

CASE NUMBER

96-217998-1 AUG 08 1996

INDEXED

INFORMATION REPORT

DEPARTMENT OF STATE POLICE
SALEM, OREGON 97310

DISTRIBUTION

- Gen. Hdq.
- Arson
- Document
- Dist. Hdq.
- Narcotic
- Ident.
- CrimeLab Springfield
- Other Salem Police Department, Marion County District Attorney

AGENCY

OREGON STATE POLICE - Dist II HQ

1. TYPE OF REPORT

- Supplemental
- Information
- Clearance

2. CASE STATUS

- Clr. by Arrest
- Unfounded
- No Prosecution - Complainant
- No Prosecution - Dist. Atty.
- Pending

3. ORIGINAL SUBJECT OF THIS REPORT

Officer Involved Shooting

4. Original Report Date

5. Time

6. Written By

Terry Crawford, Detective

7. This Report - Date

08/02/96

8. Time

7:57 a.m.

9. County

Marion

10. Victim or Complainant

11: Residence Address

12. Res Phone

13. Sex

14. Race

15. D.O.B.

16. Subject of This Report

Officer Involved Shooting

17. Total Value of Recovered Prop. (Itemize Below)

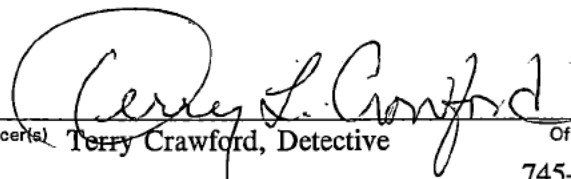
18. Details:

REFER: To Keizer Police Department Case #96-008271 (copy attached)
 To Salem Police Department Case #96-41904 (copy attached)
 To Silverton Police Department Case #96-003509 (copy attached)
 Copy of press release by Salem Police Department

LOCATION: 1605 Candlewood Drive N.E., Salem, Marion County, Oregon

SUSPECT: GONZALES, ALFREDO PALSENSIA - [REDACTED]
 1605 Candlewood Drive N.E.
 Salem, Oregon
 (In Custody)

DECEASED: HERNANDEZ, SALVADOR - HMA [REDACTED]
 1605 Candlewood Drive N.E.
 Salem, Oregon
 OID 4789458



Reporting Officer(s)

Terry Crawford, Detective

Off. I.D. Number

745-20

Other Agencies Notified

Date

Time

Method

APB Numbers and Dates

Approved By

Date

OCT. 07 1996

KW 8-9-96

PERSONS IN RESIDENCE AT TIME OF SEARCH WARRANT SERVICE:

Pineda-Cerna, Bartolo - [REDACTED] (In kitchen)
HMA 5' 8" 140 lbs. Blk Brn
1605 Candlewood Drive N.E.
Salem, Oregon

Talamantes-Guti, Ramiro - [REDACTED]
HMA 5' 8" 140 lbs. Blk Brn
1605 Candlewood Drive N.E.
Salem, Oregon

Pineda-Talamantes Santiago - [REDACTED]
HMA 5' 7" 140 lbs. Blk Brn
1605 Candlewood Drive N.E.
Salem, Oregon

Rangel-Arias, Margarito - [REDACTED]
HMA 5' 9" 160 Blk Brn
1605 Candlewood Drive N.E.
Salem, Oregon (Behind residence in trailer)

Talamantes-Guti, Jesus Alejandro - [REDACTED]
HMA 5' 8" 130 lbs. Blk Brn
1605 Candlewood Drive N.E.
Salem, Oregon

Hernandez, Marianna
1605 Candlewood Drive N.E.
Salem, Oregon

Hernandez, Jesus Manuel - [REDACTED]
HMA 5' 8" 120 lbs. Blk Brn
1605 Candlewood Drive N.E.
Salem, Oregon

INVOLVED OFFICERS - ENTRY TEAM:

Manitsas, John, Officer
Team Three: Kitchen Area N/E
Salem Police Department
(Discharged Firearm)

Gilbert, Kenneth, Detective
Team Three: Kitchen Area N/E
Salem Police Department
(Discharged Firearm)

Kohlmeyer, Bill, Lieutenant
Team Two: Bedroom S/W Area
Salem Police Department

Roberts, Larry, Corporal
Team One. Team Leader-Bedroom N/W Area-
Knock and Announce
Salem Police Department

Stackhouse, John, Detective
Team Four: Living Room S/E Area
S.A.I.N.T.
Salem Police Department

Hernandez, John, Officer
Front Porch/Rear Security
Salem Police Department

Bennett, Chuck, Sergeant
Team One: Bedroom N/W Area-
Knock and Announce
S.A.I.N.T.

Keagle, Mark, Detective
Team Two: Bedroom S/W Area
S.A.I.N.T.

Adcock, Gerry, Detective
Outside Perimeter East Side
Silverton Police Department

Shipley, Jeff, Officer
Team Four: Living Room S/E Area
Salem Police Department

Johnson, Tom, Officer
Outside Security N/W Corner
Silverton Police Department

**OREGON STATE POLICE
DISTRICT II PERSONNEL:**

Nelson, Karl, Lieutenant

Gregg, Gerald A., Sergeant
(Scene Officer in Charge)

Gower, Michael F., Detective
(Interviews)

Glover, Loren T., Detective
(Interviews)

Pecyna, Kenneth P., Detective
(Interviews)

Oja, Michael, Detective
(Interviews)

Cotter, Molly A., Trooper
(Interviews)

Jones, Russell A., Trooper
(Scene Security and Scene Diagram)

Eberz, J. Scott, Trooper
(Scene Security)

Hays, Kathy O., Criminalist
(Crime Scene Examination)
Crime Laboratory Springfield

Zeppa, Jennifer E., Criminalist
(Crime Scene Examination)
Crime Laboratory Springfield

Jones, Robert, Criminalist
(Crime Scene Examination)
Crime Laboratory Portland

Witt, Scott, Senior Trooper
Oregon State Police Bureau of Identification
Salem, Oregon

OFFICERS KEIZER POLICE DEPARTMENT:

Kuhns, Jeff, Detective
(Served Drug Warrant after Crime Scene Investigation finished)

Baker, J. R., Officer
(Served Drug Warrant after Crime Scene Investigation finished)

Byrd, Raymond, Officer
(Served Drug Warrant after Crime Scene Investigation finished)

Hunter, Brian, Officer
(Served Drug Warrant after Crime Scene Investigation finished)

Johnson, Jeff, Officer
(Served Drug Warrant after Crime Scene Investigation finished)

Barker, Kent, Sergeant
(Served Drug Warrant after Crime Scene Investigation finished)

Banks, Mark, Officer
(Served Drug Warrant after Crime Scene Investigation finished)

MENTIONED

OTHERS: Stoelk, Craig, Detective
(Assisted in Photographing Scene)
Salem Police Department

Rhine, Judy, Detective
(Assisted in Scene Examination)
Salem Police Department

Beglau, Walter, Assistant District Attorney
Marion County District Attorney's Office
(District Attorney Representative at Scene)

Esch, Verne
Restlawn Funeral Home
(Removed the deceased to Medical Examiner's Office in Portland, OR)

Mullenaux, Cory
Restlawn Funeral Home
(Removed the deceased to Medical Examiner's Office in Portland, OR)

Hernandez, Heriberto - [REDACTED]
3610 Pleasant View Drive
Salem, Oregon

[REDACTED]
(Son of the Deceased)

Hernandez, Salvador - [REDACTED]
1169 Highland Avenue N.E., Apt. 2
Salem, Oregon

[REDACTED]
(Son of the Deceased)

Hernandez, Linda - [REDACTED]
1169 Highland Avenue N.E., Apt. 2
Salem, Oregon

[REDACTED]
(Daughter-in-law of the Deceased - Wife of Salvador)

Thompson, Rick
Assistant Medical Examiner
Marion County Medical Examiner's Office
Salem, Oregon

Dennis, Nate, Corporal
Department of Corrections, DIU
(Responded to scene with drug dog)

Pugh, Diane
Marion County Victim's Assistance
Salem, Oregon

Lewman, Larry, Medical Examiner
State Medical Examiner's Office
Portland, Oregon
(Performed autopsy)

Boone, Ted, Assistant Medical Examiner
Marion County Medical Examiner's Office
Salem, Oregon

Garrettson, Daryl S., Attorney
(Attorney for officer involved)

Makler, Mark, Attorney
(Attorney for officer involved)

EXHIBITS: Refer to attached Oregon State Police Property Report(s) for items seized at the residence (1605 Candlewood Drive N.E., Salem, Oregon) and at the autopsy.

NARRATIVE: On August 2, 1996 members of the Salem Area Interagency Narcotics Team (Hereinafter referred to as S.A.I.N.T) served Marion County Search Warrant at the location of 1605 Candlewood Drive N.E., Salem, Oregon. The search warrant was served at 7:28 a.m. and within a minute, shots were fired inside the residence and Salvador Hernandez was wounded.

The Salem Police Department then requested that the Oregon State Police respond to begin an investigation surrounding this incident.

ACTION

TAKEN: On August 2, 1996, at 8:19 a.m., I arrived at 1605 Candlewood Drive N.E., Salem, Oregon. Present at that time was Sgt. Jerry Gregg and Lt. Bill Kohlmeyer of the Salem Police Department. We were informed of the information in the narrative portion of this report.

We were also informed that two officers had discharged their weapons, those being Salem Police Officers Ken Gilbert and John Manitsas. We were informed that the deceased came at the officers with a knife and that both officers fired their weapons. We were also informed that other people that were in the residence were being detained in patrol cars presently surrounding the scene. A request at that time was made for all seven to be transported to Salem Police Department for interviews by members of the investigative team.

I also was informed of the officer's names involved in the search warrant and that Officers Gilbert and Manitsas were the fifth and sixth officers to enter the residence.

Detective Gilbert and Detective Gower were assigned to begin interviewing people involved in this incident at the Salem Police Department as was Detective Oja and Trooper Cotter.

At 8:40 a.m. Marion County Assistant District Attorney, Walt Beglau, arrived at the scene and was apprised of the information just learned.

At 9:01 a.m. I contacted Heriberto Hernandez, who lived next door to the residence where this incident occurred. Heriberto informed me that he was the son of Salvador Hernandez and he was inquiring as to whether or not his father was the one that was shot in the residence.

He informed me that his father, Salvador Hernandez, was born [REDACTED] in Mexico. He also stated that he worked for Eder Brothers in Mt. Angel with his father. He also advised that he had gone to the store this morning. When he returned, the police were next door.

In response to the question as to his father's protectiveness, he informed me that his father would protect his house. In response to another question, as to whether his father was involved in drugs, he stated he did not know if his father would use drugs or be involved in drugs.

He also stated that the last time he talked to his father, was the evening prior and nothing important was discussed. They just talked. He did not talk with his father today. He also points out his father was usually up by 5:00 a.m. and they usually go to work at 6:00 a.m. But because of the foul weather (rain), they did not go to work this date.

At 9:24 a.m. I had entered the crime scene and after putting on rubber gloves, removed a wallet from the deceased and removed his Oregon ID card, which identified the deceased as Salvador Hernandez, [REDACTED] It was an Oregon ID card [REDACTED]

At 9:26 a.m. I again contacted Heriberto Hernandez and discussed with him the possibility that the deceased could be his

father and asked him if he wished to see the photograph on the Oregon ID to see if he would identify him. He stated he did and at that time I showed him the Oregon ID card and he stated to me that that was his father, depicted on the ID card.

Contact was broken with his individual shortly thereafter.

At 9:58 a.m. Diane Pugh of the Marion County Victim's Assistance Program arrived and I introduced her to the Hernandez family and explained to her the nature of the incident in question at this time and requested that she assist the family in their time of need, which she did.

At 10:30 a.m. I was contacted by a Linda Hernandez and another Salvador Hernandez, who indicated that he was in fact the son of the deceased, Salvador Hernandez, Sr. They had just arrived at the scene after learning of the incident in question.

I explained to them the nature of the investigation and requested that they talk to Ms. Pugh if they had any questions and that she would assist them in their time of grief.

At 11:06 a.m. Kathy Hays and Jennifer Zeppa, of the Springfield Crime Laboratory, arrived at the scene. They were briefed on the nature of the incident and a request was made that a search of the residence for the casings, bullets and any other physical evidence was made.

At 11:15 a.m. Kathy Hays and her assistant began the investigation of the crime scene.

At 11:33 a.m. I was informed by Rick Thompson, of the Marion County Medical Examiner's Office that an autopsy on the deceased was scheduled for 9:00 a.m. on the 3rd of August in Portland, Oregon.

At approximately 11:40 p.m. Mr. Beglau informed Sgt. Gregg and I that the officers involved in this incident would be returning to the scene with their attorneys to view the scene prior to giving a statement. We informed Mr. Beglau that we didn't believe that this was correct. However, he indicated that due to an agreement between the association representing the police and the Marion County District Attorney's office, that the officers would be allowed to return to the scene.

At 12:09 p.m. Officer Manitsas and his attorney, Mark Makler, arrived at the scene. At the behest of the District Attorney's office, they entered the crime scene and viewed the crime scene in my presence and I maintained visual observation of both of them during the entire time they were in the scene. At no time did either Mr. Makler or Officer Manitsas attempt to pick up, remove or add anything to the crime scene.

At 12:14 a.m., after Officer Manitsas and his attorney had left, Officer Ken Gilbert arrived with his attorney, Mr. Garrettson, and they, too, were allowed to enter the scene. They also were kept in my view and observation during the entire time they were inside the crime scene. At no time did they leave my view and observation and at no time either one of them attempt to move, add or remove any evidence from the scene.

At the conclusion of the officers return to the scene, a decision was made to remove the deceased.

At 12:32 p.m. Restlawn Funeral Home employees removed the body and placed it in a white sterile plastic body bag. I put evidence tape on the zipper and sealed the bag for its trip to Portland and the body was transported to the State Medical Examiner's Office by the Restlawn employees.

At 12:54 p.m. I received from Detective Larry Glover the weapons utilized by the officers. The weapons are so denoted on a separate evidence sheet: Exhibits TC-1, TC-2 with the rounds from the weapons and magazines marked appropriately.

After the weapons had been received by me in the presence of Ms. Hays, the weapons were emptied and photographed during this process. The weapon with the Serial No. G141132 is a Sig Sauer 45 caliber, and it had four rounds still in the magazine and one in the chamber. This weapon is tentatively identified as Officer Gilbert's.

