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To: Media

From: Patricia W. Perlow, District Attorney

Date: September 23, 2021

Re: Officer Involved Shooting - LCSO 9/6/21

On September 6, 2021, Lane County Sheriff's deputies responded to a domestic dispute on Camp Creek Road outside of Springfield. The caller reported that Robert Gutierrez was intoxicated and was armed with a .22 handgun. The caller reported that she feared for her life and the life of her family members and that Mr. Gutierrez's aggression was escalating. Mr. Gutierrez fired the weapon at the ground two or three times. The caller indicated she was in fear for her life, that it was unsafe for the people present to leave the premises and that they needed a law enforcement response. Mr. Gutierrez made statements alluding to "suicide by cop" and sent a threatening text message to one of the family members on scene noting the length of time it was taking for law enforcement to respond.

Deputies responded to the property which consisted of two residences. The property owners lived in one of the residences with a room below the residence that was occupied by Mr. Gutierrez as his residence. The other family members of Mr. Gutierrez were in the second residence on the property which required going past Mr. Gutierrez's room to exit the property. Mr. Gutierrez's room had a wide barn-style door which was open when deputies arrived.

Deputies staged a short distance from the property and arrived together with an armored rescue vehicle (ARV), a Humvee with a hatch. Other deputies were in patrol vehicles. The driver of the ARV communicated with Mr. Gutierrez with a public address system. Mr. Gutierrez could be seen through the open doorway to his room, and seated in a recliner type chair facing outward toward the deputies and drinking from what appeared to be an alcoholic beverage bottle. Mr. Gutierrez responded to deputies with expletives. Deputies continued to communicate with Mr. Gutierrez from the ARV to come out empty handed so they could resolve the situation without anyone getting hurt. Deputy Zachary LaFoca was at the hatch of the vehicle with an obstructed view requiring him to expose himself outside of the vehicle to be able to see Mr. Gutierrez by leaning outside of the hatch. The protective shield of the hatch malfunctioned leaving Deputy LaFoca completely exposed. Mr. Gutierrez put the bottle down and raised a handgun pointing it toward the ARV with his right hand. He was ordered to drop the weapon and did not follow that command. Deputy LaFoca fired his AR-15 rifle at Mr. Gutierrez three times. Mr. Gutierrez lowered the gun. Deputies continued to give directions to Mr. Gutierrez. Mr. Gutierrez raised the firearm and pointed it toward the

ARV and Deputy LaFoca again. Deputy LaFoca fired again three times, stopping when the gun lowered and it was apparent that Mr. Gutierrez had been hit in the chest. Deputies went into the room to render aid until EMTs arrived. They were unable to revive Mr. Gutierrez who was pronounced deceased at the scene. The time from when deputies arrived until shots were fired was less than a minute.

Deputy LaFoca fired a total of six rounds at Mr. Gutierrez between the two shootings. At autopsy, it was determined that Mr. Gutierrez had three gunshot wounds. One entered the left chest, pierced the left lung and exited out his back. A second bullet entered his left hip and lodged at his left hip. The third bullet path appeared to have made initial contact with the top of the left hand before entering the outside of the left thigh and exiting the inside of the left thigh and coming to rest in the right thigh.

The Inter-Agency Deadly Force Investigative Team (IDFIT) was dispatched to the scene.

The team was supervised by Oregon State Police Detective Sergeant Erik Fisher. The lead investigator was Springfield Police Detective Kyle Potter. Interviews were conducted with the people at the scene, neighbors and responding deputies. There is no video of this incident as LCSO does not have body worn cameras and there were not security cameras at the location. There were no civilian eye witnesses to the shooting but there were a number of ear witnesses who corroborated the statements of the deputies that they were communicating with a subject, a gun was observed, there were orders to drop the gun and come out with empty hands, and that there were two series of gun shots with communication about dropping the gun in between.

Deputy LaFoca described a fear for his life and the lives of the other deputies on scene upon seeing the raised firearm and an escalation in that fear when the gun was raised again after Mr. Gutierrez had been shot. Deputy LaFoca believed that Mr. Gutierrez would kill one of them to “take one of them out with him.”

Deputy LaFoca has been with the Lane County Sheriff’s Office for four years.

Robert Gutierrez was 59.

Based upon the evidence and witness statements, I find that this was a justified use of deadly force in defense of self or others.

Domestic disputes are one of the most dangerous incidents to which law enforcement officers must respond. An angry, intoxicated, armed person who has indicated a wish to be killed by police is perhaps the most dangerous situation to which law enforcement must respond. It is fortunate that no one from the family or law enforcement was physically hurt in this incident. The emotional pain to all involved may require a long time to heal. My condolences go to the family of Mr. Gutierrez.

cc: Sgt. Erik Fisher
Det. Kyle Potter
Sheriff Cliff Harrold