

CONFIDENTIAL

CONFIDENTIAL CASE



Portland Police Bureau

CASE NUMBER
GO 42 2017-39972

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GENERAL OFFENSE

REPORTED DATE/TIME 02/09/2017 0921		OCCURRED DATE/TIME 02/09/2017 0921		REPORTING OFFICER/DEPUTY NAME & # KAMMERER, ERIK W (29988)	
LOCATION OF INCIDENT [REDACTED] NE HANCOCK ST, PORTLAND					PLACE
COUNTY MULTNOMAH	DISTRICT EA		BEAT 931		GRID 22585
SEVERITY FELONY	FAMILY VIOLENCE NO	GANG INVOLVEMENT	BIAS NONE (no bias)	SPECIAL STUDY	
RELATED INCIDENT NUMBERS CP 42 2017-39972, CP 42 2017-39625, GO 42 2017-39625, GO 42 2016-357065, GO 42 2017-40386, GO 42 2017-39626					
TOTAL LOSS		TOTAL RECOVERED		DAMAGED TOTAL	DRUG TOTAL
INTERNAL STATUS OPEN (UNDER INVESTIGATION)			APPROVED BY		APPROVED ON

OFFENSES [2]

OFFENSE HOMICIDE	PREMISE TYPE Residence/Home
CRIMINAL ACTIVITY GANG - NONE/UNKNOWN	WEAPON/FORCE USED FIREARM (TYPE NOT STATED)
OFFENSE FORCE USED	PREMISE TYPE Residence/Home

PERSON - SUSPECT #1

NAME (LAST, FIRST MIDDLE) HAYES, QUANICE DERRICK		SEX MALE	RACE BLACK	DOB [REDACTED]	AGE 17
HOME ADDRESS - STREET, CITY ZIP UNKNOWN			HEIGHT	WEIGHT	HAIR COLOR EYES
HOME PHONE	CELL PHONE	WORK PHONE	EMAIL ADDRESS		
DRIVERS LICENSE (STATE)	SOCIAL SECURITY NUMBER	POB	ETHNICITY UNKNOWN		

PERSON - WITNESS #1

NAME (LAST, FIRST MIDDLE) RIPPE, HEATHER		SEX FEMALE	RACE WHITE	DOB	AGE
HOME ADDRESS - STREET, CITY ZIP			HEIGHT	WEIGHT	HAIR COLOR EYES
HOME PHONE	CELL PHONE	WORK PHONE	EMAIL ADDRESS		
DRIVERS LICENSE (STATE)	SOCIAL SECURITY NUMBER	POB	ETHNICITY UNKNOWN		
EMPLOYER PORTLAND POLICE BUREAU	WORK OR SCHOOL ADDRESS - STREET, CITY ZIP EAST PRECINCT			OCCUPATION POLICE OFFICER	

PERSON - WITNESS #2

NAME (LAST, FIRST MIDDLE) PARMAN, BRYAN		SEX MALE	RACE WHITE	DOB	AGE
HOME ADDRESS - STREET, CITY ZIP			HEIGHT	WEIGHT	HAIR COLOR EYES
HOME PHONE	CELL PHONE	WORK PHONE	EMAIL ADDRESS		
DRIVERS LICENSE (STATE)	SOCIAL SECURITY NUMBER	POB	ETHNICITY		

PERSON - WITNESS #3

NAME (LAST, FIRST MIDDLE) MCHUGILL, STEVE		SEX MALE	RACE WHITE	DOB	AGE
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HOME ADDRESS - STREET, CITY ZIP				HEIGHT	WEIGHT	HAIR COLOR	EYES
HOME PHONE	CELL PHONE	WORK PHONE	EMAIL ADDRESS				
DRIVERS LICENSE (STATE)	SOCIAL SECURITY NUMBER	POB	ETHNICITY				
PERSON - WITNESS #4							
NAME (LAST, FIRST MIDDLE) LOCK, ED		SEX MALE	RACE ASIAN		DOB [REDACTED]	AGE 58	
HOME ADDRESS - STREET, CITY ZIP				HEIGHT	WEIGHT	HAIR COLOR	EYES
HOME PHONE	CELL PHONE	WORK PHONE (503) 823-4800	EMAIL ADDRESS				
DRIVERS LICENSE (STATE)	SOCIAL SECURITY NUMBER	POB	ETHNICITY				
PERSON - WITNESS #5							
NAME (LAST, FIRST MIDDLE) TATRO, DAN E		SEX MALE	RACE WHITE		DOB [REDACTED]	AGE 33	
HOME ADDRESS - STREET, CITY ZIP				HEIGHT	WEIGHT	HAIR COLOR	EYES
HOME PHONE	CELL PHONE	WORK PHONE [REDACTED]	EMAIL ADDRESS				
DRIVERS LICENSE (STATE)	SOCIAL SECURITY NUMBER	POB	ETHNICITY UNKNOWN				
EMPLOYER CITY OF PORTLAND	WORK OR SCHOOL ADDRESS - STREET, CITY ZIP 1111 SW 2ND AVE			OCCUPATION PPB			
PERSON - WITNESS #6							
NAME (LAST, FIRST MIDDLE) ADRIAN, GREG		SEX MALE	RACE WHITE		DOB [REDACTED]	AGE 51	
HOME ADDRESS - STREET, CITY ZIP				HEIGHT	WEIGHT	HAIR COLOR	EYES
HOME PHONE	CELL PHONE	WORK PHONE (503) 823-4800	EMAIL ADDRESS				
DRIVERS LICENSE (STATE)	SOCIAL SECURITY NUMBER	POB	ETHNICITY				
PERSON - WITNESS #7							
NAME (LAST, FIRST MIDDLE) DICK, DEVONNA CHERIE		SEX FEMALE	RACE WHITE		DOB [REDACTED]	AGE 47	
HOME ADDRESS - STREET, CITY ZIP				HEIGHT	WEIGHT	HAIR COLOR	EYES
HOME PHONE	CELL PHONE [REDACTED]	WORK PHONE (503) 823-4800	EMAIL ADDRESS				
DRIVERS LICENSE (STATE) [REDACTED] (OR)	SOCIAL SECURITY NUMBER	POB	ETHNICITY UNKNOWN				
PERSON - WITNESS #8							
NAME (LAST, FIRST MIDDLE) NICE, KYLE STEVEN		SEX MALE	RACE WHITE		DOB [REDACTED]	AGE 49	
HOME ADDRESS - STREET, CITY ZIP				HEIGHT [REDACTED]	WEIGHT [REDACTED]	HAIR COLOR BROWN	EYES
HOME PHONE	CELL PHONE	WORK PHONE (503) 823-4825	EMAIL ADDRESS				
DRIVERS LICENSE (STATE) [REDACTED] (OR)	SOCIAL SECURITY NUMBER	POB	ETHNICITY				

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PERSON - WITNESS #9

NAME (LAST, FIRST MIDDLE) HELFRICH, JEFF ALLEN		SEX MALE	RACE WHITE		DOB [REDACTED]	AGE 48
HOME ADDRESS - STREET, CITY ZIP			HEIGHT	WEIGHT	HAIR COLOR	EYES
HOME PHONE	CELL PHONE	WORK PHONE (503) 823-4800		EMAIL ADDRESS		
DRIVERS LICENSE (STATE)	SOCIAL SECURITY NUMBER	POB		ETHNICITY		

PERSON - WITNESS #10

NAME (LAST, FIRST MIDDLE) BISHOP, MELISSA A		SEX FEMALE	RACE WHITE		DOB [REDACTED]	AGE 55
HOME ADDRESS - STREET, CITY ZIP			HEIGHT	WEIGHT	HAIR COLOR	EYES
HOME PHONE	CELL PHONE	WORK PHONE (503) 823-4800		EMAIL ADDRESS		
DRIVERS LICENSE (STATE)	SOCIAL SECURITY NUMBER	POB		ETHNICITY		

PERSON - WITNESS #11

NAME (LAST, FIRST MIDDLE) DELAND, RICK C		SEX MALE	RACE WHITE		DOB [REDACTED]	AGE 47
HOME ADDRESS - STREET, CITY ZIP			HEIGHT [REDACTED]	WEIGHT [REDACTED]	HAIR COLOR BLOND OR STRAWBERRY	EYES BLUE
HOME PHONE	CELL PHONE [REDACTED]	WORK PHONE (503) 823-0097		EMAIL ADDRESS		
DRIVERS LICENSE (STATE)	SOCIAL SECURITY NUMBER	POB		ETHNICITY		

PERSON - WITNESS #12

NAME (LAST, FIRST MIDDLE) FERNER, JAMES A JR		SEX MALE	RACE WHITE		DOB [REDACTED]	AGE 49
HOME ADDRESS - STREET, CITY ZIP			HEIGHT	WEIGHT	HAIR COLOR	EYES
HOME PHONE	CELL PHONE	WORK PHONE (503) 823-4800		EMAIL ADDRESS		
DRIVERS LICENSE (STATE) [REDACTED] (OR)	SOCIAL SECURITY NUMBER	POB		ETHNICITY		

PERSON - WITNESS #13

NAME (LAST, FIRST MIDDLE) GILLOCK, CURTIS GENE		SEX MALE	RACE WHITE		DOB [REDACTED]	AGE 60
HOME ADDRESS - STREET, CITY ZIP			HEIGHT	WEIGHT	HAIR COLOR	EYES
HOME PHONE	CELL PHONE	WORK PHONE (503) [REDACTED]		EMAIL ADDRESS		
DRIVERS LICENSE (STATE)	SOCIAL SECURITY NUMBER	POB		ETHNICITY UNKNOWN		

PERSON - WITNESS #14

NAME (LAST, FIRST MIDDLE) MELE, RYAN MICHAEL		SEX MALE	RACE WHITE		DOB [REDACTED]	AGE 31
HOME ADDRESS - STREET, CITY ZIP 737 SE 106TH AVE, PORTLAND OR 97216			HEIGHT	WEIGHT	HAIR COLOR	EYES
HOME PHONE	CELL PHONE	WORK PHONE (503) 823-0097		EMAIL ADDRESS		
DRIVERS LICENSE (STATE)	SOCIAL SECURITY NUMBER	POB		ETHNICITY UNKNOWN		

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EMPLOYER CITY OF PORTLAND		WORK OR SCHOOL ADDRESS - STREET, CITY ZIP 1111 SW 2ND AVE			OCCUPATION POLICE OFFICER	
PERSON - LAW ENFMT #1						
NAME (LAST, FIRST MIDDLE) HEARST, ANDREW LEE			SEX MALE	RACE WHITE	DOB [REDACTED]	AGE 29
HOME ADDRESS - STREET, CITY ZIP				HEIGHT	WEIGHT	HAIR COLOR EYES
HOME PHONE [REDACTED]	CELL PHONE	WORK PHONE (503) 823-0400		EMAIL ADDRESS		
DRIVERS LICENSE (STATE)	SOCIAL SECURITY NUMBER	POB		ETHNICITY UNKNOWN		
PERSON - W/KNOWLEDGE #1						
NAME (LAST, FIRST MIDDLE) OLSEN, OLE PETTER			SEX MALE	RACE WHITE	DOB [REDACTED]	AGE 27
HOME ADDRESS - STREET, CITY ZIP [REDACTED] PORTLAND OR 97206				HEIGHT	WEIGHT	HAIR COLOR EYES
HOME PHONE [REDACTED]	CELL PHONE [REDACTED]	WORK PHONE (503) 254-2678		EMAIL ADDRESS		
DRIVERS LICENSE (STATE)	SOCIAL SECURITY NUMBER	POB		ETHNICITY UNKNOWN		
EMPLOYER PLAID PANTRY		WORK OR SCHOOL ADDRESS - STREET, CITY ZIP 2116 NE 82ND			OCCUPATION CLERK	
PERSON - W/KNOWLEDGE #2						
NAME (LAST, FIRST MIDDLE) ECK, AUSTIN JAMES			SEX MALE	RACE WHITE	DOB [REDACTED]	AGE 27
HOME ADDRESS - STREET, CITY ZIP [REDACTED], PORTLAND OR 97220				HEIGHT	WEIGHT	HAIR COLOR EYES
HOME PHONE [REDACTED]	CELL PHONE	WORK PHONE (503) 254-2678		EMAIL ADDRESS		
DRIVERS LICENSE (STATE) [REDACTED] (OR)	SOCIAL SECURITY NUMBER	POB		ETHNICITY UNKNOWN		
EMPLOYER PLAID PANTRY		WORK OR SCHOOL ADDRESS - STREET, CITY ZIP 2116 NE 82ND AVE			OCCUPATION CLERK	
PERSON - W/KNOWLEDGE #3						
NAME (LAST, FIRST MIDDLE) CAUSEY, AARON ANDREW			SEX MALE	RACE WHITE	DOB [REDACTED]	AGE 27
HOME ADDRESS - STREET, CITY ZIP [REDACTED] PORTLAND OR 97220				HEIGHT 6'03	WEIGHT 200	HAIR COLOR BLOND OR STRAWBERRY EYES BLUE
HOME PHONE	CELL PHONE [REDACTED]	WORK PHONE		EMAIL ADDRESS		
DRIVERS LICENSE (STATE) [REDACTED] (OR)	SOCIAL SECURITY NUMBER [REDACTED]	POB Oregon		ETHNICITY UNKNOWN		
CITIZENSHIP		MARITAL STATUS SINGLE		LENSES/GLASSES		LANGUAGE
COMPLEXION	BUILD SLIM	HANDED	HAIR STYLE STRAIGHT	FACIAL HAIR COLOR		FACIAL HAIR DESCRIPTION
PERSON - SUBJECT #1						
NAME (LAST, FIRST MIDDLE) PATEL, VIRENDRA			SEX MALE	RACE AMERICAN INDIAN / ALASKAN NATIVE	DOB [REDACTED]	AGE 47
HOME ADDRESS - STREET, CITY ZIP [REDACTED], PORTLAND OR 97220				HEIGHT	WEIGHT	HAIR COLOR EYES
HOME PHONE	CELL PHONE	WORK PHONE ([REDACTED])		EMAIL ADDRESS		

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DRIVERS LICENSE (STATE)	SOCIAL SECURITY NUMBER	POB	ETHNICITY UNKNOWN
PERSON - SUBJECT #2			
NAME (LAST, FIRST MIDDLE) FINLEY, HEATHER R	SEX FEMALE	RACE WHITE	DOB [REDACTED] AGE 31
HOME ADDRESS - STREET, CITY ZIP	HEIGHT	WEIGHT	HAIR COLOR EYES
HOME PHONE	CELL PHONE	WORK PHONE [REDACTED]	EMAIL ADDRESS
DRIVERS LICENSE (STATE)	SOCIAL SECURITY NUMBER	POB	ETHNICITY UNKNOWN
EMPLOYER LES SCHWAB	WORK OR SCHOOL ADDRESS - STREET, CITY ZIP 2010 NE 82ND AVE		OCCUPATION
PERSON - SUBJECT #3			
NAME (LAST, FIRST MIDDLE) SPURLING, ANTHONY M	SEX MALE	RACE WHITE	DOB [REDACTED] AGE 21
HOME ADDRESS - STREET, CITY ZIP	HEIGHT	WEIGHT	HAIR COLOR EYES
HOME PHONE	CELL PHONE	WORK PHONE	EMAIL ADDRESS
DRIVERS LICENSE (STATE)	SOCIAL SECURITY NUMBER	POB	ETHNICITY UNKNOWN
EMPLOYER PLAID PANTRY	WORK OR SCHOOL ADDRESS - STREET, CITY ZIP 2116 NE 82ND AVE		OCCUPATION
PERSON - MENTIONED #1			
NAME (LAST, FIRST MIDDLE) AGUILAR, ISABELLE ZENAYA	SEX FEMALE	RACE HISPANIC OR LATINO	DOB [REDACTED] AGE 18
HOME ADDRESS - STREET, CITY ZIP	HEIGHT	WEIGHT	HAIR COLOR EYES
HOME PHONE	CELL PHONE	WORK PHONE	EMAIL ADDRESS
DRIVERS LICENSE (STATE)	SOCIAL SECURITY NUMBER	POB	ETHNICITY UNKNOWN
PERSON - MENTIONED #2			
NAME (LAST, FIRST MIDDLE) STREETER, GARY W III	SEX MALE	RACE BLACK	DOB [REDACTED] AGE 20
HOME ADDRESS - STREET, CITY ZIP 97060	HEIGHT 6'2	WEIGHT 240	HAIR COLOR BLACK EYES BROWN
HOME PHONE	CELL PHONE	WORK PHONE	EMAIL ADDRESS
DRIVERS LICENSE (STATE) [REDACTED] (OR)	SOCIAL SECURITY NUMBER [REDACTED]	POB Oregon	ETHNICITY UNKNOWN
PERSON - MENTIONED #3			
NAME (LAST, FIRST MIDDLE) NGUYEN, THEIN TRONG	SEX MALE	RACE ASIAN	DOB [REDACTED] AGE 38
HOME ADDRESS - STREET, CITY ZIP [REDACTED], PORTLAND OR 97220	HEIGHT	WEIGHT	HAIR COLOR EYES
HOME PHONE	CELL PHONE [REDACTED]	WORK PHONE	EMAIL ADDRESS
DRIVERS LICENSE (STATE) [REDACTED] (OR)	SOCIAL SECURITY NUMBER	POB	ETHNICITY UNKNOWN
BUSINESS			
BUSINESS NAME PORTLAND VALUE INN	BUSINESS ADDRESS - STREET, CITY, STATE ZIP 1707 NE 82ND AVE, PORTLAND OR 97220		

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LOCATION PHONE (503) 252-0224		BUSINESS TYPE HOTEL		SECURITY NO	ALARM COMPANY	
CONTACT(S)	NAME			AFFILIATION		CONTACT PHONE
	NAME			AFFILIATION		CONTACT PHONE
	NAME			AFFILIATION		CONTACT PHONE
BUSINESS						
BUSINESS NAME LES SCHWAB TIRE CENTER				BUSINESS ADDRESS - STREET, CITY, STATE ZIP 2010 NE 82ND AVE, PORTLAND OR 97220		
LOCATION PHONE (503) 257-8571		BUSINESS TYPE BUSINESS - AUTO		SECURITY NO	ALARM COMPANY	
CONTACT(S)	NAME			AFFILIATION		CONTACT PHONE
	NAME			AFFILIATION		CONTACT PHONE
	NAME			AFFILIATION		CONTACT PHONE
BUSINESS						
BUSINESS NAME PLAID PANTRY				BUSINESS ADDRESS - STREET, CITY, STATE ZIP 2116 NE 82ND AVENUE, PORTLAND OR 97216-		
LOCATION PHONE (503) 254-2678		BUSINESS TYPE STORE - CONVENIENCE		SECURITY NO	ALARM COMPANY	
CONTACT(S)	NAME			AFFILIATION		CONTACT PHONE
	NAME			AFFILIATION		CONTACT PHONE
	NAME			AFFILIATION		CONTACT PHONE

CONFIDENTIAL**FOLLOWUP REPORT #1**

ASSIGNED TO BROWN, ROBERT C (42549)		RANK		
ORG UNIT EAST: NRT		CAPACITY 1-PATROL SUPPLEMENTAL		
ASSIGNED ON 02/09/2017	ASSIGNED BY BROWN, ROBERT C	SUBMITTED ON 02/09/2017	APPROVED ON	APPROVED BY

NARRATIVE

AUTHOR BROWN, ROBERT C (42549)	DATE/TIME 02/09/2017 0724
SUBJECT PEER SUPPORT FOR OFFICER HEARS	

On this date and time I responded, along with Officer Young #33646, to this incident following the broadcast of "shots fired". Upon arrival I located Officer Hearst, ensured that he was separated from witness officers and accompanied him throughout the processing of the scene. The only time I was not with Officer Hearst was when he met with the PPA President, his attorney, and the detectives who conducted the round count from is rifle. Once released from the scene I drove Officer Hearst to East Precinct where he dressed down. I then rode with him to his residence in his personal car, and returned to East Precinct with Officer Derry.

Nothing further.

CONFIDENTIAL**FOLLOWUP REPORT #2**

ASSIGNED TO SLATER, MARK E (27192)		RANK DETECTIVE		
ORG UNIT DETECTIVE: HOMICIDE DETAIL		CAPACITY 1-INVESTIGATOR, SECONDARY		
ASSIGNED ON 02/09/2017	ASSIGNED BY SLATER, MARK E	SUBMITTED ON 02/09/2017	APPROVED ON 02/13/2017	APPROVED BY HUGHES, MICHELE M

NARRATIVE

AUTHOR SLATER, MARK E (27192)	DATE/TIME 02/09/2017 1655
SUBJECT CHRISTINA VU INTERVIEW/CONSENT	

Witness Interviewed:

VU, CHRISTINA

FA, DOB [REDACTED]

Home Address: [REDACTED]
Portland, OR

Cell Phone: [REDACTED]

Additional Detectives:

Detective Erik Kammerer

Detective Division Homicide Detail, primary investigator

NARRATIVE

On 02/09/17 at approximately 12:46 p.m., I made telephone contact with CHRISTINA VU regarding this investigation. VU was currently in Lacey Washington, and I asked her if she was aware of what occurred at her residence this morning. VU said she received a notification from her alarm company that there was a door opening and motion alarm from inside her residence at approximately 9:15 a.m. VU told me she called a friend of hers to go by her residence to meet with the police to determine if there was any problem at her house. VU said her friend called her back and told her that the police had the area blocked off, and that the police would be calling her (VU) as soon as they could.

I explained to VU that there was a person inside her residence, who was later shot by the police in her driveway this morning. I explained to VU that we were currently working the crime scene, and I asked her for her consent to be on her property, and to go inside her residence, which she replied, "Yes, absolutely." VU then provided me with her code to her front door lock and to the alarm system. While inside her house searching for evidence, I noticed there were drawers open in a desk in her living room with items partially removed. I took a picture of this and sent it to VU, and she said the suspect went through these drawers.

When the Medical Examiner was examining the suspect, we observed some Asian currency in his left front pocket. I sent a text message to VU asking her if she had any Asian currency in her house, and she said she did.

I later called VU and told her that we were finished processing the scene at her residence, and that we had arranged to have the back door window to be boarded up since the suspect broke it to gain entrance to her house.

CONFIDENTIAL**FOLLOWUP REPORT #3**

ASSIGNED TO MCMURRAY, SHAWNDA L (24747)		RANK		
ORG UNIT FORENSICS:		CAPACITY 2-FORENSIC UNIT PROCESSING		
ASSIGNED ON 02/10/2017	ASSIGNED BY MCMURRAY, SHAWNDA L	SUBMITTED ON 02/10/2017	APPROVED ON 02/10/2017	APPROVED BY MORRIS, JAMES J

NARRATIVE

AUTHOR MCMURRAY, SHAWNDA L (24747)	DATE/TIME 02/10/2017 1239
SUBJECT AUTOPSY - EVIDENCE COLLECTION	

Name of Deceased: Marshall, Quintel MB [REDACTED]

Possible name of Deceased that was given to me at the Medical Examiner's Office: Hays, Quanice Derrick MB [REDACTED]

Criminalist Yoshimura and I responded to the Medical Examiner's Office for the 0730 autopsy of Marshall. Criminalist Yoshimura was responsible for taking photographs before and during the autopsy. I was responsible for logging and collecting the following items of evidence:

PROPERTY EVIDENCE RECEIPT #A011693

- Item #1 right leather shoe (boot) with white sock
- Item #2 left leather shoe (boot) with white sock
- Item #3 blue jeans with "Louis Vuitton" belt
- Item #4 army green puffy jacket
- Item #5 black hooded sweatshirt (from under puffy jacket)

- Item #6 black "Nike" glove (right front jacket pocket)
- Item #7 small "Lancel" lock with skeleton key and black elephant rhinestone key chain with no keys on it
- Item #8 "Neff" astronaut and cat underwear

PROPERTY EVIDENCE RECEIPT #A011694

- Item #1 3 \$1.00 bills
- Item #2 1 foreign currency "60000" bill
- Item #3 1 foreign currency "20" bill
- Item #4 1 foreign currency "Bank of Negara Malaysia" "1" bill
- Item #5 1 foreign currency "Singapore" "2" bill
- Item #6 36 foreign coins
- Item #7 205 pennies
- Item #8 21 quarters, 30 nickels, 3 half dollars, 38 dimes
- **All of the currency listed above was from the left front jean pocket)

PROPERTY EVIDENCE RECEIPT #A011695

- Item #1 clear stone elastic bracelet (right wrist)
- Item #2 DNA blotter
- Item #3 broken black lid with tobacco type residue (left jacket pocket)
- Item #4 small pieces of broken glass (left front jean pocket)
- Item #5 bullet fragments (from soft tissue; lower back)
- Item #6 bullet fragments (from buttocks)
- Item #7 bullet fragments (from head)

All of the above listed items were transported to the Property Room by writer.

CONFIDENTIAL**FOLLOWUP REPORT #4**

ASSIGNED TO YOSHIMURA, RANDAL S (24583)		RANK		
ORG UNIT FORENSICS:		CAPACITY 2-FORENSIC UNIT PROCESSING		
ASSIGNED ON 02/10/2017	ASSIGNED BY YOSHIMURA, RANDAL S	SUBMITTED ON 02/10/2017	APPROVED ON 02/13/2017	APPROVED BY MCMURRAY, SHAWNDA L

NARRATIVE

AUTHOR YOSHIMURA, RANDAL S (24583)	DATE/TIME 02/10/2017 1255
SUBJECT PHOTOS & POSITIVE ID	

Narrative:

On 2/10/17 at 0730 hours, Criminalist McMURRAY and I arrived at the Oregon State Medical Examiner's office to attend the autopsy for Quintel MARSHALL. The examination was done by Dr. YOUNG. I photographed MARSHALL prior to and during the autopsy and Criminalist McMURRAY collected evidence.

At the conclusion of the examination, I recorded inked impressions of the deceased's left thumb.

I compared the inked impressions of the deceased's left thumb against those on file for Quintel MARSHALL (SID [REDACTED]). Through fingerprint comparison, I confirmed the deceased as being MARSHALL. It should be noted that MARSHALL has a listed AKA of: Quatrice HAYES. I pulled his Portland Police fingerprint card and attached one of the inked impressions that I recorded. Then I placed the fingerprint card and attached inked fingerprint into the Forensic Evidence Division homicide file. I also completed a death notice for MARSHALL and forwarded it to the Oregon State Police Identification Section.

The photographs that I took were entered into DIMS.

CONFIDENTIAL**FOLLOWUP REPORT #5**

ASSIGNED TO GRADWAHL, TODD A (29981)		RANK DETECTIVE		
ORG UNIT DETECTIVE: HOMICIDE DETAIL		CAPACITY 1-INVESTIGATOR, SECONDARY		
ASSIGNED ON 02/10/2017	ASSIGNED BY GRADWAHL, TODD A	SUBMITTED ON	APPROVED ON	APPROVED BY

NARRATIVE

AUTHOR GRADWAHL, TODD A (29981)	DATE/TIME 02/10/2017 1325
SUBJECT OFFICER INVOLVED SHOOTING	

On Thursday, February 9, 2017 at 0949 hours I was directed to respond to NE 82nd Avenue/NE Tillamook Street to assist with investigating an Officer Involved Shooting. I arrived at the scene at 1020 hours and met with other detectives and Sgt. Hughes. Prior to arriving on-scene I knew that the suspect shot by police was deceased. When I arrived I learned that the deceased suspect was in the driveway of [REDACTED] NE Hancock Street, one block south of NE Tillamook Street.

I attended an on-scene detectives briefing in which several officers that were involved in the shooting incident and/or calls just prior to the shooting that the suspect was believed to have been involved briefed us on what happened. I learned that there were several criminal events committed in the same area by the suspect just prior to the shooting that brought officers to the area.

While at the scene I entered the red tape crime scene area and was entered on the Crime Scene Log by Officer Dick. I assisted Det. Kammerer and Det. Slater within the crime scene, looking for additional evidence, assisting the Deputy Medical Examiner move the body, and entering the address [REDACTED] NE Hancock Street to process it for evidence.

