

MARION COUNTY GRAND JURY UNANIMOUSLY FINDS FIVE SALEM POLICE DEPARTMENT OFFICERS JUSTIFIED IN THEIR USE OF DEADLY FORCE

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

Posted on FlashAlert: February 3rd, 2023 5:11 PM

Today a Marion County Grand Jury unanimously found that five Salem Police Department Officers were justified in their use of deadly force against Michael James Compton, 27, on January 23, 2023.

The Grand Jury convened for two days to hear testimony from 16 witnesses, including the Oregon State Police who led the investigation. The Grand Jury reviewed multiple video exhibits and further examined numerous pieces of evidence including photographs, scene diagrams, dispatch recordings, ballistic information, firearms, and autopsy conclusions. The following is a factual summary of evidence found by the Grand Jury:

On January 23, 2023, at 9:02 A.M., Salem Police received a 911 call regarding an attempted armed carjacking (an attempt to steal a car at gunpoint). The incident occurred in a Walmart parking lot, located at 5250 Commercial St SE, Salem, Oregon.

At that time, Haley Lyons was driving southbound on the west side of the Walmart parking lot with her passenger, Cooper Pietrok, when a male jumped in front of their vehicle and pointed a gun at them. He told them to "get out of the car" and "I'm going to shoot." Pietrok described the male (later determined to be Compton) as a white male, early 30's, with blonde hair and a beard, wearing a baseball cap, khaki pants in a dark- possibly a Seahawks- sweatshirt. Pietrok described the gun pointed at them as small, black, and semiautomatic. Pietrok told Lyons to "floor it" and Compton jumped to the side of the vehicle as it quickly accelerated southbound in the parking lot.

Mr. Pietrok immediately called 911.

Compton returned to Commercial St and went north but walked back into the parking lot toward Planet Fitness, located at 5240 Commercial St SE, Salem, Oregon. By that time, Lyons and Pietrok were still in the parking lot and watching Compton from a distance, and described that Compton was "zigzagging" through the parking lot looking into vehicles as he went. When Compton saw a responding police vehicle, Pietrok saw Compton start running towards Planet Fitness.

At that moment, Joan Riley, 79, was entering Planet Fitness to meet her friends for their regular workout. As Riley entered the sliding front doors carrying her car keys around her wrist, a man came up behind her, grabbed at her keys, and said "give me your keys" about three or four times. Riley did not, but instead held on. As the man continued to pull on her keys, he also grabbed Riley's wrist, pulling her outside. Riley began to scream "Help!", and several gym employees and patrons came to her aid, chasing the male (later determined to be Compton) back outside into the parking lot. Compton was able to get the keys from Riley's wrist. Riley was also injured during the incident, as her right middle fingernail was bent back and was bleeding.

By this time, Senior Salem Police Officer Robert Acosta, 17 years of service, had responded to the Planet Fitness parking lot and saw Riley being attacked in the entrance of the gym. Officer Acosta turned on his lights and sirens and attempted to get his patrol vehicle between Compton and people in the parking lot. As Compton ran, he threw Riley's keys over his shoulder.

Instead of stopping, Compton fled northwest towards Commercial St SE. As he did so, Officer Acosta could see that Compton was holding something in the front pocket of his hooded sweatshirt.

Officer Acosta watched and pursued Compton as Compton crossed Commercial. Compton would alternate between walking and jogging as he went north on the sidewalk towards the intersection of Barnes Ave SE and Commercial St SE.

This area of Commercial St SE is a busy intersection, especially at this time of day. Commercial is the major thruway into downtown Salem from South Salem and there is significant traffic, several businesses, restaurants, at least one coffee shop as well as numerous pedestrians near this intersection. Furthermore, there is a city bus stop approximately 20 yards west from the intersection of Commercial and Barnes.

Despite traveling northbound, Officer Acosta pulled his patrol vehicle into the southbound lanes of Commercial St and stopped at a 45 degree angle, blocking those lanes next to Compton in an effort to get Compton to stop. At this time, Officer Acosta had both his lights and sirens on his marked patrol vehicle on. Instead of stopping, Compton turned west and walked down a berm into a Napa Auto Parts parking lot, located at 5105 Commercial Street SE.

At the time of his attempted stop, Officer Acosta was considering the pedestrian traffic at that busy intersection; that Compton matched the description of the armed, attempted carjacking suspect from the Walmart parking lot; and that he saw Compton attack Riley in the entrance way of Planet Fitness.

