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IN THE CIRCUIT COURT OF THE STATE OF OREGON
FOR THE COUNTY OF MULTNOMAH

GRAND JURY D PROCEEDINGS

Case No. 69

Conducted by:

Nathan Vasquez, Deputy District Attorney
Stephanie Tuttle, Deputy District Attorney
Amy Seele, Deputy District Attorney

- - -

September 14, 2021

(06:12:10)

- - -

Portland Police No. PP21-171597

DA Case No. 2437173-1

Katie Bradford, CSR 90-0148
Court Reporter
Portland, Oregon
(503) 267-5112

Proceedings recorded on digital audio recording;
transcript provided by Certified Shorthand Reporter.

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Examination of Travis Law

1 Death Investigation
2 Portland Police No. PP21-171597
3 DA Case No. 2437173-1
4 Deceased: Michael Townsend
5 Incident Date: June 24, 2021
6 Location: Motel 6, 518 Northeast Holladay Street
7 Grand Jury D Recordation, Case No. 69

8 * * *

9

10 (Tuesday, September 14, 2021, 9:24 a.m.)

11 P R O C E E D I N G S

12 (Whereupon, the following proceedings were
13 held before Grand Jury D:)

14 TRAVIS LAW

15 Was thereupon called as a witness; and, having been
16 first duly sworn, was examined and testified as follows:

17 A GRAND JUROR: Thank you.

18 EXAMINATION

19 BY MS. TUTTLE:

20 Q Good morning, Detective Law.

21 A Good morning.

22 Q Can we start by having you introduce
23 yourself to the grand jury, including where you work,
24 what your role is and a little about your background.

25 A Yeah, my name is Travis Law, T-r-a-v-i-s;

Examination of Travis Law

1 last is L-a-w. I'm a detective with the Portland
2 Police Bureau. I've been a police officer in Portland
3 for almost 19 years and I'm currently assigned to the
4 Homicide Detail, where I have been since 2018. And
5 I've been a detective since September of 2017.

6 Q Does part of your detail in the Homicide
7 Unit include investigating officer-involved shootings?

8 A It does. And prior to becoming a detective
9 or in the process of becoming a detective, I attended
10 the detective academy where we received specialized
11 training on officer-involved shooting investigations,
12 crime scene management, evidence processing and
13 handling.

14 Q Okay. And, of course, as a police officer,
15 you've also got -- received initial and ongoing
16 training about use of force and when you're allowed
17 to use it?

18 A That is correct.

19 Q Okay. So let's talk about June 24th of this
20 year. Were you called out to a scene at Motel 6?

21 A Yes. 518 Northeast Holladay Street was the
22 address. I was notified by my supervisor,
23 Sergeant Santos, on June 24th a little after 8:00 in
24 the evening. I was on call. We were on an on-call
25 rotation basis, so I was on call to respond to the

Examination of Travis Law

1 next homicide or officer-involved shooting if there
2 were to be one.

3 Q Okay. And just for clarification purposes,
4 this address is located in Multnomah County, Oregon?

5 A Yes. It's at the intersection of Grand
6 and Holladay.

7 Q Okay. So what was your role then at the
8 scene?

9 A I arrived at the scene and I met with my
10 supervisor, Sergeant Santos. My first step was to
11 verify that the scene was secure.

12 (Phone ringing.)

13 THE WITNESS: That the -- there was crime
14 scene tape that was set up; that the area was secure
15 to preserve the integrity of the investigation. And
16 at the point that the detective sergeant and the lead
17 detective are on scene, we then take over the
18 investigation.

19 BY MS. TUTTLE:

20 Q Okay. What did you find when you first
21 got there?

22 A I -- there were a lot of uniformed patrol
23 officers that were present. Grand Avenue from, I
24 believe it was, Pacific Street to well north of
25 Holladay Street was completely shut down, blocked off.

Examination of Travis Law

1 Most notably, the parking lot of the Motel 6
2 was cordoned off with crime scene tape, yellow and red
3 crime scene tape, which is -- there is a difference,
4 which I'm happy to explain.

5 Q Yeah, please do.

6 A So the -- the red crime scene tape is what
7 has been designated as the inner crime scene. That's
8 an area where we restrict access. We don't just
9 allow -- allow anyone to go in there.

10 And then the yellow crime scene tape is an
11 area -- it's sort of like the outer perimeter. And
12 it's an area that we allow -- or we use to be able to
13 move through and around the red crime scene tape.

14 There was an officer that was stationed at
15 the driveway entrance to the Motel 6 and he had
16 started the crime scene log. And the crime scene log
17 is basically just a -- a running sheet of everybody
18 that's entering into the scene.

19 So I noticed that the -- the red crime scene
20 tape was in -- in the inner parking lot area towards
21 the west end of the parking lot and that there was
22 yellow crime scene tape that had basically just kind
23 of cordoned off the entire area.

24 Q Okay.

25 A There were also -- I noticed that there were

Examination of Travis Law

1 -- there was a fire truck on scene from Station 13,
2 Portland Fire & Rescue. And I observed there were
3 some firefighter paramedics that were on scene just
4 kind of standing just north of the parking lot.

5 Q So by the time you got there, then the tape
6 was already set up and the -- the area secured. What
7 about the parties, the people that were witnesses?

8 A Yeah.

9 Q Where -- where were they?

10 A So shortly after arriving, verifying that
11 the scene was secure, my next order of business was to
12 contact the patrol -- one of the patrol sergeants that
13 was on scene. That was an -- a sergeant that was --
14 responded to the initial incident. Sergeant Taylor
15 was her name.

16 She had the best information for us. You
17 know, patrol already puts up the crime scene tape. We
18 verify that it's sufficient enough. Once that was
19 done and we spoke with Sergeant Taylor, we determined
20 who the involved officer was, which was who was the
21 officer that used deadly force and then who were the
22 witness officers.

23 And I learned that it was Officer
24 Curtis Brown, was the involved officer. And Officer
25 Brett Emmons and Jeff Elias were the witness officers.

Examination of Travis Law

1 Q Where were they when you arrived at
2 the scene?

3 A So that's another part of what we do. We
4 verify that they were -- they were separated from each
5 other.

6 Q Mm-hmm.

7 A To -- to, you know, preserve the integrity
8 of the investigation, they were separated. And
9 someone was -- someone was aside -- excuse me.
10 Someone was assigned to observe them. They were on
11 scene still, but they were in different patrol
12 vehicles at the location.

13 Q Okay. So once you've gotten there, you've
14 determined that the -- the scene is adequately secured
15 and the -- the people are appropriately separated,
16 what was your next step?

17 A Ah, we made the decision that we -- well,
18 prior to conducting a weapon inspection, I -- I
19 consulted with other personnel that were there such as
20 the Medical Examiner's Office.

21 I spoke with a -- a medical-legal death
22 investigator, Melissa Tanner, from the Multnomah
23 County Medical Examiner's Office. She arrived at the
24 scene. She -- she provided me a -- a presumptive
25 identification of the suspect, Michael Townsend. And

Examination of Travis Law

1 she also provided me a time of death and -- which I
2 believe, in this case, was approximately 7:46 p.m.
3 on -- on June 24th.

4 And then there was -- Mr. Vasquez from the
5 District Attorney's Office was also present and
6 multiple investigators. Just so you have an
7 understanding, an officer-involved shooting response
8 from the Portland Police Bureau is -- is fairly
9 robust.

10 There -- there were detectives from the
11 Homicide Detail; the Assault Detail; our -- several
12 criminalists from our Forensic Evidence Division were
13 on scene. They're, like you see on television, the
14 crime scene technicians. They were starting to, you
15 know, begin their initial documentation via
16 photographs and video of the scene and our entire unit
17 sort of gathers.

18 But as -- before we sort of go into the next
19 phase of the investigation, once we have some general
20 information as to what occurred, we decided to conduct
21 a weapons inspection with Officer Curtis Brown.

22 Q Can you describe for the grand jury what
23 that is and -- and how it went in this particular
24 case?

25 A Sure. So we -- we have a mobile command

Examination of Travis Law

1 center which gets brought out. It's like a motorhome.
2 It gets brought out to our scenes. We do a lot of our
3 work in there. And Mr. -- or Officer Curtis Brown was
4 brought to the mobile command center with his
5 attorney.

6 And we -- initially, Criminalist Powell took
7 photographs of Curtis Brown to document that he was in
8 uniform and we then began the weapons inspection.
9 And, basically, what that is, in the simplest terms,
10 is we're going to inspect the firearm and the
11 ammunition to determine how many rounds were fired.

12 Q Okay. And so how did that go with -- with
13 Officer Brown?

14 A Yeah. So I, initially, asked for the
15 magazine from Officer Brown's duty weapon, took the
16 magazine out. It was photographed, handed to me and I
17 went through and counted the rounds in the magazine.

18 The magazine that he carried, at capacity,
19 maximum capacity, would hold 15 rounds. So I went
20 through the magazine and I counted all the rounds that
21 were in there. There were 13 rounds.

22 And then once that was done, I had him hand
23 me his firearm. I pulled the slide back on the
24 firearm, which presented or ejected a live round that
25 was in the chamber.

Examination of Travis Law

1 And we collected that round, so there was
2 one round in the chamber. There was 13 rounds in a
3 15-round magazine. And then once we completed that,
4 we went through the magazines on his duty belt, extra
5 magazines.

6 It's common that we carry at least two extra
7 magazines either on your duty belt or -- I believe, at
8 this point, we're only allowed to carry them on our
9 duty belt. So he had two other magazines and each one
10 of those magazines was loaded to capacity at
11 15 rounds.

12 A GRAND JUROR: Quick question. Is it --
13 so if there are 13 in the magazine and one in the
14 chamber, is it customary to have a round in the
15 chamber for police officers?

16 THE WITNESS: It is.

17 A GRAND JUROR: Okay.

18 THE WITNESS: Yeah. You -- you load your
19 firearm and -- and then you -- you know, with the
20 one -- you load the magazine and then you put a round
21 in the chamber.

22 A GRAND JUROR: So maximum?

23 THE WITNESS: So 15 and 1 would be maximum.

24 A GRAND JUROR: Okay.

25 A GRAND JUROR: Okay.

Examination of Travis Law

1 THE WITNESS: So there were two rounds that
2 were -- that were not present.

3 A GRAND JUROR: Got you.

4 BY MS. TUTTLE:

5 Q And this is the type of weapon that
6 automatically reloads into the chamber --

7 A Yes.

8 Q -- after it's shot?

9 A Unless there's some sort of malfunction.
10 And there was no indication that that occurred.

11 Q Okay. And so the -- then there were
12 two rounds unaccounted for. And so did you find
13 two casings?

14 A We did locate two casings at the scene, yes,
15 in the parking lot of the Motel 6.

16 Q And in a moment I'm going to have you go
17 through some photographs, but --

18 A Yeah.

19 Q -- I just kind of want to hear the
20 investigative steps before we --

21 A Sure.

22 Q -- before we get there.

23 A And at the completion of the weapon
24 countdown, Officer Curtis Brown was issued a
25 communication restriction order.

Examination of Travis Law

1 And what that is, it's an order in writing
2 that's given during an investigation that prohibits
3 people that are involved in a -- in a case from
4 speaking about the details, such as an -- an involved
5 officer and witness officers. They're not allowed to
6 speak with each other about the -- the aspects of
7 the case.

8 Q And I understand that Officer Emmons and
9 Officer Elias were also issued those communications
10 orders.

11 A That is correct.

12 Q Okay. Did you do a scene walk-through?

13 A We did. We received a briefing at the scene
14 from Officer Emmons and after that briefing, we
15 subsequently walked through the scene with
16 Officer Emmons and he pointed out areas related to the
17 investigation and -- and items that were related.

18 Q Okay. And then was there also a canvass
19 that was done of the hotel guests?

20 A Yes. Ultimately, a -- a door-to-door
21 canvass was completed and no additional eyewitnesses
22 were identified that were cooperative.

23 Q Okay. So let's go ahead and put up some
24 photographs and have you help --

25 A Do you want me to stand and step to

Examination of Travis Law

1 the side?

2 Q It -- whatever's easiest for you and for
3 everyone else.

4 A I --

5 Q I want to make sure that they can --

6 A (Indiscernible) right here?

7 Q Sure. And, actually, let me -- before I ask
8 you about the photographs themselves, there are
9 photographs that were taken that evening, correct?

10 A Before it got dark, yes.

11 Q Yes.

12 A You see that, as the night goes, it gets
13 dark. The pictures are dark.

14 Q Later on, were you also able to recover
15 video camera footage from the hotel?

16 A Yes.

17 Q I keep saying, "hotel," but motel property.

18 A Yes, we were.

19 Q And I understand there were five different
20 cameras.

21 A That is correct, yes.

22 Q Okay. So I'll -- we'll go and identify
23 those here in a minute; but can -- can you tell us
24 what we're looking at in this particular photograph?

25 A Yeah. Generally, we're looking -- this is

Examination of Travis Law

1 kind of westbound through the parking lot. The
2 area -- as you can see, I mentioned the yellow and
3 red tape as before.

4 The area with -- inside the red tape is the
5 area where the officer-involved shooting occurred,
6 where this incident occurred, that was in the vicinity
7 of the western stairwell.

8 There was two stairwells in the parking lot
9 and you can kind of see the Convention Center tower in
10 the background. And this is -- as the criminalists
11 show up on scene, they start to take, you know, 360
12 photographs of the location and this was one of their
13 photographs.

14 Q Okay. And we can see little yellow --
15 little, tiny triangles. I believe those are placards.

16 A That's correct.

17 Q Is that right?

18 A Yeah.

19 Q Can you tell the grand jury what those are.

20 A Those placards mark evidence. And as -- you
21 know, as things progress, they will continue to put
22 out additional placards. So sometimes they might take
23 a -- put a few placards down, take some pictures. We
24 go in and we look a little bit deeper. We find
25 additional items.

Examination of Travis Law

1 They mark additional placards. They take
2 more photos. Hopefully there will be a closer closeup
3 of what those two placards are. It's just to show
4 where an item of evidence is from a distance when
5 you're looking at it.

6 Q Just to make it kind of stand out and give
7 some perspective?

8 A Correct.

9 Q Okay. Let's go to the next photo.

10 Okay. Now, we're looking at the same area
11 from a different perspective?

12 A Yes. This is sort of generally south and
13 this is the base of the western stairwell, as I
14 mentioned. This is Mr. Townsend's pants that were
15 removed when medical aid was rendered.

16 And these two items, Placard 1 and 2, as
17 you'll see in a following photograph, are
18 nine-millimeter cartridge casings. And we determined
19 that those casings came from Officer Brown's weapon.

20 Q Okay. That gray car, we can't see it right
21 now, but, eventually, was there an item of evidence
22 found kind of underneath the front part of the car?

23 A Yeah. And it's actually this white --

24 Q Oh, okay.

25 A -- car that's backed in here. It would have

Examination of Travis Law

1 been underneath the rear driver's side of the vehicle.
2 We located a screwdriver.

3 Q Okay. Next one, please.

4 So this is a closeup of one of the casings?

5 A Yeah. The -- you know, semiautomatic
6 firearms eject a casing when they're fired and this is
7 one of the nine-millimeter cartridge casings from
8 Officer Brown firing his weapon.

9 Q Okay. Next one, please.

10 A And this is another casing of the same.

11 Q Okay. Next one.

12 A As I mentioned --

13 Q Okay.

14 A Yeah. As I mentioned, you know, here's the
15 base of the west stairwell sort of out on the other
16 side, the passenger side of this vehicle where those
17 items that you just saw photos of. And this was a
18 screwdriver that was found.

19 As we determined from reviewing video
20 surveillance, that that item came from Mr. Townsend's
21 hand during the incident. After the shooting when he
22 went to the ground, it was placed -- he placed the
23 item on the ground.

24 And then as the officers approached him to
25 make the scene safe, Officer Emmons kicked the

Examination of Travis Law

1 screwdriver where it ultimately traveled to its final
2 resting point underneath the vehicle. And I have the
3 -- that item with me today.

4 Q Oh, great. Can you -- can you -- let's go
5 ahead and show it right now.

6 A Okay.

7 MS. TUTTLE: That'd be great.

8 (Pause in proceedings, 9:41 a.m. -
9 9:42 a.m.)

10 BY MS. TUTTLE:

11 Q Would you mind just walking around so
12 everyone --

13 A Yeah, sure.

14 Q -- can get a good look at it?

15 A GRAND JUROR: Is that just reflective tape
16 on it?

17 THE WITNESS: Correct. It's white
18 reflective tape.

19 A GRAND JUROR: Thank you.

20 THE WITNESS: Yep. This is commercially
21 referred to as a closed-eye needle screwdriver, even
22 though the -- it's sold both in -- where the eye's
23 actually closed and where it's open here like you see
24 it. And it's a tool used to fix vehicle tires.

25 MS. TUTTLE: It looks like it has a pretty

Examination of Travis Law

1 sharp tip to it.

2 A GRAND JUROR: I don't know how you handle
3 evidence, but would it be possible to see it in the
4 grip that he had? Are you able to --

5 THE WITNESS: So --

6 A GRAND JUROR: -- show us what it would
7 have looked like?

8 THE WITNESS: I'm sorry. Can you say that
9 one more time?

10 A GRAND JUROR: Are you able to show us what
11 it would have looked like if you held it like this or
12 however he was holding it?

13 MS. TUTTLE: I'm not sure we can exactly
14 replicate that, so he --

15 A GRAND JUROR: And we haven't seen the
16 videos or anything yet, so --

17 MS. TUTTLE: Yeah, we'll see it in
18 the video.

19 A GRAND JUROR: Okay.

20 MS. TUTTLE: And --

21 A GRAND JUROR: All right.

22 THE WITNESS: Would anyone like to see it up
23 close, the -- the tip of it up close?

24 A GRAND JUROR: Can you point it towards me?
25 Okay.

Examination of Travis Law

1 A GRAND JUROR: Okay.

2 THE WITNESS: Anyone else?

3 BY MS. TUTTLE:

4 Q So is that device capable of hurting
5 somebody?

6 A Yes.

7 Q Okay.

8 A And our ballistic vests are not -- don't
9 withstand sharp-force objects.

10 Q Okay. So that could actually go right
11 through a -- a ballistic vest and stab somebody?

12 A I -- I'm not a ballistic vest expert, but
13 I know, as -- as we're trained, that, you know,
14 our ballistic vest can stop ammunition, but it's
15 not -- not good for stopping knife attacks or
16 sharp-force attacks.

17 Q Okay. And certainly if it went into an eye,
18 it could either stab your eye out or, worse yet, go
19 into your brain?

20 A It -- it could be -- yes.

21 Q In fact, there's a variety of ways it could
22 be used that would cause substantial or serious
23 physical injury?

24 A I believe so, yes.

25 Q Okay.

Examination of Travis Law

1 A Oh, sorry.

2 Q And that's -- that's fine. So that --
3 that's the item that we are seeing, right, this
4 shiny -- there we go. That's a closeup of
5 (indiscernible)?

6 A Yes. You can actually track it in the video
7 from it coming out of his hand down onto the ground to
8 it being kicked away. They, you know, wanted to
9 secure the area before the medics could come in.

10 And, ultimately, I believe it -- it either
11 just traveled directly here or could have bounced off
12 that cement wall and came to rest.

13 Q So one of the grand jurors mentioned the
14 tape around the device. So that tape -- let me ask
15 you this: Did you later on search Mr. Townsend's
16 room?

17 A Correct.

18 Q And in that room, did you find any similar
19 tape?

20 A Yes. We found white tape that looked
21 exactly like the white tape on the -- the screwdriver.
22 There was another object -- I'm not exactly sure.
23 Maybe tweezers or some sort of unknown object that had
24 white tape that was wrapped around it in the room.

25 Q All right. What's our next photo?

Examination of Travis Law

1 A Those are --

2 Q Is that all our photos?

3 A -- (indiscernible) PowerPoint. Yes, there
4 are others in here.

5 Q Okay. I think -- I think that was -- go
6 ahead and see if that one --

7 A This one?

8 Q Those are the ones -- oh, yeah, we can go
9 through these.

10 Okay. Let's go through these -- these
11 images really quickly and you can identify who the
12 folks are and what we're seeing.

13 A Sure.

14 Q And are these -- this is obviously a
15 photograph.

16 A Yes.

17 Q Okay. What are we looking at?

18 A This is a photograph -- I mentioned we have
19 our mobile command center. This was taken of Officer
20 Curtis Brown.

21 When we did the weapons inspection, the
22 criminalist took photographs of him before we did the
23 weapons inspection. So his duty weapon here. He's
24 got his duty belt, his ballistic vest and then his
25 magazine pouches.

Examination of Travis Law

1 Q What's the white sack?

2 A Oh, are you talking about this here?

3 Q Yes.

4 A That's his mask.

5 Q Oh, okay.

6 A Yeah.

7 Q Of course.

8 A He took it off so we could get a picture of
9 his face.

10 MS. TUTTLE: Okay. Any questions about
11 this?

12 A GRAND JUROR: What's the item on the
13 left-hand side --

14 THE WITNESS: Right --

15 A GRAND JUROR: -- right where the cursor
16 is? Yeah.

17 THE WITNESS: Right here, that's a Taser.

18 A GRAND JUROR: Okay.

19 THE WITNESS: Yeah, and flashlight in a --
20 in a holster. Everybody carries their things a little
21 bit differently. It's what they're used to.

22 BY MS. TUTTLE:

23 Q Okay. Okay. Next photo, please.

24 A This is Officer Brett Emmons. And this was
25 taken back at North Precinct, just showing his attire

Examination of Travis Law

1 for the day. He's in uniform.

2 MS. TUTTLE: Got it. Okay.

3 A GRAND JUROR: What's the yellow thing on
4 his chest?

5 THE WITNESS: This is a Taser.

6 A GRAND JUROR: Okay.

7 MS. TUTTLE: Oh, I thought that was his
8 mask.

9 A GRAND JUROR: Is it -- is it normal
10 for the --

11 THE WITNESS: I'm sorry. You're saying
12 right here, this yellow --

13 A GRAND JUROR: Yeah.

14 THE WITNESS: -- handle? That --

15 A GRAND JUROR: Yeah.

16 THE WITNESS: -- that's a handle of a Taser.
17 Our Tasers are yellow.

18 A GRAND JUROR: Okay.

19 A GRAND JUROR: Yeah. Is it normal for
20 officers to be photographed when they begin the day?

21 THE WITNESS: So this wasn't when they began
22 the day. These photographs were taken after the
23 officer-involved shooting --

24 A GRAND JUROR: Oh.

25 THE WITNESS: -- at our request so

Examination of Travis Law

1 we could --

2 A GRAND JUROR: As evidence.

3 THE WITNESS: -- document their appearance
4 that day.

5 BY MS. TUTTLE:

6 Q So we can see in this what you were talking
7 about earlier, which is different officers carry their
8 equipment a little bit differently.

9 A Correct.

10 Q Okay.

11 A Yeah. Officer Brown had a -- a had leg
12 holster for a Taser and Officer Emmons' Taser's on
13 his vest.

14 Q Okay. Next one. Now, is -- what are we
15 seeing here?

16 A This is an overview image of the parking lot
17 of the Motel 6. And I believe in the PowerPoint
18 there's some better photographs showing the locations
19 of some of the surveillance cameras and such.

20 Q There we go.

21 A So as mentioned, there were -- we -- I -- we
22 identified five security cameras that showed different
23 various angles of the parking lot. And the camera
24 that's most significant for this incident, that had
25 the best view, as you'll see, is Camera 5.

Examination of Travis Law

1 Q Okay. And is it fair to say that Camera 5
2 is the -- is the view that most completely shows the
3 shooting part of the incident?

4 A That's correct. The -- yeah, closer view
5 of it.

6 MS. TUTTLE: Okay.

7 A GRAND JUROR: May I ask a question?

8 MS. TUTTLE: Sure.

9 A GRAND JUROR: Could you point to where the
10 middle staircase was where he was sitting? I can't
11 see it on this view.

12 THE WITNESS: So I believe there's a -- I
13 don't know if we still have the circle on there
14 or not.

15 MR. VASQUEZ: It -- unfortunately, it didn't
16 save when I --

17 THE WITNESS: Okay.

18 MR. VASQUEZ: -- brought this down.

19 THE WITNESS: So --

20 MR. VASQUEZ: My apologies.

21 A GRAND JUROR: (Indiscernible).

22 THE WITNESS: -- if you remember seeing,
23 there's -- these are -- I apologize. These are
24 drains, overflow drains. And if you remember, you saw
25 the overflow drain picture in the photograph of where

Examination of Travis Law

1 the casings were in the stairwell. And it's -- it's
2 generally located in this area right here.

3 A GRAND JUROR: Okay.

4 BY MS. TUTTLE:

5 Q It's kind of underneath that overhang.

6 A Underneath the overhang, but this is
7 kind of --

8 A GRAND JUROR: (Indiscernible).

9 THE WITNESS: -- the reference point, is
10 where the drain cover is.

11 A GRAND JUROR: So which of those white cars
12 did the screwdriver end up under?

13 THE WITNESS: Well, just -- just -- just to
14 be clear, this is not a -- an overhead photograph at
15 the time --

16 A GRAND JUROR: Oh.

17 THE WITNESS: -- of the incident.

18 A GRAND JUROR: (Indiscernible).

19 THE WITNESS: This is just from -- I -- I
20 believe, from Google Maps or some online mapping.

21 A GRAND JUROR: Okay.

22 THE WITNESS: So I don't want to say; but, I
23 mean, the -- the vehicle was generally parked in here.
24 If you -- if you want to go back to the picture to
25 show the drain cover in relation to the vehicle --

Examination of Travis Law

1 MS. TUTTLE: I think we have it in the
2 slides. There we go.

3 A GRAND JUROR: I can see it, yeah.

4 THE WITNESS: So --

5 A GRAND JUROR: Okay.

6 THE WITNESS: -- you can see the two over --
7 overflow drains, I guess storm drains. And then here
8 is generally where the screwdriver ended up underneath
9 the rear driver's side of this white vehicle. And
10 then you can see it's almost a direct line over to the
11 stairwell from the drain cover.

12 MS. TUTTLE: Okay.

13 THE WITNESS: And this is the -- again,
14 Camera 5. Just to note, the DVR system at the motel
15 -- we had technicians go out to collect the video that
16 are trained in collecting video from a variety of DVR
17 systems.

18 One of the things that they do is they
19 verify that -- whether or not the timestamp is
20 accurate. And the timestamp for the system at the
21 Motel 6 was approximately 33 minutes fast.

22 So when they plugged it in and -- or, at
23 some point, they -- they never really synced the time
24 with the actual time. That's pretty common. We
25 see -- we always convert the times over.

Examination of Travis Law

1 BY MS. TUTTLE:

2 Q And so as I understand it, the -- the
3 cameras were all synchronized with each other. They
4 were just all the same amount of time off.

5 A Yeah. And they're time and date stamped and
6 they're also labeled down here, as I'm pointing to,
7 Camera 5. That's what you see when you look at the
8 video is you see the camera number and the date and
9 timestamp.

10 Q Okay. We can go back to those images and
11 we'll finish up that list. What are we seeing here?

12 A Yeah. The -- these -- well, this is Michael
13 Townsend's pants and the contents of his pants. As
14 you can see, a cell phone, receipt, some cash, like,
15 a charging cord.

16 We did search the cell phone to determine if
17 there was any indication or evidence related to the
18 investigation and did not find any.

19 Q Okay. Thank you.

20 A I believe that's the phone he used to call
21 9-1-1 with.

22 Q And then we've seen the screwdriver, so --
23 I think we've actually seen both of these pictures.
24 Let's just -- yeah, let's do the last one. And then
25 this is Mr. Townsend; is that right?

Examination of Travis Law

1 A That is correct.

2 Q Okay. Thank you. We can take that one
3 down.

4 So part -- so we've got videos that you
5 collected, also 9-1-1 tapes as I understand it.

6 A Yes.

7 Q I think this would be -- is there anything
8 else you want to discuss at the scene that -- of
9 evidence that you found or things that happened?

10 A Well, I just would like to note that the
11 investigation -- you know, Officer Emmons,
12 Officer Elias, they are transported back to the police
13 department, North Precinct. Detectives interview
14 them. They obtain a recorded statement from them.

15 And then as you had mentioned earlier, a
16 communication restriction order is issued. In
17 addition to that, at the scene there were four
18 personnel from Portland Fire & Rescue that were
19 interviewed by detectives.

20 Those interviews were recorded and then the
21 transporting AMR personnel who took Mr. Townsend to
22 Emanuel Hospital. Detectives responded to Emanuel
23 Hospital and interviewed them and those interviews
24 were recorded.

25 Additionally, our criminalists responded to

Examination of Travis Law

1 Emanuel Hospital and did collect a bullet that was
2 underneath Mr. Townsend's body in the transport van.

3 Q Okay. So this is one that had passed
4 through him --

5 A That is correct.

6 Q -- and -- okay. Can we go to the timeline,
7 please, for the grand jury? And, actually the one
8 with the photograph. Well, actually, this is -- this
9 is fine. Okay. So the -- there were actually two
10 9-1-1 calls as I understand it.

11 A Yes.

12 Q And the first one was at 7:04 p.m.

13 A Correct.

14 MS. TUTTLE: Can we go ahead and play that,
15 please.

16 (**TRANSCRIBER'S NOTE:** Audio recording played
17 before the grand jury, 9:54 a.m., as follows:)

18 9-1-1 DISPATCHER: 9-1-1, what's the address
19 of your emergency?

20 MICHAEL TOWNSEND: Lloyd Center Motel 6.

21 9-1-1 DISPATCHER: Sorry. Lloyd
22 Center what?

23 MICHAEL TOWNSEND: Lloyd Center Motel 6.

24 9-1-1 DISPATCHER: Okay. What can I help
25 you with?

Playing Audio Recording

1 MICHAEL TOWNSEND: Yeah, I'm feeling
2 suicidal right now.

3 9-1-1 DISPATCHER: I'm sorry to hear that.
4 Let me just get the address up here.

5 MICHAEL TOWNSEND: Yeah.

6 9-1-1 DISPATCHER: So are you on -- okay.
7 I got you. You're on Holladay Street. Which room
8 number, sir?

9 MICHAEL TOWNSEND: I'm downstairs in the
10 lobby and wearing all black.

11 9-1-1 DISPATCHER: Okay.

12 MICHAEL TOWNSEND: And I've got a bunch of
13 tattoos everywhere.

14 9-1-1 DISPATCHER: Okay. And have you done
15 anything to harm yourself?

16 MICHAEL TOWNSEND: Ah, no.

17 9-1-1 DISPATCHER: Okay. And are you
18 wanting an ambulance or to talk to some -- the
19 crisis line?

20 MICHAEL TOWNSEND: Yeah. I'm -- I'm just --
21 I'm just high on meth right now tripping.

22 9-1-1 DISPATCHER: Okay. And are you
23 wanting an ambulance, sir?

24 MICHAEL TOWNSEND: Yes.

25 9-1-1 DISPATCHER: Okay. Got you. And do

Playing Audio Recording

1 you have any weapons on you?

2 MICHAEL TOWNSEND: No.

3 9-1-1 DISPATCHER: Okay. And any plan at
4 all? Have you -- have you taken any drugs besides the
5 meth or thought about doing anything to yourself?

6 MICHAEL TOWNSEND: No.

7 9-1-1 DISPATCHER: Okay. I'm getting help
8 started. Stay on the phone with me. And the phone
9 number you're calling from is 9-1-1 only; is that
10 right? Is there a way we can --

11 MICHAEL TOWNSEND: Yeah.

12 9-1-1 DISPATCHER: -- call you back?

13 MICHAEL TOWNSEND: Yeah.

14 9-1-1 DISPATCHER: Okay. That's fine. And
15 how old are you?

16 MICHAEL TOWNSEND: I'm 40 years old.

17 9-1-1 DISPATCHER: 40? Okay.

18 MICHAEL TOWNSEND: Yeah, and can you send
19 the police, too?

20 9-1-1 DISPATCHER: Yeah. And, actually, the
21 police come on --

22 MICHAEL TOWNSEND: All right.

23 9-1-1 DISPATCHER: -- on --

24 MICHAEL TOWNSEND: 'Cause I'm fucking
25 tripping right now.

Playing Audio Recording

1 9-1-1 DISPATCHER: Yeah, I got. I got --
2 are you able to --
3 MICHAEL TOWNSEND: I'm --
4 9-1-1 DISPATCHER: -- sit down?
5 MICHAEL TOWNSEND: -- high on meth, fucking
6 fist packing a screwdriver and shit.
7 9-1-1 DISPATCHER: Did you say you have a
8 screwdriver?
9 MICHAEL TOWNSEND: Yeah, I'm just tripping.
10 9-1-1 DISPATCHER: Okay. And police come
11 on these kind of calls anyway, so, yeah, they'll be
12 coming as well, okay? You'll probably see them first,
13 okay?
14 MICHAEL TOWNSEND: You have a cigarette,
15 bro? (Indiscernible) --
16 SPEAKER 1: (Indiscernible).
17 MICHAEL TOWNSEND: Cool.
18 9-1-1 DISPATCHER: And are you feeling
19 violent at all?
20 MICHAEL TOWNSEND: No.
21 9-1-1 DISPATCHER: Okay. And you said,
22 "No," to weapons, correct? Oh, wait. You have a
23 screwdriver or no?
24 MICHAEL TOWNSEND: Yes.
25 9-1-1 DISPATCHER: You do have one?

Playing Audio Recording

1 MICHAEL TOWNSEND: Yes.

2 9-1-1 DISPATCHER: Can you -- are you able
3 to put it down and away from you?

4 MICHAEL TOWNSEND: Yes.

5 9-1-1 DISPATCHER: Okay. Sorry. This is
6 just -- I'm just getting the help started. I'll let
7 you know where they're at. So I'm sending the
8 paramedics to help you now, okay? Just stay on
9 the line --

10 MICHAEL TOWNSEND: Okay.

11 9-1-1 DISPATCHER: -- stay on the line.
12 I'll --

13 MICHAEL TOWNSEND: All right.

14 9-1-1 DISPATCHER: -- tell you exactly what
15 to do next. And are you sitting down in the lobby? I
16 just want you -- I just want you to be
17 as comfortable --

18 MICHAEL TOWNSEND: Yeah.

19 9-1-1 DISPATCHER: -- as you can.

20 MICHAEL TOWNSEND: Yeah.

21 9-1-1 DISPATCHER: Okay. And don't have
22 anything to eat or drink, okay? It might make you
23 (indiscernible).

24 MICHAEL TOWNSEND: All right. Okay.

25 9-1-1 DISPATCHER: What is your name?

Playing Audio Recording

1 MICHAEL TOWNSEND: My first name is Michael.
2 9-1-1 DISPATCHER: Michael. And do you want
3 to give me your last name?
4 MICHAEL TOWNSEND: What?
5 9-1-1 DISPATCHER: What is your last name,
6 Michael?
7 MICHAEL TOWNSEND: My last name's Townsend.
8 9-1-1 DISPATCHER: Townsend?
9 MICHAEL TOWNSEND: Yeah.
10 9-1-1 DISPATCHER: Okay. And, again, you're
11 going to be waiting in the lobby at the Motel 6?
12 MICHAEL TOWNSEND: Yes.
13 9-1-1 DISPATCHER: Okay. Just wait there
14 for us. I let them know that you're dressed all in
15 black, okay? And --
16 MICHAEL TOWNSEND: Okay.
17 9-1-1 DISPATCHER: -- since we can't call
18 you back, I want you to call us back if anything at
19 all changes --
20 MICHAEL TOWNSEND: (Indiscernible).
21 9-1-1 DISPATCHER: -- okay?
22 MICHAEL TOWNSEND: Yeah. Okay.
23 9-1-1 DISPATCHER: Okay. We're going to see
24 you soon.
25 MICHAEL TOWNSEND: Okay. Thank you.

Examination of Travis Law

1 9-1-1 DISPATCHER: You bet. Bye-bye.

2 (TRANSCRIBER'S NOTE: Audio recording
3 stopped, 9:58 a.m.)

4 BY MS. TUTTLE:

5 Q Were you able to match up the timing of this
6 call with where he was and what he was doing at the
7 time of the call?

8 A I was through video surveillance, correct.

9 Q Okay. Can you -- let's try to get a --

10 A GRAND JUROR: Can I -- can I ask a
11 question?

12 MS. TUTTLE: Sure.

13 A GRAND JUROR: Do officers -- like the
14 9-1-1, the paramedics, officers that arrive on scene,
15 are they privy to this information that was given to
16 the 9-1-1 caller?

17 THE WITNESS: So the 9-1-1 call taker will
18 take the information in and will insert information in
19 the call. And then the dispatcher will review that
20 and then the dispatcher sends the information to the
21 responding officers. So, you know, hopefully
22 everything gets passed along, but there is several
23 steps of the chain.

24 A GRAND JUROR: Okay.

25 ////

Examination of Travis Law

1 BY MS. TUTTLE:

2 Q Okay. So tell us what we're seeing here.

3 A So this is Mr. Townsend on the phone. I
4 believe this is around the time of the first
5 9-1-1 call.

6 MR. VASQUEZ: I -- and I apologize,
7 Detective. This may be from an earlier time in
8 the day.

9 THE WITNESS: Oh, I didn't see the time from
10 my angle. Sorry.

11 MR. VASQUEZ: Yeah.

12 BY MS. TUTTLE:

13 Q It's 19:36 and it was 19:00 -- it's
14 33 minutes off, right?

15 A Yes.

16 Q So it would be 19:03 --

17 A Yeah.

18 Q -- and the call was at 19:04?

19 A Yeah. And -- and just to be clear, like,
20 the -- the whole area's -- you know, you can see
21 pretty much this whole area here all the way out to
22 the intersection down to the -- kind of the -- the
23 driveway area.

24 It's all on -- under video surveillance. So
25 from the time that the 9-1-1 call is made to where

Examination of Travis Law

1 he's having a discussion with the dispatcher about
2 fist packing a screwdriver and her asking him to put
3 the screwdriver down and him telling that he --
4 telling her that he did put it down -- which, in this
5 case, didn't happen.

6 Nothing changed. He was walking around.
7 He had mentioned that he was in the lobby, but he was
8 walking around out across the street, across the MAX
9 tracks.

10 Q Okay. And you --

11 A So --

12 Q And you got a clear enough look at him in
13 the video that you could tell that he did not ever put
14 down the screwdriver?

15 A Correct.

16 Q Okay.

17 A And there's -- at one point in the video,
18 you could actually hear him asking a guy for a
19 cigarette and -- and saying something like, "Good boy.
20 Good boy."

21 Well, there was a gentleman that was walking
22 a dog out and the dog actually comes over to him. So
23 you can match down to the exact moment on the video
24 surveillance as to when he's talking to
25 the dispatcher.

Examination of Travis Law

1 Q Okay. And then a few moments later, as I
2 understand it, there was a second 9-1-1 tape.

3 A I believe it was a few minutes later,
4 maybe 7:14.

5 Q Yeah, 7:13.

6 A Yeah, 7:13. Sorry.

7 Q Mm-hmm. So that previous call was almost
8 four minutes long, so he would have gotten off at
9 about 7:08 p.m. And five minutes after that is when
10 he called a second time?

11 A Yeah. And before -- just to note before you
12 start the recording --

13 Q Mm-hmm.

14 A -- at this point, I believe that this --
15 once the second phone call's made, the -- the
16 firefighter paramedics are -- have already arrived
17 on scene.

18 Q And they were the first to arrive on scene?

19 A Correct.

20 MS. TUTTLE: Okay.

21 (**TRANSCRIBER'S NOTE:** Audio recording played
22 in open court, 10:01 a.m., as follows:)

23 9-1-1 DISPATCHER: 9-1-1, what is the
24 address of the emergency?

25 MICHAEL TOWNSEND: Yeah, the Motel 6,

Playing Audio Recording

1 Lloyd Center.

2 9-1-1 DISPATCHER: Motel 6, you said?

3 MICHAEL TOWNSEND: Yeah, yeah. Can -- can
4 you send the police and the fucking ambulance? I'm
5 feeling suicidal and tripping and shit.

6 9-1-1 DISPATCHER: Yeah, give me just a
7 second. Let me try to figure out exactly --

8 MICHAEL TOWNSEND: Yeah.

9 9-1-1 DISPATCHER: -- where you are. Are
10 you on Northeast Holladay?

11 MICHAEL TOWNSEND: Yeah.

12 9-1-1 DISPATCHER: What room are you in?

13 MICHAEL TOWNSEND: 518 Northeast Holladay.

14 9-1-1 DISPATCHER: What room are you in?

15 MICHAEL TOWNSEND: I'm in 2 -- 218.

16 9-1-1 DISPATCHER: 218. How old are you?

17 MICHAEL TOWNSEND: Yeah. I'm 40.

18 9-1-1 DISPATCHER: And what's going on =
19 tonight?

20 MICHAEL TOWNSEND: I'm just tripping and
21 I -- I'm just fucking feeling suicidal and shit.
22 I'm tripping.

23 9-1-1 DISPATCHER: Do you have a plan on how
24 you want to hurt yourself?

25 MICHAEL TOWNSEND: Yeah, I don't know.

Playing Audio Recording

1 9-1-1 DISPATCHER: No plan?

2 MICHAEL TOWNSEND: Yeah, I have no idea.

3 9-1-1 DISPATCHER: Are you high on anything?

4 MICHAEL TOWNSEND: Yeah, high on meth.

5 9-1-1 DISPATCHER: Okay. Give me just a

6 second, okay?

7 MICHAEL TOWNSEND: All right.

8 (Indiscernible).

9 9-1-1 DISPATCHER: What's your first and

10 last name?

11 MICHAEL TOWNSEND: First name's Michael;

12 last name's Townsend.

13 9-1-1 DISPATCHER: Have you ever felt like

14 this before?

15 MICHAEL TOWNSEND: No.

16 9-1-1 DISPATCHER: Do we have a phone number

17 that we can reach you back on or is this

18 (indiscernible)?

19 MICHAEL TOWNSEND: No, I don't.

20 9-1-1 DISPATCHER: Okay.

21 MICHAEL TOWNSEND: Hey, tell the fucking

22 police to get here right now.

23 9-1-1 DISPATCHER: Who are you talking to?

24 MICHAEL TOWNSEND: Looks like -- hey --

25 hey -- hey, looks like there's something going on in

Playing Audio Recording

1 fucking Room 220 (indiscernible) some sort of
2 incident. I don't know.

3 9-1-1 DISPATCHER: I'm sorry. What?

4 MICHAEL TOWNSEND: (Indiscernible), yeah.

5 9-1-1 DISPATCHER: Oh, give me just a
6 second. Did you already call?

7 MICHAEL TOWNSEND: Yeah. And if you could
8 get the police there right now, though, 'cause I'm
9 fucking tripping. Send them to Room 220. I don't
10 know what's going on in there.

11 9-1-1 DISPATCHER: I thought you said you
12 were in 218.

13 MICHAEL TOWNSEND: What's up, guy?

14 SPEAKER 2: Did you call 9-1-1?

15 MICHAEL TOWNSEND: Yeah, I did.

16 SPEAKER 2: Oh, okay.

17 MICHAEL TOWNSEND: Yeah. I -- I'm
18 feeling -- I'm feeling suicidal and shit.

19 SPEAKER 2: Okay.

20 MICHAEL TOWNSEND: I got --

21 SPEAKER 2: Okay.

22 MICHAEL TOWNSEND: I got to go check on
23 something in my room in -- in 2 -- in 218.

24 SPEAKER 2: (Indiscernible).

25 MICHAEL TOWNSEND: Hey. Hello?

Examination of Travis Law

1 9-1-1 DISPATCHER: I'm here. Can you go
2 talk to them? I'm going to hang up.

3 SPEAKER 2: (Indiscernible).

4 MICHAEL TOWNSEND: Yeah. I don't know.

5 (TRANSCRIBER'S NOTE: Audio recording
6 stopped, 10:04 a.m.)

7 BY MS. TUTTLE:

8 Q So who was he talking to at the end?

9 A I believe he's talking to the firefighter
10 paramedics that were on scene. The video shows that
11 he -- as -- as he's -- as this phone call is
12 occurring, he mostly is out kind of north of the
13 property here. And then, ultimately, the -- the
14 firefighter -- firefighters arrive on scene.

15 Q I'm going to minimize that so you can see.

16 A The truck -- fire truck arrives on scene.
17 He approaches.

18 A GRAND JUROR: Both times, I did not hear
19 why he wanted the police. But he said -- he -- he --
20 both times, he asked for police to come, but I didn't
21 hear his reason.

22 THE WITNESS: I -- I don't have an answer
23 to -- to that -- that.

24 MS. TUTTLE: We can play the -- the 9-1-1
25 again later if you would like to -- to try to hear it

Examination of Travis Law

1 better.

2 A GRAND JUROR: Okay.

3 A GRAND JUROR: So in these still shots, the
4 fire truck is on the street behind those trees? Is
5 that where it is?

6 THE WITNESS: Yeah, sorry. This is a hard
7 camera angle here, but here's the fire truck right
8 here.

9 A GRAND JUROR: Okay.

10 THE WITNESS: So it arrives first. He's
11 generally kind of -- just north, but nearby on the
12 phone with the dispatcher. The firefighters walk
13 towards the office looking for him where he had said
14 he would be, at the office, during the first 9-1-1
15 call.

16 And as they're in the parking lot by the --
17 by the office, Mr. Townsend proceeds to cross the
18 street and start walking towards them. That's when
19 you hear -- as he walks by them in the parking lot
20 towards the east stairwell -- as I said, there was
21 two stairwells -- he walks by them and you hear that,
22 "Hey, did you call 9-1-1?"

23 And you -- you also heard him talk about a
24 disturbance in Room 220. At the time that that was
25 occurring, he was across the street or not in -- in

Examination of Travis Law

1 view of that room and we don't believe that there was
2 any disturbance in Room 220.

3 BY MS. TUTTLE:

4 Q You certainly didn't find any evidence of it
5 during your investigation.

6 A That's correct.

7 A GRAND JUROR: So on the call, it sounded
8 like he said he needed to check on something in his
9 room. Did he ever go back to his room?

10 THE WITNESS: To, but not in, as I
11 understand it.

12 A GRAND JUROR: Okay.

13 THE WITNESS: So he walked up the stairs.
14 218 is actually second story near the west stairwell,
15 so not far from where the incident happened.

16 A GRAND JUROR: Okay.

17 BY MS. TUTTLE:

18 Q Okay. So we -- we listened to the first
19 call. We saw the -- you told us about the fire truck
20 arriving.

21 A Yes.

22 Q The -- the second 9-1-1 call was actually
23 about a minute after that truck parked.

24 A Mm-hmm.

25 Q And then during the call, is that when the

Examination of Travis Law

1 police arrived?

2 A So just as he's on the phone talking to
3 the -- mentions something, "Hey, did you call 9-1-1?"
4 You can hear him saying, "I need to go up to my room."
5 As he's going up the stairwell is when you see
6 Officer Emmons arrives on scene first.

7 And -- and -- and it's -- Officer Emmons and
8 Officer Brown are basically within 20 seconds of each
9 other. They arrive, pull up into the parking lot.

10 A GRAND JUROR: Mm-hmm.

11 THE WITNESS: I'm sorry. Officer Emmons
12 pulls further in and then Officer Brown stops in front
13 of the office. Officer Emmons is the primary officer
14 for this call. He was dispatched first.
15 Officer Brown was dispatch -- dispatched to assist.

16 So Officer Emmons has the responsibilities
17 of assisting, basically, contacting the medics that
18 were on scene to determine, you know, how are we going
19 to handle this call.

20 BY MS. TUTTLE:

21 Q Okay. And so the -- in the 9-1-1 calls,
22 Mr. Townsend mentioned several times being high on
23 methamphetamine.

24 A That's correct.

25 Q Was that information relayed to the

Examination of Travis Law

1 officers?

2 A I believe the high on methamphetamine and
3 that he had a screwdriver were two things that were --
4 were mentioned to the officers.

