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THINK OUT LOUD

Eugene man with mental illness dies after being taken into police custody



By **Allison Frost** (OPB)

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A Eugene police officer is pictured here at the 2016 U.S. Olympic Track And Field Trials.

Bradley W. Parks / OPB



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All Things Considered

In March of 2020, Landon Payne [stopped breathing after officers restrained him](#) at a Lane County jail. Oregon was two weeks into a statewide shutdown due to the COVID-19 pandemic. Payne's wife Angie had originally called the Eugene Police Department when he was experiencing a mental health crisis. Two of the three officers who first responded did not have mandatory crisis intervention training and made a series of decisions that Angie Payne says led directly to her husband's death. Video from the jail is available, but so far the EPD has not released the officer's body camera footage. Reporter Ardeshir Tabrizian uncovered the details of Payne's death in reporting he did for Eugene Weekly and the University of Oregon's [Catalyst Journalism Project](#). The paper is appealing the [decision to withhold the body camera video](#). We talk with Tabrizian about Landon Payne's death, the coverup he discovered and what happens next.

Editor's note: Reporter Ardeshir Tabrizian [won the appeal today](#) to obtain the body camera footage of the officers.

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The following transcript was computer generated and edited by a volunteer:

Dave Miller: *This is Think Out Loud on OPB. I'm Dave Miller. Two months before George Floyd was killed by a Minneapolis police officer, Derek Chauvin, sparking an international movement, a white man in Eugene died after being taken into police custody. His death has gotten almost no coverage until recently. Landon Payne went into cardiac arrest while law enforcement officers held him to the ground, one placing his knees on Payne's back. Payne was taken to a hospital where he died two days later. Ardeshir Tabrizian wrote about the unanswered questions surrounding Payne's death last month for Eugene Weekly. He joins us now to talk about them. Ardeshir Tabrizian, welcome to Think Out Loud.*

Miller: *I'm grateful that you joined us. Can you first tell us just a little bit about Landon Payne? What did you learn about his life?*

Tabrizian: Sure. So Landon Payne was born in Salem. His parents were in the winery business, so he moved around the country a lot and his parents split up and he moved back to Salem with his mom in his late teens. He struggled with depression and started drinking and smoking weed in high school, and went on to battle some substance abuse later on in his life, although I'm not entirely clear on how bad that got, but he did do some time for selling lower level drugs you could say. And he got out in his mid twenties, had two kids before he was married to his wife in 2013. By all accounts, was a very bright guy, very funny and creative. His wife described him as a computer geek. He also wrote a lot of poetry throughout his life and performed electronic music professionally, until his early 30s. He mainly worked in landscaping and computer repair. There were a couple of periods where he struggled with child support payments stemming from previous relationships, which played a huge role in his arrest last year. But according to his wife, he had actually made payments in that case before his arrest and had tried contacting the court a couple of weeks prior to try to set up a court date and that never materialized. And at that time last year he was depressed. He had suffered a lot of losses in his life. He lost his job after suffering an injury on the job, and lost several friends and family members in a short amount of time. So he was in a bad place. And I think one other thing that I think is just critical to mention is that he had one other incident similar to what happened before he died. Three years prior in 2017, he had used meth and had a very similar mental health crisis and he either fell or jumped out of a second story window and ran off. So his wife called Eugene Police. They found him wandering on a median on a highway and they told him that he's not in trouble, but they're worried about him. And so they detained him and took him to a hospital on a mental hold for his safety. And so he was able to stay sort of on a straight path for the next three years until almost the exact same situation was handled quite differently by the Eugene Police.

Miller: *How did the encounter with police start on March 27, 2020?*

Tabrizian: So, Landon had gone away and used meth with a friend that he hadn't seen in years and he came back and just admitted everything to his wife and how he had made a huge mistake and was doing okay for the rest of that day until sort of the afternoon, early evening. He started to really become increasingly paranoid to the point that he started to have a mental health crisis and went outside and started yelling for help and saying that people were trying to hurt him and kill him. His wife did the same thing that she had done three years prior. She called the police. She asked for

Miller: *How did officers respond?*

Tabrizian: Well it's important to note that CAHOOTS had suspended its services at that time or at least their services were limited due to COVID and White Bird Clinic, which runs CAHOOTS, was shut down for the time being. And so it was really sort of up to the officers and they knew when they arrived that Payne had this prior mental hold and they also knew that he had this warrant for his child support case, which had become a criminal matter at that point.