While at the crime scene Det. Slater was in contact with the owner of [REDACTED] NE Hancock Street, Christine Vu, who had given consent to enter her house. At 1415 Det. Slater provided me with the code to the lock box on the front door of [REDACTED] NE Hancock Street that Vu had given him. I opened the box, removed the key, unlocked the deadbolt and handset, and entered the residence. There was a cardboard box that was directly outside the door as if it was recently delivered to the location. I placed the package on a table directly inside the house to prevent it from being stolen, since Vu was out of town. Criminalist Slater and Criminalist Willard both entered the residence with me, Det. Kammerer later entered the location.

Upon entering the location, Criminalist Willard took photos. I noticed an alarm box that was opened and it had wires that had been pulled loose or removed as if someone had attempted to disable it. I also noticed that some drawers just inside the entry appeared to have been opened. I observed that the kitchen window that faces the driveway just above where the suspect was shot was open and the blinds that had covered the window were on the ground and broken. This was consistent with the suspect pulling down the blinds, opening the window, and jumping out of the window. I had earlier seen the screen for the window on the ground outside the window as if it had been pushed out. I noticed two motion sensors on the main level of the house.

I had earlier observed that the back basement door had broken glass on the ground just outside of it on the concrete and a metal looking screen that was bent in as if someone broke the top glass portion of the door and pushed in the metal screen. The door had a deadbolt lock on it. Once I was inside I was able to observe that the deadbolt was a double cylinder that required a key to be used from both sides to unlock it. The area just inside the door was in disarray as if someone had rummaged through the area.

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After we processed the inside of [REDACTED] I removed Vu's mail from her outside mailbox and placed it in her home. I then locked both her handset and deadbolt lock on her front door after we all exited the location.

I left the scene at 1510 hours.

Interviews with Plaid Pantry employees Ole Olsen and Austin Eck

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On February 14, 2017 I observed a surveillance video DVD from the Plaid Pantry located at 2116 NE 82nd Avenue. The video showed Quanice Hayes outside the store on February 9, 2017 from 0549-0553 hours before walking off southbound. On February 14, 2015 at 1300 I called the Plaid Pantry and spoke with Ole Olsen. He told me he was working at that time and had told Hayes he needed to leave as he was loitering in front of the store. Olsen told me he recognized Hayes from surveillance video as being a individual who stole beer and Reese's candy the previous evening, February 8, 2017, from the store. He told me he thinks the person who he told to leave is the same one that was later shot by the police. I asked Olsen if he could make me a copy of the surveillance video from February 8, 2017, that showed the incident in which Hayes stole the beer and candy. Olsen agreed and I told him I would contact him at the Plaid Pantry the next morning and collect the video and interview him more.

On February 15, 2017 at 0500 hours I contacted Olsen at the Plaid Pantry. He was the only employee working at that time. Olsen told me the employee that identified Hayes as shoplifting on February 8, 2017, was named Austin Eck. Olsen told me that when he relieved Eck at work, Eck told him he had a bad night and briefed him on the events of the evening to include Hayes, who's name was unknown to them, stealing the beer. Olsen told me later in his shift he saw a black male approach the store from the north and linger out front (0549 hours), peering in the window, which concerned Olsen. Olsen remembered what Eck had told him about Hayes stealing beer the previous evening and quickly reviewed surveillance video from the beer theft in the "Theft Folder" in the computer. He recognized that the person loitering in front of his store was the same person that stole the beer the previous evening. Olsen leaned partially out the front doors and told Hayes he needed to leave (0551 hours). Olsen said he had his phone in his hand in case something happened. (Hayes walked south past the front doors and went out of view of the cameras but appeared to partially step in view of one of the cameras at 0552 hours) Olsen said he went to see if Hayes had left and observed him standing on the south side of the front of the building. As he was telling him he needed to leave a customer exited her car and gave Hayes a dollar (0553 hours), Hayes then walked away southbound. Olsen later watched the whole video of Hayes inside the store and observed that Hayes stole white chocolate Reese's peanut butter cups prior to stealing the beer. Olsen walked me over to the location of the Reese's candy and I observed the white chocolate Reese's candy in the white wrappers. Olsen told me that the two beers that Hayes stole were 24 oz, 12% alcohol, Four Loko's, one gold can and one green can.

On February 16, 2017 at 1341 I talked to Austin Eck by phone. Eck told me he remembered the beer theft incident. He told me that a female (Isabella Aguilar), who he did not know, had arrived prior to Hayes (who he did not know) and was wandering around. Eck felt as if Aguilar was going to shoplift based on her actions. Hayes later arrived and walked up to Aguilar. Eck later saw Hayes steal beer from the cooler and put them down the front of his pants. Hayes and Aguilar approached the counter and Eck confronted Hayes about shoplifting. Eck said he had not seen Aguilar in the store before but had seen Hayes one to two times before that night. He said Hayes eventually took the gold can out of his pants and put it on the counter but denied having anything else. Eck said Hayes eventually left and when Aguilar got to the counter she said she was going to go outside and get some money. Aguilar left her purse on the counter when she went outside. While they were outside Eck reviewed the surveillance video and observed that Aguilar had stole a bag of nuts. Aguilar came back in the store and he confronted her. She denied stealing and showed Eck her pockets but did not pull anything out of the pocket he saw her put the nuts in. Eventually Aguilar pulled the nuts out of her jacket pocket and placed the nuts on the counter and left. Eck stated that Hayes came back in the store but did not steal anything the second time. Eck said there was another taller black male with them but he did not cause any problems.

CONFIDENTIAL

Eck told me he called 911 twice from the work phone, 503-254-2678. He said he did not ask for the police to come but just wanted Hayes to know he was calling the police. He said the second time he called 911 he hung up before talking to someone but a dispatcher called him back. He said he told the dispatcher that everything was fine at that point. Patrick Jones from BOEC told me that he found an incoming 911 call on February 8, 2017 at 1853 hours from the phone number 503-254-2678 that was abandoned and his records showed that dispatchers called that number right back at 1853 hours. He records did show that 503-254-2678 called in on another incident at 2105 hours later that evening. I reviewed that call and it is unrelated to Hayes and Aguilar.

On February 16, 2017 at 1720 Detective Clifton and I contacted Nhung Nguyen, female, Asian, date of birth [REDACTED], at [REDACTED] NE Hancock Street while we were doing follow up canvas interviews. Nguyen told us she was not home when the shooting happened and wasn't even sure where shooting occurred. She told us no one else was at her house when the shooting occurred either. She told us she leaves for work at 0445 and gets home later in the day.

-
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Interview of Aaron Causey
-
-

On February 16, 2017 at 1725 hours Detective Clifton and I were doing follow up canvas interviews and contacted Aaron Causey at [REDACTED] and asked him if he witnessed anything on February 9, 2017. Causey told us that he did not witness the shooting but had heard three (3) gunshots. He told us he was in the basement when he roommates told him that the police were outside. He said he had just woken up and thought the time was around 0800 hours. He said all of his roommates were in the basement when he heard three rapid shots that sounded like they came from the same gun. He said he thought the gunshots happened a little after 0900 hours. He said no one in the house saw anything except the police outside the house earlier.

CONFIDENTIAL**FOLLOWUP REPORT #6**

ASSIGNED TO YOSHIMURA, RANDAL S (24583)		RANK		
ORG UNIT FORENSICS:		CAPACITY 2-FORENSIC UNIT PROCESSING		
ASSIGNED ON 02/10/2017	ASSIGNED BY YOSHIMURA, RANDAL S	SUBMITTED ON 02/10/2017	APPROVED ON 02/13/2017	APPROVED BY MCMURRAY, SHAWNDA L

NARRATIVE

AUTHOR YOSHIMURA, RANDAL S (24583)	DATE/TIME 02/10/2017 1450
SUBJECT LEICA SCAN OF SCENE	

Narrative:

On 2/9/17 at about 1025 hours, Criminalist OUTHAYTHIP and I arrived at [REDACTED] NE Hancock Street regarding an Officer involved shooting. I met with investigators including Homicide Detective Sergeant HUGHES. She pointed out that the suspect died in the driveway of the address. After Criminalist OUTHAYTHIP took initial video and photographs of the driveway area, we used numbered placards to reference evidence in the same vicinity. Then I used the Leica C10 to scan the scene. I also took images of the scene using the iStar 360 camera.

At the scene, Criminalist OUTHAYTHIP, Criminalist WARE, and I collected the evidence on and near the driveway. The pistol that was referenced with evidence placard #5 was made safe by Detective KAMMERER.

The data from the LEICA C10 and iStar camera will be given to Criminalist SHEARER for processing.

CONFIDENTIAL**IMAGE ATTACHMENT (1251539) LEICA SCAN PLAN 8301 NE HANCOCK**

OFF INVOLVED SHOOTING 17-39972

LEICA SCANNED UNDER 17-39625

SCAN STATIONS + iSTAR

SW1: DRIVEWAY - 1108 HRS

iSTAR1: DRIVEWAY - 1120 HRS

SW2: DRIVEWAY - 1125 HRS

iSTAR2: DRIVEWAY - 1140 HRS

SW3: FRONT YARD - 1143 HRS

iSTAR3: FRONT YARD - 1157 HRS

SW4: STREET - 1205 HRS

iSTAR4: STREET - 1213 HRS

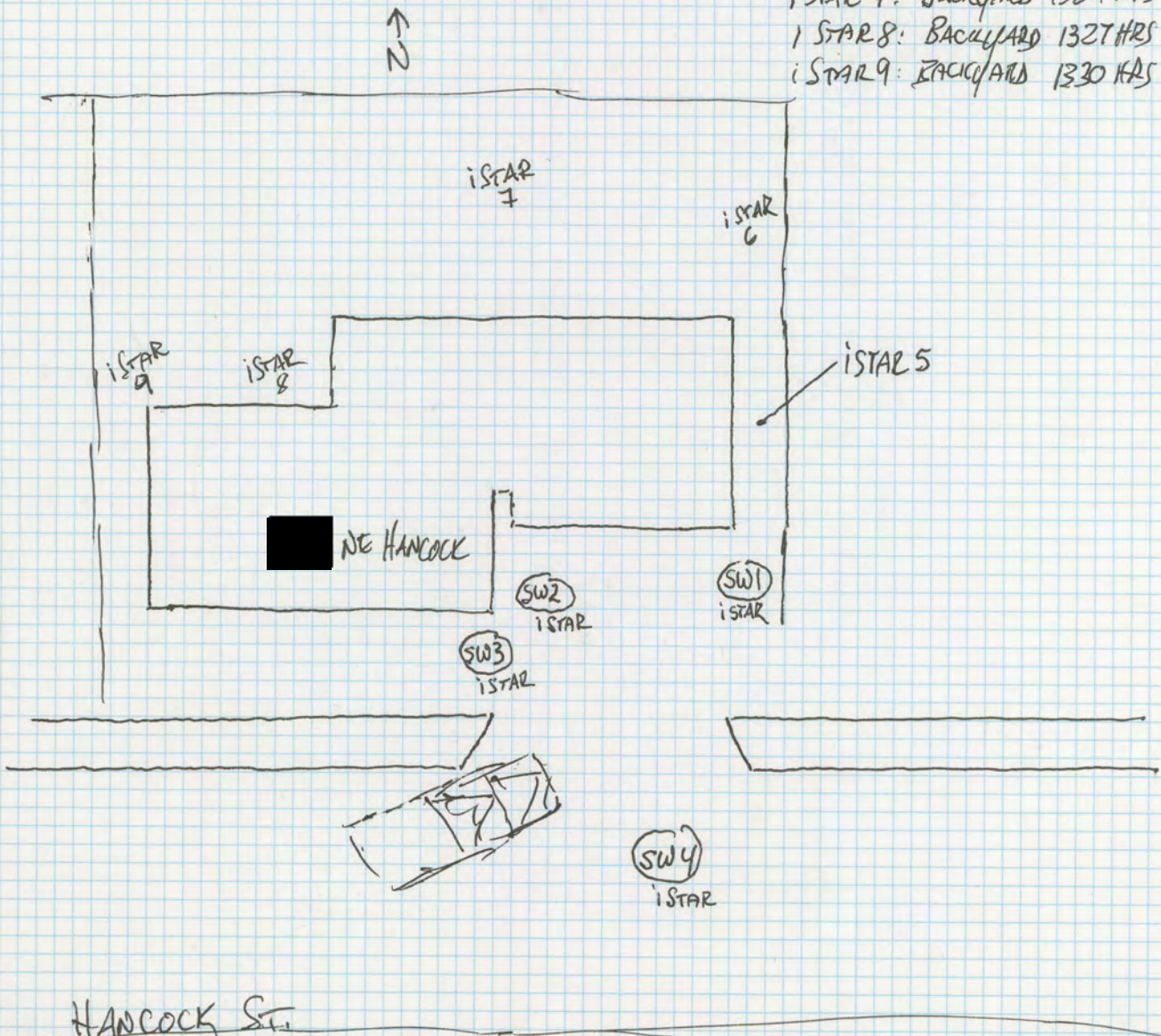
iSTAR5: SIDE YARD - 1235 HRS

iSTAR6: BACKYARD - 1320 HRS

iSTAR7: BACKYARD - 1324 HRS

iSTAR8: BACKYARD - 1327 HRS

iSTAR9: BACKYARD - 1330 HRS



CONFIDENTIAL**FOLLOWUP REPORT #7**

ASSIGNED TO STEED, BRYAN L (19008)		RANK DETECTIVE		
ORG UNIT DETECTIVE: HOMICIDE DETAIL		CAPACITY 4-EVIDENCE COLLECT/PROCESSING		
ASSIGNED ON 02/10/2017	ASSIGNED BY STEED, BRYAN L	SUBMITTED ON 02/10/2017	APPROVED ON 02/13/2017	APPROVED BY WHATTAM, KEN N

NARRATIVE

AUTHOR STEED, BRYAN L (19008)	DATE/TIME 02/10/2017 1500
SUBJECT CRIME SCENE	

NO CONNECT INFORMATION

-

-

NONCONNECT INFORMATION

-

-

Person Interviewed:

-

-

SUAREZ, ARMANDO JAVIER

MH, DOB [REDACTED]

Transient

Colorado ID# [REDACTED]

FBI [REDACTED]

Additional Detectives:

-

-

Det. E. KAMMERER, DPSST #29988

Detective Detail, Lead Investigator

Det. M. SLATER, DPSST #27192

Detective Detail, Lead Investigator

Det. M. MICHAELS, DPSST #40400

Detective Division, Homicide Detail

EXHIBITS

-

-

Attachments:

-

-

Scene Diagram

Scene Diagram Legend

CONFIDENTIALSUMMARY

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This report will document the scene in a diagram and legend. In addition it will document the inter of SUAREZ and his Grand Jury appearance.

NARRATIVE

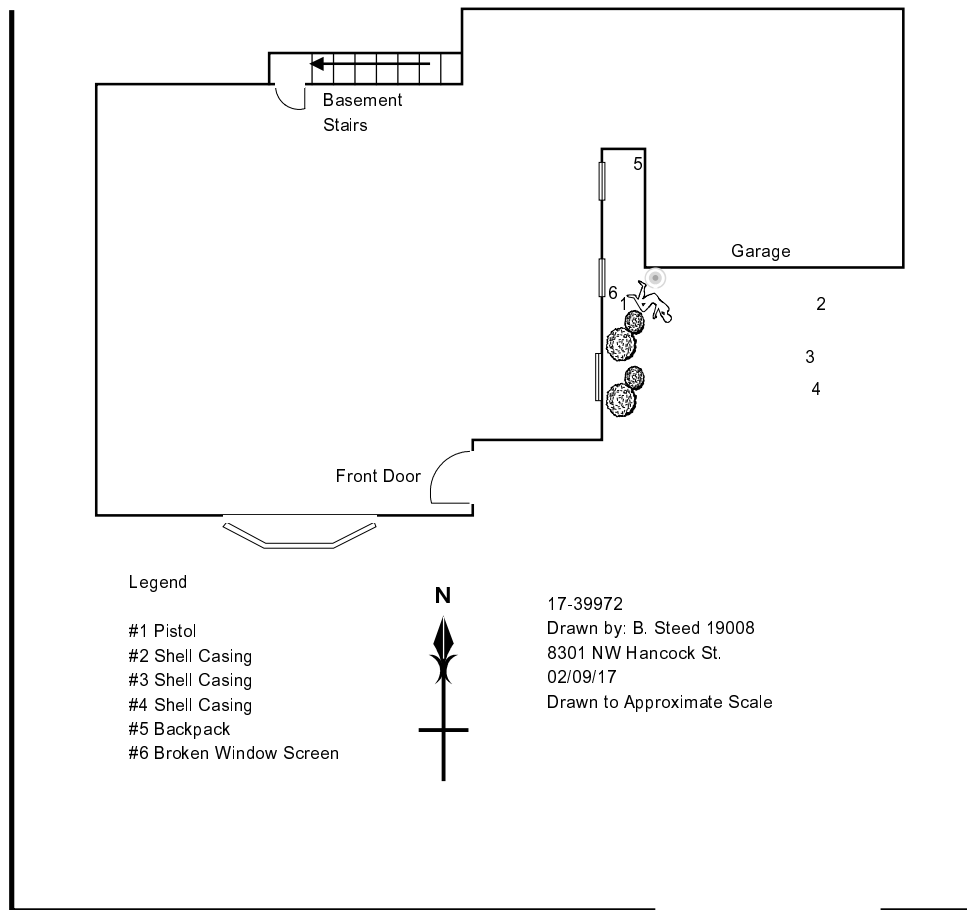
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On February 9, 2017, about 9:40am I heard radio traffic about an officer involved shooting. At the same time Sgt. Whattam requested I assist with the investigation of that shooting. I responded to the area of NE 82nd Avenue and NE Hancock Street arriving about 10:07am. The scene had already been marked off with red and yellow crime scene tape on my arrival. After a briefing by officers of the incident and after the Forensic Evidence Division had recorded the scene with Leica, I prepared a scene diagram and legend to compliment the Leica recordings. That scene diagram and legend are attached as to this report as attachments.

Upon completing the diagram I assisted Det. Michaels with the interview of SUAREZ. SUAREZ was interviewed in our van and the interview was recorded and later transcribed. Please see Detective Michaels report as well as the recording and transcription for details.

On February 10, 2017 I picked up SUAREZ at the Comfort Inn on NE 82nd Avenue and NE Wasco Street. I transported SUAREZ to the Multnomah County Courthouse where he testified in front of the Grand Jury. At the conclusion of his testimony I transported SUAREZ back to the Comfort Inn.

CONFIDENTIAL**IMAGE ATTACHMENT (1251676) SCENE DIAGRAM**

CONFIDENTIAL**IMAGE ATTACHMENT (1251680) DIAGRAM LEGEND**

The attached file(s) cannot be included in this hardcopy.

CONFIDENTIAL

FOLLOWUP REPORT #8				
ASSIGNED TO MICHAELS, MICHELE R (40400)		RANK		
ORG UNIT DETECTIVE: HOMICIDE DETAIL		CAPACITY 1-PATROL SUPPLEMENTAL		
ASSIGNED ON 02/10/2017	ASSIGNED BY MICHAELS, MICHELE R	SUBMITTED ON	APPROVED ON	APPROVED BY
NARRATIVE				
AUTHOR MICHAELS, MICHELE R (40400)			DATE/TIME 02/10/2017 1600	
SUBJECT INTERVIEW OF SUAREZ AND OTHER				
See Attached.				

CONFIDENTIAL**IMAGE ATTACHMENT (1251664)****Case # 17-39972****Classification: Officer Involved Shooting****Related Case #:** "Carjacking"/Robbery at NE 82nd/Schuyler – 17-39625**Related Case #:** Car Prowl at Banfield Pet Hospital – 17-39636**Occurred Date and Time:** February 9, 2017 at about 9:21 a.m.**This report Date and Time:** February 10, 2017 at about 1515 hours**Subject of This Report:** Interview of Suarez and other information**PEOPLE****Suspect/Deceased:**

Hayes, Quanice Derrick
AKA Marshall, Quintel
MB [REDACTED]
SID # [REDACTED]
Listed as Transient in Rejin

Interviewed and/or Mentioned:

Suarez, Armando Javier
MW [REDACTED]
Colorado Driver's License ID # [REDACTED]
FBI# [REDACTED]
Florida State ID# [REDACTED]
Colorado State ID# [REDACTED]

Pittman, Marsha
FB [REDACTED]
[REDACTED] PDX
Cell [REDACTED]
Wk [REDACTED]

Pittman, Jason Lewis
MB [REDACTED]
[REDACTED] PDX
Cell [REDACTED]
Wk [REDACTED] (Primary Residential Mortgage Inc)

Galan, Rudy
Banfield Pet Hospital
Senior Asset Protection Specialist
[REDACTED]
Portland, OR 97220
Fax # [REDACTED]
Cell # [REDACTED]

CONFIDENTIAL**Law Enforcement**

Officer Ferner #24817

East Precinct Officer : Responded to Carjacking/Robbery

Officer Rippe #34493

East Precinct Officer : Responded to Unwanted person at [REDACTED] NE Tillamook

Officer Tatro #48330

East Precinct Officer : Responded to Car Prowl call at Banfield Pet Hospital

Officer Eugenio #39877

Tactical Operations Division: Secured Surveillance Video from various locations

Detective Kammerer #29988

Homicide Detective Division : Lead detective on case

Detective Slater #27192

Homicide Detective Division : Partner to lead detective on case

Sgt. Hughes #36818

Homicide Detective Division : Case Supervisor

Sgt. Whattam #24582

Homicide Detective Division : On Scene

Detective Steed #19008

Homicide Detective Division : Assisted with Interview

Criminalist Ware #37137

Forensic Evidence Division : Took photos of Mr. Suarez' car and secured evidence

Criminalist Outhaythip #24990

Forensic Evidence Division : Secured evidence from car prowling that Ofc. Tatro had

Detective Clifton # 37152

Homicide Division : Assisting at the scene and with video

Criminalist Willard #22518

Forensic Evidence Division : Collected evidence from car prowling that Ofc. Tatro had secured.

Others

Chief Deputy District Attorney Don Rees

Multnomah County District Attorney's Office – Assigned to case

DDA Jeff Auxier

Multnomah County District Attorney's Office – Assigned to case

CONFIDENTIAL**Vehicles**

2007 Nissan Altima 4 door / Dark Blue / Colorado temporary plate / Mr. Suarez' vehicle

EXHIBITS

Property Evidence Receipt #A036288

Item #1: CD with audio recording of interview with Mr. Suarez

SUMMARY

Information regarding interview of Mr. Suarez, surveillance video collection, and information about residents at [REDACTED] NE Tillamook.

NARRATIVE

Initial Information / [REDACTED] information

On February 9, 2017 at about 0940 hours Sergeants Whattam and Hughes told me to respond and assist in the investigation of an officer involved shooting near NE Hancock and NE 82nd Avenue. I arrived at about 1000 hours and was initially asked to go check on [REDACTED] NE Tillamook Avenue as we had heard about a radio call of an unwanted subject at that location that may be related to our shooting call out.

At [REDACTED] Avenue I saw Officer Rippe, who was keeping an eye on items that were left at the location by the unwanted subject. Officer Rippe told me briefly that she and other officers had responded to a call at this location and had encountered the person who had been banging on the door of [REDACTED]. (See reports for Officers Rippe, Tatro, and Ferner for more information about the events at that location.) While I was there, the residents of the location, Marsha and Jason Pittman, came out and talked with me. Mrs. Pittman told me she was home at the time of the incident (unwanted person) and later heard shots fired, but did not see what happened when the shots were fired. Mr. Pittman said he was at work in Clackamas when the unwanted man was banging on their door, but came home as soon as his wife called him about the man being at their house. They both said they were willing to talk with detectives but said they had to go now as they needed to go to work. They gave me their information and phone numbers. [Note: Criminalist Willard took photos and collected evidence at the [REDACTED] [REDACTED]k address. See her report for information.]

Briefing

At about 1040 hours I and other detectives attended a briefing given by some of the responding officers regarding the incidents occurring this morning. Please see officer reports for information. After the briefing we were assigned tasks. I was asked to assist with collection of video and with the interview of Mr. Suarez.

CONFIDENTIALSurveillance Video

I was asked to get information to Officer Eugenio so that he could secure the surveillance video from the Value Inn, near to where the "carjacking"/robbery occurred, and the Banfield Pet Hospital, where the car prowling had occurred. Also, Officer Ferner told me he talked with the manager at the nearby Plaid Pantry and they had some video of the suspect in the area that morning as well. (All of these locations are in the area of NE 82nd and Hancock/Schuyler.) Also, we learned Les Schwab Tire Center had recorded video surveillance as well. Officer Eugenio contacted each location and secured the video from Value Inn, Les Schwab and the Plaid Pantry and gave it to Detective Clifton on the evening of February 9, 2017. See Officer Eugenio's report for more information.

The Banfield Pet Hospital requires a subpoena for the video, so Officer Eugenio gave me the information for them. I called and spoke with Rudy Galan at Banfield Pet Hospital. He asked me to have a subpoena faxed to him and said he would deliver the video requested (Camera 1 from 0645 to 0800) to me by Monday February 13, 2017. DDA Rees now has that information and is sending Mr. Galan the subpoena.

Armando Javier Suarez / Robbery Victim

I learned from Officer Ferner that Armando Suarez was the victim of a robbery earlier in the morning. Officer Ferner responded to that call (Case # 17-39625) and talked with Mr. Suarez about what had happened. (See Officer Ferner's report for information.) In summary, Mr. Suarez lives in his car and was parked in that area and asleep in his car when a black male entered his (Suarez') car and held a gun to him and robbed him.

Officer Ferner told me one of the things that had been stolen from Mr. Suarez's was a vest that was blue and green in color and had an "Alaska" patch on it. Also, Officer Ferner had collected some items from Mr. Suarez' car that Mr. Suarez thought the suspect who robbed him had touched. I had Criminalist Ware collect those items from Officer Ferner. See Criminalist Ware's report for more information.

Officer Ferner also told me that Mr. Suarez had already left the area of NE 82nd and Schuyler, but that he (Ferner) could get a hold of him. Officer Ferner tried calling Mr. Suarez, but Mr. Suarez did not answer. (Later Mr. Suarez told us he never answers "blocked calls" and asked us to take the block off before we call him so he will answer.) Officer Ferner then drove around the area and located Mr. Suarez and asked Mr. Suarez if he would come talk with us; Mr. Suarez said he would.

At about 1245 hours Officer Ferner drove into a parking lot there at the corner of NE 82nd and NE Hancock and Mr. Suarez followed in his (Suarez') vehicle. I introduced myself and explained we wanted to interview him (Suarez) and take some pictures of his car and check to be sure we had collected anything that might be evidence in the investigation of the robbery. Mr. Suarez was willing to do all of that and talked with us about the car. One of the things he pointed out was that the suspect had ripped the glove box "door" off the hinges and it was now laying in the front passenger floor board. There were also additional cigarette packages in the car the suspect had possibly touched. Criminalist Ware took photos of the vehicle and collected items of evidence. See his report for more information.

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Mr. Suarez, Detective Steed and I went to the homicide's crime scene van and did the interview inside of it. The interview was recorded. See the transcription and recording for more information. Also, during the interview I showed Mr. Suarez a photo I had taken of the vest Officer Tatro had recovered at the car prowler earlier (it was blue and green with an "Alaska" patch). Mr. Suarez immediately said it was his vest, the same vest he told us the black male had taken from him that morning. I put the photo of the vest into DIMMS.

We talked to Mr. Suarez about testifying at grand jury and he said he understood and was willing to show up. He also said he wanted to leave Portland as soon as he could as he was scared and didn't want to be around this area any longer (he moved here for work about a month and a half ago from Colorado.) We set the grand jury appearance for 0830 the next day (February 20, 2017). Mr. Suarez arrived at the courthouse and testified on February 20, 2017. See the grand jury transcription for more information.