5 Q What -- he also mentioned feeling suicidal
6 and wanting to hurt himself.

7 A Yes.

8 Q Were those -- was that information conveyed
9 to the officers?

10 A Yes, and that's how the whole call started.
11 Officer Emmons and Officer Brown were dispatched to
12 assist the medical personnel. So this is a, you know,
13 medical issue initially and we were there to just
14 assist.

15 Q Mm-hmm.

16 A The -- the officers were there to assist.

17 Q Okay. And then the -- as you can see, the
18 ambulance arrives at 7:16; is that correct?

19 A Yes.

20 Q Okay.

21 A And it -- it stays here in this
22 general area --

23 Q Now --

24 A -- initially.

25 Q So we're not going to show the entire

Examination of Travis Law

1 footage. We are going to show kind of the incident
2 on the steps --

3 A Mm-hmm.

4 Q -- and what happened after. Between the
5 time the ambulance arrived and the conversation on the
6 steps, what was happening?

7 A So Officer Emmons consulted with some of the
8 firefighters that were on scene. I believe he spoke
9 with the manager, Mr. Ivo De Cruz, the Motel 6
10 manager. And Mr. Townsend had walked off to the
11 second story.

12 And these officers decided to -- they're
13 just initially going to leave. They're going to
14 disengage at this point and -- assuming Mr. Townsend
15 will call 9-1-1 back when he wants help.

16 Q Okay. And we have -- we'll hear from the
17 officers and the medics and so forth as to the
18 specifics of the conversation, but I would like to go
19 to the video. Actually, let's start with the still of
20 the weapon.

21 MR. VASQUEZ: So which particular one do
22 you want?

23 BY MS. TUTTLE:

24 Q There was one that showed Mr. Townsend
25 holding the weapon in his hand advancing on Mr. --

Examination of Travis Law

1 on -- on Officer Brown.

2 Okay. Can you tell us what we're seeing in
3 this particular -- and this is a still from the video,
4 correct?

5 A Yes.

6 Q Okay.

7 A And I think we'll go back to, before this,
8 the picture of them all standing at the stairwell so
9 you can kind of get an idea where -- where everyone's
10 at. But what Mr. Townsend is doing is his body is
11 bladed. His left side is forward. His left arm is --
12 is -- is raised.

13 His fist is at head or height level. And
14 the object that I handed around the room or I showed
15 you all, the closed-eye needle screwdriver, is in his
16 left hand with the sharp point facing towards
17 Officer Brown and he's moving towards him.

18 You'll see a better depiction of that from
19 the video as to the speed and the way in which he did
20 it. So you have four firefighter paramedics from
21 Portland Fire Rescue. This is Officer Brown. He has
22 his handgun drawn. He's retreating.

23 This is Officer Emmons. The AMR -- there
24 was three AMR personnel. They're out -- just out of
25 camera view here, two of them. The third, Mr. Pervere

Examination of Travis Law

1 I believe is his name, from AMR, he's an intern. He
2 was sitting there on the bumper.

3 A GRAND JUROR: Can we zoom in?

4 THE WITNESS: There's a better frame --
5 there's a better frame. The next frame over where --
6 you can't see it 'cause of the color of the car, but
7 as he gets out here -- hopefully you'll be able to see
8 it in the video. They can pause on it. You won't
9 have this contrast in the background. You'll be --
10 actually be able to see the object extending from his
11 hand.

12 MR. VASQUEZ: On the video, we'll be able
13 to go --

14 A GRAND JUROR: Okay.

15 MR. VASQUEZ: -- frame for frame.

16 MS. TUTTLE: Okay. So let's -- let's go
17 ahead and -- and show the video.

18 A GRAND JUROR: Okay.

19 MR. VASQUEZ: This will take me just one
20 moment. I've got to get the player going.

21 (Pause in proceedings, 10:12 a.m.)

22 MR. VASQUEZ: Would you like to see
23 Channel 3 or Channel 5?

24 A GRAND JUROR: Channel 5 is the primary --
25 Camera 5.

Examination of Travis Law

1 MS. TUTTLE: Let's go with 5.

2 MR. VASQUEZ: This one starts at 6:00 --

3 THE WITNESS: 55-ish.

4 MR. VASQUEZ: -- 55-ish. I can easily
5 advance it if you'd like as well.

6 MS. TUTTLE: Yeah, let's move -- let's --

7 THE WITNESS: Just for your reference, this
8 is Mr. Townsend here on the stairwell, the west
9 stairwell. His room was just out of view. You
10 couldn't see the door to his room in any of the
11 cameras.

12 BY MS. TUTTLE:

13 Q And this would have been before -- about
14 ten minutes before he called 9-1-1?

15 A For the first time, correct.

16 Q For the first time, yeah. Let's -- let's go
17 a little bit farther forward.

18 A So Mr. Townsend is up here. This is about
19 -- would have been the first 9-1-1 call. He's just
20 kind of moving around in the parking lot. You can see
21 his hands up to his head like he's talking on his
22 phone.

23 Q Okay.

24 A You can see the paramedics, firefighter
25 paramedics arriving and Mr. Townsend standing on the

Examination of Travis Law

1 -- the street corner over here behind the truck.

2 Q And he looks like he's on the phone right
3 there.

4 A Correct.

5 Q And as you described earlier, we're seeing
6 the firefighters go towards the office at this point.

7 A That's correct.

8 Q And here we see Mr. Townsend catching up
9 with the police -- with the firefighters; is that
10 right?

11 A Yes. You'll -- you'll see just three of
12 them now and a fourth one joins in later from the
13 truck. And where you hear -- heard him talking to
14 someone in the background, when he turned his head in
15 here, that's at the time that he's speaking with them.
16 And you'll start -- you'll see here momentarily
17 Officer Emmons arrive on scene.

18 Q Okay.

19 A Right there is his vehicle coming into
20 frame.

21 Q And, again, his room is kind of near where
22 the stairwell --

23 A Yes --

24 Q -- is.

25 A -- just out -- out of frame here. You can't

Examination of Travis Law

1 see it.

2 Q Okay.

3 A And then Officer Brown arriving behind
4 Officer Emmons.

5 A GRAND JUROR: So he went up that stairwell
6 and walked all the way around?

7 THE WITNESS: Yeah, there's a long walkway
8 over.

9 BY MS. TUTTLE:

10 Q Now, you had mentioned earlier that he
11 stopped by his room, but didn't go in.

12 A That's my understanding, yes.

13 Q Okay.

14 A You can see these gentlemen are addressing
15 him and Officer Emmons is basically just kind of in an
16 assist role here. And Officer Brown's just standing
17 at his patrol car. Then Officer Emmons moves over. I
18 believe he's contacting Mr. De Cruz now, the manager.
19 And the paramedic, AMR, is arriving.

20 Q So firefighters and ambulance often go hand
21 in hand; is that right?

22 A Usually, yeah.

23 Q Okay.

24 A And you'll see they're starting to go back
25 to their vehicles to leave. Officer Emmons leaving

Examination of Travis Law

1 first with his window down and then Mr. Townsend
2 coming into view at the stairwell.

3 Q So we can see what looks like Mr. Townsend
4 reengaging with the police officers.

5 A Ah, yes. I think it was -- let me make
6 sure -- them engaging with him and vice versa.

7 Q Okay.

8 A This is Officer Emmons up close. And you
9 can see the --

10 A GRAND JUROR: And then the ambulance.

11 THE WITNESS: They're starting to come back,
12 the three firefighters. I believe the fourth one is
13 up here. He's going to join and then the paramedics
14 or the AMR will exit their rig and head back over.

15 BY MS. TUTTLE:

16 Q You mentioned that the police are there to
17 support the firefighters and AMR.

18 A Correct.

19 Q What is -- in what way?

20 A For safety. I mean, really, what's what it
21 is. It's a medical call. They're there for the
22 protection of the medical staff.

23 Q As I understand it, that was sparked by a
24 previous incident completely unrelated to this one
25 where a person had been taken by ambulance and ended

Examination of Travis Law

1 up hurting somebody in the ambulance 'cause they had a
2 weapon with them.

3 A I've heard of those incidents occurring,
4 yeah. We used to transport -- police used to
5 transport people to the hospital for a voluntary
6 mental health evaluation and we completely went away
7 from that and we have the AMR folks do it.

8 MS. TUTTLE: Mm-hmm.

9 A GRAND JUROR: So, at this point, the -- is
10 that the AMR staff that are talking to him right now?

11 THE WITNESS: These four gentlemen here are
12 firefighters.

13 A GRAND JUROR: Okay.

14 THE WITNESS: Here's two AMR -- two AMR
15 folks and the third is an intern sitting on the
16 bumper.

17 A GRAND JUROR: Okay.

18 THE WITNESS: And then those -- those intern
19 guys -- or the AMR folks move kind of out of camera
20 view. So it's mainly the -- the firefighters are
21 chatting with him.

22 A GRAND JUROR: And they're just asking him
23 right now if he wants to go to the hospital? Do
24 you know?

25 MS. TUTTLE: We'll hear testimony from those

Examination of Travis Law

1 folks.

2 A GRAND JUROR: Okay.

3 BY MS. TUTTLE:

4 Q There's no audio on the tape, correct?

5 A Correct.

6 A GRAND JUROR: Is that Officer Brown by the
7 passenger -- yeah, that's him there.

8 THE WITNESS: Yep.

9 A GRAND JUROR: Okay.

10 THE WITNESS: You can see the gray mask.

11 A GRAND JUROR: Oh, yeah, yeah, yeah.

12 THE WITNESS: Yeah.

13 A GRAND JUROR: Yeah, yeah.

14 THE WITNESS: And here's Officer Emmons.

15 BY MS. TUTTLE:

16 Q Distance-wise, it's a little hard to tell
17 from a videotape; but where he's sitting on the step
18 looks like it's close to the edge of the parking
19 stall.

20 A Yes. So the -- the cement here, the -- the
21 landing, if you will, for the stairs where his feet
22 are on, basically is kind of the -- the front nose of
23 that parking stall.

24 Q Okay. So when we see the -- they're a
25 little closer now, but earlier they're on the other --

Examination of Travis Law

1 they're about a parking stall width apart at one
2 point.

3 A Generally, yeah.

4 Q Okay.

5 A So you'll notice the firefighters are --
6 were just waving to someone. There were four other
7 firefighters that were in that vehicle on duty that
8 was going northbound or stopped at the light there
9 when this incident occurred that also observed parts
10 of the incident, so a total of eight. They're going
11 to leave again.

12 A GRAND JUROR: Can we go back through that
13 piece.

14 MR. VASQUEZ: We'll --

15 A GRAND JUROR: Yeah, can we slow it down?

16 MR. VASQUEZ: Yeah. We'll go back frame for
17 frame --

18 A GRAND JUROR: That's fine.

19 MR. VASQUEZ: -- in just -- in just a
20 minute. We can just let it play for just a little bit
21 longer maybe until the point he's --

22 A GRAND JUROR: Yeah, yeah.

23 BY MS. TUTTLE:

24 Q And can we see the screwdriver right now?

25 A Yes. And you'll -- you'll see -- I

Examination of Travis Law

1 mentioned Officer Elias as one of the witness
2 officers. You'll see him come into frame here on the
3 left. He happened to be passing through the area at
4 the time, heard the gunshots and then responded and
5 assisted.

6 A GRAND JUROR: Why -- why are they -- why
7 are the two officer signaling? They're -- they're
8 kind of doing this motion with their hands.

9 MS. TUTTLE: We will have to ask them --

10 A GRAND JUROR: Okay.

11 MS. TUTTLE: -- that question.

12 BY MS. TUTTLE:

13 Q Is there a security issue at this point at
14 the scene?

15 A Yes. So the -- the goal here at this point
16 is our post-shooting protocols.

17 Q Mm-hmm.

18 A An officer-involved shooting occurred. The
19 next thing you must do is you must render aid when
20 it's safe. So as I was speaking to that, you -- you
21 hopefully saw Officer Emmons come up and kick the
22 screwdriver.

23 So the next thing that they have to do is
24 they have to make sure that the scene is safe so that
25 the medics can come in and render aid or that they

Examination of Travis Law

1 can render aid until the medics get there. Part of
2 doing that is by removing a -- a weapon away from
3 Mr. Townsend.

4 MR. VASQUEZ: All right. So I paused it
5 just for the record so that --

6 THE WITNESS: Yeah.

7 MR. VASQUEZ: -- Detective Law can go -- and
8 then we're going to go right -- this is 19:56:59. I'm
9 going to press play.

10 BY MR. VASQUEZ:

11 Q Is this -- is this the moment you were
12 describing about --

13 A Yeah.

14 Q -- the screwdriver?

15 A Officer Emmons; Officer Elias, who had just
16 arrived from out of frame here; and then Officer
17 Brown. You'll see Officer Emmons' left foot.

18 A GRAND JUROR: So that's an intentional --
19 okay.

20 BY MS. TUTTLE:

21 Q And now that the weapon's out of the way, we
22 see the ambulance -- or fire folks -- excuse me --
23 come in.

24 A Well, and Officer Emmons, yeah.

25 Immediate medical --

Examination of Travis Law

1 Q Okay.

2 A -- aid is rendered.

3 Q Now, is -- is taking the pants off part of
4 the protocol?

5 A Removing clothing is -- is customary when
6 you're assessing for wounds and you're about to
7 render aid.

8 Q Okay.

9 A It creates a barrier that they have to work
10 through.

11 MS. TUTTLE: Mm-hmm.

12 A GRAND JUROR: Who is the person with
13 Officer Brown, that other --

14 MS. TUTTLE: That's Officer Elias.

15 A GRAND JUROR: Okay. Thank you.

16 BY MS. TUTTLE:

17 Q And is Officer Elias doing what he's
18 supposed to by removing Brown from the situation?

19 A Yes. Secured him in a vehicle at the scene.

20 A GRAND JUROR: Was it his patrol vehicle?

21 THE WITNESS: I believe it was his -- it --
22 well, it was Officer Elias. Yes, at this point,
23 there's a --

24 A GRAND JUROR: Yeah, that's what I mean.

25 THE WITNESS: Yeah.

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1 A GRAND JUROR: Officer Elias'
2 (indiscernible).

3 THE WITNESS: There was only three Portland
4 police cars on scene at this moment and two of them
5 are accounted for. The other one's just out of camera
6 view. You can't actually see them go over towards
7 Officer Elias' car. And as the video progresses,
8 you'll start to see the crime scene is being set up
9 and sort of the -- the next phase of --

10 MS. TUTTLE: Okay.

11 MR. VASQUEZ: Would you -- would the grand
12 jurors like to see kind of the progression at the
13 critical moment?

14 A GRAND JUROR: Yes.

15 A GRAND JUROR: Possibly --

16 MR. VASQUEZ: Okay.

17 A GRAND JUROR: -- slightly slower.

18 A GRAND JUROR: Can you zoom in on it?

19 MR. VASQUEZ: Yeah. What I'm going to -- I
20 don't know if I can zoom in, but what I -- I can't
21 zoom in sorry. I tried yesterday --

22 A GRAND JUROR: Oh, okay.

23 MR. VASQUEZ: -- to figure it out, but I can
24 pause it and then go frame by frame. The only --

25 A GRAND JUROR: So at the moment where they

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1 disengage, I'd like to slow it down if we can.

2 MR. VASQUEZ: Okay. Do you want -- so you
3 mean when --

4 A GRAND JUROR: When the police start
5 backing off --

6 MR. VASQUEZ: Yeah.

7 A GRAND JUROR: -- or --

8 A GRAND JUROR: Yeah, mm-hmm.

9 A GRAND JUROR: -- and he kind of stands up.

10 MULTIPLE GRAND JURORS: (Indiscernible).

11 MR. VASQUEZ: Yeah, I'll get that. Give me
12 one moment.

13 MS. TUTTLE: Is that a good spot or do you
14 want to go back teeny more?

15 MR. VASQUEZ: So --

16 A GRAND JUROR: Hold on.

17 MR. VASQUEZ: Just to show you the
18 functionality, this is how we can kind of go frame
19 by frame.

20 A GRAND JUROR: Okay.

21 A GRAND JUROR: So I -- so from what my
22 understanding is right now, the firefighters, the AMR
23 and the police are all saying, "Okay. We're going
24 to leave."

25 MS. TUTTLE: I anticipate that'll be the

Examination of Travis Law

1 evidence that you'll hear from the witnesses as we
2 progress.

3 A GRAND JUROR: Okay.

4 A GRAND JUROR: So Officer Brown, it looks
5 like he has his hand on his service --

6 A GRAND JUROR: Yes.

7 A GRAND JUROR: -- weapon at the moment.

8 A GRAND JUROR: Yes.

9 THE WITNESS: Yeah. As --

10 A GRAND JUROR: Yes.

11 THE WITNESS: -- as you're looking at that,
12 if you can split your eyes the best you can and --

13 A GRAND JUROR: Yeah.

14 THE WITNESS: -- look at what -- what
15 Mr. Townsend's doing with his left hand.

16 A GRAND JUROR: It kind of seems like he's
17 -- kind of reaches -- and he's reaching in his pocket.

18 A GRAND JUROR: Oh, did you go back
19 right here?

20 MR. VASQUEZ: I did.

21 MS. TUTTLE: Yeah, that's back.

22 A GRAND JUROR: (Indiscernible) back again?
23 Okay.

24 MS. TUTTLE: And you're all welcome to get
25 closer to the screen if that helps.

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1 A GRAND JUROR: Can you back it up again?

2 Sorry.

3 A GRAND JUROR: Yeah. Can we just watch it
4 one more time?

5 MR. VASQUEZ: Yeah. You can watch it as
6 many times as you like. We can watch it regular
7 speed. We can do frame by frame, however you like.

8 A GRAND JUROR: (Indiscernible) probably.

9 MR. VASQUEZ: And just so the grand jurors
10 are aware, this -- if, at any point, during the -- the
11 consideration of the grand jury you'd like to see this
12 video, we can always come back to it. So it's not --

13 A GRAND JUROR: So --

14 MR. VASQUEZ: -- a one time through.

15 A GRAND JUROR: So he pulled it out of his
16 left pocket?

17 BY MS. TUTTLE:

18 Q And we can see that Officer Brown's getting
19 closer to the back of his car -- or, I mean, the front
20 part of his car -- or excuse me -- Officer Emmons'
21 car.

22 A Correct.

23 A GRAND JUROR: Does anybody know if
24 Mr. Townsend is left handed or right handed or
25 does that --

Examination of Travis Law

1 A GRAND JUROR: I don't know if it matters.

2 A GRAND JUROR: Can we go back all the way
3 to when they're sitting on the staircase again and
4 just kind of let it play through for a little bit?

5 UNIDENTIFIED DDA: Yep. And we can ask
6 witnesses if they knew whether he was left or
7 right handed.

8 A GRAND JUROR: Thank you.

9 MS. TUTTLE: Mm-hmm.

10 A GRAND JUROR: (Indiscernible) first time I
11 saw the bicyclist.

12 MR. VASQUEZ: And there's lots of details on
13 the periphery that will come as you watch it.

14 (Pause in proceedings, 10:29 a.m. -
15 10:30 a.m.)

16 A GRAND JUROR: So I see that Officer Brown
17 has his service weapon out, but Emmons has his
18 Taser out?

19 THE WITNESS: Yes.

20 A GRAND JUROR: Okay.

21 MS. TUTTLE: Any more viewing of this for
22 now or do you want to --

23 MR. VASQUEZ: We can certainly have other
24 witnesses ask questions as -- as -- you know, with
25 the video --

Examination of Travis Law

1 A GRAND JUROR: Mm-hmm.

2 MR. VASQUEZ: -- as well, so that's always
3 an option, okay?

4 MS. TUTTLE: Okay.

5 A GRAND JUROR: (Indiscernible).

6 A GRAND JUROR: I do have a question that
7 may be relevant for a different witness, but do we
8 know if during the autopsy or -- I don't know what
9 happens -- if the deceased was on methamphetamines
10 at the time?

11 MS. TUTTLE: The medical examiner will be
12 testifying, including toxicology results.

13 A GRAND JUROR: Thank you.

14 BY MS. TUTTLE:

15 Q Okay. But speaking of the autopsy, you were
16 also at the autopsy; is that right?

17 A Yes, it was on June 25th.

18 Q Okay. So the following day. And what was
19 your role at the autopsy?

20 A Just to observe. You know, I had observed
21 the scene. I knew what physical evidence had been
22 collected and I went to the autopsy to -- just to make
23 sure that we had all our bases covered, that all of
24 our ballistic evidence was recovered.

25 Q Okay.

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1 A So that's one of the things that we did.

2 A -- a criminalist along with Deputy District Attorney
3 Vasquez was also present.

4 Q And photographs were taken during the
5 autopsy process?

6 A That's correct.

7 MS. TUTTLE: Okay. We are not intending to
8 show you any of those photos, but they were taken.

9 A GRAND JUROR: And --

10 MS. TUTTLE: And if you wanted to see them,
11 we could show them to you.

12 BY MS. TUTTLE:

13 Q Okay. So you have evidence that you
14 collected both at the scene and at the autopsy. That
15 was all sent to the Crime Lab, as I understand.

16 A Yes.

17 Q Okay. And there was actually DNA testing
18 done on the screwdriver.

19 A That is correct.

20 Q Okay. And if I understand the results of
21 that DNA testing, there was a mixture of two people's
22 DNA on the screwdriver, one of which could not be
23 excluded as Mr. Townsend.

24 A If I could verify that from the --

25 Q Yes.

Examination of Travis Law

1 A -- lab report --

2 Q Yes.

3 A -- for a moment.

4 MS. TUTTLE: Sure.

5 (Pause in proceedings, 10:33 a.m.)

6 THE WITNESS: That is correct. The answer
7 to your question is correct.

8 BY MS. TUTTLE:

9 Q Okay. And so during your investigation, did
10 you also gather mental health treatment records?

11 A I did. And they were presented to the grand
12 jury previously.

13 Q Okay.

14 A And I received authorization to open the
15 records for the investigation.

16 Q Okay. And did they reveal that Mr. Townsend
17 also had a history of mental health and -- and
18 substance abuse issues?

19 A That's correct.

20 MS. TUTTLE: Okay. So the last thing I want
21 to ask -- well, is there any -- I think we got a
22 pretty good idea of the thoroughness of this
23 investigation. Are there any investigation -- the
24 last (indiscernible) ask him about is (indiscernible).

25 MR. VASQUEZ: Briefly.

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1 UNIDENTIFIED DDA: Yeah.

2 BY MR. VASQUEZ:

3 Q So in the course of your investigation, did
4 you or have other officers or detectives do a canvass
5 of the area to -- to find witnesses or any video or
6 things of that nature?

7 A We canvassed the area for video, for
8 additional video surveillance. None was identified.
9 And then we did not identify any other witnesses other
10 than Mrs. Temple, which -- who is someone we
11 interviewed.

12 Q And did -- was that someone -- were people
13 rushing up to you saying, "Hey, I want to be a witness
14 and -- and let me tell you everything I saw," or was
15 it more of you trying to track down people?

16 A No. No one was rushing up to be a witness.
17 And, certainly, if they were, we would have taken
18 their statement.

19 Q In fact, Ms. Temple was really kind of
20 identified through -- she had talked to the media and
21 things of that nature. And then you followed up by
22 making sure that she was thoroughly and -- and
23 properly interviewed. Is that -- is that all correct?

24 A That is correct. And then, as I said
25 before, we saw the video, the fire truck driving by.

Examination of Travis Law

1 We thought, oh, there's additional witnesses here. We
2 could track them down. We should be able to figure
3 out who they are 'cause they're at work at the time
4 and we interviewed them.

5 BY MS. TUTTLE:

6 Q So in the video, there's clearly other
7 people in the parking lot. There are people who came
8 out from their rooms after the incident occurred. You
9 did try to contact those people and either they were
10 not available or preferred not to speak?

11 A So, yes. A door-to-door canvass was
12 conducted at the hotel and -- and no additional
13 witnesses were identified. There was one individual,
14 I believe, was using a fake name.

15 A GRAND JUROR: (Indiscernible). So if
16 there's anybody besides her --

17 THE WITNESS: We -- we tried to track down
18 one individual who wasn't overly cooperative that we
19 believe he might have been using a fake name and he
20 was from out of state. So no -- no additional
21 eyewitnesses -- there were witnesses that were in
22 their room that didn't hear anything.

23 They were asleep, you know, at 7 o'clock
24 at night. And then there were witnesses that were in
25 there that heard it only, but no additional

Examination of Travis Law

1 eyewitnesses were identified.

2 BY MS. TUTTLE:

3 Q Okay.

4 A So no one was running to us to say, "Hey, I
5 saw this. Take -- you know, here's what I know."
6 That -- that routinely happens where we show up to a
7 scene. Patrol has identified witnesses to the
8 incident.

9 Those witnesses are -- are separated to
10 preserve their statements and we will then go
11 interview them. That did not happen in this case.
12 The only witnesses that we had were firefighters from
13 Portland Fire & Rescue and AMR.

14 Q So the -- you've talked about how the
15 canvass and -- didn't lead to any witnesses. There
16 were no witnesses that came up, civilian, besides the
17 firefighters and AMR. At one -- at some point,
18 though, you learned about Kalli Temple.

19 A That's correct.

20 Q Tell us how you learned about her.

21 A There was a news article. This case
22 received some attention in the local media outlets.
23 There was a news article on KOIN interviewing
24 Ms. Temple. And so when we read the story, we
25 thought, well, we'd like to go talk to her.

Examination of Travis Law

1 Q Okay.

2 A And we did some research, figured out she
3 lives at The Louise Flowers building directly across
4 the street from the parking lot at the Motel 6 at 515
5 Northeast Holladay.

6 Q Okay. So we -- Ms. Temple's going to be
7 here to testify --

8 A Yes.

9 Q -- and talk about what she could see. Were
10 you able to look out the same window that she
11 looked out?

12 A Yes. So she lives on the 11th floor of
13 the building.

14 Q Mm-hmm.

15 A Her windows overlook Northeast Holladay
16 Street and Northeast Grand Avenue, so to the south.

17 Q Okay.

18 A And we were over -- able to --

19 MS. TUTTLE: Do you want to go back to that
20 timeline? Oh, no, the picture one. Sorry. There we
21 go. Perfect.

22 MR. VASQUEZ: Oh, this one here?

23 MS. TUTTLE: Yeah.

24 MR. VASQUEZ: Okay.

25 MS. TUTTLE: I just wanted -- I think --

Examination of Travis Law

1 BY MS. TUTTLE:

2 Q Will these help describe where she is or do
3 you need (indiscernible)?

4 A Sort of. I -- I think there's some
5 perspective photographs.

6 MS. TUTTLE: Oh, okay. Do we have a -- the
7 perspective from --

8 MR. VASQUEZ: Hers? Yes.

9 MS. TUTTLE: Okay. Perfect.

10 MR. VASQUEZ: Okay.

11 THE WITNESS: So shortly after the incident,
12 my partner and I, Detective Pontius, we contacted
13 Ms. Temple in her residence. She welcome -- welcomed
14 us inside. We had a conversation with her. We
15 conducted an interview. That interview was recorded.

16 And in the process of that, she allowed us
17 to take pictures of where she said she saw -- she said
18 she saw -- or what she saw, rather. And so this is a
19 view from her living room area looking down 11 stories
20 to the parking lot of the Motel 6.

21 So you can see these four large trees here
22 on the -- sort of the north curblin. And I'll just
23 kind of -- with my finger, I'm just -- you can see the
24 west stairwell here and that -- that stairwell goes
25 down. And this is generally the area where the

Examination of Travis Law

1 incident occurred.

2 MS. TUTTLE: Okay.

3 A GRAND JUROR: You probably looked at the
4 video many, many times.

5 THE WITNESS: I have, yes.

6 A GRAND JUROR: It -- it looked to me as
7 though the officer pulled his gun at the same time
8 that the deceased was pulling a screwdriver out of his
9 hand. It looked like -- and that was almost at the
10 same time. Did it look that way to you?

11 THE WITNESS: I believe that the -- those
12 actions were near simultaneous. I'm not sure
13 which one --

14 A GRAND JUROR: Mm-hmm.

15 THE WITNESS: -- occurred first. You know,
16 it's hard to split your eyes. But they were -- I
17 believe one was a direct result of the other.

18 A GRAND JUROR: Yeah, so --

19 THE WITNESS: Meaning Officer Brown pulled
20 his weapon based off of --

21 A GRAND JUROR: Because he was --

22 THE WITNESS: -- the actions --

23 A GRAND JUROR: -- pulling

24 (indiscernible) --

25 THE WITNESS: -- that were taken by

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1 Mr. Townsend.

2 A GRAND JUROR: -- out of his pocket and he
3 didn't know if it was a gun, so --

4 THE WITNESS: Based on my review of the
5 video, that's what it appeared to be.

6 A GRAND JUROR: Thank you.

7 UNIDENTIFIED DDA: Any other questions for
8 Detective Law?

9 A GRAND JUROR: Are those windows openable
10 [sic] (indiscernible)?

11 THE WITNESS: I -- I think they -- I think
12 they are. I think she was a seeing -- an
13 eyesight-only witness, not -- she didn't hear things.

14 A GRAND JUROR: Okay.

15 A GRAND JUROR: Okay.

16 THE WITNESS: The -- the -- so we took
17 several pictures. She had several windows on the
18 south side of her apartment.

19 BY MS. TUTTLE:

20 Q It looks like there's tape on her windows.

21 A So, yes. She had moved back and forth, but
22 the main observations that she made --

23 That first picture, Nathan, that you showed.

24 This is just, you know, basically going like
25 this and her taking a picture down to show what her

Examination of Travis Law

1 perspective was. And you can see this is Grand Avenue
2 right here and here's Holladay. And, again, that's
3 the west -- the top of the west stairwell.

4 Q The tape that we just saw in the -- in the
5 photograph of the window --

6 A Yes.

7 Q -- itself, was that something that you, as
8 police officers, did or had she already had it
9 like that?

10 A So everything that -- it's photo'd as -- as
11 we found it.

12 Q Okay.

13 A And the picture of the -- the binoculars
14 is -- she said she saw this through her binoculars or
15 she made some of the observations through her
16 binoculars.

17 MS. TUTTLE: Okay. All right. Any other
18 questions?

19 A GRAND JUROR: What was the reason for
20 photographing this cell phone?

21 THE WITNESS: Oh, she filmed some videos
22 after the incident.

23 A GRAND JUROR: Oh.

24 THE WITNESS: She went out onto the street
25 and she took some video of what -- some of the things

Examination of Travis Law

1 that were occurring out on the street.

2 A GRAND JUROR: Okay.

3 BY MS. TUTTLE:

4 Q But none contemporaneously with the
5 shooting?

6 A Correct.

7 Q Okay.

8 A She did not film anything related to that.

9 MS. TUTTLE: Okay. Thank you very much.

10 THE WITNESS: Thank you.

11 MR. VASQUEZ: All right.

12 THE WITNESS: Would -- would you like me to
13 leave?

14 MS. TUTTLE: I don't think we need
15 to leave --

16 MR. VASQUEZ: Why -- why don't we have you
17 hold onto that? I know you're going to --

18 THE WITNESS: Okay.

19 MR. VASQUEZ: -- probably stick around,
20 so we'll --

21 THE WITNESS: Sure.

22 MR. VASQUEZ: -- leave you that.

23 And then, ladies and gentlemen, I'm just
24 going to check with you, see if you need a break real
25 quickly before our next witness or if we want to jump

1 right into the next witness. Either way is fine. I
2 always want to make sure you guys are -- you all are
3 comfortable, so --

4 A GRAND JUROR: Yeah.

5 MR. VASQUEZ: -- but we do have a lot of
6 people to get through. But we will get through
7 them as --

8 A GRAND JUROR: (indiscernible).

9 A GRAND JUROR: I'm okay going on, but --

10 A GRAND JUROR: Yeah, me, too.

11 A GRAND JUROR: -- whatever you guys want
12 to do.

13 A GRAND JUROR: I'm okay.

14 A GRAND JUROR: If we could take just, like,
15 five minutes so I can --

16 A GRAND JUROR: That's fine.

17 A GRAND JUROR: -- pee and get some --

18 A GRAND JUROR: Yeah.

19 A GRAND JUROR: -- water and --

20 MR. VASQUEZ: Let's do it.

21 A GRAND JUROR: (Indiscernible).

22 MR. VASQUEZ: Let's go off the recording,
23 please.

24 (Recess taken, 10:42 a.m. - 10:49 a.m.)

25 MS. SEELE: Yes, please, sir. In just a

1 moment, you'll be sworn in.

2 THE WITNESS: Okay.

3 A GRAND JUROR: (Indiscernible).

4 THE WITNESS: You're fine.

5 A GRAND JUROR: It's warm in here.

6 A GRAND JUROR: It is a little toasty.

7 A GRAND JUROR: It is very warm.

8 A GRAND JUROR: There's a lot of people
9 in here.

10 A GRAND JUROR: I can swear him in if
11 you want.

12 A GRAND JUROR: Can I (indiscernible) --

13 MS. SEELE: Okay.

14 A GRAND JUROR: -- so I can see him?
15 Thank you.

16 MR. VASQUEZ: Go ahead whenever you're
17 ready.

18 A GRAND JUROR: Can you raise your
19 right hand?

20 A GRAND JUROR: Please raise your
21 right hand.

22 **ASPEN BREUER**

23 Was thereupon called as a witness; and, having been
24 first duly sworn, was examined and testified as follows:

25 A GRAND JUROR: Thank you.

Examination of Aspen Breuer

1 MS. SEELE: Could you please state your name
2 for the record and spell it for us.

3 THE WITNESS: My name is Aspen Breuer.
4 That's spelled A-s-p-e-n; last name Breuer,
5 B-r-e-u-e-r.

6 EXAMINATION

7 BY MS. SEELE:

8 Q And what do you do for a living, sir?

9 A I am a fire lieutenant.

10 Q How long have you been doing that?

11 A Just over 17 years.

12 Q And what firehouse or station are you
13 associated with?

14 A I work at Station 13.

15 Q Okay. Can you tell me what area that
16 generally covers?

17 A Lloyd Center.

18 Q And that's in Multnomah County?

19 A Yes.

20 Q All right. Can you tell me a little bit
21 about the training required to hold your position
22 specifically as a lieutenant?

23 A Yeah. So there's a significant amount of
24 training that goes into being a firefighter. In order
25 to promote to lieutenant, I need to have five years

Examination of Aspen Breuer

1 as a firefighter. So you need to be a veteran
2 firefighter first. There's a -- I won't go into the
3 firefighter training.

4 Then as you work towards promotion, the
5 promotional process, itself, lasts six months.
6 There's a tremendous amount of study and training that
7 goes into that six-month process. And at the end,
8 there's an evaluation process. And that's how you
9 basically make it onto a list to get promoted.

10 Once you're promoted, you go through a
11 week-long course, eight hours a day, with training and
12 then you do 12 months of on-the-job training after
13 that. Significant amount of training.

14 Q And you passed all those qualifications?

15 A Yes, ma'am.

16 Q And as a -- as a lieutenant, what -- what
17 are some of your duties?

18 A Yeah. My general job duties, I'm a
19 supervisor for two companies, an engine and a truck.
20 There's eight --

21 Q Can you tell us the difference?

22 A Oh, yes.

23 Q Thank you.

24 A Yes. An engine has the hose and the water.
25 It's the shorter one that looks all square. And the

Examination of Aspen Breuer

1 truck is the longer one with the big ladder on top and
2 the rescue equipment. And most of our ladder trucks
3 here in the City of Portland bend and (indiscernible).

4 Q Okay.

5 A I always tell people that they bend.

6 Q So just fast forwarding for --

7 A Yep.

8 Q -- a moment, on June 24th, 2021 --

9 A Yes.

10 Q -- were you on duty?

11 A Yes.

12 Q Were you driving a truck or an engine?

13 A I don't drive anything.

14 Q Okay.

15 A I'm the boss, so --

16 Q You're the boss.

17 A -- I sit in the passenger seat.

18 Q Okay.

19 A They never let me drive.

20 Q Oh, okay.

21 A Yeah.

22 Q Fair enough. So --

23 A Yes.

24 Q -- what -- what were you arriving in on
25 this day?

Examination of Aspen Breuer

1 A A ladder truck.

2 Q A ladder truck.

3 A Yes.

4 Q Okay. Now, a lot of people think that
5 firemen just respond to fires; is that accurate?

6 A That is not accurate.

7 Q Can you tell us what kind of calls you are
8 responding to.

9 A Yes. The vast majority of the calls that
10 your fire service employees respond on are medical or
11 what I would call miscellaneous. I would say at
12 least -- and this is anecdotally speaking.

13 Don't quote me on this for actual fact, but
14 based on my experience and all the data that's been
15 compiled year after year, approximately 85 percent or
16 more of what we respond on is medical in nature.

17 Another ten percent is what I would call
18 miscellaneous, including rescues and other
19 miscellaneous interactions with the public to offer
20 assistance.

21 Q Now, when you say medical call, what do you
22 mean by that? What constitutes a medical call?

23 A Yeah, good question. Someone who has called
24 9-1-1 stating that they need help.

25 Q Mm-hmm.

Examination of Aspen Breuer

1 A And the nature of the help that they require
2 is of their own person, meaning they're having
3 shortness of breath, tightness in their chest,
4 something medically related in their body or someone
5 close to them or right next to them that they're
6 reporting for.

7 Q Okay.

8 A So it would be --

9 Q And --

10 A -- generally speaking, a medical call,
11 something you would go to the doctor for, but you need
12 help right now --

13 Q Okay.

14 A -- critical.

15 Q And as firefighters, you're trained to deal
16 with those situations?

17 A Absolutely.

18 Q All right. I see that you're in a uniform
19 today.

20 A Yes.

21 Q Is this the same or similar outfit to what
22 you would have been wearing on June 24th?

23 A Yes, very similar. I have a T-shirt
24 underneath this that I could show you all if you like.
25 It has an emblem on the front, Portland Fire & Rescue.

Examination of Aspen Breuer

1 And on the back, it says, "Portland Fire."

2 Q Mm-hmm.

3 A And it also states that I'm a lieutenant.

4 Q Okay.

5 A This would be a more formal wear, something
6 that I would wear -- anytime I go outside the station,
7 this is what I'm required to wear.

8 Q When you arrive to a scene, is it obvious
9 that you're associated with the Fire Department?

10 A Absolutely. There's a reason that it's a
11 blue shirt with big, white letters on the back that
12 say, "Portland Fire," and a fire logo on the front.
13 Easily identifiable.

14 Q All right. And turning to June 24th, 2021,
15 did you get called out that evening?

16 A Yes.

17 Q And where did you get called out to?

18 A Motel 6, which I believe -- we're there
19 quite often. I believe that's 518 Northeast Holladay.

20 Q Okay. And what kind of call were you called
21 out to?

22 A Yeah. So our -- our call types are fairly
23 complex. There's, like, a code. But, basically, the
24 call type here was medical psych, so some sort of
25 psychological issue. And the a secondary code,

Examination of Aspen Breuer

1 methamphetamine use, intent to harm.

2 Q Okay.

3 A Or sorry. Stated, like, intent to harm, but
4 no action taken. I'll explain that a little bit.
5 What that means --

6 Q Please.

7 A -- is, at some point, the call taker at
8 dispatch has asked the question, "You took these
9 drugs," or, "You did something. There's something
10 about what you're telling me that's throwing a little
11 bit of a red flag. Were you trying to harm yourself?"

12 And they might -- the person might say,
13 "No," but they might say, "I don't know if I really
14 want to be alive anymore. I'm so high," or something
15 else, there -- there's something in there. And I
16 don't know. I haven't listened to the tapes.

17 Q Mm-hmm.

18 A But, basically, when you get to a point
19 where there's intent, but no action, what it means is
20 they've said something that leads the call taker to
21 believe that this person either, A, might not want to
22 live; or, B, might be somewhat suicidal, but they've
23 actually not attempted to do anything to harm
24 themselves --

25 Q Okay.

Examination of Aspen Breuer

1 A -- right? So no intent -- no -- no action
2 taken. In other words, if they had cut themselves on
3 the wrist or had said, "I took all these drugs because
4 I don't want to live anymore," well, you took the
5 drugs 'cause you wanted to end your life.

6 Now, that's more of a suicide call, which
7 just changes our -- it doesn't necessarily change the
8 response, but we're preparing for what we're going to
9 find on scene.

10 Q Okay. And what are the potential options
11 for resolving a call like this?

12 A Yeah. So we -- this is not an uncommon call
13 type, right? This -- this -- I would -- I don't want
14 to get ahead of myself, but just -- again, just
15 speaking to all of you, this is a regular call, right?
16 Does that make sense?

17 Q Yes.

18 A This is very routine. So there's a lot of
19 drug use on the -- on the streets in Portland and also
20 in apartments everywhere. There's a lot of people
21 using drugs.

22 When you're high on methamphetamine, this is
23 one of the things that happens, right? There's a
24 psychological effect and sometimes there's a, I don't
25 even know if I want to be alive anymore, because the

Examination of Aspen Breuer

1 psychosis that's going on in the head.

2 So on this type of a call, basically, we
3 just make contact with the person and then we want to
4 try to get them help. And we -- that's when we start
5 to kind of do the, "How can we best serve you today?"

6 Q Okay.

7 A "Does that mean -- are you in such a bad
8 state that we need to look at getting you admitted to
9 a psych hospital like Unity?" And we can work on
10 that.

11 "Is it low level enough that we need to get
12 you to the hospital, but you don't need to go by
13 ambulance or is it critical enough that we need to get
14 you in an ambulance right now and get you to the
15 hospital?" which, I'm going to say, nine times out of
16 ten, that's where these types fall. They end up in
17 the ambulance going to the hospital.

18 Q And what if you get on scene and somebody
19 decides they don't want your services?

20 A If they don't want our services and they can
21 answer all questions appropriately, they're allowed to
22 do that.

23 Q Okay.

24 A They can deny service --

25 Q And so --

Examination of Aspen Breuer

1 A -- yes.

2 Q -- then what happens?

3 A We can clear from the call.

4 Q All right.

5 A If we're convicted [sic] based on our
6 interaction with them, we always get a -- a history.
7 And if they'll allow us, we'll get basic vitals,
8 meaning blood pressure, O2 saturations, things of
9 that nature.

10 If they'll allow us to do that and then they
11 still don't want to go to the hospital and we feel
12 like they need to, there's a form that we fill out --
13 fill out and have them sign called a patient refusal
14 stating that we've told them they need to see a
15 doctor. They reserve the right to refuse, but we're
16 going to document that.

17 Q Okay.

18 A If it seems low level and there's no issues,
19 it's not a problem.

20 Q Okay.

21 A We can say, "You know what? There's
22 actually no" -- what we call no medical need.

23 Q So you're with the Fire Department.

24 A Yes.

25 Q You respond to these calls. Who else, if

Examination of Aspen Breuer

1 anyone, responds to these typical medical calls?

2 A Yeah. A medical call like this, based on
3 the nature and -- and call type --

4 Q Mm-hmm.

5 A -- and what was stated and recorded by the
6 call taker at dispatch, you'll get a -- a fire
7 response. And by "fire response," meaning engine,
8 truck, rescue. It doesn't have to be a truck.

9 Q Okay.

10 A Okay. You'll get a -- a response from fire.
11 You'll get an ambulance response. That comes from AMR
12 inside the City of Portland. And then we'll get
13 police response.

14 Q Okay. And is that what happened in this
15 particular case?

16 A Yes.

17 Q All right. Now, you mentioned that you get
18 to ride shotgun 'cause you're the boss.

19 A Yes.

20 Q Who was your driver that evening?

21 A Yeah. My driver, his name is Brent Chopp.
22 He's a firefighter.

23 Q Okay. And were there other people in the --
24 on the rig that night?

25 A Yes, there's always four.

Examination of Aspen Breuer

1 Q Okay. And so --

2 A We don't go anywhere without four.

3 Q -- who are the other two and where would
4 they be located?

5 A Yeah. So myself in the passenger seat,
6 Brent Chopp is the driver. Giancarlo Scrivonia is
7 sitting, what we call, in the middle.

8 Q Okay.

9 A He's sitting in the backseat.

10 Q Okay.

11 A He's right behind me.

12 Q Okay.

13 A And then Kevyn Smoot, who's our paramedic
14 firefighter, he's in the back in the tiller position.
15 You have to steer the back wheels in this truck, too,
16 so it takes two people to drive.

17 Q Okay.

18 A Yep.

19 Q And so when you pulled up to Motel 6 was
20 there --

21 A Yeah.

22 Q -- anybody on scene already, any of the --
23 any of the other agencies we discussed?

24 A Negative.

25 Q Okay. So what did you do first?

Examination of Aspen Breuer

1 A So we -- we park and then we're going to try
2 to find the patient.

3 Q Okay.

4 A At this point, we don't know who the patient
5 is. No one has flagged us down. No one has said
6 anything. There is one male subject -- I don't know
7 if you want me to get into that, but there's a male
8 subject standing in the median, not in the pedestrian
9 pathway, when we pull up.

10 Q Okay. So tell me what you see when you
11 pull up.

12 A Okay. So when we -- when we pull up, we
13 have to -- we're heading south. We have to turn left,
14 east, onto Holladay. There's a male subject standing
15 in the median. He has a cell phone to his ear.

16 That's not a normal place for a pedestrian
17 to stand. There's bushes and stuff there. And he is
18 making eye contact with me and he has a -- like, a
19 very, like, heightened physical presence.

20 Q Okay. And --

21 A And --

22 Q -- can you describe what you mean by that?

23 A Yeah, his -- his shoulders are turned up.
24 His one fist -- he's got a -- he's -- here, he's
25 clenched. And he's looking at me like he's just --

Examination of Aspen Breuer

1 his facial expression, he's super mad.

2 Q Okay.

3 A To be quite honest, we see that all
4 day long.

5 Q Okay.

6 A This is normal for us. People don't like
7 us. I don't know why. So -- but whenever I see
8 someone like that, I take note of it. So I tell my
9 driver as we pull up and park, "Hey, did you see the
10 guy in the median?"

11 "Yeah, I saw the guy in the median."

12 "I'm going to have you stay with the truck,"
13 because that's what we do for safety because our gear
14 gets stolen.

15 Q Okay. And what type of gear are you talking
16 about?

17 A We have everything on this truck.

18 Q Okay.

19 A You name it. Drills, saws, crowbars, things
20 that you could use to break into every building in the
21 city if you got ahold of it.

22 Q And also --

23 A It's also very expensive.

24 Q Right. And also first aid equipment?

25 A Oh, first aid equipment, drugs, all the

Examination of Aspen Breuer

1 things, yeah.

2 Q Okay.

3 A Yeah.

4 Q So you pull in, you see this person.

5 A Yep.

6 Q You decide to leave the driver with the
7 truck. Is that --

8 A Yes.

9 Q -- common?

10 A Ah, not really. I mean, it's not unheard
11 of. Do -- do we do it every day? Probably not, but
12 it's not, like, a matter of course that we do all the
13 time. But if I see something that raises my degree of
14 suspicion about the safety for the vehicle then, yes,
15 I always leave one.

16 Q Okay. Did you --

17 A It's not uncommon.

18 Q Did you give the driver any instructions or
19 cautions before --

20 A Yes.

21 Q -- you departed? What --

22 A Yes.

23 Q -- did you say?

24 A So this is my instruction to him. Because,
25 now, we park, I'm talking to him, I look out my

Examination of Aspen Breuer

1 passenger window -- or mirror, here comes the same
2 subject around the back of the truck and he's standing
3 now halfway down the length of the truck. So he's
4 only about 20 feet behind me and he's pacing and
5 clenching and it's just -- it's all off, right?

6 Q Okay. And to fast forward just a little
7 bit, do you later learn that this subject's name is
8 Michael Townsend?

9 A That's our patient.

10 Q That's your patient.

11 A Correct.

12 Q And was that the same individual?

13 A Yes, correct.

14 Q Okay.

15 A He had not waved, not signaled, not, "Hey,
16 I'm the one calling," nothing like that. I tell my
17 driver, "If anything happens, you lay on the horn."

