



DEPARTMENT OF JUSTICE
Criminal Justice Division

October 8, 2025

Chief Mike Krantz
Bend Police Department
555 NE 15th St
Bend, OR 98801
Email: policechief@bendoregon.gov

RE: OIS Investigation 196160 CJD0431-25: Jefferson County

Dear Chief Krantz:

INTRODUCTION

On February 20, 2025, Jefferson County Sheriff's Office Deputy Anthony Maldonado used deadly physical force against Allan Dale Warner, Jr. that resulted in Mr. Warner's death. Incidents involving deadly force by law enforcement officers have a tremendous impact on the decedent's family, our communities, and the involved law enforcement officers and their families. The Oregon Attorney General's Office is committed to accountability, transparency and ensuring the community receives accurate information and clear answers.

The Bend Police Department with assistance from Special Agents from the Oregon Department of Justice investigated law enforcement's use of force on February 20, 2025. At several points in the investigation, law enforcement requested and received additional information and evidence from the community members regarding this incident. Senior Assistant Attorneys General John Casalino and Steven Leriche reviewed the investigation, which consisted of investigative reports, recorded interviews, photographs, video evidence including body worn camera recordings, dash camera videos, cell phone videos from the public, recorded 911 calls, police radio traffic, autopsy findings and witness statements. Voluntary statements of the involved officers were also considered.

The Oregon Department of Justice has concluded that law enforcement's use of force here is not subject to criminal prosecution. This conclusion, however, in no way diminishes the great impact of this tragic loss of life.

FACTS

Please refer to Bend Police Department's Investigation and other materials for a full account. The following is a summary of the relevant facts with some of the materials reproduced below:

On February 20, 2025, at approximately 17:29 hours Madras Police, Jefferson County Sheriffs' deputies and the Oregon State Police responded around the area near Motel 6 Madras, Jefferson County, Oregon regarding two individuals who were fighting. There had been multiple calls to 911 providing various details related to this incident.

One of the callers reported that an individual, later identified as Mr. Warner, kept hitting another person in the head with an object and that individual (Mr. Warner) was also trying to take the other person's bike. This caller honked her horn at the two of individuals and it caused the two men to separate. The person with the bike left while Mr. Warner remained in the area.

Jefferson County Sheriff's Deputy Tyler Eicher was in uniform, driving a marked vehicle, when he responded to the area because of calls of a fight in progress. Deputy Eicher also observed that Madras Police Department Officer Isiah Duarte was driving towards the call, so Deputy Eicher drove onto Hwy 361 and followed Officer Duarte. Deputy Eicher then pulled in behind Officer Duarte who had parked at the Motel 6 parking lot.

Law enforcement encountered Mr. Warner yelling and reaching into his pockets. Officer Duarte drew his taser and commanded Mr. Warner to get on the ground. Officer Duarte told Mr. Warner to show his hands. Mr. Warner yelled, among other things, "I've got metal on me". According to his report, Deputy Eicher understood this to mean that Mr. Warner was armed with a gun or a knife. At that point, Officer Duarte switched from his taser to his handgun. Deputy Eicher then drew his taser and began talking to Mr. Warner attempting to de-escalate the situation; it did not work.

Deputy Eicher gave a warning, "You're going to get tased." He then deployed his taser. After being tased, Mr. Warner flailed his arms and dislodged the probes of the taser. Deputy Eicher deployed his taser another time, but it was once more ineffective. Mr. Warner then pulled something out of his pocket and began slashing movements directed at the officers. He continued to yell. Officer Duarte recognized the object as a knife and then yelled that Mr. Warner had a knife. Deputy Eicher could see that there was something in Mr. Warner's hand and Mr. Warner continued to say that he has metal on him.

According to his report, Deputy Eicher now believed there was probable cause to arrest Mr. Warner for the felony crime of Unlawful Use of a Weapon. Eicher believed that Mr. Warner would be able to cause serious physical injuries if he got close to the officers or others.

Oregon State Trooper Cole Binning, in uniform and driving a marked vehicle, also arrived to assist. He advised law enforcement dispatch via radio that Mr. Warner had a knife. Mr. Warner walked northbound behind Motel 6, walking through an alleyway between apartment complexes toward Dollar General. Trooper Binning, with Deputy Eicher, followed Mr. Warner on foot while Officer Duarte started moving north along the highway. Trooper Binning had his taser unholstered and Deputy Eicher had his pistol unholstered.