The weapon with the Serial No. G141131 is a Sig Sauer 45 caliber that had five rounds in the magazine and one in the chamber. This weapon is tentatively identified as Officer Manitsas'. Refer to Ms. Hays report for information pertinent to the weapons themselves.

At approximately 3:00 p.m. we were informed by the Medical Examiner's Office that an X-ray of the deceased had been performed and one bullet was present with the body. Therefore, four bullets were still at the residence.

The ensuing search of the residence produced all five casings discharged by the officers and four bullets with one with the deceased at the State Medical Examiner's Office.

At 3:48 p.m. Corporal Nate Dennis of the Department of Corrections Drug Intelligence Unit arrived at the request of the Keizer Police Department to search the residence with his drug detection dog (refer to reports by those officers pertinent to that search).

At 4:30 p.m. I logged in the evidence retrieved from this incident at the Salem Patrol Office Evidence Locker.

On Saturday, August 3, 1996, Officers Oja, Cotter and I travelled to Portland where we met Mr. Boone and Walter Beglau of the Marion County District Attorney's Office at the State Medical Examiner's Office.

At 9:13 a.m. an autopsy was begun by Larry Lewman and the final conclusion was that this individual died due to gunshots. Refer to report by Dr. Lewman for particulars pertinent to this incident. During the time that I was at the State Medical Examiner's Office, the bullet that was viewed in the X-ray was recovered along with the clothing of the deceased.

At 11:56 a.m. the evidence was logged into the Salem Evidence Locker with Trooper Jones as the evidence custodian.

On Monday, August 5, 1996, at 11:40 a.m., I contacted Senior Trooper Scott Witt of the State Bureau of Identification. I requested that he traverse to Restlawn Funeral Home and finger print the deceased in the event that the finger prints were

Case No. 96-217998

Manitsas, John

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needed at a later time.

**CASE
STATUS:**

Investigation continuing.

TC:js 8/8/96
a:\manit#20

CASE NUMBER

96217998

AUG 22 1996

INFORMATION REPORT

DEPARTMENT OF STATE POLICE
SALEM, OREGON 97310

DISTRIBUTION

- Gen. Hdq.
- Arson
- Document
- Dist. Hdq.
- Narcotic
- Ident.
- CrimeLab
- Other OSP-Dist II HQ, Det. T. Crawford

AGENCY

OREGON STATE POLICE - DIST II HQ

1. TYPE OF REPORT

- Supplemental
- Information
- Clearance

2. CASE STATUS

- Cir. by Arrest
- Unfounded
- No Prosecution - Complainant
- No Prosecution - Dist. Atty.
- Pending

3. ORIGINAL SUBJECT OF THIS REPORT

OFFICER INVOLVED SHOOTING

4. Original Report Date

5. Time

6. Written By

7. This Report - Date

08/08/96

8. Time

5:30 PM

9. County

MARION

10. Victim or Complainant

HERNANDEZ, SALVADOR (DECEASED)

11. Residence Address

1605 CANDLEWOOD, SALEM, OR

12. Res Phone

13. Sex

M

14. Race

H

15. D.O.B.

16. Subject of This Report

WITNESS INTERVIEW/BARTOLO PINEDA

17. Total Value of Recovered Prop. (Itemize Below)

18. Details:

REFER: To all Oregon State Police bearing General Headquarter's Case #96217998.

To attached sketches by Bartolo Pineda and Detective Michael Oja.

WITNESS:

PINEDA-CERNA, BARTOLO - [REDACTED]
1605 Candlewood Drive NE
Salem, Oregon 97303
SS/[REDACTED]

MENTIONED:

PECYNA, KEN, Detective
Oregon State Police/Dist II HQ
Salem, Oregon

QUACKENBUSH, MIKE, Detective
Salem Police Department
Salem, Oregon

TRONCOSO, JOHN, Officer
Keizer Police Department
Keizer, Oregon

Reporting Officer(s) Michael J. Oja, Detective

Off. I.D. Number

301-20

Other Agencies Notified

Date

Time

Method

APB Numbers and Dates

Approved By

Date

KN

8-13-96

**MENTIONED
CONTINUED:**

TALAMANTEZ, RAMIRO
(No further information)

TALAMANTEZ, ALEJANDRO
(No further information)

BRAVO, GUSTAVO
(No further information)

MARGARITO
(No further information)

HERNANDEZ, MARIANA
(No further information)

HERNANDEZ, JESUS
(No further information)

HERNANEZ, ANGEL
(No further information)

ALFREDO
(No further information)

NARRATIVE:

On August 02, 1995 at about 8:05 a.m., I was notified by Detective Ken Pecyna that there was a police officer involved shooting in Salem that morning.

As a result, I was assigned to assist with the investigation into the shooting which killed Salvador Hernandez of 1605 Candlewood Dr. NE in Salem.

The shooting occurred during the service of a search warrant executed by the Salem Area interagency Narcotics Team, S.A.I.N.T. The warrant was executed at approximately 7:20 a.m. at 1605 Candlewood Dr. NE in Salem Oregon. At approximately 7:22 a.m., reports were received that shots had been fired.

ACTION TAKEN: At about 8:30 a.m., I arrived on the scene at 1605 Candlewood Drive. Upon my arrival I was assigned to interview a witness who apparently saw the actions taken by police when Salvador Hernandez was shot.

I was introduced to Detective Mike Quackenbush of the Salem Police Department. He told me that the witness to the shooting was apparently in the kitchen where the shooting occurred. Detective Quackenbush introduced me to Bartolo Pineda, who was seated in the back of a Salem patrol car. I

advised him that I spoke Spanish and would like to interview him. I told him that we would take him to the Salem Police Department for the interview.

Arriving at the Salem Police Department, Mr. Pineda was escorted to an interview room and given an opportunity to use the restroom facilities prior to the interview. At 9:05 a.m. I interviewed Mr. Pineda with Detective Quackenbush. I read Mr. Pineda his Miranda Rights in Spanish from a prepared card written in Spanish. Mr. Pineda signed the rights card and agreed to freely give me a statement. I advised Mr. Pineda that he was not under arrest and was only being questioned as a witness.

After retaining a little bit of Mr. Pineda's background information, including his marital and family status, and tenure in the U.S. and Oregon, I obtained a statement from Mr. Pineda regarding his involvement with the incident being investigated.

Mr. Pineda stated in substance that he arose at about 7:00 a.m. that morning. His friend Salvador Hernandez also got up at that time. He said it was raining out and they did not go to work.

Mr. Pineda stated that he was in the kitchen with Salvador just before the police arrived. He was just about to open his refrigerator to get some milk for his coffee. He said Salvador was at the sink washing a cup he had just used. Salvador told Mr. Pineda that he was going to get some meat out to prepare for their lunch to take to work. Salvador has another refrigerator across from Mr. Pineda's refrigerator. Mr. Pineda stated that Salvador was about to get some meat out for lunch when the police arrived. I asked him if the meat was such that it needed to be cut for preparation. He said it was.

Mr. Pineda stated that the police came in and were telling them to get down on the ground. I asked if this was said in Spanish and he said that it was. He said he understood it and complied with the orders. He also stated that he saw and knew that those present were in fact police officers.

He stated that he got on the ground and Salvador did not. He said the police shot Salvador. I asked Mr. Pineda what he thought the length of time was from the time the police told them to get to the ground to when the shots were fired. He said he thought it was about two seconds.

I asked if he ever saw Salvador with anything in his hand before the police fired. He said he may have had a knife because Salvador was going to prepare some meat for their lunch, but he didn't actually see a knife. While Mr. Pineda was telling me this he was gesturing with his hands and demonstrating how large he thought the knife was.

I asked Mr. Pineda if Salvador was facing the police when he was shot and he said that Salvador was facing them. I asked if he thought Salvador saw the police and he said he thought he did. I asked if he thought Salvador heard the police give the orders to get on the ground. He said he didn't think he did because he is hard of hearing. I asked how he knew Salvador was hard of hearing and he said because when they're out in the field working, Salvador tells him to speak up louder so he can hear him.

I asked if he ever saw Salvador with a knife in his hand before or after the shots were fired and he said that he did not.

After this initial interview, we changed rooms because the room we were using was needed for someone else. When we went to another room, I was accompanied by Officer John Troncoso of the Keizer Police Department. Officer Troncoso is bi-lingual in English and Spanish. While waiting for Officer Troncoso, I sketched a diagram of the scene with the help of Mr. Pineda. He explained where he was in the kitchen as related to Salvador and the other locations of objects in the kitchen.

After this change of rooms I advised Mr. Pineda that the interview would be tape recorded and that it would essentially be a review of what we had already discussed.

At about 11:40 a.m. I started the tape and reviewed with Mr. Pineda his

rights and the fact that he was not under arrest. He acknowledged that the tape recorder was on and had no apprehensions about it's use.

After reviewing with Mr. Pineda his background he gave the following in substance statement on tape.

Mr. Pineda repeated that he arose at about 7:00 a.m. along with his friend Salvador Hernandez. He stated that they weren't going to work because it was raining. The other occupants of the house were still in bed except for his son and Alfredo, another occupant of the house.

He went to the kitchen to make himself some coffee. Salvador was also in the kitchen. He had just finished washing a cup in the sink. He told Mr. Pineda that he was going to get some meat out to prepare for their lunch to take to work.

Mr. Pineda said it was then that the police came identifying themselves as police and told them to get down to the ground. He said he did, but Salvador didn't. He said it was about two seconds from the time the police ordered them to the ground until the shots were fired.

When I asked Mr. Pineda if Salvador saw the police he answered yes.

He said he didn't think Salvador had a chance to cooperate because he was deaf. He knows this because Salvador would tell him to speak up while they were working together in the field. He said Salvador could hear him if he spoke a little louder.

Mr. Pineda said that he did not see a knife in Salvador's hand prior to the police entering.

Mr. Pineda said he could see Salvador's hands after he fell. He said one hand fell just next to him and he could not see his other hand. I asked Mr. Pineda what was in the hand of Salvador that fell just next to him. He said nothing was in his hand. I asked if he was sure or if he knew. I told him it was o.k. if he didn't know. He said at first he didn't see

Case No. 96-217998

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anything, unless there was something in the other hand in the background.

Mr. Pineda said the police put the handcuffs on him and took him outside. He said neither of the officers that handcuffed him were one that fired their pistol. The officer that fired went outside after the firing his pistol.

The interview was terminated at 12:27 p.m. and the tape recorder turned off. Please see the attached typed statement for more information.

CASE STATUS: Continuing

AUG 22 1996

CASE NUMBER
96217998

AGENCY
OREGON STATE POLICE - DIST II HQ

INFORMATION REPORT
DEPARTMENT OF STATE POLICE
SALEM, OREGON 97310

DISTRIBUTION

Gen. Hdq. Arson Document
 Dist. Hdq. Narcotic Ident.
 CrimeLab
 Other OSP-Dist II HQ, Detective T. Crawford

1. TYPE OF REPORT
 Supplemental
 Information
 Clearance

2. CASE STATUS
 Clr. by Arrest
 Unfounded
 No Prosecution - Complainant
 No Prosecution - Dist. Atty.
 Pending

3. ORIGINAL SUBJECT OF THIS REPORT
OFFICER INVOLVED SHOOTING

4. Original Report Date

5. Time

6. Written By

7. This Report - Date
08/09/96

8. Time
11:40 AM

9. County
MARION

10. Victim or Complainant
HERNANDEZ, SALVADOR (DECEASED)

11. Residence Address **1605 CANDLEWOOD DRIVE NE,
SALEM, OREGON**

12. Res Phone

13. Sex
M

14. Race
H

15. D.O.B.

16. Subject of This Report
WITNESS INTERVIEW/MARGARITO RANGEL-ARIAS

17. Total Value of Recovered Prop. (Itemize Below)

18. Details:

REFER: To all Oregon State Police reports bearing General Headquarter's Case #96217998

WITNESS: **RANGEL-ARIAS, MARGARITO - [REDACTED]**
1605 Candlewood Drive NE
Salem, Oregon 97303

MENTIONED: **PECYNA, KEN, Detective**
Oregon State Police/Dist II HQ
Salem, Oregon

GUERRA, MIMI
(Spanish interpreter)

HERNANDEZ, SALVADOR
(Previously Identified)

PINEDA, BARTOLO
(Previously Identified)

cont...

Reporting Officer(s) **Michael J. Oja, Detective**

Off. I.D. Number

301-20

Other Agencies Notified

Date

Time Method
MJO:ibd 08/14/96

APB Numbers and Dates

Approved By

(Signature) 8-21-96

INFORMATION REPORT - CASE #96217998

Page 2

MENTIONED

cont...

ALFREDO
AKA: ELGRANDE
(Previously Identified)

HERNANDEZ, ANGEL
AKA: CHUI
(Previously Identified)

HERNANDEZ, MARIANA
(Previously Identified)

TALAMANTEZ, ALEJANDRO
(Previously Identified)

TALAMANTEZ, RAMIRO
(Previously Identified)

NARRATIVE:

On August 2, 1996, at approximately 8:05 a.m., I was notified by Detective Ken Pecyna that there was a police officer involved shooting in Salem that morning. As a result, I was assigned to assist with the investigation into the shooting which killed Salvador Hernandez of 1605 Candlewood Drive NE, Salem, Oregon.

The shooting occurred during the service of a search warrant executed by the Salem Area Interagency Narcotics Team (SAINT). The warrant was executed at approximately 7:20 a.m., at 1605 Candlewood Drive NE, Salem, Oregon.

At approximately 7:22 a.m., reports were received that shots had been fired.

I was assigned to interview Margarito Rangel-Arias, who was on the premises at the time the search warrant was executed.

ACTION TAKEN:

At 12:58 p.m., I interviewed Mr. Rangel-Arias at the Salem Police Department. He stated in substance that on the night before he had been watching television with Bartolo Pineda and Salvador Hernandez.

Rangel-Arias stated that at 9:30 p.m., he went to his trailer, which is behind the house at 1605 Candlewood Drive NE, Salem, Oregon. He went to bed and stated he slept until morning.

Rangel-Arias awoke at approximately 6:00 a.m., and made lunch for work. He said he looked outside and it was raining and knew he would not be going to work so he went back to bed.