18 Q Okay.

19 A "You just hold down the air horn." This is
20 just standard. I just go through this. Brent and I
21 don't normally work together. This is my shift, but
22 he happens to be working -- he works in -- on another
23 shift at Station 13. This is common. Guys trade and
24 work overtime and all that.

25 Q Mm-hmm.

Examination of Aspen Breuer

1 A So my regular driver knows this, but I'm
2 communicating it out loud to him 'cause we don't work
3 together regularly. "Lay on the air horn. We'll come
4 running back, anything happens. I don't like this
5 guy. He's giving me a bad vibe."

6 Okay. We all agree. So then we get off the
7 rig and, now, we start looking for our patient and go
8 to the Motel 6 lobby -- lobby.

9 Q Was the lobby open?

10 A No, locked.

11 Q Okay.

12 A So I knock on the door 'cause our
13 information in the call is that the patient is inside
14 the lobby. Knock on the door, gentleman comes out,
15 "Can I help you?"

16 "Yeah." I say, "There's someone who called
17 who's inside the lobby." He said, "No way. There's
18 nobody inside. I don't allow anybody inside the
19 lobby. It's closed."

20 "Okay. Do you know why we're here?" He's
21 like, "No, I have no idea why you're here."

22 "Okay. Great. You know, thanks for your
23 time." Turn around, here's the male subject right on
24 top of me.

25 Q Okay. Like --

Examination of Aspen Breuer

1 A Like, right --

2 Q -- how close to you?

3 A Three feet.

4 Q Okay. And what'd you do next?

5 A I looked at him and said the only thing
6 I could to break the ice, which was, "Are you our
7 patient?" And he responds, "Yes," in a very
8 nice voice.

9 Q Okay. So --

10 A "Yeah." He says, "Yes." It's like, oh,
11 that's very strange. Could have waved, but --

12 Q So at this point, is his demeanor the same
13 or different than when you pulled in?

14 A His demeanor, as soon as I talk to him,
15 completely changes. He's -- now, he's like -- he
16 takes the phone down, hangs up -- I don't -- or he
17 hung -- I never saw him talking on the phone. He just
18 had it to his ear. I don't know what -- anyway, so he
19 takes the phone down.

20 And, now, he's like, "Yeah, I called."
21 Like, "Oh, okay. Well, hey, man, can we talk to you?"
22 He's like, "Yeah, no" --

23 Q Okay.

24 A -- "no big deal." Like, wow. Okay. His --

25 Q And at this point, who's standing there

Examination of Aspen Breuer

1 with you?

2 A The four -- four of us, the four
3 firefighters.

4 Q So Mr. Chopp exited the rig and came over to
5 stand with you?

6 A Yeah.

7 Q Okay. And is AMR --

8 A He saw this guy walking over and was like,
9 "Okay. I need to get out." Because, now, he's
10 walking or sort of -- this all happened about the same
11 time. I'm glad you asked.

12 Q Mm-hmm.

13 A So, now, I turn around and here's the guy
14 and here comes Brent, right?

15 Q Okay.

16 A Like, oh, crap --

17 Q Okay.

18 A -- right? Like, what's going on? 'Cause we
19 don't have -- at this point, we didn't have police
20 yet. They came very shortly after.

21 Q Okay.

22 A Yeah.

23 Q And AMR on scene or not?

24 A At some point in there, AMR gets on scene.
25 We're talking to this gentleman for three or

Examination of Aspen Breuer

1 four minutes. AMR shows up, police show up in that
2 time. Exact timeline, I -- I couldn't say, but
3 certainly while we're in this sort of first, initial
4 conversation, yes.

5 Q Okay.

6 A Yep.

7 Q And so of the four firefighters --

8 A Uh-huh.

9 Q -- who's primarily talking to Mr. Townsend?

10 A So it depends on the nature of the call and
11 what's going on. My paramedic is the one in charge of
12 doing patient care.

13 Q Mm-hmm.

14 A So he's going to obtain history and vitals
15 and all those things. I am in charge of the scene.
16 So if I need to say something or I want some
17 information, I'll do it.

18 In this case, I was not necessarily
19 comfortable with this patient because of the initial
20 interaction, just watching him and his physical
21 mannerisms. So I was doing some of the talking and
22 Kevyn was doing some of the talking.

23 Q Okay. And Kevyn's last name is?

24 A Smoot.

25 Q Smoot. Okay. And he's the paramedic?

Examination of Aspen Breuer

1 A Correct.

2 Q Okay.

3 A Yep.

4 Q And overall, what's your demeanor like when
5 you're out on one of these calls?

6 A Yeah. I'll be honest with you, like, this
7 is not an abnormal -- this is a routine call, so --

8 Q Okay.

9 A -- I'm just -- I'm just me, like, just like
10 you see me right now. There's no other way to be.
11 This is -- we go on these -- you know, we go on
12 20 calls a day and five or six of them are like this.

13 Q All right. So what --

14 A Yeah.

15 Q -- happens next in your interaction with
16 Mr. Townsend?

17 A Yeah. So we just ask him, "Hey, what's
18 going on?" He says -- he goes, "I did -- I did a
19 bunch of meth and other drugs and I just don't feel
20 right." Like, "Okay. Yeah. Like, meth and other
21 drugs will do that, like, for sure, so let's get you
22 some help."

23 Q Okay.

24 A "So, hey, like, we're happy to get you to
25 the hospital, man. Let's -- let's get some vitals.

Examination of Aspen Breuer

1 And, you know, let's -- let's talk to you about
2 maybe some other details or history or other things."
3 And he's sort of, like, just shifty kind of back
4 and forth.

5 It's hard to describe people who are really
6 high on methamphetamine, but they have very unique and
7 distinct characteristics. So they're very twitchy,
8 one-word, two-word answers and then a lot of, like,
9 physical sort of shaking and jaw clenching and eyes
10 are blinking.

11 And so it's -- kind of the neck is going
12 back and forth. He's doing all of those things,
13 right? We're like, this guy is super high on meth and
14 he's admitting it, right? So, "Okay. Well, let's get
15 you some help." He's like -- he starts kind of --

16 Q Well, let ask you a question --

17 A Okay.

18 Q -- real quick.

19 A Yeah.

20 Q In your professional --

21 A Yeah.

22 Q -- is this something you see on a
23 day-to-day basis?

24 A Absolutely.

25 Q Okay.

Examination of Aspen Breuer

1 A Oh, yeah.

2 Q And have you -- have you received training
3 in how to respond to cases where people are under the
4 influence of substances?

5 A Oh, yes, correct.

6 Q And received training on how to respond to
7 instances where people may be having some
8 psychological issues?

9 A Yes.

10 Q Okay.

11 A Yeah. Limited, but, yes.

12 Q All right.

13 A Yeah.

14 Q So you are talking to him about getting
15 treatment. Is there --

16 A Yeah.

17 Q -- a standard policy or protocol of what
18 needs to happen in order to get someone treatment?

19 A Basically, they just need to say, "I want to
20 go to the hospital."

21 Q Okay. And --

22 A It's that simple. Yeah.

23 Q -- who takes them?

24 A AMR.

25 Q Okay.

Examination of Aspen Breuer

1 A Yep.

2 Q Why -- why don't you take them?

3 A Why don't I take them?

4 Q Yeah, why --

5 A We don't have transport capability.

6 Q Okay.

7 A Right. So you need an ambulance with a cot
8 and a bed in order to take someone safely to
9 a hospital.

10 Q Okay.

11 A That's the only way it's done.

12 Q Okay. And are there any policies or
13 procedures to make sure someone can safely be
14 transported that need to happen before they're taken?

15 A Is there anything that we need to do before
16 they're transported?

17 Q Yes.

18 A Not necessarily, no. No. We could -- we
19 could show up on scene. They could say, "I want to go
20 to the hospital." AMR could be there, load them onto
21 the gurney and off they go.

22 Q What's the purpose for the police being
23 there on medical call-outs?

24 A On this medical call, it's because of the
25 psych and the drug use.

Examination of Aspen Breuer

1 Q Okay.

2 A So in the call type, it says, "Psych and
3 drug use, methamphetamine and other drugs." We know
4 that these call types go badly a certain percentage
5 of the time. As firefighters, we have absolutely no
6 power to protect ourselves, none whatsoever.

7 We are in T-shirts and basically jeans and
8 we have no weapons. We don't have any training like
9 that. That's on purpose. They don't want us acting
10 in that capacity. I'm not trained to act in that
11 capacity. When these calls go badly, we need the
12 police there to protect us.

13 Q So they're there for your safety?

14 A Absolutely, yep.

15 Q All right. Let's see. At that point, did
16 you know whether or not Mr. Townsend had a weapon when
17 you're engaging with him?

18 A No, I had no idea.

19 Q And what happened next with Mr. Townsend?
20 What did he decide to do?

21 A He said that he thought he could go to
22 the hospital. He thought that would be all right, but
23 that he needed to go to his room first and get
24 something.

25 Q Okay. And what are your concerns, if any,

Examination of Aspen Breuer

1 about having somebody disengage and enter a -- a
2 different space?

3 A I never allow it.

4 Q Why not?

5 A Because it's unsafe. I've seen it go badly
6 too many times before.

7 Q What are your safety concerns about a
8 situation like that?

9 A They go back inside the room and get a
10 weapon and come back out.

11 Q Okay.

12 A Yep.

13 Q So what did you say to Mr. Townsend to try
14 to encourage him not to go back to his room?

15 A Yeah. So I talked to him about what he
16 wanted to get. He said he just wanted to get
17 something.

18 And I said, "I can't allow you to do that.
19 I'm sorry. If you want to go to the hospital right
20 now, I want -- I want you to get there. I want to
21 take you there. But you can't go back to your room
22 to get anything."

23 Q Okay.

24 A "I -- I can't allow that. If you go
25 back" -- and this went back and forth, back and forth,

Examination of Aspen Breuer

1 back and forth, back and forth. He started walking up
2 the stairs up to the catwalk, right? Motel 6,
3 garden-style, exterior first and second-floor doors,
4 right?

5 So there's a little catwalk hallway there on
6 the exterior. So he starts walking up and at some
7 point, as he starts walking up, I said, "If you go up
8 to your room, we're going to leave."

9 Q Okay.

10 A "I -- I cannot allow you to go back to your
11 room." He continues walking up, so I say, "Okay.
12 We're going to clear." At this point, we're all on
13 scene, by the way.

14 Q Okay.

15 A Police officers, AMR, everyone's there.
16 It's very, very typical -- or not typical. It's
17 standard for the police to stand maybe six or
18 eight feet away so that they don't cause the scene
19 to escalate, which can sometimes happen. So they'll
20 stand a ways back and we'll do all the talking.

21 Q Mm-hmm.

22 A And hopefully we can deescalate everything
23 that -- close enough that if things go badly, they can
24 come in and help us. So they're standing a little
25 ways back. AMR is standing a little ways back.

Examination of Aspen Breuer

1 Because we're engaging with the patient, there's no
2 need for anyone else to get in there.

3 Q Mm-hmm.

4 A There's a lot -- it's a lot of people, plus
5 it can be really overwhelming for a patient. So
6 that's a very normal sort of spread, as it were,
7 for -- for this call type.

8 So I sort of say, "Okay. We're leaving." I
9 look at AMR, say, "We're clear. He's going back to
10 his room. I'm not going to tolerate it." Look at the
11 cops, they agree -- agree, "Yep."

12 "Okay. See you later." So we start walking
13 back to the truck with our kits. The gentleman is
14 walking all the way up. He's now on the catwalk
15 walking across towards the room very slowly. His --
16 his mannerisms are back now.

17 He's agitated. He's -- he's, like, stomping
18 and he's, like, flexing his fists. He's doing all --
19 all the same things he was doing before. So we're
20 like, "Well, we'll leave and if he needs help later,
21 you know, he'll call back."

22 So I get most of the way back to the truck
23 and then I hear over the -- across the parking lot,
24 one of the police officers shouts, "Hey, he says he
25 wants to go now." So the police officers had driven

Examination of Aspen Breuer

1 through the parking lot and at some point, the guy had
2 flagged them down.

3 They stopped, naturally, asked him, "What?"
4 He says he wants to go to the hospital. So, now,
5 we're back -- we go back across the parking lot with
6 our kits.

7 Okay. He wants to go now. I never saw him
8 go back into his room. He was still walking
9 towards -- I guess he was still walking towards his
10 door at this point. I had asked him early on, "Which
11 room is yours?" --

12 Q Mm-hmm.

13 A -- 'cause I wanted to know how much time
14 I had --

15 Q Mm-hmm.

16 A -- right? So he had told me -- I knew his
17 room was 208 or 210 and it went all the way across.
18 He had a long way to walk --

19 Q Mm-hmm.

20 A -- almost the full distance. So we start
21 walking back across the parking lot. He is getting
22 close to his room. I'm telling him, "Don't go in
23 there. Do not go in there." And he's, like, reaching
24 for the door. "Don't go in there." He's getting
25 close, right? He's --

Examination of Aspen Breuer

1 Q Mm-hmm.

2 A -- the cops are yelling, "Don't, don't,
3 don't, don't, don't." I don't ever see him go in
4 there.

5 Q Okay.

6 A We encourage him to come down. He finally
7 comes down a different set of stairs, gets all the way
8 to the base of the stairs, sits -- we ask him to sit
9 down. "Hey, man, take a seat. Cool. Let's talk.
10 What -- what do you -- what do you want to do?"

11 "Well, I want to go to the hospital."

12 "Okay. Well, that's -- we offered you that
13 before. We're happy to take you. Here's the
14 ambulance. Let's go." He's like, "Okay. I'm ready
15 to go." Perfect.

16 Q Okay. So --

17 A Yep.

18 Q -- looking around the group, who's gathered
19 there now at the foot of the staircase?

20 A So myself, the four firefighters. Two
21 police officers are standing off to my left. AMR
22 staff is standing six, eight feet back maybe --

23 Q Okay.

24 A -- maybe a little farther.

25 Q And -- and what's everybody's demeanor like?

Examination of Aspen Breuer

1 A We're just hanging out. This is -- again,
2 this, like -- I just can't say it enough. Like, this
3 is so routine. This is so common with people who are
4 high on drugs. They change their mind. They do all
5 these erratic things. Oftentimes we'll clear and then
6 they call back 15 minutes later. Like --

7 Q Okay.

8 A -- this is just a thing.

9 Q Okay.

10 A So none of us are surprised about what's
11 going on. This is just like, yeah, of course, right?

12 Q And after Mr. Townsend takes a seat --

13 A Yeah.

14 Q -- is -- is he still agitated or is he
15 calming down?

16 A So, again, flip right back to calm again.
17 It's like, okay. Great. One of the officers informs
18 him -- which this is totally standard, informs him,
19 "Hey, we just need to check your pockets before you
20 get into the ambulance."

21 It's totally standard. We're not going to
22 take anyone into the ambulance without, if they have
23 a bag, checking their bag. If they're wearing pants
24 with pockets or a jacket, we're going to check your
25 jacket. We're going to check your pockets. This is

Examination of Aspen Breuer

1 just our -- the world we live in right now.

2 Yes?

3 A GRAND JUROR: Do we know which officer
4 said that?

5 THE WITNESS: They -- they were going to
6 check his pockets?

7 A GRAND JUROR: You -- that you knew.

8 THE WITNESS: So I don't know the
9 officers' names.

10 A GRAND JUROR: Okay.

11 THE WITNESS: And I certainly didn't then.
12 There were two officers. There -- one was black and
13 one was white. That's the best way I describe them --

14 A GRAND JUROR: Okay.

15 THE WITNESS: -- to make it obvious, right?

16 A GRAND JUROR: Yeah, which officer, though?

17 THE WITNESS: The white officer.

18 A GRAND JUROR: The white officer.

19 THE WITNESS: Yeah. So the black officer
20 was standing sort of closest to me. I'm pretty close
21 to the patient. And the white officer is adjacent.
22 The white officer has been engaging, I'm going to say,
23 95 percent of the time.

24 And he's, like, honestly, like, one of the
25 nicest police officers I've ever met. Like, he's

Examination of Aspen Breuer

1 being super patient with this guy. And he says, "Hey,
2 we need to -- we need to check your pockets. And once
3 we check your pockets, good to go."

4 BY MS. SEELE:

5 Q And getting back to safety procedures --

6 A Yeah.

7 Q -- is -- is checking somebody's pockets
8 required before they can enter an ambulance?

9 A Yeah. I mean, I don't know that it's, like,
10 required for us, per se. That's my call.

11 Q Mm-hmm.

12 A That's AMR medics' call. They can make that
13 decision anytime. They decide who goes in the back of
14 their ambulance. I always do it as a matter of
15 practice.

16 Every time I've ever had police involved --
17 in other words, police are there committed with us all
18 the way up to transport -- they always check every
19 time, all the time --

20 Q Okay.

21 A -- regardless.

22 Q And why? Why is that necessary?

23 A 'Cause the safety concern, because this is
24 -- this is our reality now. I would say that every --
25 I'm confident saying, like, every transient that we

Examination of Aspen Breuer

1 run into has some type of weapon on them. This man
2 was not a transient, but he lives in a hotel that we
3 go -- Motel 6 that we go to a lot. And it is a very
4 violent place.

5 Q Okay. So how close are you standing to
6 Mr. Townsend when this conversation's going on?

7 A Four to six feet.

8 Q Okay. And about how close are the AMRs?

9 A They're at least another six or
10 eight feet -- they could have even been farther --
11 behind me.

12 Q And what about the officers?

13 A Officers are right next to me.

14 Q Okay.

15 A Yeah. They're -- I mean, we're all really
16 close -- like, we're all really close --

17 Q And --

18 A -- just so we can, you know, talk to the
19 guy, right, within speaking distance, like you and I.

20 Q Okay. And how does Mr. Townsend respond to
21 the opportunity to be patted down?

22 A He doesn't like that at all.

23 Q Okay. What -- what --

24 A This is --

25 Q -- do you notice about him in physical

Examination of Aspen Breuer

1 terms?

2 A It's like a light switch flips and he
3 immediately tenses up, starts clenching his fists.
4 His jaw is clenching. He's doing the thing with his
5 neck again. He's super agitated.

6 He doesn't say anything right away, but he
7 looks and he look -- and, now, he's eyeballing all of
8 us. And he's -- and he's, like -- you can tell he
9 doesn't like that.

10 Q What, if anything, is he doing with
11 his hands?

12 A So he doesn't do anything with his hands at
13 first. Officer, again, just explains to him again in
14 different words, "Hey, you know, this is just
15 procedure. We just need to check your pockets.
16 That's it." He said, "I'm not going to let you check
17 my pockets."

18 Officer -- this is the white officer again.
19 He actually, at one point, offers, "Hey, if there's
20 something in your pockets that you don't want me to
21 see, we can leave. You can go back to your room,
22 empty your pockets out, call us back. We'll come
23 back. We'll check your pockets at that point and then
24 take you to the hospital."

25 It's like, that is a generous offer. I

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1 would not have offered something so generous. Right
2 now, we need to check your pockets, right? There --
3 there's an -- like, you want to go to the hospital.
4 We want to take you. We need to check your pockets.

5 It was very nice of him. So he makes that
6 offer, says it a few different ways. He -- his --
7 his -- his physical manner was getting more and more
8 intense. And, now, he starts reaching -- I don't know
9 if I -- I'll try to show you.

10 So his left hand -- he just has his hands
11 like this. He's leaning, eyeballing all of us and
12 clenching his -- and then he starts to do this to
13 reach for his left pocket.

14 Q And then --

15 A "Don't do that. Don't do that." Officer's
16 telling him, "Don't do that."

17 Q To narrate for the record, you're kind of
18 running your hand up the left -- your left hand --

19 A Yeah.

20 Q -- up the left side of your leg towards
21 your pocket?

22 A Towards the pocket, yeah.

23 MS. SEELE: Okay.

24 A GRAND JUROR: And which officer says,
25 "Don't do that"?

Examination of Aspen Breuer

1 THE WITNESS: Well, first, the white officer
2 and then both of them. I mean, like, very stern
3 commands 'cause, at this point, this is not -- that's
4 not good. "Don't do that. Don't do that. Don't
5 reach for your pocket."

6 BY MS. SEELE:

7 Q Okay. And --

8 A We've already --

9 Q -- does he stop?

10 A He stops --

11 Q Okay.

12 A -- goes back down to the front of his
13 (indiscernible) and then he starts again. And he does
14 this, like -- I don't know -- maybe five or six times.
15 I'm watching all this happen. It's happening very
16 quickly. The officer's saying, "No, no. No, stop,"
17 right? He's going back and forth.

18 I look at the white officer. I say, "We
19 need to get out of here. We're -- the -- we're
20 escalating the situation." He's like, "100-percent
21 agree. Let's just leave. Let's let him calm down.
22 He'll call us back. We'll come back."

23 This is a really quick conversation between
24 he and I. "Great. We're out of here. Everybody,
25 we're out. We're clearing AMR. We're out." Like,

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1 this is a very, very quick conversation. In that
2 time, he reaches into his left pocket, pulls something
3 out with his left hand.

4 I don't see what it is. And he charges at
5 the officer directly in front of him, which was the
6 black officer. And they both retreat. The black
7 officer draws his weapon and they're both saying,
8 "Don't, don't, don't. Stop, stop, stop. Drop it,
9 drop it," all the commands really loud, really fast.

10 And then the -- the patient lunges a few
11 more times and then makes one final lunge at the
12 officer and he shoots him twice.

13 Q Okay. Now, at the time something comes out
14 of the pocket, the hand --

15 A Yeah.

16 Q -- comes out of the pocket, how far away is
17 Mr. Townsend from the black officer?

18 A Very close. Feet, a few feet.

19 Q Okay.

20 A Yeah.

21 Q And are there people that are closer to
22 Mr. Townsend than the officer or is he the
23 closest one?

24 A Well, he's the closest -- well, not -- I
25 mean, I don't know who was exactly closer. We're all

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1 pretty -- same, equidistant --

2 Q Mm-hmm.

3 A -- ish. Being myself, one of the other
4 firefighters and then the two police officers are sort
5 of equidistant. There are two more firefighters a
6 little bit farther behind me. I think Kevyn and
7 Giancarlo were a little bit farther. Brent and I
8 were -- were pretty close.

9 Q Okay. And --

10 A A few feet away.

11 Q -- you indicated that you couldn't see what
12 was in his hand, correct?

13 A Yeah. I mean, I saw that it was, you know,
14 something, but I couldn't tell what it was.

15 Q In that moment, were you concerned for your
16 personal safety?

17 A Absolutely.

18 Q What happened next?

19 A Significantly so. Well, that all happened
20 so fast. But as soon as he started charging with
21 whatever it was, I started backing up and I was
22 screaming at my firefighters to back up. Two of them
23 were, I think, just kind of frozen, didn't realize
24 what was going on.

25 So I'm screaming commands at them as I'm

Examination of Aspen Breuer

1 backing up. And then -- then the shots are fired and
2 then I have to actually physically grab two of them.
3 Two of my firefighters didn't even realize that --
4 what had happened.

5 This was -- they're -- they're fairly new.
6 I happen to have been on for a long time. They didn't
7 quite grasp, so I had to sort of corral them, drag
8 them off, explain what had happened. And then we
9 retreated to the truck for safety.

10 Q Okay. And when you say you "retreated to
11 the truck for safety," why did you do that? Why
12 didn't you immediately start treating Mr. Townsend?

13 A Because I know how these things go 'cause
14 I've seen it before. This is not a nice place and
15 when gunshots are fired in a neighborhood like that,
16 everyone comes out.

17 Q Did you have concerns about the weapon that
18 was still on the scene with Mr. Townsend?

19 A I didn't have -- my -- honestly, my primary
20 concern was not Mr. Townsend. I saw those gunshots
21 hit him. I didn't think he was going to be
22 threatening us immediately and I knew those police
23 officers were there.

24 So if he wasn't dead and got up or something
25 like that, I knew those police officers were going to

Examination of Aspen Breuer

1 take care of that threat. I was more concerned with
2 the additional threats that I knew were coming.

3 Q Now, how long did it take before it -- the
4 scene was made secure so you could render medical
5 attention?

6 A Very quickly.

7 Q Okay.

8 A A minute maybe.

9 Q Okay. And --

10 A Maybe.

11 Q -- what did you do next?

12 A So, basically, what we do is we retreat for
13 safety. That's my primary concern, is my safety and
14 my crew's safety. Opposite order, my crew's safety,
15 then my safety. So we get back there. And the police
16 officers know that.

17 So as soon as they had it secure, they come
18 running back, "We're clear. Scene's secure. You can
19 render aid." Boom, we go running back in, like,
20 literally running.

21 Q And what do you do?

22 A All the things.

23 Q Okay.

24 A We have significant trauma protocols. Every
25 single one of them took place. Yeah.

Examination of Aspen Breuer

1 Q Did part of that include cutting
2 Mr. Townsend's clothing off?

3 A Absolutely.

4 Q Okay.

5 A That's step one.

6 Q Okay.

7 A Yep.

8 Q And then once his clothing is off and you
9 can transport him, was he put in an ambulance and
10 taken to the hospital?

11 A Immediately.

12 Q Okay.

13 A Yep, immediately. That all happened
14 very quickly.

15 Q I'm just checking my notes really quick.

16 A Yeah.

17 BY MR. VASQUEZ:

18 Q From your perspective, were you concerned
19 for the safety -- you said of yourself and of the
20 other -- or were you concerned for the safety of
21 Officer Brown?

22 A Absolutely.

23 MS. SEELE: Thank you. I think those are my
24 questions.

25 Folks, do you have anything?

Examination of Aspen Breuer

1 A GRAND JUROR: I have a couple.

2 THE WITNESS: Okay.

3 A GRAND JUROR: I'll start with the one
4 closest to the end of your narrative.

5 THE WITNESS: Sure.

6 A GRAND JUROR: We have -- we have some
7 video, but it's not super clear how long --

8 THE WITNESS: Right.

9 A GRAND JUROR: -- the deceased is rubbing
10 their leg. Obviously, measuring time in a tense
11 situation is difficult, but how long -- you mentioned,
12 I think, five times that he attempted --

13 THE WITNESS: Sure.

14 A GRAND JUROR: -- to back down. About how
15 long was that period where he was looking like he was
16 going to pull a weapon?

17 THE WITNESS: 10 or 15 seconds maybe.

18 A GRAND JUROR: And then (indiscernible) --

19 THE WITNESS: I will -- I will just follow
20 that up with, time is really difficult to explain,
21 especially after a heightened experience, so --

22 A GRAND JUROR: Absolutely, absolutely.

23 THE WITNESS: -- so I'll do my best,
24 for sure.

25 A GRAND JUROR: You are a -- a seasoned

Examination of Aspen Breuer

1 lieutenant, so --

2 THE WITNESS: Appreciate that.

3 A GRAND JUROR: And then the 9-1-1 dispatch
4 call at the beginning --

5 THE WITNESS: Yes.

6 A GRAND JUROR: -- it sounds like, from your
7 description, that comes in as a text --

8 THE WITNESS: It --

9 A GRAND JUROR: -- on, like, a display
10 screen or something like that.

11 THE WITNESS: Correct.

12 A GRAND JUROR: And based on what you said,
13 there was no indication that the defendant -- or that
14 the deceased had a weapon.

15 THE WITNESS: Correct.

16 A GRAND JUROR: If 9-1-1 had gotten that
17 vibe, would that normally be something that would be
18 conveyed to you?

19 THE WITNESS: Absolutely.

20 A GRAND JUROR: Okay.

21 THE WITNESS: Yeah, yeah. So -- and it
22 would change our response slightly. So if we knew,
23 like, for example, we're going on someone and they
24 have a knife, like, well, we're not going to go talk
25 to that person until the police clear the scene; in

Examination of Aspen Breuer

1 other words, make the scene safe.

2 In this case, I had no information that this
3 individual had a weapon all the way through up until
4 the point I arrived.

5 A GRAND JUROR: Okay.

6 THE WITNESS: Later, in reviewing the call
7 with my -- my superior officers, there was text that
8 came in later, but that was not conveyed to me.

9 A GRAND JUROR: Okay.

10 THE WITNESS: So the -- for the entirety of
11 the call and up to and arriving, I had no -- no
12 indication whatsoever, nor did the police officers.
13 We did not get that information.

14 A GRAND JUROR: And that was why I had the
15 question. I assume they would get the same kind of
16 information.

17 THE WITNESS: Absolutely.

18 A GRAND JUROR: Okay.

19 THE WITNESS: Yeah. We're looking at
20 essentially the same -- the same screen, right?

21 A GRAND JUROR: Okay.

22 THE WITNESS: Slightly different format, of
23 course, but, yes, essentially the same. Yeah.

24 A GRAND JUROR: Thank you.

25 THE WITNESS: Yeah, of course.

Examination of Aspen Breuer

1 A GRAND JUROR: Before the police officers
2 arrived, you had made contact with the subject.

3 THE WITNESS: Correct.

4 A GRAND JUROR: And you said, like a light
5 switch, his demeanor changed. He was very personable.
6 He --

7 THE WITNESS: Yep.

8 A GRAND JUROR: -- like, he was talking to
9 you very calmly and that changed once the officers
10 arrived or --

11 THE WITNESS: No.

12 A GRAND JUROR: No?

13 THE WITNESS: No, officers were on scene.
14 He was still fine. That didn't change it at all. It
15 was -- really the -- the big one -- well, it was two
16 points. One was me telling him not to go back to his
17 room, right? His physical demeanor changed there.

18 But really it was, "We need to check your
19 pockets." But the whole, entire time with the
20 conversation where he was sitting on the stairs --
21 now, when I say normal -- understand someone who is
22 high on methamphetamine and other drugs and probably
23 hasn't slept in a couple days or who knows what this
24 man had -- had been doing to his body, the definition
25 of normal, right?

Examination of Aspen Breuer

1 So -- but he wasn't overtly aggressive --
2 how's that -- until we said, "We need to check your
3 pockets." That's it. So -- and we gave him all sorts
4 of opportunities to not have us check his pockets.
5 But up until then, he was fine speaking with the
6 officers. Once the officers were on scene, he was
7 fine. Yeah, hope that answers your question.

8 A GRAND JUROR: It did.

9 THE WITNESS: Yeah. Okay.

10 BY MS. SEELE:

11 Q And just for clarity's sake --

12 A Yeah.

13 Q -- which officer was Mr. Townsend primarily
14 engaging with on the scene: The black officer or the
15 white officer?

16 A The white officer.

17 Q Okay.

18 A Yep. And I -- I -- that's really -- that's
19 really common in working with police officers. I
20 don't know if this is something they're trained to do,
21 but one of them is speaking and the other one is
22 standing off to the side somewhere.

23 I -- I don't -- like, I don't know if that's
24 just a thing partners do or something they're trained
25 to do, but that's very, very common.

Examination of Aspen Breuer

1 MS. SEELE: Okay. Any other questions,
2 folks?

3 Thank you so much.

4 THE WITNESS: Okay. Awesome.

5 A GRAND JUROR: Thank you.

6 THE WITNESS: Thank you.

7 A GRAND JUROR: Thank you.

8 THE WITNESS: And thank you all for
9 your time.

10 (Whispered discussion, off the record,
11 11:27 a.m.)

12 A GRAND JUROR: Thank you for coming in.

13 THE WITNESS: Yep.

14 (Whispered discussion, off the record,
15 11:27 a.m. - 11:28 a.m.)

16 A GRAND JUROR: You want to turn the
17 recording off?

18 (Recess taken, 11:28 a.m. - 11:29 a.m.)

19 MR. VASQUEZ: (Indiscernible) she --

20 A GRAND JUROR: (Indiscernible).

21 MR. VASQUEZ: -- she's going to be the one
22 that's going to be asking you questions.

23 THE WITNESS: Sounds good.

24 MR. VASQUEZ: I'm going to be much like
25 Vanna White, holding the phone. And here we go.

1 THE WITNESS: Okay.

2 MR. VASQUEZ: Okay. Go ahead and raise your
3 right hand for us, please.

4 GIANCARLO SCROBOGNA

5 Was thereupon called as a witness; and, having been first
6 duly sworn, was examined and testified (via simultaneous
7 video transmission) as follows:

8 A GRAND JUROR: Thank you.

9 MR. VASQUEZ: Thank you.

10 MS. SEELE: All right. And since we're
11 doing video testimony, I just want to confirm that
12 you're in a private space and by yourself while you're
13 speaking to us?

14 THE WITNESS: Yes, ma'am, I can show you. I
15 am (indiscernible) by myself and nobody's here.

16 MS. SEELE: Perfect.

17 THE WITNESS: They know what I'm doing, so
18 they will not interrupt me.

19 MS. SEELE: Perfect. All right. Could you
20 please state your full name for the record and spell
21 your last for us.

22 THE WITNESS: So my name is Giancarlo and my
23 last name is spelled S-c-r-o-b-o-g-n-a.

24 ////

25 ////

Examination of Giancarlo Scrobogna

1

EXAMINATION

2

BY MS. SEELE:

3

Q All right. And what do you do for a living,

4

sir? XXX 11:30:59

5

A I am a firefighter for the City of Portland.

6

Q And how long have you been doing that?

7

A Since January 11, 2018.

8

Q All right. Are you also an EMT?

9

A Yes, ma'am, I am.

10

Q Okay. And were you on duty on June 24th,

11

2021?

12

A Yes, ma'am. I was working on Truck 13 in

13

Lloyd Center that day.

14

Q Okay. And who else was on Truck 13?

15

A My officer was Lieutenant Aspen Breuer. The

16

driver was Brent Chopp and the tiller man was Kevyn

17

Smoot.

18

Q All right. And, at some point, did you

19

respond to a call at a Motel 6?

20

A Yes, ma'am. Yes, ma'am, we did.

21

Q Can you tell me about that, please.

22

A Yes, ma'am. It was about, I believe, 7:30

23

in the evening when we responded on a suicidal attempt

24

call. Basically, it's a -- we respond, you know,

25

somebody wants to kill themselves. And, usually, we

Examination of Giancarlo Scrobogna

1 have police responding with us on that call.

2 But that particular day, police was not on
3 scene yet. So we decided to make patient contact
4 before the police arrived because the scene seemed
5 safe to us. Initially, we could not identify the
6 patient because there were a lot of people standing
7 around and nobody would say who called 9-1-1.

8 But we finally saw this individual who was
9 walking back and forth of Truck 13. So we approached
10 him and asked him if he needed -- if he called 9-1-1.
11 And he said, "Yes, I did."

12 And then we asked him what was the reason
13 and if he wanted to go to the hospital. He said --
14 he -- I believe he said that he was having a really
15 bad day and he wanted to go to the hospital, so we
16 said, "Okay. Just wait here. The ambulance will be,
17 you know, in shortly."

18 And then about, I think, not even a minute
19 later, the ambulance arrived. And then right after
20 the ambulance, two police officer cars arrived. And
21 as soon as the -- the patient saw the police officer
22 arriving, he looked at me and he said, "I got to go to
23 my room to grab something."

24 So I -- please -- very please, we asked him
25 not to do that. He didn't listen to me, so I turned

Examination of Giancarlo Scrobogna

1 toward my lieutenant, who was Aspen Breuer, and I
2 said, "Hey, LT, our patient's leaving 'cause he said
3 he's going to his room to grab something." So we
4 started asking him to please not go, "Please not go."

5 Police officer arrived. We told him that
6 he just left the scene to go to his room to grab
7 something. Police officer asked him to please not go.
8 Patient didn't listen. He went inside his room,
9 opened the door. He was in and out, I would say, less
10 than five seconds.

11 And then he came back outside and he went
12 all the way around the stairs and he sat at the bottom
13 of the stairs. And we -- basically, at that point, we
14 had the police officer do the talking since they
15 were there.

16 The police officer was super professional.
17 They were asking him if he wanted to go to the
18 hospital. He said, "Yes," so the police officer said,
19 "Okay. If you're going to the hospital, we need to
20 pat you down for firearms." I believe that's one of
21 their standard procedures.

22 He said, "No. I don't want you to pat me
23 down," so I believe the officer said, "Well, if you
24 don't want me to pat you down, you cannot go to the
25 hospital in the ambulance." So -- and then he said,

Examination of Giancarlo Scrobogna

1 "Okay. I'm going to go, but you're not going to pat
2 me down."

3 They went back and forth and, again, the
4 police officer said, "You -- you know, you're free to
5 do whatever you want to; but if you want to go to the
6 hospital, I need to pat you down for firearms," which
7 is 100-percent understandable since the guy is going
8 to go in an ambulance with two paramedics.

9 So he said, "No, I don't want to go." He
10 told us to basically F off. We walked over to the
11 truck 'cause we were basically cleared. And then he
12 said, "Hold on. Hold on. I do want to go." So we
13 came back, started talking to him again.

14 And then as the police -- police officer was
15 telling him that, again, they were going to search for
16 firearms, he started -- with his left hand, he started
17 reaching in his left pocket. And it was putting in
18 the left pocket and then take it out and then
19 putting --

20 Q Let me pause you for one second. At this
21 point --

22 A Yes, ma'am.

23 Q At this point, where is the patient? Is he
24 standing or is he seated somewhere? Where was he?

25 A He -- he was -- he was seated at the bottom

Examination of Giancarlo Scrobogna

1 of the stairs of Motel 6. And every time he would try
2 to reach his left pocket -- excuse me -- his left hand
3 into his left pocket, the police officer was telling
4 him, "Please stop. Please stop." So he would stop
5 and then he would start again. And then he would stop
6 and then he would start again.

7 Well, that went on about maybe, like, four
8 or five times and then at the fifth time, the patient,
9 with his left hand in his left pocket. You could tell
10 he wasn't going to stop. And then he suddenly pulled
11 what looked like it was a knife out and --

12 Q And how close -- how -- let me stop you for
13 one second. How close were you to the patient when
14 his hand came out with something that you thought
15 looked like a knife?

16 A Yes, ma'am. So I was actually the closest
17 to the patient out of the four of us and the police
18 officer and the paramedics. I was about, I would say,
19 maybe, like, two feet away. And he pulled out what
20 looked like it was a knife, a screwdriver, something
21 really sharp and something really big.

22 And he looked at us and he said, "I'm going
23 to kill you all, motherfuckers." And then he stand up
24 and he went for the police officer. Well, he went for
25 us and the police officer said, "Stop, stop, stop."

Examination of Giancarlo Scrobogna

1 He left -- he raised his left hand as to go stab
2 somebody. And the police officer luckily was there,
3 shot and saved everybody's life by doing his job, so
4 I'm very grateful that he was there.

5 Q Now, you said the -- the police officer
6 shot. There were two police officers there. Which
7 police officer was the one that shot?

8 A So there were two police officers, yeah.
9 One was older and he was colored and the other one was
10 white and younger. And he was -- I think his name was
11 Curtis. It was the older guy who is colored,
12 shot him.

13 Q And --

14 A And --

15 Q And what were you doing as the patient
16 advanced on the officer? What did you do?

17 A Yes, ma'am. So I was actually -- I wasn't
18 -- you know, it happened so fast that I wasn't really
19 sure what was -- what was going on other than I -- I
20 saw him taking the thing out. And then as he started
21 going for the police officers, to be honest, I just --
22 not really -- I wasn't really thinking.

23 I was just kind of standing there. You
24 know, it was kind of -- I don't want to say scary, but
25 -- but that was the first time I've ever been involved

Examination of Giancarlo Scrobogna

1 in an incident like that.

2 And it was, you know, kind of like, I hope
3 the police are -- the police officers are going to
4 take care of this. And, as I said, luckily, they did,
5 so --

6 Q Were you concerned for your safety or the
7 safety of those around you?

8 A Very much so, yes, ma'am.

9 Q Okay. Would --

10 A Very much so. That -- that -- that patient,
11 he -- he was not joking around and I believe that he
12 was going to stab somebody if he was -- if he didn't
13 get stopped, 100 percent.

14 Q And I should have asked you earlier, but
15 during your contact with the patient, did you form any
16 opinion as to whether he was under the influence of
17 something?

18 A You know, ma'am, I -- I didn't. We -- I --
19 we -- we don't jump to assumption or conclusion. We
20 try to help everybody no matter what. He -- he didn't
21 -- he didn't appear like he needed -- he -- he had
22 some -- let -- let me just phrase it.

23 In my opinion, yes. He looked like he was
24 on something just because he was acting like most
25 people that are on something act, the (indiscernible),

Examination of Giancarlo Scrobogna

1 the move and they don't make sense. You could tell
2 there's definitely something.

3 But, as I said, as professional
4 firefighters, when we respond on calls, our only goal
5 is to help him. We don't care, you know, what they
6 did before or what the -- you know, we just want to
7 help him out.

8 Now, we -- he met -- me and the patient were
9 actually having a decent conversation, to be honest,
10 as far as, like, "Hey, what is going on? You want to
11 go to the hospital? No problem. Just stand here.
12 The ambulance will be here."

13 But as soon as the police officer arrived,
14 he completely changed personality and he just -- as
15 I said, he left the scene. He went to his room to
16 grab something, came back.

17 He started to get really agitated and then
18 he pulled out that -- that knife/screwdriver. And
19 I'll say it again. He said, "I'm going to kill you
20 all, motherfuckers," got up and charged at us,
21 basically.

22 Q And, now, I want to fast forward to after
23 the shots are fired. Where did you go after the shots
24 were fired?

25 A Yes, ma'am. So as soon as the -- the shots

Examination of Giancarlo Scrobogna

1 were fired, to be honest, it took -- it took us a
2 couple of seconds to realize what was going on.

3 And then my idea was to provide patient --
4 provide care to the patient right away, you know.
5 I -- as I said, we don't care who the person is. You
6 know, we're just there to help.

7 But then luckily my officer, who is more
8 experienced to me, said, "Hey, Giancarlo, let's make
9 sure that the scene is safe first." So we went back
10 to the truck.

11 We waited for maybe, like -- I don't know --
12 15, 20 seconds, made sure that there was -- there
13 wasn't -- there wasn't any more shooting going on and
14 then we grabbed our EMS kits, went to the patient.

15 I personally cut with the -- the trauma
16 shears, I cut his T-shirt, opened it up to expose the
17 -- the wound -- the wounds, basically. And then we
18 loaded him up in the ambulance and the ambulance took
19 him away.

20 MS. SEELE: All right. I'm just checking my
21 notes very quickly to see if there's anything that
22 I've missed.

23 Co-counsel, anything you wanted to ask?

24 MR. VASQUEZ: I think we lost him.

25 MS. SEELE: Uh-oh.

Examination of Giancarlo Scrobogna

1 A GRAND JUROR: Oh, I had a question.

2 MR. VASQUEZ: (Indiscernible). I will try.

3 I think battery may be an issue.

4 MS. SEELE: Oh, okay.

5 A GRAND JUROR: What was your question?

6 A GRAND JUROR: I was just going to ask if
7 the patient said anything while he was being treated.

8 A GRAND JUROR: Oh.

9 MS. SEELE: Oh, okay.

10 MR. VASQUEZ: I -- we can certainly ask the
11 paramedics that one as well 'cause --

12 A GRAND JUROR: And I had a question. And
13 it sounded like, in his testimony, he actually saw the
14 subject go into his room. I just wanted to get -- get
15 that clarification --

16 MS. SEELE: Sure.

17 A GRAND JUROR: -- on that.

18 MR. VASQUEZ: Okay.

19 A GRAND JUROR: Would you like to go off the
20 record?

21 MR. VASQUEZ: Yep.

22 (Recess taken, 11:42 a.m.)

23 MR. VASQUEZ: Okay. We're now going to call
24 Officer Jeff Elias.

25 Can you please swear in the witness?

Examination of Jeffrey Elias

1 **JEFFREY ELIAS**

2 Was thereupon called as a witness; and, having been
3 first duly sworn, was examined and testified as follows:

4 A GRAND JUROR: Thank you.

5 THE WITNESS: Do you want me to sit down
6 or what?

7 MR. VASQUEZ: Yes --

8 THE WITNESS: Okay.

9 MR. VASQUEZ: -- go ahead and take a seat.
10 Just start by telling us your first and last
11 name and how you're employed, sir.

12 THE WITNESS: First and last name -- first
13 name Jeff -- is Jeffrey, J-e-f-f-r-e-y. Last name is
14 Elias. Last name spelling is E-l-i-a-s. I'm a duly
15 sworn police officer with the City of Portland.

16 **EXAMINATION**

17 BY MR. VASQUEZ:

18 Q And how long have you been with the City of
19 Portland as a police officer?

20 A Approximately 23-ish years, 24 years.

21 Q Okay. And back on June the 24th of 2021,
22 were you on duty that day?

23 A Yes, sir.

24 Q And did you have a particular precinct you
25 were working out of?

Examination of Jeffrey Elias

1 A Yes.

2 Q Is that North Precinct?

3 A Yes, sir.

4 Q Okay. And there was a call to the Motel 6
5 on -- approximately around 7:00 to 7:10 p.m. on that
6 date. Were you the one that was assigned to go to
7 that call?

8 A I was not.

9 Q Okay. Did you happen to be in the area,
10 though, when that call was transpiring?

11 A Yes.

12 Q And where were you so the grand jury can
13 kind of understand where you were and when this call
14 was going on?

15 A I was at Grand at the MAX tracks. I think
16 it's (Indiscernible).

17 Q Okay.

18 A And I was sitting at a red light talking to
19 a coworker on the phone --

20 Q Okay.

21 A -- about air support stuff.

22 Q And were you aware that this call was
23 transpiring or that it was going on?

24 A Yeah, I heard it get dispatched.

25 Q Okay.

Examination of Jeffrey Elias

1 A That's pretty common. Like, situational
2 awareness-wise, I pay attention to all the calls in
3 the area and so on and so forth. And a lot of times,
4 we don't get dispatched, but I'll still keep, like, a
5 mental note where the people are just in case
6 something happens.

7 Q And could you -- from where your vantage
8 point was, could you see kind of the things that were
9 going on or anything like that?

10 A I couldn't. I just briefly looked over and
11 saw the ambulance and stuff and figured -- and the
12 police cars and --

13 Q Oh.

14 A -- so that's, like, all I heard coming out
15 at the Motel 6.

16 Q Okay. What drew your attention to this
17 particular call?

18 A I heard gunshots.

19 Q Okay. And -- and so what did you do and
20 what -- just tell -- kind of walk us through what
21 happened at that point.

22 A Pretty much everything went pretty quick.
23 The best of my recollection, I got off the phone. I
24 ran over there --

25 Q Okay.

Examination of Jeffrey Elias

1 A -- and saw that a subject had been shot.

2 And I was -- obviously, it was from the police.

3 Q Okay.

4 A And --

5 Q Just based upon everything you're seeing
6 around, all of that?

7 A Yes.

8 Q Okay.

9 A So I immediately went back to my car and
10 grabbed my less-lethal 40-millimeter gun and then ran
11 back 'cause I knew that we were probably going to have
12 to do, like, a rescue, get in there and get the
13 medical people in there. But you don't just rush in.

14 You try to do it safely, so I wanted to have
15 another tool there just in case. Went back up and
16 just basically motioned like, "Hey, you ready? Let's
17 go. Let's get this guy," and went up there and made
18 the scene safe. And I believe when I went up there, I
19 kicked, like, a screwdriver or something that was on
20 the ground.

21 Q Okay. And once that -- once --

22 A Just to get the weapon away from him. It
23 was close to him, so --

24 Q And once that transpired, did -- was he
25 given medical aid pretty quickly?

Examination of Jeffrey Elias

1 A Yeah, I just waved. I'm like, "Let's get
2 going." We started working on him. They did right
3 away.

4 Q And at this point, are you trying to take in
5 information and just kind of assess and -- and just
6 kind of get the lay of the land and what's happening?

7 A Yeah. I mean, it was quick. It transpired
8 really quick, so --

9 Q Okay.

10 A -- but my -- my first thing was, like, the
11 dude's incapacitated and obviously needs medical
12 attention, so I was trying to facilitate the quickest
13 way to do that.