Trooper Binning told Mr. Warner to stop and get down; Mr. Warner did not react. Trooper Binning warned Mr. Warner that if he did not stop, he would get tased. Mr. Warner turned and faced Trooper Binning in what Trooper Binning described in his report as an “aggressive, crouching posture”. Trooper Binning, hoping to take Mr. Warner safely into custody, then deployed his taser two times. The taser was not effective and apparently had no effect on Mr. Warner. According to his report, Troop Binning observed that Mr. Warner then smashed his foot down and seemed like he was going to charge at the officers. Deputy Eicher pulled his pistol up and aimed it at Mr. Warner but did not fire.

Officer Duarte gave commands for Mr. Warner to stop and told him he was under arrest. Mr. Warner ignored commands and continued to walk northbound. Other officers arrived and followed on foot on Highway 97. Those officers paralleled Mr. Warner as he continued northbound through town near Highway 97. Law enforcement gave additional commands to Mr. Warner, but he still did not comply.

Jefferson County Sheriff’s Deputy Anthony Maldonado and his trainee, Deputy Tyler Hermann, were also on duty in uniform and operating a marked patrol vehicle for the Sheriff’s Office. They heard a call come out regarding a physical disturbance between two males fighting and arrived to aid officers already on the scene.

Officer body-worn camera video shows multiple law enforcement giving Mr. Warner commands to stop and get on the ground. Mr. Warner ignored those commands. Law enforcement continually asked Mr. Warner to show his hands. Ultimately, Mr. Warner took his hands out of his pockets. Deputy Maldonado yelled that Mr. Warner had a knife in his hand. Mr. Warner began to yell things like, “What are you going to do?” as he still did not follow officer directives.

According to his interview, because verbal commands and taser deployment were not working, Deputy Maldonado fired several non-lethal bean bag rounds at Mr. Warner. Video evidence showed that Deputy Maldonado continued to tell Mr. Warner to get on the ground; Mr. Warner did not get on the ground. The bean bag rounds that struck Mr. Warner were seemingly ineffective. Deputy Maldonado used his taser two times and Mr. Warner still did not comply with Deputy Maldonado’s or other law enforcement commands.

Madras Officer Ryan Kathrein was also on scene and tried to de-escalate the situation. He told Mr. Warner to “stop and chill out” and that they just wanted to talk. Mr. Warner continued to ignore the officers and did not get on the ground.

Other law enforcement at the scene gave warnings and used their tasers with the objective to safely take Mr. Warner into custody. These taser deployments were not effective. At one point, Mr. Warner made a quick movement toward Deputy Maldonado. Deputy Maldonado dropped his non-lethal shotgun in the middle of the highway and unholstered his pistol and pointed it at Mr. Warner.

Deputy Maldonado told Mr. Warner that he was going to kill him. Mr. Warner picked up the non-lethal shotgun but did not attempt to fire it. Deputy Maldonado yelled to the officers to

“Shoot him”. Law enforcement did not fire their pistols, however. Mr. Warner, shortly thereafter, put the shotgun on the ground after picking it up. Law enforcement continued to attempt to de-escalate the situation. They repeatedly told Mr. Warner, “Show us your hands.” “Get on your knees. We just want to talk to you.” Mr. Warner continued to yell at officers and not comply with these commands. Mr. Warner yelled to the police to “Get closer”.

At this point, Madras Police Officer Duarte holstered his pistol and switched back to his taser. He tased Mr. Warner but it had no effect. Mr. Warner ripped the probes off. Officer Duarte again deployed his taser and Mr. Warner then ripped those probes off his clothing. Mr. Warner took two big steps north as if he was going to run away from the officers, but instead—while holding the knife—turned and ran across the northbound lane of Highway 97 directly at Officer Duarte, who was still holding his taser. Officer Duarte reacted by backpedaling into the southbound lane of travel, trying to stay out of Mr. Warner’s reach. Mr. Warner quickly closed the distance to Officer Duarte, holding the knife in his outstretched hand.

Multiple body cameras show Mr. Warner running toward Officer Durarte. From his interviews with investigators, Deputy Maldonado believed Mr. Warner was going to use the knife to stab law enforcement officers. Deputy Maldonado, due to the proximity, speed and threat presented, did not believe it was feasible to continue further de-escalation tactics, lesser force options, or to issue another warning prior to firing his pistol at Mr. Warner.

