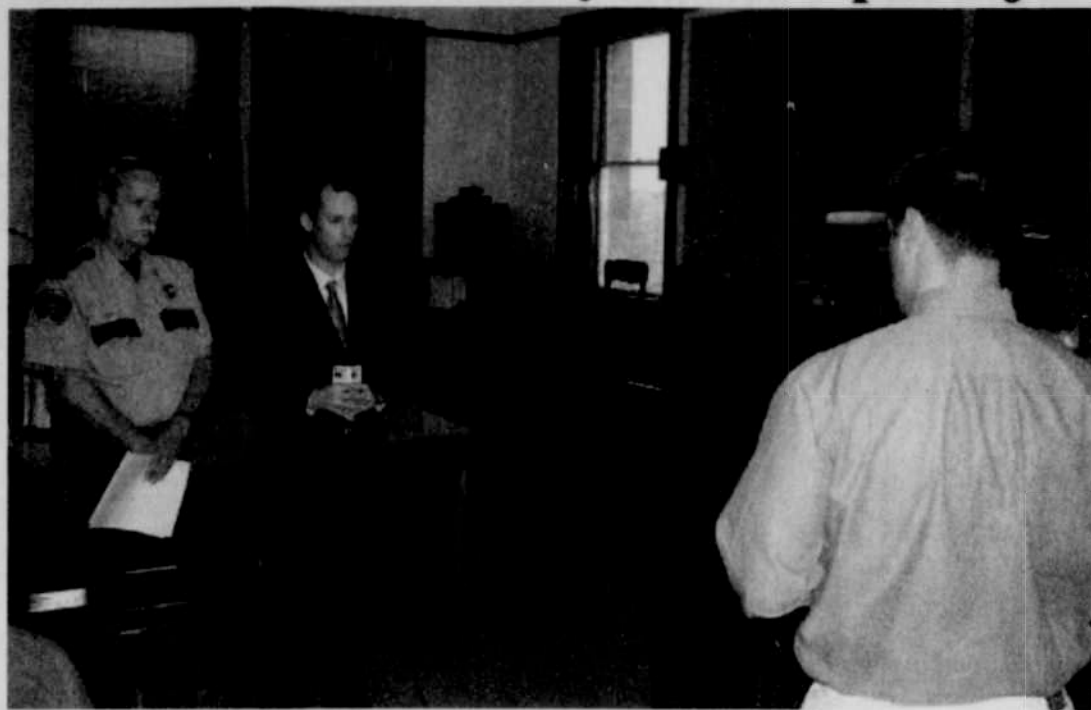


# Grand Jury determines Morrow County Sheriff deputies justified in use of deadly force

*Editor's note: The following is a press release from the Morrow County Sheriff and the District Attorney concerning an incident last month where a man was shot and killed by deputies on a domestic disturbance call in Irrigon. The release is printed in its entirety.*



MCSO Sheriff Verlin Denton (left) and Morrow County District Attorney David C. Allen (right) gave a press conference to Tri-Cities television and local newspapers on Wednesday, May 12 concerning the grand jury decision in the officer involved death on April 12 in Irrigon

The Morrow County Grand Jury, after careful deliberation of the evidence presented on May 12, determined two Morrow County Sheriff's Deputies were justified in using deadly force against Shane Richard Hartung on April 12, 2004. The Grand Jury, after reviewing the autopsy report, hearing testimony from deputies Brian Snyder and Jeff Lambier, and Oregon State Police Detective Mike Davis, concluded no criminal charges were warranted as both deputies used reasonable force, albeit deadly force, to fend off Hartung's attack with a machete. Both deputies sustained serious injuries in the attack.

Morrow County District Attorney, David C. Allen, said, "We are satisfied the grand jury had a clear understanding of the events of April 12. The investigation completed by the Oregon State Police revealed very clearly that these officers were justified in their actions. The grand jury heard emotional testimony today (May 12) but deliberated for only five minutes before making their decision that the use of force by the officers was justified. I would like to thank the Oregon State Police and all the other numerous law enforcement agencies involved in this investigation for their hard work and professional approach to the investigation of this tragic event. The facts demonstrate both officers followed the force continuum as they are trained to do. Non-deadly force was used but was unsuccessful in stopping the violent attack by the suspect. Deadly force was required to stop this man. I would note the officers would have been justified in using deadly force much earlier, however the close quarters and proximity of officers not allow the use of deadly force until they did. The officers took the first clean shot they had after being brutally attacked and seriously wounded. I am relieved both officers were not more seriously injured. This incident highlights the danger law enforcement officers face everyday,

particularly in dealing with domestic disturbance calls and methamphetamine use. Both officers testified regarding the unusual strength the suspect possessed. I attribute this almost entirely to the suspect's chronic use of methamphetamine and the aggression it generates. We will continue our efforts to rid our communities of this terrible drug."