CONFIDENTIAL

BUREAU OF POLICE
2619 NW INDUSTRIAL ST., STE. B4
PORTLAND, OREGON 97210
503-823-2179

PROPERTY/EVIDENCE RECEIPT

THIS RECEIPT MUST BE ACCOMPANIED BY AN APPROPRIATE REPORT

HOURS OF OPERATION:
9:00 AM TO NOON &
1:00 PM TO 4:00 PM, M-F

RECEIPT NUMBER No. A036288	DATE/TIME 2/9/17	AM PM	REFER CASE NO.	PPB CASE NO. 17-39972
CHECK ONE TYPE ONLY <input checked="" type="checkbox"/> EVIDENCE <input type="checkbox"/> FOUND PROPERTY <input type="checkbox"/> PRISONER'S PROP. GAVE COPY? YES <input type="checkbox"/> NO <input type="checkbox"/>	<input type="checkbox"/> SAFEKEEPING			
PROPERTY TAKEN FROM: LAST NAME FIRST M.I. SEX DOB	I VOLUNTARILY RELINQUISH THE ITEM(S) LISTED FOR SAFEKEEPING			
DENIED OWNERSHIP <input type="checkbox"/>	SIGNATURE			
HOME ADDRESS CITY STATE ZIP				
OWNER OF PROPERTY LAST NAME FIRST M.I. SEX DOB				
HOME ADDRESS CITY STATE ZIP	PHONE			
TYPE OF INCIDENT Officer involved shooting	DELIVERING OFFICER Michael	DPSST/ASSIGN 4040120		
LOCATION WHERE SEIZED, FOUND, SURRENDERED	INVESTIGATOR (IF DIFFERENT)	DPSST/ASSIGN		
<input type="checkbox"/> DEFENDANT LAST NAME FIRST M.I. SEX RACE DOB				
<input type="checkbox"/> SUSPECT				
FOR GUNS LIST MAKE, TYPE, CALIBER, MODEL, SERIAL NUMBER(S), IMPORTER & COUNTRY OF ORIGIN. LIST ONLY ONE ITEM PER SELECTION.				STLN FOR PED USE ONLY
ITEM 1	CD with Audio Recording of interview with Armando Suarez on 2/9/17			
ITEM 2				
ITEM 3				
ITEM 4				
ITEM 5				
ITEM 6				
ITEM 7				
ITEM 8				
DELIVERED TO: <input type="checkbox"/> STATE CRIME LAB <input checked="" type="checkbox"/> SATELLITE PROP. ROOM <input type="checkbox"/> PED	PRECINCT & LOCKER# C-12	DATE 2/10/17	RECEIVED BY	
CHECK ONE ONLY <input type="checkbox"/> FED <input type="checkbox"/> OTHER				
DO NOT WRITE IN SPACE BELOW — FOR PED USE ONLY				
RECEIVED BY PED	BY	WHITE - RECORDS COPY PINK - WITH PROPERTY YELLOW - CITIZENS RECEIPT		
DATE:	TIME:			

07/12

CONFIDENTIAL

IMAGE ATTACHMENT (1296129) ARMANDO SUAREZ TRANSCRIPT

**PORTLAND POLICE BUREAU
CASE NUMBER 17-39972**

February 9, 2017

**Interview of
ARMANDO SUAREZ**

TAPED STATEMENT TRANSCRIPTION

CONFIDENTIAL

CONFIDENTIAL

**PORTLAND POLICE BUREAU
DETECTIVE DIVISION
CONFIDENTIAL TAPED STATEMENT TRANSCRIPTION**

Case #17-39972**February 9, 2017****Page 1**

Michaels: Okay so uh, the date is February 9th, 2017, the time is about 1324. Um, this is Michele Michaels, I have BPST 40400. Bryan Steed is present, BPST 19008 and we're going to talk to Mr. SUAREZ. Um, ARMANDO JAVIER and it's about the incident that happened today uh, when you were parked in your car earlier this morning. So if you would just tell me first of all what happened this morning?

Suarez: I'm asleep in my car because I have a friend that's staying at the hotel next door. I hear a knock at the window, I figured it was him, I lower the window a little bit and I have a .45 put in my face. At that point he opens the door and sits in the car and holding me at gunpoint.

Michaels: Okay.

Suarez: He starts rifling through the car asking me for money. I'm trying to tell him that I don't have money, to realize that I'm living in my car. Look around, everything is in my car. And I actually had to tell him this like three times before he realized it. Constantly threatening me, putting the gun in my face. He, I don't know how you guys say it in English uh, he got a, he chambered a round in, in the .45. Um, and keeps on sticking it in my face insisting that I have something. Till he finally figured out that I'm in the same boat he's in. I just have a car. Um, before he gets out of the car he, he threatened me by telling me don't call the cops. I see a cop roaming around here I'm gonna come back and I'm gonna put two in ya.

Michaels: Okay.

Suarez: Very calm, very cool, very – it's like he was doing this like he's done it a thousand times. It was almost like he was doing it by the book.

Michaels: Gotcha.

Suarez: Very deliberate, very da- very, you know if it wasn't, if it wasn't planned I don't understand how it wasn't because of the way he did it.

Michaels: Okay.

Suarez: It, it was just that, that precise the way he was going about things.

Michaels: Okay.

Suarez: Um, he ends up taking my food stamp card after he went through the, through the wallet. Steals my vest, walks off. I sat in the car for about 10, 15 minutes before

CONFIDENTIAL**Confidential Taped Statement Transcription**
Case # 17-39972**February 9, 2017**
Page 2

I even got out of it and went up to the office. I was giving time in a sense before calling you guys because of the threat. It's like give him time to get out of the neighborhood so – cancel my food stamp card, finally called you guys and everything took off from there. The second call on, um, for this guy came in while I was giving the of- uh, the officer the report.

Michaels: About your incident?

Suarez: About my incident.

Michaels: Okay. So backing up a little bit um, so this morning where were you parked this morning?

Suarez: I don't know the name of the street but where the, the Portland Value Inn I was on the side, of the side of their building across the street. So the, this, you have the Portland Value Inn, the street and then the next curb, I was parked on the next curb directly across the street from the building.

Michaels: And from what I understand from the officers that went there that is Schuyler, it's spelled like Schuyler, S-C-H-U-Y-L-E-R, do you remember seeing that street?

Suarez: I haven't been paying attention to the sign.

Michaels: Okay.

Suarez: Since I...

Michaels: ...they kind of told us sort of where you were, it's not too far from the Value Inn.

Suarez: Well the thing is I, I was staying at the Value Inn for roughly a month.

Michaels: Okay.

Suarez: So I, since I knew where the hotel was at I didn't pay attention to the street signs.

Michaels: You just parked right there.

Suarez: Yeah I just drove to it.

Michaels: Okay and about what time this morning did the man come to your car?

Suarez: That's where it's rough. Because I remember waking up at about 3:00 in the morning.

Michaels: Okay.

0210.14mmi

CONFIDENTIAL**Confidential Taped Statement Transcription
Case # 17-39972****February 9, 2017
Page 3**

Suarez: Some time after that is when everything started. Now when you sleep you don't get a real sense for time.

Michaels: Um-hm.

Suarez: When I was speaking earlier we were at the hotel office that the man- that the security guard's there's, the night security guard/manager was there, I was figuring that everything started about, somewhere around 4:00, 4:30 in the morning.

Michaels: Okay.

Suarez: She was saying that when I showed up at the office it was about 7:00 in the morning.

Michaels: So when you went to the office after waiting about 15 minutes, it was about 7:00am?

Suarez: I'm getting confused here, okay.

Michaels: Okay.

Suarez: You got the point where I woke up at 3:00 in the morning?

Michaels: Uh-huh.

Suarez: That was judging it was about 4:30 in the morning.

Michaels: Okay.

Suarez: That tells us you can't really judge sleeping in your...

Michaels: ...right, right, right.

Suarez: Time while you're sleeping, but when we, when I was in the office she commented to the other officers that it was about 7:00 in the morning when I walked in there. So when you do the math and the time that I sat in the car after the incident to the time I got to over there it doesn't make sense. 'Cause to my knowledge it was sometime after 3:00, I'm judging about 4:30.

Michaels: Um-hm.

Suarez: But it's hard for me to put the time because I was sleeping.

Michaels: Gotcha. So if I take, when you said that you showed up in the office, you're talking about the Value Inn?

0210.14mmi

CONFIDENTIAL**Confidential Taped Statement Transcription
Case # 17-39972****February 9, 2017
Page 4**

Suarez: Right.

Michaels: And you talked to the clerk that was there?

Suarez: Right.

Michaels: And this is when you went to the office to call about your EBT card and tell them what had happened?

Suarez: Still giving..

Michaels: ...and she thought that time was about 7:00am?

Suarez: Right.

Michaels: And you feel like after he pointed the gun at you and then left that you waited about 10 or 15 minutes before you went to the Value Inn?

Suarez: Exactly.

Michaels: Okay so let's just stick with that. So now you're in your car, you slept there all night?

Suarez: Yeah I've been sleeping there all week.

Michaels: Okay and when you sleep in your car what part of your car do you sleep in?

Suarez: Driver's side.

Michaels: The driver's side, so you're in the driver's seat, is your car locked?

Suarez: Yes.

Michaels: All four doors, are the windows up?

Suarez: Yes.

Michaels: Okay. So what first woke you up?

Suarez: When I first woke up?

Michaels: Yeah what, what was it that woke you up when he arrived?

Suarez: Oh, knocking on the window.

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Michaels: So he knocked on the window, did he use anything in particular to knock on the window?

Suarez: No he was using his hand.

Michaels: Okay and which window was it he knocked on?

Suarez: Front passenger side.

Michaels: Front passenger and that's a four-door car?

Suarez: Yes.

Michaels: So he's on the front passenger side, he's knocking on the window with his hand?

Suarez: Right.

Michaels: And then you thought it was your friend.

Suarez: That's the...

Michaels: ...from the Value Inn...

Suarez: Exactly.

Michaels: So you rolled the window down?

Suarez: Exactly.

Michaels: Is it a power roll down or a hand?

Suarez: Power.

Michaels: So power rolled the window down, then what happened?

Suarez: .45 comes straight through the door.

Michaels: Okay so the .45, let's stop there. .45 comes through the window or through the door?

Suarez: Through the window.

Michaels: Through the window.

Suarez: Once I, once I lowered the window he stuck the gun straight in.

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Michaels: He stuck the gun, now is it, what kind of .45? Do you know like a revolver versus a semi-auto?

Suarez: A pistol, a pistol. It was a semi-au- yeah.

Michaels: Semi-auto pistol, okay. Uh, do you remember what the gun looked like?

Suarez: Black and...

Michaels: ...black...

Suarez: ...it had like a beige-ish uh, almost like a desert camel on the handle.

Michaels: Okay so like a beige desert camel type handle on the color?

Suarez: Right.

Michaels: Black semi-auto. Um, do you know how big it was? You said .45, what makes you say .45?

Suarez: I, the size of the barrel opening.

Michaels: Okay. And are you familiar with guns that you would know?

Suarez: I have familiarity with it, I'd say it was probably about a six and a half inch barrel.

Michaels: Okay, were you in the military?

Suarez: No.

Michaels: No, how do you have familiarity with the guns?

Suarez: Riverside Military Academy.

Michaels: Military Academy?

Suarez: Yeah.

Michaels: Okay.

Suarez: Not to mention the fact that I've, I had my little collection of guns before I got in trouble.

Michaels: Okay. How long have you been in Portland?

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Suarez: About a month and a half.

Michaels: Okay and you came here, you said earlier for a job.

Suarez: I, well –

Michaels: And didn't get that job. They, they didn't give it to you.

Suarez: Well I had the job.

Michaels: Right.

Suarez: I came here on a promotion.

Michaels: Okay.

Suarez: I was, I was promoted in Colorado and I asked to transfer.

Michaels: Portland.

Suarez: To Portland.

Michaels: And that was about a month and a half ago. And that fell through which ...

Suarez: ...well, well it was, I got the promotion early then like I said I was gonna be here about three weeks before Christmas.

Michaels: Um-hm.

Suarez: But they asked me to finish off the year at the Colorado plant.

Michaels: Okay.

Suarez: Finish off the year there and I got here about the second or third.

Michaels: Okay.

Suarez: And I've been working since.

Michaels: And stay in Por- okay. Um, so back to the story. Knocks on the window, you roll the window down thinking it's your friend. He, a .45 comes through.

Suarez: Correct.

Michaels: Does he say anything at that point?

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Suarez: Once he stuck the .45 through the window I didn't, he just opened the door and sat in the car and is asking me for money and where's everything at?

Michaels: Okay so how did he open the car?

Suarez: By the outside door.

Michaels: By the outside door so he, did he unlock it somehow and then?

Suarez: I, I'm trying to figure out, maybe when I was asleep I might've hit the switch by accident or something.

Michaels: So somehow he got it and he –

Suarez: But he opened it from the outside.

Michaels: And then sat down inside the...

Suarez: ...sat down, closed the door...

Michaels: ...front passenger seat...

Suarez: ...that was it.

Michaels: And he starts talking to you.

Suarez: You got it.

Michaels: And that's when he's saying you said...

Suarez: ...that's when he starts telling me that he's from Chicago that, that, that I'm lucky that he hasn't killed me yet because usually they'll kill you first and then steal you, and then rob you.

Michaels: And so what other kind of things did he say? He's from Chicago, he's get, he wants your money but you tell him you don't have any.

Suarez: I, I, I'm telling him, listen I'm homeless, look around all my stuff's in the car. I'm sleeping in the car next to a hotel. If I had money don't you think I'd be in the hotel?

Michaels: Right.

Suarez: I told him this about four times and, before it started registering.

Michaels: Yeah what was his response each time?

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Suarez: It's hard to describe.

Michaels: Okay. I mean he's telling you he's from Chicago.

Suarez: It was almost like if he wasn't really paying attention.

Michaels: Okay.

Suarez: To what I was telling him because he, he didn't care what I had to say, he just wanted me to pull stuff out of, out of me.

Michaels: Did he seem drunk or high?

Suarez: No.

Michaels: Okay.

Suarez: Very, like I'm telling you, very calm, cool, collected, like if he was on a mission. It, it was too – I – it was almost like if you had this planned.

Michaels: Okay. When you...

Suarez: ...well I had been there for a week so he could have.

Michaels: Right, he might have known you were sort of there, okay. And you were in that same spot for the last week?

Suarez: Well maybe a little further up, maybe on the other side of the street...

Michaels: ...but somewhere right, okay..

Suarez: ...but, but right there in that corner.

Michaels: Um, as far as his speech uh, did he have an accent?

Suarez: Not that I can tell.

Michaels: Okay uh, any speech impediments? You know where he would stutter or...

Suarez: ...no...

Michaels: ...have a lisp or anything like that?

Suarez: He spoke very calm, clear, cool and collected. I mean like pfft –

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Michaels: Speech pattern sort of like just general, mid-west, no southern, no California talk, no like nothing in that regard?

Suarez: Nothing in particular that stuck out, no.

Michaels: Okay. Um, so now he's inside the car, you're looking at him, he's talking to you. Describe what he looks like to me.

Suarez: Small head, rounded.

Michaels: Okay.

Suarez: Young. I'm guessing around 23.

Michaels: Okay.

Suarez: A small frame, skinny. Maybe a little shorter than me. I'd guess about 120 pounds.

Michaels: Uh, what race is he?

Suarez: Black.

Michaels: Black guy um, any facial hair?

Suarez: Don't think so. There may have been but I was just waking up.

Michaels: Okay, what about his hair style?

Suarez: He had a hoody on, I couldn't see.

Michaels: Okay.

Suarez: And I wear glasses too for reading. Up close my, my vision is not –

Michaels: It gets a little blurry?

Suarez: Yeah.

Michaels: Okay. Um, so you said he had a hoody, what color was the hoody?

Suarez: Not really sure, it was kind of – a grayish/green so-

Michaels: Okay. Anything else that he was wearing?

Suarez: The blue jeans, sneakers.

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Michaels: Okay.

Suarez: That's about it other than, other than the vest that he took from.

Michaels: Okay uh, and speaking of the vest then describe the vest that he took from you.

Suarez: The vest is reversible. One side is blue the other one is green.

Michaels: Okay.

Suarez: The blue side is more like a, like a velvet cloth, it's not velvet but it's like more of a cloth. More like a, like a sweater type deal.

Michaels: Okay.

Suarez: The outside is more like a nylon with wa- more water resistant.

Michaels: Right.

Suarez: Um, the green is faded, the blue is more solid, more, not as faded. It's faded some but it's, the green is much more faded and it has a, a patch on the left uh, chest plate that says Alaska on it.

Michaels: Okay and so I have a photo um, that we talked about earlier with your vest. Does that look familiar to you?

Suarez: An-and that is the vest.

Michaels: Okay so I'm showing you the photo of the vest uh, that was collected by Officer TATRO. Um -

Suarez: Okay.

Michaels: And that's the same one, it's got the Alaska patch, it's got the blue and the green, okay. Um, where was that vest in your car?

Suarez: Back seat.

Michaels: Back seat?

Suarez: With the rest of all my jackets and _____ They'll come up in the picture they took, they'll see the jackets in the back seat and everything else.

Michaels: Okay so how did it wa- what was he doing that he like found this vest, what's going on in the car with him?

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Suarez: Well after he rifled through the front center console under the radio and the glovebox and he went through my jacket and everything else and...

Michaels: ...and you're, you're indicating the jacket that's on you?

Suarez: Yes.

Michaels: So he went through the pockets on you?

Suarez: On me.

Michaels: And did he have the gun up to you while he was doing that?

Suarez: Yeah.

Michaels: Okay.

Suarez: Once he went through that, still didn't find nothing, he saw the bags _____ bunch of stuff and he just start piling, moving stuff around to see if he found anything.

Michaels: So you're indicating with your arm movements, for the recording we have this, you're indicating that he reached back in the back and he's like moving stuff with his arms and just kind of tr- going through everything in the back seat.

Suarez: Trying to see...

Michaels: ...okay...

Suarez: ...if I have anything of value that he can take.

Michaels: You also indicated earlier when you were talking about the glovebox that you, you kind of did an arm motion that he ripped the glovebox off. So your whole glovebox is now detached.

Suarez: The...

Michaels: ...the, the door to the glovebox.

Suarez: Yes.

Michaels: Okay. Um, did he find anything in there that he took?

Suarez: No the only thing in there is actually the owner's manual to the car.

Michaels: Okay.

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Suarez: (laugh).

Michaels: So the only thing...

Suarez: ...that an- that and the paperwork.

Michaels: That you think he took fro-from you was the vest?

Suarez: The food stamp, and the food stamp card.

Michaels: And the food stamp card.

Suarez: Yes.

Michaels: Uh, and he got the food stamp card from where?

Suarez: My wallet.

Michaels: And where was your wallet?

Suarez: It was in my back pocket when he asked me for it I handed it...

Michaels: ...in your, in your back jeans pocket?

Suarez: Yeah, I handed it to him when he asked me for it.

Michaels: Okay, right and so he then went through it and he took the...

Suarez: ...he took the food...

Michaels: ...the food stamp card, anything else that he took out of there?

Suarez: If he did I didn't see it.

Michaels: Okay. Um, so he took the wallet, he took the vest.

Suarez: He took the food stamp out of the wallet.

Michaels: Oh I'm sorry...

Suarez: ...the wallet...

Michaels: ...he took the food stamp card and the vest and then I think the officer said something about maybe some cigarettes?

Suarez: Yeah he took a pack of cigarettes.

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Michaels: And do you remember what brand they were?

Suarez: Marlboro, Marlboro Lights uh, the special blend lights.

Michaels: Mar-Marlboro Special Blend Lights.

Suarez: Mar- Marlboro Blends.

Michaels: Okay.

Suarez: Mar-Marlboro Special Blends Lights.

Michaels: Okay Marlboro Special Blends Lights, okay. And do you remember how many cigarettes were in there?

Suarez: Maybe 10. It was about a half, it was about a half a pack.

Michaels: Okay um, and then he's rifling through all the other things in the car?

Suarez: Right.

Michaels: And in the meantime he's telling you things like he's from Chicago?

Suarez: Yes.

Michaels: What else did he tell you?

Suarez: He, like for example he said that in Chicago usually they'll kill the person first and then rob 'em. That's - I'm like -

Michaels: Okay.

Suarez: But basically it.

Michaels: Okay.

Suarez: Then at, at one point he actually, once he saw there was nothing in the bags, sees there's no money in the car he wanted me to be his driver.

Michaels: And where did he want you to drive him?

Suarez: He wanted me to drive him around to go make money. I'm like I'm not getting involved in any games or any bullshit with you.

Michaels: Okay what kind of things was he suggesting to do to make money?

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Suarez: He's got a gun in his hand he's going to be going to, suggesting to do the same thin-thing go commit robberies or whatever.

Michaels: And while this is happening he comes in your car, he's got the gun, he's doing these things, what are you thinking? What do you think is going to happen to you?

Suarez: What do I think is going to happen to me? Well –

Michaels: What's gonna happen to you with this guy?

Suarez: I'm sitting there and I look at the way he came across uh, so direct I didn't really know what to think. All I did was try to keep myself calm and cool.

Michaels: Okay.

Suarez: And just do what he asked.

Michaels: Gotcha.

Suarez: Because I'm not gonna win the battle against a .45.

Michaels: Right and so the way you're indicating right now again with your hands and the, the mannerisms it, it sounds to me like uh, maybe it was scary? You were scared, you thought he might shoot you.

Suarez: Let's put it this way, it's a miracle I didn't have to change my shorts.

Michaels: Okay um –

Suarez: You know you get a .45 waking up, jammed in your face, you're gonna freak out.

Michaels: Okay. And then you also said at one point he racked the slide.

Suarez: Yeah.

Michaels: Uh, when was that?

Suarez: Uhh – it's um, in, in a sense of time it's hard to put a time, but I'd say about mid-point through the whole thing.

Michaels: Okay did any, did he say anything while he racked the slide? Why did he rack the slide?

Suarez: He racked the slide because at one point I got a little smart with him.

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Michaels: Okay.

Suarez: And he wanted to reassure me that uh, he's blowing me away if I do that shit again.

Michaels: Okay and did you take him seriously when he did it?

Suarez: I just stayed quiet.

Michaels: Gotcha.

Suarez: I didn't respond to him, I just stayed quiet and – after that is when he started talking about that you got to drive me and I go I can't, I don't have any gas. Let's go to the gas station and I go dude I pressed the button to start the car, the car won't start. He goes what are you talking about? I go don't you hear the engine turning over? The car won't start. And that's when he realized that it wasn't gonna happen.

Michaels: It was true, you didn't have any money, you didn't have any gas, it's not going anywhere.

Suarez: Exactly.

Michaels: Okay um, so –

Suarez: That's when he, that's when he fin- at that point is when he actually grabbed the vest. He never grabbed the vest when he was rifling through the stuff.

Michaels: But then he reached back...

Suarez: ...but once he realized he wasn't gonna get any money and he can't use the car either, he grabbed he vest, put it on and walked off.

Michaels: Okay.

Suarez: He told me before he walked out, don't call the cops. I see a cop I'm gonna come, come back and put two in you. I know where you're at.

Michaels: Okay. So he grabs the vest, he opens the door um, and starts to leave?

Suarez: Exactly.

Michaels: And the officer said something about maybe he, did he give you back something?

Suarez: Yeah he gave me, for some reason, it was funny, once, almost like if he realized that I was a poor man just like him, he handed me back the pack of cigarettes.

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Michaels: He gave you the cigarettes back, okay. Um, and then he...

Suarez: ...which...

Michaels: ...he went walking, which way did he walk from where your car was?

Suarez: The only thing that I saw 'cause I didn't want to pay mind to him. Only thing I can tell you was that he walked towards 82nd. Whether he went north or south I don't know.

Michaels: Okay so toward 82nd from where you were?

Suarez: Exactly.

Michaels: Okay um, was it the, the, the lighting outside, was it?

Suarez: Dark.

Michaels: Dark, the sun had not come up yet when...

Suarez: ...no...

Michaels: ...all this was happening, okay. So he turns, where did he put the gun when he turned? Like when he got to, got up to leave...

Suarez: ...waistline.

Michaels: In his waistline so and that's front waistline?

Suarez: (deep breath).

Michaels: Side waistline, back waistline?

Suarez: He put it in his right side out, now I seen him, I'm assuming it's the waistline because of the, the way he moved.

Michaels: And is that the way he moved, what you just did?

Suarez: Basically he just kind of, he had to move his jacket and whatnot but I'm not sure.

Michaels: Okay.

Suarez: Because I think he may have had more than one layer of, of clothes on.

Michaels: So for the recording you're indicating uh, by that you're using your right hand um, and you're kind of showing that you lift your jacket up.

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Suarez: Yeah, he put...

Michaels: ...and you kind of put it in this front right side, side area.

Suarez: Exactly, with a winter jacket.

Michaels: At the waist area with the hand.

Suarez: Exactly.

Michaels: And then the hand comes up, okay.

Suarez: Better way to describe it is _____.

Michaels: Okay um, and then he walked off and did you hear from him again?

Suarez: No.

Michaels: No, you waited about 10 to 15 minutes and then you went to the Value Inn?

Suarez: Exactly, I finally got the number to be able to cancel the food stamp card.

Michaels: Okay.

Suarez: A little while later I called the cops and from there on it's been going.

Michaels: And you indicated that you actually believed him when he said he would hurt you so you waited to go in...

Suarez: ...I had no reason why not to believe.

Michaels: And then earlier when we were just getting acquainted out here you also said something about you were concerned that perhaps he was affiliated with some gangs and might actually be some retribution.

Suarez: Yeah I worried about re- I'm worried about...

Michaels: ...and repercussions...

Suarez: ...the repercussion because of this.

Michaels: Okay so that extends.

Suarez: This whole, this whole, this whole area, this whole strip is known for nothing but gangs and crystal meth.

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Michaels: Okay.

Suarez: Now all of a sudden you got, you got this guy that could be part of or not part of, I don't know.

Michaels: Yeah.

Suarez: But he's dead in an incident related to me.

Michaels: Copy that.

Suarez: So if they want, if for some reason they want to come after me well – his death will be the reason for me to have to suffer repercussion when I'm not at fault for him dying.

Michaels: Right.

Suarez: It was his fault for trying to pull a gun on a cop.

Michaels: I under- yeah I understand. Um, so backing up a bit a question, did he have any tattoos that you saw?

Suarez: I couldn't see.

Michaels: Scars?

Suarez: He, he has his jacket he's completely covered.

Michaels: Any weirdness with his teeth?

Suarez: I think he had some gold teeth.

Michaels: Maybe some gold teeth?

Suarez: Yeah.

Michaels: And by that do you mean like gold fillings or like gold teeth in the front?

Suarez: I wouldn't be able to tell the difference.

Michaels: There's some gold maybe in there somewhere.

Suarez: There's just, just some gold.

Michaels: And speaking of that, did he have any chains, anything, you know people are big...

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Suarez: ...couldn't tell, the hoody.

Michaels: Okay, just the hoody?

Suarez: Yeah he had the hoody his, his, his arms were covered, he had some pants on so, the only way I could tell he was black was his face and –

Michaels: Okay.

Suarez: I couldn't see anything else besides exterior clothes that he was wearing.

Michaels: In the midst of his talking to you about he's from Chicago and in Chicago they do things this way, did he mention anything about where he's staying now?

Suarez: No.

Michaels: Okay. Um, did he give you a name of any sort? Okay.

Suarez: He didn't mention anything having to do with him.

Michaels: Okay.

Suarez: Except for the fact that he's from Chicago.

Michaels: Okay. Uh –

Suarez: And the way they do things over there they, they that they'd shoot you first and then rob you.

Michaels: Bryan anything else right now while I'm looking over this?

Steed: No –

Suarez: And if, and if I remember something then I will tell you.

Michaels: Yes, no I got you. It'd be great.