14 Q Okay. So step one was render first aid?

15 A Yeah. Make sure scene's safe --

16 Q Safe.

17 A -- then render first aid.

18 Q First aid. Okay. And then once -- once he
19 is given first aid and loaded up into the ambulance,
20 then do you transition into kind of a different role
21 or what happens at that point?

22 A Yeah. Once they started working on him, I
23 pretty much went and grabbed Curtis and walked him to
24 my car. I can't remember if I walked him to my car
25 first or I went and grabbed my car and brought him

Examination of Jeffrey Elias

1 over there, then put him in it.

2 Q And why do you do that?

3 A Just to protect the integrity of the crime
4 scene and the officer, so he doesn't talk to anybody
5 and --

6 Q Okay.

7 A -- that's pretty normal.

8 Q Okay. So --

9 A And he just shot somebody.

10 Q Yeah. So kind of standard to -- kind
11 of basic police stuff, which is you separate out
12 witnesses, people that are involved, things of
13 that nature?

14 A Yeah.

15 Q Okay.

16 A I mean, it's a high-stress event and --

17 Q Okay.

18 A -- just take care of him.

19 Q Okay. Did you have any conversation
20 with him?

21 A Not that I can recall.

22 Q Okay. All right. And -- and did -- at any
23 point, did you see what transpired or what led
24 immediately up to the shooting, itself?

25 A I didn't.

Examination of Jeffrey Elias

1 MR. VASQUEZ: Okay. Any questions from the
2 grand jury or co-counsel?

3 THE WITNESS: Yes, ma'am.

4 BY MS. SEELE:

5 Q You stated that you're the one that kicked
6 the screwdriver. Do you know which direction you
7 likely kicked it in?

8 A I thought I kicked it, like, just -- I
9 don't even know. I just kicked it hard just away from
10 him so he couldn't reach. It wasn't within his -- his
11 reach.

12 BY MR. VASQUEZ:

13 Q Is it possible it could have been the other
14 officer?

15 A It could have been.

16 Q Okay. But you saw -- did you see an object
17 and see it (indiscernible)?

18 A I did see an object. I thought I kicked it,
19 but maybe I didn't. I don't know.

20 MR. VASQUEZ: Okay. All right.

21 All right. I think that will do.

22 MS. SEELE: Mm-hmm.

23 MR. VASQUEZ: Okay. Thank you, sir. I
24 appreciate your time.

25 THE WITNESS: Thank you.

Examination of Brent Chopp

1 (Whispered discussion, off the record,
2 11:48 a.m.)

3 MR. VASQUEZ: Come on in.

4 THE WITNESS: (Indiscernible) inside.

5 MR. VASQUEZ: We're going to have you raise
6 your right hand.

7 **BRENT CHOPP**

8 Was thereupon called as a witness; and, having been
9 first duly sworn, was examined and testified as follows:

10 MS. SEELE: Could you state your full name
11 and spell your last for us.

12 THE WITNESS: Full name's Brent; last name's
13 Chopp, C-h-o-p-p.

14 **EXAMINATION**

15 BY MS. SEELE:

16 Q All right. Where do you work and how long
17 have you been doing it?

18 A Station 13. I've been in Portland for
19 ten years now.

20 Q Okay. And were you working on June 24th,
21 2021?

22 A Yes.

23 Q And what -- what were you doing that day?

24 A Working as a firefighter.

25 Q Right. Were you responding to a call at

Examination of Brent Chopp

1 some point that day?

2 A All day.

3 Q Okay. About how many calls would you say
4 you did that day?

5 A Oh, I couldn't tell you that day, to be --

6 Q Okay. Fair --

7 A -- completely correct.

8 Q Fair to say a number of calls or
9 medical call-outs?

10 A Yes.

11 Q All right. And you are the driver of the
12 rig; is that correct?

13 A Yes.

14 Q Okay. At some point, did you respond to the
15 Motel 6 over by the Lloyd Center?

16 A Yes.

17 Q Okay. Can you tell me what you saw when you
18 got there?

19 A Pulled up to the scene. As I approached the
20 scene, we parked off, I believe it was -- oh, gosh.
21 What's the street in front of the Motel 6? I'm
22 drawing a blank. Pulled up, noticed an individual
23 looking at the rig.

24 I told my officer, "Hey, I'm going to stay
25 on the rig." We've had people lately stealing stuff

Examination of Brent Chopp

1 from our apparatus, so I decided to say, "Hey, I'm
2 going to stay with the rig."

3 Q Okay. And what else did you see? What
4 happened next?

5 A Saw an individual. He kind of looked at us
6 with a very, I guess you could say, stern look. I
7 stayed on the rig. I had noticed -- my crew got
8 out and went up to the front desk, tried to locate
9 the person who called 9-1-1 as I kept an eye on
10 the individual.

11 I later find out that he was the individual
12 that called. He walked to the front desk, made
13 contact and so on, so forth.

14 Q What did you do next?

15 A Got out of the rig --

16 Q Okay. Where'd you go?

17 A -- went to help my crew. Met up with my
18 crew.

19 Q Met up with the crew. And what did you
20 notice about the individual that -- who had called
21 9-1-1, if anything?

22 A I just noticed that he had a very strange
23 look on his face. He did not look like he appreciated
24 us. And I noticed he was very agitated as he
25 approached my crew. I didn't know the -- I wasn't

Examination of Brent Chopp

1 there for the first interaction.

2 Q Okay. At some point, did his demeanor
3 shift?

4 A It shifted back and forth pretty much the
5 whole time.

6 Q Okay. And did you guys provide treatment or
7 get him loaded in an ambulance --

8 A We --

9 Q -- take him off to the hospital?

10 A We tried to provide treatment. He didn't
11 want to comply. He kept going back and forth on what
12 he wanted to do.

13 Q Okay. And when you said he wouldn't comply,
14 what is it that he wanted to do?

15 A First, he wanted to go to the hospital,
16 but then he didn't know if he wanted to go to the
17 hospital. He -- the officers -- then the officers
18 showed up.

19 And they said they wanted to -- he said --
20 the officers gave him every chance, said, "Hey, if
21 you -- whatever you -- we just have to give you a
22 search to get you to go to the hospital." But he
23 didn't want to comply.

24 Q At some point, did he disengage from you and
25 head toward his hotel room?

Examination of Brent Chopp

1 A Yes.

2 Q Okay. And from your vantage point, could
3 you tell if he ever went in his hotel room or not?

4 A Not from my vantage point. I couldn't tell.

5 Q Okay. So what did you guys do then after he
6 broke contact?

7 A We kind of just sat there and waited for him
8 to come back. Police were there and we waited for
9 them to come with us.

10 Q Okay.

11 A He sat down at the bottom of the stairs.

12 Q Oh, okay. So at some point, he came, the --
13 the patient, and sat at the bottom of the stairs?

14 A Yeah. We kept telling him, "Don't go in
15 your -- don't go into your room. Don't go to your
16 room," 'cause it's kind of an eerie situation when
17 you're on the -- out there and someone goes back to
18 grab something to come back out.

19 Q So safety concerns?

20 A Safety concerns, yes.

21 Q Okay. He's sitting at the bottom of the
22 stairs.

23 A Mm-hmm.

24 Q Where were you? How close were you to him?

25 A Oh, I'd say about from me to that gentleman

Examination of Brent Chopp

1 there.

2 Q Okay. So maybe -- how -- how would
3 you guess --

4 A Ten feet.

5 Q Ten feet? Okay. And, at this point, is his
6 demeanor -- how would you describe his demeanor?

7 A I guess the best way to describe it is odd.
8 He would be there in the sense of reality with us;
9 and, all of a sudden, he'd get really agitated. Then
10 he'd be back with us, then very agitated.

11 Q Okay. And what was he doing with his hands
12 while you were talking to him?

13 A At first, he was just sitting there just
14 listening to us talking, kept trying to go for his
15 pockets. It's never good when somebody goes in their
16 pockets when they're calling out for this type of
17 call.

18 Q Okay. And what are your -- what are your
19 concerns when you see somebody reaching toward their
20 pockets on this type of call?

21 A I'm concerned for my safety.

22 Q Okay. So did anybody say anything to him
23 about that behavior?

24 A The -- yeah. Said, "Don't -- don't touch
25 your pockets."

Examination of Brent Chopp

1 Q Okay. Who --

2 A "Don't reach in there."

3 Q Were you saying that or were other people?

4 A Other people.

5 Q Okay. Did he stop?

6 A No.

7 Q So what happened next?

8 A He tried to keep going for his pockets. The
9 officer said, "Hey, don't do that. Don't go for your
10 pockets." He kept trying -- he kept reaching his hand
11 back there. He said, "Hey, don't do that. We don't
12 want anything bad to happen."

13 And said we were at -- we were going to
14 leave the scene. That's when he got really agitated.
15 That's when he went and grabbed his object in his
16 pockets and came after us.

17 Q Okay. And could you see what he took out of
18 his pocket?

19 A It happened so quick, I couldn't see.

20 Q Okay. What did you do in reaction?

21 A Ah, I backed up.

22 Q Okay. And why did you back up?

23 A 'Cause of my safety.

24 Q Okay. What did you see the patient do next?

25 A Lunge at -- or started coming at us with

Examination of Brent Chopp

1 an object.

2 Q Okay. And did he seem to be focused on
3 anybody in particular or could you tell?

4 A You could probably say, yeah, it's the
5 police officer he was going at.

6 Q Now, the -- were there one police officer or
7 multiple police officers there?

8 A There were two.

9 Q Okay. Which one was he look -- in your
10 opinion, going after?

11 A Officer Curtis.

12 Q Okay. And what happened next?

13 A Officer Curtis told him to stop. He didn't
14 and he had to pull his weapon.

15 Q Okay. At this point, you indicated you were
16 concerned for your safety. Were you --

17 A Mm-hmm.

18 Q -- concerned for Officer Curtis' safety?

19 A I guess you could say that. Yeah, I was
20 worried about everybody's safety.

21 Q Okay. So a -- a weapon was pulled?

22 A Mm-hmm.

23 Q And shots were fired?

24 A Yes.

25 Q And what did you do after shots were fired?

Examination of Brent Chopp

1 A We ran back to the rig to get our stuff to
2 start working the patient.

3 Q Okay. And about how long would you say it
4 took before you were able to return to the patient and
5 render aid?

6 A My officer kind of came back and stopped us
7 because he wanted -- he said, "You guys need to stay
8 here. We need to make sure the scene is safe for us
9 to go back." And it was a matter of -- I don't
10 know -- 20, 30 seconds maybe.

11 Q Okay. And so when you went back, what was
12 your role in rendering aid?

13 A What we do for typical gunshots is we strip
14 down the patient trying to find an entrance and exit
15 wound, how many shots, location and start assessing
16 the patient for his airway breathing and circulation.

17 Q Okay. And is that what you did in
18 this call?

19 A Mm-hmm.

20 Q And was the patient eventually transported
21 to the hospital?

22 A Yes.

23 MS. SEELE: Okay. Anything else?

24 A GRAND JUROR: During your contact with him
25 after he had been shot, during -- with the patient,

Examination of Brent Chopp

1 did he say anything?

2 THE WITNESS: Not to my recollection, no.

3 A GRAND JUROR: Okay. And when he was going
4 for his pocket and then pulled out the item --

5 THE WITNESS: Mm-hmm.

6 A GRAND JUROR: -- did he say anything
7 around that time?

8 THE WITNESS: I don't believe he said
9 anything.

10 A GRAND JUROR: Okay.

11 A GRAND JUROR: So you had stated that he
12 lunged with the object that he was holding towards
13 people and then the officer pulled his weapon or was
14 the officer holding his weapon already?
15 (Indiscernible).

16 THE WITNESS: It -- I can't recall that type
17 of -- the timing on that. I know the officer gave him
18 every chance and said, "Don't go for your weapon." I
19 don't know exactly at what time and -- or the exact
20 timing of when he pulled his weapon.

21 A GRAND JUROR: Did you see him when he was
22 up on -- up on the top level? Did you see him go into
23 his room?

24 THE WITNESS: I did not. I was still
25 getting my stuff on, my EMS gear, gloves, glasses and

Examination of Brent Chopp

1 my respirator to get up to the scene. I watched him
2 go up the stairs and walk around. No, I didn't see
3 him exactly go into his room.

4 A GRAND JUROR: Okay.

5 MS. SEELE: Anything else, folks?

6 All right. Thank you.

7 THE WITNESS: No problem.

8 A GRAND JUROR: Thank you.

9 MR. VASQUEZ: Since we're rolling, we'll
10 continue with a few more witnesses if that's okay.

11 A GRAND JUROR: Mm-hmm.

12 (Whispered discussion, off the record,
13 11:56 a.m.)

14 MR. VASQUEZ: Let me see if we can get our
15 Webex person in. This will be Kevyn Smoot.

16 Hello. Hello, sir. Can you hear me? Hold
17 on just a moment. Okay. I can't hear you.

18 I don't -- what just happened there?

19 Oh, can --

20 THE WITNESS: Can you hear me?

21 MR. VASQUEZ: Yes, we can.

22 MS. SEELE: Yes.

23 THE WITNESS: Okay.

24 MR. VASQUEZ: Perfect. All right. You are
25 in Grand Jury B and we're going to be asking you a

Examination of Kevyn Smoot

1 series of questions. And we are going to go ahead and
2 have you raise your right hand at this point, please.

3 A GRAND JUROR: Do you solemnly swear or
4 affirm that the testimony you are about to give in the
5 matter pending before this grand jury shall be the
6 truth, the whole truth and nothing but the truth?

7 MR. VASQUEZ: Were you able to hear that,
8 sir? Okay.

9 THE WITNESS: No.

10 A GRAND JUROR: I think pickup is mostly on
11 the microphone that has the camera, so --

12 A GRAND JUROR: (Indiscernible).

13 MR. VASQUEZ: Now, just -- I'm going to turn
14 that that way and maybe that'll help. All right.

15 **KEVYN LATRELL SMOOT**

16 Was thereupon called as a witness; and, having been first
17 duly sworn, was examined and testified (via simultaneous
18 video transmission) as follows:

19 A GRAND JUROR: Yeah.

20 MR. VASQUEZ: All right. Thank you, sir.
21 Just one moment. I have Ms. Amy Seely here who's
22 going to be asking you questions.

23 THE WITNESS: Okay.

24 MS. SEELE: All right. I -- technically,
25 it's still morning. Good morning, Mr. Smoot. Could

Examination of Kevyn Smoot

1 you please state your full name and spell your last
2 for the record.

3 THE WITNESS: Kevyn Latrell Smoot,
4 S-m-o-o-t.

5 MS. SEELE: And since you're testifying
6 virtually today, I -- could I just confirm with you
7 that you're in a room by yourself and no one else is
8 listening to your testimony?

9 THE WITNESS: Yes, that is correct.

10 **EXAMINATION**

11 BY MS. SEELE:

12 Q Thank you. Could you please tell me what
13 you do for a living and how long you've been doing it?

14 A Firefighter paramedic with the City of
15 Portland and I -- it'll be five years in December.

16 Q Okay. And where is the area that you
17 service?

18 A I work at Station 13, which is 10th and
19 Weidler, Lloyd District.

20 Q Okay. And jumping right into the thick of
21 things, were you on duty on June 24th, 2021?

22 A Yes.

23 Q And did you respond to a call at Motel 6?

24 A Mm-hmm.

25 Q Can you tell me about what you saw when you

Examination of Kevyn Smoot

1 arrived at Motel 6.

2 A When we first arrived -- so I was in the
3 rear-most seat of the truck and also the highest up.
4 I was in the tiller cab, so I was able to see people
5 walking around, people out in the parking lot, people
6 outside their rooms.

7 The only thing that -- that honestly rang as
8 specific to me in that moment was, believe it or not,
9 the -- the gentleman who ended up being our patient
10 was walking around near where I was sitting.

11 He was just kind of walking closer to the
12 truck than people usually walk and so I noticed him.
13 He appeared to be on the phone. Yeah, that's about
14 all I noticed specifically. And it just happened to
15 end up being our patient later.

16 Q Okay. And what in particular did you notice
17 about him? What about his demeanor drew your eye?

18 A He appeared to be, I guess, nervous,
19 anxious, scattered if you will. Again, appeared to be
20 on the phone, but at the same time didn't -- didn't
21 seem to actually be talking to anybody. He had a lot
22 of tattoos.

23 And, again, I just noticed how close he was
24 walking to the truck, how much he was looking at the
25 truck, just slightly abnormal behavior for what we

Examination of Kevyn Smoot

1 usually see when we pull up to emergency scenes.

2 Q All right. You indicated that you didn't
3 know who your patient was or where your patient was at
4 the time. What did you guys do to find your patient?

5 A Well, we believed that the person with the
6 information for us would be at the -- the lobby of the
7 Motel 6. At that time, I was not aware that that
8 Motel 6 didn't really have a lobby.

9 So we walked up to the door that, you know,
10 appeared to be that and asked a gentleman behind the
11 window if he knew why we were there, why he -- we had
12 been called to the scene and he did not. He did not
13 know why we were there.

14 Q Okay. So what happened next?

15 A The gentleman that I had seen walking around
16 the back of the truck, he had kind of slowly followed
17 us over to that area of the Motel 6 parking lot and
18 walked up behind us again in just kind of a -- a
19 strange way, didn't make himself known or anything
20 like that, just stood there. And so I turned around
21 and I asked him, "Are you here -- are you who we are
22 here to see?" And he said, "Yes."

23 Q All right. And now that you're face to face
24 with him, what, if anything, are you noticing?

25 A Again, that he had the phone to his ear, but

Examination of Kevyn Smoot

1 he appeared to not be talking to anybody. I don't --
2 I don't think I ever saw him, like, respond to anybody
3 on the phone. He just had the phone up to his ear.
4 He wasn't forthcoming with information. He didn't
5 respond in, like, long, full sentences.

6 He wasn't conversational. So on my end, as
7 a paramedic, I would call that being a poor historian.
8 He -- he was not answering the questions I needed him
9 to answer the way I needed him to answer them to know
10 who he was, why we were there, what his complaint was.
11 Initially, that was what I noticed.

12 Q What kind of questions were you asking him?

13 A His name, if he called us, if he was the one
14 that called 9-1-1. If so, why did he call? And then
15 I had to repeat some of those questions in different
16 words because he wasn't answering them.

17 Q Okay. At some point, did AMR and the police
18 arrive on the scene as well?

19 A Yes, yeah. I can't honestly remember --
20 actually, no, I -- I -- I do. Portland Police, I
21 believe, got there first and then AMR showed up very
22 shortly after they did. I believe that's the order in
23 which that happened.

24 Q And after everyone's there on the scene, did
25 Mr. -- well, did the patient consent to treatment?

Examination of Kevyn Smoot

1 A So I -- I wasn't exactly aware of, like,
2 when exactly everyone showed up on scene. At some
3 point, I turned around and saw that Portland Police
4 had arrived. And then, at some point, I noticed that
5 AMR arrived behind them.

6 And I wasn't exactly -- I -- I wasn't
7 exactly aware of, like, precisely when they pulled up
8 because I was facing the other way talking to the
9 patient. But I wasn't really getting anywhere, so I
10 was starting to kind of look over my shoulder to see
11 if anyone else had any ideas or not, you know, 'cause
12 that's normal.

13 We look to our crew for, you know, ideas
14 when we're not really getting anywhere reaching --
15 reaching a patient. Yeah. And so it was around -- it
16 was around that time when the -- and -- and there was
17 no -- to answer your question, sorry -- there was no,
18 like, consenting to treatment at that point.

19 I was still in the information gathering
20 mode. He -- all he had said was that, yes, we were
21 here for him, essentially, at that point. And we knew
22 what our call information was.

23 Our call information was a potentially
24 suicidal subject, so I kind of skipped to that and I
25 asked him if that was the case for him. And, again,

Examination of Kevyn Smoot

1 he kind of nodded his head. So I believe I knew why
2 we were there, at that point; but I didn't have any
3 information as to why.

4 And it was right around then, I think, when
5 I had that information that I turned around to speak
6 to my officer, I believe, and just see who was behind
7 me and see -- see, you know, what information I could
8 gather from other people.

9 And that's when he, the patient, started to
10 walk towards a set of stairs that was on my left near
11 the -- near the -- the -- the waiting room, if you
12 will, of the Motel 6.

13 And he said -- he -- he was saying things
14 that weren't discernible to me, like, under his
15 breath, almost as if he was talking on the phone to
16 someone. But I did hear him say that he needed to go
17 to his room to get something.

18 And that's when I turned around and started
19 engaging my officer. And at that point, the Portland
20 police officers, I think, were out of their car and
21 were getting the story from us. And so that's when --
22 that's when he started walking away and things
23 started.

24 Q Okay. You mentioned he headed for some
25 stairs. Did you actually see him go up the stairs?

Examination of Kevyn Smoot

1 A Yes.

2 Q Did you --

3 A Yes. I made -- I made -- I made sure that
4 my officer was aware that he was walking away from us,
5 headed to his room just because of -- of the lack of
6 forthcoming information.

7 I mean, we -- there are -- there are two
8 reasons why we wouldn't want him to go to his room.
9 A, he -- he did indicate that he was suicidal, so,
10 reason number one, we usually don't let suicidal
11 people out of our sight.

12 And then, two, you know, just in case -- we
13 didn't know anything about him yet and he wasn't being
14 forthcoming with information, so it was in the back of
15 my mind that I didn't want him to go, and, you know,
16 become a danger to himself or us by disappearing into
17 a room and then coming back out.

18 So I was making my officer aware of that.
19 He was already aware of that. He was seeing it happen
20 as well. And we did witness him walk up the stairs
21 and along the catwalk to his room.

22 Q Did he -- in your observation, did he enter
23 his room?

24 A I did not see him completely disappear into
25 his room. I saw him open the door and from my vantage

Examination of Kevyn Smoot

1 point, it looked like maybe half of his body went
2 between the door and the wall into his room and then
3 shortly thereafter, a few seconds, came back out.

4 Q Okay. Did you lose visible contact with
5 him -- or visual contact with him?

6 A Not entirely.

7 Q Okay.

8 A Not his entire body, no.

9 Q Okay. So what happened next?

10 A Well, while he was walking across the
11 catwalk to his room, so before he was at his room,
12 different people, myself, my officer, I think one
13 of -- one or both of the Portland police officers that
14 were on scene at that point were yelling at him to
15 stop.

16 We did not want him to go in the room. His
17 room was an unknown to us and that is not where we
18 wanted to conduct the patient assessment, so we were
19 yelling at him to stop and come back down and talk to
20 us if he wanted to go -- to go to the hospital.

21 We made it clear, "If you -- you go back in
22 your room, I mean, there's -- there's not a lot we can
23 do. We -- we -- we're not going to follow you and if
24 you want to go to the hospital, you need to come down
25 to the parking lot and talk to us."

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1 So that -- that communication was happening
2 at him while he was walking and he was not responding.
3 He was not stopping. He was not turning and really
4 looking at us. He still had the phone up to his ear.

5 And -- and by the time he got to his room,
6 that's when -- I believe it was one of the Portland
7 police officers declared verbally, loudly so he could
8 hear, that, "If you go in the room, then -- then
9 you're telling us you don't want to go to the hospital
10 and -- and we will leave."

11 And that's when he kind of came back out of
12 his room, you know, being partially in his room with
13 the door cracked. That's when he disengaged from his
14 room, shut the door and came back down a different set
15 of stairs and then reengaged verbally with the police
16 officers who were closest to him at that point.

17 Q Okay. And where were you standing when he
18 was seated at the bottom of the stairs?

19 A I was walking up. You know, I -- I had -- I
20 had seen that he was coming back down and looked --
21 appeared from across the parking lot to be willing to
22 talk with the -- with the -- the police officers.

23 So I turned back around to make sure that
24 AMR did not drive away 'cause in a very quick moment,
25 it had become clear that he was not going to engage

Examination of Kevyn Smoot

1 with us and allow us to assess him and allow us to
2 take him to the hospital.

3 And I didn't want AMR to think that was the
4 last bit of information and drive away and then for us
5 to have to call them back. So I turned around and
6 made sure that I made contact with one of them and
7 said, "Hey, just wait. You know, let -- let -- let
8 us talk to him a little more and figure out if he
9 actually wants to go to the hospital with you guys
10 or not."

11 So I did that and then I walked across the
12 parking lot to the police officers, who were at that
13 point already standing at the foot -- feet of the
14 stairs talking to him.

15 And then I took up a position to the
16 patient's left with the -- like, the wrought-iron
17 staircase handle, banister kind of between me and the
18 patient. So I was, like, immediately to the patient's
19 left.

20 Q And did you talk any further with him? Did
21 he make any additional statements to you?

22 A He didn't make clear statements, no. He --
23 a lot of his communication was with his eyes, body
24 language. He still looked nervous, anxious. He --
25 he -- he did communicate with me a little bit. I had

Examination of Kevyn Smoot

1 to be very direct with him and then I got short
2 answers back from him.

3 But he did communicate with me when I asked
4 him very, very plain questions. I -- I don't remember
5 exactly, like, verbatim what -- what they all were,
6 but they were related to: His name; why exactly he
7 wanted us there; if he was suicidal, why; is this the
8 first time; the -- the typical questions that -- that
9 I, as a paramedic, would ask someone who was suicidal.

10 Like, "Have you made an attempt on your
11 life? When -- when did these feelings start?" that
12 type thing. I -- that's the direction I was going.
13 And in doing that, I did notice that he was looking at
14 the Portland police officers and just reacting to them
15 standing there in a very different way than he was
16 looking and reacting to me.

17 He would look to his left and he would -- he
18 would make eye contact with me and it almost appeared
19 like he had a moment of clarity and then he would
20 respond to a direct question of mine.

21 That being said, I did not get a lot of
22 information from him. I did not get -- he was not
23 conversational. He was answering me in short, you
24 know, two, three-word statements, basically.

25 But I was trying to discern the bare minimum

Examination of Kevyn Smoot

1 amount of information, which is, "Are you suicidal
2 today? And do you want to go to the hospital in an
3 ambulance -- the ambulance that's here?" right?
4 That's what I was trying to communicate with him so
5 that we could at least establish moving forward, yes,
6 he wants us there.

7 Q And did he want to go to the hospital in an
8 ambulance?

9 A At -- at one point, he -- I asked him -- so
10 I should state, I wasn't asking him open-ended
11 questions. I was not asking him -- at that point, I
12 wasn't asking him questions like, "Why did you call?"
13 anymore.

14 I was asking him, "If you are suicidal, do
15 you want to go in the ambulance right now? Yes or
16 no." I was asking him very closed-ended questions.
17 And so from those, I got a lot of yes's and no's and
18 from those questions that I asked him, I did discern
19 that he did want to go to the hospital in
20 the ambulance.

21 But, at the same time, I was asking him
22 questions to further probe the suicidal nature of why
23 we were there and he was backpedaling from -- from
24 committing to being suicidal that day. But he did say
25 that he wanted to go to the hospital.

Examination of Kevyn Smoot

1 Q Did he say anything about recent drug use
2 to you?

3 A I asked him if he had taken meth. He said,
4 "Yeah." And I asked him specifically -- and I
5 remember this. I asked him specifically, "Have you
6 taken more than your normal amount of meth today
7 right now?" 'cause he was acting, I would say, not
8 consistent with someone who is on meth, but is used to
9 the amount of meth that they have taken.

10 He did not appear to be dealing with what he
11 had taken very well. Granted that could mean he took
12 something other than meth as well, but I did not know
13 the answer to any of those questions.

14 So I just asked him, "Have you taken, like,
15 your normal amount of meth today or more -- more meth
16 than you're used to?" And he said, "I took a lot
17 of meth today."

18 Q So, at some point, did people -- or you or
19 officers broach the subject of a patdown before
20 getting in an ambulance?

21 A Yes.

22 Q Okay.

23 A So one -- once he had verbally responded
24 positive to me saying, "Do you want to go to the
25 hospital in this ambulance that's in the parking lot

Examination of Kevyn Smoot

1 today right now?" and once he had responded positively
2 to that, then one of the Portland police officers kind
3 of took over.

4 Didn't move, didn't -- didn't change their
5 body language or anything, just verbally asserted
6 themselves into the conversation and said, "Great. If
7 you want to go to the hospital, we can do that. The
8 ambulance is right here, but I need you to let me pat
9 you down before you get in the ambulance so that the
10 paramedics are safe."

11 And, again, not verbatim. I don't remember
12 verbatim what he said, but those -- that -- that was
13 the gist of what the -- the officer was communicating
14 to the patient.

15 Q And how did the patient respond?

16 A Well, as I mentioned before, when the
17 patient was looking to his left at me and responding
18 in short answers, he seemed to be a little more of --
19 he seemed to be a little clearer and able to respond
20 appropriately, even though they were short answers.

21 And then when he would look back to the
22 police officers, whether that was because they were
23 engaging with him verbally or not, he -- his demeanor
24 changed. His body language changed. The look on his
25 face changed. He did not communicate with

Examination of Kevyn Smoot

1 them verbally.

2 And so when the officer was addressing the
3 patient and he did turn and look at him, I noticed
4 that the expression on his face visibly changed to one
5 that appeared to be less cooperative than the one that
6 I was receiving.

7 Q When the patient was talking to the officer,
8 were you able to see the patient's hands?

9 A Yes. I couldn't always see his right hand
10 because his right hand was the other side of his body
11 from me, but I could very clearly see his left hand
12 and most of the time I could see his right hand.

13 And I remember that because I -- you know,
14 the officers were obviously standing there telling the
15 patient that they needed to put their hands on him
16 before he got in the ambulance. And I was worried,
17 based on the patient's demeanor, for the duration of
18 the entire call to that point that he would not be
19 okay with that.

20 So I was watching his hands because his
21 hands were hovering around his waistline basically the
22 entire time he was sitting there talking to me and the
23 officers. So I -- yeah -- yes. I was looking at his
24 hands specifically to see what he was doing.

25 Q Okay. And did you ever see him reach for

Examination of Kevyn Smoot

1 anything?

2 A Multiple times, he put his fingers towards
3 the opening of one or both of his pockets and put his
4 fingers underneath the -- the bottom hem of his shirt.
5 He never -- he never -- that I remember, he never
6 stuffed his entire hand to the wrist in a pocket or --
7 or down his pants or up his shirt. But he was moving
8 his fingers along all of those areas; but never, like,
9 committing to reaching in anywhere at that point yet.
10 Yeah.

11 Q And did you or anyone else comment on that
12 behavior?

13 A Comment aloud verbally, like, to each other?

14 Q Yeah.

15 A I never -- so, at that point -- so I was --
16 I -- the way I remember it is I was the furthest
17 towards the patient of -- of the rest of the fire
18 crew. And so I wasn't super aware of where they were
19 at, what they were doing.

20 I knew that the cops were standing to my
21 left and I knew my crew was behind me or immediately,
22 like, to the right of me or left of me, or, you know,
23 somewhere. I never communicated with the crew and
24 I didn't say anything to the patient about his hands
25 specifically.

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1 But, at some point -- and it wasn't when it
2 started; but, at some point, one of the officers did
3 ask him to stop touching his pockets and touching
4 his -- his waist.

5 And at some point after that interaction,
6 the patient said to no one in particular, just aloud,
7 that he wanted to take off his shirt. That's what I
8 remember. And I remember the officer saying, "That's
9 fine. You can take your shirt off, but stop putting
10 your hands near your pockets and near your waistband."

11 Q And, at some point, did you decide to
12 disengage from the patient?

13 A Me personally, yes. And I'm assuming --
14 I mean, I'm not going to comment on the rest of the
15 crew, but it -- it -- it seemed like we all made
16 this -- this decision at roughly the same time because
17 we all kind of started backing away, is what it felt
18 like to me, at the same time.

19 And it was -- I mean, the -- the patient had
20 kind of been doing what he had been doing the whole
21 time, but he was staring -- he -- I remember
22 specifically, like, right before I backed away, he was
23 staring very intently at the officers.

24 They were asking him to not touch his
25 pockets more often than -- than they had when they

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1 started. He was not -- he was no longer returning his
2 head to me when I would say -- you know, the -- the
3 officers would -- would be talking to him and I would
4 just notice that he wasn't responding positively to
5 them.

6 And so a couple different times, I said, you
7 know, things along the lines of, like, "Hey, man,"
8 loud, abrupt, get his attention, get him to look at
9 me, 'cause he was responding better to me than he was
10 to them.

11 And I would -- and I -- I remember --
12 remember at one point trying to clarify with him, "Do
13 you know why the -- the -- the police officers are
14 here? They're not here to arrest you. They're here
15 to make sure that -- that you don't have anything on
16 you that can hurt the paramedics and then we're done.
17 And then you go to the hospital."

18 And that would only appear to work for a
19 second or two and then he would look at the police
20 officers again and get that same look on his -- his
21 face -- on -- on his face that I described before.

22 And so when I decided to back up, he was no
23 longer turning and looking at me when I would ask him
24 to. And he was staring very intently at the police
25 officers and he wasn't stopping touching his pockets.

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1 And, like I said, the officers, they were
2 more frequently asking him to stop doing that. No one
3 had moved yet. The patient hadn't moved. The cops
4 hadn't moved. But I decided to take a couple steps
5 back.

6 It did not appear that the scene was
7 trending in a positive direction at that point. And,
8 at some point, it -- it is no longer -- I am no longer
9 qualified to deal with what is happening at some
10 point. And so I wanted to make sure that I was not
11 too close to the patient or too close to the cops or
12 anything like that and so I took a couple steps back.

13 And I -- I believe that my coworkers did as
14 well, although I think they were still behind me or --
15 or I just don't remember seeing them, one of the two.
16 And right around the time that I took a couple steps
17 backwards is when it, you know, the event happened.

18 Q Okay. And when you say, "the event," what
19 did you see happen?

20 A So I saw the patient commit to one of his
21 pockets, pull something out. Very quickly looked like
22 a screwdriver, but not a screwdriver. Looked sharp,
23 had a -- had a handle and something long on the end
24 of it.

25 He stood up. He didn't stand up all that

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1 quickly, but he stood up as he was pulling this item
2 out of his pocket. He -- once he was on his feet, he
3 said something. I don't remember what it was. It was
4 aggressive.

5 The tone was aggressive and it was pointed
6 at the police officers, is what it appeared 'cause he
7 was staring at them. The police officers then their
8 tone of voice became elevated. They took steps back.
9 Their body language changed. They were doing
10 something with their waist belt as well.

11 But that was in my peripheral vision. I
12 wasn't, like, staring at the police officers. I was
13 staring at the patient. And they -- their tone was,
14 like I said, becoming elevated and they were giving
15 him commands.

16 And then at some -- I mean, this is in the
17 course of, like, seconds. It felt like longer than
18 that in the moment, but it was, like, a couple
19 seconds. And the patient started taking steps
20 forward.

21 And what I remember about the patient's
22 movements was me and my coworkers, I believe, were
23 mostly to the patient's left and he did not take steps
24 to his left. He took steps straight off the stairs --
25 well, what was mostly straight off the stairs in the

Examination of Kevyn Smoot

1 direction that the cops had been standing previously.

2 And -- and I remember that he had the item that was in
3 his hands held in an aggressive looking fashion.

4 Q And what was the next thing you observed?

5 A He took some more steps completely off of
6 the elevated platform that the stairs were on onto the
7 actual ground that the parking lot was, so he had
8 taken that many steps to get completely into the
9 parking lot.

10 I believe everyone was backing up at that
11 point. The police were -- were continuing to yell
12 commands louder, more forcefully. And the patient did
13 not stop; and, consistent with the entire call to that
14 point, did not respond verbally to the things that
15 were being said or asked of him.

16 And -- and then I remember hearing something
17 that, at the time, did not sound like a gunshot to me.
18 I thought that something else had happened. It was
19 very strange. I thought something else had happened.
20 I did not think the patient had been shot, like, for a
21 very split second.

22 I just saw him go down to the ground. And I
23 knew that the officers were pointing something at him,
24 but I know that they carry things that aren't
25 necessarily always firearms. So I -- in my mind, I

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1 did not think that the patient had been shot yet.

2 I thought that he'd been hit with something
3 that stopped him and -- stopped him and sent him to
4 the ground. That was the first thing that went
5 through my mind. And then I began to see the patient
6 posturing, is what we call it.

7 His -- his body was doing things. His
8 muscles looked like they were tensing. And that's
9 when I -- it -- it -- again, like, a split second
10 later, that's when it went through my mind, I think
11 they shot him. And then I immediately went into
12 EMS -- EMS mode, you know, thinking about the next
13 steps.

14 Q And about how long elapsed before you were
15 able to provide medical treatment?

16 A Oh, jeez. Well, I was -- I think I was
17 still backing up or I had stopped because I had backed
18 up what I considered to be far enough. And I remember
19 turning around and yelling at one of my coworkers who
20 was walking back to the -- to -- to the truck to grab
21 the trauma kit.

22 And, you know, basic -- basically what is a
23 blanket with handles for us to move patients with, you
24 know. I did not know what AMR was doing at that
25 point. So, yeah, I turned around away from the

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1 patient and the cops and yelled that at my coworkers
2 who were closer to the truck than I was.

3 And then that's when I remember my officer
4 yelling at me specifically to withdraw back further
5 than where I was at to -- to -- all -- all -- all the
6 way to the truck until the police had told us to come
7 back in and that the scene was safe.

8 So I don't remember exactly how many
9 seconds. Time is a little distorted, like, in that
10 moment. It didn't feel very -- it didn't feel very
11 long and it also felt like a long time.

12 And all -- like, all -- all at once 'cause I
13 was thinking, EMS, EMS, EMS. And my officer was
14 thinking, safety, safety, safety. So we had two
15 completely different thought processes at that time.

16 And so I wanted to reengage and he said,
17 "No, come back. Let the officers declare that the
18 scene is safe," 'cause we don't know what's going on
19 in that moment. And I -- if I had to guess, I would
20 guess -- I don't know -- less than 20 seconds,
21 something like that.

22 Q And then when you returned to the scene
23 after it was rendered safe, did you provide aid to the
24 patient?

25 A Yes. So, first of all, we -- the first

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1 thing was just to check and -- to see if he was still
2 alive, like, meaning if he still had a pulse. And I
3 did feel a pulse.

4 And AMR -- and I look -- I remember looking,
5 before we got called back in, around to see where AMR
6 was at, did make visual and verbal contact with AMR,
7 did confirm with them, I think, that the patient has
8 been shot and basically just to communicate the
9 severity 'cause I didn't know what they saw or what
10 they heard. I -- I didn't know where they were
11 standing.

12 So me and AMR -- me and the AMR -- and the
13 lead AMR medic kind of got to the patient roughly at
14 the same time and checked pulse, had a pulse, knew we
15 didn't want to stay there.

16 That's, like, a typical load-and-go type of
17 trauma for us. We're fairly close to a major trauma
18 hospital at that location and the scene -- we do not
19 typically stay on scene and provide patient care and
20 treatment in -- under any circumstances if we feel the
21 scene is hostile, which that scene felt like it was
22 becoming increasingly hostile from that point on.

23 So --

24 Q If I could --

25 A -- the focus was --

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1 Q If I could just interject for a second.

2 A Absolutely.

3 Q While you were treating the patient, was he
4 making any statements to you or anyone else? Did he
5 say anything while he was receiving treatment?

6 A The -- the patient?

7 Q The patient.

8 A No.

9 MS. SEELE: Okay. I believe those are
10 my questions.

11 Anyone?

12 A GRAND JUROR: I have a question.

13 MS. SEELE: All right. Some of the grand
14 jurors have questions, so if you can just hold on --

15 THE WITNESS: Mm-hmm.

16 MS. SEELE: -- for a second while we
17 reposition the camera.

18 THE WITNESS: Yep.

19 A GRAND JUROR: When you were with him on
20 the stairs and asking him questions, one of the
21 questions did you ask, "Are you feeling suicidal?" did
22 he respond positively, negatively to that?

23 THE WITNESS: So by the -- by the point that
24 we were on the stairs, I don't believe I was asking
25 open-ended questions like that anymore. I started off

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1 that way before the patient had, like, walked up the
2 stairs, you know, when I was standing -- when we were
3 both standing within, you know, maybe four feet of
4 each other when the call first started.

5 That is when I was asking more open-ended
6 questions like that, giving him a -- a -- a chance to
7 respond in his own words, which is normal. And then
8 over the course of any call, and this one in
9 particular, when it is difficult to get information
10 from the patient, that's when questions start to
11 become more closed -- we call them, like, closed-ended
12 questions, basically questions where the patient can
13 provide a yes/no answer and still communicate fairly
14 clearly with us.

15 And, granted, you know, in paramedic school,
16 we -- we learn and -- and understand that there is an
17 amount of bias and leading that happens when you do
18 that. The patient can't communicate quite as clearly
19 because they're not telling their own story.

20 But, at that point, that's the only way I
21 felt like I could get good information from the
22 patient 'cause he was not responding to questions like
23 that that -- that weren't basically yes/no questions
24 at that point.

25 So when he was on the stairs, what I'll --

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1 what I'll call the second half of the -- of the call
2 for me, that's when I was asking more direct,
3 closed-ended questions. So, no, I don't believe I was
4 asking him, "Do you" -- how -- how did you phrase it?

5 A GRAND JUROR: Well, I guess, ultimately,
6 my question is: Did you ever ask -- get a positive
7 answer to the question, "Are you suicidal?"

8 THE WITNESS: Oh. Oh, yeah. So -- so pre
9 him sitting on the stairs, he did tell me that he was
10 suicidal. And then on the stairs, I believe he did
11 say that again, but wasn't committing to the ambulance
12 route. And we transport people who are suicidal.

13 And the lack of information that he was
14 giving us was making it really hard to come up with
15 a -- with a -- a transport decision for him; because,
16 on one hand, he was telling us something that meant we
17 needed to transport him. And on the other hand, he
18 wasn't -- he wasn't agreeing to the ambulance.

19 And then at some point, again, in
20 closed-ended-question format, it switched to he wanted
21 the ambulance, but he was no longer committing to
22 feeling suicidal. And that was around the same time
23 that I was asking him about the meth use.

24 MR. VASQUEZ: Okay. Additional questions?

25 A GRAND JUROR: I have one. I -- I just

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1 want to make sure I'm hearing your testimony
2 correctly.

3 THE WITNESS: Yes.

4 A GRAND JUROR: You mentioned some odd
5 mannerisms, particularly with his phone, early on; and
6 then definitely some odd mannerisms while he was on
7 the stairs.

8 It is my understanding from your telling
9 that the whole, like, reaching for pockets or other
10 areas where items could be concealed doesn't start
11 until he is on the stairs, which is after he pokes his
12 head into his room; is that correct?

13 THE WITNESS: Correct. I don't remember --
14 before he was seated on the stairs, I don't remember
15 seeing him touching, or, for lack of better
16 terminology, like, fidgeting around the area of his
17 pockets and his waistline and the hem of his shirt. I
18 don't remember seeing that.

19 A GRAND JUROR: Okay.

20 THE WITNESS: I -- I remember seeing his
21 hands being committed to his phone. And then after he
22 went to the door of his room, after that I don't
23 remember seeing his phone. And that's -- and then
24 after that is when the odd mannerisms, as you put it,
25 began to occur around his waistline.

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1 A GRAND JUROR: Okay.

2 A GRAND JUROR: When -- when you -- so you
3 stated that he was kind of aggressive, not responding
4 positively to the police officers while he was still
5 sitting on the stairs.

6 Did you, yourself, ever ask, like, "Don't
7 touch your pockets," or, like, "Do you want to be pat
8 down?" or, "Are you okay with being pat down?" since
9 he responded positively to you?

10 THE WITNESS: Yes, yeah. So -- and -- and,
11 again, I -- I couldn't -- I couldn't tell you verbatim
12 what I was saying; but I tend to -- the way I tend to
13 operate when I'm trying to, you know -- for -- again,
14 for lack of a better phrase, playing good cop/bad cop
15 with -- with the police that are on scene 'cause they
16 often -- often get negative reactions.

17 A lot of times, what I try to do and what I
18 tried to do in this case was reiterate what the cops
19 are saying in different words in a different tone of
20 voice from a different person. A lot of times, it
21 just needs to be a different person.

22 And so when they were asking him to not
23 touch his pockets, I wasn't -- I wasn't asking him in
24 the same way, in -- in -- in as direct of a way. I
25 was kind of like how I -- how I mentioned that I tried

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1 to communicate with him why the police were there more
2 in, like, a -- more in, like, a -- a friend to a
3 friend type of demeanor, using phrases like, "Hey,
4 man," you know, stuff like that, just tried to
5 establish a patient rapport.

6 So -- so what I'm trying to say is, in very
7 different words than the police were using, yes, I did
8 try to reiterate that he needed to stop touching his
9 pockets, let them pat him down so that he could get in
10 the ambulance and not have to see the cops again,
11 right?

12 That's a -- that's often the strategy we use
13 when patients appear to not be enjoying the police
14 presence on scene, communicate with them exactly what
15 they need to do to no longer have to interact with the
16 -- with the police. And so that's what I was trying
17 to do, yes.

18 A GRAND JUROR: Okay.

19 A GRAND JUROR: And did he respond
20 positively or not at all to that?

21 THE WITNESS: Well, like I said, for a
22 while, he was turning fully, like, completely turning
23 his head and looking at me and at least responding in
24 short one-, two-word answers directly to what I
25 was asking or -- or telling him, which, to me,

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1 was positive.

2 For how that call had been going so far,
3 that was -- that was positive. At some point -- so a
4 lot of these questions and explaining to him what
5 needed to happen so he could go to the hospital, this
6 happened, like, four, five, six times.

7 I don't remember exactly how many times, but
8 it was very repetitive just trying to get him to
9 commit -- say the right thing, stand up, let them pat
10 him down and we're done. So questions happened over
11 and over and over in slightly different words from
12 different people.

13 And so, at some point in that process, he
14 stopped turning fully to me, stopped responding to me.
15 He might, like, look at me, but then look back at the
16 cops fairly quickly. And then I'd see that expression
17 change again.

18 And kind of like I testified before, right
19 before I started taking steps backwards is when I was
20 no longer getting any positive feedback from him,
21 physical, verbal, to what I was trying to accomplish.

22 A GRAND JUROR: What kind of expression
23 would you say that he had whenever he was looking at
24 the police officers?

25 THE WITNESS: He looked angry and something

Examination of Kevyn Smoot

1 that is similar to angry, but not the same as angry.
2 I don't -- I don't know if I can put my finger on it.
3 He looked -- I don't know how to describe it. Yeah.
4 I -- something beyond simple anger, I guess, is the
5 best way that I could describe it.

6 A GRAND JUROR: So before you --

7 THE WITNESS: Almost -- almost as if -- so
8 to completely use a different, like, analogy --

9 MR. VASQUEZ: Well, I --

10 THE WITNESS: -- maybe the way someone --

11 MR. VASQUEZ: -- Mr. -- Mr. --

12 THE WITNESS: -- would look at --

13 MR. VASQUEZ: It -- it's okay. I think you
14 answered the question.

15 THE WITNESS: Oh, yeah, absolutely.

16 MR. VASQUEZ: I think we've got --

17 THE WITNESS: (Indiscernible) --

18 MR. VASQUEZ: -- a lot of stuff to cover
19 today, so let's just make sure that we -- when we hear
20 the question, let's just focus on what the answer is
21 and just kind of get to it 'cause we're kind of
22 getting late into the lunch hour here.

23 THE WITNESS: Okay.

24 MS. SEELE: Are there -- are there very many
25 more questions? 'Cause, if so, we can break for lunch

1 and he can come back. Are there any other questions?

2 MR. VASQUEZ: Any other questions? Okay.

3 MS. SEELE: Okay. Thank you so much for
4 your time today, Mr. Smoot. We appreciate it.

5 MR. VASQUEZ: Thank you, sir.

6 THE WITNESS: Absolutely. Thank you for
7 having me.

8 MR. VASQUEZ: All right.

9 MS. SEELE: I didn't mean to cut off
10 questions. If you had more, it's totally fine. Are
11 you sure?

12 A GRAND JUROR: Yeah.

13 MS. SEELE: Okay.

14 MR. VASQUEZ: Okay. Yeah. I mean, some
15 witnesses as we -- well, we've got to go through,
16 we'll just make sure -- I want to make sure everyone
17 gets to answer -- ask all their questions.

