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REPORT NUMBER

Please Note
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last parag. ABOUT
UNLAWFUL
ENTRY

City of Prineville
 Police Department
 INCIDENT REPORT



NARRATIVE

REPORTED BY 47015 ZAMORA, JORDAN

REPORT FILED 04/08/2010

1 ON 04/08/10, I CONDUCTED AN INVESTIGATION INTO THE REPORT OF A DISORDERLY CONDUCT II, WHICH OCCURRED ON 03/11/10 AT AROUND 0950 HOURS. I WAS ONLY INFORMED OF THE REPORT ON 04/07/10.

2 ON 04/07/10, I WAS GIVEN A COPY OF A TYPED STATEMENT BY BENJAMIN RENFRO, A BUREAU OF LAND MANAGEMENT, HEAVY ENGINE MODULE LEADER. ON 04/08/10, I TALKED WITH BENJAMIN IN PERSON. I HAD BEN COME TO THE PRINEVILLE POLICE DEPARTMENT TO GIVE ME A STATEMENT.

3 BENJAMIN TOLD ME IN SUBSTANCE THE FOLLOWING: ON 03/11/10, AT AROUND 0950 HOURS, BENJAMIN WAS RETURNING FROM JUNIPER CANYON AFTER PICKING UP "ENGINES" AND DRIVING THEM BACK INTO PRINEVILLE.

4 ON 03/11/10, BENJAMIN WAS OFFICIALLY WORKING FOR THE BUREAU OF LAND MANAGEMENT, MOVING ENGINES TO THE "WARE YARD" LOCATED ON NW LOCUST ST. AND NW NINTH ST. BENJAMIN WAS WORKING FROM 0700 HOURS TO 1730 HOURS. BENJAMIN WAS GIVEN THE DUTY BY THE BUREAU OF LAND MANAGEMENT FIRE OPERATIONS SUPERVISOR IN PRINEVILLE.

5 BENJAMIN WAS TRAVELING NORTH ON NW DEER ST., DRIVING A YELLOW, 2006, H-1 HUMMER, WHICH BELONGED TO THE BUREAU OF LAND MANAGEMENT. BENJAMIN APPROACHED NW NINTH ST. WHILE ON NW DEER ST.

6 WHILE STOPPED ON NW DEER ST. AND NW NINTH ST. AT THE STOP SIGN, BENJAMIN SAW A TAN, OLDER 70'S, EARLY 80'S MODEL, CHEVY PICKUP, WITH LICENSE PLATE #HJK450, DRIVE PAST HIM, TRAVELING WEST ON NW NINTH ST. BENJAMIN NOTICED A MALE AND FEMALE INSIDE OF THE CHEVY. THE MALE AND FEMALE WERE LATER IDENTIFIED AS GERALD AND BRENDA KELLER.

7 AS BENJAMIN WAS TURNING LEFT ONTO NW NINTH ST. HE NOTICED GERALD, LOOKING AT HIM AS IF GERALD WAS WONDERING "WHAT'S GOING ON?". THE CHEVY PICKUP WAS NOW IN FRONT OF BENJAMIN AS HE WAS TRAVELING WEST ON NW NINTH ST.

8 WHILE BEHIND THE CHEVY, BENJAMIN NOTICED GERALD AND BRENDA INSIDE OF THE CHEVY MOVING INSIDE OF THE TRUCK "FAST" WITH QUICK MOVEMENTS AND TURNING THEIR HEADS TOWARD HIM.

9 BENJAMIN WAS ABOUT "FIVE HUMMERS" BEHIND THE CHEVY, WHEN GERALD SUDDENLY "STOOD ON" THE BRAKES, "SLAMMING" ON THE BRAKES. BENJAMIN SAW A "LITTLE BIT OF SMOKE OR DUST" COME OFF THE BACK TIRES.

10 BENJAMIN AND THE CHEVY WERE IN THE WEST BOUND LANE OF NW NINTH ST. STOPPED BETWEEN NW HARWOOD ST. AND NW LOCUST ST. BENJAMIN TOLD ME HE WAS