Morrow County Sheriff, Verlin Denton, had this to say: "When circumstances cause the use of deadly force by law enforcement officers, the unavoidable risk is that someone will be killed or seriously injured. Circumstances justifying the use of force often happen quickly in situations of great physical and mental stress. It is my opinion that these two deputies used heroic efforts to avoid having to use deadly force against another human being in the performance of their duties. Unfortunately, they were left with no choice, as the investigation results clearly indicate. Morrow County has good reason to be proud of these two deputies and all the men and women of law enforcement, emergency medical services and communications deputies that were involved that tragic day. The Oregon State Police are to be commended for their professional and thorough way they handled the investigation. They have my sincere thanks. To all those who offered their thoughts and prayers during the last few weeks I wish to convey the thanks of all the staff at the sheriff's office. You make us proud to work for you."

Deputy Brian Snyder returned to work on light duty May 10 and is expected to resume his full duties in a week. Deputy Jeff Lambier will continue on

medical leave for another month for some additional medical care.

The following is an outline of the testimony heard by the Morrow County Grand Jury this date:

On April 12, 2004 at approximately 10:47 a.m. Morrow County Sheriff Deputies Brian Snyder and Jeff Lambier were at the Morrow County Annex in Irrigon when they were notified by the sheriff's office dispatch center that a female caller reported that she and her intoxicated husband were fighting and she wanted him to leave. Both deputies responded to the scene of the call, 625 SW 4th Street, Irrigon, OR. As the deputies exited their vehicles they saw a female, later identified as the caller, Laurie Hartung, standing in the yard holding a baby. The suspect, Shane Richard Hartung, 32, of Irrigon, was standing in the door of the residence. The suspect started yelling at the deputies that they couldn't come in his house. The deputies noted that the suspect appeared to be intoxicated and agitated.

Deputy Lambier walked towards the porch where the suspect was standing and asked the suspect to come down the steps and talk with them. The suspect turned and went back inside the residence slamming the door. The door struck a 2- or 3-year-old child that had just appeared beside him. The suspect then reached out and grabbed the child taking him inside. It appeared that the child was trying to leave the residence. The deputies' thoughts at this point were whether the child was injured or could this turn into a barricaded and/or hostage situation. The suspect's wife screamed for the child and started crying saying she wanted the child out of the house. She told the deputies that the suspect had been breaking things in the house.

Deputy Lambier yelled to the suspect in the house to come out and talk. There was no reply. Deputy Snyder asked the wife if there were any guns or weapons in the house? She said no, he is a felon and

cannot have any (she later admitted she knew about the machete but did not know it was in the house). Snyder then asked her if the suspect had been physically violent towards her and she replied "not today." She went on to identify the suspect as Shane Hartung.

Deputy Lambier attempted to talk with the suspect again as they approached the front door of the residence. There was still no response. As the deputies reached the front door the suspect suddenly opened the door and began yelling at the deputies that they were not coming in. Deputy Lambier again asked the suspect to step outside so they could talk and he again refused. Both deputies attempted to look inside for the child and could not see him. Deputy Lambier put his foot on the threshold so the door could not shut.

Suddenly, the suspect tried to slam the door without success and then turned and ran into a bedroom. Both deputies followed and still didn't see the child. The suspect entered a dark bedroom. The suspect then suddenly turned around and struck Deputy Lambier in the head with something. Deputy Lambier went down to the bedroom floor from the blow to the head. The suspect then hit Lambier a second time in the head. Deputy Snyder then came into the room and tackled the suspect. Deputy Snyder saw the suspect strike Deputy Lambier twice with what he thought was a metal object. Neither deputy had identified what the suspect was swinging at this point. Deputy Snyder knew that Lambier was down but didn't know how serious his injuries were at this point. Deputy Snyder was hit in the head with the same object that had knocked Lambier down. Snyder was yelling at the suspect to stop resisting. The suspect pulled away from Snyder and struck him twice more in the head stunning him (Snyder). Deputy Lambier had fallen back outside the bedroom door into the living room. The suspect pulled away from Snyder and advanced

on Lambier. The suspect's way to the front door was open and he could have left. Instead Snyder saw him raise the metal object above his head and strike Lambier again on the head. Snyder got up and tried again to pull the suspect off Lambier, grabbing him around the torso. The suspect seemed very strong and broke Snyder's grip on him. Snyder grabbed him again and was able to pull the suspect off Lambier. Snyder yelled at Lambier to use his taser on the suspect.

