chose to cooperate with the investigation by giving a voluntary statement to investigators prior to reviewing video, photographs, or other evidence in the investigation.

News media also incorrectly reported that law enforcement asked a local homeowner to delete his home's security footage of the incident after law enforcement seized it. While the homeowner did make this statement to the media, law enforcement never asked him to delete any footage. Instead, the homeowner testified before the Grand Jury that he told this to a reporter so that the media would leave him alone.

The Grand Jury's decision required reviewing all the facts and evidence available and applying them to the legal principles above. The Grand Jury concluded that the actions of Salem Police Department Officers Griffin McDowell, Jonathan McNichols, and Chad Treichler were justified and lawful.

District Attorney Paige Clarkson stated, "I thank the Grand Jury for their careful review of these very difficult circumstances."

"From any perspective, this case is a tragedy. My heart goes out to the Meyers family in what must be a very difficult time. Accessing mental health services remains too difficult, especially for family members trying to help their loved one. And while we have taken steps to divert individuals suffering from a mental health crisis from the criminal justice system, police officers are not omniscient. It is unfair to ask them to fill so many gaps in our mental health system. It is flat out misguided to expect them to do that while staring down the barrel of what looks like a gun."

"As part of our efforts to address these issues, my office collaborated with the Salem Police

Department in 2016 to form Salem's DIVERT team. That team diverts individuals suffering from an acute mental health crisis away from the criminal justice system and into services and treatment. We similarly operate a mental health court in Marion County that uses our criminal justice system as a bridge to health. And we are one of the only DA's Offices in the state to employ a Behavioral Health Specialist Deputy District Attorney to navigate the toughest of crimes committed by those suffering from significant mental illness. But there is more work to be done."

"I want to thank law enforcement for their continued dedicated service to our community, especially in times of unrealistic expectations and unfair criticism. No one wanted this outcome for Mr. Meyers."

"I further commend the investigative team who continues to professionally fulfill the important requirements of the Marion County Use of Force Protocol with skill, integrity, and transparency."

"To all of our Law Enforcement in Marion County, but particularly those officers who are forced respond to people in dangerous mental health crises every day because no one else will: We are grateful that you continue to protect and serve."

If you or someone you love is considering suicide, please know: you can make today better. Consider contacting a mental health professional. Some services are:

- Marion County's Psychiatric Crisis Center: (503) 585-4949
- National Suicide Prevention Lifeline: 1-800-273- TALK (8255)

Additional information about suicide prevention, and local services can be found here: [Suicide Prevention \(marion.or.us\)](https://www.marion.or.us/suicide-prevention)

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Dashboard camera video from the Marion County Sheriff's SUV can be found here: [https://drive.google.com/file/d/1or1vc-rPPIW\\_QtR3iksXCYGJPs5TljMY/view?usp=sharing](https://drive.google.com/file/d/1or1vc-rPPIW_QtR3iksXCYGJPs5TljMY/view?usp=sharing)

Pictures of the pellet gun recovered from Meyers' vehicle can be found here: <https://drive.google.com/drive/folders/1SJEV7JjsvqezFsgDOiIzpk5B35JI0ATO?usp=sharing>

Meyers' dashboard camera of the incident can be found here, including:

- Shortly after the attempted traffic stop at 12:38 A.M;
- Fleeing the Northgate parking lot at 12:40 A.M;
- And immediately prior to Officer McDowell bumping the front of the Mercedes with his patrol SUV at 12:41 A.M.[9]

<https://drive.google.com/drive/folders/1QIyC7-04hgYlzKZnY0LyiAsgDU7Idufz?usp=sharing>

The local homeowner video (incorrectly reported as police encouraging owner to delete) can be found here: <https://drive.google.com/file/d/16IGxqp8W370dEDqSyM22rhPdsIGZZiNX/view?usp=sharing>

The 12/23/2022 Salem Police contact with Mr. Meyers video can be found here: <https://drive.google.com/file/d/1kTI0G3K4j2FyKLolvr3PhprSEw28ItH/view?usp=sharing>

Please contact Deputy District Attorney Brendan Murphy with additional questions at (503) 588-5222 or [BPMurphy@co.marion.or.us](mailto:BPMurphy@co.marion.or.us)

A copy of this press release can be located on the Marion County District Attorney's Office website here: <https://www.co.marion.or.us/DA/Pages/Press-Releases.aspx>

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[1] Nothing in the most recent version of House Bill 2002, currently pending before Oregon's House of Representatives would prohibit law enforcement from effectuating a traffic stop in this circumstance.

[2] A spike strip is used to deflate the tires of a fleeing vehicle. Because the tires deflate, the vehicle is forced to slow down, and it is considered a safer technique to stopping a fleeing vehicle.

[3] All of the patrol vehicles involved in this incident had law enforcement decals and had their emergency lights activated. None of the Salem Police vehicles used in this incident were equipped with operating dashboard cameras, nor were the police officers wearing body cameras. The Salem Police Department has received approval to purchase and equip officers with body worn cameras, however at the time of this incident, the process is undergoing state approval and the cameras have not yet been purchased.

[4] When shooting at a windshield, small fragments of glass are projected in the air as the bullet goes through, creating what witnesses sometimes describe as "windshield dust."

[5] Of note, Officer Treichler was a Emergency Medical Technician (EMT) prior to becoming a law enforcement officer for the Salem Police Department.

[6] Pictures of that item can be located here/;

<https://drive.google.com/drive/folders/1SJEV7JjsvqezFsgDOiIzpk5B35JI0ATO?usp=sharing>

[7] The dash camera model advertises that it records in one-minute sections. Investigators reviewed the numerous recordings on the dashcam memory card, which showed that this camera was very inconsistent about when it turned on and how long it recorded for. Unfortunately, the camera stopped recording immediately prior to Officer McDowell bumping the front of the Mercedes, which is just before him using his firearm against Meyers.

[8] This conclusion was legally correct. Under Oregon law, ORS 426.228, the officer must believe that the individual is dangerous to himself and others and is in immediate need of care or treatment for a mental illness.

[9] The dash camera model advertises that it records in one-minute sections. Investigators reviewed the numerous recordings on the dashcam SIM card, which showed that this camera was very inconsistent about when it turned on and how long it recorded for. Unfortunately, the camera stopped recording immediately before Officer McDowell bumped the front of the Mercedes, which is immediately prior to him using his firearm against Meyers.