Suarez: You know.

Steed: Yeah, no not off the top of my head.

Suarez: When I went to the food stamp office, you know I, I got over there, filled out the paper I had to fill out, they told me to come back at 1:00. Obviously to relax I smoked a joint and I took a shot of tequila so if I'm forgetting anything I remember later –

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Michaels: Right on.

Suarez: I'll let you know.

Michaels: Okay.

Suarez: But I, I left the scene and – you know I, I've been going through a lot you know.

Steed: Yeah.

Suarez: I take a promotion that, that they really don't give it to me and I end up homeless because the less money I'm making.

Michaels: Yeah.

Suarez: And then this happens.

Michaels: Yeah.

Suarez: It's like – (sigh) god I've been sitting in my car for a week.

Michaels: Um –

Suarez: It, it's, it's just, I'm going insane here. It's just it's –


Michaels: Well we certainly appreciate your help and appreciate the predicament that you found yourself in. I'm sorry that you had that happen to you today, I can't imagine how that feels um –

Suarez: I'm sure you've been in hairy situations.

Michaels: And I appreciate you being, yeah you know and I appreciate you being cooperative and talking to us and telling us what happened because it's important.

Suarez: Listen, people want to go against cops go against it if you want, they're just other people doing a freakin' job.

Michaels: Right, I agree with you. Okay so for now uh, no further questions um, we'll give you our number and stuff. We'll end this at 1344 so 1:44pm.

Transcribed Verbatim with Punctuation Added 021417 / 0853 T. Bradshaw 

0210.14mmi

CONFIDENTIAL**FOLLOWUP REPORT #9**

ASSIGNED TO LAWRENCE, JAMES E (30434)		RANK DETECTIVE		
ORG UNIT DETECTIVE: COLD CASE DETAIL		CAPACITY 4-INTERVIEW WITNESS		
ASSIGNED ON 02/10/2017	ASSIGNED BY LAWRENCE, JAMES E	SUBMITTED ON 02/17/2017	APPROVED ON 02/21/2017	APPROVED BY WHATTAM, KEN N

NARRATIVE

AUTHOR LAWRENCE, JAMES E (30434)	DATE/TIME 02/10/2017 1756
SUBJECT WITNESS OFFICER INTERVIEWS	

WITNESS #1	RIPPE, HEATHER	737 SE 106TH AVE
WITNESS #2	PARMAN, BRYAN	737 SE 106TH AVE
WITNESS #3	MCHUGILL, STEVE	7214 N PHILADELPHIA ST

NARRATIVE:

On February 9th, 2017, I was asked to assist with an investigation of an Officer Involved Shooting which had occurred in the 8300 block of NE Hancock St, earlier in the day. I was asked to conduct interviews of the three listed witness officers. I conducted these interviews with Detective Aaron Turnage, of the Gresham Police Department. I acted as the lead interviewer during the interview with Officer's Rippe and Parman. Detective Turnage was the lead interviewer during the interview with Officer McHugill. The interviews were audio recorded and transcribed. Please refer to those transcriptions for the officer's statements.

During the interviews, the officers were shown copies of the same aerial photographs of the area where the shooting took place. The officer were each shown their own set of copies so that they could be marked as needed during the interview. Those aerial photos were scanned and are attached to this report. The original photos were submitted to the property room on PER #A004806.

CDs of the interviews were also prepared and copies delivered to Detective Kammerer. The original CDs were placed in the property room on PER #A004807.

The property receipts (PER) and transcripts were also scanned and attached to this report.

CONFIDENTIAL**IMAGE ATTACHMENT (1251975) AERIAL PHOTOS - MCHUGILL**

CONFIDENTIAL

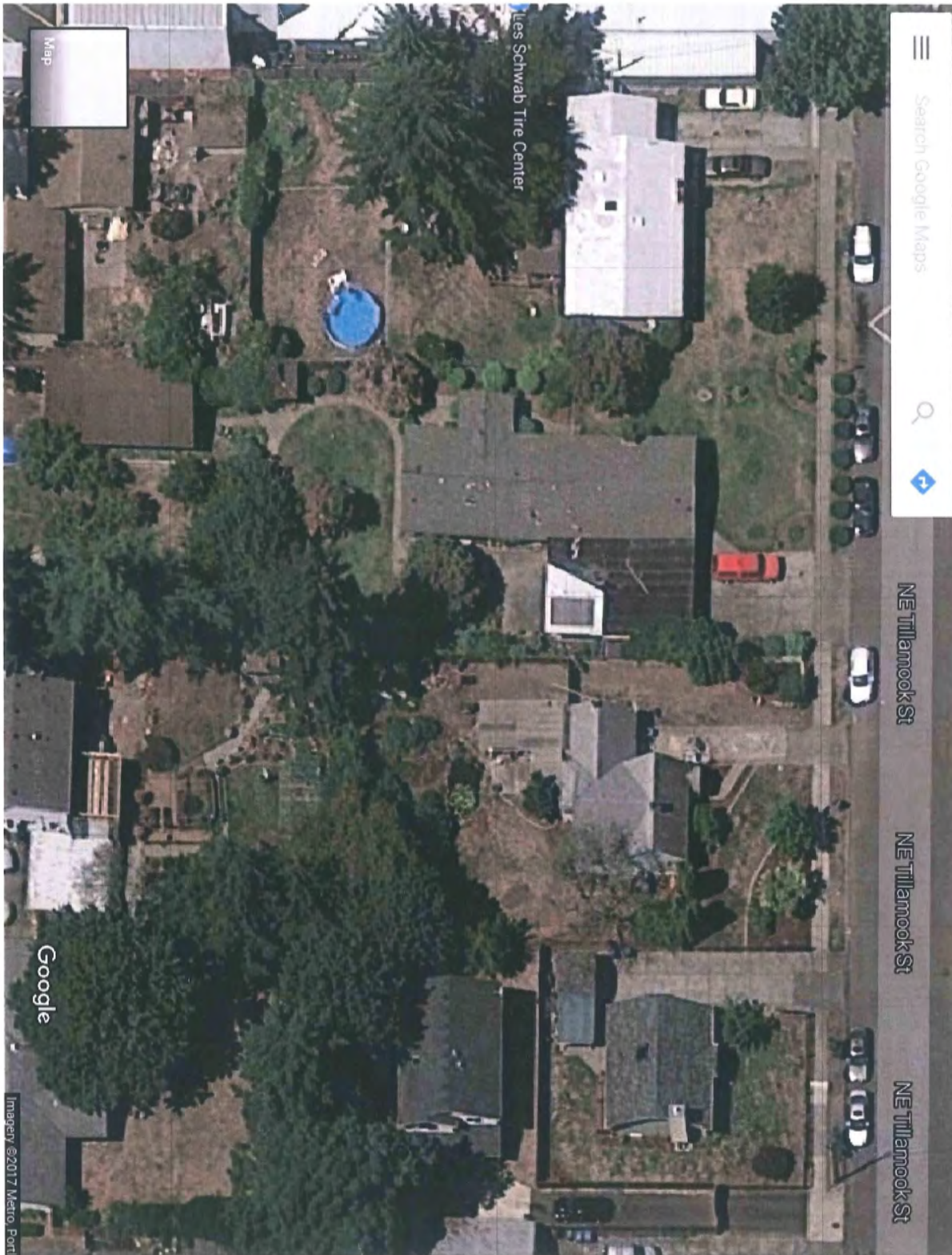
M



CONFIDENTIAL**IMAGE ATTACHMENT (1251976) AERIAL PHOTOS - PARMAN**

CONFIDENTIAL

BP



CONFIDENTIAL**IMAGE ATTACHMENT (1251980) AERIAL PHOTOS- RIPPE**

CONFIDENTIAL

HR



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IMAGE ATTACHMENT (1251982) PER A004806

BUREAU OF POLICE
2619 NW INDUSTRIAL ST., STE. B4
PORTLAND, OREGON 97210
503-823-2179

PROPERTY/EVIDENCE RECEIPT

HOURS OF OPERATION:
9:00 AM TO NOON &
1:00 PM TO 4:00 PM, M-F

THIS RECEIPT MUST BE ACCOMPANIED BY AN APPROPRIATE REPORT

RECEIPT NUMBER	No. A004806		DATE/TIME	AM	PM	REFER CASE NO.	PPB CASE NO.
			02-10-2017				17-39972
CHECK ONE TYPE	ONLY <input checked="" type="checkbox"/> EVIDENCE		<input type="checkbox"/> FOUND PROPERTY		<input type="checkbox"/> PRISONER'S PROP.		<input type="checkbox"/> SAFEKEEPING
					GAVE COPY? YES <input type="checkbox"/> NO <input type="checkbox"/>		
PROPERTY TAKEN FROM:	LAST NAME	FIRST	M.I.	SEX	DOB		
DENIED OWNERSHIP	<input type="checkbox"/>						
HOME ADDRESS	CITY		STATE		ZIP		
OWNER OF PROPERTY	LAST NAME	FIRST	M.I.	SEX	DOB		
HOME ADDRESS	CITY		STATE		ZIP		
							SIGNATURE
TYPE OF INCIDENT BIS							DELIVERING OFFICER LAWRENCE
							DPSST/ASSIGN 30434 / CCY
LOCATION WHERE SEIZED, FOUND, SURRENDERED							INVESTIGATOR (IF DIFFERENT) KAMMERER
							DPSST/ASSIGN 29988 / HGM
<input type="checkbox"/> DEFENDANT	LAST NAME	FIRST	M.I.	SEX	RACE	DOB	
<input type="checkbox"/> SUSPECT							
FOR GUNS LIST MAKE, TYPE, CALIBER, MODEL, SERIAL NUMBER(S), IMPORTER & COUNTRY OF ORIGIN. LIST ONLY ONE ITEM PER SELECTION.							STLN FOR PED USE ONLY
ITEM 1	AERIAL PHOTOS SHOWN TO OFFICER RIPPE						
ITEM 2	AERIAL PHOTOS SHOWN TO COMMANDER PARMAN						
ITEM 3	AERIAL PHOTOS SHOWN TO OFFICER McHUGILL						
ITEM 4							
ITEM 5							
ITEM 6							
ITEM 7							
ITEM 8							
DELIVERED TO:	<input type="checkbox"/> STATE CRIME LAB		<input checked="" type="checkbox"/> SATELLITE PROP. ROOM		<input type="checkbox"/> PED		PRECINCT & LOCKER# CE 014
CHECK ONE ONLY	<input type="checkbox"/> FED		<input type="checkbox"/> OTHER				DATE
							RECEIVED BY
DO NOT WRITE IN SPACE BELOW — FOR PED USE ONLY							
RECEIVED BY PED	DATE:		TIME:		BY		WHITE - RECORDS COPY PINK - WITH PROPERTY YELLOW - CITIZENS RECEIPT

07/12

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IMAGE ATTACHMENT (1251984) PER A004807

BUREAU OF POLICE
2619 NW INDUSTRIAL ST., STE. B4
PORTLAND, OREGON 97210
503-823-2179

PROPERTY/EVIDENCE RECEIPT

THIS RECEIPT MUST BE ACCOMPANIED BY AN APPROPRIATE REPORT

HOURS OF OPERATION:
9:00 AM TO NOON &
1:00 PM TO 4:00 PM, M-F

RECEIPT NUMBER	No. A004807		DATE/TIME	AM	PM	REFER CASE NO.	PPB CASE NO.
			07-10-2017				17-39972
CHECK ONE TYPE	ONLY <input checked="" type="checkbox"/> EVIDENCE		<input type="checkbox"/> FOUND PROPERTY		<input type="checkbox"/> PRISONER'S PROP.		<input type="checkbox"/> SAFEKEEPING
					GAVE COPY? YES <input type="checkbox"/> NO <input type="checkbox"/>		
PROPERTY TAKEN FROM:	LAST NAME	FIRST	M.I.	SEX	DOB		
DENIED OWNERSHIP	<input type="checkbox"/>						
HOME ADDRESS	CITY		STATE		ZIP		
OWNER OF PROPERTY	LAST NAME	FIRST	M.I.	SEX	DOB		
HOME ADDRESS	CITY		STATE		ZIP		
							SIGNATURE
TYPE OF INCIDENT							DELIVERING OFFICER
OIS							LAWRENCE
LOCATION WHERE SEIZED, FOUND, SURRENDERED							DPSST/ASSIGN
							30-134 / CCY
							INVESTIGATOR (IF DIFFERENT)
							KAMMERER
							DPSST/ASSIGN
							29988 / HOM
<input type="checkbox"/> DEFENDANT	LAST NAME	FIRST	M.I.	SEX	RACE	DOB	
<input type="checkbox"/> SUSPECT							
FOR GUNS LIST MAKE, TYPE, CALIBER, MODEL, SERIAL NUMBER(S), IMPORTER & COUNTRY OF ORIGIN. LIST ONLY ONE ITEM PER SELECTION.							STLN
							FOR PED USE ONLY
ITEM 1	1 CD OF INTERVIEW WITH OFFICER RIPPE						
ITEM 2	1 CD OF INTERVIEW WITH COMMANDER PARMAN						
ITEM 3	1 CD OF INTERVIEW WITH OFFICER McHUGILL						
ITEM 4							
ITEM 5							
ITEM 6							
ITEM 7							
ITEM 8							
DELIVERED TO:	<input type="checkbox"/> STATE CRIME LAB		<input checked="" type="checkbox"/> SATELLITE PROP. ROOM		<input type="checkbox"/> PED		PRECINCT & LOCKER#
CHECK ONE ONLY	<input type="checkbox"/> FED		<input type="checkbox"/> OTHER				DATE
							RECEIVED BY
							CE 016
DO NOT WRITE IN SPACE BELOW — FOR PED USE ONLY							
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DATE:		TIME:					

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IMAGE ATTACHMENT (1265862) OFFICER MCHUGILL TRANSCRIPT

**PORTLAND POLICE BUREAU
CASE NUMBER 17-39972**

February 9, 2017

**Interview of
OFFICER STEVE McHUGILL**

TAPED STATEMENT TRANSCRIPTION

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**PORTLAND POLICE BUREAU
DETECTIVE DIVISION
CONFIDENTIAL TAPED STATEMENT TRANSCRIPTION**

Case #17-39972

February 9, 2017

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Turnage: Today is Thursday, February 9th, 2017. I'm at the Portland Police Bureau East Precinct. Time now is 1517 hours. My name is Aaron Turnage, I'm a detective with the Gresham Police Department, East County Major Crimes Team, DPSST 51413. This is regarding an incident that occurred at uh, off of Hancock, the officer involved shooting that occurred off of Hancock and with me in the room is?

Lawrence: Detective Jim Lawrence, Portland Police Cold Case Homicide Unit. 30434.

Walters: Officer Jason Walters, Central Precinct uh, PPA rep, 33522.

McHugill: And STEVE McHUGILL, Portland Police Bureau, Traffic Division. My number's 24736.

Turnage: Excellent so you're obviously at Traffic and were you working Traffic today? Were you assigned to a district?

McHugill: Uh, no I'm a backfill at East on Thursdays.

Turnage: Okay what does, what does that mean?

McHugill: I'm East patrol so on Thursdays I co-come and work a district at East.

Turnage: Okay. What district were you assigned to today?

McHugill: Today was 981 and I was working with Officer SORENSEN who is also a traffic officer.

Turnage: Alright and 981, just because I'm not familiar wha-what area is that in?

McHugill: Its south of here. Basically Holgate to Foster east of 82.

Turnage: Okay. Um, was this area in your beat today?

McHugill: No.

Turnage: Okay. And you said your partner's name was who?

McHugill: Uh, COLLIN SORENSEN, JAMES SORENSEN, he's in Motor too.

Turnage: Okay. What time did your shift start today?

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Page 2**McHugill:** 7:00.**Turnage:** Alright and about what time did this call come out?**McHugill:** I'm gonna guess 7:45, I'm not sure. We were at coffee at Starbucks at 82 and Holgate.**Turnage:** Okay.**McHugill:** Gotta start with coffee and uh, I had heard a robbery call and they said that it happened like, they put the robbery call, I think it was the 930's which is quite a bit north of where we are. Said there had been a half an hour delay but I knew the call was there and I knew they were doing whatever they were doing with it and then um, we hear- I heard uh, I think it was FERNER say he's, saw the suspect running, jumped over a fence and was holding his waist like he might have a gun. That was over the air. So SORENSEN and I and then there was another officer that was having coffee with us, I think it was GILLOCK and we all headed up north on 82nd. Running code.**Turnage:** So what happened?**McHugill:** Um, we arrived on-scene. We were one of the last units to get there um, because we're coming from the south end. SORENSEN was driving, I was the passenger. I asked them where they wanted us and she said to go to 80, I think it was [REDACTED] on Tillamook and to uh, standby for the K-b- uh, K-9 track. So that's where we initially got out and then uh, Sergeant HELFRICH um, I didn't know it was him but later it was him um, thought he heard some chain link fence uh, rattling or something at 84 and Tillamook. Um, which is, was just a half a block east of us so COLLIN and I uh, drove our car down there and then uh, we just, we had that perimeter spot and then uh, shortly thereafter uh, the K-9 arrived. So SORENSEN stayed there and then I moved back, basically I think it was [REDACTED] and Tillamook but, in the mid-block there. And with Sergeant HELFRICH and I'm not sure who else and uh, somebody had a shotgun and then so- anyway we started the track there on the flag lot.**Turnage:** Okay, then what happened?**McHugill:** Uh, we went into the flag lot um, went into the backyard so it'd be the south side, kind of towards the west and you could see uh, what appeared to be marks in the, on the fence, the wood fence, a kind of older one. Um, it was weathered, but you could see marks, a kind of a squiggly mark in the fence that looked like somebody had climbed over it recently.**Turnage:** Okay.

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McHugill: But uh, I don't know if that's because it's such a great neighborhood but everybody's got serious fences there. They're like six foot tall and then some. We really had a hard time figuring out how we were going to get around and uh, so we ended up uh, going all the way to 82nd and then back in on Hancock. And uh, we were kind of checking yards and then, let's see. We went some different yards and then we went, I'm trying to remember exact. Were, I think we, somehow we ended up in this yard and there's a uh, in the corner, so I guess that would be in here. Um, there's a metal shed and the dog really liked that and stuff. And I can't remember, I'm sorry I can't remember all of where we went.

Turnage: That's okay.

McHugill: But we left that yard and went back, so this, this is actually a double lot so the house is here on uh, Tillamook. And then it, the backyard goes all the way to Hancock. So we checked this yard and we also checked this house, including this shed where I guess this lady's son lives. But we pretty much felt like uh, because the way the dog was reacting that he hadn't come this far uh, west. So we went back and we also noticed that this house that it's under uh, under, I think it's under here. Um, there was uh, stairs that go down to an entry into a basement and uh, the glass was broken on the door and then there was like a metal wrought iron type of security cover on the door and it had been kicked in. It was still attached to the door but the upper right hand corner had been pushed in so I probably wouldn't fit through it but somebody who is smaller could uh, make entry. So after we came back um, I looked at that a little bit more and on the hand railing, so the railing it went, went down like this and there was a railing and then there was a uh, covered patio set or something under a tarp. But I was looking at the railing and there was a handprint, I think it was this hand and uh, it was like moss or whatever. Not moss but mildew, green stuff. And there was fingerprints there so we saw that and we saw the damage to the door so we weren't sure if it was new or not um, we weren't sure if the house was still occupied, maybe it was a, somebody who'd been trying to break into it before or how old this was. So uh, AD- ADRIAN, Officer uh, ADRIAN and I climbed over that and uh, went down the stairs and the mud around the door knob that had been tried to kick in was wet. So then uh, I was pretty confident that it was our suspect that had done that. And I looked and the door hadn't been compromised, it hadn't been kicked open and then closed um, I'm not sure why he wasn't able to kick though it but he hadn't. Um, but the definitely that wrought iron thing there was, there was enough room for somebody to climb over that. And then uh, it was kind of a small room, there was a lot of stuff in there. Um, looked in there, I didn't, couldn't see anything and then the door out of that was closed. So we just backed off and ADRO and I ended up staying in the back and the K-9 and the other officers went to the front and I'm not sure, I, I don't know what they were talking about as far as what the next plan was going to be. Um, just ADRO and I had talked and we were confident um, while we were there that that guy was probably

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in that house. And then I hear we're challenging one a couple times on the air and I'm like, alright we're gonna get him. Um, and then I heard three shots, I was like oh. So uh, we end up, ADRO and I run toward the front and uh, I guess this is the driveway so we come up here and then um, I don't, I don't know the officer's name but he had the less-lethal shotgun. He was here and I saw the suspect laying uh, down on the ground with his head pointed toward Hancock um, facedown and then the other officers were kind of like in this area. So uh, ADRO and I provided cover with our handguns and then, then these officers came up with a plan and a custody team and then they approached and then ADRO and I just assisted with that and the guy was placed in handcuffs. And then they were putting him in handcuffs I saw there was a gun between the guy's body and the house. So it was kind of an olive drab green color thing so.

Turnage: Okay so then what happened?

McHugill: Um, he was secured, rolled up on his side. It was pretty obvious that he was deceased. So then uh, ADRO and I went back to the back of the house. We covered the back of the house unto, until uh, we were relieved.

Turnage: Okay.

McHugill: And then uh, we were walked up here to where the other officers were and that was about it.

Turnage: Okay. For the sake of looking at these, theses maps and for the sake of the audio transcription what I'd like to do is, I want to go back through it but I, I want to start in reverse. I want to start around this house because this is where a lot of the details and the, a lot of the information you have leading up to this is response in and the K-9 track that got us here. Um, but while it's still fresh on my mind let's talk about this house a little bit and we use a silver Sharpie here to do that.

McHugill: Okay.

Turnage: Um, and you were talking about this house right here that I'm pointing at, correct?

McHugill: Yes, I think it's [REDACTED]

Turnage: [REDACTED] it is. So [REDACTED] NE Hancock and I'm going to, with a black pen I'm going to draw an X on the top of that house.

McHugill: Okay.

Turnage: So I'm going to try to draw an X on the top of that house. I'm going to give you a silver Sharpie. There you are. So you described coming in uh, the front door on this house, just correct me if I'm wrong, faces south, faces Hancock, correct?

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Page 5**McHugill:** Yes.**Turnage:** Okay and you describe coming in from the north. Clearing the yard...**McHugill:** ...this, this is north.**Turnage:** I'm sorry, coming in from uh, the west. You described coming in off of 82nd.**McHugill:** We, I be- we went in here first and searched all this and then..**Turnage:** ...and by this you're talking about the backyard of [REDACTED]?**McHugill:** Yes. And we noticed that damage but then we left and we came back here. Because initially we tried to go check this backyard.**Turnage:** Okay.**McHugill:** When we were still off of Tillamook.**Turnage:** Okay.**McHugill:** But uh, like I said th- all these houses had really good fences and we, it was chained and locked and I knocked on the door and I couldn't get anything and then somebody thought they heard a-another fence rattle. They weren't sure. So we took off and went all the way around and came up here and then -**Turnage:** So just so I can, for the sake of the uh, recorder.**McHugill:** Sorry.**Turnage:** It's okay. When you were talking about a knock in the house and the chain link fence we're talking one house to the west?**McHugill:** Yes.**Turnage:** Off of Tillamook so -**McHugill:** Yes.**Turnage:** To the northwest of the target location?**McHugill:** Yes.**Turnage:** Okay. And then when that didn't work out you travelled to the west.**McHugill:** Al-

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Turnage: Off of 82nd down one block to Hancock and then eastbound on Hancock.

McHugill: Right.

Turnage: Okay.

McHugill: I think we, I'm sorry, we went, probably went all the way, I think this right – I'm not sure which one of these is the flag lot.

Turnage: Okay.

McHugill: But initially we came all the way down here and found the house that butts up to the flag lot house where we knew he had climbed over.

Turnage: Okay can I direct your attention to this map? Maybe this will, maybe –

McHugill: Yeah.

Turnage: This is the Tillamook version um, so here...

McHugill: ...so here's our flag lot.

Turnage: Okay.

McHugill: So it would have been this backyard. It looks like, it looks like these match up, right?

Turnage: Correct.

McHugill: So we checked this, this place here yo-you know we checked, I can't exactly remember which ones we exactly checked but I know we went into the ba- the back of that one and then at some point we ended up in the back where everything took place. And we checked it all and the dog really liked that shed. It's a metal shed, roof is rotting um, and then we –

Turnage: Let me stop you real quick, just for the audio. So we're talking about the flag lot, the first lot that was checked over off of Hancock is one house to the east of our target location. When that yard was cleared you guys moved back towards the west to our target's location yard and you're talking about a shed that would be in the northwest corner.

McHugill: Right.

Turnage: Of the yard, that's where the dog was interested and then from there continued clearing the backyard of our target location until you found the damage at the bottom of the stairs.

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Page 7**McHugill:** Right.**Turnage:** By the basement.**McHugill:** And just to clarify, we might have checked a couple of these other little fences and stuff real quick but e-eventually we did uh, end up back here.**Turnage:** Okay.**McHugill:** So also there was like some, that cheap white lattice that's right here and there's a hole in it so – I didn't check it but they were checking to see if possibly the suspect had made that hole but they said later that it looked like it was probably older. And the sometime, I had knocked on the door quite a bit um, at this place to see if somebody was living there.**Turnage:** Okay.**McHugill:** And we saw the damage and then I heard on the radio that uh, dispatch or somebody tried three or four different phone call – or phone numbers for the place. Couldn't ever get a hold of anybody but we looked and we could see the glass on the ground in front of the window and that metal screen uh, rolled in a little bit. But we, I didn't go down and physically check all that until we left and then came back.**Turnage:** Can you put a dot where you guys saw the glass? A little dot that's silver.**McHugill:** Um, it'd be like down in here but it's at basement level, it's not like around...**Turnage:** ...it...**McHugill:** ...that whole.**Turnage:** Okay and there was the glass and if I understood correctly the glass was from a door?**McHugill:** Yes.**Turnage:** Okay. Um, can you exp- describe that, that door and that (inaudible) you talked about a handrail, it seems like it went down parallel to the stairs. Based on what you demonstrated here on the wall and there's a mossy handprint, you describe something that was wrought iron um –**McHugill:** Right.**Turnage:** And then the glass in the door. Can you break that down for me so I understand, kind of paint that picture.

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McHugill: Well just to clarify it um, the stairs are actually below ground level too so the ground level is here, the backyard and the stairs.

Turnage: Okay.

McHugill: And so I climbed over that rail and that's where I'd saw a handprint and uh, I kind of played with the mossy growth, whatever it was to kind of, trying to see if it was new or not. And then um, we, I climbed over, I waited for ADRO to climb over so we could go down together. Went down to the bottom of the stairs. I was looking at the glass I uh, put my fingers through the dirt/mud to see if it was dried, if it was a really – burglary and it was wet. And then uh, looked at the door trying to determine if he had kicked open the door and then closed it or if he – and I was looking inside looking for footprints and stuff, like if he had climbed through a, over the wrought iron covering over the door.

Turnage: And describe the wrought iron covering because I'm not picturing it in my head, what, and I wasn't there.

McHugill: It's just, it's just a, it kind of looked homemade but who knows. So for one the window doesn't go all the way down, just basically waist height wood.

Turnage: Okay.

McHugill: And then the window starts at about waist height.

Turnage: And the window goes about from waist height?

McHugill: Right.

Turnage: Okay.

McHugill: And then uh, over that is the iron...

Turnage: ...like a secure...

McHugill: ...security thing.

Turnage: Okay.

McHugill: And then so it was, if I remember it was just bars, thin bars that go straight up and down all the way across and then there's some cross members too.

Turnage: Okay.

McHugill: And –

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Turnage: And earlier when you described it somebody of smaller stature than yourself might be able to crawl through that wrought iron, that's what you're referring to?

McHugill: Right, and then I heard somebody say that yeah this guy's not very big so he could have easily have done that.

Turnage: Okay, just let, I'm going to recap so I got this picture in my head. There's the yard, you had to crawl over a railing to get to the stairs?