At this point Lambier was suffering from blood loss and having trouble seeing because of blood in his eyes. Lambier heard Snyder telling to use a taser on the suspect. At this point Lambier was able to see that the suspect was hitting at Snyder with a machete and until this time did not know that he had been hit with a machete. Lambier fired his taser at the suspect and heard a yell. The taser apparently had shocked both the suspect and Deputy Snyder causing them to separate. The suspect then began moving away from Deputy Snyder towards Lambier again. Lambier knew he could not fight off the suspect as he was now extremely weak and was having a hard time seeing because of blood in his eyes. Lambier yelled at the suspect to stop or he would shoot him. The suspect continued to advance on Lambier. Lambier fired one shot and the suspect went down to his knees. Autopsy results and ballistics comparisons indicate the bullet from Deputy Lambier's shot entered the suspect's right cheek, coursing from right to left, fractured the suspect's right mandible and lacerated the suspect's carotid artery before exiting through the neck.

Just before Lambier tased them, Snyder had been struck several more times with the machete across his vest and on his head. Snyder had grabbed the machete to stop the attack and his right hand had been cut. That was when he realized that the weapon was some kind of sharp blade. The suspect let go of the weapon and Snyder dropped it on the floor. Snyder saw the suspect get to his feet and shortly after that he heard a shot. He saw the suspect go down. Snyder got up and drew his weapon and was covering the suspect. He saw that Lambier was bleeding badly so he moved to the door and called for assistance and an ambulance. As he was doing this he saw the suspect trying to get up. He yelled at the suspect to stay down and tried to shove him down with his foot. Deputy Snyder was exhausted and having a hard time seeing because blood was also in his eyes. His weapon was slick with blood from the cut on his hand.

The suspect regained his feet and started

coming at Snyder again. Snyder retreated down the steps out into the yard telling the suspect to get down. Snyder was exhausted and knew he could not repel another attack and if the suspect got a hold of his weapon he felt he would kill him. Snyder yelled repeatedly for the suspect to get down or he would shoot him. The suspect continued to advance on him following him out into the yard. Snyder turned to his left thinking he would give the suspect some space and maybe the suspect would just leave. The suspect continued to advance turning with Snyder and starting to over take him. Snyder felt the suspect intended to kill him. The suspect got closer and refused to follow his orders to stop. Deputy Snyder fired one shot and the suspect went down. Autopsy results and ballistics comparisons indicate the bullet from Deputy Snyder's shot entered the suspect's left chest area, coursing from right to left, front to back and downward, perforating the suspect's left lung and fracturing the left ninth rib. The bullet was recovered from the chest cavity during the autopsy.

Snyder at this point saw Deputy Lambier stagger out of the house over to him and then fall at his feet. A short time later Deputy Karen Zeiler arrived on the scene and began administering first aide to the deputies. Both deputies were transported to Good Shepherd Hospital for treatment of the serious head wounds they had received. Both have made satisfactory improvement and have been released from the hospital. Deputy Lambier will continue to need medical attention to address his injuries.

Investigation reveals that the suspect, Shane Richard Hartung, has a history of Assaultive behavior towards law enforcement, drug charges, weapons possession, Burglary and domestic violence in Clark County Washington. He was convicted of and served a prison sentence in the Washington State Corrections system for Assault II (class B felony) and Illegal Possession of a firearm (class C felony) in 1997. He also has a history of assault and drug charges in California.

An indication of the viciousness of the attack is the large piece of human scalp from Deputy Lambier's head that was found in the bedroom by investigators where the deputies were first attacked.

Toxicology tests on Hartung indicate he had amphetamine and methamphetamine in his system and a blood alcohol content of .04 percent. Hartung had two notable tattoos: one on his abdomen which stated "White Pride", while the other was double barrels of a shotgun with a banner of the letters "FTW" on his right calf.

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