

Keizertimes

SECTION A

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Police shooting withstands review

By ERIC A. HOWALD
Of the Keizertimes

Note: The author of this article is the reporter who participated in the Deadly Force Review Board.

In dashcam video, Officer Tyler Wampler pulls up next to a sign marking the intersection of Springtime Court Northeast and Chemawa Road Northeast. It is March 14, 2018. In the next 35 seconds a man, suspected of robbing a Pizza Hut on River Road North, will die of a single gunshot.

Ahead of Wampler's vehicle, where the camera will remain in a fixed view, a red Hyundai Elantra is seen crashed into a white vehicle and the suspect exits the Hyundai in a black mask, carrying a black bag and takes off on foot into the cul de sac. Wampler parks his patrol vehicle on the sidewalk of a residence and exits the vehicle with an AR-15 in hand. He shouts a warning to the suspect that he has the assault rifle in hand and will use it.

Neither man is seen on camera from here on out, but the audio from what is occurring is nearly crystal clear. Within a few seconds, Wampler issues another warning that the suspect will be shot as he chases the man into a single-family residential neighborhood. He repeats a warning again a few seconds later. Somewhere in the next moments the suspect has stopped running away and taken up a position between a large pick-up truck and a larger SUV parked in the driveway of one of the homes. According to testimony provided to a grand jury and police reports, he is looking back at Wampler and other approaching officers and is being asked to show his hands, repeatedly. Wampler and another officer later testify that the man showed one hand, but never both at the same time. About 20 seconds in, the suspect is warned again about the potential of being shot. The suspect is then heard shouting, "I have a gun." Wampler tells the man to drop his weapon. About

Why Keizertimes took part in the KPD's Deadly Force Review Board and where to go from here.

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Armed robbery at Pizza Hut

Officers pursue suspect through Keizer

Suspect crashes at intersection of Springtime and Chemawa Road Northeast

Suspect exits vehicle

A SHOOTING UNFOLDS

Officer Tyler Wampler exits vehicle, warns suspect that he will be shot, foot pursuit begins

Second warning issued

Third warning issued

Suspect takes cover between two vehicles parked in a driveway

Fourth warning issued

Suspect shouts back he has a gun

Fifth warning issued

Shot fired killing suspect

the 29-second mark, Wampler issues one more warning, telling the man he will be shot. Shortly thereafter, Wampler apparently sees an opportunity and takes it. A sound, somewhere between a crack and a

Deadly Force Review Board assembled by the Keizer Police Department (KPD) Tuesday, June 12, to determine whether Wampler acted in accordance with department policy regarding use of force. Such re-

views are an uncommon occurrence for KPD. Officers have used deadly force less than a half-dozen times in its more than 30-year history. The March incident was the first time such force has resulted in a death, but review boards have been

of the Keizertimes staff to sit on the board and then write about the experience. It's the first time a civilian, much less a member of the media, has been allowed to do so in the department's history.

KPD's use of physical force policy amounts to six pages in a manual that is more than 400 pages long, but it is informed by prominent court cases throughout the country's history. Three court challenges are given special note. The first is *Graham v. Connor*, which established "The Objective Test." The court determined that officers must balance use of force with intrusion on an individual's freedom from unwarranted search and seizure.

In more practical terms, it established four circumstances to be considered when using reasonable force:

- The severity of the crime. In this instance, the suspect allegedly held two Pizza Hut employees at gunpoint while robbing from a cash register, then led police on a five-minute car chase through a number of resi-

dential areas before crashing at Springtime Court. When the suspect's body was recovered from the scene, a black bag holding the same amount of cash stolen from the Pizza Hut was found next to him.

- The immediacy of the threat. There are multiple ways to view the incident through this lens. Prior to fleeing on foot, the suspect nearly collided with a number of KPD and civilian vehicles while trying to escape in the Hyundai. Many of the close calls were caught on dashcams, but others might have occurred outside those views. When pursuing the suspect on foot, Wampler testified that the suspect looked over his shoulder several times. Sgt. Bob Trump told members of the review board that such actions are considered a high-level threat. Trump summed it up saying, "If the suspect should be focused on getting away, why is he looking back to see where police officers are?"

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"If the suspect should be focused on getting away, why is he looking back to see where police officers are?"

— Sgt. Bob Trump, Keizer Police Department

pop, silences all chatter briefly. The suspect is killed with that single bullet, but it will take another few minutes to be certain the standoff is over.

The video was one of several exhibits examined by a

assembled every time deadly force was used.

Aside from those milestones, this review board was unique in another way. Chief John Teague and Deputy Chief Jeff Kuhns invited a member

Authorities' response to stray bullet? Letters

By ERIC A. HOWALD
Of the Keizertimes

Neighbors along the Willamette River in Keizer turned out at the Keizer City Council meeting Monday, June 18, to ask for action in response to a bullet that traveled across the river from a shooting range into a Keizer home.

"He has the right to shoot over there and we have the right to not live in fear. We want to know what has been done and what is going to be done to stop this," said Rhonda Rich, a resident on Raphael Street North, and a neighbor to the couple whose home was struck by the bullet. "This isn't a second amendment issue, it's a public safety issue."

For now, it seems the only action the city plans on taking is sending a letter and trying to keep pressure on Polk County officials to take action.

On Saturday, June 2, four men were cited for reckless endangering after a bullet they fired from a quarry being used

as a shooting range — located across the Willamette River in Polk County — penetrated the exterior wall of a home in the 1300 Block of Raphael Street North and stopped only after striking a backslash located in the kitchen of the home. One of the homeowners was in the kitchen at the time of the incident.

Keizer residents along the river have requested action twice in the past year. The first time, in September 2017, residents were responding to bullets that strafed trees in Sunset Park and caused park users to flee into the neighborhood.

"I'm angry that we have to be back because of another shooting (incident)," said Rich. "I avoid going in my backyard because I'm afraid of a stray bullet. It's a matter of responsible gun ownership that isn't happening."

A Keizer police sergeant met with the owner of the quarry, Lance Davis, after the September incident and signs were put in place to alert



A photo of the bullet that entered a home on Raphael Street North earlier this month.

range users to the residences across the river. But, the latest incident resulted in City Attorney Shannon sending a letter to Davis.

"This situation is unacceptable and dangerous. I cannot advise you legally, however I would have to believe that you and your company have some liability in this regard," John-

son wrote in a letter dated June 13. "The City (of Keizer) urges you to take all action necessary to immediately stop the use of your property as a shooting range. My concern is that any preventative measures will not eliminate the risk that rounds fall into Keizer as long as the property is used as a range."

"The City (of Keizer) urges you to take all action necessary to immediately stop the use of your property as a shooting range."

— Shannon Johnson, Keizer City Attorney

In addition, Clark read into the record a letter from Polk County Sheriff Mark Garton sent to Polk County Commissioner Craig Pope.

After speaking with Davis, Garton wrote, "I have asked what his plans were to improve safety and he told me

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Williams to play at Western
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Drone zones
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McNary teacher retiring after 30 years
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Basketball camp sees record turnout
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