McHugill: Um-hm.

Turnage: And what is it, and is that railing also wrought iron?

McHugill: Uhh -- no it's wood on top.

Turnage: Okay. So now you descend the stairs, when you get to the bottom of the stairs um, where is the door? Is it to your left or straight ahead or right?

McHugill: To the left. And so also there's like this um, I'm not sure exactly what this cover is or this cover is maybe not even be there.

Turnage: And that's the brown wood looking cover...

McHugill: ...yeah...

Turnage: ...to the rear of the house?

McHugill: Or maybe that's the deck. Actually -- the house is huge. It's um, this might be a deck. But anyway below the deck is like a sunroom and so the entrance to get to these stairs would eith- I'm assuming there might be a door from the inside of the house to that little sunroom. But to that sunroom from the outside there's a door here and then a door here. So, if I was in the backyard and I wanted to go down those stairs properly I would go through this door, into the sunroom and then out this door down the stairs.

Turnage: Okay.

McHugill: But obviously we couldn't do that so we uh, straddled over the railing right there.

Turnage: Okay and if I'm understanding you correctly the stairs uh, run east/west and are parallel to Hancock?

McHugill: Yes.

Turnage: Along the backside of the house?

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Page 10**McHugill:** Yeah.**Turnage:** Or the north side of the house we're referring to.**McHugill:** Right.**Turnage:** Go to the bottom of the stairs, here's a door. Broken glass, the glass window started about waist height and extend towards the top of the door.**McHugill:** Yup.**Turnage:** Over that glass on the exterior of the door is a series of wrought iron bars. Uh, security if you will.**McHugill:** Right.**Turnage:** The intent, I would assume is to keep people from going through the glass.**McHugill:** Yes.**Turnage:** Based on your observations the holes in the iron or those security gates were large enough that a smaller statured person could climb through and gain entry?**McHugill:** It's not in-between the bars, the top right corner had been folded in.**Turnage:** Okay. So somebody of smaller stature cou...**McHugill:** ...it had been compromised.**Turnage:** Okay it had been compromised. Somebody small stature could get in and you had heard on the radio that the person you were looking for uh, was of smaller stature. Not a very big guy.**McHugill:** Right.**Turnage:** Is that correct? Okay. And you mentioned some dirt that was wet. Where exactly was that dirt at?**McHugill:** So all around the door knob um, there's, was dirt. It would appear that somebody was kicking it with their shoe so the dirt was coming from the bottom of their shoe while they were kicking the door trying to breach it.**Turnage:** Okay. You see the door, you see the mud, the broken glass. You and your partner back off and I believe you told me a moment ago that you guys felt, you felt pretty certain that your subject may be in this house.

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McHugill: Right and they're uh, the sergeant and the K-9 and other officers were discussing what should we do. Uh, should we search the house so we sh- uh, have the camera now on do- I don't work a lot of patrol, regular, this kind of stuff. But the dog had a camera, I guess the K-9 and uh, handler can watch the camera, it's a live feed.

Turnage: Okay.

McHugill: So anyway they were talking about potentially doing that and, and –

Turnage: What were you doing while they had this conversation?

McHugill: Uh, we were – you know I, I think I stayed in the backyard the whole time. We might've moved up, again briefly but for the most part I was in the backyard the whole time.

Turnage: Was there anybody holding continuous uh, coverage or viewing this door to make sure nobody came out?

McHugill: Well that and then since you asked that I just reminded that, so the, the first time that we searched that and then I told you we had left and then we searched this and this. Um...

Turnage: ...this and this being the ho- the lots to the...

McHugill: ...yeah, I'm sorry.

Turnage: It's okay the lots, lots to the west.

McHugill: The um, ADRO and somebody else um, was on the front or on the back and somebody else was on the front. So we had this house secured.

Turnage: Okay.

McHugill: While we took the dog over here and I think the plan, the K-9 officer's idea was kind of eliminating this or seeing if the guy came this way. So basically by searching this lot and this place too we were really confident that the guy was in this area where the uh, be [REDACTED] on Hancock. But when we left um, two officers were in the back um, pretty positive ADRO was one of 'em and then there was a couple in the front. I'm, I'm not sure who that was.

Turnage: And you guys had already discovered the broken glass at that point?

McHugill: Yeah.

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Turnage: Okay. So you come into the yard, do your search, find the broken glass, post somebody to cover the back of the house and the front of the house.

McHugill: Yup.

Turnage: For containment. The K-9 team continues to move to the two lots that are to the west of um, to either include or exclude those into a search area. Ultimately those were excluded because of the dog's lack of interest. You guys moved your way back to the east and focused back in on this house and based on the totality of the circumstan- I don't want to put words in your mouth but the totality of the circumstances felt pretty confident that this was your area of, of concern?

McHugill: Right. And when we went back that's when I climbed over the railing, inspected the railing and ADRO and I went down there and inspected the door to see if it was dry dirt or if it was wet mud.

Turnage: Okay.

McHugill: You know indicating if that had been recently done or not.

Turnage: Thank you for clearing that pa- clarifying that for me.

McHugill: I'm sorry if I didn't make it clear before.

Turnage: No it's okay, it's alright. Uh, there's a lot of stuff going on, there's a lot of moving pieces to this. So now we're going to talk about, there you are, the sergeants and the people running the scene are making some decisions as to how they're going to search this place and what their options are going to be. Um, you are still there at the house. Not exactly sure what position you're in. You may have went up front.

McHugill: Well yeah I don't know after that if I went up to the front that time or not. I might have just stayed in the backyard, I'm kind of leaning towards that.

Turnage: Okay.

McHugill: And then, because ADRO and I were discussing, we were both like, hey I really think he's in there, yeah me too. Um, and then it hadn't been that long and it goes over the air, we're challenging one. A little bit later, we're challenging one. I'm not sure exactly what he said but that's pretty much it.

Turnage: Okay.

McHugill: And then shortly after the second time um, is when I heard the three shots.

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Turnage: Okay. So from the three shots you make your way up to the, if, if I understood you correctly you make your way towards the so- uh, south or towards Hancock Street.

McHugill: Yes.

Turnage: And you ultimately end up on the southeast corner of uh, this pure white area.

McHugill: That's the garage.

Turnage: That's a garage and that's where you hold your lethal cover uh, to the subject who is down here.

McHugill: Yeah.

Turnage: Uh, and here being kind of in the crux there of the house. Uh, right in the center of the picture of the home.

McHugill: Right, right here, I didn't look totally deep but the garage is attached but between like the front part of the garage and the house there's a gap.

Turnage: Okay.

McHugill: And there's a little window right there.

Turnage: Okay.

McHugill: And so when I, we went back around and while we were covering and then after he was uh, secured I noticed that window right here was open.

Turnage: Okay.

McHugill: And it hadn't been open before. But the less-lethal was there when ADRO and I, ADRO was ahead of me, we ran out front. ADRO and I, like I said, covered or lethal cover. The guy is on his stomach prone out with his head towards Hancock and then the sergeant and the other officers they formed a team and went up and secured the guy.

Turnage: And the sergeants and the others, the reaction team.

McHugill: Yeah.

Turnage: Were ultimately uh, to the south of the subject?

McHugill: Um-hm, yes.

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Turnage: Towards Hancock and they moved to the north to take the person into custody?

McHugill: Yes.

Turnage: And when you're talking about uh, this gap here, kind of in the center between the garage and the home. Other people have referred to that as a breezeway.

McHugill: Yeah I, I didn't look all the way so I don't know, I don't know how it goes. I, I can only tell you there's a gap at the very beginning and I don't know if it goes all the way through or not.

Turnage: Okay, okay. Alright so that takes care of the house, the search there and the actual shooting. Um, did you – so is, I think I know the answer to this but from your position you did not actually witness the shooting all you did was hear it?

McHugill: Yes that's correct.

Turnage: Okay. Did you have your gun out when you came around the corner here?

McHugill: Yes.

Turnage: Okay. We'll come back to the house in a moment. Let's talk about uh, what you knew coming into this. So let's back up to the beginning and what you came into this. You said you were at coffee and you were overhearing this. Um, can you tell me what you heard, which call you heard being dispatched?

McHugill: Um, I'm literally half deaf and so I only catch about half the stuff anyway.

Turnage: Right.

McHugill: But uh, I just knew there was a, some sort of a robbery up north, the 930's and uh, the guy possibly was armed or something. I just remember in my head as, because they said it was a half an hour delay and I'm like that's nice, half an hour delay for an armed robbery. Good job calling that in. And, and then um, a little bit, they were chattering a little bit but, but I wasn't, didn't really catch it and then I heard, I think it was FERNER, but someone, a male officer over the radio said they guy is running, he climbed over a fence. He had his gun towards uh, or uh, had his hand towards his west or around his front of his waist like he was holding onto a gun as he's running.

Turnage: And between the time you heard the 30 minute delay call come out and the time you heard the male officer say he's running and potentially have a gun, did you hear any other calls get dispatched?

McHugill: I'm not sure.

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Turnage: Okay, nothing, nothing comes to mind about this?

McHugill: No. I listen for 981.

Turnage: Alright.

McHugill: Or 982 or whatever. I'm having my coffee, leave me alone (laugh).

Turnage: I understand, alright. Uh, so it, and you, did you g- and so it was, what got you guys to respond to the scene, if I understand correctly is once the male officer came across and said he may have a gun and he's running.

McHugill: Yeah and he jumped over the fence, he may have a gun and uh, everybody is running up so I just told uh, COLLIN or JAMES let's uh, let's go and uh, I think it was GILLOCK that was having coffee with us. We followed him up um, JAMES was driving, we were running code all the way up 82nd.

Turnage: Okay. Anything?

McHugill: Um, oh I was going to say they...

Turnage: ...oh I'm sorry...

McHugill: ...put out a clothing description. I heard a black male, dreadlocks, should length um, black shirt um, black pants, unknown shoes, white belt which was kind of distinctive and a uh, some sort of a, maybe like an olive jacket or something and then uh, the guy that was laying on the ground I noticed was a black male. I noticed black shirt, black pants but the dis-distinctive part for me for that description was the white belt and that's what that guy was wearing that was um, laying on the ground.

Turnage: Do you recall when you heard that description put out? Was it early on or late?

McHugill: It was put out two or three times so -

Turnage: Okay. Anything else you can think of?

McHugill: Mm, not right now.

Turnage: Alright. Okay, Jim?

Lawrence: Yeah a couple of questions. Um, can you show me uh, you said the track for you guys started on a flag lot?

McHugill: Yes.

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Lawrence: Can you show me which one it was?

McHugill: It's uh, this place right here.

Lawrence: Okay, did you, did you know about anything that occurred here? Like is this where the guy started running from?

McHugill: Yeah.

Lawrence: Okay.

McHugill: So, so I've, this is kind of all hearsay um, HEATHER RIPPE was standing here when we got here and we started the track and I, for some reason I kind of got the feeling this might have been where one of the crimes occurred. I don't know but I do know when we, we came up here with a K-9 and we went around a corner there was a whole pile of stuff right here.

Lawrence: Um-hm.

McHugill: Between the fence and the house so it looked like it had just been jumped there.

Lawrence: Okay.

McHugill: So, because I also heard this guy might have done a car prowler or something too.

Lawrence: Okay.

McHugill: And uh, so but like I said I really, I don't know that much about the previous crimes.

Lawrence: Right.

McHugill: It was just I heard the armed robbery happened a half an hour ago.

Lawrence: Perfect.

McHugill: They were on-scene, we got a guy bailing over a fence.

Lawrence: Did the dog alert right here at all?

McHugill: You know um, the dog was active, very active. I wasn't looking at the dog, I'm looking up and around.

Lawrence: Sure.

McHugill: And I, you know like that's the K-9's job is the...

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Lawrence: ...yeah...

McHugill: ...handler's look at the dog but I know the dog, you, it was an older wooden fence and like I said you could see a, like a squiggle mark from a shoe that went down the fence and the dog was uh, liked that whole area and stuff.

Lawrence: Okay.

McHugill: But yeah.

Lawrence: Um, when, and you had mentioned um, the track and so it was you and do you remember who the K-9 handler was?

McHugill: Uh, WULLBRANDT.

Lawrence: WULLBRANDT and who else was with you?

McHugill: Um, Sergeant HELFRICH.

Lawrence: And you had less-lethal?

McHugill: No. So I had a, just my handgun and when we first started uh, we had a shotgun.

Lawrence: Um-hm.

McHugill: And then um, we had I think the one guy, I hadn't even seen before um, the one with the AR um, I'm forgetting his name right now. And then the other guy I've seen before but I don't know his name, had the less-lethal.

Lawrence: Okay. Uh, so there's five of you on the track? You, the handler, Sergeant HELFRICH, guy with less-lethal, guy with the AR?

McHugill: Yeah I th-th- I don't know if we lost the one with the shotgun somewhere in there. I just --

Lawrence: Started with five and then you're not sure if it stayed with five?

McHugill: Right because we wanted the AR and uh, but there was a guy with a shotgun so we kind of started and then as we were working through the different yards I think the AR and the less-lethal showed up.

Lawrence: Okay.

McHugill: But I was, most of the time I was like the closest to the K-9 so I was pretty much just paying attention to him and the area that we were searching.

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Lawrence: Okay um, the metal shed that the, the dog really liked, is it better in this picture or better in this one?

McHugill: No it's, you can't see it. It's in, it might be that right there.

Lawrence: Okay.

McHugill: I'm not sure, its half falling down.

Lawrence: Okay and you made a, a, a square on one of the maps where you believe the metal shed is. Can you see it over here any better or?

McHugill: It, it might be this roof right here.

Lawrence: Okay. So then you made a square again on the other map, okay. Um, and did it look to you like maybe the guy might have tried to go in there?

McHugill: Um, actually I think this is a roof of a different junky shed and this, this uh-

Lawrence: Yeah it's hard.

McHugill: I was kind of hoping maybe it was a hen house or something but anyway (laugh).

Lawrence: (laugh).

McHugill: They've got a lot of good fences down there uh, I think it ac-actually might be over there a little bit more and - 'cause ADRO was standing there after everything happened because we kept the backyard and then I was standing kind of under the shed.

Lawrence: Okay.

McHugill: But the, when we walked back there one of the doors was sl-slid open.

Lawrence: Um-hm.

McHugill: And then I actually, I cleared it myself. It, the dog was looking around but was pretty sure the dog couldn't, I mean som-somebody was in there but I actually did the final clearing of it.

Lawrence: And it's just one of those metal sheds with the sliding doors?

McHugill: Yeah.

Lawrence: Like you buy at the hardware store?

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Page 19****McHugill:** Yup.**Lawrence:** Okay um, when um, when you got to that area where the, where the stairs go down, would you say that, that would you a liken those stairs to like a root cellar? They're like concrete stairs?**McHugill:** Yup, yup.**Lawrence:** Okay. So that's, when you were describing it that's what I was picturing. Um, at the, at the scene you had said at the shooting that um, you saw kind of a olive drab looking gun.**McHugill:** Yes.**Lawrence:** Do you know what kind of gun it was?**McHugill:** No, I don't know. It, it looked um...**Lawrence:** ...semi-auto?**McHugill:** Well I actually, I would, I'm curious to know if it's a, the magazine didn't look quite right when I was looking at it so I was wondering if it was possibly an airsoft but it was very realistic gun. That was the only thing that kind of threw me off was the, it was laying like this so the butt was facing towards me like this.**Lawrence:** Um-hm.**McHugill:** And, and uh, the magazine, where the magazine would drop out kind of, didn't look quite right.**Lawrence:** Okay. Um, when uh, when, when the shooting took place where were you, you were behind the house?**McHugill:** Yes I was, ADRO and I were standing directly south of that broken door.**Lawrence:** Okay. Um, when you heard the shots did you know what type of weapon was being used by officers?**McHugill:** Uh it's, I assumed it was an AR. A rifle.**Lawrence:** Is that based on your experience being around...**McHugill:** ...yes.

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Lawrence: Okay, perfect. Um, when the description came out, the black shirt, black pants, the white belt was the suspect also described as having a gun or just that Officer FERNER thought he was reaching for a gun?

McHugill: It, well the robbery thing was a gun, like I said I didn't, I don't even know, only peripheral listened to the call so I didn't know exactly how the robbery occurred or...

Lawrence: ...right..

McHugill: ...even was put out but the guy was supposedly had a gun and, and then when FERNER said he ran that, you know he had his hand in the front like he was holding onto something.

Lawrence: Did, when they described the, the robbery and they said he had a gun did they describe the gun at that point? Do you remember?

McHugill: I don't, I don't know.

Lawrence: Okay, okay, that's all I got.

Turnage: You'd mentioned when we were talking about this flag lot a moment ago um, that you had heard he'd done maybe a car prowling or something else. When did you become aware of that information? You said it was all hearsay.

McHugill: It, it was just all kind of came in different times, I'm not really sure.

Turnage: Okay. Do you remember and maybe you don't and it's okay if you don't. Do you remember if that stuff you knew before arriving to the call or is that stuff you learned once you were on-scene?

McHugill: Um, I think it was after.

Turnage: Okay.

McHugill: I think pretty much all I knew was some sort of armed robbery, maybe a carjacking thing or something.


Turnage: Okay uh, anything else?

Lawrence: Nope.

Turnage: Anything sir?

Walters: Nothing, thank you.

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Page 21**Turnage:** Anything else from you?**McHugill:** Nope I think we got it.**Turnage:** Alright uh, before we go off record if at any time between now and the future uh, anything does come to mind or anything that you think you need to add um, could you do two things for me? One, let your representative know that you need to talk to us again um, and then I'm going to ask, actually ask you to get a hold of Jim directly.**McHugill:** Yup.**Turnage:** Um, just send him a text, hey there's something we need to talk about. What that will do is he'll be able to document the date and time and then work with the representative to come back in for a different interview.**McHugill:** Okay.**Turnage:** Okay um, they're going to put a communication restriction in place.**McHugill:** Done.**Turnage:** Done?**Lawrence:** You got it already? Okay.**Turnage:** Perfect, then all that is taken care of and squared away. Uh, anything else you (inaudible).**Lawrence:** No.**McHugill:** Alright.**Turnage:** Thank you so much for your time, we're going to go off record now, the time is 1555 hours.Transcribed Verbatim with Punctuation Added 021517 / 0813 T. Bradshaw 

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CONFIDENTIAL**IMAGE ATTACHMENT (1265863) CMDR PARMAN TRANSCRIPT**

**PORTLAND POLICE BUREAU
CASE NUMBER 17-39972**

February 9, 2017

**Interview of
COMMANDER PARMAN**

TAPED STATEMENT TRANSCRIPTION

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**PORTLAND POLICE BUREAU
DETECTIVE DIVISION
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Lawrence: Okay today is the 9th of February, it is uh, 2:31pm. This is Detective Jim Lawrence with the Portland Police Bureau, Cold Case Homicide Unit. Uh, 30434, I'm in a room getting ready to talk to Commander BRIAN PARMAN uh, also in the room with me is?

Turnage: Detective Aaron Turnage, Gresham Police Department, East County Major Crimes Team, 51413.

Mackler: Mark Mackler I am BRIAN's attorney. My bar number is 914801.

Parman: I'm BRIAN PARMAN, I'm the commander of East Precinct, my DPSST is 28328.

Lawrence: Okay and before um, we start Commander PARMAN I want to reference, I have two maps sitting in front of you that are of the general area where some of the events occurred today. Um, the maps are uh, if we need to mark on them we actually have a silver Sharpie that we'll ask you to use for any diagraming.

Parman: Okay.

Lawrence: Um, and any marks that we make I'll indicate along the way for part of the transcript um, that this is what the mark is and what it indicates since we're clearly not videotaping this interview.

Parman: Right.

Lawrence: Um, it's just going to be for the purposes of the transcript so we can marry up what you're saying with where you're at in the transcript and if you want another type of marker, and I may make some marks based on things that you describe also.

Parman: Okay.

Lawrence: Um, if you don't mind Commander why don't you tell us um, first what time did you start your shift today?

Parman: Uh, 7:00, well I came in about 6:30, we had first roll-call at 7:00am.

Lawrence: Okay and then how did you get involved with this?

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Parman: So uh, Officer, or sorry Lieutenant DELAND and I were, were out at, at coffee and I, we had heard this call come out and we knew there was a perimeter established and so we were kind of half having our normal uh, conversation and half listening to this call. Uh, the call had been going on for a, a while and RICK got a call from one of the sergeants on the scene, I believe it was Sergeant NICE and uh, they had kind of honed in on an address, they thought that possibly the suspect was inside. We were talking about possibly uh, like what else could we do, maybe even becoming a SERT call-out so at that point we picked up what we were doing and we, and we drove to, to the general area. Enroute uh, RICK kind of gave me the, the overview of the call, like what it was and uh, and what we were looking for an uh, we pulled into, on, on Hancock uh, right there on the corner of 82 and Hancock there's like the Les Schwab and an old business building that used to be a DMV so that's what I referred to it as. And, and there's a parking lot behind there so just east of 82nd behind that building and that's where Sergeant NICE was so we pulled in. We went uh, door-to-door. I was driving so we went door-to-door and uh, KYLE briefed us on the, the perimeter and the dog track and that they had seen uh, some evidence that this house had possibly been broken into and they were going through the process of trying to find an RP, working with BOEC to figure out, you know who owned the house and get a responder. And we were, we were trying to figure out um, we didn't feel like there was enough to immediately make it a SERT call-out with other more investigation that we could do so we were talking about actually putting the dog inside. So we had a quick conversation about that and how it would work. Uh, and um, my assessment was it was a good, it was a good plan, they were going to try to use the dog to, to see what they could clear and then um, KYLE said, well hey if we end up calling SERT I'm not, I'm not sure where to have them land. Where to stage them, can you go find a spot? So uh, we drove back out, we did a quick uh, drive along 82nd. We identified Schuyler between 80th and 82nd as a spot to stage SERT, it's a big wide street. So I pulled back in to, to brief KYLE on, on that um, we were listening to the, the radio while that was going on and I heard um, that there was an alarm activation with inside the house and then uh, the officers asked if that was the only trip and, and uh, and then when we got back to KYLE, KYLE was, we were starting to think that it sounded like maybe he wasn't in there. That that trip was actually caused by us and the suspect wasn't in the house and so uh, we were actually, in my mind we're kind of getting ready to wrap up. They were going to continue to work the, the perimeter but the interest in this house was, was counting down so to speak. Uh, and then uh, RICK, you know we were all, we were facing um, south so away, the, the house was behind us. RICK said, oh either, he said there he is or hey, hold on a second they're up to something or I, I can't remember what exactly he said uh, when I looked over my shoulder I saw uh, officers there in the driveway of the house and they, they had their guns out so I pulled forward so that KYLE could get out of his car. I stopped, I got out uh, I walked across the street uh, across Hancock towards the, towards the house and as I was walking up RICK and KYLE were

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ahead of me. And they went up, up the driveway onto the property and I was just a little behind them because I had been parking the car and as I was walking across the street uh, two officers were pulling an FIU up right in front of the house and I think that was, I think it was ED LOCKE and MELISSA BISHOP, I think is who it was or it may have been, it may have been DEVONA DICK I, I apologize but – uh, they, they pulled up and what I did is I was walking up, kind of my mind set is I, I stopped short because I saw the lieutenant and I saw the sergeant kind of going up there and I deliberately stopped at the street to, to kind of look at it and see if there were any tweaks that need to be made. You know what I could see was a group of officers that were providing lethal cover. I could see a group of officers that I believe was the custody element and I could see um, I had an on again, off again view of the suspect as police officers moved. Like through them, down the breezeway and I could see uh, the suspect uh, appeared to be a, a dark skinned male. Probably in his late 20's to late 30's, you know not, not old but not young. Uh, and he was in there, he had a, kind of a pu- a puffy, I think kind of a coat um, it looked, an-and my sense was just kind of generally, for lack of a better word, kind of dirty. Almost looked like a transient maybe had been squatting in the house or something like that. That was kind of my, what I thought. Uh, anyway they were, they were giving commands to uh, to the suspect and um, I heard them say go down to the ground. I heard them asking the suspect to, to crawl and so what I could see was uh, the suspect on his, like walking on his knees with his, with his hands up. Uh, and as he got to, it was difficult for me to make out distance, but as he, as the suspect got out, like more outside of the breezeway at, at that point, maybe towards, maybe breaking the front of the garage. It was difficult to tell. Uh, I saw the suspects hands, I saw both hands come down uh, and I heard, get your hands up, put your hands up. I saw the hands go up again and then I saw – I, I, for some reason I was more fixated on his right hand. I saw his right hand go down and I couldn't tell if he was pulling up his jacket or going into his waistband and at that moment the officer shifted again and blocked my view and then I heard three, three, what I believe were three gunshots. Uh, they sounded to me like they were rifle shots uh, and then the officers moved again and the suspect was, was down on the ground. So it was, it was my belief uh, that we had shot the suspect so um, I just looked quickly at the group to make sure everybody was okay uh, and then um, KYLE NICE walked over towards me and he was, I think – he said something about his ears ringing uh, and I said, and, or he said, I think he said to me, we're gonna work on custody or, I really don't recall what that immediate conversation was, but very quickly started putting together a plan. I saw somebody on the radio saying that there were shots fired, asking for code-three medical. Um, that somebody was looking for a shield. I heard Sergeant NICE say there's one in my car and because I knew where it was I turned around and just started going to the car. Uh, I was there with another officer, I believe it was DEVONA DICK. We unwrapped the shield, I said, well why don't you take that back and go with the custody team and I was still just trying to keep myself out in the street to just start figuring out what we

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needed to do. Um, got back and uh, they started doing their approach. KYLE, I believe Sergeant NICE was um, starting to give direction about crime scene and then those pieces. I stepped back, I made a quick phone call letting um, my boss know what had happened and letting uh, there was an Acting Assistant Chief, KELLI SHEFFER, letting her know, but also that I was a witness to it and I wouldn't be able to really provide her any briefing. And then I let her know I was going to call ROBERT KING and try to get some supervisors over from North Precinct to help us manage the, the scene. So uh, by the time I was off the phone I looked up again, I saw the suspect in-custody, handcuffed in the post shooting position. Um, I, officers came back out and um, I heard medical starting to come in at that point. Uh, I saw, I saw tape starting to go up, officers with crime scene logs starting to set up so, you know it looked to me like everything was being done that needed to be done in that moment. Stepped back again, called ROBERT KING over at North Precinct. Started arranging for supervisors uh, to, to come over and start helping manage the, the scene and then um, and then shortly thereafter medical arrived. Medical went up and checked the suspect. The uh, the person from AMR came back, spoke to me a-about the suspect's condition. Said that uh, when they hooked the suspect up to the monitors, said that there was, there was heart activity but nothing that would sustain life and no palpable pulse so they believe the suspect was deceased and they were going to notify the ME. Uh, I made sure, or I didn't make sure or I didn't make sure of, right in front of me her name got put into the log uh, to know that she had been in the scene and then at that point the red tape was going up, the yellow tape was going up and so other than a few other calls that I made just to check in with supervisors and then check in with folks to make sure we're doing what we're doing and all the right people have been notified that was the extent of my involvement.

Lawrence: Okay um, I want to go back through, there's a couple of things and part of it is because other people are going to, are going to review the interview so –

Parman: Yes.

Lawrence: When we sit here and we talk we like to say things like door-to-door.

Parman: Right, exactly.

Lawrence: So and just describe that for me, what that is.

Parman: So uh, door-to-door is when uh, especially on a day like today where it's raining, you get two cars uh, so the, I drive on the, we end up with the driver's side door to the driver's side door. So the two vehicles are facing the opposite direction and they are, typically they are so close that you couldn't open either door but it

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allows us to roll down our windows and have a conversation and by in large be shielded from the elements.

Lawrence: Um-hm.

Parman: So that was that, that was that positioning and obviously, you know, no- because no one could get out of their car, I had to pull forward then.

Lawrence: Right um, and you had said that uh, you thought it was Officer ED LOCKE and then another officer you thought maybe DEVONA DICK pulled up in an FIU?