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- TRAVELING AT ABOUT 25 MPH AND DRIVING IN SECOND GEAR.
- 1 GERALD DIDN'T GIVE BENJAMIN ANY NOTICE THAT HE WAS GOING TO STOP AND SIMPLY "SLAMMED" THE BRAKES. BENJAMIN DIDN'T KNOW WHAT WAS GOING ON AND STOPPED.
 - 2 BENJAMIN THOUGHT SOMEONE WAS HAVING AN EMERGENCY. AS SOON AS THE CHEVY CAME TO A STOP, BENJAMIN SAW THE SEATBELT COME OFF GERALD AND GERALD STEPPED OUT OF THE CHEVY.
 - 3 GERALD NOTICED BRENDA IN THE PASSENGER SIDE OF THE PICKUP, "BENT DOWN," LOOKING DOWN TOWARDS THE GROUND AND THAT'S WHY HE THOUGHT IT WAS AN EMERGENCY.
 - 4 BENJAMIN TOLD ME HE WAS NOT ALARMED BECAUSE HE THOUGHT IT WAS AN EMERGENCY AND DIDN'T THINK THE SITUATION WAS BECAUSE OF HIM. BENJAMIN IS ALSO AN EMT, BUT NEVER EXPERIENCED A SITUATION LIKE THIS.
 - 5 BENJAMIN HADN'T DRIVEN THE HUMMER VERY MUCH AND FORGOT WHERE THE POWER WINDOW BUTTONS WERE TO THE HUMMER. BENJAMIN COULDN'T FIGURE OUT HOW TO THE OPEN WINDOWS SO HE SIMPLY OPENED THE DRIVER DOOR.
 - * 6 AS BENJAMIN OPENED UP HIS DRIVER DOOR, GERALD TRIED TO FORCE BENJAMIN'S DRIVER DOOR OPEN EVEN FURTHER. BENJAMIN HELD THE DRIVER DOOR FROM BEING OPENED. AS SOON AS GERALD LET GO, BENJAMIN OPENED THE DOOR AND GERALD "STUCK" HIS ARM AND HAND INSIDE OF BENJAMIN'S VEHICLE AND STARTED YELLING AT BENJAMIN.
 - 7 ACCORDING TO BENJAMIN, GERALD STATED, "IT IS A FUCKING GOOD THING THEY BOUGHT YOU A HUMMER TO FUCK MORE TAX PAYERS OUT OF MONEY." BENJAMIN TOLD ME GERALD HAD HIS HAND TO HIS ELBOW INSIDE OF BENJAMIN'S VEHICLE. BENJAMIN TOLD ME GERALD WAS POINTING HIS FINGER AT HIM AND HAD HIS FINGER ABOUT 12 INCHES FROM HIS FACE.
 - 8 GERALD HAD HIS LEFT ARM INSIDE OF THE HUMMER. BENJAMIN DESCRIBED GERALD'S FACE AS BEING RED AND GERALD SEEMED REALLY ANGRY. BENJAMIN TOLD ME HE FELT GERALD WAS GOING TO "GO OVER THE EDGE" AND POSSIBLY DO SOMETHING WORSE.
 - 9 BENJAMIN TOLD ME HE WAS WONDERING IF GERALD WAS GOING TO "TOUCH" HIM. BENJAMIN TOLD ME HE WAS "SIZING" GERALD UP AND WONDERED IF GERALD HAD A "GUN" IN THE OTHER HAND.
 - 10 BENJAMIN TOLD ME HE WASN'T SCARED BY THE SITUATION, BUT WAS UPSET. BENJAMIN DIDN'T FEEL GERALD WAS GOING TO "SHOOT" HIM OR "KILL" HIM. BENJAMIN TOLD ME HE WAS MORE "SURPRISED" BY THE SITUATION.

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1 BENJAMIN DIDN'T TRY TO EXPLAIN ANYTHING TO GERALD BECAUSE HE FELT IT "WASN'T GOING TO HELP AT THAT POINT." BENJAMIN TOLD ME THE SITUATION WAS INTENSE AND GERALD SEEMED "IRATE."

2 I ASKED BENJAMIN IF THERE WERE ANY OTHER VEHICLES BEHIND HIM OR IN THE AREA AND HE TOLD ME NO. BENJAMIN TOLD ME THAT'S WHAT HE LOOKED FOR WHEN GERALD "SLAMMED" ON THE BRAKES. BENJAMIN LOOKED IN HIS REAR VIEW MIRRORS TO MAKE SURE NO ONE WAS BEHIND HIM.

3 I ASKED BENJAMIN IF HE FELT HE COULD LEAVE. BENJAMIN TOLD ME HE DIDN'T FEEL HE COULD LEAVE BASED ON WHERE GERALD WAS STANDING. BENJAMIN TOLD ME HE PROBABLY WOULD HAVE "SHUT HIS (GERALD) ARM IN THE DOOR OR RUN HIM OVER."

