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NEWS RELEASE

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From: Alex Gardner, District Attorney

The Lane County IDFIT review of the March 30, 2015 officer-involved-shooting is complete. The investigation was led by detectives from the Oregon State Police.

In the interest of transparency, and in light of the persistent publicity of factually incorrect information concerning this incident, a redacted copy of the IDFIT investigation is being copied to DVDs which will be available at the press conference this afternoon. The DVDs will not include the 911 recording which included portions of the conversation between Brian Babb and his therapist, as the Eugene Police Department has agreed to provide a redacted version of that recording on its website by this evening. (The recording was redacted to exclude portions of the conversation which may remain protected by patient-therapist privilege.)

The IDFIT team thoroughly investigates and collects evidence surrounding any officer-involved shooting in Lane County. More detail concerning the purpose of the team, the nature of the process, and common related challenges may be found here: <https://www.youtube.com/watch?v=-G1ApUEXcbo>

A district attorney's review of a shooting is narrowly focused on the question of whether the involved officer has criminal liability as a result of his decision to shoot. The review does not consider broader questions of risk management, policy, practice, coordination or resource allocation which put the officer in the situation in which he ultimately found it necessary to fire his weapon. Instead, during this preliminary stage of review in this case, the questions is: "In the circumstance in which the officer found himself, was his decision to fire his weapon consistent with the requirements of Oregon law?"

In this instance, EPD Officer Stutesman was in an armored vehicle: his upper body was extended up through a roof hatch, so he could see more of the front door area of Mr. Babb's house, as a fence in front of the vehicle obscured most of the door. Officer Gross, in the passenger seat of the same vehicle, was attempting to communicate with Mr. Babb, via phone and PA system. Mr. Babb was extremely agitated and yelling profanities at the police. Police called to him repeatedly, asking him to come out of the house unarmed. Although Mr. Babb had come to the door unarmed several times, the last time he came to the door he was holding a scoped .300 Winchester Magnum, a high-powered rifle. He was shot when he raised the rifle to his shoulder and pointed it at Officer Stutesman. Given the circumstances and the information Officer Stutesman had at the time, his decision to shoot was the only rational choice available to him, and it was a choice consistent with the requirements of Oregon law.

When police got to the house they discovered that the rifle Mr. Babb pointed at them was unloaded. The ammunition for the rifle was located just inside the front door on the dining room table, next to copies of Mr. Babb's military ID and driver's license, vehicle titles, mortgage paperwork and other personal effects.

It's clear that Mr. Babb was well loved by family, friends and neighbors. Nothing about the factual and legal analysis of this incident should be construed in a way that diminishes the memory of Mr. Babb's commitment and contribution to family, community and country.

The District Attorney's preliminary review is only the first short phase of a much more comprehensive review that will evaluate the police response, from beginning to end, in the context of broader policy considerations and any potential alternatives. That review is beyond the purview and expertise of the District Attorney's office. The Eugene Police chief has contacted Mr. Babb's therapist, the VA, and others to ask for their assistance in working through this incident to determine whether policy changes, additional resources, or both could help prevent another tragedy like this one.

The District Attorney will be available at 3:00 p.m. today to answer questions.