Moments prior to Senior Officer Acosta trying to get Compton to stop, Salem Police Officer Reece "Dru" Mathis, 1 year of service, responded to the call of an armed carjacking. As he was responding, he received updates over the radio regarding the Planet Fitness incident and that Compton appeared to be carrying a firearm. Officer Mathis arrived at the intersection of Barnes and Commercial, and saw a yellow school bus at the intersection of Barnes Ave SE and Commercial St SE, directly ahead of where Compton was going. Officer Mathis stopped his patrol SUV just south of the yellow school bus.

Officer Mathis told Compton to "Stop!" and "Show me your hands!", to which Compton replied "No." He saw Compton walk down the berm and take cover between two vehicles in the Napa Auto Parts parking lot. Instead of stopping, Compton pulled a small, black, semiautomatic handgun from the front of his sweatshirt, pointed it at the officers and opened fire.

Officers Acosta and Mathis both returned fire from their department-issued handguns and continued to fire at Compton who ran towards the Napa Auto Parts entrance while shooting over his shoulder backwards towards Senior Officer Acosta. Compton appeared to get hit in the leg and fell behind a white jaguar sedan^[1] parked near the front of the Napa Auto parts store. When he fell, Compton dropped his handgun.

By this time, additional officers had either arrived or were arriving. As they responded, Compton picked up his handgun, sat up, and again opened fire toward the police.

Over the next 33 seconds, Compton twice more attempted to sit up and shoot police officers. In total, five Salem Police Officers fired at Compton who never followed commands, showed his hands, dropped the gun, nor made any motions to surrender.

The entire gunfire exchange, starting with Compton pointing his firearm at the officers and ending when officers stopped firing, lasted approximately 50 seconds. In total, Officer Acosta fired 29 rounds at Compton, and Officer Mathis fired 26.

The other arriving Salem officers that fired their weapons at Compton were Senior Officer Justin Carney, 22 years of service; Corporal Kristy Fitzpatrick, 14 years of service and Corporal Adam Waite, 17 years of service.

Senior Officer Justin Carney arrived moments after the initial rounds were fired, and he parked his patrol SUV just north of the intersection of Barnes and Commercial. Before he was able to get out of his vehicle, Compton shot at Senior Officer Carney, resulting in a bullet directly striking his patrol car windshield. Nevertheless, Senior Officer Carney removed his department-issued AR15 rifle, got out of his vehicle and ultimately fired two rounds at Compton who by then was on the ground behind the jaguar firing at officers.

Corporal Kristy Fitzpatrick also arrived from the north and took cover behind Officer Mathis' patrol vehicle. Corporal Fitzpatrick fired one round at Compton during the exchange.

Corporal Adam Waite arrived on his department-issued motorcycle, also from the north. As he approached, he could not see past the yellow school bus parked on Barnes, but he could hear shots being fired. As he approached, Corporal Waite did not know if the shots were from beyond the bus, or inside the bus itself. Once he arrived, however, he could see Compton firing at officers as Compton lay on his back from the Napa Auto Parts parking lot. Because Compton was immediately identifiable as a shooter, Corporal Waite positioned himself at the back, northwest corner of the bus and fired 9 rounds at Compton. Once Corporal Waite was sure that Compton no longer posed an immediate threat, Corporal Waite banged on the bus driver's window and told her to leave the scene.

Investigators later learned that the bus was transporting several students to school. The children were able to see the incident and heard the gunshots. No students were injured during this incident, and the bus was not hit. The school bus driver testified before the grand jury.

Overall, the investigation showed that Compton fired 9 times, and one unspent round matching his ammunition was recovered at the scene. He pointed his gun at law enforcement on at least 3 separate occasions.

In total, officers fired 68 rounds at Compton. Compton was hit eighteen times in various parts of his body, including three graze wounds. Salem Police approached Compton to render aid; however, Compton quickly succumbed to his injuries and was pronounced deceased at the scene. When officers approached, Compton had a small, black semiautomatic pistol between his legs, underneath his body.

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

In addition to the school bus, a local city bus was also parked on Barnes, at the bus station roughly 20 yards west from the intersection of Barnes and Commercial. That bus captured relatively clear video of much of the incident described above and was presented for the grand jury's consideration. In addition, the city bus driver as well as a pedestrian from the bus stop also testified before the grand jury.