At approximately 17:34:30, Deputy Maldonado fired five rounds at Mr. Warner when Mr. Warner came within a few feet of Officer Duarte. Mr. Warner was shot three times. During this moment, Trooper Binning, later reported, that he also considered using deadly force to protect Officer Duarte, but because there were officers in front of him, he decided he could not do so without putting others at risk.

Once it was deemed safe to do so, law enforcement began rendering medical aid to Mr. Warner and law enforcement called in paramedics via radio. The fire department arrived, and medics began providing emergency medical care to Mr. Warner. He did not survive.

Criminalists processed the scene starting in the parking lot of Motel 6 located at 1539 Hwy 97 where the encounter began and near the north entrance of 1412 Hwy 97 where it ended. Among other things, they located multiple spent taser probes, multiple Less Lethal projectiles and spent and unspent Less Lethal cartridges. They located five spent 9 mm cartridge casings where Maldonado had been standing when he fired. They also recovered a knife with a curved blade where Mr. Warner fell.

A round count was conducted of law enforcement involved including of Deputy Maldonado’s duty pistol, which was a Glock 17 9mm handgun. It had a round in the chamber. The pistol magazine has a capacity of 17 rounds, and it contained 12 rounds, indicating it was down five rounds. Law enforcement also checked the three backup magazines on Deputy Maldonado’s duty belt and found them all to be full at 17 rounds, indicating no rounds had been fired from any of them. In total, Deputy Maldonado fired five rounds.

On February 21, 2025, Mr. Warner was examined by the Oregon State Medical Examiner's Office. The autopsy revealed that Mr. Warner sustained three gunshot wounds to his left shoulder, upper back, and hip. The shoulder wound was instantly fatal. Toxicology testing confirmed that methamphetamine, amphetamine, and ethanol was present within Mr. Warner's body at the time of his death.

Law enforcement on several occasions reached out to the community to gather any information regarding this use of force. They interviewed several civilian witnesses and requested any video footage from anyone who may have recorded any part of the encounter. There were several witnesses who witnessed the incident from various vantage points. One witness believed that Mr. Warner was "aggravated and jacked up". Others reported that they believed Mr. Warner was in mental distress or did not see him holding a knife. Witnesses also reported law enforcement ordering Mr. Warner to lay down or get down. Some report hearing the officers yell that Mr. Warner was under arrest. They observed police deploy tasers multiple times, but the tasers were ineffective. They described Mr. Warner as making a dash or running towards the police.

LAW

The following is an overview of Oregon criminal law that is applicable to involved law enforcement's use of force against Mr. Warner:

To bring criminal charges, the state bears the burden of producing evidence to prove each of the elements of a charge beyond a reasonable doubt. Moreover, in situations where force is used to defend oneself or others, the state bears the burden of disproving any justification of force defense beyond a reasonable doubt.

Under Oregon Revised Statute (ORS) 161.195, conduct which would otherwise constitute an offense is justifiable and not criminal when it is authorized by law. ORS 161.209 establishes that a person is justified in using physical force upon another person for self-defense or to defend a third person from what the person reasonably believes to be the use or imminent use of unlawful physical force, and the person may use a degree of force which the person reasonably believes to be necessary for the purpose.

In conjunction with the requirements of ORS 161.209, ORS 161.219 limits the use of deadly physical force in defense to a situation in which a person reasonably believes another person is committing or attempting to commit a felony involving the use or threatened imminent use of physical force against a person or is using or about to use unlawful deadly physical force against a person.

Use of Deadly Force by Law Enforcement

Additionally, for police officers, ORS 161.242 states that a peace officer may use deadly physical force upon another person only when it is objectively reasonable, under the totality of circumstances known to the peace officer, to believe that the person poses an imminent threat of

death or serious physical injury to a person and the use of deadly physical force is necessary to defend the person from the imminent threat of death or serious physical injury.

ORS 161.242 2(a)(b) goes on to state that prior to using deadly physical force upon another person, if the peace officer has a reasonable opportunity to do so, the peace officer shall consider alternatives such as verbal de-escalation, waiting, using other available resources and techniques if reasonable, safe and feasible, or using a lesser degree of force; and give a verbal warning to the person that deadly physical force may be used and provide the person with a reasonable opportunity to comply.