Parman: Yeah and I, I didn't know if it DEVONA DICK or it was um, I think in-initially I thought have might have been uh, MELISSA BISHOP.

Lawrence: Um-hm, what's an FIU?

Parman: The, the Ford Interceptor Utility. It's the, the patrol car that we...

Lawrence: ...okay..

Parman: ...that we use.

Lawrence: So it's not a special tactical vehicle or (inaudible) it's just a normal Ford Explorer patrol vehicle.

Parman: No, I know we have, we do have some that have armor in the doors and I don't know if this was one.

Lawrence: Um-hm.

Parman: But I just felt like they were pulling it up to have a place to move the suspect.

Lawrence: Sure and d-do the, the ones with armor with them do they have a special acronym or is it, do we just?

Parman: No they, they're just a, I've seen them, there's a label on the door inside that says ballistic panel.

Lawrence: Okay.

Parman: But I wasn't -

Lawrence: FIU is just what the typical jargon is for the Ford Explorer?

Parman: Yeah that's what Ford calls it.

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Lawrence: Okay.

Parman: They call it the Ford Interceptor Utility.

Lawrence: Okay um, and then um, when you were describing some of the actions of the officers you were pointing on the map, in a minute we're gonna go back through and we're going to actually make marks on the map where things were at.

Parman: Um-hm.

Lawrence: Um, you talk about um, as you were coming up you were watching the officers move and you, you saw the suspect reaching down to his waistband and bring his hands back up, reach down again and then another officer had moved over and stopped your view. Was when that officer moved over and stopped your view of the suspect were the shots simultaneous to your view being blocked or was there a, a pause, do you recall?

Parman: I, it was, they were really close to each other. I mean I couldn't say that they were, that was exactly when it happened, but my, you know my view of the suspect was blocked and I, you know because I couldn't see anything I looked somewhere else and as I, and as I move my head I heard the three shots. So they were almost...

Lawrence: ...and you had said you thought they were rifle shots?

Parman: Tha-that was my belief, yes.

Lawrence: Um, are you an AR-15 operator?

Parman: Yes.

Lawrence: And based...

Parman: ...or I'm sorry, let me rephrase, I was.

Lawrence: Based on your training and experience that's the sound you recognize as being the AR-15?

Parman: Yes.

Lawrence: Um, but it is of course possible, in your mind that it could have been one of the other uh, side, sidearms that we carry, a nine millimeter.

Parman: Yes.

Lawrence: But to, to the best of your, best of your ability you believe it was an AR-15?

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Parman: Yeah when I heard it I believed they were AR-15 shots but -

Lawrence: Okay, but you're not positive because you weren't right there.

Parman: No, I was, but I'm not positive because I wasn't right there.

Lawrence: Perfect. Um, before we go to the map do you have anything you want to ask right now? Okay um, you had said when you first uh, got the call or when you first were listening to the call you were at coffee with uh, Lieutenant DELAND?

Parman: Yes.

Lawrence: And in a previous part of the transcript that's who you meant by when you said RICK?

Parman: Yes.

Lawrence: Okay.

Parman: Yes.

Lawrence: Um, and then KYLE NICE is Sergeant NICE?

Parman: Yes.

Lawrence: Okay, I just want to make sure for the transcript we have who is who. So there aren't any questions. So you guys were at coffee, you had heard this call come out, did you hear the initial call on your radio or did you just hear them setting up the perimeter?

Parman: I didn't hear the initial call. On the way there I heard the perimeter being established, I heard the request for the K-9 and so we just kind of started listening to the, the nature of the call. It wasn't until we were on the way and RICK kind of briefed me on what the call had been. He was, he pulled up the call on the, on the computer in the car and was kind of reading me the, the highlights if you will, as we were driving there.

Lawrence: Okay so you, before you arrived on-scene and you knew that there was multiple incidents that were leading the officers to this particular location?

Parman: Yeah I knew, well let me rephrase, I don't want to - I knew that they had been on a track and they had been working with the dog and that this house had become of interest. They thought it was possibly broken into and they were working with the dog to, to see if the dog was going to track there or what, what interest the dog showed in the house.

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Lawrence: Do you, do you recall what the incidents were that uh, Lieutenant DELAND briefed you on that had led up to that track?

Parman: Uh, he talked about the initial call which I believe was an attempted carjacking and that the suspect was seen uh, running away with a, a camo and black looking revolver. I think someone said they thought it was a Desert Eagle, like a large uh, handgun.

Lawrence: Okay.

Parman: But that is what I had heard and then I, I knew the perimeter was setup but I wasn't aware of other –

Lawrence: You, you we- so you knew about the, and when we say a carjacking we're talking about actually a robbery, trying to rob somebody...

Parman: ...right...

Lawrence: ...of their car.

Parman: Yes.

Lawrence: Um, you knew of that but you didn't know specifically of any of the other incidents?

Parman: No.

Lawrence: Um, so in your mind your officers are set up on this perimeter and you're headed out here, particularly as a commander and you're close and you're going out there.

Parman: Right.

Lawrence: You're out there obviously because we've got guys dealing with an armed suspect. You get your briefing from the sergeant.

Parman: Um-hm.

Lawrence: Um, and everybody is already talking about, particularly Sergeant NICE talking about calling in SERT and doing that sort of thing and you're already kind of posturing yourself in a position to be in command of this.

Parman: Right.

Lawrence: Not to get directly involved.

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Parman: Right.

Lawrence: Um, when you uh, when you break the cars from your door-to-door, so that Sergeant NICE can go over, that was because Lieutenant DELAND had told you that it looks like the officers are now engaging this guy?

Parman: Yes.

Lawrence: So previously you had said that it, it sounded like everything was kind of ramping down on this particular house but the officers were going to keep the perimeter up and then boom, Lieutenant DELAND says it looks like they've got the suspect.

Parman: Yes.

Lawrence: Do you know if Lieutenant DELAND actually saw the suspect himself at that point?

Parman: That I, I, I, that I don't know. I –

Lawrence: He didn't communicate that to you?

Parman: No he didn't communicate it to me, he just, he, he said something either they're up or they're – I mean it, and, and then at that point, you know I could hear, like when he said that um, I looked over my shoulder just really quickly and I saw police officers moving and I saw somebody pulling their gun so that's when I just put the car in drive and pulled forward to let Sergeant NICE get out so he could go over and, and manage that.

Lawrence: Okay and then when you and Lieutenant DELAND moved up, so as we're looking at the map that is to your right and it's kind of the larger view that shows Hancock Street. Um, is this the Les Schwab parking lot where you were door-to-door?

Parman: No we were door-to-door in this parking lot over here behind what used to be the DMV.

Lawrence: Okay.

Parman: And I believe these row of trees here –

Lawrence: Um-hm.

Parman: That, between these, these two trees there's a driveway.

Lawrence: Okay.

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Parman: And so it was the driveway, the, the far east driveway is where KYLE was, from there looking out the front of his car he had a, a view of the one/two side of the house.

Lawrence: So you're essentially at a 45 degree angle but to the south of Han- the south curb line of Hancock, in the parking lot that's marked by these trees?

Parman: Yes.

Lawrence: So I'm, what I'm going to do, just to indicate kind of what your vantage point is, is I'm going to draw an arrow with blue ink and then I'm going to label that uh, number one.

Parman: Okay.

Lawrence: Um, so that's essentially kind of your vantage point looking towards the house.

Parman: Yes

Lawrence: So you left your car in that lot when you exited your car yourself?

Parman: Yes.

Lawrence: So you get out of the car and you moved up but you had indicated w- the Ford Explorer came up as you were walking along this south curb or this south sidewalk the Explorer came up to also help?

Parman: Yes.

Lawrence: So when you're moving up did you have any other concealment or cover that you can recall?

Parman: No I did not. I was just uh, I was out in the, the street and as the car rolled by I, I kind of fell in behind the car. Uh, but no I was just out...

Lawrence: ...enough to leave yourself a view but then...

Parman: ...yes...

Lawrence: ...be able to quickly get behind it if you needed to?

Parman: Yes

Lawrence: Okay um, so when you're moving up the, and I'm going to indicate actually with a, a blue X on the roof of the address in question. Kind of where the breezeway is located on the house. You moved up far enough where you could see kind of

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along this wall in the breezeway or were you even further over where you had a better angle of the breezeway?

Parman: Yeah it's, it's difficult to tell from the, the map and the, the FIU stopped basically at what would be kind of the western edge of the apron for the driveway.

Lawrence: Uh-huh.

Parman: And so I was looking, my view was, was closer to the house. I was looking almost straight down the side of the house at the breezeway. Maybe just off just a few degrees like that, I wasn't farther east than that.

Lawrence: So if the breezeway was parallel to the house then your point of view is just slightly to the west of that line but enough where you can see down the breezeway as it goes, extends past the house?

Parman: I think probably just slightly to the east.

Lawrence: Just slightly to the east.

Parman: A little farther out, so it wasn't like a dead-on, I was out just a little bit.

Lawrence: Can you do me a favor...

Parman: ...yeah...

Lawrence: ...and just use this silver Sharpie and put an X...

Parman: ...yes.

Lawrence: About where you think you were. And I know it's hard to tell from a map.

Parman: Right, yeah it's hard to tell from here, but I, you know I think, you know the FIU was here so I was, I was out in the street right about there.

Lawrence: Oh.

Parman: Didn't even turn out to be much of an X but –

Lawrence: Yeah that, that works.

Parman: Yeah.

Lawrence: Um, perfect. Um, and it's at that point where you can now see the suspect?

Parman: Yes.

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Lawrence: Um, and you had previously described the suspect, had you, as you and Lieutenant DELAND were getting, you know when you were on your way do you assist in this (inaudible) at any time have you heard a description giving, given on the suspect?

Parman: You know he, he read the description, some of the descriptors to me and to be honest the only thing I remember him telling me on the way there was the, the suspect had a white belt on.

Lawrence: Okay.

Parman: And I don't, I don't recall whether I saw one or not but I, I didn't recall um, a whole lot about the, the description that he kind of briefed me on on the way there

Lawrence: Did you hear any radio traffic from anybody at the scene or anybody at one of the other incidents that this guy that they're setting the perimeter on is the robbery suspect? Did you hear anybody like say that definitively or did that matches the description?

Parman: No, I don't recall that.

Lawrence: Okay and um, one of the things that, you know we know and everybody knows is there's a lot of stuff that's going on. Was there radio traffic during this whole event that you didn't discern because you were talking to Lieutenant DELAND about what's going on but the officers are clearly communicating on the air?

Parman: Yes, absolutely.

Lawrence: Okay, okay. Um, so when you move up and um, you see the officers giving this guy commands and he's down on his knees and his hands are going down, you're already starting to posture yourself for being able to, to assist in custody or to help direct things and then even at the shooting that's essentially what you're doing is now putting yourself in a position to help manage it until somebody can take that over for you?

Parman: Yeah that was the plan.

Lawrence: Um, following the event did anybody say anything to you about the suspect's actions? Did you hear from any officers or like he pulled a gun on us or did you hear any of that?

Parman: So as I was, as I was down and I don't, I don't remember at wh- at what point, I believe it was after medical went up to, to check the suspect uh, somebody came down and, and probably didn't even realize that I had been involved and said, hey just so you know there's a, there's a gun within arm's reach of the suspect.

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Lawrence: Okay.

Parman: And then I said, no I'm involved don't, don't tell me anymore. Um, and like I said I just think it was somebody passing that along to me because I was, you know trying to, you, you know –

Lawrence: Do you remember who that was?

Parman: I'm like – I'm not 100 percent sure, it may have been, I don't want to guess, so no I'm not sure.

Lawrence: Okay um, now I'll ask you –

Parman: Okay.

Lawrence: Could you give me a guess who you think it might be?

Parman: It may have been JEFF HELFRICH because I, I want to say he was the one who walked medical in, but it was, you know it was whoever walked in with medical to, to check the subject.

Lawrence: Okay um, so you, now you have all the information, you're making the command notifications that you know you're responsible for making um, and you let uh, Acting Chief of Operations SHEFFER know...

Parman: ...yes...

Lawrence: ...that you had been involved.

Parman: Yes

Lawrence: And then you started getting command staff involved to help take over your roll as a supervisor.

Parman: Yes.

Lawrence: For the event. During all of that stuff was the, was the tactical event at that point over?

Parman: Yeah once um, you know once the suspect was in custody uh, it really, it, it very quickly transitioned to a static crime scene.

Lawrence: Um-hm.

Parman: And it was just, you know once I saw the tape go up, once I saw officers manning the logs, you know from my perspective the, the pieces of managing the crime

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scene were up and functioning and then the, the only other real direction I gave is because, you know obviously there was, excuse me, there was a lot of officers there when it happened and officers uh, were – who were, who had been there, who had witnessed it were still effectively manning the crime scene perimeter and as more resources arrived I would grab, I believe Sergeant HOLBROOK showed up and I grabbed him and I said the number one priority is to get all the witnesses out of the scene, get them off the perimeters and let's get them separated and get them away from it. But initially there was no one else to help and we had to hold the scene but that was the, the prior- the one priority in my mind was we needed to just start getting witnesses out of the scene as soon as we could an-and that's, you know I went back to my car and I, you know tried not to talk to anybody else other than to do that and from my point, you know looking uh, I could see that people were being swapped out and the witnesses were being mustered in an area. So that was the only other direction I gave was just making sure we tried to isolate witnesses as best we could.

Lawrence: Yeah so and, and what I'm hearing is I want to make sure I put it in the uh, kind of in the context I think you're trying to relay is you tried to separate yourself from the event because you had been witness, because you had said that previously and you'd notified um, Acting Chief SHEFFER about that and even when somebody gave you the information you said, hey I'm involved I don't, I don't need that right now. But you also still recognized you had command responsibility to kind of direct other people to make sure that we kept some integrity in the investigation.

Parman: Right I want to be able to, to transition the scene out to the investigators and, you know in, in a perfect world there would be someone else I, who would be there who wouldn't be involved but absent that um, I guess looking at where the lieutenant had been, where the sergeants had been I viewed myself as the least involved. Uh, even though I had witnessed and decided that I would take on the responsibility of just making sure that nothing got missed. At least from my perspective.

Lawrence: Okay.

Turnage: Just a couple things. Um, you had mentioned that it was a lieutenant that was riding with you?

Parman: Yes.

Turnage: You'd mentioned that he gave you the hi-lights and in the hi-lights, I don't know if you know now but there are some other uh, calls associated with it, there's a car prowl call um, that occurred at a different address, so on and so forth, were you aware of any of those? Did those come up in the hi-lights?

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Parman: And I'm not 100 percent sure. I mean at one point I was unsure whether we were, it was a car prowler and we had spooked off the car prowler or it was a, a carjacking or a robbery. Um, and, you know in my mind I didn't, I didn't recognize those as two separate incidents. I know both were discussed and –

Turnage: Okay.

Parman: I thought, in our conversation he reframed it as not what it is, is it's this robbery, I didn't realize there were other –

Turnage: Understood, thank you for that clarification. You said that, earlier when you were referring to the map you said the one/two side. Can you just explain to me what you're talking by one/two.

Parman: Oh yeah, I apologize.

Turnage: That's okay.

Parman: So the, when we look at, at houses we number the, the house. The side where the front door is we refer to that as the one side and then you go clockwise around the house and you number the four sides of the house so the one/two corner would be uh, the corner on the, if you're looking at the front of the house it would be the corner on the left. Uh would be the one/two corner.

Lawrence: So, so for this, for the purposes of this map knowing where our, where our cardinal directions are um, you, you're indicating then it would be the southwest corner.

Parman: Yes.

Lawrence: That would be the one/two corner.

Parman: Yes.

Turnage: And if I'm understanding you correctly on, according to this map south is the one side, west would be the two side, north would be the three side, east would be the fourth side, is that correct?

Parman: Yes.

Turnage: Perfect, that's all.

Lawrence: Um, Mark do you have anything? I've got a couple other questions but do you have anything right now?

Mackler: I don't.

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Lawrence: Um, when and in, in talking with, with Lieutenant DELAND kind of the, to dove tail off the question he asked when we were talking about the multiple incidents, in your experience just as a police officer in general is it common for when calls come in related to different crimes, particularly regarding vehicles for dispatchers to give out a call where either the crime their saying or the type of call it is not necessarily what it is so it may come out as a car prowler turns out that somebody was actually trying to steal the vehicle not just steal things out of the vehicle or for example this car prowler and now a, a carjacking it could have been two separate calls but at that time when you're talking with Lieutenant DELAND he didn't separate two separate incidents from you. You're just hearing a car is involved and there is a suspect and now officers are set up on a perimeter on is that, is that a fair assessment?

Parman: Yeah that's a fair assessment and, and in my mind I viewed it as, you know like you say the evolution of the call that it came in as a car prowler then, then it was recognized that it was a robbery. I mean I knew that there was an armed suspect in the blocks, I knew they were searching, I knew that they were trying to either fi- determine whether or not the suspect was in this particular house which then would, would make it a SERT call or eliminate this house and continue with their track.

Lawrence: Had you, when they set up the perimeter did uh, Lieutenant DELAND give you any of the information about a previous confrontation with the suspect before the perimeter was set up?

Parman: No.

Lawrence: Or you didn't hear any of that?

Parman: Not that I recall, no.

Lawrence: Okay um, and d-did you receive any additional information about that since the event occurred or while the event was ongoing?

Parman: No.

Lawrence: Okay. I don't think I have any, do you?

Turnage: I don't have anything else.

Lawrence: Mark anything?

Mackler: I have nothing.

Lawrence: Okay um, let me stop the recording, it is 3:00pm.

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(Recording stopped)

(Recording re-started)

Lawrence: Okay and we are back on the tape. It is two minutes after 3:00 and we were having some brief conversation just about how events transpired and the nature of where uh, what kind of, what occurred that brought police to this area and, and you had said you remembered something else, could you share that with us commander?

Parman: Yeah, so as we were talking about the, the suspect having been challenged in an adjoining yard uh, it, it – I recalled um, before when we went to door-to-door the first time with Sergeant NICE and we were having a con- a, having the conversation about uh, whether or not to activate SERT, what else we could do to eliminate the house uh, that Sergeant HELFRICH actually walked over and I had to reposition my car so he could walk between the two cars and we had a conversation and that's where, you know HELFRICH talked to us about having heard the suspect go over a fence that he believed was in this yard and that they had seen evidence of forced entry to this house and we again talked about other steps we could take to try to either confirm that the suspect was inside or, or eliminate but that he was, Sergeant HELFRICH was also a part of that discussion about potentially using the dog to clear the house. And then when we all agreed that was good Sergeant HELFRICH went back then to, to be the supervisor with those folks uh, actually inside the, the search team inside the perimeter and that's when we left to go look for a spot to potentially stage SERT if it, if we could confirm the suspect was in the house.

Lawrence: So at, at that point the information you had is that a home owner, possibly scared somebody out of their yard and that the suspect had then gone from that yard to this location where now officers were trying to search?

Parman: Yes, that's what I understood from that.

Lawrence: But you, you didn't, you didn't know that that was related to a specific police event?

Parman: No.

Lawrence: That's information that Sergeant HELFRICH had provided you based on what officers were doing now?

Parman: Yes.

Lawrence: Okay. And it, it's, and again I'm guessing because uh, I'm not a commander um, so when, when we, when you show up on-scene people are trying to give you

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information and some of it is information that is clearly useful to you as the commander. Um, and then some of it is information that is just so quick and brief that you don't, you're not privy to all the details and as a commander you're not listening to the radio like patrol officers do so your perspective is a command perspective not an operational perspective, is that fair to say?

Parman: I, yeah I think that's fair to say and you know I'm looking at um, regardless of those underlying circumstances I'm looking at the totality trying to determine, does this warrant activating SERT, you know what, you know and, and my assessment, you know having talked to everybody is they had a good plan that that scene was being well managed by sergeants and there was no need for me to assume command. I could simply be there to help and be a resource and be somebody they could bounce stuff off of. But, you know the, the incident commander are those sergeants who are there running the incident uh, and until I accept a briefing and then tell them that I'm taking the call over it is still their call to run. And so I was just there as a resource.

Lawrence: You know and hypothetically I mean let's, let's say hey the guy is actually in the house, Sergeant HELFRICH says hey he's in the house, everybody back up and at that point then it does kind of fall to you or the lieutenant to start to make a different determination.

Parman: Yes absolutely and then we would have activated SERT and then, you know we would have had that time to go through, tell me everything you know um, you know the briefings I got were really the kind to quickly bring me up to speed so that I could weigh in effectively about, you know what's the best way to, to either uh, clear this house, either confirm the suspect is in there or eliminate it and move on with the search.

Lawrence: Okay. Um, be-because we were kind of having that brief conversation and then you remembered that...

Parman: ...yeah...

Lawrence: ...I think what I'll do is I'll end with -- there's no possible way for us, in this immediate moment to suck every bit of information out of your head so if, even before you leave today you remember something else let your attorney know.

Parman: Okay.

Lawrence: And we'll come back in and we'll discuss it. If you remember it a day from now let your attorney know, we'll come back and we'll discuss it. But do me the favor of either sending me a text or giving me a phone call right behind notifying your attorney, say hey I remembered something else we need to talk about.

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Parman: Okay.

Lawrence: Because then I can, I can note the time that that occurred and it corresponds with when you notified your attorney. Okay?

Parman: Absolutely.

Lawrence: That make sense, we good with that?


Parman: Yeah.

Mackler: That's good.

Lawrence: Okay.

Turnage: Good.

Lawrence: Okay.

Transcribed Verbatim with Punctuation Added 021117 / 1112 T. Bradshaw 

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IMAGE ATTACHMENT (1265864) OFFICER RIPPE TRANSCRIPT

**PORTLAND POLICE BUREAU
CASE NUMBER 17-39972**

February 9, 2017

**Interview of
OFFICER HEATHER RIPPE**

TAPED STATEMENT TRANSCRIPTION

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**PORTLAND POLICE BUREAU
DETECTIVE DIVISION
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Lawrence: Alright my name is Jim Lawrence, I'm a detective with the Portland Police Bureau assigned to the Cold Case Homicide Unit. My DPSST number is 3034, 30434, excuse me. Today is the 9th of February, and it is 12:55pm. In the room with me is?

Turnage: Detective Aaron Turnage, Gresham Police Department, East County Major Crimes Team. DPSST 51413.

Tuner: Officer Darryl Turner, PPA President, DPSST 25221.

Rippe: Officer HEATHER RIPPE, 34493.

Lawrence: And HEATHER you know that we're here to talk to you because you witnessed some events today that occurred, particularly a use of deadly force by another Portland Police officer and what we want to do is talk to you about the events that led up to that uh, that event. Um, and a couple of things I want to mention is that we brought in a couple of maps to help orient ourselves to the area. Um, and before we went on tape we just talked to you generally about kind of what the uh, purpose of the interview was just to gather facts. Um, and at this point um, we don't have any reason to do anything other than get a, a version of events from you. Um, there's going to be other officers, as you know that have been interviewed on this before. If at any time you're, you need to um, mark up these maps just, there's a Sharpie here for you to do it. Um, and I may actually mention some of the things we talk about for purpose of the recording. Um, this recording will be transcribed and this will essentially be the report that we use based on what you tell us. In other words what your report would have been will be this interview, okay?

Rippe: Okay.

Lawrence: Uh, do you have any questions before we start?

Rippe: No.

Lawrence: Okay um, why don't you start off with how you got started with this event.

Rippe: Okay. Um, a call came out for a robbery that occurred at um, the Best Value Inn, Portland Value Inn, something like that. 9:31 Officer FERNER got dispatched to that. Um, while he was enroute, oh also Officer TATRO got dispatched to that while he was enroute um, we found out that it happened 30 ago and there wasn't much to go on so Officer FERNER told Officer TATRO over the air to – oh then

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another call came out of a car prowler that just occurred. Um, and I got dispatched to that, dispatched to that with Officer TATRO. Um, because Officer FERNER said he could handle the 30 minute old robbery.

Lawrence: Okay.

Rippe: So I started to the car prowler that happened about a block away from the robbery which was at 8400 block of Hancock. The description, or the caller said that um, she found a car prowler in her car and um, chased him off or – and described him as a black male, early teens to 20, 20's um, black male wearing dreadlocks. Black or blue jacket and blue jeans.

Lawrence: Okay.

Rippe: Officer TATRO asked me to do an area check and he would contact the uh, caller.

Lawrence: Okay.

Rippe: I headed that direction and I got almost there and Officer, Officer TATRO had te- or typed me on the MDT, said I already did an area check, you can clear. I said okay. Headed back the opposite direction and dispatch got back to me and said, you need to go back to assist Officer TATRO, there's a homeowner calling at uh, [REDACTED] NE Tillamook stating that an unknown black male is at her door pounding on it. Um, he had to hop the fence in order to get to the house.

Lawrence: Okay.

Rippe: I responded, I got there first um, as I pulled up dispatch told me that it was a flag lot and it was be- next to [REDACTED]. On Tillamook. Then I saw the big gates were closed and I said that I was going to wait for cover um, to arrive before I went and looked in, on the property. While I was waiting I contacted the homeowner, MARSHA and I asked her if he, she could still see the guy there. She didn't know. She said I have a big backyard and I can't see him, I don't know if he's still there but he had to hop the fence in order to get to my house. I said, okay well I'm waiting outside waiting for my cover I'll be there in a little bit when the officer comes. She said, okay. Officer TATRO um, pulls up, oh and the, the homeowner told me there was a chair next to um, the fence on the, on the neighbors side that I could get a, get the chair, put it at the fence, stand on it and unlatch the lock at the gate since it was all locked up.

Lawrence: Um-hm.

Rippe: Told Officer TATRO this when he showed up. Got the chair, Officer TATRO unlocked the gate and uh, we started down the long driveway. I'll show you on these maps here. I think this is it right here.

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Lawrence: So um, just to orient, you started pointing at uh, the map that has Tillamook Street on it, kind of a blow up and there's two images that are same, kind of the, this pool um, that's uh, literally kind of to the west on the map because north would be up on this side. So here we have Hancock and this would be 82nd out here. So 82nd is closer to you.

Rippe: Oh this is north, okay.

Lawrence: Here's Hancock so –

Rippe: Oh yeah, north, okay.

Lawrence: Yeah, so here's Tillamook.

Rippe: Okay.

Lawrence: 82nd would be in this direction so let's actually flip the maps...

Rippe: ...oh there it is, okay.

Lawrence: Right there.

Rippe: Oh perfect, okay.

Lawrence: Yeah so north is that way now.

Rippe: Got it. Okay. Um, this looks like it's the flag lot here.

Lawrence: Okay.

Rippe: And um –

Lawrence: So –

Rippe: The gate would be right here.

Lawrence: Okay.

Rippe: And this black car was actually there, parked the sa- exactly where it was.

Lawrence: Okay.

Rippe: When we, maybe a little bit further up.

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Lawrence: So I'm going to indicate uh, with a blue arrow with my blue pen the car that you indicated and I'm going to put a number one next to that. Do you believe that car was there when you were there?

Rippe: Um-hm.

Lawrence: Okay.

Rippe: We walked up, TATRO was on the left side, I was behind him on the right side. Um, a couple feet back. He got up to the front of the, this vehicle and told me that he saw the guy standing back here on the um, north side of the house.

Lawrence: So do you remember the address to this house?

Rippe: Yeah, [REDACTED].

Lawrence: So this one being [REDACTED]

Rippe: Okay.

Lawrence: So you're talking about a dr- the long flag lot driveway moving to the south?

Rippe: Correct.

Lawrence: And then TATRO sees um, the suspect is slightly to the west alongside of the address that you just gave me, the [REDACTED] Sorry to the north, he's on the north side but to...

Rippe: ...he's on the north side but to the west of us.

Lawrence: But to the west of the driveway?

Rippe: Correct.

Lawrence: Okay, perfect.

Rippe: I come up to the corner between the car and the, and the fence.

Lawrence: Okay.