18 Just when we're at the breaking point, I
19 also want to respect people's lunch hour, which we've
20 gone way into. So let's talk timing. We can go ahead
21 and turn the recording off.

22 * * *

23 (Noon Recess taken at 12:38 p.m.)

24

25

Examination of Sean Hurst

1 you in -- alone in a place with privacy?

2 A Yes. I'm in my office with the door closed.

3 Q Okay. Perfect. Can you go ahead and
4 introduce yourself to the grand jury? Tell them what
5 your position is and a little of your background?

6 A Sure. My name is Sean Hurst. I am the
7 chief medical examiner for the Oregon State Medical
8 Examiner's Office. My educational background is that
9 I attended Seton Hall University for my undergraduate
10 from 2003 to 2007. I graduated with a major in
11 biology and minors in chemistry and Japanese language.

12 From there, I attended St. George's
13 University medical school where I graduated with my
14 doctorate in 2011.

15 From there, I attended a four-year combined
16 anatomic and clinical pathology training program at
17 Saint Barnabas Medical Center in New Jersey, following
18 which I became board certified in both of those
19 specialties.

20 After that, I attended a one-year forensic
21 pathology training fellowship in Miami-Dade County in
22 Miami, Florida, following which I became board
23 certified in that specialty as well.

24 I worked for a few years on the west coast
25 of Florida in the Fort Myers and Naples area before

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1 moving here to Oregon. And here I was a deputy state
2 medical examiner for one year before moving into the
3 chief position. And I've been in that position for
4 approximately the last two years.

5 Q Okay. Thank you. What's the primary role
6 of a medical examiner?

7 A The role of a medical examiner is basically
8 summed up as a person who participates in death
9 investigations with the goals of determining cause and
10 manner of death in any particular death that fits
11 medical examiner criteria. And we do this in a number
12 of ways, which includes autopsy examinations.

13 Q So can you tell us the difference between
14 cause of death and manner of death?

15 A Sure. Cause of death is best defined as
16 basically the event that starts the process that
17 results in death, whereas manner of death is best
18 defined as a summary of the circumstances that
19 surround a death. So the options for manner of death
20 would be natural, accidental, homicide, suicide,
21 pending or undetermined.

22 Q Okay. And as part of that determination, do
23 you -- you mentioned autopsy. Do you receive
24 additional information in order to make that
25 determination?

Examination of Sean Hurst

1 A Yes.

2 Q As to --

3 A Generally --

4 Q -- manner of --

5 A -- case --

6 Q -- death.

7 A Oh, sorry.

8 Q Go ahead.

9 A I didn't mean to talk over you there.

10 Generally, cases are reported to us by county
11 investigators and then we use that information to
12 determine what additional steps need to be taken in
13 any particular case that's reported to us.

14 Q Okay. So I want to talk to you specifically
15 about Michael Townsend. And are you having trouble
16 hearing me?

17 A Yeah. I just turned up the -- the volume on
18 my speakers here.

19 Q Okay. I'm -- I'll try to speak more
20 directly to the speaker as well. So we're here about
21 the death of Michael Townsend. Did you perform the
22 autopsy on Mr. Townsend?

23 A Yes, I did.

24 Q And was that the day after he died on July
25 25th of 2021?

Examination of Sean Hurst

1 A Yes, I performed the autopsy on the 25th.

2 Q Okay. And can you briefly tell us kind of
3 the process in an autopsy?

4 A Sure. So our examination begins basically
5 when the body is brought to our facility. We'll check
6 the body in and start by doing any procedures that
7 need to be performed before we look at the body. So
8 in this particular case, that was radiology.

9 So we performed a full-body X-ray. From
10 there, we will generally examine the external aspects
11 of the body. So this includes documentation of the
12 clothing. This includes full photographs and this
13 includes the collection of any trace evidence that
14 might need to be collected from the body.

15 From there, we will remove the clothing and
16 then to -- begin to examine the external aspects of
17 the body. So this will include examination of any
18 injuries, any physical findings that may imply
19 underlying natural disease processes and any
20 identifying marks, such as scars and tattoos.

21 All of these actions will likewise be
22 accompanied by a full set of photographs of anything
23 that's of note. And then from there, we will move
24 into the internal examination of the body. And this
25 means that we examine each of the body's major organ

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1 systems. And the -- the goals are basically the same.

2 And we will document any injuries that
3 exist. We will document anything of note, which'll
4 include, you know, anatomical variants in terms of
5 normal anatomy as well as any natural disease that may
6 exist within the person.

7 And the internal examination may also give
8 us the opportunity to collect further evidence if
9 there are foreign objects that I -- in the body that
10 need to be collected and documented.

11 Q Okay. Thank you. So this is the process
12 you went through with Mr. Townsend?

13 A Yes.

14 Q And did you also get additional information,
15 such as his medical records and investigative
16 information?

17 A Yes. Generally, we are given access to a
18 county investigator report, which includes reference
19 to the decedent's medical records, social history and
20 things of that nature.

21 Q Okay. So what were your findings at autopsy
22 as to the cause of death?

23 A Okay. So in the autopsy, we identified two
24 gunshot wounds. These were the -- the major findings
25 on this particular case. And would you like me to --

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1 to go through the -- the injuries in both of those
2 gunshot wounds?

3 Q Yes, please.

4 A So the first gunshot wound involved the
5 abdomen. We had an entrance wound on the left side of
6 the abdomen and we observed that that gunshot wound
7 followed a course through the abdomen in which it hit
8 the small bowel several times as well as perforated
9 what's called the mesentery, which is the adipose
10 tissue within the abdomen that basically holds the
11 small and large intestine in place.

12 The second gunshot wound that we observed
13 entered in the left arm and traveled through the soft
14 tissues of the arm and continued into the chest. From
15 here, it passed through the heart as well as the
16 superficial part of the liver and the bullet came to
17 rest there within the soft tissues of the right side
18 of the chest.

19 Q Okay.

20 A And that bullet was recovered.

21 Q Okay. Thank you. Were -- was blood and
22 urine sent off to toxicology to look for controlled
23 substances and alcohol?

24 A In this case, we sent blood for toxicology.
25 Urine was not available.

Examination of Sean Hurst

1 Q Okay. And what did you -- what -- what were
2 the results?

3 A So the blood toxicology testing revealed the
4 presence of amphetamine and methamphetamine as well as
5 a trace amount of Olanzapine and ethanol and acetone
6 were not detected in this case.

7 Q So ethanol and acetone would be indicators
8 of alcohol; is that right?

9 A Ethanol would be, yes.

10 Q And what would acetone indicate?

11 A Acetone is an alcohol that can be produced
12 endogenously by a variety of processes, most commonly
13 complications of diabetes.

14 Q Okay. But neither of those were on board
15 for Mr. Townsend?

16 A Yes, they were not detected in this case.

17 Q And what is Olanzapine?

18 A Olanzapine is a commonly prescribed
19 antipsychotic medication.

20 Q Okay. So when you look at the levels of
21 methamphetamine, amphetamine and Olanzapine in Mr.
22 Townsend's system, does it tell you anything about his
23 level of intoxication?

24 A Yes. So the methamphetamine is present in a
25 concentration that is consistent with previously

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1 reported values in people that have exhibited the
2 known psychotropic effects of methamphetamine, so
3 these would include things like agitation,
4 hyperactivity, irrational and/or aggressive behavior
5 and increased heart rate.

6 Amphetamine is the -- basically the only
7 metabolite of methamphetamine and it's present in a
8 concentration that would imply that it's -- it's been
9 metabolized from methamphetamine. Olanzapine in this
10 case is detected at what's called the limit of
11 detection, so it's a very low level that would be
12 considered subtherapeutic.

13 Q Okay. So does that -- do those levels of
14 methamphetamine and amphetamine indicate a longer
15 course of toxicity or being -- being under the
16 influence?

17 A I -- I -- the -- the -- the half life of
18 methamphetamine is fairly long, so it's difficult to
19 say exactly how long it's been in the person's system.
20 But I would say that this is -- again, is a level
21 that's consistent with intoxication, but lower than
22 what we typically see, say, in fatal overdoses of the
23 same substance.

24 Q Okay. So you've talked to us about the
25 cause of death. Now, to determine the manner of

Examination of Sean Hurst

1 death --

2 A Yes. The manner of death in this case was
3 homicide.

4 Q Okay. So can you explain what that means as
5 you're talking about it from a medical examiner's
6 perspective?

7 A Sure. So from a medical examiner
8 perspective, the manner of death is really a vital
9 statistics measure that helps certain deaths be
10 classified in certain ways.

11 So when we use the word "homicide," all
12 we're basically saying is that the action of one
13 person caused the death of another person.

14 Q Okay. And so you don't take into account
15 any potential -- this is not a -- a verdict or a -- or
16 a crime assessment. It's simply one person caused the
17 death of another?

18 A Yes, exactly. Determining things like
19 culpability and things like that is beyond the scope
20 of what medical examiners do.

21 MS. SEELE: Okay. Anything else? You good?

22 So that's all the questions that I have.

23 Are there any questions from y'all?

24 A GRAND JUROR: So you said that you
25 recovered one bullet from his body?

Examination of Sean Hurst

1 THE WITNESS: Mm-hmm.

2 A GRAND JUROR: So was there an exit wound
3 for one of the other wounds, one of the other --

4 THE WITNESS: Yes. There was an exit wound
5 for the first gunshot wound that I described of the
6 abdomen. And you're right. I apologize for not
7 specifying that that bullet exited the body, but it
8 did.

9 A GRAND JUROR: Okay.

10 A GRAND JUROR: And you can feel free to
11 repeat this if you can't hear me very well. You
12 mentioned the antipsychotropic -- I apologize. I'm
13 not a doctor.

14 MR. VASQUEZ: Psychotic.

15 A GRAND JUROR: Antipsychotic. Is that
16 something -- you said it was at a nontherapeutic
17 level, but you also mentioned you may have had access
18 to the deceased's medical records.

19 Were they previously prescribed either
20 something that would have given him -- given him cause
21 to have that in their system?

22 THE WITNESS: I'm sorry, what was the
23 question again? I couldn't quite make out the last
24 part of that.

25 MS. SEELE: So --

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1 A GRAND JUROR: Is -- oh, go ahead.

2 BY MS. SEELE:

3 Q I'll repeat it for you, Dr. Hurst.

4 A Thank you.

5 Q The -- the questions is, when we find the
6 level of Olanzapine in Mr. --

7 A Mm-hmm.

8 Q -- Townsend's system, it's a low amount, as
9 you indicated, the lowest detectable amount. Is there
10 something in Mr. Townsend's medical history that would
11 indicate that that -- that an -- an antipsychotic drug
12 had been prescribed for him in the past?

13 A Yes. So he had been diagnosed with a number
14 of psychiatric disorders, which included
15 schizoaffective disorder, depression, anxiety and
16 substance use. And Olanzapine would be a medication
17 that would be indicated for the treatment of
18 schizoaffective disorder.

19 MS. SEELE: Okay. Did you want me to -- do
20 you want this in evidence?

21 All right. Other questions?

22 Did I get your question right, by the way?

23 A GRAND JUROR: Yes.

24 MS. SEELE: Okay.

25 A GRAND JUROR: Thank you.

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1 MS. SEELE: Okay. Thank you so much. Thank
2 you for being here today. We appreciate it.

3 A GRAND JUROR: Thank you.

4 THE WITNESS: All right. You're welcome.
5 Have a good day, everybody.

6 A GRAND JUROR: Thank you.

7 A GRAND JUROR: Thank you.

8 MR. VASQUEZ: Thank you, Dr. Hurst. I
9 appreciate it.

10 THE WITNESS: Of course.

11 MR. VASQUEZ: Okay. I'm going to go see if
12 our -- if our AMR witnesses are here and -- and then
13 we will go from there. I'm going to just get this
14 going back (indiscernible) because I think we have
15 maybe one more that may be joining us here, so keep
16 that ready.

17 MS. SEELE: Do you --

18 THE WITNESS: All right.

19 MS. SEELE: -- have a question?

20 A GRAND JUROR: Yeah, quick question. Just
21 -- I didn't -- I didn't really think about -- and this
22 is on the record. That's -- that's fine.

23 MS. SEELE: Okay.

24 A GRAND JUROR: Have we yet determined
25 whether or not the police knew the identity of the

Examination of Anton Svidenko

1 individual when they arrived? My recollection is they
2 did not know who this individual was until later.

3 MS. SEELE: We will hear evidence about
4 that, so --

5 A GRAND JUROR: Okay.

6 MS. SEELE: -- both -- well, so certainly
7 Officer Emmons will be one of the witnesses that will
8 talk about that.

9 A GRAND JUROR: Okay. Thank you.

10 MR. VASQUEZ: All right. We'll have you go
11 ahead and raise your right hand and you're going to be
12 given the oath here.

13 ANTON SVIDENKO

14 Was thereupon called as a witness; and, having been
15 first duly sworn, was examined and testified as follows:

16 A GRAND JUROR: Thank you.

17 MR. VASQUEZ: Okay. Would you start off by
18 telling us your first and last name, please.

19 THE WITNESS: My name is Anton. And my last
20 name is Svidenko.

21 EXAMINATION

22 BY MR. VASQUEZ:

23 Q Okay. And how are you employed, sir?

24 A I am a junior paramedic for Multnomah County

25 AMR.

Examination of Anton Svidenko

1 Q Okay. And I -- I want to make sure I have
2 your name spelled correctly. Could you tell them and
3 -- to me so I can make sure I get them correct?

4 A Yeah. It's S-v-i-d-e-n-k-o.

5 Q Okay. First is A-n-t-o-n?

6 A Yep.

7 Q Perfect. All right, sir. So you're -- you
8 -- do you -- how long have you been working in this
9 capacity?

10 A Ah, it's been a year and a couple months
11 maybe.

12 Q Okay. And do you work with a partner or
13 with other paramedics?

14 A Yes. I work with my partner,
15 Russell Cooley --

16 Q Okay.

17 A -- currently.

18 Q And do you guys -- are you in kind of what,
19 in my mind, I think of as a standard ambulance that
20 you drive around?

21 A Yes. We are a paramedic AOS unit for
22 Multnomah County.

23 Q And are you assigned to a specific area of
24 town or something like that?

25 A Yes, absolutely. We are assigned to

Examination of Anton Svidenko

1 Multnomah County. We are responding to every 9-1-1
2 call in that specific region.

3 Q Okay.

4 A Depending on where we're located.

5 Q So you can just basically be dispatched to
6 various locations?

7 A Absolutely.

8 Q Okay. And -- and just briefly tell me a
9 little bit about your training and background that you
10 go through to become a paramedic, please.

11 A Yes. So I went to Portland Community
12 College to get my EMT license and then further on, I
13 got my paramedic license. And then I went to get my
14 internship in Clackamas County and afterwards,
15 completing my internship, I've been hired at Multnomah
16 County AMR.

17 Q Okay. And so you were working back on
18 June 24th of this year?

19 A (No audible response.)

20 Q And I see you shaking your head up and down.
21 That's a yes?

22 A Yes, yes.

23 Q Sorry. We're -- just 'cause we have the
24 recording. And, again, you were working with your
25 partner, Russell Cooley?

Examination of Anton Svidenko

1 A Yep.

2 Q And did you guys have an additional person
3 with you that -- that day?

4 A Yes, our intern, David Pervere.

5 Q Okay. And does Mr. Pervere, he -- does he
6 just ride around with you guys and basically learn on
7 the job type of situation?

8 A Yes.

9 Q Okay. And did you receive a dispatch to go
10 to the Motel 6 in the Lloyd District on Holladay?

11 A Yes.

12 Q Okay. And just tell us briefly kind of what
13 you knew going into that and then what you -- what you
14 observed when you got there.

15 A So we'd gotten a -- dispatch notes for -- so
16 we were requested by police to respond to the Motel 6
17 Code 3. And there was site call. In the notes, one
18 of the things that we noticed was that the patient had
19 the screwdriver.

20 Q Okay.

21 A But he hid it. That's what it said. So it
22 was -- that's something that caught us -- caught our
23 attention.

24 Q Okay. When you arrived on scene, did you
25 observe -- or what -- what -- what'd you see when you

Examination of Anton Svidenko

1 got there?

2 A So we arrived on scene and the first thing
3 we saw was the -- one of the firefighters told us that
4 we can clear. The -- the patient refused transport to
5 the hospital. But as soon as we were speaking with
6 the firefighter, we noticed the patient who was
7 sitting at the -- on the staircase, he started to wave
8 us back to -- so he started calling us back.

9 So we -- we disregarded a firefighter's
10 comments and we grabbed our gear and went to --
11 towards the patient along with the firefighters and
12 police department.

13 Q Okay. And so when you arrived initially on
14 scene, though, you weren't the people to have first
15 contact with this individual; is that right?

16 A Can you repeat that?

17 Q Yeah. So when you -- when you guys pulled
18 up in the ambulance, were the firefighters and the
19 police already there?

20 A Yes, yes.

21 Q Okay. And were -- were they already talking
22 with the patient?

23 A Yes.

24 Q Okay. So then -- now, let's get back to
25 where we were, which was you -- you guys grab your

Examination of Anton Svidenko

1 gear and you're coming back towards the patient.

2 A Yes.

3 Q Where does this conversation occur?

4 A Yes. So we grabbed our gear. So it was my
5 call. I went toward the patient with my intern. And
6 my partner stayed back and kind of observed the scene.

7 And so I went closely towards the patient
8 and I was standing next to the -- the pole on the
9 right side of the patient under the balcony. And I
10 was just observing what the firefighter and the police
11 officer were speaking to him.

12 Q Okay. Tell us a little bit about kind of
13 how that conversation was going and what happened.

14 A Yeah. So -- so when we were there, we were
15 kind of towards the end of the whole situation. And
16 the things that I just noticed was that the patient
17 kind of had this kind of, like, flat affect to him,
18 kind of diminished facial expressions, kind of low
19 energy. I knew it was kind of, like, down.

20 And the firefighter and the police officer
21 -- the police officer were trying to ask the patient
22 for them to pat him down for any dangerous objects or
23 weapons in order for him to be transported to the
24 hospital with us.

25 Q Okay.

Examination of Anton Svidenko

1 A And the firefighter was trying to speak to
2 the patient regarding his -- his experience. And I
3 was just observing.

4 Q Mm-hmm.

5 A And, yeah.

6 Q So as they're asking him to -- first, do you
7 know why it is that they're asking him about weapons
8 and patting him down and things of that nature?

9 A Yeah, yeah. Yeah. 'Cause in the notes, it
10 said something about the screwdriver, so we were -- we
11 wanted to make sure that he was unarmed and safe for
12 us to communicate, assess and evaluate the patient.

13 Q And are you comfortable transporting a
14 patient who hasn't been -- and I'm just talking in
15 general terms -- who just hasn't been patted down?

16 A Absolutely no.

17 Q Okay. So is that something that's pretty
18 standard then?

19 A Yeah.

20 Q Okay. So as they're having this
21 conversation, what -- what's -- what is this
22 individual -- what -- what's going on with him? You
23 said he's a little bit down. Is he -- is he answering
24 questions? Is he -- is he getting upset? Is he
25 staying the same? What -- what -- what's he like?

Examination of Anton Svidenko

1 A Yeah. So, once again, it was, like, low
2 energy from him and he kind of seemed, like, there was
3 just a lot of things going on in his mind.

4 Q Okay.

5 A And -- but he was answering the questions
6 that the fire medic was asking him --

7 Q Mm-hmm.

8 A -- and the police officer. And it was just
9 -- he was very indecisive and just --

10 Q Okay.

11 A -- that was kind of his behavior.

12 Q Was there a lot of discussion about, you
13 know, "Do you want to go to the hospital? Do you want
14 to stay?" Was that the type of discussion?

15 A Yeah, yeah, yeah. It -- it was just
16 repeating discussion and back and forth and it was --

17 Q Okay.

18 A -- just --

19 Q And what about when there was a discussion
20 about patting him down? How did he react to that?

21 A Let's see. So from what I can remember, he
22 was -- so when the -- the question was been given to
23 him regarding that, he was kind of not answering it.

24 Q Mm-hmm.

25 A And kind of declining it and just kind of

Examination of Anton Svidenko

1 avoiding that question, as far as I can remember.

2 Q Okay. And at some point in that
3 conversation then, is it decided that, basically, he's
4 either not going to comply or doesn't want to go to
5 the hospital or whatever and that the -- that the
6 police and everyone's going to leave?

7 A Yeah. So he just -- he did not want to be
8 patted down. And then as a result, he just declined
9 transportation to the hospital.

10 Q Okay. And so with that decline, what
11 happened after that?

12 A Yeah. So -- so the police and the fire
13 medic, they were trying to back off and deescalate and
14 kind of fulfill his wishes of, like, "Okay. So if you
15 don't want to get patted down" -- because in order for
16 him to be transported to the hospital, he needs to be
17 patted down --

18 Q Mm-hmm.

19 A -- for weapons, et cetera. He declined
20 that. He also kind of stated nonverbally and verbally
21 that he does not want to be transported. So, at that
22 point, the -- the fire -- the firefighters and the
23 police officers started to back -- back out from the
24 patient.

25 Q Mm-hmm.

Examination of Anton Svidenko

1 A And, yeah. Does that --

2 Q Exactly.

3 A -- answer your question?

4 Q So what -- so then you say he's kind of down
5 and low energy. Does something change at that point?

6 A Yeah. So as -- as the police officers and
7 fire medics were backing out, I was -- I was still
8 watching. I did not move. I was still watching the
9 patient 'cause there was a -- a lot of red flags.

10 And -- and as soon as they were backing --
11 backing off from the patient, he kind of -- I saw his
12 muscular tone. He kind of got a little tense and he
13 looked at the police officer, Curtis Brown --

14 Q Okay.

15 A -- if I recall correctly. And he looked at
16 him like he -- he wanted to do something for --
17 towards him.

18 Q Okay.

19 A And -- and he reached for his left pocket.
20 And as soon as he reached for his left pocket, that's
21 when I immediately knew, like, it's not a safe scene
22 to be in.

23 Q Okay.

24 A And -- but before that, during the
25 conversation, he repeatedly tried to reach for that

Examination of Anton Svidenko

1 left pocket.

2 Q Were the police instructing him not to do
3 that?

4 A Yes. He -- they were -- repeatedly told
5 him, "Don't reach. Stop," and he obeyed. But as soon
6 as they were backing off and trying to clear the
7 scene, he reached for that left pocket, tensed his
8 muscles. And that's when the pointy, sharp object was
9 revealed.

10 Q Okay.

11 A It was a screwdriver.

12 Q Okay. And -- and so that gets revealed and
13 then what do you do?

14 A What I do is as soon as he reached for that
15 left pocket -- as soon as he reached for that left
16 pocket, I immediately knew what's going to happen.
17 And I looked towards my intern and I start kind of
18 telling him to -- "We got to move," start pushing out
19 the way. And -- and -- because I was literally behind
20 the patient.

21 Q Mm-hmm.

22 A I -- I was in a dangerous spot.

23 Q And what -- what -- what did you think was
24 going to happen when he reached into his pocket?

25 A I mean, I did not want to be in the position

Examination of Anton Svidenko

1 where I was.

2 Q Okay.

3 A We had to be in a safe spot.

4 Q Were you concerned -- obviously, it sounds
5 like you were concerned for your safety.

6 A Absolutely.

7 Q Were you concerned for the firefighters'
8 safety, the officer's safety and Mr. Townsend's
9 safety? What -- what was your concern?

10 A I was concerned for the safety of everyone.

11 Q Okay. Okay. And let -- let me just back up
12 a little bit. Before that comes out, it sounds like
13 there were some commands, but how was the conversation
14 going? Was it -- was it out of the ordinary? Was it
15 -- in other words, do you -- you were -- have you --
16 you've responded to other psychiatric calls, right?

17 A Yes.

18 Q Were the officers, you know, in any way
19 antagonizing him or doing anything that would anger
20 him?

21 A No, no. No. Absolutely no.

22 Q Okay.

23 A The officers were trying to help the patient
24 out and they were trying to deescalate the situation
25 as -- as much as they could.

Examination of Anton Svidenko

1 Q Okay. All right. And you -- you said that
2 once the -- the object came out, that you -- you
3 started to move. Did you see when the shooting took
4 place?

5 A Yes.

6 Q Okay. What happened?

7 A So, yeah, the object came out. I
8 immediately started to kind of push my intern out the
9 way and told him to -- "Let's move out the way."

10 Q Mm-hmm.

11 A Start to kind of run. And we hid behind --
12 behind the -- the vehicles and the pole. And I kind
13 of took a peek of what's about to happen. And in that
14 moment, there was just -- everything was just so fast
15 that it was really fast.

16 Q What did Mr. Townsend do? The -- the
17 individual, the -- the patient.

18 A Yeah, yeah. So, yeah. As soon as he got
19 the -- the screwdriver out, as has been revealed later
20 on, he -- he started to kind of slowly leap, leap,
21 leap and then towards the -- towards the end, he -- he
22 jumped towards the officer with that object in his
23 left hand.

24 Q Okay. And you're kind of holding it up,
25 like, by your face. Is that how he was positioning

Examination of Anton Svidenko

1 it?

2 A Yeah. He was -- he was -- he was kind of --
3 he was holding the screwdriver in his left hand like
4 he's about to stab someone and he was looking at the
5 officer. And that final leap that he did, he kind of
6 punched sideways and that's when he got shot twice to
7 the left axillary -- (indiscernible) axillary and
8 left-lower abdomen.

9 Q Okay. After the shots were fired, did you
10 go and get things like a stretcher or medical
11 equipment and stuff --

12 A Yes.

13 Q -- like that?

14 A Absolutely.

15 Q And then was it just a short time after that
16 that you -- that the scene was made safe and you guys
17 started providing emergency care?

18 A Yes. So -- so as soon as the shots were
19 fired, a lot of people on the balcony came out and the
20 scene was very -- it wasn't -- there was just too many
21 people and who knows if it was safe or not, but we --
22 as soon as the fires -- the shots were fired, we
23 walked towards the ambulance, got the stretcher and
24 retreated to the safe spot for us to evaluate if the
25 scene is safe.

Examination of Anton Svidenko

1 Q Mm-hmm.

2 A Because there was a lot of people outside.

3 Q Okay. Did the officers then move forward
4 and make the scene safe around the patient?

5 A Yes.

6 Q Okay. And then, at that point, did you move
7 forward to help provide medical care?

8 A Yes.

9 Q And then, eventually, did you transport the
10 individual to the hospital?

11 A Yes.

12 Q And what's the nearest hospital to that?

13 A Emanuel.

14 Q Okay. And how -- how far away is that?

15 A That was, like, five minutes away.

16 Q Okay. And during that time, were you
17 providing -- rendering --

18 A Yes.

19 Q -- emergency aid? Okay. Did the patient
20 make it to the hospital?

21 A Unfortunately, no. Due to the given
22 injuries, it's -- no.

23 Q Okay. Okay. I think those are the
24 questions -- let -- let me ask you one last one. When
25 he was -- once he pulled out that screwdriver or

Examination of Anton Svidenko

1 immediately before, did you hear this individual, the
2 one with the screwdriver, say anything?

3 A No. It was just a lot of tensing and he had
4 the clear ambition --

5 Q Okay.

6 A -- of hurting the officer in front of him.

7 Q Okay.

8 A We all yelled, "Stop." He did not obey. He
9 just continued to plunge towards the officer.

10 MR. VASQUEZ: Okay. Any additional
11 questions?

12 Go ahead.

13 A GRAND JUROR: So were you in the back of
14 the ambulance or were you --

15 THE WITNESS: Yes.

16 A GRAND JUROR: -- driving? So you were in
17 the back? Did he say anything to you?

18 THE WITNESS: No.

19 A GRAND JUROR: Okay.

20 THE WITNESS: He was deteriorating really,
21 really, really fast.

22 A GRAND JUROR: Okay.

23 A GRAND JUROR: One other quick question.

24 When he was moving towards the officer, you just
25 stated that you guys were telling him -- multiple

Examination of Anton Svidenko

1 people were telling him to stop. Did you hear if
2 Officer Brown said anything particularly to him or he
3 said anything particular to Officer Brown?

4 THE WITNESS: In that moment, it was just
5 such a short time frame and just it was super fast. I
6 was -- I told specifically -- I yelled, "Stop." I
7 heard one of the firefighters yell, "Stop." And the
8 -- the officer that was -- literally had a threat in
9 front of him, he had to be focused on the threat.

10 A GRAND JUROR: Gotcha.

11 THE WITNESS: And --

12 MR. VASQUEZ: Okay.

13 THE WITNESS: -- it's a very --

14 A GRAND JUROR: Yeah.

15 THE WITNESS: -- tense situation.

16 MR. VASQUEZ: All right. All right. Thank
17 you, sir. I appreciate it. Those are all the
18 questions we have.

19 A GRAND JUROR: Thank you.

20 THE WITNESS: Thank you.

21 MULTIPLE GRAND JURORS: Thank you.

22 (Whispered discussion, off the record,
23 2:09 p.m.)

24 MR. VASQUEZ: All right. We're going to
25 have you --

1 A GRAND JUROR: Okay. We need to --

2 MR. VASQUEZ: -- come and --

3 A GRAND JUROR: -- take a quick --

4 MR. VASQUEZ: Oh, quick --

5 A GRAND JUROR: -- (indiscernible).

6 MR. VASQUEZ: -- quick bathroom break?

7 A GRAND JUROR: 30 seconds.

8 MR. VASQUEZ: All right. Go right ahead.

9 And, Ms. (Indiscernible), do you want to
10 pause that?

11 (Recess taken, 2:10 p.m. - 2:12 p.m.)

12 MR. VASQUEZ: All right. Sir, if you would
13 raise your right hand for us.

14 **DAVID PERVERE**

15 Was thereupon called as a witness; and, having been
16 first duly sworn, was examined and testified as follows:

17 A GRAND JUROR: Thank you.

18 MR. VASQUEZ: All right. Well, if you'd
19 start off by telling us your first and last name,
20 please.

21 THE WITNESS: So my first name is David;
22 last name is Pervere.

23 MR. VASQUEZ: And can you spell that?
24 'Cause I want to make sure I have it spelled
25 correctly.

Examination of David Pervere

1 THE WITNESS: Yes. So last name is spelled
2 P as in Peter, e-r, v as in Victor, e-r-e.

3 EXAMINATION

4 BY MR. VASQUEZ:

5 Q And how are you employed, sir?

6 A So I am actually in my internship. I am a
7 paramedic student. So during this portion of my
8 schooling is I have to gain experience out in the
9 field.

10 So I'm not technically employed by AMR, but
11 that is who I'm -- AMR Multnomah County is who I'm
12 doing my internship through. I'm affiliated with
13 College of Emergency Services, is my school.

14 Q Okay. So this is all part of your process
15 in -- in how you one day become a paramedic?

16 A Yes. This is the final -- final bit that I
17 have to do.

18 Q And do you -- in this particular role, do
19 you -- when you say you go out in the field, is that
20 with one team of paramedics or do you go with
21 different ones? How does that work?

22 A So I'm assigned one preceptor. My
23 preceptor's Russell Cooley. And so I work with
24 primarily Russell. And Anton, who you just spoke to,
25 has been Russell's paramedic partner, so it's just the

Examination of David Pervere

1 one ambulance that I'm on.

2 Q Okay. And how long have you been doing that
3 for?

4 A I started -- I don't know the exact date,
5 but it would have been one to two weeks before this
6 incident that I started.

7 Q Okay. So we're going to be talking about
8 June 24th. So you're saying it was a week or two
9 prior to that?

10 A Yes.

11 Q Okay. And is this, like -- I mean, are you
12 there for a couple hours a day or is this -- are you
13 doing 40 hours a week? Give me just an understanding.

14 A So I work as many hours as I can. So I work
15 for the full 12-hour shifts that is the normal
16 length --

17 Q Mm-hmm.

18 A -- for an AMR employee. And then they work
19 normally four shifts on and then they have four days
20 off, so I try to work as many as I can. There's not a
21 set requirement because I do -- I'm employed
22 elsewhere, so I have to mix it with that.

23 Q Oh.

24 A But -- so I work as much as possible.

25 Q Okay. And have you, in -- in that

Examination of David Pervere

1 experience, been to other calls that involve either
2 someone who was experiencing a mental health crisis or
3 one that was under the influence of a controlled
4 substance?

5 A I have.

6 Q Okay. And so this wasn't necessarily a new
7 call for you this --

8 A No.

9 Q Okay. So on June 24th, you were riding with
10 Mr. Cooley and Mr. Svidenko. What was kind of -- when
11 you guys arrived on scene, what did you see?

12 A So when we arrived on scene, fire and police
13 were already on scene before us and the patient was
14 actually already walking away 'cause we had been
15 dispatched to a suicidal intentions and also mentioned
16 just the use of drugs. And so the individual was
17 already walking away.

18 And the police and fire had told us that the
19 patient was, at this time, denying medical needs, so
20 that -- we were actually going to clear and be
21 available again for another call, is when we initially
22 arrived.

23 Q What caught your attention that -- that it
24 wasn't going to clear and you needed to come back?

25 A So I had actually stepped back into the

Examination of David Pervere

1 ambulance so, that way, we could clear. And then we
2 were -- I didn't see the individual, but they had
3 gained the attention of either police or fire and
4 wanted us to come back 'cause they were reconsidering
5 wanting to go to the hospital with us.

6 Q Okay. And so on this recontact, where did
7 you go?

8 A So I was probably about ten -- eight to ten
9 feet in front of the patient. He was, at this time --
10 my first interaction with him was when he was sitting
11 on the staircase at the bottom. And I was standing
12 back and that was my first interaction with him.

13 Q Okay. And did you end up talking to him
14 at all?

15 A I did not. No, I was -- I -- I was --
16 mostly police and fire were talking to the patient at
17 this time. I was listening in.

18 Q Okay. And -- and from your kind of vantage
19 point, what -- what did you see transpiring kind of at
20 the bottom of that staircase? What was happening?

21 A It was -- at first, he wasn't giving a
22 definitive if he wanted to go or not to go.

23 Q Mm-hmm.

24 A And so most of the conversation at this time
25 was police and fire telling him that we were available

Examination of David Pervere

1 to take him, but in order to go to the hospital, it is
2 procedure to just go ahead and do a patdown just to
3 make sure that there's no weapons on the individual.
4 And since it's not a very large space in the back, we
5 don't want anything going on.

6 And so they were saying, "You're able to go.
7 We just have to do this. If you want to stay home,
8 you're more than able to stay here. It's -- your
9 medical decision is up to you," 'cause, at that time,
10 he had full cognitive awareness of making his own
11 medical decisions.

12 And so it was that conversation, but he was
13 not really assertive if he wanted -- he wasn't giving
14 a yes or no if he wanted to be transported or not.

15 Q Okay. And how was he responding kind of to
16 the questions or the requests to patdown?

17 A At first, he was calm and the police were
18 calm with him, too. They were just -- they were
19 standing much closer to him and just -- but after a
20 while, he started looking to become more antsy and
21 that's when he started patting at his pocket.

22 And that's kind of when things just, at
23 least for his body demeanor, kind of escalated and
24 looked more tense, is when he started patting his
25 pocket.

Examination of David Pervere

1 Q Okay. And so as he's patting his pocket,
2 how many times do you see him kind of do that?

3 A He's doing it three or four times. He's
4 constantly putting his hand down, acting like he's --
5 he's not putting his hand in the pocket, but kind of
6 going on the outside like he's trying to grab at
7 something.

8 At this time, the police officers do take
9 just a step back and they just tell him, "Sir, we're
10 going to have to have -- like, we can't have you
11 putting your hands in pockets at this time. You need
12 to -- can you please stop doing that?" But then he
13 just continues it about three more times after the
14 initial.

15 Q Okay. And -- and so, like, once this is
16 happening, what do the officers do and then what
17 happens next?

18 A So after he continues to pat, the officers
19 continue to tell him the, "Sir, we need you to stop.
20 We can't have your hands in the pockets." And they
21 take another step back.

22 And, finally, the patient just -- he becomes
23 really tense and starts just flexing and tensing up.
24 And that's when he actually puts his hand in the
25 pocket and pulls out what looks kind of like a

Examination of David Pervere

1 sharpened screwdriver.

2 And the police then -- everyone at this
3 point, even police, too, we just start taking steps
4 back, removing ourselves further away from -- gaining
5 more distance from him. And that's when the -- I was
6 going back towards the ambulance, back towards my rig
7 in a backwards direction.

8 But the individual just kind of keyed in on
9 the police officer, pulled the screwdriver out and
10 started making his way towards the police officer as
11 they were retreating back towards their vehicles.

12 Q Okay. And do you hear him saying anything
13 during this time?

14 A No, he -- I did not hear any words from the
15 patient at this time.

16 Q Are other people saying things to him?

17 A The police are the only ones that are saying
18 things at this point, telling him to put down the
19 weapon.

20 Q Okay. And -- and do you actually see the
21 shots get fired?

22 A I saw the second shot be fired.

23 Q Okay.

24 A I had -- and how the parking lot was
25 situated, I was kind of coming around the vehicles

Examination of David Pervere

1 making my way back towards the ambulance. So the
2 first shot, I heard, but then by the time I made my
3 way around the vehicle, I didn't see the patient, but
4 I did see the officer and so I saw the second shot.

5 Q Okay. And then did you or the other
6 paramedics and fire then go in and render aid a short
7 time later?

8 A Yes. So we -- after the shots were fired, I
9 immediately, along with, I believe, Russell and Anton,
10 we went back to the ambulance to start to get our
11 stretcher and just the immediate supplies that we
12 needed.

13 Fire went -- they already had their kits on
14 scene. And so we -- first the officers had to clear
15 the scene, as with any incident that happens with
16 shots fired. It needs to be deemed safe.

17 And so once they immediately saw -- and this
18 happened within seconds. We went ahead and brought
19 our equipment in and quickly loaded him onto our
20 stretcher and into the back of the ambulance and
21 immediately departed for the hospital.

22 MR. VASQUEZ: Okay. I don't have any
23 additional questions. Does anyone else have any
24 questions?

25 Okay. All right. Thank you, sir.

Examination of David Pervere

1 THE WITNESS: You're very --

2 MR. VASQUEZ: Appreciate it.

3 THE WITNESS: -- welcome.

4 A GRAND JUROR: Thank you.

5 A GRAND JUROR: Thank you.

6 MR. VASQUEZ: All right.

7 (Whispered discussion, off the record,
8 2:22 p.m.)

9 MR. VASQUEZ: Come on in. And I'll get
10 that. Don't worry about it.

11 THE WITNESS: Okay.

12 MR. VASQUEZ: Go ahead and have a seat and
13 raise your right hand for us, please.

14 THE WITNESS: Yes.

15 **RUSSELL COOLEY**

16 Was thereupon called as a witness; and, having been
17 first duly sworn, was examined and testified as follows:

18 MR. VASQUEZ: Okay. Sir, if you would
19 please start by telling us your first and last name.
20 And you can put your hand down.

21 THE WITNESS: Okay. Mask on or off?

22 MR. VASQUEZ: Please -- I think we do on
23 for --

24 A GRAND JUROR: Keep it on.

25 A GRAND JUROR: Yeah.

Examination of Russell Cooley

1 THE WITNESS: Okay. Russell Cooley. And I
2 am a paramedic with AMR, contracted by Multnomah
3 County EMS.

EXAMINATION

4
5 BY MR. VASQUEZ:

6 Q Okay. How long have you been a paramedic
7 for?

8 A 20 years.

9 Q Okay. And so my understanding is that you
10 work in kind of a two-man car and your partner is Mr.
11 Svidenko?

12 A Yes.

13 Q Okay.

14 A Anton, yeah.

15 Q And that also sometimes you guys have
16 interns with you; is that right?

17 A Yes.

18 Q And back in June of this year, you guys had
19 an individual -- an intern with you by the name of
20 David; is that correct?

21 A David Pervere. That's correct.

22 Q Who we -- who we just heard from.

23 A Right.

24 Q Okay. So 20 years. I'm not going to go
25 through all your experience 'cause I'm going to assume

Examination of Russell Cooley

1 you've responded to thousands of calls.

2 A It would take forever.

3 Q Yes.

4 A Yeah.

5 Q So thousands of calls. I -- and am I
6 correct to say that you have responded to probably
7 hundreds upon hundreds of psychiatric patients that
8 are in crisis?

9 A Yeah, that's fair.

10 Q Okay. And so going into this particular
11 call, what did you -- what'd you know about this call?

12 A I knew very little. I was just walking
13 through -- this is our first case of the night, so we
14 just -- we just got into the system.

15 Q Mm-hmm.

16 A So we hit a button and we -- and we come
17 live and into the -- the CAD, if it were. And just up
18 the street, it was a behavioral thing, so we respond.
19 Fire and police were there first. Pulled up and Anton
20 was driving. I was the passenger. David's in the
21 back.

22 So I hopped out first because Truck 13 was
23 kind of walking towards me. So I hop out and was
24 like, "Hey, what's up?" They were like, "Hey, I think
25 we're going to cancel," and I was like, "Oh, okay."

Examination of Russell Cooley

1 Okay. Cool." And we'll be off on our way. So -- but
2 we're kind of stuck, so we couldn't really go
3 anywhere. We couldn't back up. We couldn't go
4 forward.

5 And then police kind of motioned them to
6 say, "Hey, hold up." And then the Truck 13 crew said,
7 "Hey, just kind of stand by for a sec." They're like,
8 "Hey, they may want you." So they reengaged. And I
9 -- to the life of me, I don't know why.

10 Q Was it because they were attempting to try
11 to get him to a hospital?

12 A I have no idea.

13 Q Okay.

14 A So this -- because they were there long
15 before we were.

16 Q Got you.

17 A Okay. So we're coming in late, so we have
18 very little information. No facts, no contact. So
19 I'm just kind of sitting back and I'm watching the
20 behavior. He's kind of going up and down the stairs
21 and walking back and forth. And I'm, like, thinking
22 to myself, like, why are we here?

23 Q And when you're referring to the behaviors,
24 are you talking about the patient?

25 A Yeah. Which would have -- which, what I

Examination of Russell Cooley

1 assumed, yeah --

2 Q Yeah.

3 A -- which --

4 Q But then when --

5 A -- ultimately came --

6 Q Yeah.

7 A -- ultimately came to be.

8 Q Yeah.

9 A So -- and I had no idea that -- what
10 transpired beforehand, that there was a fight in the
11 parking lot. All that stuff came afterwards.

12 Q Well, I don't know any information about a
13 fight. Did you observe a fight?

14 A No.

15 Q Okay. So is that --

16 A That's all in the call notes.

17 Q Okay. Oh, I see. That -- that was through
18 the call notes?

19 A Yeah. That's probably how police got
20 dispatched.

21 Q Okay. And is that in part because the call
22 notes are based upon some of the 9-1-1 -- what --
23 what's being said through the 9-1-1 and that's put
24 into the --

25 A Yeah.

Examination of Russell Cooley

1 Q -- (indiscernible)?

2 A Yeah.

3 Q Okay. I gotcha. All right.

4 A Yeah.

5 Q And then --

6 A So that's probably ultimately how they
7 arrived.

8 Q Okay. So --

9 A 'Cause you can go back and you can -- you
10 can look into that.

11 Q Okay. So then once you are there, where --
12 where are you positioned as they are talking to -- to
13 this individual?

14 A Okay. So I don't know if you're familiar
15 with the property.

16 Q And we've seen -- we have overhead photos
17 and photos of it --

18 A Have you --

19 Q -- so we've seen --

20 A You've -- you've seen video?

21 Q -- we've seen that.

22 A Okay. So, obviously, I'm the person that's
23 sitting -- Police Car No. 2, I'm sitting on the front
24 bumper.

25 Q Okay. You're the one that's sitting on the

Examination of Russell Cooley

1 front bumper?

2 A Yeah.

3 Q Okay. So you have a little bit -- a little
4 bit -- you're not right in the mix of --

5 A Yeah.

6 Q -- the action?

7 A I cannot hear anything. I'm --

8 Q Right.

9 A -- simply observing because, initially,
10 we're going to be canceled and so I'm sitting back and
11 I'm watching the interaction. I'm evaluating our
12 student.

13 Q Okay. So from what I understand, your
14 vantage point, you can't hear what's being --

15 A Nope.

16 Q -- said, but can you see people's reactions
17 and see kind of as things unfold?

18 A Yes.

19 Q Okay. So let's go -- let -- let's -- let's
20 talk a little more about that. At some point, it
21 sounds like everyone's kind of talk -- around them
22 talking. You can't hear, but they are around him
23 talking?

24 A Yeah.

25 Q And then do you see them start to back away?

Examination of Russell Cooley

1 What do you see?

2 A Yeah. So I'm sit -- I -- I'm watching and
3 the guy's sitting on the -- the stair step. And then,
4 like, when they said, "Okay. Hold on now. We're
5 going to reengage." So the police officer is
6 continuing to talk to him. Again, I can't hear, but I
7 can go off of body language.

8 Q Sure.

9 A You know? And -- and I'm like -- I'm -- I'm
10 like, why -- the guy's sitting here and he has a room.

11 Q Mm-hmm.

12 A And I'm like, why -- why are we here?

13 Q Sure. And --

14 A But, of course, I don't know what transpired
15 prior to. So -- and -- and then, at some point,
16 again, I don't know the dialogue that took place, but
17 then the behavior changed.

18 Q Okay. How did it --

19 A And so --

20 Q -- change? What happened?

21 A Well, to exactly what you saw.

22 Q Okay.

23 A So everybody kind of -- I'm still on the
24 bumper.

25 Q Mm-hmm.

Examination of Russell Cooley

1 A And I'm looking and it was kind of a weird
2 thing 'cause I started to see people that were on the
3 -- the upper deck that were residents or passerbys of
4 the hotel.

5 Q Mm-hmm.

6 A And they're starting to, like, film with
7 their phones --

8 Q Okay.

9 A -- and stuff. So, at that point, that
10 caught my attention. I was like, okay. What --
11 what's going on here? I can't hear what's going on,
12 but something's happening.

13 Q Mm-hmm.

14 A And so I look up and I see the security
15 camera that's just up to the right of the top of the
16 stair step, so I was like, okay. So we've got footage
17 of that.

18 Q Mm-hmm.

19 A And then it just happened so quick.

20 Q And what -- what happened?

21 A What happened was everybody kind of backed
22 away. And you could see the gentleman --

23 Q Mm-hmm.

24 A -- was sitting on the base step.

25 Q Okay.

Examination of Russell Cooley

1 A And so I don't know what transpired to make
2 them back away. There must have been something that
3 was said or some action.

4 Q Okay.

5 A And then the person reached into their
6 pocket and pulled out something and then approached
7 the one officer who -- who fired the shot as he was
8 backing away.

9 Q And this is what you're perceiving, seeing
10 from your --

11 A Oh, yeah.

12 Q Okay.

13 A And it happened so fast.

14 Q Okay.

15 A So fast.

16 Q And describe kind of how this -- the person
17 that was seated and how he approached the officer,
18 what he was doing.

19 A He -- so there must have been dialogue,
20 okay?

21 Q Yeah.

22 A 'Cause he's just sitting there. And then
23 just suddenly reached, stood up, approached.

24 Q Okay.

25 A So, yeah.

Examination of Russell Cooley

1 Q Okay.

2 A It just -- and what that did for me -- and
3 it -- if -- if you'd allow me -- was -- I can't
4 remember what it is in law enforcement. There's this
5 rule if someone has an object and they're approaching
6 you.

7 Q Mm-hmm.

8 A And you have so many feet to draw your
9 weapon. And I've seen stuff like this on Discovery
10 Channel, TLC and that kind of thing. And I have no
11 law enforcement background.