Rangel-Arias stated he awoke to the police pounding on his door. When he answered the door he was apprehended by the police, handcuffed, and escorted to the front porch of the house.

When asked if he heard any noises, shots, or if he talked with anyone that morning, Rangel-Arias said he didn't.

INFORMATION REPORT - CASE #96217998

Page 3

I asked Rangel-Arias if he spoke with any of the other members of the household while he was sitting outside with them waiting for other action by the police. He stated he didn't speak with anyone. (See attached transcribed statement for further details of Rangel-Arias' interview.)

CASE STATUS: Continuing.

MJO:lbd
08/14/96
a:Rangel

CASE NUMBER
96217998

AUG 22 1996

INFORMATION REPORT
DEPARTMENT OF STATE POLICE
SALEM, OREGON 97310

DISTRIBUTION

- Gen. Hdq.
- Dist. Hdq.
- CrimeLab
- Other Marion Co. Dist. Attorney
- Arson
- Narcotic
- Document
- Ident.

AGENCY
OREGON STATE POLICE - Dist. II HQ

1. TYPE OF REPORT
- Supplemental
 - Information
 - Clearance

2. CASE STATUS
- Clr. by Arrest
 - Unfounded
 - No Prosecution - Complainant
 - No Prosecution - Dist. Atty.
 - Pending

3. ORIGINAL SUBJECT OF THIS REPORT
Officer Involved Shooting

4. Original Report Date 8/2/96	5. Time 7:57 a.m.	6. Written By Terry Crawford	7. This Report - Date 8/19/96	8. Time 10:30 a.m.	9. County Marion
10. Victim or Complainant		11. Residence Address		12. Res Phone	13. Sex
				14. Race	15. D.O.B.

16. Subject of This Report Additional Information/Witness Interview	17. Total Value of Recovered Prop. (Itemize Below)
--	--

18. Details:

REFER: To Salem Police Department Case #96-41904
To Keizer Police Department Case #96-008271
To Silverton Police Department Case #96-003509

MENTIONED
For Data
Entry:

HERNANDEZ, ANGEL - [REDACTED]
1605 Candlewood Drive N.E.
Salem, Oregon 97303

DECEASED: **HERNANDEZ, SALVADOR** - [REDACTED]
1605 Candlewood Drive N.E.
Salem, Oregon 97303

MENTIONED: **GOWER, MICHAEL, DETECTIVE**
Oregon State Police District II Headquarters

EXHIBITS: KPP-36: One cassette tape interview of Angel Hernandez
KPP-37: One Advise of Rights card signed by Angel Hernandez
KPP-38: One Consent Card signed by Angel Hernandez

Reporting Officer(s) *Kenneth Pecyna*
Kenneth Pecyna, Detective 1293-20 Off. I.D. Number
1293-20

Other Agencies Notified Date Time Method APB Numbers and Dates Approved By Date

[Signature] 8-21-96

NARRATIVE:

On August 2, 1996 members of the Salem Area Interagency Narcotics Team served a Marion County Search Warrant at 1605 Candlewood Drive N.E., Salem, Oregon. The Search Warrant was served at 7:20 a.m. and within a minute shots were fired inside the residence and Salvador Hernandez was wounded. The Salem Police Department then requested that the Oregon State Police respond to begin an investigation surrounding this incident. As part of the investigation on this case, Detective Gower and I interviewed Angel Hernandez, a resident of 1605 Candelwood Drive N.E. and son of the deceased, Salvador Hernandez.

**ACTION
TAKEN:**

On August 2, 1996 Detective Michael Gower and I went to the Salem Police Department and were assigned to assist in this investigation.

On August 2, 1996 at 8:50 a.m. Detective Gower and I contacted Angel Hernandez at the Salem Police Department. Angel Hernandez had been taken to the Salem Police Department by their officers. When we made contact, he had been handcuffed previously by the Salem Police Department. We advised Angel Hernandez that he was not in custody. Angel's first statement to us when we walked in was, "which officer did this?" Angel also asked if his dad was dead and we told him we didn't know, but would find out and tell him. Angel Hernandez agreed to a taped interview. The tape was turned on at 8:54 a.m. At 8:58 a.m. Angel Hernandez was advised of his rights from a prepared form which he signed. This rights card was marked KPP-37 and later placed into evidence. He also gave consent to give blood and urine and signed his consent at 8:59 a.m. This consent card was signed and later marked Exhibit KPP-38. The interview was completed and the tape turned off at 9:24 p.m. Angel Hernandez was later transported to Salem Hospital where he willingly gave blood and a urine sample for later testing.

Refer to the attached transcriptions of this taped interview for complete details. The cassette tape of this interview was marked KPP-36. All the above listed evidence exhibits were marked and later placed into the Salem State Police Patrol Office evidence. There is no further information at this time.

CASE STATUS:

Continuing.

KP:js 8/20/96
a:\angel#38

CASE NUMBER

96217998

AUG 21 1996

INFORMATION REPORT

DEPARTMENT OF STATE POLICE

SALEM, OREGON 97310

DISTRIBUTION

- Gen. Hdq.
- Dist. Hdq.
- CrimeLab
- Other Marion County District Attorney
- Arson
- Narcotic
- Document
- Ident.

AGENCY

OREGON STATE POLICE - DIST II HQ

1. TYPE OF REPORT

- Supplemental
- Information
- Clearance

2. CASE STATUS

- Clr. by Arrest
- Unfounded
- No Prosecution - Complainant
- No Prosecution - Dist. Atty.
- Pending

3. ORIGINAL SUBJECT OF THIS REPORT

OFFICER INVOLVED SHOOTING

4. Original Report Date

08/02/96

5. Time

7:57 A.M.

6. Written By

DETECTIVE TERRY CRAWFORD

7. This Report - Date

08/19/96

8. Time

11:00 A.M.

9. County

MARION

10. Victim or Complainant

11. Residence Address

12. Res Phone

13. Sex

14. Race

15. D.O.B.

16. Subject of This Report

ADDITIONAL INFORMATION/OFFICER INTERVIEW

17. Total Value of Recovered Prop. (Itemize Below)

18. Details:

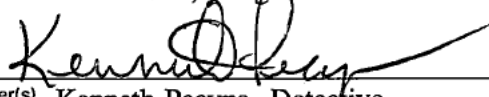
REFER: To Salem Police Department Case #9641904.
 To Keizer Police Department Case #96008271.
 To Silverton Police Department Case #96003509.

MENTIONED FOR

DATA ENTRY: **GILBERT, KENNETH, Officer**
Salem Police Department
Salem, Oregon

MENTIONED: **GARRETTSON, DARYL STEPHEN, Attorney** **GOWER, MICHAEL, Detective**
 Representing Officer Gilbert Oregon State Police
 District II Headquarters
 Salem, Oregon

MANITSAS, JOHN PETER JR., Officer
 Salem Police Department
 Salem, Oregon



Reporting Officer(s)

Kenneth Pecyna, Detective

Off. I.D. Number

1293-20

Other Agencies Notified

Date

Time Method
KP:lbd 08/20/96

APB Numbers and Dates

Approved By

KN

Date

8-20-96

INFORMATION REPORT - CASE #96217998

Page Two

NARRATIVE: On August 2, 1996, members of the Salem Area Interagency Narcotics Team (SAINT), served a Marion County search warrant at 1605 Candlewood Drive NE, Salem, Oregon. The search warrant was served at 7:28 a.m., and within a minute, shots were fired inside the residence and Salvador Hernandez was wounded.

The Salem Police Department then requested the Oregon State Police respond and begin an investigation surrounding this incident.

As part of the investigation, Detective Gower and I contacted Salem Police Department Officer Kenneth Gilbert to obtain a brief statement as to what happened during the service of this search warrant.

ACTION TAKEN: On August 2, 1996, at 1:15 p.m., Detective Gower and I obtained a brief statement from Officer Ken Gilbert from the Salem Police Department as to what had taken place regarding the shooting. Officer Gilbert was represented by the Salem Police Department union attorney, Daryl Garrettson, who was also present. This brief statement was conducted per written protocol between the Marion County District Attorney's Office and the union.

Officer Gilbert told me that he went to the Candlewood address to serve a search warrant for the Keizer Police Department regarding narcotics. This was the Keizer Police Department's search warrant. Officer Gilbert said that he remembered there was possibly two Silverton Police Department officers involved, and remembered one of their names as Gerry Adcock.

Gilbert said that Officer Manitsas and he followed the raid van and pulled up in front of the Candlewood residence. The officers going into the house made a line as they approached the house. Gilbert said he was the fifth or sixth officer in this line. Officer Manitsas was behind him. Manitsas and Gilbert were headed to the kitchen area. There was no door on the entry way to the kitchen area. Gilbert said he saw a Hispanic male subject standing by a counter and was in view through the entry way to the kitchen. Gilbert said he saw this guy with a knife. Gilbert said he shouted in Spanish several times for him to get down on the floor. Gilbert said he saw the expression on the man's face change to "determined," and he then lunged at Gilbert with the knife. Gilbert said he first saw the knife in the man's right hand. Gilbert said this man lifted his arm straight with the knife and came toward him.

Gilbert was willing to give further information, however, this statement was made brief, just to get basic information for officers conducting the scene investigation.

There is no further information at this time.

CASE STATUS: Continuing.

KP:ibd
08/20/96
a:Gilbert

CASE NUMBER
96217998

AUG 21 1996

INFORMATION REPORT
DEPARTMENT OF STATE POLICE
SALEM, OREGON 97310

DISTRIBUTION

Gen. Hdq. Arson Document
 Dist. Hdq. Narcotic Ident.
 CrimeLab
 Other Marion County District Attorney

AGENCY
OREGON STATE POLICE - DIST II HQ

1. TYPE OF REPORT

Supplemental
 Information
 Clearance

2. CASE STATUS

Clr. by Arrest
 Unfounded
 No Prosecution - Complainant
 No Prosecution - Dist. Atty.
 Pending

3. ORIGINAL SUBJECT OF THIS REPORT

OFFICER INVOLVED SHOOTING

4. Original Report Date

08/02/96

5. Time

7:57 AM

6. Written By

DETECTIVE TERRY CRAWFORD

7. This Report - Date

08/19/96

8. Time

1:50 PM

9. County

MARION

10. Victim or Complainant

11. Residence Address

12. Res Phone

13. Sex

14. Race

15. D.O.B.

16. Subject of This Report

ADDITIONAL INFORMATION/OFFICER INTERVIEW

17. Total Value of Recovered Prop. (Itemize Below)

18. Details:

REFER: To Salem Police Department Case #9641907.

 To Keizer Police Department Case #96008271.

 To Silverton Police Department Case #96003509.

MENTIONED FOR

DATA ENTRY: MANITSAS, JOHN PETER JR., Officer
 Salem Police Department
 Salem, Oregon
 [REDACTED]

cont...

Reporting Officer(s) Kenneth Pecyna, Detective

Off. I.D. Number

1293-20

Other Agencies Notified

Date Time Method
KP:lbd 08/19/96

APB Numbers and Dates

Approved By

Date

KN

8-20-96

INFORMATION REPORT - CASE #96217998

Page Two

MENTIONED: MAKLER, MARK, Attorney
(Representing Officer Manitsas) GOWER, MICHAEL, Detective
Oregon State Police/Dist II HQ
Salem, Oregon

GILBERT, KENNETH, Officer
Salem Police Department
Salem, Oregon

NARRATIVE: On August 2, 1996, members of the Salem Area Interagency Narcotics Team (SAINT), served a Marion County search warrant at 1605 Candlewood Drive NE, Salem, Oregon. The search warrant was served at 7:28 a.m., and within a minute, shots were fired inside the residence and Salvador Hernandez was wounded.

The Salem Police Department then requested the Oregon State Police respond to conduct an investigation surrounding this incident.

Detective Michael Gower and myself contacted Salem Police Department Officer John Manitsas and obtained a brief statement surrounding this incident.

ACTION TAKEN: On August 2, 1996, at 1:25 p.m., Detective Michael Gower and myself obtained a brief statement from Officer John Manitsas as to what took place regarding this shooting. Officer Manitsas was represented by Salem Police Department Union Attorney, Mark Makler, who was also present. This brief statement was obtained per written protocol between the Marion County District Attorney's Office and the officer's union.

Officer Manitsas told me that they went to this residence to serve a narcotics search warrant for a person at the residence and the house for the presence of drugs. Officer Manitsas said he was part of the third group to go in, and that Officer Gilbert went in first before him. Officer Manitsas said he was behind Officer Gilbert. Officer Manitsas said it was dark and he had his flashlight illuminated. Officer Manitsas said he remembered seeing some drums and that he was following Officer Gilbert. Manitsas said they proceeded to the doorway where this had occurred. Manitsas said they got to the doorway and they saw a man facing them, and remembered that he focused on this man's eyes. Manitsas said he didn't know at that point whether he saw the knife at that brief moment, but that he did see a butcher knife and the man was coming toward them. Manitsas said he didn't have time to say anything. Manitsas said all the officers were yelling, "Police, search warrant," when they went in. Manitsas said he didn't have time to say anything to this man. Manitsas said he fired his weapon and he remembered Officer Gilbert fired his. Manitsas said he doesn't remember how many times he fired.

There is no further information at this time.

CASE STATUS: Continuing.

KP:lbd
08/20/96
a:manitsas

CASE NUMBER

96217998 **AUG 21 1996**

INFORMATION REPORT

DEPARTMENT OF STATE POLICE
SALEM, OREGON 97310

DISTRIBUTION

- Gen. Hdq. Arson Document
- Dist. Hdq. Narcotic Ident.
- CrimeLab _____
- Other Marion County District Attorney

AGENCY
OREGON STATE POLICE - DIST II HQ

1. TYPE OF REPORT

- Supplemental
- Information
- Clearance

2. CASE STATUS

- Clr. by Arrest
- Unfounded
- No Prosecution - Complainant
- No Prosecution - Dist. Atty.
- Pending

3. ORIGINAL SUBJECT OF THIS REPORT

OFFICER INVOLVED SHOOTING

4. Original Report Date

08/02/96

5. Time

7:57 AM

6. Written By

DETECTIVE TERRY CRAWFORD

7. This Report - Date

08/19/96

8. Time

3:45 PM

9. County

MARION

10. Victim or Complainant

11. Residence Address

12. Res Phone

13. Sex

14. Race

15. D.O.B.

16. Subject of This Report

ADDITIONAL INFORMATION/EVIDENCE RECEIVED FROM THE SALEM POLICE DEPARTMENT

17. Total Value of Recovered Prop. (Itemize Below)

18. Details:

REFER: To Salem Police Department Case #9641904.