Rippe: And that's where I'm standing. There's only a couple feet between the car and the, and the fence. I turn around and I see the guy, he's, there's a bunch of property, like a suitcase and it looks like he went through the suitcase and it's all strewn out on the ground. And he's, he was down going through the stuff and he sees us and TATRO starts to um, tell him to get his hands up. So the guy who was wearing the dark hoody, blue jeans with dreadlocks, black male. Um, that's

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who was standing there and I remember that is the car prowler description of the, matched pretty well to the car prowler suspect.

Lawrence: While we're talking about the suspect description, while we're talking about that and I know right now things are starting to accelerate in your mind, I can actually see what you're talking about. Had, had at this point had you already corresponded that the car prowler suspect is also the robbery suspect? Has that information been put out on the air?

Rippe: Not that I remember.

Lawrence: Okay.

Rippe: Hearing anything about that. In fact I, um – no I, I believe I remember TATRO stating on the way when I was going there when he heard the suspect or the description of this male he goes, yeah my caller says that that's the description of the suspect or that's the suspect. But I don't remember FERNER ever coming on and saying what his description or his scene was going on.

Lawrence: Okay.

Rippe: From there.

Lawrence: We'll come back to that because I have some questions about the before, but let's go back to you saw the suspect now, he's on the north side of the house to the west of the driveway.

Rippe: Correct.

Lawrence: He matches the description that you had related to the car prowler that you had initially started to do an area check on but were called off.

Rippe: Correct.

Lawrence: Okay and so now you see him and he's got all this property in front of him. TATRO has told him to get his hands up.

Rippe: And he puts his hands halfway, three-quarters of, you guys want to describe this? Can't do it over the (laugh).

Lawrence: Kind of like uh, somebody getting ready to, you know like uh, you know it's like he's –

Rippe: Halfway up.

Lawrence: Yeah, okay.

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Rippe: And um, he wouldn't put his hands all the way up but, and so TATRO's like get your hands up, get your hands up. He's like what's going on? And um, TATRO is like, turn around because he had his hands halfway up and he wouldn't turn around. We're like turn around, turn around, get your hands up. And then he just wouldn't, he kept saying, this is my house, what's going on? And um, he said, this isn't your house. Um, turn around and then TATRO said something like um, you can walk back towards us and we can talk about this. And um, he's like I want to know what's going on, talk to my guardian and he's I want you talk to my guardian inside the house. So this dialog is going on and he's not, not resp-listening to anything except for holding his hands at a halfway up.

Lawrence: And when you say halfway up so his hands are literally at shoulder level.

Rippe: At shoulder level, yes.

Lawrence: Yeah, okay.

Rippe: And um, TATRO at one point says I believe you to be uh, have a weapon, if you make a move for that weapon you may be shot. Um, and he's like I don't know what's going on. And uh, so I said, get on the radio, I said he's not complying so they started more cars code-three. FERNER shows up but he, I never saw him because I'm watching the um -

Lawrence: Suspect.

Rippe: Suspect.

Lawrence: Um-hm.

Rippe: And um, but I could hear that FERNER, someone said FERNER showed up or something, it must have been TATRO because he's the only one there and um, TATRO asked me, well should we talk to the homeowner? I was like I, I guess, I don't know, I talked to her and I was pretty certain that he didn't belong there but um, you know to confirm. So he goes, FERNER changes places with TATRO and TATRO goes over to the door and knocks on the door which is very close to where we are. And um, he gets the homeowners attention and we're still, get your hands up, get your hands up um, he starts to put his hands down and immediately like get your hands up. And he's like why and I was like get your hands up. And he turns and he starts to run and he puts his hand, his, it must have been his left hand right at his waist as he's running and goes around the corner of the house.

Lawrence: So he turns and starts running to the west and goes around the corner of the house to the south?

Rippe: Correct.

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Lawrence: And at that time you saw with what you believe is his left hand?

Rippe: Yes.

Lawrence: So I'm, I'm gonna actually do it so you can see if I'm this person and I turn to run it's this hand that goes down to my waist?

Rippe: Yes.

Lawrence: Where was his right hand?

Rippe: Just down at his side I believe.

Lawrence: So down at his side?

Rippe: Yeah.

Lawrence: Okay. So you can see his right hand but his left hand then went to the front of his waist?

Rippe: Yes.

Lawrence: Okay and he's turning and running?

Rippe: Correct.

Lawrence: Okay.

Rippe: FERNER go- went down the driveway back outside the, around the property, TATRO and I start to pie the corner here so...

Lawrence: ...so, so suspect went around the northwest corner?

Rippe: Correct.

Lawrence: And you begin to pie the southeast corner so...

Rippe: ...well...

Lawrence: ...directly across at an angle from the corner the suspect went around?

Rippe: Correct, we were going to come back, we went around the corner the opposite direction, went westbound and then pie this to the point where we could see that he was no longer in the backyard and that he had hopped a fence. But I di- we, I didn't know which fence he hopped.

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Lawrence: But this is an entirely fenced yard and he's no longer in the yard?

Rippe: Absolutely.

Lawrence: Okay.

Rippe: Um, I came back out, I went back around, I came back out the, I, I turned back around the way that I came and then went back down the driveway and met up with FERNER. Um, who was hearing, who was convinced that he knew the guy had gone over the fence southbound and we were about right, where's – this is still, okay - I'm sorry.

Lawrence: Yeah.

Rippe: We were about right here.

Lawrence: So you're ne- you're, the flag lot, the house sits a little bit to the south.

Rippe: Um-hm.

Lawrence: So the house then sits directly to the north, it directly faces and touches Tillamook.

Rippe: Tillamook, right.

Lawrence: You're one house to the west when you're talking to FERNER?

Rippe: Correct.

Lawrence: Okay.

Rippe: And I'm trying to come up with a plan, trying to get other officers here, asking for a K-9, set up a perimeter and then it just kind of went from there.

Lawrence: Okay. So um, I won't, we're gonna, I'm gonna bounce a little bit.

Rippe: Sure.

Lawrence: Because I have a couple questions directly and then I want to walk back through.

Rippe: Okay.

Lawrence: From the beginning to the end. So um, at the point where the suspect turned and ran the corner were you and TATRO did, did you guys actually communicate with each other, did TATRO say, let's go this way, did you say go this way or did you both?

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Rippe: No we just started going that way.

Lawrence: Kind of naturally going that way.

Rippe: Correct.

Lawrence: Did one of you, when you got to the corner say stop, let's not go any further or were you just proceeding with caution?

Rippe: No we just were proceeding with caution, both of us had our guns out and were just pie-ing the corner.

Lawrence: Perfect. Um, when you're here on the corner and you're starting to do that.

Rippe: Um-hm.

Lawrence: You're starting to do, what, what actually is going through your mind at that point?

Rippe: I believed he was armed, especially based on the, I didn't it was the suspect for the robbery but because it was so close um, the fact that the wasn't complying, the fact that he put his hand down at his waist. Um, I kept thinking of THOMAS JEFFERIES to be honest with you.

Lawrence: Um-hm.

Rippe: Thinking I'm not planning, I'm not running after him when he took that corner because I'm not going to get, he's not going to have him turn around and get shot.

Lawrence: Right.

Rippe: So went the opposite direction and slowly started pie-ing around just to make sure that he was actually out at the, the backyard.

Lawrence: So based, based on what you're telling me, the – when we talk about his clothing, his clothing description, how much of his waist area of his pants could you actually see?

Rippe: I could see it but he had like a hoody and then something, I don't remember what it was but it must have been some sort of shirt or whatever it was like a greenish khaki color.

Lawrence: Um-hm.

Rippe: Or, it was a green color so I don't know if it – but um, and I could see his pants but I don't know what was under that.

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Lawrence: And how much of his, did you actually see like the belt line? Like the belt loops and the front of his pants or was that obscured by his jacket or his shirt?

Rippe: I, I can't tell you.

Lawrence: Okay.

Rippe: I know the call said white, white belt but I don't recall in my head a white belt so I –

Lawrence: Sure.

Rippe: I was focused on his hands and where his hands were.

Lawrence: Um-hm.

Rippe: And then he had turned around to the point where when I saw him put his hand down at his waist.

Lawrence: As we talk about his non-compliance.

Rippe: Yes.

Lawrence: When you guys tell him to get his hands up and he's failing to obey your commands, any indication that he was under the influence of anything to you?

Rippe: I have no idea.

Lawrence: So, but clearly your, your take on his responses to you is that he is...

Rippe: ...that he, he understood what we were asking him to do but he was not following what we, well – he just kept skirting around. I want you to talk to the person in the house first.

Lawrence: Um-hm.

Rippe: I'm not coming over to you. He didn't say that but he's like I want you to talk to my guardian, I live here. This isn't, you know. So he understood what we were asking him to do he just was not doing it.

Lawrence: And in, have you experienced this kind of thing in a suspect before? Somebody engaged in that kind of behavior?

Rippe: Absolutely.

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Lawrence: And when you, when you see somebody engaging in that kind of behavior, particularly with their hands only going halfway up and some of those things, what starts going through your mind normally?

Rippe: What has he done that he's not going to comply? Is he mak- is he armed, is, and he's trying to come up with an escape route and right now he's got, he's fenced in and he doesn't have a lot of places to go.

Lawrence: So as he's doing this and he's not complying with your commands is he moving at all? Is he starting to go?

Rippe: No he just literally just stood there in the same position.

Lawrence: Okay. But it's at that point where he has now asked you guys to check with his guardian and TATRO is trying to speak with the, the homeowner. The two of you are still on this side of the house, is TATRO calling out to the homeowner or is he?

Rippe: No he walked over because it's like 10 feet. It's very close to, to the house here.

Lawrence: Okay and so here on the map, I'm going to ask you to use the silver Sharpie.

Rippe: Um-hm.

Lawrence: Um –

Rippe: Sorry.

Lawrence: That's okay.

Rippe: I don't know how to turn it off.

Lawrence: There we go. Um, so I'm going to ask you to use the silver Sharpie and I take it the suspect is somewhere where the shadow of the house is.

Rippe: Correct.

Lawrence: Just uh, if you could just put kind of a small X where you, where about where you think the suspect was standing. Okay perfect. And then I'm going to use the blue marker um, where do you, where using the fence line as kind of your reference, where do you think you were standing? Okay and that's –

Rippe: Oh I'm sorry, you wanted blue, sorry.

Lawrence: That's okay, no that's okay. Let me borrow the Sharpie though.

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Page 12**Rippe:** Sorry.**Lawrence:** That's okay. So and I'm going to circle that with the blue pen so we know that was you. And you and TATRO were together at that point?**Rippe:** Well he was on the other side of the car.**Lawrence:** So TATRO was behind you?**Rippe:** Correct.**Lawrence:** But back here to the car?**Rippe:** No the car was further up.**Lawrence:** Okay.**Rippe:** It was about the same location but it was further up. It was more in line with the, a little bit further than that fence line.**Lawrence:** Okay.**Rippe:** So he was able to go to the front of the car on the opposite side and get a good vantage point.**Lawrence:** Okay that makes sense. So he had a good vantage point straight down...**Rippe:** ...correct...**Lawrence:** ...the alleyway but he, he had the car for some basic concealment.**Rippe:** Absolutely.**Lawrence:** And then you were at the corner of the fence.**Rippe:** Standing just behind it, just enough where I could see him.**Lawrence:** Just enough where you could see the suspect but the suspect didn't have a clear view of you?**Rippe:** Correct.**Lawrence:** Okay so from here um, TATRO goes towards the front of the porch to talk to the homeowner?**Rippe:** Yes.

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Lawrence: When, did you see the homeowner on the front porch? Did you see?

Rippe: She, well he knocked on the door and she looked out the window and then she opened the door and they exchanged some words, I don't kn- I, something about not seeing them or not knowing who he was, but I was paying attention to the suspect so um, and then he told her to stay inside the house.

Lawrence: Okay. So at, during that time your, you got the clear view of the suspect.

Rippe: And FERNER.

Lawrence: And FERNER, is FERNER with you up here?

Rippe: No FERNER's away, exactly where TATRO was.

Lawrence: Oh and so FERNER came up and was in this same position that FERNER was so now there's three of you there.

Rippe: Yeah they exchanged. Correct.

Lawrence: Okay, perfect. Uh, that was going to be one of my other questions to you because in that, in the first description I, and it was me uh, slightly confused as to where FERNER was. So before TATRO moved up to that house FERNER came up?

Rippe: Correct.

Lawrence: Um, so um, once FERNER got there did you hear he and TATRO talk at all about who was going to move up to the house or was there anything going on between them?

Rippe: No I heard TATRO ask should we, should I go up to the house, should I go, should I go talk to the homeowner or not. I was like uh, I don't think he belongs here but go ahead, just for reassurance that –

Lawrence: Sure.

Rippe: Because we weren't getting anywhere but he wasn't doing, I mean he put his hands down that one time but he's still go this hands up and he's just not complying at this point.

Lawrence: Now I'm not asking you to tell me what was in TATR- TATRO's mind.

Rippe: (inaudible) .

Lawrence: But um, but what the, with, with this guy's behavior.

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Page 14**Rippe:** Um-hm.**Lawrence:** Do you think maybe the idea was to convince him that he didn't belong there and to begin to comply? Is that kind of?**Rippe:** I think he put maybe a second of doubt in us, like oh maybe the homeowner was incorrect, like maybe he, she – he's like go talk to my guardian and I was like but you don't live here, maybe you have the wrong address. He's like I don't have the wrong address.**Lawrence:** Okay.**Rippe:** And um, I asked for the name of, I asked him what the name of the guardian and I can't for the life of me remember what he told me but it was not, I remember the homeowner was MARSHA because I had just talked to her.**Lawrence:** Right.**Rippe:** And it wasn't MARSHA so I was like, no.**Lawrence:** Yeah.**Rippe:** But that was at the same time that he was talking to the homeowner.**Lawrence:** That TATRO was talking to her, correct?**Rippe:** Um-hm.**Lawrence:** Okay um, at, at that point were you beginning to formulate uh, in your mind what your next plan of action was going to be? If he had stayed right here had you already started to put together a plan for what you wanted to do?**Rippe:** Yeah the plan was to have him put his hands all the way up and walk back towards us, hook him up and figure out what was going on. That was the original plan all along.**Lawrence:** At this point what uh, what did you think was the crime that you would be taking him into custody for?**Rippe:** At least the car prowl.**Lawrence:** Okay because he matched the description?**Rippe:** Correct.

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Lawrence: Um, when, when you say him, the first time you saw him was it clear in your mind that this was the person that you believed to be the suspect of the car prowler?

Rippe: Yes.

Lawrence: Okay um, once you, once you saw him had, did you communicate that to TATRO or did, or did TATRO...

Rippe: ...TATRO saw him first.

Lawrence: Oh TATRO saw him first.

Rippe: Right.

Lawrence: And did he say the same thing? Did he come to the same conclusion and voice that to you or?

Rippe: Um – no.

Lawrence: Okay but you knew it?

Rippe: I knew it.

Lawrence: Okay perfect. Um, when he fled and he went back here, it took a, probably a period of time before you guys got to the corner did you hear him go through any brush? Did you hear going over any fence?

Rippe: I did not.

Lawrence: Did you ever get the opportunity to see this fence over here?

Rippe: I saw the fence.

Lawrence: Okay.

Rippe: But I didn't look over the fence.

Lawrence: What kind of fence was it?

Rippe: It's just a wood fence.

Lawrence: It's like a good neighbor?

Rippe: Like a six foot, no I don't think it's a good neighbor, I think it's just a solid, solid but it didn't have the um, so it must have been their fence.

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Lawrence: Um-hm.

Rippe: Because they got all the nice wood and then the other...

Lawrence: ...okay (laugh)...

Rippe: ...that's how I can describe it so it was just a six foot wooden fence.

Lawrence: Okay so it's not like the split boards but did the, the people behind them also have a fence? So were there two fences or?

Rippe: Oh I have no idea.

Lawrence: Sandwiched together, so you just saw it on this side?

Rippe: Correct.

Lawrence: Okay um, so once he took off you lost sight of him and did, once you guys got to this corner then you came up to the next corner which is the um, southwest corner. It was very obvious he was no longer in that yard, did you go back out the same way?

Rippe: Correct.

Lawrence: So when you came back out you followed the same path that you went into the yard.

Rippe: Yes.

Lawrence: And then you, did you talk to the homeowner again or just proceed?

Rippe: Just proceeded out.

Lawrence: And it was all three of you or did FERNER stay here?

Rippe: FERNER was already out. He went, when this all happened TATRO and I went around the house and FERNER automatically turned around and went down the driveway and onto Tillamook.

Lawrence: When FERNER went out onto Tillamook was he um, starting, was that when he started to try and put together some sort of a perimeter?

Rippe: Yes, he had said he heard him jump the fence and thought he had gone somewhere to the west or the south or he thought the south and then -

Lawrence: So he didn't just say this to you, he actually got on the air and said that?

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Rippe: He was saying stuff on the air.

Lawrence: Okay.

Rippe: And um, you know I was only hearing part- part of it and then I got over to him and we tried to come up with where we were all going to stand. He said something on the air and I, for the life of me I have no idea what he said. Um, but it had to do with, he heard the fence and – or heard the guy jump the fence and then something back here, but – so that's why I went to him because I thought oh maybe he has the guy in the next backyard.

Lawrence: Um-hm.

Rippe: Um, but it, it wasn't that way so he told me, he's like well why don't you go back ins- watch the driveway in case he backs up and then he stood at this other house two houses down where I met up with him and then people started coming in.

Lawrence: So when you took a perimeter position basically um, at the same driveway that you had approached uh, the house on?

Rippe: Um-hm.

Lawrence: FERNER was to your west, at this point where did TATRO go?

Rippe: I have no idea, TATRO was with us and then I don't know where he went.

Lawrence: Okay.

Rippe: Oh no I do. He wen- I think he went originally – I'm not positive. But I think he took the car and went um, to 84th.

Lawrence: Okay so he was going uh, to the east...

Rippe: Correct.

Lawrence: To 84th?

Rippe: That's what I recall.

Lawrence: Sure. You don't know for sure but that's you're assuming.

Rippe: I'm not positive.

Lawrence: Okay.

Rippe: Yes.

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Lawrence: Um, at this point are you hearing other officers coming to uh, different positions for a perimeter?

Rippe: Yeah it sou- seemed like forever.

Lawrence: Okay.

Rippe: But yeah they, we tried to set up a perimeter um, I talked to FERNER, we were going to do 82 to 84 Tillamook to um, Schuyler. But then dispatch was kind of taking over and telling people where to go so I was like well they must have it so I'm just going to focus on what I have here.

Lawrence: Okay.

Rippe: So I moved my car. I had parked right here. I moved my car up for cover and was watching the driveway and then obviously these houses on this side.

Lawrence: So you retrieved your car and then you brought it up here to have for cover so you place your car between you and where you'd last seen the suspect?

Rippe: Correct.

Lawrence: Um, when you were getting into position and the perimeter is starting to form up, at what time did you hear uh, or you had any time during this event, what time did, was it aw- were you made aware of the suspect in the car prowl was also the same suspect from the robbery? Do you recall?

Rippe: I don't recall ever hearing that.

Lawrence: So you don't recall anybody ever voicing that to you directly or hearing it over the radio?

Rippe: No.

Lawrence: Okay um, when FERNER was up at the car with you did he give you any of that information?

Rippe: I don't remember.

Lawrence: Okay because you were focused on the suspect, okay.

Rippe: Correct.

Lawrence: Okay. So while you're here on the perimeter position um –

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- Rippe:** I, I can tell you that later on when we were standing at the perimeter FERNER told me that's the same guy as the um, as my robbery suspect.
- Lawrence:** Okay now is it, was that before or after um, the suspect had been engaged by other officers over here on Hancock?
- Rippe:** It was before.
- Lawrence:** Okay um, so and it was...
- Rippe:** ...way before.
- Lawrence:** And it was even before you moved your car down to this perimeter position?
- Rippe:** I think it was right before I did when we were coming up with a plan down here at the um, where FERNER was standing.
- Lawrence:** Okay um, so um, you have all these officers coming in now, you're on a perimeter position. Um, I, I believe it's, in my mind it's obvious that officers out on Hancock um, are starting to get on the radio and talk about some of their activity so when you're on the perimeter how did things progress for you? Listening to the radio and hearing just things going on around you?
- Rippe:** It's pretty much what it – they were all on Hancock and there was never talk about, there was something about a fence down at 86 and someone hearing something in um, that moved in the perimeter but nothing on Tillamook and nothing coming back onto Tillamook. Um, they wanted 901 at 82 and Tillamook for a long, you know get somebody here, get somebody here and at Les Schwab and, but um, and then I heard all the activity on the house and all that stuff on the radio.
- Lawrence:** Okay um, and when you were in that perimeter position what did you hear officers saying on the radio when this activity started at the house on Hancock?
- Rippe:** Well I was trying to figure out how na- NERT got involved because I heard them and they were talking about there was a broken window and some fresh, a broken window at the one house. I thought it was 8301 and they were trying to get ahold of the homeowner and they couldn't. And there was um, I thought it was the same address that they had said that there was a flag on or so- not a flag but dispatch had come up with a, a homeowner owned a gun in there.
- Lawrence:** Um-hm.
- Rippe:** Or owned a gun, a fo- a 40 or something like that. And then um, they had to, they asked for some bolt cutters for across the street. I didn't know what that was all

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about and then um, then they asked, later on they asked about an alarm and because there was only one trip they thought it wasn't, the guy wasn't in there. But then all of a sudden they got on the air and said, he is in there, he's in there and then it was shots fired.

Lawrence: Okay so was there a call about an alarm? Did that come, did dispatch?

Rippe: Yes, okay so I think it was HELFRICH because I had a really, really hard time understanding his radio. He said, he asked can you see if there was an alarm call. Call the alarm company and see if they got any hits. And dispatch got back on and said well there's just the one, they just got the one hit. Or they just got a hit and they called in and said there was a hit but that's the only one. And so it sounded like, to me it sounded like okay well, then HELFRICH got on and said well then he's not, most likely not in here. And my assumption was that they had done something to trip the alarm and because there was only that one trip he must not be in there because the alarm is clearly working.

Lawrence: Right.

Rippe: And um, then within seconds they said, no he is in here. Think it was BROWN said he's in here.

Lawrence: So on the air you heard somebody you think is BROWN but you're not sure which officer but you think it's BROWN.

Rippe: BROWN, I mean its – to me it's, yeah.

Lawrence: Saying that he's at the place that they had just talked about the alarm?

Rippe: Yeah.

Lawrence: Um, and then shortly after there you hear...

Rippe: ...he wasn't talking about the alarm. Whoever got back on the radio, thought it was BROWN or maybe one of the NERT guys said no he is in here. And then um, within seconds it was shots fired.

Lawrence: Did you hear the shots as well?

Rippe: I did not.

Lawrence: Okay.

Rippe: I don't know how I missed it but no.

Lawrence: But you heard them on the air say shots fired?

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Page 21**Rippe:** Yes.**Lawrence:** Okay and then uh, following that what did you, what did you hear on the air?
Kind of post, post event?**Rippe:** It was where we need medical. They immediately asked for medical. They said they were going to take him into custody quickly to get him medical assistance and they asked for a shield. Um, and then all the other – everybody and their brother.**Lawrence:** Okay um, I want to go back and I want, I want to start at the beginning again because I have a few questions uh, but um, you know what I want to do is I want to take a break for just a second, okay?**Rippe:** Okay.**Lawrence:** So the time is uh, 25 after 1:00, I'm going to stop the recording here for just a minute.

(Recording stopped)

(Recording resumes)

Lawrence: Okay and we're back on the tape and it's uh, 20 minutes until 2:00. Um, and I had taken a break HEATHER because I saw, it looked like you were a little uh, starting to get, this room is hot, it looked with all your gear on it looked like you were getting hot so I wanted to give you chance to go download some of your gear so we could talk further about this. Um, before we uh, start asking you some specific questions is there anything that you can think of now that you want to add to what we talked about before?**Rippe:** Oh, yeah actually there.**Lawrence:** Okay.**Rippe:** When I was out there talking to FERNER, FERNER I remember um, TATRO had got on the air and said, I looked at the stuff where he had left all his um, suitcase and all the stuff. There was no gun in there um, so he, so he, so m- he may still have it or something like that or, or my thought was he may, he has it if it's not in there. And um, that some of that stuff is the car prowl victim's stuff.**Lawrence:** Oh okay. Um, and that happened before you came out on the street with FERNER?**Rippe:** No I, I was out here with FERNER.

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Lawrence: You were out with FERNER.

Rippe: And TATRO then said that on the air.

Lawrence: Okay.

Rippe: So he, I don't remember which way he went, he may have gone all the way through and then came around here I, I don't remember. Um, so the opposite of me.

Lawrence: Um-hm.

Rippe: Of the way I went. But at some point he looked at, through all his stuff. So when I was out here he got on the radio and said that.

Lawrence: Okay.

Rippe: There was no gun in the property that was left behind but some of the car prowling victim's stuff is there.

Lawrence: Okay so now in your mind there's probable cause to arrest this guy now for prowling the car beyond a doubt he's your guy.

Rippe: Yes.

Lawrence: Um, plus when you hear uh, TATRO talk about a gun you believed in your mind that this guy was armed but when we did we, when did anybody, I mean particularly you start to equate a gun because, you know people could be armed with a variety of weapons but what?

Rippe: Okay so I wasn't positive that this guy was armed. I thought that I, I didn't know, I didn't hear anything about the robbery suspect although I thought because it was such in close proximity that it probably was the guy um, that's why I waited for cover um, to arrive instead of just checking the house by myself, hey what are you doing? So I, I, I had it in the back of my mind but I wasn't positive and then he, he at some point TATRO had at some point had told me, this is, this is my car prowling suspect guy. So I was like okay well we at least have the car prowling but he wasn't known to be armed. But I still have it in the back of my head this robbery guy and then he's not complying. He, and then it's, and then I'm like okay and then TATRO is like I believe him to be armed and I was like yeah. Things just kind of were kept um, adding up and then when he turned around and ran and was grabbing for his waistband I was like he's got a gun, nobody just grabs for their waist.

Lawrence: Right.

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Rippe: And um, and then when I went back out um, FERNER was like that's my guy and so then it was – and TATRO said the gun's not here so that's when it was all kind of coming together as far as...

Lawrence: ...that's when you pieced it together completely?

Rippe: Completely, correct.

Lawrence: Okay but even before that, before we go back through and kind of get the sequence again.

Rippe: Yeah.

Lawrence: Once you had, once you were in the area looking for the car prowler suspect, in the back of your mind you're starting to put two and two together because of the proximity of the crime? Or was it, or it wasn't until you actually came here?

Rippe: Correct.

Lawrence: Okay.

Rippe: I thought well maybe they're connected but what I was thinking with the robbery, FERNER had asked some specific questions on the air, he's like well is this the actual hotel that got robbed or is this just some ped rob and it happened 30 ago? So um, dispatch had come on and they're like oh this guy said that he got robbed at gunpoint after he was sleeping in his car some guy just came up to him and put a gun to, a gun to him and wanted his car. And I'm thinking okay a transient sleeping in his car, had a guy just open, randomly open his door and point a gun at him, mmm – I don't know. You know I'm not there but this is what I'm hearing.

Lawrence: Right.

Rippe: So I wasn't quite putting it as being, you know a true robbery.

Lawrence: Uh-huh.

Rippe: Um, but so I did think that the guy probably did something or that it's related because it's so close in proximity like literally. But I thought well maybe he was just trying to do a car prowler. Um, I don't know the legitimacy of the gun. That's what was going through my brain at the time.

Lawrence: But you had heard on the radio that a citizen had reported somebody was armed with a gun and then tried to rob them?

Rippe: Correct.

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Lawrence: Did you uh, during that did you hear any description of the suspect? Had that come out over the air?

Rippe: Um, I don't recall ever hearing the description of the suspect from the robbery.

Lawrence: Okay um, so well let's go back to that because you heard the call come out on the air, you knew, you'd previously told me that you knew that the call had dispatched to FERNER as the primary.

