

Justice Is Everyone's Business
<http://www.everyones-business.org/SummerStreet>

March 24, 2019

Open Letter to Salem Police Chief Jerry Moore

Salem Police Chief Jerry Moore
Police Department
555 Liberty St SE, RM 130
Salem OR 97301

Dear Chief Moore:

Please recall that we wrote to you on February 11, congratulating you on the handling of the incident at 1050 Summer Street, NE, on January 22. Now more fully informed, we write again, this time concerning obvious errors of judgment made when handling the situation. And sadly, it appears that (a) the Salem police were largely responsible for the fire and damage to the home, and (b) a cover-up is taking place.

Why Not Wait Ketchem Out?

A person (now identified as Kenneth Ketchem) intruded into the home at 1050 Summer Street, NE, in the early morning of January 22. He entered through an unlocked back door. The lady of the house ran out, unharmed. At that point, no life or limb was in danger.

According to KPTV, the police were already on the scene because Ketchem had tried to break into another nearby house.

https://www.kptv.com/news/police-burglary-suspect-arrested-after-barricading-himself-inside-salem-home/article_648114c4-1e6a-11e9-8b1b-93294a2a8e4a.html

After being notified of the latest intrusion, the police demanded that Ketchem come out. But he did not. Most of us, in a similar situation, would want the intruder removed and our property protected. We would expect the police -- being professional law enforcement officers -- to take *appropriate* action.

Safety And Welfare? Enter the SWAT Team

Instead, the SWAT team was called out. The Salem Police Foundation webpage states:

“SWAT: A team prepared for any situation.

“Each mission has the same goal, which is to maintain the safety and welfare of the victim as well as the suspect.” (Emphasis added.)

<https://salempolicefoundation.org/swat-a-team-prepared-for-any-situation>

Instead of using appropriate force, and mindful the home would be filled with inflammables -- the SWAT team used incendiary and explosive devices, lobbing tear gas and flashbang grenades into 1050 Summer Street, NE. How sensible was that? An informed and reasonable person

would know that was a recipe for a fire. We would expect the police to be familiar with literature on the subject:

* Militarytimes.com published a recent article (January, 2019) itemizing some problems with flash bangs, among them (1) both the initial flash and subsequent heat of the canisters can cause fires, and (2) standard flash bangs explode with enough force to make rocks and other debris act like shrapnel.

[\(https://www.militarytimes.com/news/your-army/2019/01/22/this-flash-bang-grenade-has-safety-tactical-and-timing-features-not-available-in-the-military-today/\)](https://www.militarytimes.com/news/your-army/2019/01/22/this-flash-bang-grenade-has-safety-tactical-and-timing-features-not-available-in-the-military-today/)

* “Hotter Than Lava” which appeared in *ProPublica* on January 12, 2015: The subhead states:

Every day, cops toss dangerous military-style flashbang grenades during raids, with little oversight and horrifying results.

“Hotter Than Lava” was simultaneously published in *The Atlantic*, January 12, 2015.

* “Georgia family awarded \$3.6M after SWAT team throws grenade at baby,”

<https://rollingout.com/2016/02/27/846658/>.

* “The flashbang menace.” The Washington Post, January 14, 2015.

https://www.washingtonpost.com/news/the-watch/wp/2015/01/14/the-flashbang-menace/?utm_term=.fa04ef6d74aa

* “Up Close: Flash-Bang Options & Procedures” published by Hendon Media Group. The article cites a number of federal judicial opinions heavily condemning inappropriate use of flashbangs.

http://www.hendonpub.com/resources/article_archive/results/details?id=4553

One must wonder why the Salem police didn’t simply wait the intruder out?

Allegations that Ketchem Caused the Fires

Police said Ketchem started a fire/fires in the home himself. If that is true, how would risking additional fires with incendiary devices -- and introducing explosions -- ameliorate Ketchem’s actions?

Safety of Victim? The Terrible Results

The owner of the house spoke to KOIN6, and put the matter in a nutshell. See him tell his story: His house was trashed, two pets are dead, and he and his wife traumatized.

<https://www.koin.com/news/crime/salem-swat-summer-street-ne-kenneth-ketchem-january-22-2019/1716629702>

Chief Moore, if an intruder entered your home -- given what happened on Summer St. NE-- would YOU call on the SWAT team to handle the situation? Imagine not only the trashing of your home and furnishings, but your family photos and memorabilia, art work -- things that are irreplaceable -- destroyed.

Safety of Suspect?

Recall that the goal of the SWAT team is to “maintain the welfare of the victim as well as the suspect.” On February 12, at a meeting of the Northgate Neighborhood Association at the Hallman Elementary School, a Salem police officer told those present that the man taken into custody had been hiding under the porch of the home, and that a “gas round” was fired at him. Here is a recording of the Secretary of Northgate, Marlayne Madison, interviewing police officer Kristy Fitzpatrick:

(<http://everyones-business.org/SummerStreet/Salem-PD-Officer-at-neighborhood-meeting.mp3>)

Clearly Ketchem was at bay, in a confined space. As a result of the gas round attack, he was injured and required surgery. Note: Early reports say that Ketchem boasted of having a gun. But there were no reports he was seen with a gun. Indeed, a later report stated no gun was found.

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Due Process Concerns

We live in the Grant neighborhood. On March 7, I (Carol) attended the Grant Neighborhood Community meeting. I mentioned I had requested the police incident report but was told it was not yet available. Councilwoman Cara Kaser, who was present, then told the gathering that the Salem Chief of Police told her:

“The report will not be released until the matter is adjudicated.”

Under what conditions is a police incident report “adjudicated”? When I checked with the Marion County Public Defenders Office on March 18, I found out Ketchem had not yet been assigned an attorney. Is Kenneth Ketchem being pressured to “cop a plea” in a plea bargaining deal -- away from public view and legal representation? And the police incident report fashioned accordingly?

Ketchem’s bail has been set at \$1 million. Given the *documented* incendiary properties of the flashbang grenades used by the SWAT team, do you think that there is *some* chance those devices ignited the fires in the home? Or contributed to whatever Ketchem started? Indeed, how would the police or crime scene experts know which fire/fires Ketchem had caused, and which the SWAT team had caused? It is questionable that any evidence that “Ketchem started the fires” would survive a SWAT team inferno.

With the city potentially liable for the damage, it appears that the police and fire investigators have a conflict of interest -- they are employees of the city. Please tell us how they could *not* have had a conflict of interest.

The 5th and 6th Amendment to the US Constitution (the Bill of Rights) guarantees citizens cannot be denied life, liberty or property in a capricious manner, but must be accorded a public trial with due process of law. There should be no secret trials in our country, our state, our county, or our city. A famous adage in law is the following:

*"Not only must Justice be done;
it must also be seen to be done."
R v Sussex Justices, ex parte McCarthy*

Clearly, it does not look as if justice for the homeowner nor for the accused is being done. No one was protected. No one was served.

Chief Moore: You have a reputation as an honest administrator. We support a public policy of "Truth and Reconciliation" and urge you to look into these matters.

Salem homeowners need to have faith in the judgment and integrity of their police force. They should not be afraid of having their homes fired with tear gas and flashbangs when they ask for help. Therefore, we request that you do not deploy the SWAT Team in similar circumstances again.

We look forward to your response, and will make it available to the public, wherever we publish this letter.

Sincerely,

/s Carol DeCoursey

/s Mark DeCoursey

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