

Justice Is Everyone's Business

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Seeking to Restore Integrity and Public Trust in Our Justice System

Mr. Mike Niblock
Salem Fire Chief
Salem Fire Department
370 Trade ST SE
Salem OR 97301

July 27, 2020

re: Sarah Poet's investigation of 1050 Summer St. NE Salem

Dear Sir,

We have been following the events of the fire at 1050 Summer St. NE Salem since shortly after it happened on 22 Jan 2020. We were interested because the house is in our neighborhood and good citizenship is our duty. That is our only connection with the event: we did not know anyone involved before that day.

You may recall, the incident involved the person, Kenneth Ketchem, who had entered the house, possibly on the invitation of the resident, possibly illegally. He was initially accused of having a gun, though no gun was found and the police did not sustain the accusation.

The house was badly burned and contaminated with tear gas and smoke bombs by the SWAT team. Your deputy marshal, Ms. Sarah Poet, inspected the scene and ruled that the fire was a case of arson: "Unknown specific device but a portable heat source such as a lighter was most likely used." Because of that speculation, Mr. Ketchem faces decades in prison, with the trial beginning on July 30 (case 19CR05609).

Unfortunately, the police had tampered with the evidence scene that DFM Poet was to investigate, in violation of **2017 ORS 162.295 Tampering with physical evidence**.

1. According to her report, DFM Poet was told *prior to her inspection*, that she was to conduct a "criminal investigation." In this case, there was only one kind of criminal fire investigation possible: arson. In short, DFM Poet was given her **conclusion before she started** her investigation.
2. According to her report and the police reports, the police **removed key evidence from the scene** before her inspection. Police removed 25 to 30 expended canisters of tear gas, smoke, and flash-bang ordnance before permitting DFM Poet to examine the damaged home. Those items have been ruled incendiary in several of incidents around the country where they were used. See *Salem Police Department Property Report and Incident Supplement, Ofc. Scott Kofoid*.
3. In order to remove all that material, the police **stomped all through the house**, possibly moving other objects in their search.
4. According to her report, DFM Poet did not interview the police who **witnessed the fire and its inception**. No interviews with witnesses are included with her investigation report. This is a huge error in almost any investigation. In their reports, the witnesses (officers) say the fire originated on the first floor and burned

through to the basement. Looking through the windows, those witnesses saw burning material falling from the first floor into the basement. But DFM Poet ignored that evidence and concluded that the fire started in the basement.

5. DFM Poet noted the presence of “**saddle burns**” on the exposed and charred floor beams in the living room. Despite the expert manual for her profession that saddle burns “are caused by a fire burning downward through the floor above the affected joist” (*National Fire Protection Association*, § 6.3.712), DFM Poet concluded that the fire started in the basement.

Most likely, DFM Poet will be an expert witness at the trial; her testimony will be primary to the State’s case against Ketchem. As an expert witness, she will be representing your Department. Hence, you are to some degree responsible for the quality of her testimony.

The cross-examination of DFM Poet is not hard to imagine:

“How many fire investigations have you done? How many had you done before you did 1050 Summer Street? Normally, do you allow people to remove objects from the scene before your investigation? Why is that? Why did you allow it in this case? I don’t see any photographs of grenades in your report—did the police give you photographs of the locations of those grenade casings before they were removed? You do not mention in your report that you saw the debris that was removed: Why is that? Did you ask for it? Did you match it up with the Incident Report? Are you familiar with other incidents where police grenades have caused fires? Suppose Detective Abel lied to you about the kind of grenades the police threw into the house: Would you have known from the evidence? What would that look like?”

News reports show that tear gas grenades have started fires. See our list of those reports at <http://everyones-business.org/SummerStreet/grenades.html>

No doubt, you are as concerned with the technical excellence and integrity of your department as we are. Your City of Salem web page states that you “are committed to honest, ethical behavior and hold ourselves accountable to these values.”

If the accused has a competent representation, however, that attorney will demolish Ms. Poet’s testimony with questions about the points listed above, and possibly more. That attorney will demonstrate to the court that Ms. Poet crafted her “finding” to please Det. Curt Abel and Jeff Gordon of the Salem Police Department. Ms. Poet will not be a credit to the City of Salem Fire Department.

You are concerned that justice is done, but it must also be real justice, not just political scapegoating. Therefore, we implore you look into this situation and do the right thing. Perhaps you will wish to contact the Marion County District Attorney's Office and inform them you cannot back your deputy fire marshal’s report.

Sincerely,

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