



*Doug Marteeny*  
**Linn County District Attorney**

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**541.967.3836**

March 17, 2023

Det. Peter Dunn  
Corvallis Police Department  
180 NW 5<sup>th</sup> Street  
Corvallis, OR 97330

Re: Officer Involved Shooting – CPD Incident Number 202301052

Detective Dunn,

I have reviewed the materials provided in relation to the above-captioned investigation. Those materials include voluminous reports, pictures, diagrams, interview transcripts, video and audio recordings. The investigation was prompt and thorough. Thank you for your work on this case. Based upon a review of your investigation, I make the following findings of fact and provide the included analysis.

Mr. Julius Hamilton and his girlfriend Angela had been together for around four years. They were going through a break up and had begun discussions about selling their house. On February 8, 2023, just before 9 a.m. Julius sent suicidal texts to Angela, his mother Yolanda and Phylicia, the mother of one of Julius' children. All three recipients attempted to reach out to make further contact with Julius. Phylicia and Angela both also reached out to Yolanda.

Angela learned that Julius was at Freeway Lakes Park just outside Albany. Angela drove there, alerting Yolanda to Julius' whereabouts. Yolanda and Julius' step-sister, Crystal, also went to the park.

Angela arrived at the park first. She found Julius sitting in the driver's seat of his pickup, which was backed into a space along the north end of the parking lot. There was another van parked nearby. Angela parked across from Julius' truck. Angela remained in her car and spoke to Julius by phone, patching in Yolanda, making it a three-way phone conversation.

Yolanda and Crystal arrived on scene next. Yolanda got out of her vehicle and approached Julius at the driver's side of his truck. Julius had a 9 mm Smith and Wesson brand M&P semiautomatic pistol in his hand and was threatening to shoot himself. There was an empty bottle of whiskey on the front passenger seat. Julius was intoxicated. As the conversation progressed, Yolanda requested Angela join her at the side of the pickup to speak face-to-face with Julius. Yolanda, Crystal and Angela repeatedly begged Julius to not shoot himself and to put the gun down. Julius was agitated and his agitation would increase periodically.

At 9:36 a.m., Albany Police Department (APD) received a phone call from Phylicia. She did not know where Julius was and requested officers conduct a welfare check on him. At 9:48 a.m. Officer Lashaun Emile from APD began the welfare check process. He called Phylicia and spoke to her briefly, he then called Julius' phone. Nobody answered. Officer Emile then called Angela, who answered. She was at Freeway Lakes Park. Officer Emile could immediately hear people yelling in the background during this phone call. Officer Emile learned that Julius was at Freeway Lakes Park, had a gun, was intoxicated and that others were around and near him. Officer Emile could tell that the people around Julius were not

disengaging with him and that Julius was escalating. Officer Emile requested Linn County deputies respond to the park, as the park was in the county's jurisdiction. Although Angela was no longer engaging with Officer Emile, he stayed on the line so that he could hear and monitor what was going on at Freeway Lakes Park. Officer Emile began driving to the park. Other officers from APD were also sent to the park.

At 10:05 a.m., Linn County Sheriff's Office (LCSO) Deputy Darrin Breshears was the first law enforcement officer to arrive on scene. When he arrived, Angela was standing outside the driver's side of Julius' truck, Crystal was standing in front of the truck with both hands placed against the front of the truck as if trying to keep the truck from leaving. The truck was running and Julius was in the driver's seat holding a gun to his head. Deputy Breshears parked his car about 40 yards away from Julius' truck. Yolanda came over and asked Deputy Breshears to go away. However, concerned about the dangerousness of the situation, he asked Yolanda and the others to step away from Julius and his gun. Nobody stepped away from the truck. Yolanda returned to the area near Julius. Deputy Breshears remained back by his car and relayed his observations to dispatch.

A second LCSO patrol vehicle arrived shortly thereafter, immediately followed by Officer Ken Fandrem from APD. They too parked near Deputy Breshears' vehicle. Officer Emile, who had taken the initial report, arrived shortly thereafter at 10:11 a.m.