In this case, Deputy Maldonado and other involved law enforcement were assisting in the apprehension of Mr. Warner for whom probable cause existed for the crime of Unlawful Use of a Weapon. Mr. Warner was armed, threatening police and actively ignoring commands as he traveled through the community with a weapon.

Despite law enforcement's verbal commands and warnings before using different levels of force, Mr. Warner did not comply with any commands to drop his knife or get on the ground. Instead, Mr. Warner ultimately turned and ran directly at Officer Duarte, quickly closing the distance between the two. Video evidence shows Mr. Warner's, arm is out, holding the knife and charging on Officer Duarte. The evidence also shows that Deputy Maldonado, at the moment he used lethal force on Mr. Warner, had an objectively reasonable basis to believe that Mr. Warner was going to stab Officer Duarte if he did not take that immediate action. Similarly, Officer Duarte had an objectively reasonable basis to fear for his life, based on a reasonable belief that Mr. Warner was either going to seriously injure him or kill him.

Mr. Warner turned toward the officers so quickly, and he closed the distance so fast, that there was no reasonable opportunity for Deputy Maldonado to further apply verbal de-escalation, other resources or techniques, or even to give another verbal force warning. Furthermore, no other resource available to Deputy Maldonado at the time would have been effective to counter the threat that Deputy Maldonado reasonably believed Mr. Warner presented.

CONCLUSION

The facts and evidence in this case do not support a conclusion that law enforcement's use of non-lethal force was unreasonable. Furthermore, the facts and evidence do not support a conclusion that Deputy Maldonado unreasonably believed that Mr. Warner was an imminent deadly threat, or that Deputy Maldonado's use of deadly force to defend himself and others against that deadly threat and was objectively unreasonable.

Therefore, there is insufficient evidence, under Oregon criminal law, to disprove that Deputy Maldonado's use of deadly physical force against Mr. Warner was in self-defense or used in the defense of others. As such, the use of force against Mr. Warner was not criminal.

Sincerely,

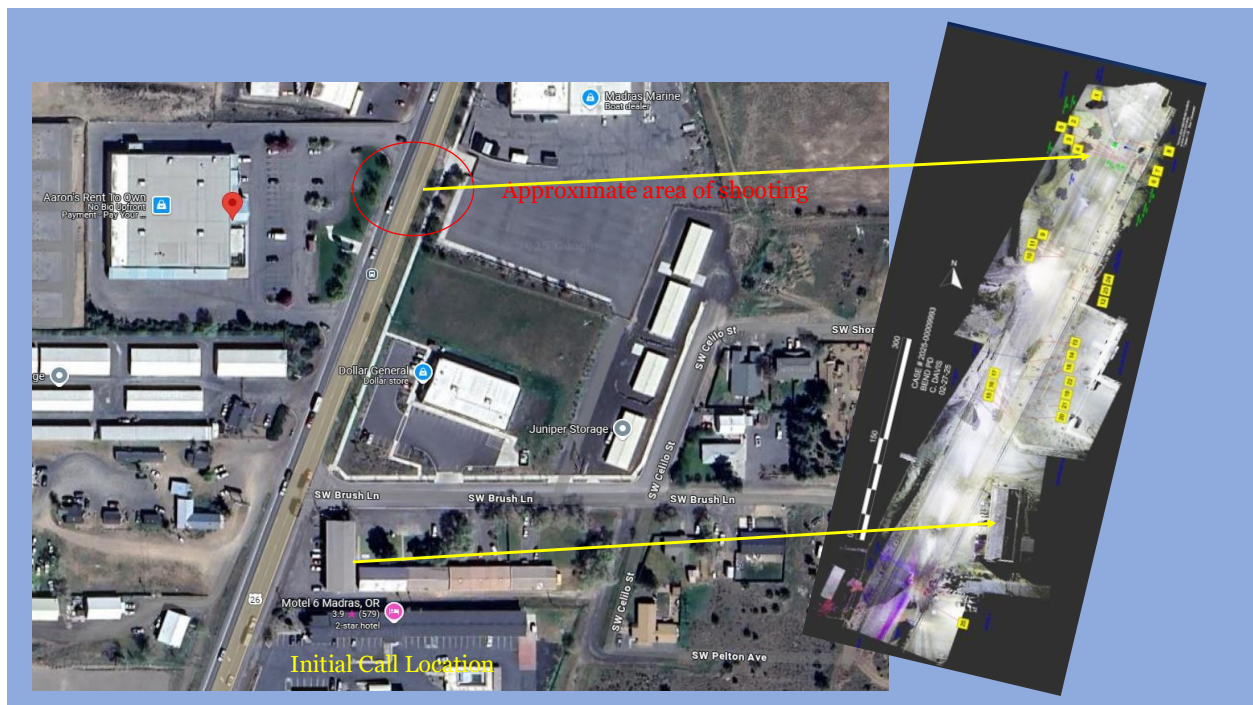
A handwritten signature in blue ink, appearing to read 'J. Casalino', with a long horizontal line extending to the right.