12 Q Let -- let me ask you the question this way.

13 A Okay.

14 Q I think you're kind of -- from what you're
15 perceiving and seeing, were you concerned for the
16 officer's safety?

17 A Yes.

18 Q Is that kind of the direction --

19 A Yes.

20 Q -- you're going? I don't want to put words
21 in your mouth, but is that -- is that kind of what you
22 were seeing?

23 A Yes.

24 MR. VASQUEZ: Okay. All right. Additional
25 questions?

Examination of Russell Cooley

1 A GRAND JUROR: Did -- so you -- you have
2 frequently said, like, why -- why are we here? What
3 are we doing? Did any of this seem unusual?

4 THE WITNESS: No. No. It -- it's -- this
5 is, like, a common thing every -- night after night
6 after night that we get called for behavioral things
7 and police are -- and it depends on who the officers
8 are, whether they want to put them on hold, whether
9 there's an issue taking them out of their home.

10 It's -- yeah. I mean, the guy -- 'cause the
11 person was, like -- I guess he was, like, mentally
12 unstable. I'm not sure. But when we first pulled up,
13 we were going to be canceled.

14 They're like, "Oh, yeah. He's going back up
15 to his hotel room." And then he came back down the
16 stairs and then police reengaged. And they were like,
17 "Oh, hold on." I'm like, "Ah, okay."

18 A GRAND JUROR: Is it common for AMR to kind
19 of take a step back in those situations?

20 THE WITNESS: Oh, yeah. Yeah. Yeah. The
21 only time -- the only time that I personally jump in
22 is if there's, like, extreme, excited delirium, the
23 person needs to be sedated, that kind of thing, you
24 know, where I can tell from a distance 'cause I -- I
25 know almost as soon as I pull up, I can tell whether

Examination of Russell Cooley

1 -- you know, how this is going to go.

2 A GRAND JUROR: So you never actively
3 engaged talking to this --

4 THE WITNESS: No. I never even -- no. I
5 never heard a single word. Yeah, I was far removed.

6 A GRAND JUROR: Okay.

7 MR. VASQUEZ: All right. I think those are
8 all the questions.

9 THE WITNESS: Okay.

10 A GRAND JUROR: All right.

11 THE WITNESS: All right.

12 MR. VASQUEZ: Thank you, sir.

13 THE WITNESS: Okay.

14 MULTIPLE GRAND JURORS: Thank you.

15 MR. VASQUEZ: Appreciate it.

16 Oh, all right. I can try this one. All
17 right. You guys are free to go --

18 A GRAND JUROR: Okay.

19 MR. VASQUEZ: -- and we'll see if I can find
20 my next witness on Webex. Thank you. Thanks.

21 A GRAND JUROR: All right.

22 A GRAND JUROR: Okay.

23 A GRAND JUROR: It looked like there was
24 somebody waiting for that one (indiscernible).

25 MR. VASQUEZ: All right. So what we had is

Examination of Russell Cooley

1 we had a morning time and an afternoon time.

2 A GRAND JUROR: Uh-huh.

3 MR. VASQUEZ: And this is the one I want
4 for -- for our next witness, so they're --

5 A GRAND JUROR: A different person.

6 MR. VASQUEZ: -- each on a different one, so
7 that's been my challenge.

8 A GRAND JUROR: Oh, goodness.

9 MR. VASQUEZ: So this one is our hotel
10 manager.

11 A GRAND JUROR: Mm-hmm.

12 MR. VASQUEZ: Okay. Let's see if we can --

13 A GRAND JUROR: And is that --

14 MR. VASQUEZ: -- get --

15 A GRAND JUROR: -- his name, D'Cruz? He's
16 on the --

17 MS. TUTTLE: Mm-hmm.

18 A GRAND JUROR: -- (indiscernible)?

19 MR. VASQUEZ: It is --

20 MS. TUTTLE: We'll have him spell it --

21 MR. VASQUEZ: Yeah.

22 MS. TUTTLE: -- for you.

23 A GRAND JUROR: Okay.

24 MS. TUTTLE: I think it's D'C-r-u-z.

25 A GRAND JUROR: Got you.

Examination of Russell Cooley

1 A GRAND JUROR: What was his name?

2 MR. VASQUEZ: Mr. D'Cruz, can you hear us
3 okay? If you can, please take your phone off of mute
4 and start the video for us, please.

5 A GRAND JUROR: If you hover over his eye,
6 there's a little button there where -- see up on the
7 top it says, "Unmute"? It'll give him a request.

8 MR. VASQUEZ: Okay.

9 A GRAND JUROR: I've done this before.

10 MS. TUTTLE: Okay. He's unmuted.

11 MR. VASQUEZ: Okay. Sir, can you hear us?

12 THE WITNESS: Yeah.

13 MR. VASQUEZ: Okay. Can you turn on your
14 video for us?

15 THE WITNESS: Video? Yeah, okay. Video.
16 Okay. Yes. Hello. (Indiscernible). Okay.

17 MS. TUTTLE: It -- it takes a couple of
18 seconds.

19 THE WITNESS: Yes.

20 MR. VASQUEZ: Okay. We're just waiting for
21 your -- there you are.

22 A GRAND JUROR: There we are.

23 MR. VASQUEZ: Perfect. All right.

24 THE WITNESS: Yeah.

25 MR. VASQUEZ: So you are in Grand Jury

Examination of Russell Cooley

1 Room B. And we're --

2 THE WITNESS: Okay.

3 MR. VASQUEZ: -- going to have a few
4 questions for you here in just a second. I'm going to
5 turn you over. We're going to have you sworn in. And
6 then --

7 THE WITNESS: Okay.

8 MR. VASQUEZ: And then one of my co-counsel
9 will ask you some questions. So hold on just a
10 second. I'm going to come around here. I'm going to
11 turn the microphone so that you can hear and see.

12 THE WITNESS: Yeah.

13 A GRAND JUROR: Do you solemnly swear or
14 affirm that the testimony you are about to give in the
15 matter pending before this grand jury shall be the
16 truth, the whole truth and nothing but the truth? You
17 didn't hear me, did you? I'm sorry.

18 MR. VASQUEZ: Were you able to hear that,
19 sir?

20 THE WITNESS: No, I didn't hear that.

21 MR. VASQUEZ: Okay. We're going to --

22 THE WITNESS: Yeah.

23 MR. VASQUEZ: We're going to repeat it. And
24 maybe just turn the volume up on your phone so you can
25 hear, okay?

1 THE WITNESS: Yeah. Yeah. Yes.

2 A GRAND JUROR: Do you solemnly swear or
3 affirm that the testimony you are about --

4 THE WITNESS: What's that?

5 A GRAND JUROR: Shout. Shout
6 (indiscernible).

7 IVO D'CRUZ

8 Was thereupon called as a witness; and, having been first
9 duly sworn, was examined and testified (via simultaneous
10 video transmission) as follows:

11 A GRAND JUROR: Thank you.

12 MR. VASQUEZ: All right, sir. Hold on just
13 one second.

14 MS. TUTTLE: You can put your hand down now,
15 Mr. D'Cruz.

16 THE WITNESS: Okay.

17 MS. TUTTLE: So --

18 MR. VASQUEZ: Uh-oh.

19 A GRAND JUROR: Looks like we're frozen.

20 A GRAND JUROR: Just make sure you didn't
21 unplug the cable --

22 A GRAND JUROR: That's (indiscernible).

23 A GRAND JUROR: -- for the --

24 MR. VASQUEZ: I know.

25 A GRAND JUROR: -- camera.

1 MR. VASQUEZ: Maybe.

2 Sir, can you still hear us?

3 THE WITNESS: Yeah. But it's cutting off a
4 little bit, but it's okay.

5 MR. VASQUEZ: Okay. We're going to try to
6 see if we can get this to work. Our video's kind of
7 frozen on us. Just give us one sec.

8 THE WITNESS: Yeah.

9 A GRAND JUROR: You can try stopping it
10 and --

11 A GRAND JUROR: Try it now.

12 A GRAND JUROR: See if this starts --

13 A GRAND JUROR: Try just --

14 A GRAND JUROR: -- the video.

15 A GRAND JUROR: Try --

16 A GRAND JUROR: It looks like it stopped it.

17 A GRAND JUROR: Yeah.

18 MS. TUTTLE: There you go.

19 MR. VASQUEZ: It's trying. There we go.

20 MS. TUTTLE: Okay. Man, there --

21 A GRAND JUROR: That's better.

22 MS. TUTTLE: -- we go.

23 Okay. Mr. D'Cruz, can you hear me? This is
24 Stephanie Tuttle.

25 THE WITNESS: Yes, I can.

Examination of Ivo D'Cruz

1 MS. TUTTLE: Okay. Then I just thank you
2 for being here today. To start with, can we have you
3 spell your -- state your first name and spell your
4 last name for us?

5 THE WITNESS: My name is Ivo, I-v-o. And my
6 last name is D'Cruz, D'C-r-u-z.

7 EXAMINATION

8 BY MS. TUTTLE:

9 Q Thank you. And are you in a private spot
10 where other people can't hear you?

11 A I -- I can be in a private spot. Give me a
12 second.

13 Q Okay.

14 A Yeah. Okay. I can be that.

15 Okay. Yes.

16 Q Okay. Thank you. So, Mr. D'Cruz, are you
17 -- I can see you have the Motel 6 patch on your shirt.
18 Are you --

19 A Yeah.

20 Q Are you the manager at the Motel 6?

21 A Yes.

22 Q And I'm talking about the one on Holladay in
23 Portland.

24 A Yes.

25 Q Okay. How long have you been the apartment

Examination of Ivo D'Cruz

1 manager? Or, excuse me, the hotel manager?

2 A Ah, 14 years.

3 Q Great. Okay. So I specifically want to ask
4 you about June 24th of this year. And a gentleman
5 named Mr. Townsend, Michael Townsend. Do you remember
6 him?

7 A Yeah.

8 Q What do you remember about -- when did he
9 check into the motel?

10 A He checked in that day earlier before I
11 could come on my shift.

12 Q Okay. So he checked in on June 24th?

13 A Yeah.

14 Q Or -- yes. Okay. Did -- did you see him at
15 all that day?

16 A Yeah, I saw him. When I came on duty, I saw
17 him and he was just walking around, you know, talking
18 on his phone; and, you know, doing weird stuff. Yeah.

19 Q Did he ever come into the lobby?

20 A No. Because of the COVID, the -- the -- we
21 closed the lobby.

22 Q Okay. So, as I understand it, the lobby's
23 actually locked?

24 A Yeah. That lobby door is locked, but we
25 have a night window where we -- where we deal with the

Examination of Ivo D'Cruz

1 customers here.

2 Q Okay. Did he ever come to the window and
3 talk to you?

4 A He didn't talk to me. He talked to my
5 coworker.

6 Q Okay. And so did you see the -- did you see
7 when the ambulance came?

8 A Yeah. I saw the ambulance pulling in the
9 parking lot, yeah.

10 Q Okay. And did you see what happened in the
11 parking lot?

12 A I -- the -- when the ambulance came, they --
13 they were talk -- they tried to talk to him and he was
14 walking away from them. And, finally, they managed to
15 talk to him. And they were -- the ambulance was doing
16 their stuff and I got busy with my work and I was -- I
17 continued with my work.

18 Q Okay. What do you remember about
19 Mr. Townsend when -- when you were watching him?

20 A No. He was -- he was -- he was weird. He
21 was just -- kept on walking. He had a phone on his --
22 on -- on one hand. He was calling somebody. I don't
23 know.

24 And when the ambulance came, they -- they --
25 the Fire Department, they told him to -- they wanted

Examination of Ivo D'Cruz

1 to talk to him, but he just walked away from them.
2 And they -- they just followed him, but he was
3 walking. That's all I saw.

4 Q Okay. And then when the police were
5 investigating, are you the one who gave them the
6 videos from the five cameras?

7 A Yes. I give them the permission to watch
8 the videos, yeah.

9 MS. TUTTLE: Okay. Thank you.

10 I don't have anything else for this --

11 MS. SEELE: No.

12 MS. TUTTLE: No?

13 Any questions?

14 Okay. Thank you so much. We really
15 appreciate it. Have a great day.

16 A GRAND JUROR: Thank you.

17 THE WITNESS: Yeah. You, too. Thank you.

18 I'm -- I hope the -- we got this cleared, you know,

19 (indiscernible) working. Yeah, it turned out good.

20 MR. VASQUEZ: All right. Thank you, sir.

21 A GRAND JUROR: Thank you.

22 MR. VASQUEZ: I appreciate it.

23 THE WITNESS: Yeah. Bye-bye.

24 A GRAND JUROR: Bye.

25 MR. VASQUEZ: Okay. Okay.

1 (Whispered discussion, off the record,
2 2:39 p.m. - 2:40 p.m.)

3 MR. VASQUEZ: Yeah. Do you guys need a
4 break before we have our next witness? I see one of
5 our grand jurors is taking a break.

6 A GRAND JUROR: I wouldn't mind.

7 MR. VASQUEZ: Okay. Why don't we take a --
8 why don't we take five to ten minutes and we'll get
9 started, okay?

10 (Recess taken, 2:40 p.m. - 2:48 p.m.)

11 MS. TUTTLE: Okay. Go ahead and raise your
12 right hand and she's going to swear you in.

13 **KALLI TEMPLE**

14 Was thereupon called as a witness; and, having been
15 first duly sworn, was examined and testified (via
16 simultaneous video transmission) as follows:

17 A GRAND JUROR: Thank you.

18 MS. TUTTLE: Thank you. Can you go ahead
19 and state your name and spell your last name for us,
20 please?

21 THE WITNESS: My name's Kalli Temple,
22 T-e-m-p-l-e.

23 MS. TUTTLE: Thank you. And let me make
24 sure I have the first name. Is it K-a-l-l-i?

25 THE WITNESS: It's K -- yes. K-a-l-l-i.

Examination of Kalli Temple

1 Yes, ma'am.

2 EXAMINATION

3 BY MS. TUTTLE:

4 Q Okay. Thank you. So we want to talk to you
5 about June 24th of this year. As I understand it, you
6 actually live in an apartment complex across from the
7 Motel 6 on Holladay?

8 A Yes, ma'am.

9 Q Okay. What floor do you live on?

10 A 11th.

11 Q Okay. And we're going to pull up a couple
12 pictures of your place. So if you could pull up
13 No. 20 -- actually, let's just leave them all up for
14 now. Do you see the one in the middle --

15 A Oh, shit.

16 Q -- that's March 27 -- oh, now, it's over to
17 the side.

18 A Sorry.

19 Q Does it hurt you to twist?

20 A No, ma'am.

21 Q Okay.

22 A That's my bedroom.

23 Q That's your bedroom?

24 Go ahead and pull that one up.

25 MR. VASQUEZ: This one right here?

Examination of Kalli Temple

1 MS. TUTTLE: Yeah.

2 BY MS. TUTTLE:

3 Q So you're telling us this picture is your
4 bedroom?

5 A Yes, ma'am.

6 Q Is this where you were looking from? No.

7 A No, ma'am.

8 Q Okay.

9 A I was in my living room.

10 Q In your living room. Okay.

11 A Yes, ma'am.

12 Q Let's roll -- scroll --

13 A It would have to be these. It looks like he
14 took a couple of them.

15 Q Oh, yeah. See --

16 A 23 --

17 Q Let's go to 29 --

18 A -- 24 --

19 Q -- and 30.

20 A -- and 25.

21 Q Oh, okay. Sorry, my bad.

22 Go ahead and pull it to that one.

23 Okay. So this is the window that you were
24 looking out?

25 A Yes, ma'am.

Examination of Kalli Temple

1 Q Okay. And you said that's the living room?

2 A Yes, ma'am.

3 Q Okay. Does that depict kind of your vantage
4 point for what you see when you look out your window
5 towards the Motel 6?

6 A Yeah. But -- yes. But it was windy that
7 night.

8 Q Okay. So tell us what happens with the
9 wind.

10 A That corner is nicknamed mini Chicago.

11 Q Okay.

12 A Because -- I don't know why. Just a corner.
13 It's in the breeze. And that day, it literally had
14 air -- like, I call them little pockets --

15 Q Okay.

16 A -- in the trees 'cause it was whipping
17 really, really good. The wind was --

18 Q Pretty --

19 A -- you know --

20 Q Pretty high?

21 A -- fairly well. Yes, ma'am.

22 Q Okay. And so what happens to those threes
23 when the wind is up? 'Cause --

24 A They, like, go back and forth like any other
25 tree where you can see kind of a little through here

Examination of Kalli Temple

1 and there.

2 Q Okay. So -- so tell us about what first
3 drew your attention over to the Motel 6 on the 24th?

4 A A young, blond-haired young man --

5 Q Mm-hmm.

6 A -- about 20 something, he was yelling to the
7 white gentleman that kept going to the stairwells. He
8 looked like a stocky white boy. And he had something
9 in his hand at the top, but they kept trying to get
10 him to come back into the hotel.

11 Q Okay.

12 A Into the hotel room, which was right there
13 by the stairwell at the top to the left, is the room
14 that they was in.

15 Q Okay.

16 A The very first room to the left at the top
17 of the (indiscernible) to the left.

18 Q So the -- there were people inside the hotel
19 room and there was a man -- a -- a young man with
20 blond hair that they were saying, "Come on back up
21 here"?

22 A Yes, ma'am, 'cause --

23 Q Okay.

24 A -- they was waiting for EMS. He had -- a
25 heavysset gentleman that was in the stairwell had --

Examination of Kalli Temple

1 Q Okay.

2 A -- called EMS. And he told them, the
3 gentleman that was trying to get him in the hotel
4 room, that he needed help.

5 Q Okay. And could you hear that from your
6 vantage point?

7 A Yeah, it was loud.

8 Q Okay.

9 A They were very loud.

10 Q Okay. So you saw someone in a room
11 beckoning to the -- the man who ultimately got shot?

12 A Yeah. He was right there at the top of the
13 stairwell where you can go down trying to get the guy
14 into the room that was just almost basically to your
15 right behind you.

16 Q Okay. And were the -- was there a fire
17 truck there at that point?

18 A A fire truck was just starting to pull up
19 'cause everybody pulled up quick.

20 Q Okay. So this was --

21 A A big --

22 Q -- right after --

23 A -- fire truck.

24 Q Okay. So as the fire truck's pulling up,
25 we've got someone on the landing calling this guy back

Examination of Kalli Temple

1 up to the apartment?

2 A Yes, ma'am.

3 Q And the person on the landing that was
4 calling him was somebody who looked like they were
5 staying in the hotel?

6 A They were; yes, ma'am.

7 Q Okay. So fire truck pulls up.

8 A Yes, ma'am.

9 Q What do you remember happening after that?

10 A Well, there was other police cars --

11 Q Mm-hmm.

12 A -- that was there. And what drew my
13 attention was -- 'cause it was -- it was crazy and it
14 happened really fast. A police officer pulled a -- a
15 black police officer pulled out -- he got out of his
16 vehicle with his arm extended. It looked like a gun
17 was in his hand. The next time I saw him, the white
18 gentleman that was in the stairwell was closer to the
19 bottom --

20 Q Okay.

21 A -- of the stairs.

22 Q Okay.

23 A And I was able to see through the top of the
24 trees 'cause it was -- it was at least -- it looked
25 like a white officer, but it was dark clothes. And

Examination of Kalli Temple

1 the black officer was kind of stout.

2 Q Mm-hmm.

3 A But they have gear on, too.

4 Q Okay.

5 A And then he had -- I thought it -- to me, it
6 looked like police officers to his right. And the
7 trees kind of closed up. The last time I saw the
8 black police officer, he was like that.

9 I heard two gunshots. The trees had -- was
10 going back. Immediately, I saw EMS come through the
11 trees right there all the way to the unit. It was
12 parked almost where your arrow's at.

13 Q Okay. And the -- and what was the unit that
14 was parked there?

15 A EMS.

16 Q Okay. So the ambulance was there?

17 A Yes, ma'am.

18 Q Got it.

19 A They came to help the man --

20 Q Okay.

21 A -- that called for help.

22 Q All right. Could you hear what was going on
23 before the shots were fired?

24 A They was hollering -- the police was
25 hollering at him to --

Examination of Kalli Temple

1 Q Mm-hmm.

2 A -- put a -- his weapon down.

3 Q Okay. And what --

4 A That was called right, you know, a few
5 times.

6 Q Sure. Before that, were you able to hear
7 what was going on?

8 A Between the -- the only thing that was going
9 on at that point was the young man trying to get the
10 gentleman back into the hotel room.

11 Q Okay. So besides the police officer and the
12 man that got shot, did you see anybody else out there?

13 A Well, they had fire people.

14 Q Okay. Mm-hmm.

15 A They had EMS --

16 Q Okay.

17 A -- folks. But the EMS stayed by their unit.

18 Q Mm-hmm.

19 A But the -- the fire folks -- and there was
20 lots of other police that popped up over on that side.
21 I came -- they came out of nowhere.

22 Q Okay. Did you ever see them around the
23 stairwell?

24 A No, ma'am. The ones that started pulling up
25 right here was kind of hanging right there and started

Examination of Kalli Temple

1 going into the street 'cause they was --

2 Q Okay.

3 A -- blocking everything off immediately.

4 Q Okay. Okay. And then, initially, I -- I
5 don't think the police initially contacted you; is
6 that right? Do you remember when they came to talk
7 to you?

8 A They -- well, I was in and out of the
9 hospital. They came.

10 Q Okay.

11 A Some detective guys came.

12 Q Okay. They came to your house?

13 A Yes, ma'am.

14 Q And you said you were in and out of the
15 hospital at this time?

16 A Yes, ma'am. Just --

17 Q Okay.

18 A -- I got a -- I have permanent health
19 issues.

20 Q Oh, I'm sorry. Okay. When they came to
21 talk to you, it was because there had been an
22 interview. The -- the media had interviewed you; is
23 that right?

24 A Oh, man, I was on that corner over there
25 right there in the --

Examination of Kalli Temple

1 Q Okay.

2 A -- Oregon Center Park. I think that's what
3 it's called. Right there.

4 Q Okay.

5 A And I was talking to a guy and a chick -- a
6 girl that was in a -- lived in our apartment --

7 Q Okay.

8 A -- and we're talking away and they -- one of
9 them lived on the fifth floor.

10 Q Okay.

11 A She saw everything.

12 Q And did she talk to you about what she saw?

13 A I told her I didn't want to hear it.

14 Q Okay.

15 A That I was already upset enough with the
16 fact that it even happened.

17 Q Okay.

18 A And we were kind of tossing it back and
19 forth and they asked me what I saw. I said, "The cop
20 came out of his car. He had his arm extended and he
21 shot that guy." And the girl said, "You need to look
22 to your right," and that was all them cameras.

23 Q Oh, okay.

24 A I -- and that's when I was like, man.

25 Q Okay.

Examination of Kalli Temple

1 A I can't --

2 Q So for -- for --

3 A I -- I can't believe they was right there.

4 Q Yeah. From the time that you got out of the
5 car -- I mean -- excuse me, not you.

6 From the time the officer got out of the car
7 and was pointing this gun as you describe to the time
8 of the shots, how --

9 A Seconds.

10 Q Okay. So it's just right out of the car and
11 then the shooting? Okay.

12 A He -- he walked up to the stairwell. He
13 disappeared the trees at that point. He was talking,
14 the black officer.

15 Q Mm-hmm.

16 A He was hollering about a weapon.

17 Q Okay.

18 A And the next time I saw, the police officer,
19 the black officer, he was like that. I saw him just
20 backing up twice and then he just went away in the
21 trees.

22 Q Okay.

23 A And as quick as the shots happened, EMS was
24 on their way over there and that man was on a gurney,
25 like, real, real fast.

Examination of Kalli Temple

1 MS. TUTTLE: Okay. That's actually all the
2 questions that I have.

3 THE WITNESS: Okay.

4 MS. TUTTLE: Do any of the rest of you have
5 any questions?

6 Okay. Thank you so much for coming --

7 THE WITNESS: Yeah.

8 MS. TUTTLE: -- today. We appreciate it.

9 MULTIPLE GRAND JURORS: Thank you.

10 THE WITNESS: (Indiscernible).

11 A GRAND JUROR: Thank you.

12 THE WITNESS: Thank y'all.

13 A GRAND JUROR: Mm-hmm.

14 A GRAND JUROR: Thank you.

15 THE WITNESS: Y'all have a safe day.

16 MULTIPLE GRAND JURORS: You, too.

17 A GRAND JUROR: Thank you.

18 THE WITNESS: All right now.

19 MR. VASQUEZ: Let me get this here door for
20 you.

21 THE WITNESS: Thank y'all.

22 MULTIPLE GRAND JURORS: Thank you.

23 MR. VASQUEZ: All right. Okay. So go ahead
24 on in, Officer Clark.

25 THE WITNESS: Yep.

1 MR. VASQUEZ: And I'll be right back with --
2 if you want to get him sworn in, I'll be right --

3 MS. TUTTLE: Sure thing.

4 MR. VASQUEZ: -- back. I just want to make
5 sure Ms. Temple's --

6 MS. TUTTLE: Yep. Oh, perfect.

7 MR. VASQUEZ: All right.

8 (Indiscernible conversation outside of
9 room.)

10 A GRAND JUROR: Would you like the --

11 MS. SEELE: Oh --

12 A GRAND JUROR: -- door closed?

13 MS. SEELE: -- close the door. Yeah.

14 MS. TUTTLE: Thank you.

15 THE WITNESS: Perfect.

16 MS. TUTTLE: And we're on the record. If
17 you'll look right over there, we'll get you sworn in.

18 THE WITNESS: Sure thing.

19 **BRADLEY CLARK**

20 Was thereupon called as a witness; and, having been
21 first duly sworn, was examined and testified as follows:

22 A GRAND JUROR: Thank you.

23 THE WITNESS: May I sit?

24 MS. TUTTLE: Yeah, yeah.

25 THE WITNESS: Oh, okay.

Examination of Bradley Clark

1 MS. TUTTLE: You can sit.

2 And while we're waiting, would you go ahead,
3 please, and state your full name and spell your last
4 for the record?

5 THE WITNESS: Yes, ma'am. My full name is
6 Bradley Clark. Last name is spelled C-l-a-r-k.

7 MS. TUTTLE: Okay. Mr. Vasquez is making
8 sure our last witness is safely on --

9 THE WITNESS: Yeah, that's great.

10 MS. TUTTLE: -- in her taxicab and --

11 MR. VASQUEZ: Okay. Are we sworn in and
12 ready to go?

13 MS. TUTTLE: Yep.

14 MR. VASQUEZ: All right.

15 MS. TUTTLE: Name's on the record.

16 EXAMINATION

17 BY MR. VASQUEZ:

18 Q Perfect. Well, why don't you start off,
19 sir, by telling us how you're employed.

20 A I am a Portland police officer and I work at
21 the Training Division as the lead control tactics
22 instructor for the city.

23 Q Okay. How long have you been a Portland
24 police officer for?

25 A For approximately six year -- 16 years.

Examination of Bradley Clark

1 Sorry.

2 Q 16 years. Okay. And how long have you
3 worked in the Training Division?

4 A Full time for three years and a satellite
5 instructor since 2011, which is almost ten years.

6 Q Okay. So you've been doing -- instructing
7 on police tactics for quite a few years?

8 A Yes. Yes, sir.

9 Q And in this particular grand jury, I want --
10 it's a little more relevant to understand for a
11 Portland police officer to --

12 A Mm-hmm.

13 Q -- become a police officer, what -- what's
14 the experience, training? What do they have to do?

15 A Well, it's changed through the years. When
16 I -- when I became a police officer, there was a
17 two-year college degree. If you met that standard,
18 you could apply and then you go through a testing
19 process.

20 You have a written test, a -- an oral board,
21 a physical assessment, a psychological assessment and
22 a physical, actual medical physical. And then you are
23 -- are, basically, placed on a list for -- for hire if
24 you -- and a background. And a very, very thorough
25 background investigation.

Examination of Bradley Clark

1 Q And then when they go into the training
2 process once someone's hired, what happens there?

3 A So, initially, officers will go down to a
4 basic academy that's put on by the State. And I
5 believe it's 16 weeks now. It was ten weeks when I
6 went through it.

7 And they get all kinds of different training
8 down there: Law, driving, firearms, control tactics
9 or they -- a lot of -- a lot of agencies call it
10 defensive tactics. That's what my purview is. And
11 then after the basic academy, they graduate
12 successfully from that, they come to an advanced
13 academy with Portland.

14 And that is now a ten-week course and they
15 have basically just a refinement of those skills that
16 they were given from the basic academy to do things
17 the way that Portland does them and -- and learn about
18 our policies and -- and some specific things that we
19 do maybe a little different than a small agency would
20 do that is more broadly trained --

21 Q Okay.

22 A -- statewide.

23 Q So then -- so what -- what I understand is
24 there's the basic academy that all police officers in
25 the State of Oregon will go through.

Examination of Bradley Clark

1 A Yeah.

2 Q But Portland has what they call an advanced
3 academy, which is more detailed to Portland
4 specifically?

5 A Exactly.

6 Q Okay. And then is that it? When you're a
7 police officer, you're done with your training and
8 there's no more?

9 A No. Then you are in the field training
10 program, which is probably the most in-depth training
11 you actually do as a police officer. You have a
12 coach. You ride with them for upwards of a year.
13 Different coaches.

14 You have someone in the car that's teaching
15 you how to specifically do the job, respond to calls
16 and -- and do everything appropriately. So there --
17 there's an evaluation that occurs after the academies
18 that -- that's really practically oriented to what the
19 -- the job is you're going to be doing out there on
20 the street --

21 Q So --

22 A -- with coach.

23 Q -- field practical training?

24 A Yep.

25 Q All right. Now, you're done with that. Is

Examination of Bradley Clark

1 that it? Are you done? There's no more training?

2 A And then you have an annual in-service,
3 which is usually about 40 hours a year that you'll go
4 in and -- and changes to policy law, maybe some
5 development of -- of physical skills as well.

6 Q And then what about -- what if officers are
7 interested in doing something like crisis response or
8 trauma or things like that? What -- is there
9 additional training for that?

10 A Sure. That's -- you apply for those things
11 just like you would any job in the real world. They
12 come open for police officers. And so if you're
13 talking about maybe an enhanced crisis intervention
14 officer, that would -- we have a need for those.

15 A job listing will be placed and -- and
16 officers will apply for it and -- and then have to go
17 through a review process and -- and get into the
18 school.

19 Q Do additional training?

20 A Mm-hmm. And do additional training.

21 Q Okay. And then I want to go through a few
22 different topics with you. When we're -- we're
23 talking about some of the different tools that
24 officers carry for defensive purposes, what's that
25 kind of range of tools they have?

Examination of Bradley Clark

1 A We carry several different tools on our body
2 that we would consider less-lethal options. That
3 would be pepper spray or an aerosol restraint that's
4 an irritant to the eyes. It's usually good from about
5 one foot to 18 feet. That's where you can expect to
6 use a tool like that.

7 It does not incapacitate anyone. It's just
8 truly a pain-compliance tool if somebody -- it's
9 difficult to see through and it's -- and it's pretty
10 painful, so it's something that you could use to --
11 for somebody that might be trying to attack you or
12 someone else.

13 We have an electronic control weapon.
14 People commonly call it a Taser. That is the one tool
15 on our person that could potentially incapacitate
16 someone that is doing something aggressive.

17 So if you -- if you get a good connection
18 with a Taser, that can actually stop a person from
19 doing what they're doing and it's not just a pain
20 compliance or it's -- it would actually physically
21 stop them.

22 But it has a very low rate of success.
23 Optimistically, it works 50 percent of the time. And
24 we can go into why that is in a -- in a little bit or
25 you want me to go into that now?

Examination of Bradley Clark

1 Q Yeah. Let's go through all the tools now.
2 I want to --

3 A Okay.

4 Q -- talk about some of those different ones
5 you mentioned.

6 A Yeah. So the -- the way that the -- the
7 Taser works is it fires two almost, like, needles with
8 a little hook on them so that they embed in the skin
9 on what looks like a fishing line, but it's metal
10 wire. So it deploys these two little needles and they
11 go out. As they're -- as they're deployed, one goes
12 straight.

13 The other one kind of goes down at an angle
14 and it tries to create a -- a connection between the
15 two points that will incapacitate or seize up the
16 muscles that are in between those two probes.

17 So if the first one strikes here and the
18 other one strikes here, you'll be able to shut those
19 muscles down effectively in between the two probes,
20 all right?

21 So if you get a wide probe spread, that
22 might incapacitate someone. If you get a narrow probe
23 spread, that's not likely to do much other than be
24 pain compliance.

25 The problem with Taser is under a stressful

Examination of Bradley Clark

1 event, it's difficult enough to hit one target, let
2 alone have to hit two targets with one trigger pull.
3 So it's difficult to -- first of all, to -- to deploy
4 the thing and get good strikes.

5 Heavy clothing will defeat these needles.
6 If you have heavy clothing on, the needle might get
7 stuck in your -- a jacket or pants and then it won't
8 make that connection. And also at -- if you're too
9 close, it's just not going to have that incapacitating
10 effect.

11 If you're too far away, the probe -- the --
12 the -- the wire runs out and you don't -- it doesn't
13 stick at all. So it's about -- effective from about
14 ten feet to 25 feet. You can expect to maybe get
15 incapacitation. Outside of that, it -- it's not a
16 very useful tool to us.

17 Q And then you also had mentioned the aerosol
18 sprays.

19 A Mm-hmm.

20 Q And are there issues with that as far as
21 whether they're effective or they stop people, things
22 of that nature?

23 A Absolutely. Like I said, it doesn't
24 incapacitate someone. It's just a pain compliance.
25 We see that highly motivated people, pain compliance

Examination of Bradley Clark

1 just does not work on. So that might -- and that's
2 how -- a lot of times people say, "Oh, someone's
3 really high on drugs," that they might not be affected
4 by these tools.

5 That might be the case, but simply someone
6 that has a -- a strong resolve, oftentimes, it just
7 won't work on at all if they're very serious about
8 taking the action that they want to take. The pain
9 compliance typically doesn't work and it does not
10 incapacitate at all.

11 Q And then there's -- do officers carry, like,
12 batons and things of that nature?

13 A An expandable baton. We've really
14 deemphasized that tool. You don't see that used very
15 often. It would be a pain-compliance tool. It's --
16 it's also not going to incapacitate.

17 It looks terrible and it doesn't usually
18 affect control very well, so we just recently made it
19 optional for officers to even carry that if they want
20 to, just because after a lot of years of seeing it not
21 work very effectively, officers don't trust it and
22 they don't -- it looks -- and it even looks bad.

23 I mean, hitting somebody with a stick and
24 having no effect, expecting that to be control, we've
25 moved away from that.

Examination of Bradley Clark

1 Q Okay. And -- and then, of course, officers
2 ultimately carry lethal options?

3 A Yes. And carry a -- a firearm, typically a
4 pistol.

5 Q Okay. And sometimes do officers carry what
6 they call, like, I guess it's a -- a beanbag or a
7 shotgun?

8 A Yeah. Well, there used to be a beanbag
9 shotgun. We replaced that a couple years ago with
10 what's known as a 40-millimeter less-lethal launcher,
11 so it's a really big tube and it fires a big, rubber
12 sponge round.

13 And it -- the impact of these rounds, it's
14 probably not much worse than what you'd get by getting
15 hit with a paintball. It will not incapacitate
16 someone.

17 Q Uh-huh.

18 A It's a pain-compliance tool. It's certainly
19 an option. It can be useful in some events. But,
20 again, a highly motivated person, it's not going to
21 really stop and we see that pretty consistently.

22 Q And so --

23 A GRAND JUROR: What was that called again?

24 THE WITNESS: A 40-millimeter less-lethal
25 launcher.

Examination of Bradley Clark

1 BY MR. VASQUEZ:

2 Q And -- and so when you're training officers
3 kind of in defensive tactics, do you kind of work with
4 them on the different tools, when they can be used,
5 when they can be effective, things of that nature?

6 A Yes, yes. They have their own program.
7 There's a -- a specific Taser officer that deals with
8 Taser. There's a specific less-lethal launcher
9 officer. And not everyone carries a less-lethal
10 launcher.

11 You have to go through a specific school --
12 school to -- to be carrying that. And then we deal
13 with the baton and aerosol restraint and then physical
14 control. That's really what we were -- what our --

15 Q Okay. And --

16 A -- (indiscernible).

17 Q -- in the Training Division and in -- and
18 throughout Portland, is there a discussion about a
19 principle known as a reactionary gap?

20 A Reactionary gap. Absolutely. One of the
21 biggest considerations that anyone has to take into
22 account when we're dealing with -- with an active
23 threat. So reactionary gap -- has anyone mentioned
24 this term yet --

25 A GRAND JUROR: Hmm-mm.

Examination of Bradley Clark

1 THE WITNESS: -- at all to you? So all
2 reactionary gap really is, is it's the amount of
3 distance you need to effectively respond to any given
4 threat. So if I am at a certain distance, if this is
5 a firearm, this could be a great -- it's -- as far as
6 I can see effectively. If they can see me and there's
7 a firearm, I'm within that reactionary gap.

8 And if they're looking to use this tool,
9 they're going to be able to use it before I can
10 effectively respond to it. This is the same with
11 somebody that wants to punch you.

12 If you're within a range where you can be
13 struck by someone and you don't have enough distance,
14 they're probably going to be able to hit you before
15 you can react to that because they've chosen to take
16 this action. You have to respond to it. You have to
17 take in that stimulus.

18 Now, I'm being attacked. Now, I have to
19 respond to that. What's that -- the appropriate
20 response? And it's usually going to be too slow. So
21 we -- the way we deal with reactionary gap is
22 distance, barriers or physical control of the -- of --
23 of the individual.

24 So those are the three ways that we
25 typically deal with reactionary gap. But that's given

Examination of Bradley Clark

1 you know that this person is a threat, right?

2 If you are right up next to someone and
3 there's no indication that this person's a threat, you
4 are within the reactionary gap and you're probably --
5 you're going to be behind the curve and maybe not be
6 able to effectively respond to whatever they may
7 present or whatever their intentions might be.

8 A GRAND JUROR: Mm-hmm.

9 THE WITNESS: Does that make sense?

10 BY MR. VASQUEZ:

11 Q And -- and is there a study or training
12 around the issue of edged weapons and that reactionary
13 gap?

14 A Absolutely, yeah. Edged weapons, one of the
15 most dangerous things we deal with, one of the most
16 commonly used deadly weapons.

17 If we know that someone has an edged weapon
18 or a stabbing implement, we encourage officers to
19 maintain a huge reactionary gap. So you want to be as
20 far away from this person as possible with barriers in
21 between you to communicate with them.

22 That way, if they decide to come after you,
23 you have time. You have time to assess their
24 movement. You have a barrier in between that they
25 have to get around to get to you.

Examination of Bradley Clark

1 And -- and that's how we would typically
2 deal with somebody with an edged weapon. The problem
3 is, that's an obviously armed person, right?

4 So if you don't know, we interact with
5 people at a face-to-face basis all the time and you --
6 you don't have the benefit of that reactionary gap in
7 those situations.

8 Q And -- and how are officers trained to
9 respond when -- when they're confronted with that
10 edged weapon? What -- what is -- is there a specific
11 set way to train officers with that?

12 A Well, it really depends on the actions of
13 the person. So if the person -- maybe you don't know
14 that they're armed with something. You come up and
15 they've taken no action, but then you see now that
16 they're armed with some -- then, at that point, you
17 might get distance and get that barrier.

18 The same -- the same solution, but it's very
19 different if somebody is now -- you don't know they
20 have it. It's in their hand. They're actively coming
21 after you.

22 The answer for us is -- that's a lethal
23 force situation. You're behind the reactionary gap
24 curve. We don't have less-lethal options that will be
25 effective in those ranges.

Examination of Bradley Clark

1 And -- and if you get entangled with that
2 person, you're not going to be able to deal with that
3 threat any longer.

4 Q Okay. And -- and let's walk -- walk through
5 that. When we talk about an edged weapon, is it
6 something that can be used just one time or multiple
7 times?

8 A As many times as somebody's got muscle
9 strength to use it. So it's not like a firearm that
10 it has a set number of -- of rounds that can be fired.
11 This thing can obviously be used over and over and
12 over again without any interruption.

13 Q And let me ask some just kind of
14 (indiscernible) questions. So when we're talking
15 about the situation where you're -- an officer or
16 someone's confronted with an edged weapon, why not,
17 you know, take out their -- their baton and, like,
18 knock it out of their hand or something like that?

19 A And, again, just because it's just not a
20 realistic thing to do. We know you're not going to be
21 able to incapacitate somebody with the baton. We've
22 seen that over and over again in the video footage
23 that we've seen. Most officers have experience with
24 that sort of thing.

25 It's a -- that's a difficult thing to do.

Examination of Bradley Clark

1 And if you become entangled with that person and they
2 have an edged weapon in their hand, that's game over.
3 Like, you're not going to be able to take that weapon
4 out of the hand. It's not the movies. Never, ever
5 seen it happen.

6 Never seen anyone be able to disarm someone
7 with an edged weapon once they're entangled. It's one
8 of the most dangerous situations that you might have
9 to deal with, being entangled with somebody with an
10 edged weapon.

11 So our solution is, because the only
12 effective way that you can deal with that that we know
13 is this is a deadly threat. This is time for deadly
14 force. And that's how officers are trained.

15 Q Okay.

16 A If you -- if you are inside that reactionary
17 gap.

18 Q And have you had an opportunity to observe
19 the video that was -- that -- from the hotel in this
20 incident?

21 A I did. I watched it. I -- I didn't review
22 it very thoroughly. I watched it one time when it
23 first came out. I saw what happened. Yeah.

24 Q Okay. And if I show you that video, would
25 you be --

Examination of Bradley Clark

1 A Sure.

2 Q -- able to kind of walk us through kind of
3 this -- the reactionary gap and kind of how that
4 applies --

5 A Absolutely.

6 Q -- and things of that nature?

7 A Sure, sure.

8 Q Okay. I'm going to play this at 19 -- we're
9 at 19:54:30. And it'll be about 30 seconds to a
10 minute in before things start to turn in a bad
11 direction.

12 A Okay. So it looks very casual, just trying
13 to communicate with the individual. It doesn't look
14 like anyone's concerned that there's a weapon at this
15 time or even knows that there's a weapon at this time.

16 And, obviously, we're here in this
17 reactionary gap where you're not -- if this person
18 decides to jump on you with an edged weapon right now
19 and you don't even know it's there, we're -- we're in
20 that situation where you're probably in -- in -- in
21 deep trouble. You're not really going to be able to
22 effectively deal with that situation.

23 And it looks like I can see both his -- it
24 doesn't look like anything's in his hands at this
25 point. Obviously, the officers are not reacting like

Examination of Bradley Clark

1 there's anything.

2 If there was something in his hands, it --
3 the -- most likely be away from them. And, now, he
4 did produce some -- okay. And, now, he's advancing.
5 And, again, he's within that reactionary gap. There's
6 three other, four other people here that you have to
7 worry about.

8 Q So --

9 A And --

10 Q -- let's not --

11 A -- a Taser would not be effective at that
12 range.

13 Q Tell me --

14 A The --

15 Q Tell me a few things. What does that mean
16 to be within the reactionary gap (indiscernible)?

17 A Within the reactionary gap is where if -- if
18 this -- if he turns it on and he's on you, that you're
19 not going to be able to fire and stop him before he's
20 able to get that knife on you.

21 Q So is that --

22 A And --

23 Q -- a real danger that Officer Brown is -- is
24 facing?

25 A Absolutely, yeah. And the way -- and -- and

Examination of Bradley Clark

1 the only reason that's not -- doesn't appear to be
2 happening here is 'cause of the way he's moving.

3 It's -- he's kind of side stepping and he's
4 got a weird posture. He -- he isn't running at him.
5 He's obviously advancing on him, but he hasn't, you
6 know, turned and bolted towards him.

7 And I -- I would think that he might not
8 even have got a round off if -- if -- if he would have
9 decided to take that approach. So it almost looks
10 like he knows he's -- like, he -- he's trying to walk
11 through, maybe that he's going to get shot.

12 Q What about things like with the officers?
13 Are there issues with trying to backpedal away from a
14 (indiscernible)?

15 A Absolutely, yeah. And we have several
16 examples, even in the Portland Police Bureau of
17 officers doing that, under active attack, backpedaling
18 away from a person with a knife. Like, one officer --
19 we've had several officers fall over trying to move
20 backwards.

21 You can't move backwards as quickly as
22 someone can move forward. And then you're even in a
23 worse spot where you're on the ground. And -- and one
24 of the officers was stabbed through the hand as -- and
25 another officer was able to -- to stop the suspect in

Examination of Bradley Clark

1 -- in one of the incidents.

2 But we've had that happen several times, so
3 we don't specifically train that, but you're going to
4 see it because it's -- it's a human response. It's
5 just something that people do under a threat response.
6 Obviously, anyone would think if you're -- someone's
7 coming at you with something that you think they're
8 going to stab you with, that you -- you're probably
9 going to back up.

10 Q And what about -- you talked about that one
11 of the -- the three things is to get obstacles in
12 front of you.

13 A Absolutely, yeah.

14 Q What about obstacles that block your path?
15 Is that a danger as well?

16 A That stop you? Absolutely. Yeah. And
17 that's one of -- that's another reason that we don't
18 teach people to back up 'cause a lot of times you can
19 get pinned and you're not effectively addressing the
20 threat.

21 Q Okay. And in viewing this in -- in your --
22 in all of your years of experience, your training and
23 all the training that you've done, is -- is -- is what
24 you're observing -- is this within the training that
25 Portland Police Bureau teaches?

Examination of Bradley Clark

1 A Absolutely, yeah. And, like I said, the
2 backpedaling, we would like people not to do that, but
3 we know that that's going to happen. There's just
4 no -- it's like we can't -- unless we drilled and
5 trained all the time to train people to move
6 laterally.

7 But, absolutely, his reaction to -- to -- to
8 draw his pistol and -- and implement deadly force at
9 this point is -- is exactly what our training is.

10 Q And you talked about the Taser and why --

11 A Mm-hmm.

12 Q -- that might not be effective here.

13 A Yeah.

14 Q What -- what's the issue of problem with
15 that?

16 A Again, that range, you're looking at maybe
17 ten feet between the presentation and him. You're not
18 going to -- if you even get the one trigger pull
19 needed, you're likely to not incapacitate. And then
20 you're left with a Taser in the hand and -- and -- and
21 no way to address this threat any longer.

22 So you're putting a -- it's -- we're taking
23 -- the officer would be taking on way too much risk to
24 try to present a Taser and -- and -- and deploy it in
25 this situation with the high likelihood that it would

Examination of Bradley Clark

1 fail.

2 Q Okay.

3 A And they would not be able to effectively
4 transition between the Taser and pistol at that point,
5 just wouldn't be able to do it --

6 Q Right.

7 A -- physic -- physically.

8 MR. VASQUEZ: All right. Are there
9 additional questions that the grand jurors would like
10 to ask?

11 A GRAND JUROR: I -- I have a question.

12 THE WITNESS: Yes, ma'am.

13 A GRAND JUROR: In -- in this type of
14 situation --

15 THE WITNESS: Yeah.

16 A GRAND JUROR: -- you know, use of deadly
17 force is allowed, basically?

18 THE WITNESS: Yes. It's -- well, it's --
19 that's what's trained because it's really the only
20 effective answer to the situation.

21 A GRAND JUROR: Do you --

22 THE WITNESS: If we --

23 A GRAND JUROR: Sorry. Do you specifically
24 train for them to aim at the larger body points rather
25 than the smaller --

Examination of Bradley Clark

1 THE WITNESS: Our firearms --

2 A GRAND JUROR: -- body points?

3 THE WITNESS: -- training is specifically to
4 fire at center of mass, so it's to fire right in the
5 middle of whatever available mass you have to -- to
6 shoot at because in these intense events, it's very
7 difficult to implement fine -- fine motor skills.

