

# Shooting: OSP investigated the shooting with county's major crimes team

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on the guns involved, police reports and an assessment from a state expert on the use of force by law enforcement were also released.

Investigators say Case's toxicology report was positive for methamphetamine and marijuana.

Case, who was known as "Deano," worked at Gorilla Gas, located near the RV park. Case's longtime, on-and-off girlfriend lived with him until May, when she left with the couple's 4-year-old daughter.

Case's friends and family described him as hot-tempered but unlikely to engage in a shootout with police.

Several people with knowledge of the shooting said police did not give Case enough time to drop his weapons, while others said the shooting was justified, according to police reports.

## Dog attack

More than an hour before the shooting on the afternoon of July 24, Seaside Police Officer Jess Vaughan responded to an incident at the RV park in which a man was mauled by a dog.

As Rick Derby angrily left a trailer after a dispute, he pushed a door open, which hit a nearby dog, according to police reports. Derby then allegedly kicked a water bowl that also hit the dog before kicking the animal itself.

The dog bit Derby's leg after it was kicked, causing him to fall to the ground.

While Derby was on the ground, Case busted through a nearby fence just before the dog bit into Derby's face. Case pulled Derby off the ground and guided him to safety.

Some residents said Case's actions escalated the situation, while Derby said Case saved his life.

Derby was taken to Providence Seaside Hospital by one of the RV park tenants and flown to Legacy Emanuel Medical Center in Portland.

While one of the dogs was seized immediately



An image from Seaside Police Officer Jess Vaughan's body camera. Cpl. David Davidson is at right. Carl Brian Hussey, a bystander on the shooting, is next to Davidson in the white shirt. Cashus Dean Case is on the ground behind the motorcycle on the left.

after the mauling, the owner had two other dogs that ran away during the attack. Case, who was uninjured, became increasingly agitated.

"If I were you, I'd be over there putting bullets in all of them," Case told Vaughan about the dogs.

In one recording, Vaughan, after seeing the amount of blood and speaking to witnesses, said he would have shot the dog in that situation.

"Dog comes at me, it's getting a bullet," Vaughan said.

After police left, Case became more agitated, returning to his trailer to get the black powder pistols. The pistols, which were unloaded, were single-action, six-shot revolvers modeled after guns popular in the 1800s.

Case was prohibited from owning firearms after previous felony convictions for drug and burglary charges.

Witnesses said Case repeatedly waved the guns and threatened to shoot the dogs.

## Animated conversation

Case was speaking with Carl Brian Hussey outside Case's trailer before the two police officers and a civilian volunteer approached the RV park on foot about an hour after the mauling.

Hussey tried to convince the animated Case to put the guns away, he told police. He added that he never felt threatened during the conversation.

As officers approached the RV park entrance, their view appeared to be momentarily obscured by a parked Ford Ranger. At least one of the guns, inside a brown holster, was visible, though it was not immediately clear to the officers what kind of weapon Case was holding.

"Which one is he?" Davidson asked.

"Right there, holding a knife," Vaughan said.

As officers walked around the truck, Case was yelling at a woman in the RV park. At one point, he said the word "kill," though it is unclear what else he was saying.

Officers raised their guns immediately after the word "kill." Davidson, carrying an AR-15, stepped ahead of Vaughan, who was carrying a pistol.

Upon Davidson's verbal command to drop the weapons, Case turned toward the officers, reached with his right hand behind his back where the other pistol was strapped and started to raise the pistol in his left hand before Davidson started shooting.

"He starts bringing them up in front of him, and it was that decision point where I knew if he was able to, if he was able to level those up and get a shot, you know, my partner could be killed, or I could be killed, or anyone in the group that he was just threatening," Davidson told investigators.

## Use-of-force analysis

The Oregon State Police investigated the shooting with the Clatsop County Major Crimes Team.

Scott Willadsen, a coordinator with the state Department of Public Safety Standards and Training, conducted a use-of-force analysis. The analysis did not draw conclusions about whether the shooting was justified, but applied several training techniques to the encounter.

"The reasonableness of a particular use of force must be judged from the perspective of a reasonable officer on the scene, rather than with the 20/20 vision of hindsight," the analysis advised. "In essence, an officer is only expected to make a reasonable decision based on what they knew before and at the moment the incident occurred."

Some of the factors that would be considered in train-

ing would be that people were nearby, the suspect was armed and that the open area at the RV park did not allow for cover, Willadsen wrote.

Most handguns have an accurate firing range of at least 25 yards, Willadsen said. The Seaside officers appeared to be within that range.

Willadsen added that it is "unreasonable" to try to figure out if a weapon is loaded when confronted with what could be a deadly threat, as officers learn during confrontation simulation training.

"In many scenarios the officers discover that an armed suspect has an 'actual' gun when they get shot, confirming the fact that it was a real gun and loaded," Willadsen said. "This is a dangerous way for an officer to try and logically analyze the severity of danger they are dealing with in a fast-moving and chaotic situation."

## 'They didn't give him a chance'

Davidson was also involved in a confrontation that left Sgt. Jason Goodding dead in February 2016. The two officers were trying to arrest Phillip Max Ferry on a felony warrant downtown when he resisted.

Davidson fired his Taser

at Ferry, who fired one shot from a pistol back at the officers, hitting Goodding under his bulletproof vest. Davidson then killed Ferry after firing several rounds.

The district attorney's office concluded Davidson was legally and morally justified in shooting Ferry.

Davidson was among several officers involved in a December 2015 traffic stop on U.S. Highway 101 that nearly became dangerous.

A Wheeler man was stopped by a Cannon Beach police officer for a defective headlight and refused to show his driver's license. Following a lengthy debate, the driver started his car.

Davidson, who had placed a spike strip in front of the car, drew his gun and ordered the man to turn off his engine. The Cannon Beach officer warned that they did not need to force the driver to accept a citation. The citation was placed under the man's windshield wiper and he drove away.

Hussey, who was standing next to Case before the shooting at the RV park, asked investigators why an officer would shoot with "an innocent person just standing there."

"What the hell would they do that for?" he said. "I thought they were going to kill me too."

Ken Case Sr., Case's father, questioned why police had to use lethal force against his son.


"They didn't give him a chance, they murdered him," Case Sr. said after watching the video footage.


Case Sr. said he has not decided whether to pursue a lawsuit against the city.

"We all lose. I lost, the city of Seaside lost," he said. "I'll never get to hug my son again. He'll never be able to hold his daughter. They took all this away from us."

"We lost, OK. But here's how come Seaside lost ... As long as they have people running things the way they are, they lose."

Brenna Visser contributed to this report.





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