



OFFICE OF THE DISTRICT ATTORNEY
Joshua J. Eastman, District Attorney
Josephine County Courthouse
500 NW 6th Street, Dept. 16
Grants Pass, OR 97526
541-474-5200 | da@josephinecounty.gov

MEDIA RELEASE
For Immediate Release

From District Attorney Josh Eastman
Josephine County District Attorney's Office

January 22, 2024

Josephine County District Attorney concludes review of officer-involved shooting that occurred on December 15, 2023 near the intersection of Allen Creek Road and Highway 199.

Josh Eastman, the Josephine County District Attorney, announced today that he has concluded review of the officer involved shooting that occurred just after noon on December 15, 2023, near the intersection of Allen Creed Road and Highway 199.

The investigation revealed that:

Officers from all three local agencies – Grants Pass Police Department (“GPPD”), Josephine County Sheriff’s Office (“JCSO”), and the Oregon State Police (“OSP”)—were actively looking for Kelly Lynn Mason, who, at the time, had a nationwide warrant for Murder in the Second Degree, Burglary in the First Degree, Robbery in the First Degree, Assault in the Second Degree, and Unlawful Use of a Weapon.¹ In addition to our local OSP, the agency had sent additional members from its SWAT team to assist with the apprehension of Mr. Mason.

Officers from the various agencies each attended briefings to inform all local law enforcement about what Mason drove, where he was most likely staying, that he had recently been (or was still in) in possession of firearms, that he had said “goodbye” to a family member the day prior and had made statements about “shooting it out with police.” In addition to these briefings, there was a law enforcement bulletin dispersed with much of the same information. Each of the officers discussed below knew all—or most—of the above information at the time of this incident.

¹ See Josephine County Circuit Court Case No. 23CR59178. The details of the underlying case are exempt from disclosure at this time under ORS 192.345(3); *see also* ORPC 3.6 (a)(1-7).

Just before noon on December 15, 2023, a Deputy with the JCSO spotted the vehicle law enforcement thought Mason was operating headed “inbound” on Highway 199, near mile post 11. The Deputy turned around and began following the vehicle but did not pull it over because the Deputy had been instructed to wait for additional units, SWAT assistance, etc., before attempting to stop Mason. As Mason’s vehicle was headed towards town with a Deputy following, numerous other law enforcement officials began heading that way and a JCSO Corporal was the “second” in the line following Mason’s vehicle.

As they approached town, more and more units were converging on the anticipated position of Mason and pursuing units. On radio traffic between the Deputy and his Corporal, they discussed stopping Mason once they have enough resources, but more importantly, before Mason got to town. They decided to attempt a “high risk” stop at/near Dowell and 199.

Almost as soon as the Deputy activated his red and blue lights/siren, Mason’s vehicle accelerated and began weaving in and out of traffic and even using the shoulder. Mason’s vehicle was not stopping. As such, JCSO Corporal overtakes “first position” and attempts a “PIT” maneuver on Mason’s vehicle just before the intersection of 199 and Allen Creek Road.

The PIT maneuver was successful, Mason’s vehicle skidded to a stop on the right shoulder of 199, just before the Allen Creek intersection, and the Corporal’s patrol vehicle steered it to its final resting place while being perpendicular to it. The Deputy also bumped into Mason’s vehicle perpendicularly (and parallel to his partner).

At around the same time, numerous other law enforcement officers showed up, including a GPPD Corporal, Officer, and Sergeant, another JCSO Deputy, and numerous OSP Troopers, a Sergeant, and a Lieutenant.

Mason’s vehicle windows were tinted, and law enforcement had a difficult time looking into the Honda Accord through the driver-side window. However, almost immediately on coming to a stop, the JCSO Corporal yells “hands, hands, hands!” which is followed up quickly by shots coming from within the vehicle at the two Sheriff patrol vehicles. The JCSO Corporal’s vehicle was hit, glass sprayed his face, and a piece (or pieces) of projectile hit him in the head. The JCSO Deputy’s vehicle was also hit. On the radio, the JCSO Corporal yelled “I’m hit! I’m hit!”

Because Kelly Mason was shooting at the officers, seven officers returned fire – the JCSO Corporal, the JCSO Deputy, an additional JCSO Deputy, an OSP Lieutenant, an OSP Sergeant, a GPPD Corporal, and a GPPD Officer. The seven officers fired a volley of rounds into the vehicle, there was a pause, and then they fired again because they saw Mason raising up what they believed was a “long gun” or long barreled pistol. Once Mason was no longer moving inside the Honda, they stopped shooting, secured Mason, and started securing the scene.

Thankfully, the JCSO Corporal’s injuries were relatively minor—only piece(s) of projectile/glass in his face/head, and he was released from the hospital the same day.

Inside Mason’s vehicle, law enforcement located an AR-15 style rifle, a magazine that said “don’t die first” on it, seven empty “green tip” 5.56 casings, and Mason was wearing body armor.

The District Attorney is charged with the duty of reviewing incidents where deadly physical force is used by police and citizens to determine if the use of force was consistent with Oregon law. As of January 1, 2021, law enforcement’s use of deadly force is outlined in ORS 161.242, which states that:

- 1) A peace officer may use deadly physical force upon another person only when it is objectively reasonable, under the totality of circumstances known to the peace officer, to believe that the person poses an imminent threat of death or serious physical injury to the peace officer or to a third person and the use of deadly physical force is necessary to:
 - a) Make a lawful arrest when the peace officer has probable cause to believe the person has committed a violent felony;
 - b) Defend the peace officer or a third person from the imminent threat of death or serious physical injury; or
 - c) Prevent the escape from custody of the person when the peace officer has probable cause to believe the person has committed a violent felony.
- 2) Prior to using deadly physical force upon another person, if the peace officer has a reasonable opportunity to do so, the peace officer shall:
 - a) Consider alternatives such as verbal de-escalation, waiting, using other available resources and techniques if reasonable, safe and feasible, or using a lesser degree of force; and
 - b) Give a verbal warning to the person that deadly physical force may be used and provide the person with a reasonable opportunity to comply.

ORS 161.242.

Here, Mason was armed, had a warrant for murder, had previously made comments about “shooting it out” with police, and was the first one to shoot. The below still image from the JCSO Corporal’s dashcam illustrates what happened here. Once Mason’s vehicle was immobilized, Mason drew his firearm and began shooting at both patrol cars with law enforcement still in them. The barrel of Mason’s AR is pointed directly at the patrol cars.



Under ORS 161.242, all seven officers’ use of deadly force was justified under (1)(a), (b), and (c) and there was no “reasonable opportunity” to warn Mason and / or attempt any type of verbal de-escalation. In sum, Mason was wanted for violent felonies, was using deadly force against police, and was actively evading capture for said crimes. All seven involved officers’ actions were wholly justified and no further action in this matter is anticipated nor merited.

District Attorney Eastman would like to thank the Jackson County Sheriff’s Office for their assistance and thorough investigation into this matter.