8 It's very easy to stand in front of a paper
9 target and -- and shoot really accurately into small
10 areas. You see that all the time. But when
11 somebody's moving at you and trying to hurt you and
12 you're moving, it's a very, very different thing. So
13 just the -- we're trained to aim at the center of
14 available mass.

15 And even -- it's -- it's -- it's really
16 movie stuff to say you could shoot the -- a weapon out
17 of someone's hand or shoot someone in the leg. We
18 hear that stuff sometimes.

19 But it's no less lethal to shoot someone in
20 the leg. It's very damaging. And we've seen videos
21 of that where people die (snapping fingers) just like
22 that being shot in the leg.

23 And the likelihood that you're going to miss
24 is -- is great at that point. And the reason we --
25 that I say deadly force is the only option here is

Examination of Bradley Clark

1 just because we don't have a -- an effective
2 less-lethal tool that will incapacitate someone
3 reliably. If we had that, we'd use it all the time.

4 And we've looked into that and we develop --
5 we're always looking for new technologies. There's
6 just nothing out there that will incapacitate someone
7 reliably in these situations other than the firearm,
8 so it's really the only option we have at that point.
9 If we had it, we'd use it, I'm -- I'm telling you.

10 MR. VASQUEZ: Okay. Additional?

11 A GRAND JUROR: So on the effectiveness of
12 a -- of a Taser, if it's within -- so you said it was,
13 like, ten feet to 25 --

14 THE WITNESS: About 25 --

15 A GRAND JUROR: -- feet?

16 THE WITNESS: -- feet, yep.

17 A GRAND JUROR: So would it be accurate to
18 say if it was less than ten feet, that the spread of
19 the prongs --

20 THE WITNESS: Exactly.

21 A GRAND JUROR: -- would not be wide enough
22 to --

23 THE WITNESS: That's --

24 A GRAND JUROR: -- incapacitate enough
25 muscles --

Examination of Bradley Clark

1 THE WITNESS: That's the exact --

2 A GRAND JUROR: -- to incapacitate --

3 THE WITNESS: -- problem.

4 A GRAND JUROR: -- a person?

5 THE WITNESS: Yes.

6 A GRAND JUROR: And then --

7 THE WITNESS: Yes, sir.

8 A GRAND JUROR: -- you have to, like,

9 probably drop it and then try to go for --

10 THE WITNESS: Exactly.

11 A GRAND JUROR: -- that one. And by then --

12 THE WITNESS: Yep.

13 A GRAND JUROR: -- he would be able --

14 THE WITNESS: That's it.

15 A GRAND JUROR: -- to get to you?

16 THE WITNESS: Mm-hmm.

17 A GRAND JUROR: All right.

18 A GRAND JUROR: So I have a question.

19 THE WITNESS: Yes, ma'am.

20 A GRAND JUROR: Given the short period of

21 time that we --

22 THE WITNESS: Mm-hmm.

23 A GRAND JUROR: -- see between when the --

24 the screwdriver weapon is pulled --

25 THE WITNESS: Mm-hmm.

Examination of Bradley Clark

1 A GRAND JUROR: -- and -- and the backing up
2 and the shooting happen --

3 THE WITNESS: Yeah.

4 A GRAND JUROR: -- would it be reasonable to
5 expect a police officer to warn the person, "I may
6 have to use deadly physical force against you"?

7 THE WITNESS: I would say -- that's a tough
8 one. I -- I -- I would say in that amount of time,
9 he's probably more concerned about just saying -- get
10 out -- getting out whatever he can. He doesn't have a
11 big window of time to -- to address that between when
12 it's presented.

13 And so I wouldn't say it would be reasonable
14 that that would be the priority at that moment.

15 A GRAND JUROR: Okay.

16 THE WITNESS: Yeah. And, obviously, yeah.
17 Yeah. I would say that that -- I would not expect to
18 see that necessarily or be the first priority --

19 A GRAND JUROR: Piggybacking --

20 THE WITNESS: -- in the officer's mind.

21 A GRAND JUROR: -- on what she was saying,
22 would it be reasonable for a police officer to say,
23 "Please fire" -- or not please, but, "Drop the weapon,
24 drop the weapon" --

25 THE WITNESS: Sure.

Examination of Bradley Clark

1 A GRAND JUROR: -- "drop the" --

2 THE WITNESS: And I --

3 A GRAND JUROR: -- "weapon"?

4 THE WITNESS: And I -- I -- I would be
5 surprised if -- if they weren't saying that --

6 A GRAND JUROR: Okay.

7 THE WITNESS: -- actually. Yeah.

8 A GRAND JUROR: But that would be --

9 THE WITNESS: But --

10 A GRAND JUROR: -- appropriate?

11 THE WITNESS: That would totally be
12 appropriate.

13 A GRAND JUROR: Okay.

14 THE WITNESS: And -- and you'd probably
15 expect it to -- for an officer to say something along
16 those lines or, "Hey, man, don't do this. Don't -- we
17 don't need to do this," some -- something like that.
18 It would be a --

19 A GRAND JUROR: Mm-hmm.

20 THE WITNESS: -- kind of a startled response
21 and a plea to, like -- we don't want this to happen
22 and whatever that might be, you know, 'cause it
23 happened so quickly.

24 A GRAND JUROR: So you -- you lead the
25 Tactics Division. Do you have any training that is

Examination of Bradley Clark

1 specific for situations like this where it's, like, a
2 mental health problem?

3 THE WITNESS: Absolutely. We have lots and
4 lots of scenario --

5 A GRAND JUROR: Okay.

6 THE WITNESS: -- based training that
7 officers go through to deal with people in mental
8 health crisis.

9 Even the -- even officers that aren't
10 Enhanced Crisis Intervention trained officers -- those
11 are the ones that are given more specific training --
12 every officer goes through at least 40 hours of CIT
13 training, which is just critical incident training.

14 A GRAND JUROR: And what kind of things go
15 into that training?

16 THE WITNESS: Scenarios. So understanding
17 -- it -- it's not to a doctorate degree level,
18 obviously, but that they discuss mental health and
19 what you can expect to see from different -- or
20 different symptoms of different kinds of mental health
21 issues.

22 And then you run through scenarios. You do
23 a lot of talking. And, to be honest, most police
24 officers or Portland police officers deal with people
25 in mental health crisis on a daily basis and they're

Examination of Bradley Clark

1 very good at it.

2 A GRAND JUROR: Oh.

3 THE WITNESS: And, unfortunately, in a
4 situation like this where (snapping fingers) this
5 happens right now and, now, you're presented with a
6 life-or-death situation, there's not much -- there --
7 there's no building rapport at that point. There's no
8 way to deescalate at that point.

9 But there is a lot of training that officers
10 get to try to avoid these kind of situations. And --
11 and it happens every day, unfortunately. This -- it
12 doesn't -- it can't happen all the time, you know?

13 A GRAND JUROR: And would you say, having
14 seen the video many times, that you would have done
15 the same thing that Officer Brown did?

16 THE WITNESS: I absolutely believe I would
17 have done the same thing that -- that --

18 A GRAND JUROR: Thank you.

19 THE WITNESS: -- Officer Brown did. And
20 that -- that is -- that is within the training. And
21 it's not something that I would ever want to do and
22 it's not something that he -- I'm sure that he wanted
23 to do, but he -- he wasn't given a choice in that
24 moment.

25 A GRAND JUROR: Thank you.

Examination of Bradley Clark

1 A GRAND JUROR: I can't remember if we've
2 been told else -- otherwise --

3 THE WITNESS: Mm-hmm.

4 A GRAND JUROR: -- so are you familiar with
5 the term of Officer Brown's service and how many times
6 he would have received this annual kind of refresher
7 training?

8 THE WITNESS: You know, I don't know. He's
9 been on longer than I have, so it would at least be
10 16, 17 -- 17, 18 years maybe.

11 A GRAND JUROR: Okay. Thank you.

12 THE WITNESS: Yeah.

13 A GRAND JUROR: So in -- a little bit later
14 in the video --

15 THE WITNESS: Mm-hmm.

16 A GRAND JUROR: -- the other officer
17 actually pulls his Taser. Is there a specific
18 reasoning? Do you -- in your expertise --

19 THE WITNESS: I would say that's probably
20 just the reaction he had to this thing (snapping
21 fingers) that happened --

22 A GRAND JUROR: Okay.

23 THE WITNESS: -- in a split second. And --

24 A GRAND JUROR: But there isn't a -- a
25 specific training that he would pull his service

Examination of Bradley Clark

1 weapon other than his Taser?

2 THE WITNESS: No. Typically -- and, well,
3 the way the training is, that if you're within that
4 distance where that can be effectively used. But I
5 believe -- I -- I didn't see the whole video. Did he
6 pull his Taser after he got back behind a -- a cover?

7 A GRAND JUROR: He already had it out --

8 A GRAND JUROR: No, he --

9 A GRAND JUROR: -- right there.

10 A GRAND JUROR: -- he --

11 THE WITNESS: He had it out --

12 A GRAND JUROR: -- pulls it out --

13 THE WITNESS: -- right there?

14 A GRAND JUROR: -- right here.

15 THE WITNESS: Yeah, yeah. And maybe he sees
16 that Officer Brown has his firearm out and that would
17 go into --

18 A GRAND JUROR: Okay.

19 THE WITNESS: -- the decision making.
20 Because we definitely do train that if you have time
21 to develop a plan and implement less-lethal options,
22 we absolutely would expect you to do that. But this
23 is a different thing where the -- where the threat has
24 just presented itself and you're now -- you don't have
25 distance.

Examination of Bradley Clark

1 You don't have cover. You don't have time
2 to develop that plan. So it's -- it's not
3 unreasonable to see where he -- he might have read
4 that situation, like, oh, maybe I can --

5 A GRAND JUROR: Yeah.

6 THE WITNESS: -- try the Taser at this
7 point.

8 A GRAND JUROR: And we can see him taking --
9 going for cover behind --

10 THE WITNESS: Yeah.

11 A GRAND JUROR: -- the --

12 THE WITNESS: Yeah.

13 A GRAND JUROR: -- the --

14 A GRAND JUROR: You know, it almost looks
15 like he's going for his service weapon there, but then
16 he stops.

17 THE WITNESS: Well, maybe the -- maybe he
18 has read the -- you know, I -- I don't know. I
19 haven't talked to these officers at all about this and
20 -- or what they were thinking.

21 But perception is everything in these --
22 obviously, in these situations. And maybe he saw that
23 Officer Brown had draw -- drew -- drawn his firearm
24 and thought, okay.

25 A GRAND JUROR: Okay.

Examination of Bradley Clark

1 THE WITNESS: Now, we have that lethal
2 cover. Now, we can -- I can attempt a less lethal
3 possibly if I get the opportunity, which he didn't.

4 A GRAND JUROR: So just -- I -- I thought I
5 heard you say something that your -- your viewing of
6 this video, you believe that the -- I don't know how
7 -- the person who is shot --

8 THE WITNESS: Yeah.

9 A GRAND JUROR: -- you believe that he knew
10 that he was going to get shot?

11 THE WITNESS: No. Well, I'm just reading
12 his body language there, like, some of the stuff he
13 was doing. He wasn't just directly charging at the
14 officer. He -- he was kind of bladed away in a -- it
15 was just a weird way he was advancing forward, which I
16 think slowed him down enough to even -- to allow them
17 to not get entangled.

18 A GRAND JUROR: It's almost like he was kind
19 of cowering while also trying to (indiscernible) --

20 THE WITNESS: It's --

21 A GRAND JUROR: Hmm.

22 THE WITNESS: It's very --

23 A GRAND JUROR: 'Cause his head --

24 THE WITNESS: -- strange.

25 A GRAND JUROR: It's very strange.

Examination of Bradley Clark

1 THE WITNESS: A very strange way to advance.

2 A GRAND JUROR: Fair to say we can't read
3 what was in his --

4 A GRAND JUROR: No.

5 A GRAND JUROR: -- mind.

6 THE WITNESS: Nope.

7 A GRAND JUROR: No, you can't.

8 A GRAND JUROR: And you have to --

9 THE WITNESS: Absolutely not.

10 A GRAND JUROR: -- go with the worst-case
11 scenario?

12 THE WITNESS: Yeah.

13 A GRAND JUROR: And --

14 THE WITNESS: Well, he's obviously trying to
15 get to the officer with a -- with an edged weapon.
16 You know, he's advancing on that officer with an edged
17 weapon presented and it's -- that's what we know for
18 sure.

19 A GRAND JUROR: In all of your experience
20 with dealing with people on drugs and mental
21 illness --

22 THE WITNESS: Yes, ma'am.

23 A GRAND JUROR: -- how common is it for
24 people to attempt something like death by cop?

25 THE WITNESS: Very -- very uncommon. I

Examination of Bradley Clark

1 mean, we -- this interaction that you're seeing here
2 probably happens -- well, I don't know. I wouldn't --
3 I wouldn't guess to say, but it happens very, very
4 commonly and it's resolved 99 -- I believe we have
5 some -- somewhere close to 400,000 contacts with
6 people throughout the years and -- or throughout a
7 year.

8 And I think at a high estimate, there'd be
9 ten officer-involved shootings in all those incidents.
10 So you see this kind of thing happen all the time and
11 the -- and -- and -- and people don't do this. I'm
12 sure these officers -- actually, I know these officers
13 have never encountered anything like this outside of
14 training.

15 And -- and very few officers have because
16 it's just not a very common thing. It doesn't happen
17 very often.

18 A GRAND JUROR: If you were doing, like, a
19 training session --

20 THE WITNESS: Mm-hmm.

21 A GRAND JUROR: -- and you had this
22 situation, basically, somebody was very, you know,
23 kind of, like, hyperactive --

24 THE WITNESS: Mm-hmm.

25 A GRAND JUROR: -- that kind of thing --

Examination of Bradley Clark

1 THE WITNESS: Sure.

2 A GRAND JUROR: -- would you inform your
3 officers to not reach for their weapon, reach for
4 their weapon, that kind of thing? Like, how would
5 you --

6 THE WITNESS: It would all depend on the
7 actions of that individual -- it's -- they -- officers
8 deal with hyperactive people all the time and it would
9 just be having a conversation with them, trying to
10 figure out what's going on, what we can do to help
11 them.

12 If we can get to them -- to a hospital or
13 even build a rapport where we can get the person to,
14 oh, maybe, hey -- maybe the answer is you just don't
15 do this in front of a lot of people and -- and you go
16 around the corner and everything's okay.

17 A whole different thing if this animated
18 person has now produced a weapon and is -- and is
19 coming after you, right? And we do do both of those
20 kind of trainings and -- and those kind of scenarios.
21 Officers get those all -- almost every year. And a
22 lot in their early training. Does that answer your
23 question?

24 A GRAND JUROR: A little bit, yeah.

25 THE WITNESS: Okay. I -- I'm glad to

Examination of Bradley Clark

1 clarify more if --

2 A GRAND JUROR: No, it's -- it's okay.

3 THE WITNESS: Yeah.

4 A GRAND JUROR: Yeah.

5 THE WITNESS: Okay.

6 MR. VASQUEZ: Okay. Any additional
7 questions?

8 All right. Thank you very much, Officer. I
9 think we're going to -- I'm going to try to figure out
10 Webex here in a second and --

11 A GRAND JUROR: Mm-hmm.

12 MR. VASQUEZ: -- we have to hear from
13 Officer Emmons. All right. Thank you.

14 THE WITNESS: Okay.

15 A GRAND JUROR: Thank you.

16 THE WITNESS: Thank you, folks.

17 MULTIPLE GRAND JURORS: Thank you.

18 A GRAND JUROR: Open or closed?

19 MR. VASQUEZ: You can close that for me.

20 (Whispered discussion, off the record,
21 3:30 p.m.)

22 MS. TUTTLE: Click the sign in. And then
23 click in the e-mail address. It should just --

24 A GRAND JUROR: It should auto populate --

25 MS. TUTTLE: Yep.

1 A GRAND JUROR: -- for you.

2 MS. TUTTLE: And then click sign in.

3 A GRAND JUROR: Oh, technology.

4 A GRAND JUROR: I'm all over it.

5 MS. TUTTLE: I can see why you're in charge
6 of the recording. You got this down.

7 A GRAND JUROR: I mean, we've been doing
8 this for three weeks now, so --

9 A GRAND JUROR: I might have to press the --

10 MR. VASQUEZ: Let me just see if -- real
11 quickly if he's on this one 'cause he was on one
12 before. And there we go.

13 A GRAND JUROR: Oh, there you go.

14 MR. VASQUEZ: Okay. We ready for
15 Officer Emmons?

16 A GRAND JUROR: Mm-hmm.

17 THE WITNESS: Go ahead.

18 MR. VASQUEZ: Hello, Officer Emmons. Can
19 you hear --

20 THE WITNESS: Hello.

21 MR. VASQUEZ: Can you hear us okay?

22 THE WITNESS: I can hear you, yeah.

23 MR. VASQUEZ: Okay. Are you in a private
24 location where you can -- where we can have your
25 testimony taken?

1 THE WITNESS: Yeah, I am. There's a chance
2 I might be interrupted in the next maybe 30 minutes to
3 an hour.

4 MR. VASQUEZ: Okay. Okay. Let's see where
5 we --

6 THE WITNESS: (Indiscernible) --

7 MR. VASQUEZ: Let's see where we can get and
8 then if -- if we need to, if we are interrupted for
9 any reason, then we will -- we'll pause at that point,
10 okay?

11 THE WITNESS: Okay.

12 MR. VASQUEZ: Okay. I'm going to go ahead
13 and we're going to have you sworn in and then we'll go
14 ahead and start taking your testimony, okay?

15 THE WITNESS: Okay.

16 A GRAND JUROR: Please --

17 A GRAND JUROR: Loud.

18 A GRAND JUROR: -- raise your right hand.
19 You can't hear me. There we go. Do you solemnly --

20 A GRAND JUROR: Or his right. Right.

21 A GRAND JUROR: I think that is his right
22 hand. His -- his camera might be --

23 A GRAND JUROR: It is.

24 Okay. Sorry.

25 /////

Examination of Brett William Emmons

1

BRETT WILLIAM EMMONS

2

Was thereupon called as a witness; and, having been first

3

duly sworn, was examined and testified (via simultaneous

4

television transmission) as follows:

5

A GRAND JUROR: Thank you.

6

MR. VASQUEZ: Okay.

7

A GRAND JUROR: (Indiscernible).

8

THE WITNESS: Sorry, that was a bit hard to

9

hear.

10

MR. VASQUEZ: That's okay. All right.

11

MS. SEELE: Good afternoon, Officer Emmons.

12

My name's Amy Seely. I'm with the Oregon Department

13

of Justice. I just have a couple of questions for

14

you. And if we get interrupted, we'll get

15

reconnected, okay?

16

THE WITNESS: Okay.

17

MS. SEELE: Okay. First off, could you

18

state your full name and spell your last?

19

THE WITNESS: Brett William Emmons. Last

20

name is spelled E as in Edward, M as in Mary, M as in

21

Mary, O as in ocean, N as in Nancy, S as in Sam.

22

EXAMINATION

23

BY MS. SEELE:

24

Q Thank you. And could you briefly tell us

25

where you're employed and how long you've been doing

Examination of Brett William Emmons

1 your job.

2 A I'm a police officer at the Portland Police
3 Bureau and I've been in that job for about five years.

4 Q Okay. And can you briefly tell us what kind
5 of training it takes to become a police officer with
6 the Portland Police Bureau?

7 A Yeah. There's the basic state academy,
8 which is the first thing we complete. That's a
9 16-week statewide academy that's ran down in Salem.
10 So every law enforcement officer in the state goes
11 through that.

12 And then, additionally, within the first 18
13 months of employment at Portland, we have another
14 academy that we call our advanced academy. At the
15 time when I went through that advanced academy, it was
16 another 16 weeks.

17 And then beyond those two academy settings,
18 there's also the field training program wherein you're
19 actually out on patrol working, doing police work with
20 a coach officer with you. We call that a field
21 training officer.

22 You start out with very little
23 responsibility in comparison to your coach, who
24 handles most of the calls and most of the
25 responsibilities. And it's incrementally shifted to

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1 you until, eventually, you're in a car on your own and
2 your coach is riding in a separate car or working his
3 district and you're working yours. So that all
4 happens within the first 18 months.

5 Q All right. And then how often do you have
6 refresher courses?

7 A We have, like, frequent and regular
8 refreshers on, like, an internet-based training
9 program. And that's, like, legal updates, policy
10 updates and even, like, tactical updates via video
11 training. And we have annual in-service training at a
12 minimum.

13 Q Okay. I'd like to shift your attention to
14 June 24th, 2021. Were you on duty that day?

15 A Yes.

16 Q And what is your area that you cover in
17 Portland?

18 A On that particular day, I was in the Lloyd
19 Center area, so my district number was 695.

20 Q Okay. And does that vary from day to day?

21 A I usually work in the Cully and Parkrose
22 neighborhoods, but I'm a utility officer, so I can get
23 plugged in anywhere in my precinct.

24 Q Okay. And so this is one of those --

25 A Based on, like, staffing needs, yeah.

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1 Q Okay. And were you riding alone in a patrol
2 car or did you have anybody with you?

3 A I was alone in my car that day.

4 Q Okay. And wearing a uniform, driving a
5 marked patrol car?

6 A Correct.

7 Q Okay. Did you end up going to the Motel 6
8 on Holladay?

9 A Yes, I did.

10 Q And could you tell me about the
11 circumstances that led you to going there.

12 A Yeah. It was a dispatch call for service.
13 It was a medical assist call. And the information we
14 were given at the time, I was actually a little bit
15 unclear initially when the call was dispatched. To
16 me, it almost sounded like a third-party caller.

17 And I think the reason that that was is just
18 the way that information flows when we go to these
19 medical assist calls. So medical, meaning AMR and
20 Portland Fire, had been sent to a suicidal subject,
21 Michael Townsend, who actually called on his own
22 behalf.

23 That information was then relayed to us via
24 our medical assist call that was sent out by the
25 police dispatch site. So we were sent to that call.

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1 Mr. Townsend had told the medical call taker that he
2 was high on meth, he was feeling suicidal, that he, at
3 one point, had a screwdriver with him, but he had put
4 that somewhere else away from him and that he wasn't
5 -- he wasn't violent.

6 Q And are medical assist calls something you
7 frequently go out to assist on?

8 A Yeah, very regularly.

9 Q And what is law enforcement's role in a
10 medical assist call?

11 A My entire purpose -- when I'm present for a
12 medical assist call, my entire purpose is to ensure
13 that the medical responders can do their jobs safely.
14 So if there's some concern -- and, you know, sometimes
15 that concern could be the mention of a weapon.

16 Could -- it could be the mention of
17 intoxicants or it could even just be medical responder
18 has a particular history with that individual and
19 they're familiar. So whatever the reason is, I'm just
20 supposed to be there to make sure that they can
21 facilitate those medical services in a safe manner.

22 Q Okay. And when you were dispatched to this
23 call, were you the primary officer or the cover
24 officer?

25 A I was primary.

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1 Q Okay. And what's the difference, in
2 layman's terms?

3 A I mean, more or less, unless something
4 changes, you know, any of us can step up and make
5 decisions. But as a default, the primary officer, if
6 there's any reports that need to be written,
7 generally, the primary officer would be writing those
8 unless there's other reasons for someone else to
9 write.

10 And then kind of more importantly, the
11 primary officer should be the one kind of making the
12 decisions at -- as to the direction of the call.

13 Q Okay. And what are the responsibilities of
14 the cover officer?

15 A The cover -- cover officer, you know, if --
16 if they have input onto how this call should go, maybe
17 the primary is thinking one thing, but the cover
18 officer is thinking of this call from a different
19 perspective. That can be shared and it's a
20 collaborative effort in terms of steering the call.

21 And then, you know, there -- so there --
22 there is a second brain and then a second set of eyes
23 and ears so they can perceive things that maybe the
24 primary officer isn't perceiving.

25 And then it's for safety purposes, too, so

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1 if I have to end up using force or -- or, actually,
2 even just being present, having two of us present puts
3 us in a -- in an advantage and that allows us to
4 ideally use less force or discourage a person from
5 using force against us.

6 And if we do have to use force, we can do so
7 with, you know, the use of some safer techniques since
8 we would have numerical superiority that way.

9 Q All right. So when you arrived at the
10 Motel 6, did you know if the subject that you were
11 responding to was armed or not?

12 A The only information from the call was that
13 he had told the call taker he did, at one point, have
14 a screwdriver. But then he told the call taker that
15 he had put that screwdriver away somewhere else. And
16 this is something that happens pretty commonly on the
17 -- on these calls.

18 And with the context of this call, you know,
19 we try to -- someone that's reaching out, asking for
20 help, we're trying to give them the benefit of the
21 doubt. So he initiated asking for this help. He's
22 trying to put us at ease that he's not intending to do
23 us harm.

24 And so we kind of honor that, generally,
25 unless we have some other information to -- to lead us

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1 to believe that we shouldn't trust that. In this
2 case, I didn't feel that that information existed, so
3 he mentioned the screwdriver, said that he had put it
4 away. That was the last mention of it.

5 Q Okay. When you arrive and you exit your
6 patrol vehicle, who do you see on scene?

7 A So, actually, before I even parked my car, I
8 turned onto Holladay from Grant -- or from MLK and I
9 saw that the fire -- fire truck was already at the
10 scene. Their lights were on.

11 And so I just got up here to join them and
12 do my job and -- and kind of, you know, assisting them
13 with the safety side of things. So when I exited my
14 car, I think, at that point in time, just the
15 firefighters were there.

16 Officer Brown was arriving, like, moments
17 behind me. I could see his car right behind mine.
18 And then it -- I don't know at -- exactly at what
19 point AMR arrived.

20 It was somewhere right in that time frame,
21 too. I'm not sure whether or not they were already
22 there. Fire was definitely there. Everyone else
23 arrived within moments. So I could see fire -- the
24 firefighters. They were talking to a subject who
25 turned out to be Mr. Townsend.

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1 And he was right next to the man --
2 management office of this hotel and he was kind of
3 going up the stairs up to the second story, like,
4 catwalk, like, outdoor, you know, access to all the
5 doors.

6 I wasn't 100 percent sure if this was the
7 person that had called 'cause he looked like the -- he
8 looked like he was trying to avoid the firefighters,
9 which struck me as odd since -- since the person that
10 called asked us to be there. And so I found the
11 manager, who I recognized just from familiarity from
12 previous calls.

13 And I just asked the manager just to clarify
14 for my own sake, "Did -- like, did you call or did the
15 subject call?" And he said, "No, he called," meaning
16 the subject, Mr. Townsend.

17 And so, at that point -- and -- and then the
18 other thing is the firefighters -- after I got that
19 information, the firefighters indicated to us, like,
20 "Hey, we're trying to talk to him. He's being sort of
21 funny with us and he's walking away from us, going
22 upstairs and he's saying he wants to go back to his
23 room."

24 That made the firefighters nervous and
25 that -- I found that a little bit odd, too, for him to

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1 ask us for help, but then go away from the source of
2 help intentionally and say he has some -- some other
3 task in mind. So I wanted to give him the chance to
4 receive the help that he'd requested, so I called out
5 to him.

6 By this time, I think he was all the way up
7 on the catwalk working his way towards Room 218, which
8 was the room that he stayed in. The manager had also
9 verified that for me. I said, "Hey" -- so I -- this
10 isn't going to be verbatim.

11 The gist of the conversation was I kind of
12 called out to him to the effect of, "Hey, do you want
13 help or do you not want help?" and I think his
14 response was similar to, like, "I need to get
15 something out of my room."

16 I -- I believe I tried to engage him a
17 little more verbally and he was sort of just
18 bee-lining for the room and -- and disengaging
19 from us.

20 Q And where were you when you were doing this?
21 Were you outside of your --

22 A I was down -- I was down in the parking lot
23 on --

24 Q Okay.

25 A -- foot.

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1 Q Okay.

2 A So the whole time, I was down on ground
3 level in the parking lot. I never went up the stairs.
4 So he was -- he was disengaging from us. His behavior
5 made the firefighters a bit nervous, which is an
6 interesting indicator to me. They have a pretty good
7 sense of, you know, people's behavior.

8 And, generally, I haven't noticed them
9 become nervous about people's behavior without good
10 cause. And then, furthermore, it was making me a
11 little uncomfortable that he had asked us here for
12 help, but then wanted to go to his room.

13 And I -- I think we're all thinking in terms
14 of trying to access weapons or something like that.
15 So I made the decision right there, you know, we're
16 here. We made ourselves available. We responded to
17 his call and, now, he's going away from us.

18 Clearly, if he's feeling suicidal, he knows
19 how to call 9-1-1 and he knows how to ask for
20 resources to seek help. Now that we are here, he's
21 changed his mind, so he's capable of devising and
22 carrying out a safety plan for himself.

23 He just changed his mind, is my perception.
24 So I decided right then, we should disengage. He'll
25 call back if he needs us to come back. We all -- I

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1 communicated that to all the other first responders
2 and so we started to leave.

3 Q Okay. Did you consider a POH hold?

4 A No.

5 Q And what is a PH -- POH hold?

6 A A POH hold, it's a -- it's a police
7 officer's hold. So that's a hold we can place on
8 someone for mental health reasons.

9 So if I determine that someone's an imminent
10 threat to themselves or others -- and, generally, it
11 would be, like, with a mental health component -- I
12 can -- basically, I can take them into custody.

13 It's a civil custody. It's not a criminal
14 custody. And I can have them go to the hospital. And
15 so this is what I touched on just a second ago. To
16 me, Mr. Townsend demonstrated he's aware of his
17 situation. He is having suicidal thoughts, but
18 there's no plan that he's articulated.

19 And now that help has arrived, the help he
20 asked for, now, he's saying that there's another task
21 to him that's more important. He wants to go to his
22 room specifically to get something, is what he had
23 told us. So, now, his priorities have -- have
24 shifted. He was able to have that exchange with us.

25 He was able to call 9-1-1. So my assessment

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1 here is that, yeah, he's having some suicide --
2 suicidal thoughts. That's common for people in
3 general. But he's also shown the ability to get
4 himself to wherever he needs to be to be safe if
5 things rise to that level.

6 So my assessment and my perception is that
7 he -- despite the suicidal thoughts at the time, he
8 was not an imminent threat to himself or -- or anyone
9 else, for that matter.

10 Q So he's not meeting the criteria for that
11 civil type of hold?

12 A Correct.

13 Q All right. So after you guys all decide
14 that you're going to leave, what happens next?

15 A So just kind of the way the vehicles were
16 positioned, mine was, like, in the parking lot.
17 Everyone else was sort of behind me and just the most
18 efficient way for me to leave was to just drive
19 through the parking lot, so east to west through the
20 parking lot out to Grant and drive off that way.

21 My window was down as I was driving and I --
22 I looked up. My -- Mr. Townsend, he was still, like,
23 working towards his -- he was working towards or he
24 was kind of at his hotel -- or his room door.

25 And my window was down and I was looking at

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1 -- at him. And he sort of assumed, like, this really
2 passive posture. I think he maybe leaned against the
3 railing or something similar to that. And he looked
4 at me and just the look he gave me was like he wanted
5 to reengage in conversation.

6 And, you know, I thought maybe he's changing
7 his mind. We're also -- we're still here right now.
8 We haven't left. There's a likelihood he might call
9 us back if we do leave, so I'll just -- I'll -- you
10 know, I'll address him again.

11 Q And a quick side --

12 A It would --

13 Q -- question. Did you ever see --

14 A Yeah.

15 Q -- him actually enter his room or could
16 you --

17 A I didn't.

18 Q -- tell? Okay.

19 A No, I didn't see him enter his room.

20 Q Okay. So you decide to reengage with him.
21 What did you say to him?

22 A The same thing as before, something similar
23 to, "Hey, do you want help or do you not want help?"
24 And he responded that he did want help. So I --
25 again, my job here is the safety side of things. He

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1 did this behavior earlier that was a bit unusual where
2 he -- he had asked for help and then he wanted to go
3 to his room.

4 And so I kind of wanted to gauge his
5 compliance and I wanted to control where we were going
6 to talk to him. And so I just asked him -- I said,
7 "Hey, I can get you help, but I need you to come
8 downstairs first," and he agreed to that.

9 So he started coming down the stairs. And
10 he started walking over to my patrol car. And I just
11 asked him if he would go over to the curb near the
12 bottom of the stairs and sit down. He, again -- he
13 did that no problem, totally compliant.

14 And he -- he ended up sitting on the bottom
15 of the stairs instead of the curb, which was totally
16 fine. I just wanted him sitting so that he was more
17 contained.

18 And that just allows me to not worry about,
19 like, him moving or him being more mobile in a manner
20 where he could egress upon me more quickly. And so it
21 makes it just a safer situation for me to talk to
22 someone when I'm not entirely sure what their
23 mindset is.

24 Q And you weren't comfortable at this point
25 just talking to him through your window?

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1 A Well, I didn't -- I -- I started out that
2 way, but he's wanting help. And then it's just --
3 it's a more human conversation, I think, to get out
4 and talk to someone. Also, I'm going to have to get
5 out at some point in order to facilitate maybe him
6 getting into an ambulance or something to that effect.

7 So I -- you know, I initiated this from my
8 car to gauge his compliance and then he showed
9 substantial compliance with all my requests. And that
10 -- at that point, then I was comfortable getting out
11 of my car to just have a normal conversation with him
12 or as close to normal as I could manage.

13 Q So did you communicate --

14 A So he's --

15 Q -- with the other folks on scene?

16 A Not yet. So I --

17 Q Okay.

18 A -- I'll -- I'll get there in just a second.

19 Q Sure.

20 A So -- so he sits down at the bottom of the
21 stairs. Everyone else was a little ways behind me
22 still, like, getting in their vehicles. And so I
23 approached him and I said, "Hey." You know, I asked
24 him, "What do you need help with? Are you feeling
25 suicidal?" I think I asked him the pointed question,

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1 like, "Are you feeling suicidal?"

2 And he said, "Yeah." He explained to me
3 that he was -- he had used meth. He was high. The
4 high was not going very well. He was feeling suicidal
5 and he just wanted to go to the hospital.

6 He thought that if he was at the hospital,
7 it'd be a safe place for him and that, eventually, you
8 know, he'd come down from the high and he'd feel
9 better.

10 And I said, "That's perfectly fine. We can
11 totally make that happen." I told -- I stepped away
12 for a minute -- I -- I stepped away for a minute. And
13 I forget if Officer Brown had joined me yet at this
14 point. People were kind of moving.

15 Q Mm-hmm.

16 A You know, it was, like -- I don't -- I don't
17 know the exact order of where everyone moved at the
18 exact moment, but I communicated to Curtis -- or,
19 excuse me, Officer Brown, Portland Fire and AMR, "Hey,
20 he changed his mind. He wants to go to the hospital."
21 And so everyone sort of approached him for all their
22 respective jobs.

23 I then explained to Mr. Townsend -- you
24 know, I told him the medics were more than happy to
25 give him a ride to the hospital. I just told him that

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1 I needed to do a patdown of him before he could get in
2 the ambulance.

3 And I was super clear with him, "This is
4 just for safety. I'm not concerned -- like, I'm not
5 trying to get you in trouble for anything," but I was
6 here for the medics to make sure that they can do
7 their job safely.

8 You know, I told Michael -- or I told Mr.
9 Townsend, "You seem like you've been totally cool so
10 far, so I'm not trying to, you know, get you in
11 trouble. I just need to make sure we're safe." And
12 when I explained that to him, he seemed to get really
13 nervous. So until this moment, as he was sitting, I
14 could tell he was emotionally disturbed.

15 You know, like, he seemed unsettled
16 internally in that, obviously, he had made this phone
17 call, this 9-1-1 call in the first place. And then
18 just kind of the look in his eye and his demeanor, but
19 he was physically contained. Like, he was sitting.

20 He was leaned forward, like, elbows to his
21 knees or thighs, fairly relaxed posture, just -- it
22 seemed internally maybe not relaxed. But when I asked
23 him about the patdown, his whole posture changed. He
24 -- his -- he sat up straight. His spine became rigid.

25 He actually started looking around, which is

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1 something we'd call, like, maybe target glancing or
2 he's maybe looking for avenues of escape. And then
3 the biggest thing was with his left hand, he touched
4 or -- we call it indexed. He touched his front left
5 pocket, just on the outside of it.

6 Q And when you say --

7 A And --

8 Q -- indexing, what do you mean by that? Can
9 you define that --

10 A Yeah. So --

11 Q -- for us?

12 A So indexing a pocket like that,
13 specifically, based on -- on my training and my
14 experience, is that that maybe there's an object in
15 that pocket that he's concerned about.

16 It -- it could be something he wants to
17 access. It could be something that's making him
18 nervous, like, you know, he told me he was high and I
19 told him I needed to pat him down.

20 Maybe he had more drugs in his pocket that
21 he was -- thought I was going to get him in trouble or
22 something like that. But it could be a weapon, too.
23 It -- this -- it -- so the index, it could be
24 someone's concerned about something that they don't
25 want us to find for criminal reasons or it could be

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1 sometimes a pre-assault indicator.

2 And this is someone -- it's almost a
3 subconscious rehearsal of accessing a weapon. And so
4 I had those two thoughts in mind. It could be that
5 he's thinking about accessing a weapon. It could be
6 that he's just nervous about me finding a weapon and,
7 like, you know, charging him with a crime or for
8 finding drugs.

9 So I told him, "Hey, don't worry about that.
10 I'll take care of everything. Don't touch your
11 pocket." And I just asked him again, I said, "Can we
12 do that -- the patdown?" I think -- yeah. I think
13 this is the order that this went in. And he got
14 nervous again. He touched his pocket again.

15 And I said, "Hey, stop touching your
16 pocket." I think that I maybe took a step closer to
17 him just so I could have -- like, it'd be easier for
18 me to react if something started to unfold. And I
19 looked at his pocket super close this time. I was
20 looking for, you know, a -- like, a bulge in his
21 pocket that would be shaped distinctly like a weapon.

22 And when I -- so, you know, you could -- you
23 can see, like, if it's the outline of a gun or if it's
24 a -- a long, pointy object. You know, we've all had,
25 like, a pen in our pocket or something and it, like,

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1 makes that long, pointy bulge. It's, like, very
2 distinct.

3 And I just didn't see anything that was
4 obvious. It was just sort of a general misshapen
5 bulge, like if you crumpled up a piece of paper and
6 shoved it in your pocket. So still, you know, I
7 didn't want him accessing it. That was my job.

8 And so I gave him another reminder. I said,
9 "Don't -- don't touch your pocket. I'll take care of
10 that." And then I think there was a -- like, a third
11 iteration of this. Oh, he -- he actually -- he did
12 another thing. He said, "I'm really hot. Can I take
13 my shirt off?" and he sort of started to lift his
14 shirt.

15 That's another, like, pre-assault indicator.
16 And so these things are starting to pile up. And it
17 puts us in a little bit of an odd position as law
18 enforcement because, like, we're here on a voluntary
19 basis. I already articulated why I'm not at a
20 threshold where -- or I -- I don't think we're at the
21 threshold of a POH.

22 And nothing that he's done so far is, like,
23 a threat to me. It's just things -- it's, like --
24 it's these indicators that just kind of, you know, cue
25 me into a possibility. So nothing is a threat.

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1 Nothing's, like, overt. Nothing's an articulable,
2 imminent threat as far as a POH goes.

3 So I don't have any authority here. And
4 then there's no probable cause for any crimes that
5 he's committed. So I have no legal authorities to --
6 to sort of, like, preemptively take him into custody,
7 which is why I'm trying to work through this with him
8 verbally. But I'm trying to offer him the help that
9 he's seeking.

10 So -- but he did this shirt thing. He's
11 like, "I'm hot. I want to take my shirt off." Oddly
12 enough, removal of garments is, like, another
13 pre-assault indicator.

14 And so I just said, "We'll worry about that
15 in a second. Let's get you in the -- in the ambulance
16 and then we can get you comfortable, whatever you
17 need. Can I do that patdown?" I asked him one more
18 time.

19 And he touched his pocket again. I told
20 him, "You're making me super nervous when you touch
21 your pocket. It makes me wonder what you're doing,"
22 something to that effect. And I kind of gave him an
23 ultimatum.

24 I -- I said -- I don't remember the exact
25 words, but the conversation was, like, "You seem

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1 uncomfortable with this. If you need more time to
2 think about going to the hospital, that's totally
3 fine. We can leave and you can call back later, kind
4 of like, "What do you want?"

5 And I -- I was seeking an answer from him.
6 He didn't really give me an answer. So I repeated
7 that idea and he still didn't really give me an
8 answer. He sort of sat statically, his hands sort of
9 hovering near his pocket, I think.

10 And so I just told him, "Okay. We're going
11 to leave. You can call back later when you're ready
12 if you need to think about it," and I communicated
13 that to Officer Brown and the other first responders.

14 I said, "We're going to leave. He'll call
15 -- and he can call back if he needs us to come back,"
16 'cause he's just not committing to this process that's
17 required for him to -- to go to the hospital.

18 But -- and -- and at the same time, he's
19 doing some things that, while not criminal, are making
20 me concerned about, you know, how his behavior could
21 evolve. So I -- we -- basically, we said, "All right.
22 Call back if you need to."

23 I started to step away. The firefighters,
24 the medics all started to step away. And
25 Officer Brown, I think he, like, waved to him, like,

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1 "Hey, see you, man," and took a step back.

2 And I had taken a couple steps and I was --
3 I was sort of moving behind Officer Brown at this
4 point, like, in the direction of my car, just, like,
5 two steps from where I had been standing.

6 And I looked. I was watching Mr. Townsend
7 and I saw him sort of -- he started to actually reach
8 into that pocket and he started to stand. And I was
9 like, uh-oh.

10 I -- I started to see where this was going.
11 I think I saw -- at some point close to that event or
12 to that time frame, Officer Brown started to draw his
13 gun. And I started to move.

14 And this was just kind of instinctual.
15 There -- you know, this is -- my instinct was, like, I
16 wanted to move. I wanted to change some angle or gain
17 some distance. And so -- and I was already -- my hips
18 and shoulders were already turned away from Mr.
19 Townsend, so I was actually able to move pretty
20 quickly.

21 But when this started, it kind of looked to
22 me like Officer Brown had, like, taken a step
23 backwards. And so he was still squared up to
24 Mr. Townsend and -- and it looked like he got -- it
25 looked like, because of that, by the time Mr. Townsend

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1 started to move, you know, Officer Brown had to sort
2 of be more static 'cause now that this movement's
3 happening, we're not going to turn our back.

4 I had already gained some distance, so --
5 but I see this happening. And, basically, Mr.
6 Townsend's standing up. He gets to his feet. He's
7 presenting this object from his pocket. I'm not 100
8 percent sure what it is.

9 It's something metallic. There's, like,
10 maybe four or so inches of something metallic and
11 pointy, it looked like, protruding from his hand,
12 like, fist.

13 You know, he has, like, a fist and then it's
14 protruding from his fist. I'm still moving and I'm
15 just thinking about this. And I -- he's -- he's
16 getting up. Officer Brown's starting to step back
17 from him.

18 And I don't know what Officer Brown was
19 saying. I -- I can hear his voice in my memory, but I
20 don't know what the words are that were coming out of
21 Officer Brown's mouth.

22 But I did -- I hear -- I heard Mr. Townsend
23 say as he's getting up or maybe as he's already all
24 the way on his feet, he says -- he's 100 percent
25 focused on Officer Brown and he says something similar

Examination of Brett William Emmons

1 to, "I'll fucking do it," or, "Let's fucking do this,"
2 or something.

3 He assumes a really athletic posture, so,
4 like, knees bent, hips -- you know, hips bent a little
5 bit, weight forward and he's making forward movement.
6 He's not running, but it's a real decisive forward
7 movement directed towards Officer Brown. And Officer
8 Brown is doing his best to step backwards and
9 backpedal away from Mr. Townsend as he advances
10 on him.

11 I've sort of moved laterally. And I'm a
12 little further away now. I'm -- I -- I would think I
13 was maybe 15 feet away and sort of more at an angle to
14 Mr. Townsend. And I would say Officer Brown was maybe
15 seven -- five to seven feet away, but, like, in the
16 direct path of Mr. Townsend's, like, momentum, path of
17 travel.

18 And I had my -- my hand on my gun. I was
19 starting to draw my gun. So what we have here, like,
20 I see this metallic, pointy object. This is a weapon
21 that could cause me serious physical injury or death.

22 And when we're reacting to something like
23 this, like, the only option that's reliable in order
24 to, you know, preserve my safety and the safety of
25 everyone around me is, unfortunately, deadly force.

Examination of Brett William Emmons

1 And so --

2 Q And --

3 A -- I was already --

4 Q -- let me --

5 A -- working on that.

6 Q Let me ask you a quick question. Where on
7 your body do you wear your gun, on your right side or
8 on your left side?

9 A On my right side.

10 Q And where do you wear your Taser?

11 A It's -- at the time, it -- it's -- it was on
12 my chest on the left side.

13 Q Okay. I just wanted to clarify that in case
14 we watch the video again. But please --

15 A Oh --

16 Q -- continue.

17 A -- yeah.

18 Q So you're reaching --

19 A Thank you.

20 Q -- with your right hand toward your
21 right side?

22 A Correct, yeah. So, initially, as I'm
23 moving, I'm reaching with my right hand towards my
24 right hip. That's where my gun is. And it's black.
25 And -- and then -- and so I'm moving.

Examination of Brett William Emmons

1 So I -- I started -- I saw that as I'm
2 moving and processing this, I saw that Officer Brown,
3 he wasn't, like -- he was moving away, but Mr.
4 Townsend was moving towards him.

5 And so they were kind of just maintaining
6 this five-to-seven-foot range, super close. And
7 Officer Brown's at a disadvantage 'cause he's moving
8 backwards. So he -- A, he's slower. B, he could trip
9 and fall. Mr. Townsend is moving forwards. He's
10 athletic. He has all the advantage right now.

11 And I literally -- I thought to myself,
12 like -- like, I think we're -- we have to shoot this
13 guy. Like, this has evolved into a -- you know, a
14 deadly threat. And I was just thinking, is there
15 anything I can do to prevent this? I had time 'cause
16 I -- Mr. Townsend wasn't focused on me.

17 I -- just the way the timing worked out, I
18 had gained a few extra feet. And his attention wasn't
19 towards me, so I had a little bit of time to think
20 about this. Our first priority is having what we --
21 we call lethal coverage, so, like, a firearm covering,
22 like, pointing towards a threat.

23 That's our most reliable option when we're
24 looking at, you know, preserving our -- our -- our --
25 our safety and our life from an immediate threat of

Examination of Brett William Emmons

1 death or serious physical injury. That's our most
2 reliable option, is deadly force. We use firearms
3 for that.

4 So that's the first thing we -- we get out.
5 So I was already -- I was working on that, but I see
6 all this unfolding. I see Officer Brown has his gun
7 all the way out and I see that Officer Brown is the
8 one that's really in danger. And I trust his
9 decision-making ability.

10 And so I just -- I had, like, a moment where
11 my gun was coming out of its holster and I just
12 thought, I needed to at least try something else even
13 though I could see how this was going and I felt it
14 was inevitable and necessary. But I thought for a
15 moment, you know, is it possible that I could just go
16 hands on with Mr. Townsend and grab him?

17 I wasn't sure I could close that gap quick
18 enough. And more importantly, he's got a sharp metal
19 object in his hand. It's, like, four inches long.
20 There's a couple millimeters of tissue between the
21 outside environment and my carotid artery and that's
22 not a risk that's feasible for me to take.

23 That's something that will kill me very
24 fast. And it's -- you know, it's a vulnerable
25 location, just as an example. So going hands on and

Examination of Brett William Emmons

1 physically grabbing Mr. Townsend was not an option.

2 And so I just thought of my Taser. And my Taser's

3 pretty quick and easy to get out.

4 And so I tried it. I had my plan

5 formulated. Like, as soon as my Taser comes out, I'm

6 going to fire it at Mr. Townsend. I was kind of

7 spotting where my probes would hit on -- on him

8 ideally. And I think, like, as it was coming out of

9 my holster, I heard Officer Brown's shots.