 To Keizer Police Department Case #96008271.

 To Silverton Police Department Case #96003509.

 To attached Oregon State Police Property Report regarding Exhibits KPP-1 through KPP-33.

MENTIONED: BELLSHAW, STEVE, Officer
 Salem Police Department
 Salem, Oregon

 GOWER, MICHAEL, Detective
 Oregon State Police/Dist. II HQ
 Salem, Oregon

Reporting Officer(s)

Kenneth P. Pecyna
Kenneth P. Pecyna, Detective

Off. I.D. Number

1293-20

Other Agencies Notified

Date Time Method
KP:ibd 08/20/96

APB Numbers and Dates

Approved By

KN

Date

8-20-96

INFORMATION REPORT - CASE #96217998

Page Two

- EXHIBITS:
- KPP-1: One black police vest assigned to Officer Ken Gilbert.
 - KPP-2: One pair of blue jeans and belt to Officer Ken Gilbert.
 - KPP-3: One blue white and white stripped shirt to Officer Ken Gilbert.
 - KPP-4: One black police windbreaker to Officer Ken Gilbert.
 - KPP-5: One duty belt to Officer Ken Gilbert.
 - KPP-6: One pair of tennis shoes to Officer Ken Gilbert.
 - KPP-7: One uniform pants and belt to Officer John Manitsas.
 - KPP-8: One uniform shirt to Officer John Manitsas.
 - KPP-9: One pair of black leather tennis shoes to Officer John Manitsas.
 - KPP-10: One duty belt and gloves to Officer John Manitsas.
 - KPP-11: One blood sample to Margarito Rangel-Arias.
 - KPP-12: One urine sample to Margarito Rangel-Arias.
 - KPP-13: Two Polaroid photographs of Officer Stackhouse in uniform.
 - KPP-14: Nine Polaroid photographs of scene taken by Officer Stackhouse.
 - KPP-15: One roll of 35mm photographs of Officers Manitsas and Gilbert in uniform.
 - KPP-16: One blood sample from Officer Manitsas.
 - KPP-17: One urine sample from Officer Manitsas.
 - KPP-18: One blood sample from Officer Gilbert.
 - KPP-19: One urine sample from Officer Gilbert.
 - KPP-20: One blood sample from Angel Hernandez.
 - KPP-21: One urine sample from Angel Hernandez.

INFORMATION REPORT - CASE #96217998

Page Three

EXHIBITS

cont...

- KPP-22: One blood sample from Jesus Hernández.
- KPP-23: One urine sample from Jesus Hernandez.
- KPP-24: One blood sample for Talamantes-Gutierrez
- KPP-25: One urine sample from Talamantes-Gutierrez
- KPP-26: One urine sample from Mariana Hernandez.
- KPP-27: One blood sample from Mariana Hernandez.
- KPP-28: One blood sample from Ramira Talamantes.
- KPP-29: One urine sample from Ramira Talamantes.
- KPP-30: One blood sample from Santiago Pineda-Talamantes.
- KPP-31: One urine sample from Santiago Pineda-Talamantes.
- KPP-32: One blood sample from Bartolo Pineda Cerna.
- KPP-33: One urine sample from Bartolo Pineda Cerna.

NARRATIVE:

On August 2, 1996, members of the Salem Area Interagency Narcotics Team (SAINT), served a Marion County search warrant at 1605 Candlewood Drive NE, Salem, Oregon. The search warrant was served at 7:28 a.m., and within a minute shots were fired inside the residence and Salvador Hernandez was wounded.

The Salem Police Department requested that the Oregon State Police respond to investigate this incident.

As follow-up investigation on this case, evidence was turned over to the Oregon State Police from the Salem Police Department.

ACTION TAKEN:

On August 2, 1996, at 4:15 p.m., Detective Michael Gower and I received the above listed exhibits from Salem Police Department Officer Steve Bellshaw. These exhibits were marked with my initials and then transported to the Oregon State Police evidence and secured at 5:10 p.m., the same date.

There is no further information at this time.

CASE STATUS:

Continuing.

KPP:lbd
08/20/96
a:Exhibits

CASE NUMBER

96217998

AUG 22 1996

INFORMATION REPORT

DEPARTMENT OF STATE POLICE
SALEM, OREGON 97310

DISTRIBUTION

- Gen. Hdq.
- Dist. Hdq.
- CrimeLab
- Other Marion County District Attorney
- Arson
- Narcotic
- Document
- Ident.

AGENCY
OREGON STATE POLICE - Dist. II HQ

1. TYPE OF REPORT

- Supplemental
- Information
- Clearance

2. CASE STATUS

- Clr. by Arrest
- Unfounded
- No Prosecution - Complainant
- No Prosecution - Dist. Atty.
- Pending

3. ORIGINAL SUBJECT OF THIS REPORT

Officer Involved Shooting

4. Original Report Date

8/2/96

5. Time

7:57 a.m.

6. Written By

Terry Crawford

7. This Report - Date

8/19/96

8. Time

4:30 a.m.

9. County

Marion

10. Victim or Complainant

11. Residence Address

12. Res Phone

13. Sex

14. Race

15. D.O.B.

16. Subject of This Report

Additional Information/Interview Officer John Manitsas

17. Total Value of Recovered Prop. (Itemize Below)

18. Details:

REFER: To Keizer Police Department Case #96-008271
 To Salem Police Department Case #96-41904
 To Silverton Police Department Case #96-003509

MENTIONED: MANITSAS, JOHN PETER - WM [REDACTED]
 For Data Officer Salem Police Department
 Entry

GOWER, MICHAEL, DETECTIVE
 Oregon State Police District II Headquarters

MAKLER, MARK, Attorney
 (Representing Officer Manitsas)

EXHIBITS: KPP-39: One Advised Rights card signed by Officer John Manitsas
 KPP-40: One cassette tape interview of Officer John Manitsas
 KPP-41: One sheet of paper, 8 x 11, rough diagram by Officer John Manitsas

Reporting Officer(s)

Kenneth Pecyna, Detective

Off. I.D. Number

1293-20

Other Agencies Notified

Date

Time

Method

APB Numbers and Dates

Approved By

Date

NARRATIVE:

On August 2, 1996 members of the Salem Area Interagency Narcotics Team served a Marion County Search Warrant at 1605 Candlewood Drive N.E., Salem, Oregon. The Search Warrant was served at 7:20 a.m. and within a minute shots were fired inside the residence and Salvador Hernandez was wounded. The Salem Police Department then requested that the Oregon State Police respond to investigate this incident. As part of this investigation, Detective Michael Gower and I interviewed the involved officers, one of which was Officer John Peter Manitsas.

ACTION TAKEN:

On August 3, 1996, at 8:45 a.m., Detective Michael Gower and I responded to the Salem Police Department and contacted Officer John Peter Manitsas and his attorney, Mark Makler. Officer John Manitsas and his attorney agreed to give a taped interview. The tape was turned on at 9:06 a.m. At 9:07 a.m. Officer John Manitsas was advised of his rights from a prepared form which he signed. Refer to photocopy of this signed Rights card marked KPP-39 for detail.

As part of the interview, Officer John Manitsas drew a rough diagram indicating his position and Officer Gilbert's position at the time of the incident. Refer to photocopy of this diagram marked KPP-41 for details.

The tape was turned over at 9:36 a.m. after a brief break. The tape was then turned on at 9:46 a.m. The tape was turned off at 10:02 a.m. and the interview was completed. The tape of this interview was marked KPP-40.

The above listed exhibits were later placed into the Salem Patrol Office evidence. Refer to an attached transcription of the tape for complete details of the interview. There is no further information at this time.

CASE STATUS:

Continuing.

KP:js 8/20/96
a:\manit#42.wp

CASE NUMBER

96217998

AUG 22 1996

INFORMATION REPORT

DEPARTMENT OF STATE POLICE
SALEM, OREGON 97310

DISTRIBUTION

- Gen. Hdq.
- Arson
- Document
- Dist. Hdq.
- Narcotic
- Ident.
- CrimeLab.
- Other Marion County District Attorney

AGENCY

OREGON STATE POLICE - Dist. II HQ

1. TYPE OF REPORT

- Supplemental
- Information
- Clearance

2. CASE STATUS

- Clr. by Arrest
- Unfounded
- No Prosecution - Complainant
- No Prosecution - Dist. Atty.
- Pending

3. ORIGINAL SUBJECT OF THIS REPORT

Officer Involved Shooting

4. Original Report Date

8/2/96

5. Time

7:57 a.m.

6. Written By

Terry Crawford

7. This Report - Date

8/19/96

8. Time

4:50 p.m.

9. County

Marion

10. Victim or Complainant

11. Residence Address

12. Res Phone

13. Sex

14. Race

15. D.O.B.

16. Subject of This Report

Additional Information/Officer Interview Detective Ken Gilbert

17. Total Value of Recovered Prop. (Itemize Below)

18. Details:

REFER: To Keizer Police Department Case #96-008271
 To Salem Police Department Case #96-41904
 To Silverton Police Department Case #96-003509

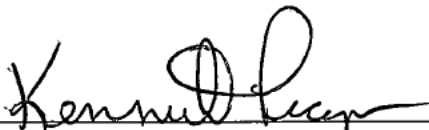
MENTIONED: GILBERT, KENNETH, DETECTIVE - WM [REDACTED]
 (For Data Entry)
 Salem Police Department

MENTIONED: GARRETTSON, DARYL, Attorney
 (Representing Detective Gilbert)

GOWER, MICHAEL, DETECTIVE
 Oregon State Police District II Headquarters

EXHIBITS: KPP-42: One Advised of Rights card signed by Detective Ken Gilbert
 KPP-43: One cassette tape interview of Detective Kenneth Gilbert

NARRATIVE: On August 2, 1996 members of the Salem Area Interagency Narcotics Team served a Marion County Search Warrant at 1605 Candlewood Drive N.E., Salem, Oregon. The Search Warrant was served at 7:20 a.m. and within a minute shots were fired inside the residence



Reporting Officer(s)

Kenneth Pecyna, Detective

Off. I.D. Number

1293-20

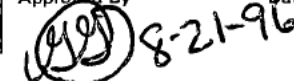
Other Agencies Notified

Date Time Method

APB Numbers and Dates

Approved By

Date



Case No. 96217998
Kenneth Gilbert
Page 2

and Salvador Hernandez was wounded. The Salem Police Department then requested that the Oregon State Police respond to investigate this incident. As part of this investigation, Detective Michael Gower and I were assigned to interview the officers involved. One of which being Salem Police Department Detective Ken Gilbert.

ACTION TAKEN: On August 3, 1996, at 10:20 a.m., Detective Michael Gower and I contacted Salem Police Department Detective Ken Gilbert at the Salem Police Department. Present with Salem Police Department Detective Ken Gilbert was his attorney Daryl Garrettson. Detective Gilbert agreed to a taped interview. The tape was turned on at 10:21 a.m. At 10:23 a.m. Detective Ken Gilbert was advised of his rights from prepared form which he signed. This Rights card was marked exhibit KPP-42 and later placed into the Salem State Police evidence locker. At 10:56 a.m. the tape was turned off for a brief break. At 10:59 a.m. the tape was turned on and the interview was completed at 11:05 a.m. with the tape being turned off. This tape was marked exhibit KPP-43. Refer to the attached transcription of this taped interview for complete details.

The above listed exhibits were later place in the Oregon State Police evidence locker. There is no further information at this time.

CASE STATUS: Continuing.

KP:js 8/20/96
a:\gilbe#43

CASE NUMBER

96217998

AUG 22 1996

INFORMATION REPORT

DEPARTMENT OF STATE POLICE
SALEM, OREGON 97310

DISTRIBUTION

- Gen. Hdq.
- Arson
- Document
- Dist. Hdq.
- Narcotic
- Ident.
- CrimeLab
- Other Marion Co. Dist. Attorney, Detective T. Crawford - OSP Dist II

AGENCY
OREGON STATE POLICE - Dist. II HQ

1. TYPE OF REPORT

- Supplemental
- Information
- Clearance

2. CASE STATUS

- Clr. by Arrest
- Unfounded
- No Prosecution - Complainant
- No Prosecution - Dist. Atty.
- Pending

3. ORIGINAL SUBJECT OF THIS REPORT

Police Officer Involved Shooting

4. Original Report Date

08/02/96

5. Time

7:57 a.m.

6. Written By

Terry Crawford, Detective, OSP

7. This Report - Date

08/21/96

8. Time

11:15 a.m.

9. County

Marion

10. Victim or Complainant

11. Residence Address

12. Res Phone

13. Sex

14. Race

15. D.O.B.

16. Subject of This Report

Officer Involved Shooting

17. Total Value of Recovered Prop. (Itemize Below)

18. Details:

OFFICER INVOLVED SHOOTING:

MANITSAS, JOHN, Officer
Salem Police Department

GILBERT, KENNETH, Officer
Salem Police Department

DECEASED:

HERNANDEZ, SALVADOR - [REDACTED]
(Previously Identified)

PERSON

INTERVIEWED:

EDER, CHUCK
[REDACTED]

MENTIONED

OTHERS:

OJA, MICHAEL, Detective
Oregon State Police Dist II HQ

Reporting Officer(s)

Michael Gower
Michael Gower, Detective

Off. I.D. Number

261-20

Other Agencies Notified

Date

Time

Method

APB Numbers and Dates

Approved By

Date

(Signature) 8-21-96

NARRATIVE:

On August 2, 1996, at 7: 20 a.m., officers from the Salem Interagency Narcotics Task Force (S.A.I.N.T.) executed a search warrant at the residence of 1605 Candlewood Drive in Salem. One of the occupants, Salvador Hernandez, was shot by two Salem police officers and declared dead at the scene.

The Oregon State Police were called to investigate.

ACTION TAKEN

On August 21, 1996 at 9:20 a.m. I interviewed a Mr. Chuck Eder [REDACTED] [REDACTED] I identified myself to Mr. Eder and explained to him I was investigating the death of Salvador Hernandez. While I spoke to Chuck Eder, Detective Mike Oja was interviewing Duane and Ray Eder.