4 BENJAMIN TOLD ME GERALD WAS "PRETTY ENTANGLED" IN THE VEHICLE. BENJAMIN TOLD ME ANOTHER OPTION OF DRIVING AWAY WOULD HAVE BEEN TO DRIVE OVER A CURB, BUT BENJAMIN DIDN'T WANT TO DO THAT, UNLESS THE SITUATION GOT OUT OF HAND. GERALD NEVER PHYSICALLY TOUCHED BENJAMIN, "BUT IT WAS CLOSE A COUPLE TIMES." I ASKED BENJAMIN WHAT HE FELT GERALD WAS GOING TO DO.

5 BENJAMIN TOLD ME HE WASN'T SURE, GERALD WAS ONLY POINTING AT BENJAMIN WITH HIS FINGER. BENJAMIN TOLD ME HE HAD HIS OTHER HAND "FISTED UP." BENJAMIN WASN'T CONCERNED WITH GERALD'S FINGER AND KNEW GERALD COULDN'T GET HIS FIST THROUGH THE DOOR.

6 I ASKED BENJAMIN IF HE COULD IDENTIFY GERALD IF HE SAW A PHOTO, BENJAMIN TOLD ME "PROBABLY." I HAD DISPATCH GATHER A DMV PHOTO OF GERALD, THE REGISTERED OWNER OF THE CHEVY PICKUP.

7 I WAS UNABLE TO FIND ANY OTHER PHOTOS THAT WOULD LOOK EQUAL TO GERALD, SO RATHER THAN DOING A PHOTO LINE-UP I SHOWED BENJAMIN THE PHOTO OF GERALD. HOWEVER, BEFORE SHOWING THE PHOTOGRAPH TO BENJAMIN, I READ BENJAMIN MY DEPARTMENT ISSUED FIELD SHOW-UP ADMONISHMENT.

8 I SHOWED BENJAMIN THE PHOTO OF GERALD. BENJAMIN TOLD ME HE WAS "70%" SURE IT WAS GERALD, BUT TOLD ME GERALD WAS THINNER NOW THAN WHAT THE PHOTO SHOWED. BENJAMIN ALSO TOLD ME GERALD'S FACE WAS "BEET RED" ON THE DAY OF THE INCIDENT.

9 I ASKED BENJAMIN HOW GERALD LEFT HIM ALONE. BENJAMIN TOLD ME HE REACHED IN HIS POCKET AND GRABBED HIS CELLPHONE. BENJAMIN TOLD ME HE WAS ABOUT TO DIAL 911 AND CALL THE POLICE. BENJAMIN NEVER TOLD GERALD HE WAS GOING TO CALL THE POLICE.

10 GERALD WALKED BACK TO HIS CHEVY AND SPED AWAY. BENJAMIN TOLD ME HE GOT THE IMPRESSION THAT BRENDA, GERALD'S WIFE WAS POSSIBLY EMBARRASSED. I ASKED

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BENJAMIN IF HE FELT OBSTRUCTED FROM PERFORMING HIS JOB, BENJAMIN STATED, "HE HINDERED ME FROM WHERE I NEEDED TO BE...HE DEFINITELY STOPPED MY PROGRESS." BENJAMIN HAD NO FURTHER INFORMATION.

ON 04/08/10, AT AROUND 0853 HOURS, I WENT TO 1875 NW RIVERLAND LP. AND ATTEMPTED TO GATHER A STATEMENT FROM GERALD AND BRENDA KELLER. UPON ARRIVAL, I TOLD GERALD WHY I WAS AT HIS RESIDENCE AND ASKED HIM IF HE REMEMBERED THE INCIDENT I WAS TALKING ABOUT AND HE TOLD ME YES.

BEFORE I ASKED GERALD ANY MORE QUESTIONS I READ GERALD HIS MIRANDA RIGHTS FROM MY DEPARTMENT ISSUED MIRANDA CARD. I ASKED GERALD IF HE UNDERSTOOD EACH OF THE RIGHTS I EXPLAINED TO HIM AND HE TOLD ME YES.

I GRABBED MY AUDIO DIGITAL RECORDER AND BEFORE I COULD TURN IT ON, GERALD TOLD ME HE WASN'T GOING TO TALK INTO MY RECORDER WITHOUT A LAWYER. I ASKED GERALD IF HE WANTED A LAWYER AND HE TOLD ME YES.

AT THAT TIME I TOLD GERALD HE WAS UNDER ARREST. GERALD ASKED ME IF HE COULD PUT SOME CLOTHES ON AND I TOLD HIM YES. GERALD WENT INSIDE OF HIS RESIDENCE AND ALLOWED ME TO GO INSIDE. GERALD BEGAN CALLING ATTORNEYS.