John Casalino
Senior Assistant Attorney General
Oregon Department of Justice

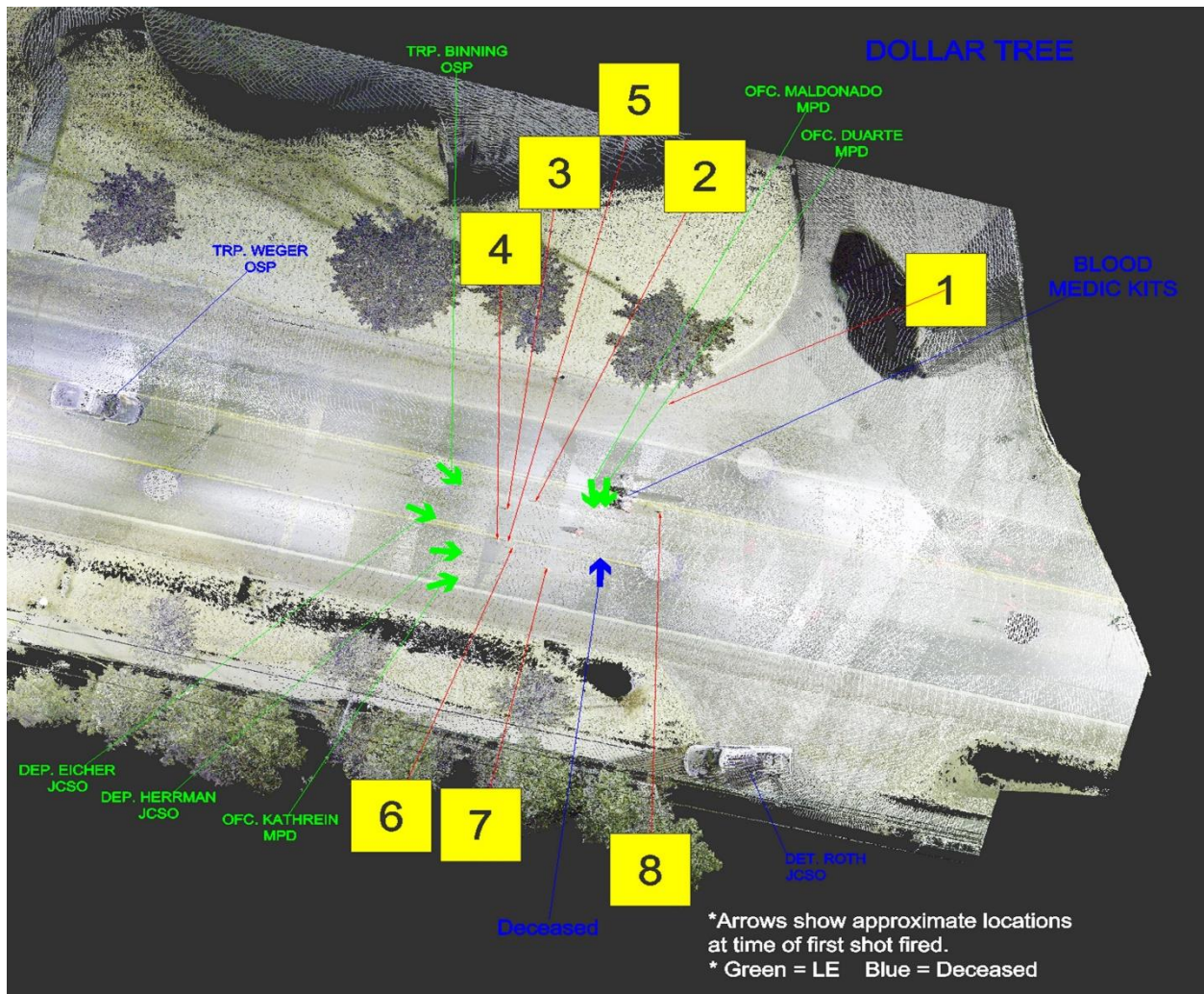
Steven Leriche
Interim District Attorney, Jefferson County
Senior Assistant Attorney General
Oregon Department of Justice

Diagrams and Digital Evidence

Below is an image which shows the location of the first encounter with law enforcement and area of the shooting as well as diagrams which show the positions of the officers and markers where evidence was collected. Photos from body worn camera video and Mr. Warner's knife are included.