Chuck Eder said in substance: that Salvador had been employed by Eder Brothers Farm for the past seven years. Chuck said that Salvador was a laborer working in the fields. Chuck said Salvador's son, Humberto, had been working for about ten years and Humberto helped Salvador get a job with Eder Brothers. Chuck said that Salvador was a very conscientious and a good worker. Chuck said Salvador's nick name was "Macho Man" and that name was given to him because of his good work ethic.

Chuck said Salvador got along with all the other workers and never showed hostility towards any of them. Chuck said Salvador was an excellent example to the other workers. You could always see him out in the field working when he was told to. Chuck said Salvador's job would start at seven in the morning and work until 5 p.m. . Chuck said that the laborers were on a part-time call-in basis, depending on the weather.

Chuck said that either he would call Humberto or Humberto would call him to make the decision whether or not there would be work that day and Humberto would pass the message on to the other laborers.

On August 2, 1996, at approximately six o'clock in the morning, Chuck said he couldn't remember whether or not Humberto called him or he called Humberto, but since it was raining out that day, work was called off.

Chuck said that Salvador had a drinking problem over the years, but this past winter had stopped drinking completely. Chuck said prior to this winter that Salvador would periodically miss work . After Salvador had stopped drinking this past winter, he always showed up for work.

Chuck said Salvador spoke no English. Or as Chuck put it, as much English as I could speak Spanish. Chuck said the only thing Salvador would say to him was, "Hi, Chuck". His English was very poor. He knew Spanish well. Chuck said he would say "Hi" to Salvador and raise his voice in respect to Salvador's age, because he thought Salvador could have a hearing problem. He said that Salvador was able to carry on conversations with others in the field during breaks and while working.

CASE STATUS:

Continuing

CASE NUMBER

96217998

AUG 22 1996

INFORMATION REPORT

DEPARTMENT OF STATE POLICE
SALEM, OREGON 97310

DISTRIBUTION

- Gen. Hdq.
- Dist. Hdq.
- CrimeLab
- Other OSP Dist. II HQ, Detective Terry Crawford
- Arson
- Narcotic
- Document
- Ident.

AGENCY
OREGON STATE POLICE - Dist. II HQ

1. TYPE OF REPORT

- Supplemental
- Information
- Clearance

2. CASE STATUS

- Clr. by Arrest
- Unfounded
- No Prosecution - Complainant
- No Prosecution - Dist. Atty.
- Pending

3. ORIGINAL SUBJECT OF THIS REPORT

4. Original Report Date

5. Time

6. Written By

7. This Report - Date

8/21/96

8. Time

12:40 p.m.

9. County

Marion

10. Victim or Complainant

HERNANDEZ, SALVADOR (Deceased)

11. Residence Address

OR

1605 Candlewood Dr. N.E., Salem,

12. Res Phone

13. Sex

M

14. Race

H

15. D.O.B.

16. Subject of This Report

Witness Interviews: Ray and Duane Eder

17. Total Value of Recovered Prop. (Itemize Below)

18. Details:

REFER: To all Oregon State Police Reports Case #96217998

WITNESSES: EDER, RAY



EDER, DUANE



MENTIONED: GOWER, MICHAEL F., Detective
Oregon State Police Dist. II Headquarters

NARRATIVE: On August 2, 1996, at 7:20 a.m., officers from the Interagency Narcotics Task Force (S.A.I.N.T.) executed a search warrant at the residence of 1605 Candlewood Drive in Salem. One of the occupants, Salvador Hernandez, was shot by two Salem police officers and declared dead at the scene.

Reporting Officer(s) Michael J. Oja, Detective

Off. I.D. Number

301-20

Other Agencies Notified

Date

Time

Method

APB Numbers and Dates

Approved By

(Signature) 8-21-96 Date

The Oregon State Police were called to investigate.

ACTION TAKEN: On August 21, 1996, at approximately 9:45 a.m., Detective Gower and I contacted Ray, Duane and Charles Eder of Eder Brothers Farms in Mt. Angel. As Salvador Hernandez was employed by Eder Brother Farms, our assignment was to interview them as Mr. Salvador's employers.

Detective Gower spoke with Charles Eder and that will be a subject of a separate report by Detective Gower.

I spoke with Ray and Duane Eder, who both gave information about Salvador Hernandez. Both stated in-substance that Salvador had worked for them approximately seven to eight years. Since his wife passed away approximately five years ago, he has not returned to Mexico during the off-season.

They stated that he was a good worker and was looked up to by the other workers as a father figure.

Mr. Hernandez didn't speak any English and Duane Eder said that his English was as good as his Spanish, which was next to nothing. They said he spoke a few words in English to them in a joking manner.

I asked them if he was hard of hearing and if he used any sign language with other workers. Both of them said he did not use sign language and did not have hearing aids. Duane Eder said, "I don't think his hearing was the best, but he could hear. Maybe not as good as most people." They both said he had a good sense of humor and Ray Eder said, "You could go up and joke with him." Ray also said, "You'd say buenos dias to him and he'd say it back to you."

I asked if Mr. Hernandez ever had a drinking problem that effected his work. They stated that the last year he had been more regular about coming to work, but prior to that he missed off and on. They stated that he had a drinking problem. When I asked if he ever came to work drunk or with a hangover, Ray said he didn't think he ever really came to work drunk, but maybe with a hangover.

After answering a few of their questions, Detective Gower and I thanked them for their time and concluded our interviews.

CASE STATUS: Continuing.

INFORMATION REPORT
DEPARTMENT OF STATE POLICE
SALEM, OREGON 97310

DISTRIBUTION

- Gen. Hdq.
- Arson
- Dist. Hdq.
- Narcotic
- Crime Lab
- Ident.
- Other xSGT. GERRY GREG, xSR. TPR. TERRY CRAWFORD, DIST. II HQ, xMARION CO DA

AGENCY
 OSP-SALEM

1. TYPE OF REPORT <input type="checkbox"/> Supplemental <input checked="" type="checkbox"/> Information <input type="checkbox"/> Clearance		2. CASE STATUS <input type="checkbox"/> Clr. by Arrest <input type="checkbox"/> Unfounded <input type="checkbox"/> No Prosecution—Complainant <input type="checkbox"/> No Prosecution—Dist. Atty. <input checked="" type="checkbox"/> Pending		3. ORIGINAL SUBJECT OF THIS REPORT OFFICER-INVOLVED SHOOTING			
4. Original Report Date 080296 (FRIDAY)	5. Time 4:55PM	6. Written By DET. TERRY CRAWFORD, DIST II HQ	7. This Report — Date 080296 (FRIDAY)	8. Time 4:55PM	9. County MARION		
10. Victim or Complainant HERNANDEZ, SALVADOR (DECEASED)			11. Residence Address 3610 PLEASANTVIEW DR NE, SALEM OR 97303	12. Res. Phone N/A	13. Sex M		
16. Subject of This Report CRIME SCENE LOG MAINTENANCE			14. Race H		15. D.O.B. [REDACTED]		
17. Total Value of Recovered Prop. (Itemize Below)			N/A				

18. Details: (Use Additional Plain Sheets as Necessary)

REFER: TO ATTACHED COPIES OF CRIME SCENE LOG

MENTIONED: TPR. RUSS JONES, OSP
 SALEM PATROL OFFICE

NARRATIVE: ON 080296 AT ABOUT 8:30AM I WAS DISPATCHED TO ASSIST IN SCENE SECURITY FOR AN OFFICER-INVOLVED SHOOTING AT THE ADDRESS LISTED IN BLOCK #11. I ARRIVED ON THE SCENE AT APPROXIMATELY 8:45AM. AT THAT TIME I ASSISTED IN MAINTAINING SCENE SECURITY *WITH T. JONES.*

AT ABOUT 12:15PM I WAS ASSIGNED TO MAINTAIN THE LOG FOR THE CRIME SCENE. I CONTINUED TO MAINTAIN THE CRIME SCENE LOG UNTIL THE SHOOTING INVESTIGATION WAS COMPLETED AT APPROXIMATELY 4:30PM.

AT 4:30PM I CLEARED THE SCENE AND RESUMED NORMAL PATROL.

CASE STATUS: NO FURTHER INVESTIGATION.

JSE

[Signature]
 Reporting Officer(s)
 J. SCOTT EBERZ, TROOPER

Off. I.D. Number
 275-21

Other Agencies Notified

Date

1001 2 5 1004
[Signature]

APB Numbers and Dates

Approved By

Date

[Signature] 8/2

CASE NUMBER
96-217998

AUG 05 1996

INFORMATION REPORT
DEPARTMENT OF STATE POLICE
SALEM, OREGON 97310

DISTRIBUTION

Gen. Hdq. Arson Document
 Dist. Hdq. Narcotic Ident.
 CrimeLab
 Other x Marion CO DA Beglau

AGENCY
OREGON STATE POLICE - SALEM

1. TYPE OF REPORT
 Supplemental
 Information
 Clearance

2. CASE STATUS
 Clr. by Arrest
 Unfounded
 No Prosecution - Complainant
 No Prosecution - Dist. Atty.
 Pending

3. ORIGINAL SUBJECT OF THIS REPORT
OFFICER INVOLVED SHOOTING

4. Original Report Date 08-02-96	5. Time	6. Written By Detective Terry Crawford	7. This Report - Date 08-02-96	8. Time 1730	9. County Marion
10. Victim or Complainant Hernandez, Salvador (Deceased)	11. Residence Address 1605 Candlewood DR, Salem, OR	12. Res Phone	13. Sex M	14. Race H	15. D.O.B. [REDACTED]
16. Subject of This Report SCENE SECURITY ACCESS LOG				17. Total Value of Recovered Prop. (Itemize Below)	

18. Details:

REFER: To Information Report, dated 08-02-96, by Trooper J. Scott Eberz.

MENTIONED

OFFICERS:	Mark Keagle, Deputy Marion CO SO	Gerry Gregg, Sergeant OSP-Dist 2 HQ	J. Scott Eberz, Trooper Salem Patrol Office
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NARRATIVE: On 08-02-96, I was requested to assist in the investigation of a Salem PD officer involved shooting during the execution of a search warrant.

ACTION TAKEN: On 08-02-96, at 0823, I arrived at the scene, 1605 Candelwood DR. Sergeant Gregg requested that I take over entry security of the scene.

At 0854, I relieved Deputy Keagle of entry security and commenced an access log.

At 1050, Pineda-Talamantes was discovered in a Ford van which was parked within the scene in front of the residence. Apparently, Pineda-Talamantes had been asleep within the vehicle. He was transported by Salem PD to their office for an interview.

At 1215, I relinquished the scene access log to Trooper Eberz. The original access log is attached to his Information Report.

CASE STATUS: No further investigation.

Reporting Officer(s) Russ Jones <i>R Jones</i>	Off. I.D. Number 748-21
Other Agencies Notified	Date Time Method

APB Numbers and Dates

Approved By *[Signature]* Date *8-29-96*

CASE NUMBER
96-217998

AUG 13 1996

INFORMATION REPORT
DEPARTMENT OF STATE POLICE
SALEM, OREGON 97310

DISTRIBUTION

Gen. Hdq. Arson Document
 Dist. Hdq. Narcotic Ident.
 CrimeLab
 Other MCDA - Terry Crawford, Detective
Oregon State Police Dist II

AGENCY
OREGON STATE POLICE - Dist II

1. TYPE OF REPORT
 Supplemental
 Information
 Clearance

2. CASE STATUS
 Cr. by Arrest
 Unfounded
 No Prosecution - Complainant
 No Prosecution - Dist. Atty.
 Pending

3. ORIGINAL SUBJECT OF THIS REPORT
Police Officer Involved Shooting

4. Original Report Date
08/02/96

5. Time
07:57 am

6. Written By
Detective Terry Crawford

7. This Report - Date
08/07/96

8. Time
07:45 am

9. County
Marion

10. Victim or Complainant

11. Residence Address

12. Res Phone

13. Sex

14. Race

15. D.O.B.

16. Subject of This Report
Officer Involved Shooting

17. Total Value of Recovered Prop. (Itemize Below)

18. Details:

**OFFICERS
INVOLVED
SHOOTING:**

MANITSAS, JOHN
Salem Police Department

GILBERT, KENNETH
Salem Police Department

DECEASED:

HERNANDEZ, SALVADOR - [REDACTED]
(Previously Identified)

PERSON

INTERVIEWED: PINEDA-TALAMANTES, SANTIAGO - [REDACTED]
[REDACTED]

Michael Gower

Reporting Officer(s) Michael Gower

Off. I.D. Number
261-20

Other Agencies Notified

NOV 6 1996

Date Time Method

APB Numbers and Dates

Approved By Date

[Signature] 8-7-96

MENTIONED

OTHERS:

Benitez, Charles L.
(Interpreter)

Pineda-Cerna, Bartolo - [REDACTED]
1605 Candlewood Drive N.E.
Salem, Oregon

EXHIBITS:

Refer to attached Oregon State Police Property Report.

NARRATIVE:

On August 2, 1996, at 7:21 a.m., officers from the Interagency Drug Task Force (SAINT) executed a search warrant at the residence of 1605 Candlewood Drive in Salem. One of the occupants, Salvador Hernandez, was shot by two Salem Police Officers and declared dead at the scene.

The Oregon State Police were called to investigate.

ACTION TAKEN:

On August 2, 1996, at 11:40 a.m., I interviewed a Mr. Santiago Pineda-Talamantes at the Salem Police Department. Mr. Talamantes was at 1605 Candlewood Drive during the execution of a search warrant. Present in the room during the interview was a Mr. Charles L. Benitez, who is an interpreter hired by Salem Police Department.

On August 2, 1996, at 11:45 p.m., Mr. Talamantes had his Miranda rights read to him from a prepared card in Spanish by Mr. Benitez. Mr. Talamantes, after having his rights read to him, reviewed the card and then signed his Miranda rights acknowledging that he understood them and that he fully and voluntarily would speak to us. After Mr. Talamantes had his Miranda rights read to him, Mr. Benitez read him a consent card in Spanish asking Mr. Talamantes for consent for his blood and urine to be taken at the hospital. Mr. Talamantes agreed to give consent for urine and blood and signed the consent card.

Prior to the interview, I asked Mr. Benitez and Mr. Talamantes if there would be any problem regarding the tape recording of this conversation. Mr. Talamantes and Mr. Benitez both said there was no problem in the conversation being recorded.

