

Marion County Grand Jury Unanimously Finds Law Enforcement Officers Justified in Their Use of Deadly Physical Force

Yesterday, January 3, 2024, a Marion County Grand Jury unanimously found that Salem Police Officer John Parmer, Oregon State Police Trooper Andrew Tuttle, and Marion County Sheriff's Deputy Caleb Mott were each justified in their use of deadly physical force against Justin Lee Jordan, 32, on November 24, 2023.

The Grand Jury convened for two days to hear testimony from 22 witnesses, including the Keizer Police Department who led the investigation. The Grand Jury reviewed multiple video exhibits and further examined numerous pieces of evidence including photographs, scene diagrams, ballistic information, firearms, and autopsy conclusions. The following is a factual summary of evidence found by the Grand Jury:

On November 24, 2023, Justin Jordan was at his residence located at 1238 Arabian Ave SE, Salem, OR. Ring camera from his residence showed that at 10:44am Jordan walked up to his front door and began hitting the door with his body. He then walks away from the camera back toward the front of the residence, where the driveway is located.

At 10:48am, Jordan is observed back at the front door of his residence and kicks the front door. He then walks away from the camera back toward the front of the residence.

At 10:51am, Jordan is observed back at the front door. He again kicks the front door multiple times and then walks over the Ring camera and looks into the camera. He appears to be holding a phone in his hand. He places two fingers together (appearing to simulate a gun barrel) and puts his fingers to his right temple. He then moves his two fingers to his throat and simulates cutting his throat. He then again moves his two fingers to his temple, slams his hand against the screen door and then walks away from the camera.

At approximately 10:57am, the Willamette Valley Communication Center (WVCC) received a call from Henry Herzberg stating that a male (later identified as Justin Lee Jordan) was in the street at Arabian Ave SE and Sorrel Court SE thrashing items around a trash can. This location is a dense residential neighborhood with minimal entries and exits. Residential homes are on small lots and there are numerous homes on both sides of the street.

Mr. Herzberg had been outside checking the air pressure in his vehicle's tires. As he was doing this, he saw Jordan come out of his residence and start throwing his (Jordan's) trash cans around. Jordan went back into his residence and then came out with two handguns. Mr. Herzberg saw Jordan put the guns to his head and make comments of "I'm going to kill everyone around me" and "Everyone's dying around me".

Mr. Herzberg then called 911 and while on the phone with WVCC, Mr. Herzberg heard a gunshot and then saw Jordan holding the guns to his head, while kneeling in the middle of the street.

Marion County Sheriff's deputies were immediately dispatched to the call^[1].

((^[1] This area of Salem lies just outside of the city limits and falls within the patrol area of the Marion County Sheriff's Office. Therefore, the Sheriff's Office was the first agency to be dispatched. However, as is common in these types of situations, other agencies also responded due to the nature of the call.))

While deputies were responding, at least 9 other calls were placed to WVCC. One of those additional callers was Angel Saucier, who called at approximately 11:02am. She reported being shot at by Jordan. She was not injured but reported that there were bullet holes in the vehicle she was driving.

Ms. Saucier had been helping a friend move that morning. She was driving a truck with her friends, Janelle Olson and Kerrie Ann Keebler, in another truck in front of her. As the truck in front of her approached the intersection of Shetland Court SE and Arabian Ave SE, the truck started to turn left onto Arabian Ave SE but then quickly backed up, turned the other direction, and sped off.

Ms. Saucier then looked to her left and saw Jordan running at her with a pistol in his hand, pointing the gun towards her. She ducked down and as she tried to move her car forward, she heard three "pops". She heard "dings" as something hit her truck. She sped off and called 911 once she was a safe distance away.

Detectives later contacted Ms. Saucier and were able to photograph her vehicle and the bullet holes located on her vehicle. (See attached Exhibit 1)

After the shots had been fired at Ms. Saucier, Jordan walked back down Arabian Ave SE. At approximately 11:00am, a car drove past Jordan, driven by Mr. Collin Mau. Mr. Mau was on his way to work and observed Jordan crossing the street while taking off his shirt. As Mr. Mau got closer to Jordan, Jordan turned to face him and pointed a firearm at him. Mr. Mau drove past Jordan and then called 911 once he was able to pull over safely.

Officers were enroute during this time and arrived on scene at approximately 11:04am. Multiple other officers arrived shortly after. Officers started to walk southbound on Arabian Ave SE and saw Jordan in the middle of the street. They could see that Jordan had a pistol in his hand and could hear him yelling.

Officers observed neighborhood residents in the immediate area. As they were approaching Jordan, they observed Jordan waving a pistol around in various directions.

Officers moved a patrol vehicle up the street, toward Jordan, with officers taking cover behind the patrol vehicle as they moved up the street. As this was occurring, officers observed two vehicles traveling northbound, at separate times, toward Jordan.

At approximately 11:05am, officers observed a vehicle approach northbound on Arabian Ave SE. Jordan turned and appeared to yell at the driver to “get back” and the officers saw him point his pistol at the driver. The driver turned around and went back down Arabian^[1].

((^[1] The driver of this vehicle was not identified. However, the vehicle was captured on surveillance at 1276 Arabian Ave SE and 4755 Sorrel Court SE driving down the street as described. Jordan can be seen pointing a handgun at the driver of the vehicle.))

