



WASHINGTON COUNTY SHERIFF'S OFFICE

**Conserving the Peace Through Values Driven Service
Sheriff Pat Garrett**

PRESS RELEASE

Case #15-500069

District Attorney Review Concerning the January 2, 2015 Officer Involved Shooting

March 5, 2015—Washington District Attorney releases his review concerning the incident involving Sheriff's Deputies and Lewis Lembke on January 2, 2015.

The review is attached on the following pages.

Harriet Lembke has requested the media to respect her privacy and please not attempt to contact her.



BOB HERMANN
DISTRICT ATTORNEY
WASHINGTON COUNTY
Justice Services Building
150 N. First Avenue, Suite 300, MS 40
Hillsboro, Oregon 97124-3002
(503)846-8671
FAX: (503)846-3407

March 3, 2015

Sheriff Pat Garrett
Washington County Sheriff
215 SW Adams Ave.
Hillsboro, OR 97123

Re: Officer involved Shooting (TUP 15-0006, HBS 15-50069, TGP 15-200058)
Deceased: Lewis Lembke

Dear Sheriff Garrett:

Tigard Detective Kevin Dresser and Tualatin Detective Jill Chapman, both members of Washington County's Major Crimes Team, completed a thorough and impartial investigation into the January 2, 2015 shooting death of Lewis Lembke.

In summary, their investigation revealed the following:

At 1:12 am on January 2, 2015, Harriet Lembke called 911 and requested medical assistance for her 47 year-old husband, Lewis Lembke, who was intoxicated, vomiting, and unresponsive. Medical personnel from Metro West and Tualatin Valley Fire and Rescue responded to Lembke's apartment, located at 4519 SW Masters Loop in Aloha. They were accompanied by Washington County Sheriff Deputies Ken Coon, Zackery Vance, and Reserve Deputy Michael Trotter. Medical personnel wished to transport Mr. Lembke to a hospital for further care, but Mr. Lembke, now conscious, refused (a later forensic laboratory analysis of blood drawn at the time of autopsy reveals Mr. Lembke had a blood alcohol level of .163%). During his interaction with medical personnel, Mr. Lembke was belligerent, confrontational, and continued to refuse further medical care. Medical personnel and deputies left the Lembke residence at approximately 2:15 am after concluding that Mr. Lembke did not meet the criteria for a Police Officer Hold.

Five minutes later, at 2:20 am, Harriet Lembke placed a second call to 911, this time requesting police assistance. She reported that her husband had choked her and thrown her down. Deputies Coon and Vance, along with Reserve Deputy Trotter approached the front door at 2:26 am. At 2:27 am, deputies reported "shots fired."

Harriet Lembke later explained that Lewis Lembke became angry and violent following

medical personnel and law enforcement's initial visit. He threatened to kill Harriet Lembke if she called the police again. Then Mr. Lembke repeated the threat, grabbed Harriet Lembke around the neck, and pushed her into a CD stand.

Harriet Lembke locked herself in the master bathroom and called 911. She remained on the phone with dispatch until the 911 operator informed her that the police were at the front door. As Mrs. Lembke walked down the hall to open the front door, she passed Mr. Lembke who stated, "I'm going to kill you."

Deputies entered the apartment and unsuccessfully attempted to speak with Mr. Lembke. Mr. Lembke armed himself with a loaded 9 mm Smith and Wesson semiautomatic pistol and walked towards the deputies, ignoring repeated commands to drop the gun. Mr. Lembke raised the pistol and pointed it directly at Deputy Coon, at which point Deputy Coon fired his 9mm Glock pistol four times, killing Mr. Lembke.

Matt Eggert, with the Oregon State Police Forensic Laboratory, recovered Mr. Lembke's handgun. Mr. Eggert noted that "the area below the weapon's muzzle contained damage from an apparent bullet strike," and a bullet jacket fragment was embedded in the pistol's frame. The trajectory of this bullet leads to the conclusion that one of Deputy Coon's rounds struck Mr. Lembke's 9mm pistol as Mr. Lembke pointed the pistol directly at Deputy Coon. Mr. Eggert also recovered two loaded magazines from Mr. Lembke's belt clip.

ORS 161.219 outlines the circumstances under which deadly physical force may be used in defense of a person. Based upon my review of this investigation, I conclude that Deputy Coon acted under the reasonable belief that Mr. Lembke was "using or about to use unlawful deadly physical force" against Deputy Coon and the other deputies. Deputy Coon was justified in responding with deadly force against the threat posed by Mr. Lembke.

This letter concludes my review of this matter, and all reports will be available to the public and media under Oregon Public Records laws.

Sincerely,



Bracken McKey
Senior Deputy District Attorney

cc: Det. Jill Chapman, Det. Kevin Dresser