I then asked Mr. Talamantes if he understood English and he said, a little bit. Mr. Talamantes told me in substance the following.

On August 2, 1996, at approximately 6:00 a.m., Mr. Talamantes went to his father's residence at 1605 Candlewood Drive in Salem. Mr. Talamantes said his father was Bartolo Pineda-Cerna. Mr. Talamantes said that he went to his father's residence to find out whether or not they were going to work that morning.

Mr. Talamantes said he drove his blue Ford van to the residence and went into the dwelling and woke up his father, Bartolo. Mr. Talamantes said his father was sleeping on the floor in the living room at 1605 Candlewood Drive. Mr. Talamantes said, when he had a conversation with his dad, that due to the weather being rain and wet out, that they weren't going to go to work. Mr. Talamantes said he left the house and went out to his van, which was parked beside the house and slept on a couch inside the van. Mr. Talamantes said the only person he spoke to in the house was his father, Bartolo, and the only person he saw was Salvador, sleeping on the couch.

Mr. Talamantes said that he went to his van and fell asleep 'til about eleven o'clock in the morning when he had to go to the bathroom. Mr. Talamantes said that he looked out his van window and saw yellow police tape around the house and saw several police officers walking around the yard. Mr. Talamantes said the police officers came over to the van and took him out and he was brought to the Salem Police Department.

I asked Mr. Talamantes if he saw or heard anything during the period in which he was out in his van sleeping. Mr. Talamantes said he had not heard anything or seen anything until the time in which he woke up, which was around eleven o'clock, to go to the bathroom.

At the time of this report, I listened to the taped conversation of Mr. Talamantes and due to technical or human error, the tape malfunctioned.

CASE STATUS: Pending.

CASE NUMBER
96217998

AUG 13 1996

INFORMATION REPORT
DEPARTMENT OF STATE POLICE
SALEM, OREGON 97310

DISTRIBUTION

Gen. Hdq. Arson Document
 Dist. Hdq. Narcotic Ident.
 CrimeLab
 Other OSP-Dist II HQ, Det. T. Crawford

AGENCY
OREGON STATE POLICE - DIST II HQ

1. TYPE OF REPORT

Supplemental
 Information
 Clearance

2. CASE STATUS

Clr. by Arrest
 Unfounded
 No Prosecution - Complainant
 No Prosecution - Dist. Atty.
 Pending

3. ORIGINAL SUBJECT OF THIS REPORT

OFFICER INVOLVED SHOOTING

4. Original Report Date

5. Time

6. Written By

7. This Report - Date

8. Time

9. County

08/08/96

5:30 PM

MARION

10. Victim or Complainant

HERNANDEZ, SALVADOR (DECEASED)

11. Residence Address

1605 CANDLEWOOD, SALEM, OR

12. Res Phone

13. Sex

14. Race

15. D.O.B.

M

H

16. Subject of This Report

WITNESS INTERVIEW/BARTOLO PINEDA

17. Total Value of Recovered Prop. (Itemize Below)

18. Details:

REFER: To all Oregon State Police bearing General Headquarter's Case #96217998.

To attached sketches by Bartolo Pineda and Detective Michael Oja.

WITNESS:

PINEDA-CERNA, BARTOLO - [REDACTED]
1605 Candlewood Drive NE
Salem, Oregon 97303
SS [REDACTED]

MENTIONED:

PECYNA, KEN, Detective
Oregon State Police/Dist II HQ
Salem, Oregon

QUACKENBUSH, MIKE, Detective
Salem Police Department
Salem, Oregon

TRONCOSO, JOHN, Officer
Keizer Police Department
Keizer, Oregon

Reporting Officer(s) Michael J. Oja, Detective

Off. I.D. Number

301-20

Other Agencies Notified

Date Time Method

NOV 26 1996

APB Numbers and Dates

Approved By

KW

Date

8-13-96

MENTIONED

CONTINUED:

TALAMANTEZ, RAMIRO
(No further information)

TALAMANTEZ, ALEJANDRO
(No further information)

BRAVO, GUSTAVO
(No further information)

MARGARITO
(No further information)

HERNANDEZ, MARIANA
(No further information)

HERNANDEZ, JESUS
(No further information)

HERNANEZ, ANGEL
(No further information)

ALFREDO
(No further information)

NARRATIVE:

On August 02, 1995 at about 8:05 a.m., I was notified by Detective Ken Pecyna that there was a police officer involved shooting in Salem that morning.

As a result, I was assigned to assist with the investigation into the shooting which killed Salvador Hernandez of 1605 Candlewood Dr. NE in Salem.

The shooting occurred during the service of a search warrant executed by the Salem Area interagency Narcotics Team, S.A.I.N.T. The warrant was executed at approximately 7:20 a.m. at 1605 Candlewood Dr. NE in Salem Oregon. At approximately 7:22 a.m., reports were received that shots had been fired.

ACTION TAKEN: At about 8:30 a.m., I arrived on the scene at 1605 Candlewood Drive. Upon my arrival I was assigned to interview a witness who apparently saw the actions taken by police when Salvador Hernandez was shot.

I was introduced to Detective Mike Quackenbush of the Salem Police Department. He told me that the witness to the shooting was apparently in the kitchen where the shooting occurred. Detective Quackenbush introduced me to Bartolo Pineda, who was seated in the back of a Salem patrol car. I

advised him that I spoke Spanish and would like to interview him. I told him that we would take him to the Salem Police Department for the interview.

Arriving at the Salem Police Department, Mr. Pineda was escorted to an interview room and given an opportunity to use the restroom facilities prior to the interview. At 9:05 a.m. I interviewed Mr. Pineda with Detective Quackenbush. I read Mr. Pineda his Miranda Rights in Spanish from a prepared card written in Spanish. Mr. Pineda signed the rights card and agreed to freely give me a statement. I advised Mr. Pineda that he was not under arrest and was only being questioned as a witness.

After retaining a little bit of Mr. Pineda's background information, including his marital and family status, and tenure in the U.S. and Oregon, I obtained a statement from Mr. Pineda regarding his involvement with the incident being investigated.

Mr. Pineda stated in substance that he arose at about 7:00 a.m. that morning. His friend Salvador Hernandez also got up at that time. He said it was raining out and they did not go to work.

Mr. Pineda stated that he was in the kitchen with Salvador just before the police arrived. He was just about to open his refrigerator to get some milk for his coffee. He said Salvador was at the sink washing a cup he had just used. Salvador told Mr. Pineda that he was going to get some meat out to prepare for their lunch to take to work. Salvador has another refrigerator across from Mr. Pineda's refrigerator. Mr. Pineda stated that Salvador was about to get some meat out for lunch when the police arrived. I asked him if the meat was such that it needed to be cut for preparation. He said it was.

Mr. Pineda stated that the police came in and were telling them to get down on the ground. I asked if this was said in Spanish and he said that it was. He said he understood it and complied with the orders. He also stated that he saw and knew that those present were in fact police officers.

He stated that he got on the ground and Salvador did not. He said the police shot Salvador. I asked Mr. Pineda what he thought the length of time was from the time the police told them to get to the ground to when the shots were fired. He said he thought it was about two seconds.

I asked if he ever saw Salvador with anything in his hand before the police fired. He said he may have had a knife because Salvador was going to prepare some meat for their lunch, but he didn't actually see a knife. While Mr. Pineda was telling me this he was gesturing with his hands and demonstrating how large he thought the knife was.

I asked Mr. Pineda if Salvador was facing the police when he was shot and he said that Salvador was facing them. I asked if he thought Salvador saw the police and he said he thought he did. I asked if he thought Salvador heard the police give the orders to get on the ground. He said he didn't think he did because he is hard of hearing. I asked how he knew Salvador was hard of hearing and he said because when they're out in the field working, Salvador tells him to speak up louder so he can hear him.

I asked if he ever saw Salvador with a knife in his hand before or after the shots were fired and he said that he did not.

After this initial interview, we changed rooms because the room we were using was needed for someone else. When we went to another room, I was accompanied by Officer John Troncoso of the Keizer Police Department. Officer Troncoso is bi-lingual in English and Spanish. While waiting for Officer Troncoso, I sketched a diagram of the scene with the help of Mr. Pineda. He explained where he was in the kitchen as related to Salvador and the other locations of objects in the kitchen.

After this change of rooms I advised Mr. Pineda that the interview would be tape recorded and that it would essentially be a review of what we had already discussed.

At about 11:40 a.m. I started the tape and reviewed with Mr. Pineda his

rights and the fact that he was not under arrest. He acknowledged that the tape recorder was on and had no apprehensions about it's use.

After reviewing with Mr. Pineda his background he gave the following in substance statement on tape.

Mr. Pineda repeated that he arose at about 7:00 a.m. along with his friend Salvador Hernandez. He stated that they weren't going to work because it was raining. The other occupants of the house were still in bed except for his son and Alfredo, another occupant of the house.

He went to the kitchen to make himself some coffee. Salvador was also in the kitchen. He had just finished washing a cup in the sink. He told Mr. Pineda that he was going to get some meat out to prepare for their lunch to take to work.

Mr. Pineda said it was then that the police came identifying themselves as police and told them to get down to the ground. He said he did, but Salvador didn't. He said it was about two seconds from the time the police ordered them to the ground until the shots were fired.

When I asked Mr. Pineda if Salvador saw the police he answered yes.

He said he didn't think Salvador had a chance to cooperate because he was deaf. He knows this because Salvador would tell him to speak up while they were working together in the field. He said Salvador could hear him if he spoke a little louder.

Mr. Pineda said that he did not see a knife in Salvador's hand prior to the police entering.

Mr. Pineda said he could see Salvador's hands after he fell. He said one hand fell just next to him and he could not see his other hand. I asked Mr. Pineda what was in the hand of Salvador that fell just next to him. He said nothing was in his hand. I asked if he was sure or if he knew. I told him it was o.k. if he didn't know. He said at first he didn't see

Case No. 96-217998

Page 6

anything, unless there was something in the other hand in the background.

Mr. Pineda said the police put the handcuffs on him and took him outside. He said neither of the officers that handcuffed him were one that fired their pistol. The officer that fired went outside after the firing his pistol.

The interview was terminated at 12:27 p.m. and the tape recorder turned off. Please see the attached typed statement for more information.

CASE STATUS: Continuing

CASE NUMBER
96-217998

AUG 15 1996

INFORMATION REPORT

DEPARTMENT OF STATE POLICE
SALEM, OREGON 97310

DISTRIBUTION

- Gen. Hdq.
- Dist. Hdq.
- CrimeLab
- Other MCDA - Terry Crawford, Detective
Oregon State Police Dist II
- Arson
- Narcotic
- Document
- Ident.

AGENCY

OREGON STATE POLICE - Dist II

1. TYPE OF REPORT

- Supplemental
- Information
- Clearance

2. CASE STATUS

- Clr. by Arrest
- Unfounded
- No Prosecution - Complainant
- No Prosecution - Dist. Atty.
- Pending

3. ORIGINAL SUBJECT OF THIS REPORT

Police Officer Involved Shooting

4. Original Report Date

08/02/96

5. Time

07:57 am

6. Written By

Detective Terry Crawford

7. This Report - Date

08/07/96

8. Time

07:45 am

9. County

Marion

10. Victim or Complainant

11. Residence Address

12. Res Phone

13. Sex

14. Race

15. D.O.B.

16. Subject of This Report

Officer Involved Shooting

17. Total Value of Recovered Prop. (Itemize Below)

18. Details:

OFFICERS INVOLVED SHOOTING:

MANITSAS, JOHN
Salem Police Department

GILBERT, KENNETH
Salem Police Department

DECEASED:

HERNANDEZ, SALVADOR - [REDACTED]
(Previously Identified)

PERSON INTERVIEWED:

PINEDA-TALAMANTES, SANTIAGO - [REDACTED]
[REDACTED]

Reporting Officer(s) Michael Gower

Off. I.D. Number

261-20

Other Agencies Notified

NOV 7 1996

Date Time Method

APB Numbers and Dates

Approved By

[Signature] 8-7-96

Date

MENTIONED
OTHERS:

Benitez, Charles L.
(Interpreter)

Pineda-Cerna, Bartolo - [REDACTED]
1605 Candlewood Drive N.E.
Salem, Oregon

EXHIBITS: Refer to attached Oregon State Police Property Report.

NARRATIVE: On August 2, 1996, at 7:21 a.m., officers from the Interagency Drug Task Force (SAINT) executed a search warrant at the residence of 1605 Candlewood Drive in Salem. One of the occupants, Salvador Hernandez, was shot by two Salem Police Officers and declared dead at the scene.

The Oregon State Police were called to investigate.

ACTION TAKEN: On August 2, 1996, at 11:40 a.m., I interviewed a Mr. Santiago Pineda-Talamantes at the Salem Police Department. Mr. Talamantes was at 1605 Candlewood Drive during the execution of a search warrant. Present in the room during the interview was a Mr. Charles L. Benitez, who is an interpreter hired by Salem Police Department.

On August 2, 1996, at 11:45 p.m., Mr. Talamantes had his Miranda rights read to him from a prepared card in Spanish by Mr. Benitez. Mr. Talamantes, after having his rights read to him, reviewed the card and then signed his Miranda rights acknowledging that he understood them and that he fully and voluntarily would speak to us. After Mr. Talamantes had his Miranda rights read to him, Mr. Benitez read him a consent card in Spanish asking Mr. Talamantes for consent for his blood and urine to be taken at the hospital. Mr. Talamantes agreed to give consent for urine and blood and signed the consent card.

Prior to the interview, I asked Mr. Benitez and Mr. Talamantes if there would be any problem regarding the tape recording of this conversation. Mr. Talamantes and Mr. Benitez both said there was no problem in the conversation being recorded.

I then asked Mr. Talamantes if he understood English and he said, a little bit. Mr. Talamantes told me in substance the following.

On August 2, 1996, at approximately 6:00 a.m., Mr. Talamantes went to his father's residence at 1605 Candlewood Drive in Salem. Mr. Talamantes said his father was Bartolo Pineda-Cerna. Mr. Talamantes said that he went to his father's residence to find out whether or not they were going to work that morning.