The Oregon State Police led the investigation. Assisting the Oregon State Police was the Marion County Sheriff's Office and Keizer Police Department. Pursuant to Marion County's Officer Use of Deadly Force protocol, a non-involved police agency must lead these investigations.

The scene was geographically large and required closure of Commercial St until the late evening of January 23, 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 Rebecca Millius on January 24, 2023. Dr. Millius determined that Compton's cause of death was a penetrating gunshot wound of the right lateral back.

Compton had the following previous convictions:

- 2016. Clackamas County Circuit Court, 16CR63563- Convictions for Strangulation, Menacing and Assault in the Fourth Degree;
- 2020. Clackamas County Circuit Court, 19CR78740- Conviction for Assault in the Fourth Degree and Menacing;
- 2020. Clackamas County Circuit Court, 19CR80349- Interfering with a Peace Officer;
- 2021. Clackamas County Circuit Court, 21CR24827- Driving Under the Influence of Intoxicants, Assault in the Fourth Degree, Recklessly Endangering Another Person;
- 2022- Clackamas County Circuit Court, 21CR38038- Theft in the Second Degree

Additionally, he had a warrant for his arrest out of Lane County Circuit Court, for charges of Criminal Driving While Suspended, Attempt to Elude a Police Officer, Driving under the Influence and Resisting Arrest. He was pending arraignment in Clackamas County Circuit Court for two counts of Criminal Mischief in the Second Degree, in 22CR59091.

Compton had no prior criminal activity in Marion County, including no known contacts with the Salem Police Department.

The Grand Jury did not hear evidence of Compton's criminal history.

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:

- Michael Compton had committed and attempted to commit violent felonies against a person;

- 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 a verbal and visual warnings to Compton and provided him with a reasonable opportunity to comply.

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 all five of the Salem Police Department Officers, Senior Officer Justin Carney, Corporal Kristy Fitzpatrick, Officer Reece Mathis, Corporal Adam Waite, and Senior Officer Robert Acosta were justified and lawful.

Upon the grand jury's determination, representatives from the Marion County District Attorney's Office, Salem Police Department and the Salem Keizer School District met with several of the parents who had children on the school bus to provide them with a factual summary of what occurred and answer the parents' questions about the incident.

"We would like to thank the Salem Keizer School District for their collaboration to ensure that the parents of these children had the information they needed to appropriately respond to their children's concerns. This was a traumatizing incident for everyone involved." said Deputy District Attorney Brendan Murphy, who co-led the investigation with Deputy District Attorney Shannon Sullivan.

In addition to the childrens' parents, the Marion County District Attorney's Office, including their family service coordinator, also met with members of Mr. Compton's family to explain the legal determination and answer any questions that they had. They asserted that Mr. Compton was suffering from mental health issues at the time of his death. Mr. Compton's family expressed overwhelming frustration with the fact that their loved one had recently been in jail in two separate counties but was released before his mental health issues were stabilized. "It's not the police officers' fault, I don't blame them" his father said, but blamed the inability of parents to access mental health services for their adult children and jails that release individuals who aren't stable and safe.

Marion County District Attorney Paige Clarkson stated, "I would like to thank the Grand Jury for their careful and thorough review of this frightening and extremely dangerous situation. While these incidents are never easy to investigate and review, this incident- with a school bus containing children- was especially traumatic."

"However, the children weren't the only victims here. I am thankful that Ms. Riley, Ms. Lyons and Mr. Pietrok were able to go home that night. And in particular, our community owes a debt of gratitude to the five brave Officers from the Salem Police Department whose heroism that morning placed themselves in mortal danger in order to ensure the rest of us were safe. Thank you for being willing to do that job."

"We further commend the entire investigative team, including the State Police, the Marion County Sheriff's Office and Keizer Police Department. They continue to fulfill the important requirements of the

Marion County Use of Force protocol, with skill, integrity, and transparency. To all our Law Enforcement in Marion County: We are grateful that you continue to protect and serve."

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

- Photograph of Compton's Firearm
- Two Scene/ Location Overviews
- Video of the incident ***WARNING- GRAPHIC***
- Close up stills of Compton pointing the firearm from the Video (above).

https://drive.google.com/drive/folders/1yGVgDxr_s2Sy6WNTNCSNYeU7nXK6PYYH?usp=share_link

[1] Law enforcement later learned that this vehicle was occupied, the driver leaning sideways into the passenger seat when gunfire began.

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