



Patricia W. Perlow
Lane County District Attorney

LANE COUNTY DISTRICT ATTORNEY'S OFFICE
125 EAST 8th AVENUE, ROOM 400
EUGENE, OREGON 97401-2926
FAX ONLY (541) 682-3890
(541) 682-4261

NEWS RELEASE

Date/Time of Release: May 4, 2020, 1:30pm
From: Patricia W. Perlow, Lane County District Attorney
RE: EPD OIS 4/13/2020

On April 13, 2020, Eugene Police SWAT was involved in a shooting at 113 Westbrook Way, in South Eugene. Scott Edward Gardner, age 54, was shot twice, once by each of two officers. The Interagency Deadly Force Investigative Team (IDFIT) was called to investigate. Detectives from Oregon State Police, Lane County Sheriff's Office and Springfield Police Department responded to investigate the use of deadly force.

The Facts Leading Up to the Incident

On April 12, 2020, Eugene Police Officers responded to a suicidal subject call at 113 Westbrook Way in South Eugene. Scott Edward Gardner was in his mother's townhouse and was reported to be armed with a shotgun. Police responded and contacted Gardner's mother and son, who were no longer at the residence.

Probable cause was developed to arrest Gardner for Criminal Mistreatment in the first degree after it was learned that Gardner had struck his 13 year old son in the head. That case is not part of this investigation.

Officers attempted contact with Gardner on the evening of April 12th and when contact was finally made, Gardner advised he would not leave the location and wanted to speak with an attorney prior to police contact. Gardner was reportedly highly intoxicated. The decision was made to leave and attempt contact with Gardner the following day. Gardner's mother and son were provided a hotel room for the night.

On April 13th, 2020 around noon, EPD returned to the location on Westbrook Way. Initial information was that Gardner was in the area outside the residence watching the front door. Eventually, police learned that Gardner was still inside the residence. A loud hailer was set up and contact was attempted with Gardner. At about 4:00 p.m. a male (Gardner) was seen inside the residence.

At about 5:20 p.m., negotiators made phone contact with Gardner who was advised to come out and that he was under arrest. It was later learned that at about 7:00 p.m., Gardner told his sister that he would be dead in 15 minutes. Within less than ten minutes of that phone call, a

search warrant was signed by a Lane County Circuit Court judge to enter the residence and arrest Gardner. At about 7:20, Gardner told the Crisis Negotiator that he was coming out after making some demands. He did not exit the residence as promised.

At about 8:30 p.m., the first floor rear sliding glass door to the residence was breached and a robot was inserted into the residence. Moments later, shots were fired by Gardner from inside the residence with some of the rounds exiting the building from the second floor. Officers reported hearing the rounds pass them and taking cover. Gas was fired into the residence by police. Moments later, more rounds were fired from inside the residence by Gardner. At about 8:45 p.m., the front door to the residence was explosively breached. Less than ten minutes later, more gas was fired into the residence. Gardner fired more rounds from inside the residence.

Negotiations continued throughout the entirety of the incident. The last contact with Gardner was just before 11:30 p.m. when Gardner asked to speak with an attorney. A recording from Gardner's attorney had been played for him during the course of negotiations to get Gardner to surrender.

At about 11:46 p.m., Gardner was observed on the robot cameras coming down the stairs of the townhouse armed with a rifle. At about 11:47 p.m., EPD Officers Richards and Johns each fired one shot at Gardner after he stepped into the open front door and started to shoulder the rifle. Officers moved Gardner from the residence where EMTs were waiting to render aid. At that time Gardner said, "Just kill me."

Gardner was transported to Riverbend Hospital by Eugene/Springfield Fire. Gardner sustained significant lower abdomen injuries from the two shots to his torso and injury to the fingers on his right hand. As of the last update, Gardner was recovering and mobile.

The IDFIT was called out to the scene to investigate the use of force by Officers Richards and Johns.

Gardner's rifle was located near the front door of the residence. It had two apparent bullet strikes, one near the pistol grip section of the stock and one in the dust cover of the receiver.

One of the two SWAT officers who fired was Eugene Police Officer Tyler Richards who was hired by EPD in 2011. He is a SWAT Team member and SWAT Designated Defensive Marksman. Richards was aware of the situation after many hours of radio traffic and his own observations. When Gardner came into view "it became pretty apparent he was looking for targets." Officer Gardner described a fear for the lives of other officers and neighbors.

The second SWAT officer who fired was Eugene Police Officer Aaron Johns. He was hired by EPD in 1998 and a member of the SWAT Team. He also is a Designated Defensive Marksman. He had been called to the location from patrol before it was a full SWAT callout and was in a patrol uniform with a body worn camera. About four hours before the shooting, the battery was dying on the camera and making a chirping

sound, compromising their location. That is confirmed from the BWC footage. Officer Johns fired simultaneously with Officer Richards when Gardner came into view and “starts to bring the rifle up.” The shots were so close in time that many officers on scene believed there had been only one shot fired. Officer Johns described a fear for his own life, the lives of the other officers, and the civilians present in their nearby and adjoining townhomes.

Many area residents were contacted by IDFIT detectives about what they saw or heard during the incident. There were no direct eye witnesses to the shooting but numerous people heard shots, explosions and negotiations via the loud speaker. Overwhelmingly, these witnesses commented on how professional the negotiator was even when asking Gardner to stop shooting at police.

The only other video footage was from a neighbor’s cell phone and did not capture the shooting.

Based upon a review of all reports, available audio and video recordings and photographs. I have determined that the use of deadly force by Officers Richards and Johns was a lawful use of deadly force in defense of their own lives and the lives of others. Criminal charges are pending against Mr. Gardner from this and prior incidents, so further information will not be released to protect the rights of Mr. Gardner to a trial by a fair and impartial jury.