Mr. Talamantes said he drove his blue Ford van to the residence and went into the dwelling and woke up his father, Bartolo. Mr. Talamantes said his father was sleeping on the floor in the living room at 1605 Candlewood Drive. Mr. Talamantes said, when he had a conversation with his dad, that due to the weather being rain and wet out, that they weren't going to go to work. Mr. Talamantes said he left the house and went out to his van, which was parked beside the house and slept on a couch inside the van. Mr. Talamantes said the only person he spoke to in the house was his father, Bartolo, and the only person he saw was Salvador, sleeping on the couch.

Mr. Talamantes said that he went to his van and fell asleep 'til about eleven o'clock in the morning when he had to go to the bathroom. Mr. Talamantes said that he looked out his van window and saw yellow police tape around the house and saw several police officers walking around the yard. Mr. Talamantes said the police officers came over to the van and took him out and he was brought to the Salem Police Department.

I asked Mr. Talamantes if he saw or heard anything during the period in which he was out in his van sleeping. Mr. Talamantes said he had not heard anything or seen anything until the time in which he woke up, which was around eleven o'clock, to go to the bathroom.

At the time of this report, I listened to the taped conversation of Mr. Talamantes and due to technical or human error, the tape malfunctioned.

CASE STATUS: Pending.

CASE NUMBER
96217998

AUG 15 1996

INFORMATION REPORT
DEPARTMENT OF STATE POLICE
SALEM, OREGON 97310

DISTRIBUTION

Gen. Hdq. Arson Document
 Dist. Hdq. Narcotic Ident.
 CrimeLab
 Other OSP-Dist II HQ, Det. T. Crawford

AGENCY
OREGON STATE POLICE - DIST II HQ

1. TYPE OF REPORT

- Supplemental
- Information
- Clearance

2. CASE STATUS

- Clr. by Arrest
- Unfounded
- No Prosecution - Complainant
- No Prosecution - Dist. Atty.
- Pending

3. ORIGINAL SUBJECT OF THIS REPORT

OFFICER INVOLVED SHOOTING

4. Original Report Date

5. Time

6. Written By

7. This Report - Date

8. Time

9. County

08/08/96

5:30 PM

MARION

10. Victim or Complainant

HERNANDEZ, SALVADOR (DECEASED)

11. Residence Address

1605 CANDLEWOOD, SALEM, OR

12. Res Phone

13. Sex

M

14. Race

H

15. D.O.B.

16. Subject of This Report

WITNESS INTERVIEW/BARTOLO PINEDA

17. Total Value of Recovered Prop. (Itemize Below)

18. Details:

REFER: To all Oregon State Police bearing General Headquarter's Case #96217998.

To attached sketches by Bartolo Pineda and Detective Michael Oja.

WITNESS:

PINEDA-CERNA, BARTOLO - [REDACTED]
1605 Candlewood Drive NE
Salem, Oregon 97303
SS [REDACTED]

MENTIONED:

PECYNA, KEN, Detective
Oregon State Police/Dist II HQ
Salem, Oregon

QUACKENBUSH, MIKE, Detective
Salem Police Department
Salem, Oregon

TRONCOSO, JOHN, Officer
Keizer Police Department
Keizer, Oregon

Reporting Officer(s) Michael J. Oja, Detective

Off. I.D. Number

301-20

Other Agencies Notified

Date

Time

Method

APB Numbers and Dates

Approved By

Date

KN

8-13-96

**MENTIONED
CONTINUED:**

TALAMANTEZ, RAMIRO
(No further information)

TALAMANTEZ, ALEJANDRO
(No further information)

BRAVO, GUSTAVO
(No further information)

MARGARITO
(No further information)

HERNANDEZ, MARIANA
(No further information)

HERNANDEZ, JESUS
(No further information)

HERNANEZ, ANGEL
(No further information)

ALFREDO
(No further information)

NARRATIVE:

On August 02, 1995 at about 8:05 a.m., I was notified by Detective Ken Pecyna that there was a police officer involved shooting in Salem that morning.

As a result, I was assigned to assist with the investigation into the shooting which killed Salvador Hernandez of 1605 Candlewood Dr. NE in Salem.

The shooting occurred during the service of a search warrant executed by the Salem Area interagency Narcotics Team, S.A.I.N.T. The warrant was executed at approximately 7:20 a.m. at 1605 Candlewood Dr. NE in Salem Oregon. At approximately 7:22 a.m., reports were received that shots had been fired.

ACTION TAKEN: At about 8:30 a.m., I arrived on the scene at 1605 Candlewood Drive. Upon my arrival I was assigned to interview a witness who apparently saw the actions taken by police when Salvador Hernandez was shot.

I was introduced to Detective Mike Quackenbush of the Salem Police Department. He told me that the witness to the shooting was apparently in the kitchen where the shooting occurred. Detective Quackenbush introduced me to Bartolo Pineda, who was seated in the back of a Salem patrol car. I

advised him that I spoke Spanish and would like to interview him. I told him that we would take him to the Salem Police Department for the interview.

Arriving at the Salem Police Department, Mr. Pineda was escorted to an interview room and given an opportunity to use the restroom facilities prior to the interview. At 9:05 a.m. I interviewed Mr. Pineda with Detective Quackenbush. I read Mr. Pineda his Miranda Rights in Spanish from a prepared card written in Spanish. Mr. Pineda signed the rights card and agreed to freely give me a statement. I advised Mr. Pineda that he was not under arrest and was only being questioned as a witness.

After retaining a little bit of Mr. Pineda's background information, including his marital and family status, and tenure in the U.S. and Oregon, I obtained a statement from Mr. Pineda regarding his involvement with the incident being investigated.

Mr. Pineda stated in substance that he arose at about 7:00 a.m. that morning. His friend Salvador Hernandez also got up at that time. He said it was raining out and they did not go to work.

Mr. Pineda stated that he was in the kitchen with Salvador just before the police arrived. He was just about to open his refrigerator to get some milk for his coffee. He said Salvador was at the sink washing a cup he had just used. Salvador told Mr. Pineda that he was going to get some meat out to prepare for their lunch to take to work. Salvador has another refrigerator across from Mr. Pineda's refrigerator. Mr. Pineda stated that Salvador was about to get some meat out for lunch when the police arrived. I asked him if the meat was such that it needed to be cut for preparation. He said it was.

Mr. Pineda stated that the police came in and were telling them to get down on the ground. I asked if this was said in Spanish and he said that it was. He said he understood it and complied with the orders. He also stated that he saw and knew that those present were in fact police officers.

He stated that he got on the ground and Salvador did not. He said the police shot Salvador. I asked Mr. Pineda what he thought the length of time was from the time the police told them to get to the ground to when the shots were fired. He said he thought it was about two seconds.

I asked if he ever saw Salvador with anything in his hand before the police fired. He said he may have had a knife because Salvador was going to prepare some meat for their lunch, but he didn't actually see a knife. While Mr. Pineda was telling me this he was gesturing with his hands and demonstrating how large he thought the knife was.

I asked Mr. Pineda if Salvador was facing the police when he was shot and he said that Salvador was facing them. I asked if he thought Salvador saw the police and he said he thought he did. I asked if he thought Salvador heard the police give the orders to get on the ground. He said he didn't think he did because he is hard of hearing. I asked how he knew Salvador was hard of hearing and he said because when they're out in the field working, Salvador tells him to speak up louder so he can hear him.

I asked if he ever saw Salvador with a knife in his hand before or after the shots were fired and he said that he did not.

After this initial interview, we changed rooms because the room we were using was needed for someone else. When we went to another room, I was accompanied by Officer John Troncoso of the Keizer Police Department. Officer Troncoso is bi-lingual in English and Spanish. While waiting for Officer Troncoso, I sketched a diagram of the scene with the help of Mr. Pineda. He explained where he was in the kitchen as related to Salvador and the other locations of objects in the kitchen.

After this change of rooms I advised Mr. Pineda that the interview would be tape recorded and that it would essentially be a review of what we had already discussed.

At about 11:40 a.m. I started the tape and reviewed with Mr. Pineda his

rights and the fact that he was not under arrest. He acknowledged that the tape recorder was on and had no apprehensions about its use.

After reviewing with Mr. Pineda his background he gave the following in substance statement on tape.

Mr. Pineda repeated that he arose at about 7:00 a.m. along with his friend Salvador Hernandez. He stated that they weren't going to work because it was raining. The other occupants of the house were still in bed except for his son and Alfredo, another occupant of the house.

He went to the kitchen to make himself some coffee. Salvador was also in the kitchen. He had just finished washing a cup in the sink. He told Mr. Pineda that he was going to get some meat out to prepare for their lunch to take to work.

Mr. Pineda said it was then that the police came identifying themselves as police and told them to get down to the ground. He said he did, but Salvador didn't. He said it was about two seconds from the time the police ordered them to the ground until the shots were fired.

When I asked Mr. Pineda if Salvador saw the police he answered yes.

He said he didn't think Salvador had a chance to cooperate because he was deaf. He knows this because Salvador would tell him to speak up while they were working together in the field. He said Salvador could hear him if he spoke a little louder.

Mr. Pineda said that he did not see a knife in Salvador's hand prior to the police entering.

Mr. Pineda said he could see Salvador's hands after he fell. He said one hand fell just next to him and he could not see his other hand. I asked Mr. Pineda what was in the hand of Salvador that fell just next to him. He said nothing was in his hand. I asked if he was sure or if he knew. I told him it was o.k. if he didn't know. He said at first he didn't see

Case No. 96-217998

Page 6

anything, unless there was something in the other hand in the background.

Mr. Pineda said the police put the handcuffs on him and took him outside. He said neither of the officers that handcuffed him were one that fired their pistol. The officer that fired went outside after the firing his pistol.

The interview was terminated at 12:27 p.m. and the tape recorder turned off. Please see the attached typed statement for more information.

CASE STATUS: Continuing

CASE NUMBER
#96217998

AUG 19 1996

INFORMATION REPORT

DEPARTMENT OF STATE POLICE
SALEM, OREGON 97310

DISTRIBUTION

- Gen. Hdq.
- Dist. Hdq.
- CrimeLab
- Other x Marion County D.A./Walt Beglau Det. Terry Crawford, Dist II Hdq x
- Arson
- Narcotic
- Document
- Ident.

AGENCY
OREGON STATE POLICE - SALEM

1. TYPE OF REPORT
- Supplemental
 - Information
 - Clearance

2. CASE STATUS
- Clr. by Arrest
 - Unfounded
 - No Prosecution - Complainant
 - No Prosecution - Dist. Atty.
 - Pending

3. ORIGINAL SUBJECT OF THIS REPORT
OFFICER INVOLVED SHOOTING

4. Original Report Date 08-02-96, Fri.	5. Time --	6. Written By Terry L. Crawford, Detective	7. This Report - Date 08-04-96, Sunday	8. Time 1:10 p.m.	9. County Marion
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10. Victim or Complainant HERNANDEZ, SALVADOR (Deceased)	11. Residence Address 1605 Candlewood Drive NE, Salem, OR 97303	12. Res Phone --	13. Sex M	14. Race H	15. D.O.B. [REDACTED]
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16. Subject of This Report
SUPPLEMENTAL INFORMATION / WITNESS INTERVIEWS

17. Total Value of Recovered Prop. (Itemize Below)

18. Details:

MENTIONED FOR DATA ENTRY:

TALAMANTES-GUTIERREZ, RAMIRO [REDACTED]
1605 Candlewood Drive NE
Salem, OR 97303 (Witness)

TALAMANTES-GUTIERREZ, JESUS ALEJANDRO [REDACTED]
1605 Candlewood Drive NE
Salem, OR 97303 (Witness)

PLASCENIA-GONAZLEZ, ALFREDO [REDACTED]
1605 Candlewood Drive NE
Salem, OR 97303 (In custody)

MENTIONED OTHERS: TRONCOSO, JOHN V., Detective
Keizer Police Department
Telephone: 390-3713 (Interpreter)

WAKERLIG, KRISTY [REDACTED]

BENITEZ, CHARLES
Salem Police Department (Interpreter)

EXHIBIT:

MAC-1 One (1) cassette tape with Ramiro Talamantes-Gutierrez - interview
MAC-2 One (1) Miranda card, signed
MAC-3 One (1) consent card

LOCATION: 1605 Candlewood Drive NE, Salem, OR 97303

(continued on next page)

Reporting Officer(s) Molly A. Cotter, Jpr. Off. I.D. Number 0124-21

Molly A. Cotter, Trooper

Other Agencies Notified NOV 30 1996 Date NOV 30 1996 Time Method APB Numbers and Dates

Approved By WTS Date 878

NARRATIVE: On August 2, 1996 at approximately 8:35 a.m., I was assigned to interview witnesses to an officer involved shooting incident at the above listed location.

ACTION TAKEN: On August 2, 1996 I first spoke to Kristy Wakerlig. She is a law clerk with the Salem City Attorney's office. She was observing as the search warrant was served. Ms. Wakerlig said she was seated in the van when the officers entered the residence. Ms. Wakerlig said she heard multiple gunshots, but did not see anything.

At approximately 8:55 a.m., Detective Troncoso and I responded to Salem Police Department to interview the occupants of the residence.

At approximately 9:25 a.m., I observed as Detective Troncoso interviewed Jesus (Alejandro) Talamantes-Gutierrez. At 9:30 a.m., he was read his Miranda rights, he said he understood and signed the card. (Refer to Detective Troncoso's report for his statement).

At approximately 12:40 p.m., I interviewed Ramiro Talamantes-Gutierrez. Mr. Talamantes-Gutierrez stated in substance the following through the interpreter, Mr. Benitez. I had Mr. Benitez advise Mr. Talamantes-Gutierrez that he was being recorded and of his Miranda rights. I said if he understands, have him sign the back of the Miranda card. He signed it and again I asked if he understood. He said, so-so he does. I asked what doesn't he understand. Mr. Benitez said he doesn't understand about the courts. I said he doesn't need to worry about the courts at this time, I just need to get a statement. He needs to understand that he doesn't have to speak to me.

Mr. Benitez told him we just wanted to interview him about what he saw with his own eyes this morning. I said yes. Mr. Ramiro Talamantes-Gutierrez said, "I didn't see nothing, I was asleep". I asked Mr. Talamantes-Gutierrez his address. He said 1605 Candlewood Drive NE, Salem, OR. I asked how long he had lived there and he said three years. I asked where does he sleep in the house. He said in a room. I asked if he shared that room and he said no. I asked who else lives in the house. He said there were about 10 or more that share the house. I asked if he could name any of the occupants. He said all of them are now here (meaning at Salem Police Department). He said he thinks only one that is being sought after is not here. I asked what his name is. He said, "How come you are looking for him?" I said I was wondering who lived there, that is all. He said, "I don't know".