After he had failed to show up for a hearing three years prior. So they knew about this, but they told his wife that they had no reason to arrest him because he hadn't committed a crime and while they're sort of working with him to calm him down, they decided to arrest him at that point and he started to sort of walk away from officers and they took him to the ground and tased him several times, I believe it was three times at least. And that's where things get a little bit complicated because you have the police's account, which was that he was angry and agitated from the moment they got there, and then you have his wife who says that he had actually started to calm down and sober up and reason with the police once they showed up and it wasn't until they tased him that his panic really turned into delirium and he really just had no control over his body at that point and they put him in the car. And he was just basically screaming and crying on the way to the hospital. After medics quote, unquote, cleared him,

but the medics couldn't actually get his vitals either. But they cleared him to go to the jail anyway.

Miller: *What did you hear from mental health experts about the best practices when officers are dealing with people who are in the middle of an acute health crisis or, as in this case, are high on meth?*

Tabrizian: Well, ultimately they should try to help them and I never got the sense and neither did his wife that they were really there to help him at that time. And certainly, mental health experts, I talked to Jason Renaud in Portland, namely, who said that if somebody is under the influence of meth and having a mental health crisis and they haven't otherwise committed any crime, you absolutely should not tase them. And I think we saw why, in this instance.

Miller: *Crisis intervention training was mandated by the Eugene Police Department in 2015. But you found in your reporting that two of the officers who responded to this call had not received that training. A third one had only partially completed it. Did the Eugene Police*

Tabrizian: No, the Eugene Police Department has explained nothing related to this story. I got no comment from them. And so, that's one of many unanswered questions I have for the Eugene Police Department for this story.

Miller: You requested Eugene police officer's body camera footage. That request was denied. But you appealed that denial. And my understanding is just today, recently, you got news that you had won that appeal. What questions are you hoping that that footage is going to help you answer?

Tabrizian: Yes. We actually found out just an hour ago that the DA's Office has ordered the Eugene Police Department to produce that body camera footage, which is just a huge victory for the public in Lane County. And I think that it will really show us what happened that night. Like I said, there are conflicting accounts from his wife and the police and, to me, when they're willing to release some footage and not this body cam footage, they actually agreed to release the in-car footage instead. That just tells me that we need to see what really happened that night, to actually have the full truth. There are a lot of little things, but I think that his state leading up to his arrest and leading up to the taser use, as opposed to afterwards, is a key part of that.

Miller: You were able to get more clarity about some of the next details in this because it was captured on Sheriff's department videos when Landon Payne was taken from the street there to the county jail. Can you tell us about the conversation that you were able to watch on video between police officers and sheriff's deputies at the jail?

Tabrizian: Yes. So we have body camera footage on a sheriff's deputy at the jail, which is run by the Lane County Sheriff's office. And we have another camera that's on the wall of the sally port, which is sort of a secure jail garage area before people go into booking. And so what I can make out from the conversation on video and from memos written by sheriff's deputies, is that, essentially they, it's up to the arresting agency whether or not to lodge somebody at the jail. They had the option to cite him and release him, either just release him in general or release him to a hospital. And Officer Solorio, who briefed, the Eugene police officer who briefed the deputies and who arrested Landon Payne essentially said that they did not want to cite and release him because they would just have to deal with him again. I think his words were, we're going to get a call back and it's going to be kind of the same thing again. And so the sheriff's deputies tried to make that an option and they denied that and they insisted on booking him in the jail. And so that is what happened.

Miller: What happened from that point of that footage, I'm assuming you'll be looking into that.

Tabrizian: So they had tried to talk to him in the car and see if he would cooperate, but he was just not in a state to even really understand what was going on. He screamed at all of their questions, and so eventually several sheriff's deputies pulled him out of the car and sort of eased him to the ground. One of them held his head down, presumably so that he wouldn't bang his head on the ground, and it was seven and then up to eight deputies were restraining him. You can see in the video that at least one deputy has his knee on his back. The police reports say there were two and he's continuing to scream. At one point he says, "I can't breathe" pretty clearly. And shortly after that his screams sort of turned to grunts, which eventually turned to nothing. I don't have the exact time stamps on me, but you know, it's a pretty harrowing thing to watch and eventually they realized that he has stopped breathing and they roll him over and start doing CPR until the medics get there.