This shows where the initial call location as well as the approximate area of the shooting.



This diagram shows the approximate locations of law enforcement and the deceased when shots were fired as well as yellow markers where evidence was collected.



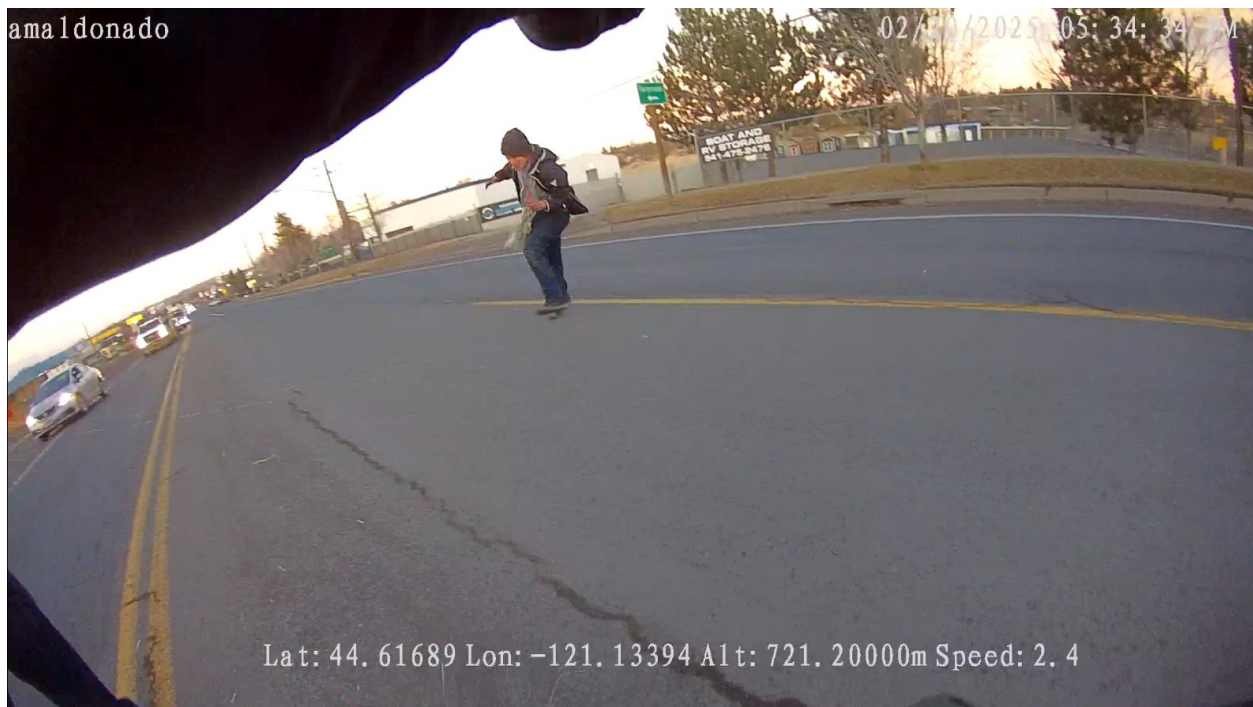
This photo taken from Officer Duarte's body worn camera video shows Mr. Warner running towards Officer Durarte.



The photo taken from Deputy Eicher's body worn camera video shows Mr. Warner running towards Officer Duarte and Deputy Maldonado. Other law enforcement is on scene.



This photo from Deputy Maldonado's body worn camera video shows Mr. Warner running toward Officer Duarte while Officer Duarte retreats.



This photo from Deputy Maldonado's body camera video shows Mr. Warner with the knife in his right hand.



This photo taken from Officer Duarte's body worn camera shows how close Mr. Warner came to Officer Duarte and Deputy Maldonado before shots were fired.



This is the photograph of Mr. Warner's knife that he used during the encounter.