I asked if he is related to the people in the home. He said he is a nephew of the Hernandez family. I asked how is he related to Salvador. He said he (Salvador) is his grandfather.

I said I want to talk about today. Did he sleep in the home last night? He said yes. I asked what time did he go to bed. He said about 10:30 p.m. I asked what time did he get up this morning and did he have to go to work. He said, "Yes, but since we work in the camp, it was raining this morning, we didn't have to." I asked how did he know he didn't have to work today. He said, "It was raining, we don't work when it rains."

I asked if he sleeps in a bedroom or the living room. He said in a bedroom, in a bed. I asked if this morning he was in that bedroom alone. He said yes, he was in his bed and bedroom by himself. I asked if he pays rent at this house. He said yes. I asked how much he pays a month. He said at times \$60.00 to \$80.00. I asked if there was anyone in the house that he was not related to. He said yes, three that weren't.

I asked if someone woke him up this morning or how did he find out there was no work. He said no, he usually gets up at 5:30 a.m. and everyone was up. His uncle is the boss that lives next door. I asked where he works. He said Eder Brothers near Mt. Angel. I asked what he does there and he said a laborer. I asked how long he had worked there and he said about three years.

I said he was asleep when the police came, is that correct? He said yes. I asked what he was awakened by. He said when they opened the door. I asked did he hear or see the police. He said he was asleep and one hit him on the forehead with a pistol. I asked if the officer pointed the gun at him or hit him with the gun. He said he hit him on the forehead. I asked if he was sure it was a gun. He said the officer hit him with something, possibly a gun. I said, okay, so he was asleep and they awakened him by hitting him, is that correct? He said he was already awake, like he was fighting with them, but was already awake when the police officers came into the room. I asked for clarification on whether he was asleep or not when the police entered his bedroom. He said he was going to get up, but by that time he heard them come in rapidly, by the time he got up they had already entered his bedroom. I asked if he was standing or in bed when he was struck. He said in the bed. I asked did he recognize that those were police officers. He said yes, they had them all in the front room. I asked how he could tell that they were police officers. He said, "'Cuz they entered through the door, and he heard gunshots".

I asked did he hear any announcements from the police or any orders to do anything. He said no. I asked what the police told him when he was still lying in bed. He said they said nothing, they just put the handcuffs on him. I asked if the blow to his head was before he was handcuffed. He said yes. I asked if he complied with the police officers; did he scuffle with them at all. He said no. I asked did he hear any yelling. He said just from his aunt, who was crying. I said I understood he knows a little bit of English, is that true? He said yes, he knows a little bit.

I asked again for clarification of whether he knew they were police officers and how he knew. He said they came yelling, "Police". I said by him looking at them, could he tell they were police officers? He said yes. I asked after the police came in and he heard yelling, what else did he hear. He said nothing, they took them outside. I asked if he heard shots. He said yes, he heard that.

I said, "So, tell me the sequence from the time the police came to the door, what did you hear until you were taken outside?" He began to answer, there was some type of interference on the tape for a second, and he continued his answer in Spanish. He said he heard pushing on his door, that it was the police, and they came in and handcuffed him, and jumped on him. I asked at what point from the police pushing on his door did he hear shots. He said when the police

were getting him, he heard the shots. I said if he could, I would like for him to estimate in seconds from the time he first heard the police to the time he first heard the shots. He said it was rapidly; he couldn't tell if it was a minute. I asked how long has he lived with Salvador. He said three years.

I asked in the last day had he taken any alcohol or drugs. He said he doesn't use drugs. I asked if he used alcohol. He said he drinks a beer every now and then. I asked did he drink last night. He said it has been about a week that he hasn't drank.

I asked if he knew if Salvador had any health problems. He said he was in the hospital but he had problems with something else. I asked how long ago that was. He said a month ago. I asked if he knew his grandfather, Salvador, to have any hearing problems. He said, "I guess he had problems hearing". I asked if he spoke to him in a normal tone, would he understand. He said no, you had to be very careful. I asked what he meant by that. He said sometimes he wouldn't respond or you would have to talk loud. I asked if he spoke in a loud voice, would he understand. He said at times it would have to be repeated.

I asked if Salvador had any vision problems. He said, "Yes, I think he does". I asked if it was anything that required glasses. He said, "I don't know, maybe". I asked if he knew Salvador's location at the time the police came. He said that when he was outside, arrested with another person that was arrested, they said Salvador was in the kitchen cooking when the police entered the home. I said so, the other people told him that. He said yes, because they sleep in the living room and they were looking at T.V. I said, but he did not himself actually see Salvador in the kitchen? He said he did not; he was in his room.

I said he does not use drugs, correct? He said yes. I asked if he knows of anybody or any drug usage in the home. He said he knows what drugs do and he doesn't use them, but he doesn't know about the others.

I asked after he was taken outside he was just put into the police car, is that correct? He said yes, after they had sat for awhile outside. I asked if he knew if Salvador had been drinking the night before. He said there has been three or four months that Salvador hasn't drank.

I asked if Salvador had been arrested before. He said one time they arrested him for urinating in the street. He paid the court and went to work for the State. I said, so most likely, Salvador knows who the police are. He said yes, the police have gone there many times for different things.

I asked if he knew of any guns or knives in the home. He said, "I don't have any. I don't know about the others." I asked if Salvador had a knife that he knew of. He said that Salvador had a knife 'cause he was making food in the kitchen when the police entered. I asked if there are many knives in the kitchen. He said there is not a lot, but there are some.

I asked if Salvador spoke English. He said no, that he didn't understand.

I asked if other than the bump on his head, were there any other injuries. He said just that mark. I asked if he saw anyone get hit. He said just him.

I asked for confirmation on the sequence of events. I said he heard the police officers come through the door, which awoke him. He said yes. I said and then he heard them hitting his bedroom door and he said yes. I said and the next thing he knew, the officer jumped on him in his bed. He said yes. I said and at some point he got his head hit. He said yes. I said and he was told to get on the floor. I asked was he thrown to the floor or did he roll to the floor himself. He said he was grabbed and thrown to the floor. I asked if there was any injury from being taken to the floor. He said no, and he further added when he was being thrown to the floor is when he heard the bullets. I asked if there were any knives or guns in his bedroom. He said, "No, I don't have any of those things".

I then had Mr. Benitez ask for blood and urine. Mr. Benitez said he reads Spanish. Mr. Ramiro Talamantes-Gutierrez read and signed the consent card. I asked if he understood. He said yes. I asked if he understood that we would be taking blood and urine at the hospital and then bring him back. He said yes. I completed my interview at 1:22 p.m.

At approximately 1:40 p.m., I observed as Detective Troncoso interviewed Mr. Felipe Lopez. He was given his Miranda rights, which he understood, and signed the card in the name of Felipe Lopez. At 2:08 p.m., he gave us his true name of ALFREDO PLASCENIA-GONZALEZ and then signed the Miranda card in his true name. At 3:59 p.m., the interview was completed. (For the statement given by this individual, see Detective Troncoso's report).

CASE STATUS: No further investigation, Salem Patrol Office.
MAC:ct 08-15-96

CASE NUMBER

96217998

SEP 16 1996

INFORMATION REPORT

DEPARTMENT OF STATE POLICE

SALEM, OREGON 97310

DISTRIBUTION

- Gen. Hdq. Arson Document
- Dist. Hdq. Narcotic Ident.
- Crime Lab
- Other Marion County DA - Steve Dingle

AGENCY

OREGON STATE POLICE - DISTRICT II HEADQUARTERS

1. TYPE OF REPORT

- Supplemental
- Information
- Clearance

2. CASE STATUS

- Clr. by Arrest
- Unfounded
- No Prosecution—Complainant
- No Prosecution—Dist. Atty.
- Pending

3. ORIGINAL SUBJECT OF THIS REPORT

OFFICER INVOLVED SHOOTING

4. Original Report Date

08/02/96

5. Time

7:57 A.M.

6. Written By

DET. TERRY CRAWFORD

7. This Report — Date

08/23/96

8. Time

9:10 A.M.

9. County

MARION

10. Victim or Complainant

11. Residence Address

12. Res. Phone

13. Sex

14. Race

15. D.O.B.

16. Subject of This Report

ADDITIONAL INFORMATION - EVIDENCE

17. Total Value of Recovered Prop. (Itemize Below)

18. Details: (Use Additional Plain Sheets as Necessary)

REFER TO: KEIZER POLICE DEPARTMENT CASE #96008271; SALEM POLICE DEPARTMENT CASE #9641904; SILVERTON POLICE DEPARTMENT CASE #96003509

MENTIONED OFFICERS:

Mentioned for Data Entry:

GILBERT, KENNETH, Detective
WM, [REDACTED]
Salem Police Department

MANITSAS, JOHN PETER, Officer
WM, [REDACTED]
Salem Police Department

MENTIONED: MILLER, JIM, Sergeant
Salem Police Department

EXHIBITS: KPB-44 - 14 BULLETS, SPEER BRAND, 45 CAL. FROM AMMO POUCH BELONGING TO OFFICER MANITSAS.
KPB-45 - 14 BULLETS, SPEER BRAND, 45 CAL. FROM AMMO POUCH BELONGING TO OFFICER GILBERT.

Reporting Officer(s)

Kenneth Pecyna

Off. I.D. Number

DET. KENNETH PECYNA

1293-20

DEC 24 1996

Other Agencies Notified

Date

Time

Method

APB Numbers and Dates

Approved By

[Signature] 9-12-96

Date

OFFICER INVOLVED SHOOTING

Page 2

NARRATIVE: On August 2, 1996, members of the SALEM AREA INTERAGENCY NARCOTICS TEAM served a Marion County search warrant at 1605 Candlewood Drive NE, Salem, Oregon. The search warrant was served at 7:20 A.M., and within a minute shots were fired inside the residence, and SALVADOR HERNANDEZ was wounded. The Salem Police Department then requested that the Oregon State Police respond to begin an investigation surrounding this incident. As part of this investigation, sample ammunition was recovered to be forwarded to the crime lab for examination.

ACTION TAKEN: On August 21, 1996, at around 3:35 P.M., I received the above-listed exhibits KPB-44, and KPB-45, from Salem Police Department's Sergeant Jim Miller. KPB-44 and KPB-45 are both bullets that were removed from the ammo pouches of Officer John Manitsas, and Officer Ken Gilbert, of the Salem Police Department. These items were marked and then secured at the Salem Patrol Office. This evidence will be forwarded to the Springfield Crime Lab for examination. There is no further information at this time.

CASE STATUS: Continued.

KP:mf
09/04/96

CASE NUMBER
96-217998

SEP 03 1996

INFORMATION REPORT
DEPARTMENT OF STATE POLICE
SALEM, OREGON 97310

DISTRIBUTION

- Gen. Hdq.
- Dist. Hdq.
- CrimeLab
- Other MCDA - Terry Crawford, Detective, OSP Dist II
- Arson
- Narcotic
- Document
- Ident.

AGENCY
OREGON STATE POLICE - Dist II HQ

1. TYPE OF REPORT
- Supplemental
 - Information
 - Clearance

2. CASE STATUS
- Clr. by Arrest
 - Unfounded
 - No Prosecution - Complainant
 - No Prosecution - Dist. Atty.
 - Pending

3. ORIGINAL SUBJECT OF THIS REPORT
Police Officer Involved Shooting

4. Original Report Date 8/2/96	5. Time 7:57am	6. Written By Detective Loren Glover	7. This Report - Date 8/26/96	8. Time 11:00 am	9. County Marion
10. Victim or Complainant		11. Residence Address		12. Res Phone	13. Sex
				14. Race	15. D.O.B.
16. Subject of This Report Police Officer Involved Shooting - Follow up Investigation				17. Total Value of Recovered Prop. (Itemize Below)	

18. Details:
REFER: To all related reports regarding Case #96217998.

PERSONS

INTERVIEWED: HERNANDEZ, MARIANNA - [REDACTED]
1605 Candlewood Drive N.E.
Salem, Oregon

HERNANDEZ, JESUS - [REDACTED]
1605 Candlewood Drive N.E.
Salem, Oregon

MENTIONED: RHINE, JUDY, Officer
Salem Police Department

BENITEZ, CHARLEY
Interpreter

EXHIBITS: Two (2) tape recordings regarding interviews with Jesus and Marianna Hernandez.

Loren T. Glover
Reporting Officer(s) Loren Glover, Detective Off. I.D. Number
102-20

Other Agencies Notified Date Time Method DEO 17 1996

Approved By *[Signature]* Date 8-28-96

NARRATIVE: On August 2, 1996 Salvador Hernandez was shot and killed by two Salem Police Department officers while serving a search warrant at 1605 Candlewood Drive N.E., Salem, Oregon. The Oregon State Police were requested to investigate the shooting and death of Salvador Hernandez.

ACTION TAKEN: On August 2, 1996, at 8:55 a.m., I contacted Jesus Hernandez at the Salem Police Department. After being advised of his constitutional rights and signing the prepared Miranda card, Jesus Hernandez gave a taped statement to me and Salem Police Department Officer, Judy Rhine. Refer to attached transcript of taped statement.

At 9:37 a.m. the interview with Jesus Hernandez was concluded.

At 9:50 a.m. I recontacted him and asked for a blood and urine sample. Jesus Hernandez admitted that he had taken Coke approximately a week ago outside his dad's house at 1605 Candlewood Drive. He said Alfredo gave him the Coke and Alfredo lived at his dad's house. He said Alfredo was selling Coke and he saw Alfredo with a small bag. He said that Alfredo was at the house yesterday afternoon and then left. Hernandez signed a Consent to Search card and was transported to the Salem Memorial Hospital for a blood and urine sample.

At 10:20 a.m. I contacted Marianna Hernandez with interpreter, Charley Benitez. I advised Marianna of her constitutional rights and she signed a prepared card and also gave a consent for searching her person. Marianna's interview was tape recorded and concluded at 11:05 a.m. Refer to attached transcript of taped statement.

CASE STATUS: Continuing.

LG:JS 8/27/96
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