

Jury: Sheriff says criminals are more 'brazen'

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He said after decades of having no fatal officer-involved shootings, law enforcement departments in Polk County have been involved in three in 18 months.

"My experience tells me criminals have become more brazen than ever before," Garton wrote. "This is alarming, and it should raise concern for everyone."

He said suspects officers encounter now are more likely to resist arrest or led officers on vehicle chases. He said in recent years, deputies have encountered suspects who deliberately drive into oncoming traffic to get police to stop pursuing them.

"Ten years ago in Polk County, we didn't have the kind of issues with criminals that we have now," he said. "There's a different mentality."

With the grand jury decision announcement, District Attorney Aaron Felton included details of what happened the morning of the shooting before and during the confrontation.

Early that morning, Salem Police officers tried to apprehend Escalona-Baez after his mother reported that he had taken her Ford Explorer without permission, according to the report.

At 2:30 a.m., officers spot-

ted the 2002 Ford "driving erratically and at excessive speeds" near Silverton Road NE in Salem. Tracing the license plate, they contacted the teen's mother in Silverton.

"When Salem Police attempted to contact Escalona-Baez, he led multiple police cars on a high-speed pursuit through Salem and over the Marion Street Bridge into Polk County," the report read. "Ultimately, he reversed course at approximately Highway 22 and 52nd Avenue and drove east back into downtown Salem."

Officers decide to call off the pursuit, but identified the driver as Escalona-Baez using his Department of Motor Vehicles photo.

At about 4 a.m., Marion County Sheriff's Office deputies responded to a reported carjacking in the parking lot of the Safeway at the corner Silverton Road and Lancaster Drive in Salem.

"The victim reported that a man in a white Ford Explorer had forced him off the road, pulled him from his vehicle (a black 2015 Toyota sedan), and threatened him with what appeared to be a weapon in his pocket," the report stated.

Believing the Toyota was headed toward Polk County, Haynes, and deputies

Lorence and Mike Stevenson separately responded to intercept the vehicle. They found the Toyota near Bassett Slough, the report said.

The pursuit reached speeds of 80 to 100 mph, and Escalona-Baez repeatedly drove into oncoming traffic and the highway shoulder, according to the report.

Deputies were in marked cars with lights and sirens on. Dispatch informed the officers that the suspect had been armed at the time of the carjacking, the report said.

At about 4:25 a.m., Grand Ronde Tribal Police Officer Ron Welborn attempted to stop the vehicle near the intersection of highways 22 and 18 with spike strips, which shredded the left front tire and slowed the vehicle.

Haynes maneuvered in front of the Toyota, blocking it just past the Fort Hill area near Grande Ronde. With probable cause to arrest Escalona-Baez and reason to believe he was armed, the officers decided to perform a "high-risk" traffic stop, the report stated.

With weapons drawn, officers repeatedly ordered Escalona-Baez to the ground.

"Escalona-Baez quickly came out of his vehicle and refused to obey the deputies'

verbal commands, walking directly towards Sgt. Haynes," the report said. "Sgt. Haynes physically moved him backward with his foot away from the open door of his patrol vehicle to prevent him from gaining entry."

Lorence also struggled with Escalona-Baez to get control of him.

Standing two arm lengths away, Haynes noticed Escalona-Baez holding a 5-to 6-inch fixed blade knife.

He yelled, "He's got a knife," to the other officers and told Escalona-Baez to drop the weapon.

According to the report, Escalona-Baez didn't follow that command and walked toward Haynes' patrol vehicle. Haynes repeated his command to drop the knife.

"Escalona-Baez, still within arm's reach of Haynes, turned around and advanced directly towards Haynes, pointing the knife towards him," the report said. "Haynes then shot Escalona-Baez twice. Deputy Lorence, standing next to Sgt. Haynes, also shot twice."

Deputies and first-responders provided medical attention to Escalona-Baez, but he died of his wounds at the scene, the report said.

The grand jury heard testimony from the three involved Polk County Sheriff's

deputies. Also testifying were detectives from the Oregon State Police and two citizen witnesses.

Members of the grand jury also reviewed scene photos, report of the Oregon State Medical Examiner's Office, as well as 911 and other audio. The grand jury found deadly force was justified because: "The use of physical force was necessary to defend the police officer or another person from the use or threatened imminent use of deadly physical force;" and "the officer's life or personal safety was endangered in the particular circumstance involved."

Addressing the Oct. 28 incident specifically, Garton said he believes the officers on the call didn't have the option of using less lethal means to subdue Escalona-Baez. He said the suspect was too close to officers to use a Taser.

"What if the Taser missed?" Garton said. "He would have been stabbed and wouldn't have time to draw his weapon."

Garton said he's willing to answer any questions people may have about his department's policies and procedures or officer training. He encourages people to request a ride-along to see the day-to-day duties of deputies

on shift.

"I would talk to anybody," he said. "We're doing a better job, but we aren't doing a great job of talking to people about what we do."

Though he said he's not against the practice, sheriff's office deputies don't wear body cameras at this time. Garton said he's preparing his office for incorporating their use in the future. He said now the issue isn't the cost of buying the cameras, but of updating policies regarding their use and storing the data they record.

Garton said if you are going to have body cameras, they must be on during all interactions, otherwise it defeats the purpose of having them. That means storing video from each 12-hour shift.

State law requires the agency retain all footage for a specific amount of time. Any footage used as evidence in a case is required to be stored longer. In addition, any video released to the public has to be redacted to protect the identity of some who appear in the footage.

"I don't have another person to sit down to do that," Garton said, noting he believes that soon law will require all officers to use body cameras.

Library to remain open through at least Aug. 31

Jolene Guzman
The Itemizer-Observer

FALLS CITY — The Wagner Community Library will remain open at least until

Aug. 31, enough time to complete the 2018 summer reading program.

The Falls City City Council had approved closing the library on June 30, 2018, fol-

lowing a closing procedure that requires two public hearings. At its Nov. 9 meeting, the council was scheduled to approve a timeline for the closing process.

Wagner Library Advisory Committee Chairwoman Amy Houghtaling requested the council move the closing date to accommodate the summer program.

Wagner received a grant to pay for its summer reading program, funding it would lose if the library closed before the series ended.

"The summer reading program is a huge benefit to our kids," Houghtaling said.

Terry Ungricht, Falls City's acting city manager, said moving the closing date would cost about \$11,000. He said the funding is available in the Wagner account.

"If we have the funding, we absolutely should," said Councilor Lori Jean Sickles. Houghtaling said the

committee, Falls City School Board member Bob Young and Librarian Andy Rommel discussed the most-used services at the library at the committee's last meeting.

"I asked the question: What needs is the Wagner Library meeting and is there another way to meet those needs?" Houghtaling said.

Rommel said computer use, the summer reading program and book checkout for home-school families.

"We talked about other ways that those needs can be met," Houghtaling said.

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