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Civil Rights & Police Misconduct

Attorneys for Oscar Herrera post open letter to Attorney General of Michigan calling for investigation into April shooting death

August 30, 2021

Romanucci & Blandin, LLC, on behalf of the family of Oscar Herrera, shares a letter delivered to Michigan Attorney General Dana Nessel, asking for the state to take over the investigation and consider charges for the deputy involved in the April 28, 2021 shooting death in Hillsdale County, Michigan. Initial reports say deputies were called to Mr. Herrera's home in Reading Township after complaints about his dog, but when the deputy arrived, both Mr. Herrera and the dog were safely in the home. The deputy later shot in front of Mr. Herrera. The 32-year-old was upset about the death of his dog, and police say Mr. Herrera confronted a deputy while holding a knife and was shot and killed at the scene.

Full text of the letter is below:

August 27, 2021

Dear Attorney General Nessel:

Oscar Herrera was shot and killed by a member of the Hillsdale County Sheriff's Department on April 28, 2021. On June 25, 2021, the Michigan State Police completed its investigation into his death and forwarded the results of their investigation to the Hillsdale County Prosecutor's Office. As of this writing, more than two months have passed and no charges have been announced. Mr. Herrera's grieving family and their attorneys, Romanucci & Blandin, LLC, respectfully request that your offices intervene to ensure a thorough, expeditious, and impartial investigation and decision on whether the officer responsible should face criminal charges and prosecution.

Oscar was at his home spending time with his thirteen-year-old dog, Rico, on the evening of April 28. A deputy—whose name has yet to be released to the public—of the Hillsdale County Sheriff's office responded to his home following a neighbor's complaints that Rico was loose on his property. When the deputy arrived, both Oscar and Rico were inside the home and not bothering anyone. There was no evidence that Oscar had committed any crime or municipal code violation.

Nevertheless, the deputy loitered around Oscar's home to confront him. He knocked on the front door and received no response but a barking dog. He knocked on the back door and received no response for several seconds. Ultimately, Oscar opened the door and Rico ran towards the officer, allegedly biting him. In response, the deputy shot and killed Rico.

After the deputy shoots Rico, he screams and curses at Oscar to get down on the ground, and Oscar complies. Over the next several minutes, Oscar asks the deputy why he shot Rico and asks if the deputy is also going to shoot him. For several minutes, the deputy had his Taser trained on Oscar. Ultimately, Oscar takes two steps toward the officer, the officer draws a pistol, and shoots six bullets in Oscar's direction, striking him three times. The deputy places his hands over his body worn camera several times following the shooting. Ultimately, Oscar is pronounced dead on the scene.

Oscar's family has suffered greatly in the months since his death. Having received no contact from the Hillsdale County Prosecutor since the Michigan State Police's investigation was turned over to them has intensified that grief. Their confidence that a local prosecutor is committed to seeking justice for Oscar has been shaken.

For this reason, we ask you to open an investigation and review of the conduct of the officer who took Oscar's life. An investigation and review of whether the deputy should face charges should be conducted by Michigan's highest law enforcement official. In the past, you have not hesitated to open investigations into members of law enforcement under your commitment to focus "special attention on officer-involved shooting and in custody deaths." We ask that you honor Oscar with the same attention.

Sincerely,

Ian Fallon

Attorney

Romanucci & Blandin, LLC