Julius was animated. He pointed the gun at his head and would wave it around sometimes as he spoke. Later, Angela told investigators she saw the gun waved in a manner that, at one point, was pointed towards police. Angela pled with Julius to put the gun down and told him to not point it at law enforcement. She walked up towards the truck and Julius pushed her back. Julius pulled back on the slide of his firearm and showed Angela he had a round in the chamber.

Angela and family members later reported that Julius was an expert with guns. He had worked in firearm sales locally and had his own firearms business. He had worked with local police and he knew that waving a gun around police or pointing at them was highly likely to elicit a deadly response. At one point after the police had arrived and were staged, Julius told his mother Yolanda that he knew exactly what the police were doing and that they were bringing in their "snipers."

APD Officers Eric Tress and Fandrem were assigned as long-cover officers training their rifles in the direction of Julius in the event that he further escalated the situation and further endangered others. Officer Emile made repeated efforts to contact Julius by phone. Down the road, away from the park, additional units blocked northbound and southbound traffic to ensure no additional civilians would approach the park. An Albany Fire Department medical unit also arrived and waited down the road. LCSO Deputy Ian Averett, and APD Officer Tress both independently requested that their agencies send a trained crisis negotiator to the scene. Meanwhile, officers on scene continued to hail family members to get to a safer location. Angela and Crystal ultimately complied. However, Yolanda stayed with Julius. Julius would fluctuate from yelling and being animated and then calming momentarily.

At around 10:16 a.m., Officer Emile used a patrol vehicle P.A. system to ask Yolanda to step away from the truck and come back to a safe location. Yolanda took a few steps back away from the truck. At that moment, Julius suddenly stood on the cab's running board holding his gun. Concurrently, Yolanda began backing away more rapidly from the truck. She covered her ears and duck-crouched, turning away from Julius. Julius' head and shoulders rose up above the top of the truck with his pistol in his hand. Multiple people began yelling at him to "drop the gun", and "don't", "no, no" as Julius turned, facing the police officers, extending the gun across the top of the truck's cab pointing it in the direction of police and civilians. The sweeping motion stopped as he pointed the gun directly at officers straight across from him. Officers Tress and Fandrem responded by firing one shot each from their rifles. Julius was hit in the

head causing a fatal injury. He fell to the ground next to his pickup. His handgun fell to the ground by his feet. Officers immediately approached Julius and began administering first aid. Medics arrived shortly thereafter and Julius was pronounced dead.

This event was marked by its suddenness and immediacy of the deadly threat represented by Mr. Julius Hamilton's actions. Julius, armed with a 9mm semiautomatic handgun, abruptly stood up in front of officers, turned and pointed his gun towards officers. Julius was clearly threatening deadly force against police officers. It was reasonable for them to perceive Julius' actions as an immediate and deadly threat. These officers defended themselves and others, as was their right and duty under the law. The evidence here is overwhelming that the officers acted within the bounds of the law.

It is clear to me that every person who responded to Julius' distress - both family and law enforcement - were doing their very best to keep Julius alive and to make the scene safe. A trained crisis negotiator was just one minute away at the moment shots were fired. Unfortunately, on this day, Mr. Julius Hamilton chose to wield a gun, while intoxicated and point it at other humans. That had predictable consequences. Pointing a gun at police is one of the most certain ways to bring about a deadly response. Julius had clearly and repeatedly expressed suicidal intent. From the evidence gathered, I believe Julius was counting on his actions producing the outcome which ultimately occurred here.

My evaluation of this use-of-force matter is now closed. Evidence seized may be released back to family or other legal recipients in accordance with law and policy. Thank you again for your assistance and thorough investigation. Please thank the rest of your investigative team for their efforts and professionalism.

Sincerely,



Doug Marteeny  
District Attorney, Linn County

cc: Chief Marcia Harnden  
Sheriff Michelle Duncan