I ALLOWED GERALD TO CALL ATTORNEYS AND I STAYED OUTSIDE SO GERALD COULD HAVE PRIVACY. I TOOK DIGITAL PHOTOS OF A TAN, CHEVY PICKUP, LICENSE PLATE #HJK450 AND A DARK, TOYOTA PICKUP, LICENSE PLATE #825CHK.

GERALD WAS COOPERATIVE WITH ME AND RESPECTFUL TO ME. I PLACED GERALD UNDER ARREST FOR DISORDERLY CONDUCT. I ASKED BRENDA, WHO WAS ALSO AT THE RESIDENCE IF SHE WOULD TALK TO ME LATER AND GERALD TOLD HER NO AND BRENDA TOLD ME NO.

I TRANSPORTED GERALD TO THE CROOK COUNTY JAIL. WHILE DRIVING TO THE JAIL, GERALD WILLINGLY WAS TELLING ME THAT HE FELT SORRY FOR ME AND MY KIDS. GERALD TOLD ME THAT MY KIDS WERE NOT GOING TO BE ABLE TO FISH OR HUNT BECAUSE THE FOREST SERVICE WAS DESTROYING THE LAND WITH THEIR BURNING AND THINNING OF THE FOREST AND LAND.

GERALD TOLD ME IT WAS SAD BECAUSE HE COULDN'T EVEN GO OUT INTO THE WILDERNESS AND PICK MUSHROOMS WITHOUT HAVING A PERMIT. GERALD GAVE ME NO FURTHER INFORMATION.

GERALD MAY HAVE ALSO BEEN INVOLVED IN AN INCIDENT WITH BUREAU OF LAND MANAGEMENT WORKERS ON 12/10/2009. ACCORDING TO A BRIEF STATEMENT TYPED BY MICHAEL BALDREE, DISTRICT LAW ENFORCEMENT RANGER, FOR THE BUREAU OF LAND MANAGEMENT, A MALE SUBJECT IN A DARK, 1994, TOYOTA PICKUP, LICENSE PLATE # 825CHK, EXPRESSED HIS THOUGHTS ABOUT GOVERNMENT EMPLOYEES.

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THE TOYOTA PICKUP WAS REGISTERED TO GERALD AND BRENDA KELLER. ACCORDING TO SOME BUREAU OF LAND MANAGEMENT EMPLOYEES, SEVERAL OF THEM WERE AT KINGS AUTO ON 12/10/09 AND THE TOYOTA PULLED BEHIND THEM.

ACCORDING TO THE STATEMENT THAT WILL BE SUBMITTED WITH THE CASE PACKET, "AN EXTREMELY AGITATED 66 Y/O MAN" APPROACHED THE BUREAU OF LAND MANAGEMENT EMPLOYEES AND TOLD THEM HE DIDN'T LIKE THE WAY THE UNITED STATES FOREST SERVICE "RAPES THE LAND AND DESTROYS THE WILDLIFE HABITAT."

ACCORDING TO THE STATEMENT, THE MALE SUBJECT WAS "UPSET ABOUT TREE THINNING PROJECTS AND HOW THEY REMOVE HABITAT FOR DEER AND ELK." THERE WAS NO FURTHER INFORMATION.

GERALD WAS LATER RELEASED AND AS PART OF HIS CONDITIONAL RELEASE GERALD IS TO HAVE NO CONTACT WITH BENJAMIN OR ANY BUREAU OF LAND MANAGEMENT EMPLOYEE.

BEN JUST ASSUMED THE FEMALE IN THE PASSENGER SEAT WAS GERALD'S WIFE. BEN ALSO DIDN'T KNOW THE NAME OF THE DRIVER. I PLACED THE NAMES EARLY ON IN THE CASE TO AVOID CONFUSION.

A COPY OF BEN'S WRITTEN STATEMENT OF THE EVENT IS PLACED WITH THE CASE PACKET. I ENTERED A CHARGE OF UNLAWFUL ENTRY INTO A MOTOR VEHICLE AND OBSTRUCTING GOVERNMENTAL OR JUDICIAL ADMINISTRATION ON THE FACE PAGE OF THE REPORT, HOWEVER DID NOT CHARGE GERALD WITH THE CRIMES. CASE WILL BE SENT TO DA FOR REVIEW OF CHARGES.

EVIDENCE:
DIGITAL PHOTOS

ACTION RECOMMENDED:
COPY TO DA
FILE