10 I guess it was the corner of my eye, so kind

11 of heard and saw them simultaneously, a couple of

12 shots. I don't know exactly how many.

13 Q Okay. And after shots were fired, what did

14 you do?

15 A So I continued to move. My instinct from

16 the beginning was to sort of move to, like, a

17 different angle and to place an object between me and

18 Mr. Townsend. That's consistent with our training.

19 And distance and, like, barriers buy us time, so

20 that's where my mindset was.

21 So I just continued that. I was going to my

22 police car. I ended up around the hood of my police

23 car and I -- I moved so that the hood of my police car

24 was between me and Mr. Townsend. And he's -- he had

25 fallen to the ground at this point.

Examination of Brett William Emmons

1 But sometimes people reanimate and I -- so
2 I -- now -- now, we have this other problem where we
3 want to render aid to Mr. Townsend and I just want to
4 make sure we can facilitate that safely even though
5 things became unsafe. We're -- still want to try to
6 reestablish, like, a safe plan and maintain that.

7 And so I got around to the hood of my car.
8 I lost sight of Officer Brown, but I had seen that he
9 hadn't been hurt. And I -- you know, I -- I think I
10 was considering maybe even switching back to my gun
11 just 'cause I didn't know where he was. That's my
12 lethal cover.

13 But I think before I did that, he had
14 rejoined me. So I just had my Taser out the whole
15 time. It's the yellow object in my hand. It was
16 presented from the left side of my chest.

17 Q And were you giving Mr. Townsend any
18 instruction?

19 A In a -- yeah. In just a moment. So I don't
20 remember the timing here 'cause it was all super fast,
21 but at some point, like, right around when I got to
22 behind the car, I called out to Mr. Townsend,
23 something to the effect of, "Hey, we're going to try
24 to get you help." And I think I said, like, "Can you
25 call out to me?"

Examination of Brett William Emmons

1 I wanted him to try and engage with me
2 verbally and I asked him, if he was able to, if he
3 could roll away from the -- I think I -- at the time,
4 I identified it as a screwdriver. I said, "Can you --
5 if you can, can you roll away from the screwdriver?"

6 And I just explained things like, you know,
7 "We won't -- we're going to try to get you some help.
8 Call out to me," just trying to engage him. He wasn't
9 verbal. He -- he was moving still. He was kind of on
10 his back initially, sort of writhing. His eyes were
11 open, but he wasn't engaged with me.

12 And then he rolled -- I don't know. He kind
13 of did, like, a half roll. He ended up kind of just
14 laying on his back statically. As that was happening,
15 Officer Brown had rejoined me.

16 And I told him, "Hey, we need to come up
17 with a plan to go give him some aid and I think we
18 need to do that pretty quickly. I think he needs
19 help, like, fast."

20 And I hadn't heard this on the radio, but
21 Officer Brown told me there was another officer
22 already en route and super close with one of our
23 40-millimeter less-lethal launchers. So it's another
24 less-lethal option. It fires a 40-millimeter sponge
25 round. It's, like, a -- it's just, like, a big,

Examination of Brett William Emmons

1 spongy chunk of rubber.

2 And it's just -- it's just like a -- if you
3 were to hit someone with a baton, similar effect.
4 It's just that it gives you extended range. So when
5 we're doing -- so, you know, reactionarily, a
6 less-lethal option for us is maybe the Taser that's on
7 our body.

8 But, like, if we are kind of preemptively
9 coming up with a tactical plan, we might use the
10 40-millimeter launcher 'cause it has a little bit
11 further range.

12 Q And we -- we just heard a little bit from
13 Officer Clark about these types of options.

14 A Oh, okay.

15 Q So was that responding Officer Elias?

16 A Yes.

17 Q Okay.

18 A Yep.

19 Q And so he arrives on scene. What did the
20 three of you do?

21 A Yeah. So Officer brown said, "We should
22 wait for Jeff. He's -- or for Officer Elias. He's
23 almost here." And I said, "All right. That's a good
24 idea." And he got there, like, it seemed within
25 seconds of that statement. And I looked over. He had

Examination of Brett William Emmons

1 his launcher out and he was approaching.

2 And I said, "Hey, Jeff, we need to get up
3 there, like, now. He needs help. And are you good
4 with that?" Officer Elias indicated he was okay with
5 that. Officer Brown indicated he was okay with that.
6 And I looked back at the -- the medics. They had all
7 kind of moved out to, I guess, Holladay.

8 So they were -- they were out of the way.
9 And I -- I looked -- turned back towards them. I just
10 said, "Hey, we're going to get up there. We're going
11 to take care of the screwdriver and then we'll bring
12 you guys up to start working on him." And within,
13 like, a second or two, we approached Mr. Townsend.

14 I swept the screwdriver out of the way with
15 my foot just to alleviate that concern so we could
16 focus on the medical aid. And I just started looking
17 for injuries. I think I lifted his shirt up and I
18 noticed an injury somewhere in his abdomen, maybe
19 the -- like, the left side of his lower abdomen.

20 I saw a rip on his pants and I was, you
21 know, concerned maybe he had been struck in the leg or
22 something, so I -- I just ripped the pants open and
23 started looking for bullet strikes on his legs.

24 And, like, within a moment or two, the
25 firefighters and the ambulance medics had joined me,

Examination of Brett William Emmons

1 got all the garments cut off so we could assess,
2 loaded him onto a fabric litter and picked him up and
3 put him on the gurney. I pointed out any wounds that
4 I had observed.

5 I think there was one under his armpit that
6 I saw and one on his lower abdomen. I pointed those
7 out to the medics and then they took him off, I think,
8 to the ambulance. And then I realized, you know,
9 okay. I'm a witness to this officer-involved
10 shooting. I'm going to need to be separated as soon
11 as it's feasible.

12 But we also have a crime scene to manage and
13 there was some people starting -- like, guests from
14 the hotel that had come out and they were pretty
15 upset. And so I just kind of made sure people stayed
16 back so we could preserve the crime scene evidence.
17 And then I put up some crime scene tape.

18 As soon as a supervisor arrived, which was
19 very quickly, I -- you know, I indicated my role,
20 "Hey, I was a witness to the shooting. I need to be
21 separated." and then I was placed in a -- a car and
22 separated until the whole investigation ensued.

23 Q And at the time when they were treating
24 Mr. Townsend and preparing to load him into the
25 ambulance, did you ever hear him say anything else?

Examination of Brett William Emmons

1 A No. No, I never heard him say anything
2 else.

3 MS. SEELE: I think those are my questions.
4 Let me check with my co-counsel and the grand jurors.
5 Okay. We have a question here, so hold on one second.

6 THE WITNESS: Okay.

7 BY MS. TUTTLE:

8 Q During your interaction with Mr. Townsend on
9 the stairs when you were talking to him in regards to
10 whether or not he wanted to go or stay and he was,
11 like, reaching for his pocket and everything, do -- do
12 you remember if anyone else was saying anything or
13 interacting with Mr. Townsend at the time that would
14 -- didn't sit well with him, basically?

15 A That didn't sit well with him?

16 Q Yeah.

17 A I -- not that I was -- I think Officer Brown
18 said something, but it was -- from what I recall, it
19 was probably similar to what I had said. And it
20 didn't seem -- I was really the one doing most of the
21 talking, though. And it didn't seem -- no.

22 It didn't seem like anyone had said anything
23 that caused him to feel, I guess, uneasy except from
24 the fact -- except -- or aside from the fact that we
25 wanted to do a patdown. But it didn't -- it -- no.

Examination of Brett William Emmons

1 It didn't seem like there was anything additional that
2 would have, like, agitated him, not that I heard.

3 MS. SEELE: Any other questions, folks?

4 A GRAND JUROR: Give me just a second. I
5 thought I had one. I don't think so.

6 MS. SEELE: Okay. We're good?

7 Thank you so much, Officer. Appreciate your
8 time this afternoon.

9 A GRAND JUROR: Thank you.

10 THE WITNESS: Okay. Thank you. Have a good
11 afternoon.

12 MS. SEELE: You, too. Bye.

13 THE WITNESS: Bye-bye.

14 MR. VASQUEZ: Okay. Quick question for the
15 grand jurors.

16 A GRAND JUROR: Want to go off?

17 MS. TUTTLE: Off the record.

18 A GRAND JUROR: Okay.

19 (Recess taken, 4:13 p.m. - 4:20 p.m.)

20 **CURTIS BROWN**

21 Was thereupon called as a witness; and, having been
22 first duly sworn, was examined and testified as follows:

23 A GRAND JUROR: Thank you.

24 MR. VASQUEZ: Go ahead and have a seat.

25 THE WITNESS: Does this raise?

Examination of Curtis Brown

1 MS. SEELE: Unfortunately not, no.

2 THE WITNESS: Okay.

3 MS. SEELE: It's kind of a static chair and
4 it also --

5 THE WITNESS: Oh.

6 MS. SEELE: -- doesn't have wheels.

7 THE WITNESS: Okay.

8 MS. SEELE: And if at any point you need to
9 stand up, that's totally fine.

10 THE WITNESS: Okay.

11 MS. SEELE: So go ahead and state your name
12 and spell your last name, please.

13 THE WITNESS: Okay. Curtis Brown,
14 B-r-o-w-n.

15 EXAMINATION

16 BY MS. SEELE:

17 Q And I'm going to start by having you
18 introduce yourself to the grand jury. Just tell them
19 what your position is, your background and about your
20 training and experience.

21 A Okay. I'm Curtis Brown. I'm a police
22 officer with the City of Portland. I've been employed
23 there for -- I got hired originally in 1999. I was
24 part of Op 80 (phonetic). There was 67 of us that got
25 hired at the same time.

Examination of Curtis Brown

1 So we did everything the same or to -- at
2 the same time. So no advanced academy for us, no
3 Monmouth for us. We did it all in Clackamas --

4 Q Mm-hmm.

5 A -- all together. So -- well, I should back
6 up. I was in the Army prior to that. So I was an MP
7 for two years. I was an investigator for three on a
8 drug team there in Hawaii.

9 In -- but back to Portland. So got hired in
10 '99. I worked here until 2001. When 9/11 happened, I
11 applied for the feds and went and worked as a federal
12 -- federal air marshal. So I was an air marshal for a
13 year.

14 I decided to come back to the City of
15 Portland, so that was in 2003. So I've been here
16 since-- since then. My original, I was initially in
17 patrol. And then in 2003, I went to transit, so I was
18 a transit police officer from 2003 up until this year,
19 February -- March is when I came back to patrol.

20 I'm currently assigned to North Precinct, B
21 shift, which starts at noon and ends at 10:00 p.m. I
22 generally worked with Wednesday, Thursday, Friday off,
23 but that -- the day of the incident is my first day on
24 my new schedule.

25 Q Okay.

Examination of Curtis Brown

1 A So --

2 Q Okay. So I'm going to ask you a little bit
3 about your training --

4 A Sure.

5 Q -- and various aspects. But before I do
6 that, I just want to make it clear. You're here
7 voluntarily --

8 A Correct.

9 Q -- right? You -- we haven't compelled you
10 to come and you can leave at any time?

11 A Right.

12 Q You're here to let folks know, from your
13 perspective, kind of what happened?

14 A Yes.

15 Q Okay.

16 A Yes, absolutely.

17 Q Great. Okay. So specifically about use of
18 force, have you --

19 A Yes.

20 Q -- had use-of-force training over the years?

21 A Yes. Yes.

22 Q And how -- do you have any estimate of how
23 many hours you've spent in use-of-force training?

24 A With the -- you know, for 22-ish years, with
25 the Bureau, we do -- we do at least, I say, ten hours

Examination of Curtis Brown

1 a year with -- with the Police Bureau. I do out --
2 training outside.

3 I've applied for and paid for training
4 outside of the Bureau. And then I also became an
5 instructor in use-of-force stuff for Krav Maga, which
6 is a -- is really self-defense. And so I teach law
7 enforcement self-defense through that organization.

8 Q And you said you've paid for outside
9 training.

10 A Yes.

11 Q Specifically in use of force?

12 A Yes.

13 Q Okay.

14 A So use of force, we call it defensive
15 tactics, so that and because I've always been
16 interested in it, using less force to accomplish the
17 same -- same goal without getting hurt or hurting
18 other people unnecessarily.

19 Q Okay.

20 A And I mostly did that because I -- I did a
21 martial art that -- you know, when you go in and they
22 teach you, like, this step and that step, then this
23 step.

24 And I was doing that and I realized I almost
25 broke a guy's arm just because I was doing the steps

Examination of Curtis Brown

1 and I was like, okay. This is not okay. So -- so
2 that's really what piqued my interest in it.

3 Q Okay. What about crisis response training?
4 Have you had training to general crisis response and
5 then, in particular, mental health or drug issue --

6 A Yeah.

7 Q -- crisis response?

8 A Yes. So I -- before the Bureau made it
9 mandatory, they asked for volunteer officers and --
10 sorry. Sorry. I won't (indiscernible). And so I
11 volunteered to do that. So that was 40 hours
12 of training.

13 I did that for, gosh, probably, I think,
14 four or five years prior to the Bureau making it a
15 requirement. So I did that. So the first set of
16 training was 40 hours and then we had updates that we
17 did throughout the year up until then.

18 And then the Bureau made it mandatory and we
19 did a -- I did another 40 hours. And then we have
20 updates every year since -- since then.

21 Q So I want to talk to you about June 24th,
22 2021. And --

23 A Yeah.

24 Q -- you responded to a call at the Motel 6
25 on Holladay.

Examination of Curtis Brown

1 A Yes.

2 Q Do you remember what time that call came in?

3 A No. I -- I -- I'm guessing 'cause I -- I
4 don't -- I don't remember; but I think it was close
5 to, like, 5:00 or 6 o'clock --

6 Q Okay.

7 A -- in the -- in the evening.

8 Q Okay. And so what was your role when you
9 responded?

10 A I was a cover officer. Officer Emmons was
11 the primary. Sorry. So -- but, yeah, I was a
12 primary -- or a cover officer --

13 Q Okay.

14 A -- that day.

15 Q You were there to back him up?

16 A Yes.

17 Q What information did you have when you got
18 to the Motel 6?

19 A Ah, I -- I -- on the radio, 'cause I -- I
20 didn't have time to read the call, so I just listened
21 to the dispatch. So I knew that the call was
22 initially that there was a -- there was a person
23 calling in to dispatch saying that he wanted to commit
24 suicide, but was requesting to go to the hospital.

25 Q Okay.

Examination of Curtis Brown

1 A I knew -- like, at the time, I -- I -- I
2 remember now that, you know, there was information
3 about he had a knife or a screwdriver that he had put
4 away and -- and that he was at the Motel 6.

5 Q So what did you see when you arrived?

6 A Okay. So -- sorry.

7 Q That's okay.

8 A When I got there, there was a fire truck
9 parked on Holladay, so just on the north end of the
10 parking lot from the hotel. I pulled in behind
11 Officer Emmons. We got there almost about the same
12 time, but I pulled in after him.

13 When we pulled in, we pulled in on the far
14 east entrance of the lot and I could see firefighters
15 standing outside in the parking lot. I could see --
16 it looked like there were several people that were
17 staying in the hotel that were standing in the
18 parking lot. Did you ask me what I saw before?

19 Q Just as you were arriving.

20 A Okay.

21 Q If it helps to go back to before and just
22 kind of chronologically tell it, that's perfectly
23 fine.

24 A I don't know if -- I don't know if I can.

25 So --

Examination of Curtis Brown

1 Q That's okay.

2 A And, at some point, I saw the person that we
3 were looking for. I didn't know that it was him.

4 Q Okay.

5 A But I could see that there was somebody on
6 the second floor of the hotel. So the hotel, the --
7 the hallways are outside, outside of the -- the rooms
8 and there's a railing and -- and so it's a U-shape.
9 The hotel is a U-shape.

10 And he's walking in the middle of the U.
11 And I -- I -- I don't remember if he was -- if he was
12 not moving or if he was moving and he was walking when
13 I first got there. I just don't remember. I just --

14 Q Okay.

15 A -- kind of glanced at him 'cause I -- I
16 didn't really know what he looked like yet.

17 Q Okay. So you noticed him, but didn't know
18 if that was the person you were --

19 A Correct.

20 Q -- there about; is that right?

21 A Yes.

22 Q Okay. So then you get there and you get out
23 of your car.

24 A Yeah.

25 Q What happens next?

Examination of Curtis Brown

1 A Ah, so I get out of my car and I'm
2 contacted. And I'm sorry. I'm not looking at you
3 guys. I'm just kind of -- there's a firefighter
4 that's sitting -- so there -- there were -- I think
5 there were four firefighters sitting outside their
6 trucks. And I think most of them were in the parking
7 lot.

8 We were by the manager's office to the far
9 east end of the hotel. Firefighter walked up to me
10 and that's when I found out that that was the person
11 that we were -- that we were there to talk to. I -- I
12 forgot your question.

13 Q No, that's -- you're answering it --

14 A Okay.

15 Q -- right now. That's okay. So -- so I'm
16 just asking -- so you get out of your car. You're
17 talking to the firefighters.

18 A Yeah.

19 Q They point out this -- this man as the one
20 that -- that you're there about.

21 A Yeah.

22 Q Was there any interaction with that man at
23 that point?

24 A Ah, so the firefighter told me that they had
25 contacted him and he seemed pretty angry. I could see

Examination of Curtis Brown

1 him pacing back and forth from the east to the west on
2 the second floor. The -- I know Emmons asked him if
3 he wanted help, I believe. All this is a bit -- it's
4 fuzzy for me.

5 Q Okay.

6 A But I -- I -- I believe that he asked him if
7 he wanted help, if he wanted to go to the hospital.
8 The firefighter that I was talking to told me that he,
9 when they first contacted him, he was pretty agitated
10 and he was trying to go back to his room.

11 I could see that he had a phone in his hand
12 and he was screaming, so I couldn't understand what he
13 was saying. I don't -- I -- at least I think I don't
14 know what he was saying. I could be wrong. I might
15 have understood and just blocked it out. I don't -- I
16 don't -- I don't -- I just don't know.

17 So I knew that -- I knew that he was
18 agitated. I asked him if he wanted our help. I
19 believe I asked him if he wanted our help.

20 And he stopped and looked at me; and, you
21 know, he -- I could see he's -- I couldn't tell if he
22 was talking on the phone. But he just starts -- he --
23 he stops, looks at me and keeps moving to the west.

24 So I -- I -- I think, at that point, you
25 know, my attitude about it was, he called, he said he

Examination of Curtis Brown

1 wanted our help. There is no crime. There is no
2 interest of the police to do any -- I mean, it's up
3 to him.

4 Like, we had Fire Department there. I don't
5 know if the -- I don't know when the ambulance got
6 there. I have no idea. But he's not -- it doesn't
7 seem to me like he wants our help, right, or he
8 doesn't want us to do anything. And he's just yelling
9 and he's walk -- pacing back and forth. So my
10 attitude was like, we -- there's no crime. We can't
11 make him do anything.

12 Q Mm-hmm.

13 A And so he -- and he's -- and it doesn't seem
14 like he really wants to talk to us 'cause I know
15 Emmons was talking to him or trying to talk to him. I
16 don't think that he ever responded. He was just
17 screaming.

18 Q Did you consider a police officer hold?

19 A I didn't.

20 Q Okay.

21 A I didn't because he didn't -- he -- he
22 didn't pose a danger to himself or anybody else. He
23 was just angry, right? And so, in my mind, there's --
24 the only way I would have been able to do anything was
25 -- if I had a crime would be to go up there and fight

Examination of Curtis Brown

1 this guy and -- or to physically do something
2 with him.

3 And he's by himself and he's on the top
4 deck. He's yelling and screaming. Sorry for the
5 other people, but there's not a reason for me to go up
6 and do anything to this guy. So I didn't consider any
7 of that. I -- I never considered that.

8 Q Okay. And so then tell us -- so you say
9 Officer Emmons was trying to talk to him. That wasn't
10 going so well, so -- so what happened?

11 A We decided to leave. So that was my
12 attitude. He said -- I said, "Hey, what are we
13 doing?" And he said, "Let's just go." I'm like,
14 "Perfect."

15 I don't know if I told the firefighters
16 or if he told them 'cause they were all kind of
17 standing there, but it was agreed that we were
18 leaving. So I got in my car. Emmons got in his car.
19 And so I'm still parked behind him. So we start
20 driving through -- so I'm thinking we're done.

21 And, at some point, I don't -- I don't know
22 when -- I realize that -- 'cause we were driving
23 through the parking lot, but we were going really
24 slow. And I couldn't really -- so I thought he was
25 trying to clear the call. I -- I have no idea why we

Examination of Curtis Brown

1 were (indiscernible).

2 Q What does that -- what does that mean, to
3 clear the call?

4 A Oh, I'm sorry. In our car, we have the
5 computer. So we have the ability to put a -- to
6 assign ourselves to a call that's either holding or
7 a call that comes out over the radio. We can put
8 ourselves on calls and we can clear ourselves
9 from calls.

10 So, as the primary, that's his
11 responsibility generally unless he says, "Hey, can you
12 do it?" And so that's what I thought he was doing. I
13 thought that's -- later on, that's what I -- that's
14 what I realized I thought.

15 So -- and then, at some point, I realized
16 that his window was down. And I can see the person
17 that we're there for still on the second floor and I
18 realize that they're talking. Emmons and this person
19 are talking.

20 And -- but I -- my window was up. I have no
21 idea what was being said. And then Emmons stops his
22 car. And I didn't really think too much about it.
23 And then I see him get out. So I realize that
24 we're -- we're recontacting -- recontacting him. And
25 so I get out to cover him.

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1 Q Okay.

2 A Does that answer your question?

3 Q That's -- you are answering it. So -- so --

4 A Sorry.

5 Q -- you're -- you're out again because Emmons
6 is out.

7 A Yes.

8 Q And you're backing him up.

9 A Yes.

10 Q Did any of the other -- so where did you go
11 when you got out of the car?

12 A So when I get out of the car, I notice that
13 the person that we're there for is walking down the
14 stairs. So I have no idea why.

15 I don't know if Emmons said, "Hey, come down
16 and talk to me," or he just did it or -- I have no
17 idea. But Emmons didn't seem like he was concerned
18 about it, so there was an agreement at some point that
19 this was going to happen.

20 So I'm standing -- I'm -- as he's walking
21 down the stairs, I believe -- I don't -- I don't
22 remember 'cause it wasn't, you know -- so I don't --
23 I -- I -- I think I was walking -- approaching him as
24 he's walking down the stairs.

25 So as he gets down to the -- the second or

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1 third steps, he get -- step, he gets down and he takes
2 a seat. So we're on the far west side of the hotel.
3 There's a stairway on the west side and there's a
4 stairway on the east side.

5 We're on the west side and at the bottom of
6 the stairs, there's rooms that go before, right behind
7 and past the stairs. And then it's just standing
8 closest to the hotel rooms. I believe we were at 117,
9 so Emmons is standing there. I'm standing kind of in
10 front of him.

11 And the firefighters are standing to my
12 right and there was one in particular. I don't know
13 if he was a firefighter or if he was an AMR driver,
14 but he's standing where the firefighters are on the
15 railing of the stairs. And, at one point, I -- I
16 notice a person that I know to be an AMR driver just
17 'cause his shirt was a different color.

18 Like, sometimes they wear jackets that look
19 like the fire -- so I don't know where he came from.
20 I have no idea when he got there. But I'm standing
21 there and Emmons and the -- the firefighter, I -- who
22 I believe to be a firefighter, start engaging him in
23 conversation.

24 Q And how does that conversation start
25 out tone-wise?

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1 A Well, it started out -- it started out --
2 the -- it -- it was actually okay, I thought. Well,
3 so Emmons is asking him "Hey, you know, are you okay?
4 Are you -- do you want to hurt yourself?" something
5 like that.

6 And the guy says -- I don't remember when,
7 but says, "No" -- sorry. He says, "No, I -- I -- I'm
8 just in a bad way." And then it comes out that he
9 used meth and he's like, "I've never felt like
10 this before."

11 Q Now, you've been, I'm guessing, as a police
12 officer for as long as you have been, around people
13 that are high on meth before.

14 A Oh, yes.

15 Q So was -- was his kind of behavior and the
16 way he was talking and acting consistent with
17 somebody --

18 A Oh --

19 Q -- high on meth?

20 A Oh, absolutely.

21 Q Okay.

22 A So he -- he didn't have control of his
23 hands. They were really kind of -- I don't know how
24 to describe this, but they were moving under -- like,
25 he didn't seem like he had control of them. He would

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1 periodically look at his hands like he was trying to
2 will them to do something.

3 I can see his mouth is -- you can tell it's
4 like -- they get this cottonmouth-type thing, so they
5 kind of smack and kind of work their mouth. They're
6 not chewing anything. They're just working their
7 mouth almost like they're exercising their jaws.

8 But he's -- he seems to be -- at this point,
9 as I recall, he's -- he's -- his -- his tone is pretty
10 calm at this point. But his demeanor and his -- he
11 looked very -- he looked pretty intense, right? I
12 don't know how to describe it.

13 It -- I could see the veins in his -- in his
14 temples start to kind of protrude. I can see -- at
15 one point, I can see that his face is -- he's kind of
16 almost grinding his teeth. I can see the veins in his
17 neck just kind of -- they're -- they're protruding
18 out, like, not normal, like, when you're just sitting.
19 And, yeah.

20 Q So I --

21 A Yeah.

22 Q -- in looking at you, I can see you kind of
23 clenching your fists and tightening --

24 A Yes.

25 Q -- up your body.

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1 A That's --

2 Q Is that what you were seeing?

3 A Yes.

4 Q Okay. All right. So this conversation
5 is -- is happening. He, at some point, says he's in a
6 bad way.

7 A Yes.

8 Q And, at some point, does Officer Emmons say,
9 "We're going to need to pat you down"?

10 A Yes. So -- so while we're sitting there, he
11 tries to put his left hand into his pocket. So it
12 wasn't, like, a fast movement. It was, like, a really
13 slow, deliberate movement. And it was like he would
14 look -- he looked down at his hand.

15 And it was like, you know, either, what am I
16 doing, or, yes, this is what I'm -- you know, but it
17 was really a slow, deliberate movement, right? It
18 wasn't, like, reaching in really quick.

19 And so -- and I don't remember if it was me
20 or Emmons or both of us that said, "Hey, don't put
21 your hands in your pockets." And Emmons is like,
22 "Hey, do you have anything sharp on you?" and no
23 response.

24 So, at that point, anything that we asked
25 him or -- or said, he didn't respond to. He did, at

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1 one point, tell Emmons that his name was Michael, but
2 that was -- that was it.

3 Q Okay.

4 A Sorry.

5 Q No, you're good.

6 A Can I go -- go on?

7 Q Yeah.

8 A I just really feel like I want to get
9 it out.

10 Q Go right ahead.

11 A So, sorry. I don't (indiscernible).

12 So he turns to put his hands in his pocket.
13 Emmons says, "No." He stops. And I'm looking at him
14 and at some point, I realize -- 'cause he's got very
15 distinctive tattoos.

16 He had blood tattoos on his face here. He
17 had tattoos on his eyebrows -- or on his eyelids or
18 maybe above. I don't -- one of the two. He had
19 spiderweb tattoos on his forehead and I realized that
20 I had a call about him either the day before or two
21 days before where he was at the mall threatening
22 people and yelling and screaming.

23 So I realize, oh, this is the person that
24 I -- I looked for and never found him that day. But
25 that made sense for -- with the meth and what I saw

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1 and what I was seeing, like, oh, this -- you know,
2 this is kind of a thing that's going on for him for a
3 few days.

4 Which is important to me in the sense that,
5 you know, I know where his mind is where he's been on
6 drugs for a few days and so he's not -- he's probably
7 not sleeping, you know, just kind of those kind of
8 things.

9 And -- and he reach -- he tries to reach
10 into his pocket again and we both tell him not to do
11 that. And I tell him -- I can't speak for Emmons, but
12 I do that because I know that people carry weapons in
13 their pockets, right?

14 I was assigned to transit for 15 years.
15 Everybody carries knives on them. And I -- that was
16 my concern. I couldn't see it because he was sitting
17 down; but, you know, I don't know that he is or not.

18 And while we're saying this to him, Emmons
19 and I and the firefighter remind him, like, "Listen.
20 This is all voluntary. If you don't want to come with
21 us, you don't have to. If you don't" -- you know,
22 'cause Emmons had -- had requested to pat him down.

23 You know, we all told him, you know, "Hey,
24 listen. If you don't want to be patted down, that's
25 okay. You can stay here. You can go, but we just

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1 can't put you in the ambulance," right?

2 And the firefighter was telling him,
3 "Listen. We can't put you in a box because, for our
4 safety, we don't know what you have. We don't know
5 anything about you and we just need to be safe."

6 So -- and he's not responding to us, but at
7 this point, I -- I was -- started thinking that he
8 didn't want us to pat him down because he had more
9 drugs. That's what I was thinking. I was thinking
10 that he had more meth on him and that was his -- the
11 hesitation.

12 So I brought -- I said, "Hey, we don't care
13 what you have. We just need to make sure that you
14 don't have any -- any weapons on you before you go in
15 the ambulance for the safety of him and the -- and
16 the -- the people driving the ambulance."

17 And out of the blue, he says, "Can I take my
18 shirt off?" And so based on my personal history,
19 based on just what I've seen in working the streets in
20 Portland, you know, generally, when people are getting
21 ready to fight or do something physical like that,
22 they want to take -- they take their shirt off to keep
23 it from ripping or -- I don't know, just, like, as an
24 intimidation, I guess.

25 And so I was like, "No, you can't take off

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1 your shirt." Then he doesn't say anything else. And
2 he kind of looks at his pocket again and he tries to
3 put his hand in his pocket.

4 So, at this point, 'cause we had told him
5 multiple times that this is voluntary, you know, "You
6 can leave. We'll leave," and he didn't respond. But
7 I -- in my mind, he wasn't -- he didn't want to -- if
8 he didn't want to be patted down, he didn't want to go
9 to the hospital 'cause it was already -- he -- it was
10 already made clear.

11 So I -- I asked him if -- what we were going
12 to do 'cause I was like -- I thought we should just
13 leave. And --

14 Yes, sir?

15 A GRAND JUROR: When you say you asked him,
16 you asked --

17 THE WITNESS: Emmons.

18 A GRAND JUROR: -- the other officer?

19 THE WITNESS: The other officer.

20 A GRAND JUROR: Okay. I'm just making sure.

21 THE WITNESS: Sorry, sorry.

22 A GRAND JUROR: No, you're perfect.

23 THE WITNESS: The other officer what he
24 wanted to do and he's like, "Let's go." So I see
25 Emmons is still kind of to my left in front of the

Examination of Curtis Brown

1 door. So he kind of goes around and he starts to
2 walk away.

3 I don't know where the AMR driver goes. I
4 thought that the firefighters were leaving and they
5 were going behind me and going back to their truck
6 'cause all of our vehicles were behind us. So as we
7 start to leave, I'm just kind of watching him.

8 And then he said -- he screams, "Do you want
9 this shit?" And I'm just like, "Stop." You know, and
10 when he says that, he stands up and he starts digging
11 into his pocket, into his -- with his left hand into
12 his left front pocket.

13 I'm just -- I -- I -- I don't know if I
14 said, "Stop," again or if I just said, "Drop it,"
15 or -- 'cause I don't think I saw -- I didn't see
16 anything at this point, but I'm -- I'm moving away
17 from him.

18 He stands up and he's coming down -- he
19 finished coming down the stairs and he starts moving
20 towards me. And, at this point, when he -- I -- I
21 tell him to stop, he's like, "Fuck you. Do you want
22 this shit?" And he's screaming.

23 And when I look at his face, I can see the
24 veins, you know, protruding on his neck. I can see
25 his eyes are just really wide. He had a look on his

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1 face. His mouth is just kind of in this, I guess, for
2 about a -- a stern look maybe.

3 But it -- it was like -- I could see his
4 teeth and I could see, in his left hand, he's got what
5 looked like a knife to me. It was silver, black tape
6 around the handle and the -- the -- the tip of it was
7 at a sharp point.

8 And he had it -- I'm right handed, but he's
9 -- he's got it in his left hand. And it's pointing at
10 me. It's at his shoulder height and he's continuously
11 moving towards me and I'm moving away from him. And I
12 told him to stop.

13 At some point, I told him to drop it. And
14 he's still screaming at me and he's -- and he's coming
15 at me and he squatted down. He's in a real athletic,
16 aggressive stance. And I'm trying to move back away
17 from him and he's advancing on me.

18 And I wasn't able to create any more
19 distance, so I was trying to create distance and space
20 away from him and I'm not able to do it 'cause I'm
21 moving backwards and he's moving forward. And it
22 almost seemed at one point that he was running
23 towards me.

24 You know, that's what it seemed like to me.
25 I -- I -- I think I -- I don't know. I could be

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1 wrong, but that's what it -- that's what it felt like
2 to me. And, you know, he -- he gets probably four to
3 five feet from me, I think. I'm guessing.

4 And I had already told him to drop it or
5 stop again. And I fired the first round and he kept
6 coming towards me, I believe. That's what it felt
7 like.

8 And then I fired the second round and then
9 he went down. I didn't -- I didn't see him anymore.
10 And so I moved around to the back of the car and
11 caught up with Emmons.

12 Q Okay. Let me back up a little bit --

13 A Yeah.

14 Q -- and ask you a few questions.

15 So, first of all, you're describing this --
16 the conversation and the things that were said around
17 the stairs in a certain tone --

18 A Yeah.

19 Q -- that I would consider kind of a gentle,
20 non-threatening tone.

21 A Right.

22 Q Was that the tone that was used at the time?

23 A From me to him?

24 Q From everybody to him. Just at the
25 stairwell.

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1 A Just at the stairwell, you know, it was --
2 when he was digging in his pocket, it wasn't. It was
3 more of a firm, "Stop" --

4 Q Okay.

5 A -- right? 'Cause -- 'cause, at that point,
6 I'm trying to control his actions. And that was
7 really the only thing we were trying to control, was
8 that. Like I said before, I don't know what he's
9 trying to pull out. I don't know what he's trying to
10 do, but I don't want to deal with it --

11 Q Okay.

12 A -- whatever that is. So that was more of a
13 firm, you know, conversation. The rest of it was kind
14 of just this kind of conversation 'cause he's not
15 really talking to us and we're trying to figure out,
16 like, what's going on with him and what does he want
17 to do, right?

18 Q Okay. When you saw him keep going to that
19 pocket even after he was told repeatedly to --
20 to stop --

21 A Yes.

22 Q -- you've talked about how you were
23 initially concerned about the weapon and then you were
24 concerned about drugs. What was your -- what was your
25 kind of ultimate concern?

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1 A I was scared that -- I -- I was concerned
2 that if he did have a weapon, that we can get hurt.

3 Q Okay.

4 A You know, either me or the firefighters,
5 Officer Emmons. That was -- that was my concern.

6 Q And when he pulled that weapon out and he
7 had it in his fist and it was at you --

8 A Yes.

9 Q -- what was your concern at that point?

10 A I was worried about getting stabbed.

11 Q Okay.

12 A Like I said, I've done a lot of training
13 and -- and advanced work in (indiscernible) and
14 training at the Police Bureau. We talk about this
15 and, I mean, obviously, we know that there's a lot of
16 veins and arteries in your -- your neck and in your --
17 in your -- in your arms and -- you know, and you can
18 get hurt, right?

19 And so I was worried about being stabbed and
20 him hitting a -- a vital organ or just stabbing me so
21 much that my body just can't -- can't recover from it.

22 Q Okay. So you're talking a serious physical
23 injury or even getting killed?

24 A Yes.

25 Q Okay. You didn't immediately -- do you

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1 remember when you drew your gun on him?

2 A No, I remember that it was drawn. I -- I
3 just don't -- I don't remember --

4 Q Would -- would you consider this a traumatic
5 event for you?

6 A Yeah. Oh, yeah.

7 Q Okay. And so understanding that memory can
8 be hard in that kind of a situation, do you remember
9 when you were pointing the gun at him and he had
10 the -- the object raised at you, you didn't shoot him
11 right away?

12 A Right.

13 Q And you've talked about how you told him,
14 "Stop," and, "Drop it."

15 A Right.

16 Q Why didn't you shoot him right away?

17 A Because I was -- I honestly -- I thought
18 that, by creating the space and -- and distance and
19 trying to deescalate the whole situation, that
20 hopefully he realizes that this is very serious and
21 he'll just drop the weapon.

22 And we'll do whatever we're going to do
23 after that. But that was -- that was my whole goal,
24 was he drops it, we stop, start all over, whatever
25 that looks like.

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1 Q This was all very quick?

2 A Yeah.

3 Q Did you -- did you have any thought of using
4 something other than a firearm in -- in that
5 situation?

6 A No.

7 Q And why -- tell us why not.

8 A I've used a Taser three or four times and it
9 was never successful. I've been around multiple other
10 times when the Taser wasn't effective. And the other
11 problem is we were moving and the Taser probes come
12 out and they go different directions.

13 So the concern is, A, the effectiveness
14 of -- of it. And with the Taser, you need both prongs
15 to hit the person. So as he's moving, it's not -- I
16 mean, it just -- in my mind, just what I've -- the
17 training that I've done, I just don't -- it -- the
18 Taser's hard to -- it's hard to get both prongs when
19 they're still.

20 So when they're moving and you're moving,
21 it's -- it's just not an effective tool. And for the
22 distance that we were at, you -- in order for the
23 Taser to be effective, you need more spread; so more
24 distance between one prong to the other, so -- because
25 your body is 90 -- 80 or 90 percent water, that's what

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1 makes it more effective.

2 So the closer you are, the less spread you
3 get, the less effective. So if I hit him here, it
4 only affects here, right? If -- if I get -- but if I
5 get him one in the arm and one in the leg, then
6 it's effective.

7 But at the distance that we were at and
8 trying to use the Taser while I'm moving and he's
9 moving just doesn't -- that's just not a realistic
10 tool for the -- the environment that we were in.

11 Q And so we've heard about a couple of other
12 tools such as Mace and/or -- or I think there's
13 another police officer name for it, but --

14 A Yeah.

15 Q -- what I call Mace --

16 A Yeah.

17 Q -- and a baton.

18 A Right.

19 Q Why wouldn't you use either one of those?

20 A The -- the Mace -- when you use Mace,
21 generally, you're affected, too, right? And, again, I
22 have to get it out and try to spray him with it. And
23 I've seen it -- I've seen it work and I've seen it not
24 work.

25 Most of the time that I've seen it work,

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1 it's after they still -- hit you a couple times or the
2 fight's still on and they eventually -- it works. But
3 it also affects you and so it just -- it -- it kind of
4 renders them at a disadvantage. It also does the same
5 exact thing to you --

6 Q Okay.

7 A -- right? The baton that we use, I've used
8 it twice, three times. It's worked once. I've seen
9 other people use it and it's hit or miss. It's
10 about --

11 Q Okay.

12 A -- 20-percent effective.

13 Q When you're that close together, if you --
14 if it doesn't work, either the Mace or the baton,
15 what's the -- what happens?

16 A They can take it from you.

17 Q Okay.

18 A They can take it from you or they continue
19 doing what they were doing. And with him, it was what
20 I believed to be a knife and him stabbing me.

21 Q Okay.

22 A And it didn't appear to me that he was
23 planning on stabbing me once he's just so angry and
24 aggressive.

25 MS. SEELE: Okay. Do you -- is there more?

Examination of Curtis Brown

1 A GRAND JUROR: No.

2 MS. SEELE: Okay. I think that's all the
3 questions that I have. Do any of the rest of you have
4 questions for Officer Brown?

5 A GRAND JUROR: I'm sorry this happened.

6 THE WITNESS: Thank you.

7 A GRAND JUROR: That's not a question. It's
8 a statement.

9 THE WITNESS: Thank you very much.

10 A GRAND JUROR: So you said that as he was
11 approaching you, he was saying stuff. Was it just
12 what you said before, "Do you want this?" Like, it
13 wasn't anything more specific than that?

14 THE WITNESS: No. No. Like, you mean,
15 did -- did he say -- like, talk about the knife or --

16 A GRAND JUROR: Yeah. Whenever he was
17 holding it and approaching you, he was saying --

18 THE WITNESS: Yeah. He -- all I remember
19 is, like, "Fuck you. Do you want this? Do you want
20 this shit?" And I don't remember him saying
21 anything -- I can't think of anything else that he --
22 he said.

23 A GRAND JUROR: I know they separate you
24 from everybody else, but have you gotten to see the
25 videos and stuff like that?

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1 THE WITNESS: I saw the video when I was in
2 investigations.

3 A GRAND JUROR: Yeah, and do you --

4 THE WITNESS: I was ordered not to watch it,
5 so I saw it once then and then I --

6 A GRAND JUROR: Do you --

7 THE WITNESS: -- was --

8 A GRAND JUROR: -- get to hear the other
9 people's testimonies?

10 THE WITNESS: No. I think, eventually --

11 A GRAND JUROR: So --

12 THE WITNESS: -- I might be able to, but I
13 don't know.

14 A GRAND JUROR: All right. So do you have
15 any opinions about this? Do you feel like -- like
16 this was suicide by cop or do you feel like he was
17 just crazy or --

18 THE WITNESS: I don't know if I could answer
19 that.

20 MS. SEELE: You know, I think that
21 would be --

22 A GRAND JUROR: (Indiscernible).

23 MS. SEELE: -- speculation at this point.

24 THE WITNESS: Yeah, I didn't think --

25 A GRAND JUROR: (Indiscernible) speculation?

Examination of Curtis Brown

1 THE WITNESS: -- I could answer that.

2 MS. SEELE: Yeah. It's a --

3 A GRAND JUROR: (Indiscernible).

4 MS. SEELE: -- it's a great question, but I
5 think that would be speculation.

6 What -- what is -- but you've testified
7 about what was going on from your perspective in terms
8 of threat --

9 THE WITNESS: Yeah.

10 MS. SEELE: -- and what --

11 THE WITNESS: Yeah.

12 MS. SEELE: -- you needed to do to respond.

13 And I think that's where we have to focus.

14 A GRAND JUROR: Yeah, sorry.

15 THE WITNESS: No, no.

16 MS. SEELE: No, no, no.

17 THE WITNESS: No, no, no. I -- I --

18 MS. SEELE: That's why we're here.

19 THE WITNESS: Yeah.

20 A GRAND JUROR: Can I --

21 MR. VASQUEZ: Yeah.

22 A GRAND JUROR: I'll make these relatively
23 quick. Again, thank you for -- have you had to use --
24 have you had to threaten to use deadly force
25 previously in your --

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1 THE WITNESS: Yes, a lot.

2 A GRAND JUROR: Have you had anybody come at
3 you with a knife previously?

4 THE WITNESS: Yes.

5 A GRAND JUROR: And clear -- and you've
6 survived those incidents --

7 THE WITNESS: Yeah.

8 A GRAND JUROR: -- which is good. So this
9 is a traumatic event, but one which you relied on your
10 training --

11 THE WITNESS: Yeah.

12 A GRAND JUROR: -- and acted as you did?

13 THE WITNESS: Yeah.

14 A GRAND JUROR: And I'm not sure if I can
15 ask this question, so just tell me if I can't.

16 MS. SEELE: Sure.

17 A GRAND JUROR: How many times have you
18 drawn your weapon?

19 MS. SEELE: You can ask it. I don't know if
20 he can answer it.

21 THE WITNESS: I don't know if I can give you
22 an honest -- I -- I -- because I don't know the answer
23 to it. But if I had to guess -- because I -- I'm
24 including, like, if we do a felony stop, one of the
25 things that we used to train is, like, draw your

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1 weapon (indiscernible).

2 MS. SEELE: You know what? I should
3 actually probably stop you because the more that I
4 think about it, I really probably think that's not an
5 appropriate question.

6 We know about his training certainly and his
7 previous positions, but that particular question is so
8 different specific to each situation. I don't think
9 it would be -- it would rise to relevance.

10 A GRAND JUROR: Okay.

11 A GRAND JUROR: I do have one other
12 question. You mentioned telling him to drop it,
13 telling him --

14 THE WITNESS: Yeah.

15 A GRAND JUROR: -- to stop. You were -- you
16 were wielding the firearm. That's a pretty strong
17 statement.

18 THE WITNESS: Yeah, yeah.

19 A GRAND JUROR: But did you -- did you say
20 anything specifically to -- I'm not a cop, but in the,
21 you know, movies, it's always like, "Stop or I'll
22 shoot," or --

23 THE WITNESS: No, it --

24 A GRAND JUROR: -- anything like that?

25 THE WITNESS: No. When I told him that and

Examination of Curtis Brown

1 I told him to drop it, I -- things were happening so
2 fast, you know; and, like, the common things that I
3 said were the things that -- the first thing that
4 popped in my head.

5 And it was happening so fast, I just really
6 didn't -- and I know it sounds weird, but I didn't
7 have a chance to say it. It was just more like --

8 A GRAND JUROR: Someone -- somebody was --

9 THE WITNESS: -- "Stop."

10 A GRAND JUROR: -- charging you with a
11 knife, so --

12 THE WITNESS: Yeah, yeah.

13 A GRAND JUROR: You're in your training mode
14 at that point --

15 THE WITNESS: Yes.

16 A GRAND JUROR: -- right?

17 THE WITNESS: Yes.

18 A GRAND JUROR: (Indiscernible) --

19 THE WITNESS: Yeah.

20 A GRAND JUROR: -- real life.

21 THE WITNESS: Yeah.

22 BY MS. SEELE:

23 Q I do want to ask you --

24 A Yes.

25 Q -- one other question. And I know --

Examination of Curtis Brown

1 A Yes.

2 Q -- we're out of time, but just regarding
3 mental health -- and I know you've been to crisis
4 training and we talked a little about suicide and
5 drug-related training. When you were at the scene,
6 was there any consideration of his mental state and
7 what could be done to kind of not escalate him?

8 A During -- before the shooting?

9 Q Yes.

10 A Yes. So the first thing that we did -- and
11 we try to deescalate it. So we --

12 Q Yeah.

13 A 'Cause one of the things that we do by
14 leaving is we have a Behavioral Health Unit that we
15 can -- I can (indiscernible) a mask and they can go
16 out and try to find him later --

17 Q Okay.

18 A -- 'cause I assumed that they had his name
19 in the call or at least his phone number. Or they can
20 do the -- or (indiscernible) 'cause -- 'cause they
21 have somebody from chronic respond, which are the
22 counselors that come out.

23 And so I figured, at the -- at that point,
24 we -- we had his phone number 'cause he called and we
25 had his first name. I figured we'd just fill it out

Examination of Curtis Brown

1 and --

2 Q Okay.

3 A -- they can do it later when he -- maybe
4 when he's more calm. And, you know, they have
5 counselors that -- and they -- those guys do this
6 all the time. So I thought that would be the
7 better route. But that was -- but that was a
8 consideration for later, not, like, at the scene. I
9 wasn't going to do any of that.

10 MS. SEELE: Okay. Okay. Any other
11 questions?

12 Okay. Thank you so much. We appreciate --

13 THE WITNESS: Thank you, guys.

14 MS. SEELE: -- you coming in.

15 THE WITNESS: Appreciate it.

16 A GRAND JUROR: Yeah, thank you.

17 THE WITNESS: Thank you. (Indiscernible).

18 A GRAND JUROR: (Indiscernible).

19 MS. SEELE: So we can go off the --

20 THE WITNESS: Thank you very much.

21 A GRAND JUROR: You're welcome.

22 * * *

23 (Conclusion of Grand Jury D Proceedings,

24 9-14-21 at 5:03 p.m.)


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REPORTER'S CERTIFICATE

I certify, by signing below, that the foregoing is a correct transcript, of the audio record in the above-entitled cause, as recorded on CD and transcribed to the best of my ability and in accordance to the quality of the audio CD.



KATIE BRADFORD, CSR 90-0148
Court Reporter
(503) 267-5112