Another vehicle, driven by Pavlo Nikolaiev, drove northbound down Arabian Ave SE at approximately 11:07am. Mr. Nikolaiev was on his way to the Portland airport, with his girlfriend Diana Mizel. As he drove down the street, he saw police vehicles and Jordan sitting in the street. As they approached, Jordan stood up and approached the car, with a gun pointed at Mr. Nikolaiev through the front windshield. Jordan then walked over to the driver side of the vehicle and pointed the gun at him through the driver side window.

Mr. Nikolaiev started to back up his car while Jordan kept pointing the gun at him. Mr. Nikolaiev saw Jordan turn back to the officers and point his gun at them. Shortly after this, he heard shots, and drove away. Ms. Mizel was recording with her cell phone as they drove away.

As Mr. Nikolaiev was leaving the area, Jordan turned back to the officers and started to walk toward them. During this time, the officers observed two handguns in his hands. Officers were yelling commands during this period, including “drop the gun!”, “we do not want to hurt you!”, “get on the ground!” and “we do not want to shoot you!”.

Jordan did not comply with these commands but instead yelled at officers to “kill me”. Jordan then raised his right arm and pointed one of the pistols directly at the officers. Three officers fired their weapons at this time.

Jordan was hit three times in various parts of his body, including two graze wounds. Multiple officers approached Jordan to render aid; however, Jordan quickly succumbed to his injuries and was pronounced deceased at the scene. When officers approached, Jordan had two guns located by him.

Overall, the investigation showed that Jordan fired his gun 4 times during the entire incident. He pointed his firearms at residents in the area at least 5 separate times and at law enforcement at least 4 separate times.

In total, officers fired 4 rounds at Jordan. Officer John Parmer with the Salem Police Department, six years of service, fired two rounds. Trooper Andrew Tuttle with the Oregon State Police, four years of service, fired one round. Deputy Caleb Mott with the Marion County Sheriff's Office, six years of service, fired two rounds.

No pedestrians, bystanders or police officers were injured during this incident.

The Keizer Police Department led the investigation and was assisted by members of the Clackamas County Major Crime Team^[1]. Pursuant to Marion County's Officer Use of Deadly Force protocol, a non-involved police agency must lead these investigations.

((^[1] Detectives from the Molalla Police Department, the Lake Oswego Police Department, the Clackamas County Sheriff's Office, the Canby Police Department, and the Oregon City Police Department responded to assist with this investigation.))

The scene was geographically large and required closure until the late evening of November 24, 2023. Photographs, diagrams, and other scene evidence collected during that investigation was presented to the grand jury for their consideration.

An autopsy was conducted by State Deputy Medical Examiner Ariel Viramontes on November 25, 2023. Dr. Viramontes determined that Jordan's cause of death was a gunshot wound to the torso that went through the chest resulting in injury to both lungs and the heart.

Jordan had no prior criminal convictions.

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, under the totality of the circumstances known to each peace officer, each officer reasonably determined that the use of deadly physical force was necessary as:

- Justin Jordan had committed and attempted to commit violent felonies against multiple persons;
- Deadly physical force was necessary to defend a peace officer and/or another person from the use or threatened imminent use of deadly physical force;
- under the totality of the circumstances existing at the time and place, the use of such force was justified.

The Grand Jury further found that no reasonable alternatives, such as verbal de-escalation, waiting or using other available techniques or resources was reasonable, safe or feasible

as the officers gave multiple verbal and visual warnings to Jordan and provided him with a reasonable opportunity to comply, but he failed to do so.

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 Officer John Parmer, Oregon State Police Trooper Andrew Tuttle and Marion County Sheriff's Office Deputy Caleb Mott were justified and lawful.

The case was presented to the Grand Jury by Deputy District Attorney Shannon Sullivan.

The Marion County District Attorney's Office, including their family service coordinator, met with members of Mr. Jordan's family to explain the legal determination and answer any questions that they had.

Marion County District Attorney Paige Clarkson stated, "Our community is very fortunate to have police professionals who willingly run toward these incredibly violent incidents to keep us all safe. Their response speaks to their bravery in the face of extreme danger. And just as nobody wanted this to occur on this day, nobody wanted this result for Mr. Jordan. We offer our condolences to his family and loved ones".

The following items from the investigation can be located from the Google Drive link below:

- Photographs of Jordan's guns
- Ring Camera from Jordan's home (3 files)
- A Google map overview of the location
- Body Camera footage from Officer Parmer, Trooper Tuttle and Trooper Stewart (*Marion County Sheriff's Office deputies do not wear body cameras therefore there is no body camera footage from any of those officers)
- Photographs of Angel Saucier's vehicle (4 images)
- Surveillance video from 1192 Arabian Ave SE
- Surveillance video from 1276 Arabian Ave SE
- Surveillance video from 4746 Sorrel Court SE
- Video from 4755 Sorrel Court SE (4 files)
- Video taken from the Camry driven by Pavlo Nikolaiev

https://drive.google.com/drive/folders/15uslT9NVm90d_dpew2iPT-ccEfs69h5G?usp=drive_link