Miller: And then as you describe it, he eventually was taken to a hospital, and he died two days later. I want to turn to another big part of this story as you've reported it, which is the medical examiner's investigation and findings. If I understand correctly, there are two big questions that the medical examiner has to answer in a case like this, the cause of death and the manner of death. What's the difference?

Tabrizian: That's correct. Yeah. And so the best way I can explain it is that the cause of death refers to the injury, the trauma, the disease, whatever it may be that caused his death and the manner of death would be the circumstances that led up to that cause of death. So I guess the best example I could use is if somebody was shot and killed, the cause of death would be a gunshot wound and the manner of death would be homicide, if that makes sense.

Miller: So what did Daniel Davis, the medical examiner in Lane County, what did he say was the cause of death? And what did he say was the manner of death?

Tabrizian: So the cause of death was, there's a medical term for it, that's anoxic encephalopathy, due to cardiac arrest during restraint by law enforcement. And that that essentially means that he, what's the best way to put this, that he was lacking oxygen to his brain due to cardiac arrest that he suffered during restraint by law enforcement and the manner of death came down to, there are five options. It's suicide, homicide, accident, natural or undetermined. In this case, it really came down to accident, homicide or undetermined and he ruled it undetermined.

Miller: And just to be clear, homicide doesn't mean murder, right, homicide means that that a

Tabrizian: Yes, that's important to note, is that there's no intent there, it's not a criminal matter or criminal diagnosis, I should say, it just means death at the hands of another. But a homicide finding would have triggered an independent criminal investigation and the undetermined ruling pretty much prevented that from happening.

Miller: You provided the medical examiner's report to three independent medical experts. What did they say about that designation of undetermined manner of death?

Tabrizian: Yes. So I talked to two forensic experts and one cardiologist. One of the cardiologists said that he thinks the medical examiner made the safe call because these cases are just really, really difficult to try to determine a manner and that if you lined up a bunch of forensics, they might all sort of be split down the middle. But the other two experts both said that they questioned Daniel Davis's finding and that a homicide ruling in the manner of death would have been consistent with his own findings that police restraint was part of the cause of death.

Miller: As opposed to a heart attack, just happening almost by accident at that exact moment?

Tabrizian: Yes. The idea that the heart attack would have happened regardless of whether or not they restrained him.

Miller: Have you thought about how this whole story and in particular, the aftermath, would have been different if the public had had access to cell phone footage of what happened, both what happened when Eugene police originally arrived, but also what happened with sheriff's deputies?

Tabrizian: Absolutely. I mean, we all saw the public reaction last year when that cellphone footage was posted of George Floyd being murdered. And I almost feel like I sort of was lucky to even find out about this because I absolutely believe it would have been swept under the rug and it was. The Lane County Sheriff's Office and Eugene police never announced the death. And nothing leads me to believe that they would have because they hadn't more than a year later. And as much as this story is hugely in the public interest, I think it just means something different to people when they actually see it because that's another human being, and I think that this happens much more than people realize. And it is a scary thought.

Miller: Ardeshir Tabrizian, thanks very much for joining us.

Tabrizian: Thank you so much for having me.

Miller: *Ardeshir Tabrizian is an investigative journalist. He wrote this article about Landon Payne while he was at Eugene Weekly. He is now interning at the Oregonian for this summer and next month, he's going to start as a reporter for the Salem Reporter. Tomorrow on the show, as Oregon swelters through another heat wave, we're going to ask how the neighborhoods most prone to deadly heat could be cooled down going forward. Our production staff includes Julie Sabatier, Elizabeth Castillo and Senior Producer Allison Frost, Nalin Silva engineers the show. Our technical director is Steven Kray and our executive producer is Sage Van Wing. And we are all so excited to announce the start this week of our newest producer, Rolie Hernandez. Welcome to the team. If you don't miss any of our shows, you can listen on the NPR 1 app, on Apple podcasts or wherever you get your podcasts. Our nightly rebroadcast is at 8p.m. Thanks very much for tuning in to Think Out Loud on OPB and KLCC. I'm Dave Miller, we'll be back tomorrow.*

Think Out Loud is supported by Steve and Jan Oliva, the Rose E. Tucker Charitable Trust and Ray and Marilyn Johnson.



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Peter Graven is the lead data scientist at OHSU, and Dawn Nolt is a professor of pediatrics and infectious diseases there and the OHSU Doernbecher Children’s Hospital. They join us with details on the forecast and what Oregonians should know as the delta variant continues to spread.

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