Rippe: Yeah, the robbery.

Lawrence: The robbery, yeah.

Rippe: Correct.

Lawrence: Because that's kind of where this started was the call on the robbery.

Rippe: Correct.

Lawrence: And the robbery was at the Best Value Inn?

Rippe: Correct.

Lawrence: Um, and TATRO was uh, set up as the second car to go with FERNER?

Rippe: Correct.

Lawrence: And you had said that when TATRO was enroute FERNER cleared him because he said the robbery was 30 ago.

Rippe: The, the second call came out, dispatch was like well I don't know if this is related but this car prowl came out so FERNER says well I can take this why doesn't TATRO take that.

Lawrence: Perfect. So TATRO now going to the car prowl and you're dispatched to be TATRO's cover.

Rippe: To be TATRO's cover, correct.

Lawrence: Okay and then while you were enroute TATRO said, hey why don't you do an area check.

Rippe: Uh, he said that right as dispatch gave it to me. He's like okay I'll contact the caller um, 942 can do the area check.

Lawrence: Had at that point had the description of the car prowl suspect been broadcast?

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Rippe: Yes that was originally the –

Lawrence: So when dispatch was giving it to TATRO they're already naming the suspect in or, or describing the suspect.

Rippe: Giving a description, correct.

Lawrence: And do you, and that was where you heard the dreadlocks, the dark colored jacket or shirt.

Rippe: Um-hm.

Lawrence: Blue jeans.

Rippe: And white belt or something like that.

Lawrence: Okay. Any, anything else that you remember now about the description?

Rippe: No.

Lawrence: Any facial hair or anything?

Rippe: Just black male, early teens to early 20's.

Lawrence: Okay. Um, so you, you do your area check.

Rippe: And dreadlocks, yes.

Lawrence: And dreadlocks, exactly.

Rippe: Sorry.

Lawrence: Um, you do your area check, do you remember...

Rippe: ...I did not do an area check.

Lawrence: Oh, okay.

Rippe: I got up to about 82 and uh, Schuyler and um, FERNER was still looking for the victim of his call and I got up to 82 and Schuyler and I got a message on the CAD from TATRO that said, I did an area check as I was coming in and you can clear.

Lawrence: Okay.

Rippe: Okay so I turned back around at 82 and Schuyler and headed back south.

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Lawrence: Okay. So you're on 82nd heading south?

Rippe: Yeah

Lawrence: And then what caused you to turn back around again?

Rippe: Dispatch got on the air and said you need to go back because there's this homeowner calling at 8322 with an unknown male um, knocking at their door. They had to have jumped the fence to get there.

Lawrence: Okay did, at that point did dispatch give a description of that unknown male?

Rippe: I don't recall.

Lawrence: Okay. So you go, you see it's the fence.

Rippe: Well hold on. They had to have because I remember dispatch saying um, or no I remember TATRO going yes my caller says that's the suspect when the dispatch gave the description.

Lawrence: So you're on your way now to this person that's in a yard.

Rippe: Yes.

Lawrence: The homeowner is calling saying hey there's this unknown male in my yard and after dispatch gives that call TATRO gets on the air and says that's my suspect.

Rippe: Yeah my caller says that's my suspect and there was something about a suitcase in there.

Lawrence: Okay.

Rippe: That I do remember.

Lawrence: So now you have connected those two?

Rippe: Yes.

Lawrence: Okay so you're on your way now and if you, if you know...

Rippe: ...um-hm...

Lawrence: ...that you're going to be finding somebody that has been described as being a car prowl suspect, kind of where is this going for you as a police officer? What are you starting to do with, with this in your mind?

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Rippe: Well I'm, I'm just thinking I'm not going to confront this guy by myself.

Lawrence: Okay.

Rippe: Because I don't know what he's um, at this point he's just a car prowler to me but I'm still not going to go arrest him by myself so I might as well, I knew that um, by dispatch telling me that it was a flag lot and it looked like it was completely surrounded by fence that well either he's there or he jumped a fence so I'm just going to wait out here for cover to arrive before I even go check it.

Lawrence: Because you're definitely hooking this guy for car prowler, definitely looking at him for trespassing in this yard.

Rippe: Trespass, yes, correct.

Lawrence: Um, so I mean in your mind you're already thinking at some point you're...

Rippe: ...I'm gonna h- I'm going to arrest him because he's already the suspect of a -

Lawrence: Okay. So you, because you know that you want to do that and you don't want to do it alone you, you, kind of your next step is to get there to the homeowners house but wait for cover?

Rippe: Yup and that's what I said over the air.

Lawrence: Yup and then how long do you think it was before TATRO got there with you?

Rippe: Oh it seemed like forever. It was probably just a couple minutes but he didn't know that - see I, I - there was a little confusion because he didn't know that, that dispatch attached my call to his call and that um, he thought - I don't know. He didn't know that he was supposed to be my cover and so I waited awhile. I mean I called the, the homeowner and I was like, okay is someone coming, you know and finally he showed up. He's like sorry I didn't, I didn't realize that dispatch was sending as your cover.

Lawrence: Yeah so you arrived.

Rippe: Yeah.

Lawrence: And said you were going to wait for cover?

Rippe: Yeah.

Lawrence: And then it seemed to be taking a while so you called the homeowner from down the street.

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Rippe: I called the homeowner, um-hm. I asked dispatch if she was still on the line, they said no and gave me the phone number for her so I called her and asked if he was still in her yard.

Lawrence: Okay um, and she said he was or she couldn't see him?

Rippe: She didn't know, she had a big backyard and at that point I didn't know if she had a big backyard but –

Lawrence: Right.

Rippe: She said I can't, I can't see, I don't know.

Lawrence: Okay um, and so after TATRO arrives and um, and he gets there a little while, a few minutes um, and he gets there in a little while, says yeah I'm sorry I didn't realize that the, that I was supposed to be your cover. Um, do you guys talk about getting down the gate and then did you have to call the homeowner back or were you, did, had she already described to you how to get in?

Rippe: She already described to me how to get in.

Lawrence: Okay so you knew how to get in so you told TATRO, hey we gotta use that chair and then open the gate.

Rippe: Yes.

Lawrence: Had you heard, while you were out on the street had you heard any, anything going on in the yard?

Rippe: No.

Lawrence: Okay so it was pretty quiet?

Rippe: Yes.

Lawrence: Um, could you hear the traffic out on 82nd? I mean because there's...

Rippe: ...not really, no. There is a lot of traffic but it's a few, it's a bl- a good block down.

Lawrence: Okay um, and when, did you park um, uh to the east or west of the flag lot at the time?

Rippe: I parked to the west of the flag lot.

Lawrence: To the west?

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Page 29**Rippe:** Um-hm.**Lawrence:** Like one full lot away?**Rippe:** No I parked probably right where this car is here.**Lawrence:** Okay so as we're looking at the two streets on the map that you've put a couple silver X's on.**Rippe:** Um-hm.**Lawrence:** There's a house directly to the north and you were at the western edge of that house to the north out on the street. So the house, the house is providing you cover.**Rippe:** I think its 8312 and yes the house was providing me cover.**Lawrence:** Concealment.**Rippe:** Concealment, yeah, whatever.**Lawrence:** Yeah concealment from anybody in view that, that would, in this yard that potentially would have view of you.**Rippe:** And I had actually walked, at one point while I was waiting, I walked down this driveway.**Lawrence:** Um-hm.**Rippe:** Um, but I didn't walk, I didn't walk into their backyard. I just walked down their driveway and kind of was like listening but I didn't hear anything so I walked back out and just waited.**Lawrence:** And that's the driveway directly to the west of the actual flag lot driveway that, that the homeowner has?**Rippe:** Correct.**Lawrence:** Okay um, so you're waiting, cover comes, TATRO gets there, you guys put together kind of a plan based on what the homeowner said to get inside the gate?**Rippe:** Yes.**Lawrence:** Um, and at this point your, your intent is to kind of search the yard I'm guessing?**Rippe:** Yeah just look and see if he was still there.

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Lawrence: Okay. And then right when you get the corner of the fence there he is?

Rippe: Yup.

Lawrence: Okay. Uh, were you surprised to see him just kind of standing right there?

Rippe: Well TATRO saw him first.

Lawrence: Okay.

Rippe: So I knew he was around the corner.

Lawrence: So you didn't actually have that surprise?

Rippe: No, TATRO did.

Lawrence: Okay did you, did you see how TATRO reacted to it?

Rippe: No because I was looking to go around the corner, I was –

Lawrence: Sure...

Rippe: ...focused on the...

Lawrence: ...and he was on the other side of the car.

Rippe: He was on the other side of the car, right.

Lawrence: Okay um, but TATRO starts to give him commands before you can even see him, that's how you knew? Or did TATRO...

Rippe: ...oh he, TATRO says, he's right here.

Lawrence: Oh he's right here, okay.

Rippe: Um-hm.

Lawrence: And you could tell he was surprised by that?

Rippe: I don't know if there was any surprise, I just heard him say...

Lawrence: ...okay...

Rippe: ...he's right here.

Lawrence: Okay.

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Rippe: And I was like, okay. And so I kind of go around the corner and look and there he is.

Lawrence: Did you initiate commands or did TATRO?

Rippe: TATRO did.

Lawrence: Okay and what was his first command? Do you remember?

Rippe: Get your hands up.

Lawrence: Okay and then from there?

Rippe: Or let me see your hands. Something about getting the hands up.

Lawrence: Okay. So clearly TATRO is giving him commands that he needs to show his hands?

Rippe: Yes.

Lawrence: So we know he's not armed.

Rippe: Correct.

Lawrence: Um, and then is it immediate non-compliance or is, do you think the suspect is now surprised that you guys are there?

Rippe: He just kind of stared at us and was like – what's going on? Why?

Lawrence: And, and you're both in uniform?

Rippe: Oh yes we're both in uniform.

Lawrence: And even though you –

Rippe: He wanted us to tell him why we were there. What, why are you talking to me. Why are, what's going on, what's going on?

Lawrence: Okay.

Rippe: It's like well you can come over to us or, you know with your hand behind, you know.

Lawrence: Um-hm.

Rippe: Up, turn around with your hands up, we'll talk about but there was none of that.

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Lawrence: There's, there's no question that he did not know you guys were police officers?

Rippe: Oh no question.

Lawrence: So when you had described earlier that you were on the corner of the fence and you were keeping yourself partially obscured –

Rippe: Oh hold on can I go back?

Lawrence: Oh yeah absolutely.

Rippe: I don't know exactly what he was saying but there was something about, I know how this goes and something about like – in my brain I'm thinking he's going the whole black, gonna shoot me because I'm black, that's what the police do and I don't remember the exact words but that's what's going through my brain. He's like, I'm like oh we're not going through this are we?

Lawrence: Yeah.

Rippe: And um, so that's, like I said I can't remember the exact wording but it was something that he said that it was like you're just doing this because I'm black here, you know.

Lawrence: So there's a clear indication, from the very beginning that he knew you were the police. Not just the fact that you guys were wearing your uniforms and you're giving him commands and that he can see both of you. Even though you were partially obscured...

Rippe: ...yes...

Lawrence: ...he can still see that you are wearing a uniform, you're a police officer.

Rippe: Correct.

Lawrence: And he could see TATRO because TATRO wasn't hiding.

Rippe: No he was just behind the car.

Lawrence: Just behind the car and behind the hood of the car so like his upper part of his body is exposed or? Or is he behind you?

Rippe: I can only as- no he's not behind me. I can, I'm pretty sure he, and I don't even know if he had, I'm, I'm pretty certain he had his gun out but he's had to have been behind, in front of me so it would have been the front part of the car.

Lawrence: Okay.

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Rippe: Because obviously he's not going to point a gun at my head.

Lawrence: Right. And at that point when he's confronted by TATRO and told to get his hands up he begins to say things that are, that you recognize as somebody who knows it's the police and is starting to describe a pattern of behavior by the police that he doesn't, that he is not happy with.

Rippe: Correct.

Lawrence: Okay. Um, but you don't remember the exact words...

Rippe: ...ehh, I don't...

Lawrence: ...but it's just he feels he's going to be treated badly because he's black?

Rippe: Correct.

Lawrence: Okay um, was there some back and forth with him and TATRO and was it –

Rippe: No it was TATRO was, get your hands up, get your hands up and the only really dialog was we'll talk about it when you come back here, get your hands up. I believe you have a weapon, if you make a move for that weapon you may be shot. That was pretty much the dialog.

Lawrence: So TATRO is very direct, he's not engaging the conversation this guy wants to have, he's just very direct on trying to get him to comply with commands.

Rippe: Yeah.

Lawrence: To get his hands up.

Rippe: And I tried giving him, correct.

Lawrence: Okay.

Rippe: I tried to, my voice started cracking from whatever but I'm like get your hands up, let's just – and I got the same response.

Lawrence: Okay. Um, and during this is that when FERNER came and joined you?

Rippe: Yeah I got on the air, said he's not being compliant, they said non-emergency off the air.

Lawrence: Okay.

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Rippe: Step up cover and within a short period of time FERNER showed up and went, I could hear him behind with, with TATRO but I don't know what they –

Lawrence: Okay.

Turnage: Detective, can I ask a couple questions?

Lawrence: Yeah go ahead.

Turnage: While we're right here in her mindset.

Lawrence: Yeah.

Turnage: Um, about what time of day did this call come out?

Rippe: Oh 7:00, 7:20 in the morning. Right be- I couldn't even get coffee.

Turnage: What was the, when, when you first arrived there at the Tillamook address what was the weather like and what was lighting conditions like?

Rippe: Oh it was pouring down rain. It was light out but it was absolutely pouring down rain.

Turnage: And you say light out uh –

Rippe: It was, it was daylight.

Turnage: Daylight, okay.

Rippe: Um-hm, I didn't have any problem, like I didn't need a flashlight or anything.

Turnage: Okay and you said that when you guys come around the corner there.

Rippe: Um-hm.

Turnage: And he's down and you first see him, TATRO says, hey here he is, you come around the corner, you see him. About how far away were you from the subject?

Rippe: Oh um, 20 feet.

Turnage: Okay and in the backyard, it's a big backyard.

Rippe: It's not a big backyard.

Turnage: Oh it's not a big backyard.

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Rippe: No it's not (laugh).

Turnage: She, she's mistaken.

Rippe: Yes.

Turnage: Were there any physical barriers between you and subject besides the vehicle and the house you guys were using as cover?

Rippe: No. And the fence.

Turnage: And the fence, okay. Um, how long did that conversation take place between him and TATRO where there's this engaging and the subject is wanting to talk about things you guys don't want to talk about. How long did that last approximately? And I know time is relevant.

Rippe: I know time is like a – (laugh).

Turnage: (laugh) It slows down or it speeds up.

Rippe: I don't – five, I don't know, I want to say five minutes but I, it probably wasn't that long.

Turnage: Okay, makes sense. And then you got on the radio and said they were not complying, did you request for code-three cover? Did you request them to step it up or is that something dispatch took care of for you?

Rippe: That's just something dispatch took care of. And there's no way it could have been five minutes because we weren't standing there with non-compliance. It had to have been much quicker than that.

Turnage: I completely understand. That's all I got.

Lawrence: Um, and along those lines, what time did your shift start today?

Rippe: 7:00.

Lawrence: Okay so you, you were only on the road 20 mintues tops.

Rippe: Not even that because we had roll-call so –

Lawrence: So that, and that's, yeah exactly that's what you meant by you didn't even get a chance to go get a cup of coffee.

Rippe: Yeah.

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Lawrence: Okay um, so um, at the point where he's not complying and um, you've asked for additional cover and FERNER has showed up um, during that time is TATRO engaging the entire time? Continuously giving commands or was there a break in...

Rippe: ...there was no break.

Lawrence: So it was continuous?

Rippe: Um-hm.

Lawrence: Um, do you remember FERNER's kind of arrival as being in close proximity to your request for cover or did that...

Rippe: ...yeah.

Lawrence: Okay so you, you're requesting...

Rippe: ...and he probably was on the way and just...

Lawrence: ...okay...

Rippe: ...stepped it up. He - 'cause he was only around the block anyways.

Lawrence: Right. Um, is, is this your normal patrol district?

Rippe: No.

Lawrence: And what district were you assigned to today?

Rippe: 942.

Lawrence: Okay and that's uh, to the south?

Rippe: That's Gateway pretty much.

Lawrence: Okay yeah so -

Rippe: And that's not my normal district either but -

Lawrence: Yeah.

Rippe: Today was 42 it was Gateway area.

Lawrence: Yeah so that's to the south and then just up Halsey...

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Rippe: ...correct...

Lawrence: ...a little bit to the east.

Rippe: Yes.

Lawrence: From that area, okay. Um, so uh, during that time um, there really isn't a break. TATRO is engaging him in terms of commands the entire time?

Rippe: Yes.

Lawrence: Just constant telling him.

Rippe: Um-hm.

Lawrence: So when FERNER arrives you're also giving commands?

Rippe: One or two but I didn't want to constant um –

Lawrence: So when TATRO takes a break to go and talk to the homeowner after this guy said talk to my guardian um, at that point have you taken over to giving commands or is now some...

Rippe: ...I tried, I think we both, FERNER and I both were.

Lawrence: Okay so you, you know that there was at least two voices talking to him. You think it was FERNER and you or you know it was FERNER?

Rippe: Well I know...

Lawrence: ...talking to the suspect.

Rippe: FERNER was talking but I also was talking, we both were.

Lawrence: Okay.

Rippe: He'd say get your hands up and then he'd say, the suspect would say something like oh go talk to my guardian or whatever and I'd be like, your guardian doesn't live there, get your hands up and um –

Lawrence: Okay so uh, TATRO talks to the homeowner, he comes back to the same position?

Rippe: There was a cal- so first before he goes over to talk to the homeowner there was a brief conversation between us. Should I go talk to the homeowner?

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Lawrence: Um-hm.

Rippe: And then we decided well go ahead, there's three of us here it's not going to hurt anything.

Lawrence: Um-hm.

Rippe: Um, so yeah so he goes to talk to the homeowner and he wasn't back when the guy took off running.

Lawrence: Okay.

Rippe: I don't think. Maybe he wa- I, I didn't think he was but – I did hear him say shut your door and – it was all quick so I'm not sure where TATRO was.

Lawrence: So you, you remember uh, TATRO saying okay just shut your door and stay inside?

Rippe: Correct.

Lawrence: And there's, and it's shortly after that the suspect turns and runs?

Rippe: Yes.

Lawrence: Um, and at that point you and TATRO were then together moving to the south to cut the corner because the suspect went north and to – or went uh, west and then to the south?

Rippe: Correct.

Lawrence: Okay and you know that at that point FERNER went back out to Tillamook?

Rippe: Correct.

Lawrence: Okay did, did you hear FERNER say anything to you like I'm going this way, I, you know I'll get um, and at that point you already had cover coming in?

Rippe: No I did not hear FERNER say he was going back out there. Um, and yes um, we knew that people were coming in because he took off running and FERNER had gotten on the radio and said that he had taken off running and gotten his, had his hand on his waistband.

Lawrence: Okay so you don't even get the chance to get on the air, FERNER says that?

Rippe: Yes.

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Lawrence: And you're focused on the bad guy and focused on marrying up with TATRO to get around the corner and try and cut the bad guy off?

Rippe: Correct.

Lawrence: Okay you get around this corner and you pie this corner and when we say pie you mean by cautiously...

Rippe: ...cautiously, guns out...

Lawrence: ...getting around the corner.

Rippe: Around the corner, yes.

Lawrence: Okay um, if you get around, and this is a purely hypothetical but again I'm trying to make sure that I understand where you guys are at as a team, you and TATRO. When you get to that corner suspect hadn't gotten over the fence was your intent to continue to give him commands and try and gain his compliance?

Rippe: Yes.

Lawrence: Okay but when you get to the corner you don't see him?

Rippe: Correct.

Lawrence: And then you move cautiously to the west along the south side of the house to observe the area that he just came from and again you don't see him.

Rippe: Correct.

Lawrence: Okay and during that time when you're moving up to TATRO was when you heard FERNER say, he's running, he was reaching into his waistband?

Rippe: Yes.

Lawrence: And you heard that on the air?

Rippe: Yes.

Lawrence: Okay um, and then once you got out to the street was when FERNER told you that's the guy from his uh, robbery?

Rippe: Correct.

Lawrence: Um, and at that point now you've kind of put everything together in terms of the sequence of events?

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Rippe: Yes.

Lawrence: Okay um, so when you're out here on your perimeter position what's going through your mind now?

Rippe: There's this armed suspect, I was thinking what point do we call in SERT? Only if we saw the gun or knew that he, you know feel that he was armed? I was thinking and then I started to stand out here and I was like oh maybe I want to move my car so I moved my car so it would block it just in case he did pop back out. Because I didn't know what was in that suitcase, yeah. Um, I knew that TATRO had looked in it but I didn't look in it for myself so I didn't know what he was, if there was stuff in there that he needed or was going to come back or um-

Lawrence: Is that something, I mean a-and again this may seem like a goofy question but...

Rippe: ...yeah...

Lawrence: ...is that something when you're sitting out on these perimeters for an armed guy that's the typical thought pattern isn't it?

Rippe: Yes.

Lawrence: I got to, I have to be aware of where this guy is and where he might come back to.

Rippe: Well this was definitely a heightened one. Like I wouldn't sit in my car, I really wanted to sit in my car because it was pouring down rain freezing.

Lawrence: Um-hm.

Rippe: But I really believed this guy was armed so I was like I'm not going to sit in my car. Um, a lot of these I'm like, a lot of perimeters normally, you know the guy runs from you or whatever I'll s- if it's pouring down rain I'll sit in my car and if he pops up and pops out, but this one I was definitely like no I'm not sitting in my car and, I'll freeze.

Lawrence: Yeah um, and, and that's all based on what you observed in his behavior and the additional information that you're getting about what he was involved in?

Rippe: Correct.

Lawrence: And you, you began thinking that way long before these officers actually engaged him right here?

Rippe: Long before, yes.

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Lawrence: Okay um, in fact at the moment where he was not complying you began to think there was something seriously wrong?

Rippe: Seriously wrong and then I was convinced of it when he, he bent down and had his hand in his waist when he was running around the corner.

Lawrence: Okay um, you've had training in identifying people that are potentially carrying weapons, correct?

Rippe: Correct.

Lawrence: Um, and is that some of the behavior that you saw this guy exhibiting?

Rippe: Absolutely.

Lawrence: So the reaching to the waistband, kind of the bent over posture, what does that indicate to you, I mean...

Rippe: ...that he's reaching for a weapon.

Lawrence: And then is there...

Rippe: ...or, or is checking for it. That it's still there, it's not going to fall out when he runs.

Lawrence: So the, the checking behavior describe that a little bit for me and what you, what you mean by that.

Rippe: Well the gun is down at his waist he's, if he takes off running it might fall down his waist or he wants to check to make sure it's still there and not going to fall out when he takes off running so he either has to hold it or try and grab for it.

Lawrence: Okay and you don't have that problem when you run with a gun because your gun is in a holster.

Rippe: I have a holster, yes.

Lawrence: So typically when you find guns on people –

Rippe: They don't have a holster, they're just shoved in a pocket or down their pants.

Lawrence: Okay and that's clearly what it looked like to you, this guy's behavior?

Rippe: Yes.

Lawrence: Okay. Um - okay, got anything that you need to cover?

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Turnage: Are you, are we about done?

Lawrence: We're getting close if you've got some follow-up questions, yeah.

Turnage: Through all of this how are you feeling? So there you are, you've confronted the guy in the backyard um, he takes off running, what's going on in your world? I mean what's going on in your head? How are you feeling about this? What emotion are you feeling?

Rippe: I wasn't really feeling any emotion other than I hope we can - you know it's different things going through my head as far as, okay I was thinking oh we have a school up here, this, I see a lot of school kids coming, I know this guy is armed, I don't want to be shot today and nobody, I don't want any of my friends to be shot. Um, what can I do tactically uh, I don't want to, where are other people? There's a lot, ton of things going on in my head. But emotionally just I think in a, in the moment you're just kind of like it's just the job and think about it afterwards when the shots were fired I went over to FERNER, I was like oh my gosh that could have been us. And he's like, yeah it could have been. I was like that's creepy uh, that's, that's a lot.

Lawrence: Was, in that conversation that you had with FERNER, that could have been us, was that like right after they said on the air, shots fired?

Rippe: Yeah.

Lawrence: I mean like, like seconds?

Rippe: Like a minute or two, no I had to walk over to him.

Lawrence: Okay so you walked over.

Rippe: I was just like wow that could have been us and he goes yeah it could have been. I was like whoa.

Lawrence: Okay.

Turnage: At any point did you ever think about shooting this guy?

Rippe: Just when he went around the corner, I was like here we go.

Turnage: I'm good.

Lawrence: Um, and Darryl go ahead.

Turner: I, I do have one thing. In, in our training when we talk about where most weapons are found, most guns are found where are they mostly found?

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Rippe: In the waist.

Turner: And in that training they teach you how to search and what do they call that search around there? Like the per- there's up to 60 percent.

Rippe: Oh the 60th percentile, that's right.

Turner: And why is that 60 percentile?

Rippe: Because that's where they reach, that's where you can, I don't know (laugh) that was 20 years ago Darryl. But that's where they reach.

Turner: 60 percent of all weapons were found in that area.

Rippe: Oh thank you (laughing).

Lawrence: But that, and that's typically...

Rippe: ...but that is my training, yes.

Lawrence: And typically in your experience that's where, when you've found weapons on people that's where you've found them.

Rippe: That's where you find them, correct.

Lawrence: Yeah. Um, we're uh, we're gonna turn this off here in a minute and I think we're probably done. There's a couple things that I have to tell you. Um, I mentioned before we started that the lieutenant was going to be here with the Communication Restriction Order. Um, so before you leave today we need to find that.

Rippe: Okay.

Lawrence: Um, Darryl sat here, we told you that's going to be placed on you so it's kind of your responsibility now, not to talk about it further outside of the room. The Communication Restriction Order allows you to talk to a union rep, allows you to talk to an attorney, allows you to talk to your spouse, allows you to talk to us but outside of those groups of people um, you know from my experience you need to keep it, even here before you get it, it's just going to be good practice not to do that.

Rippe: Yeah.

Lawrence: Um, and then additionally if you think of anything at that we didn't ask you about that you think is important reach out to me directly because I want to be able to

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log in when you said that, but we will not have another conversation with you without Darryl or another union re- union representative present, okay?

Rippe: Okay.

Lawrence: Um, and then along those lines um, I'm not sure what witnesses the DA will call uh, to any grand jury review of this but you are potentially a witness in that which is another reason why you don't want to have a lot of superfluous conversation even with other people that you know were there and especially those people.

Rippe: Yeah.

Lawrence: We need to make sure we keep everybody's stuff intact, okay? Um, and I'll say on the record one more time um, these are difficult things so you are going to start to remember stuff and you're going to start to go through a myriad of emotions and make sure you reach out to the union, to EAP and if there's something that comes up in any of that conversation which you're allowed to have, that you know is important to the investigation get a hold of us right away.

Rippe: Okay.

Turnage: Absolutely.

Lawrence: Anything else to add there?

Turnage: That's good.

Lawrence: Okay uh, HEATHER thank you very um, oh one last thing is you are going to have to uh, just write a quick report that you did talk to us but the details of that report are going to be contained in our uh, transcript of this interview and you can refer to that in your report, okay?

Rippe: Okay.

Lawrence: Okay.

Transcribed Verbatim with Punctuation Added 201217 / 1150 T. Bradshaw

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CONFIDENTIAL**IMAGE ATTACHMENT (1259797) OFFICER RIPPE TRANSCRIPT**

**PORTLAND POLICE BUREAU
CASE NUMBER 17-39972**

February 9, 2017

**Interview of
OFFICER HEATHER RIPPE**

TAPED STATEMENT TRANSCRIPTION

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**PORTLAND POLICE BUREAU
DETECTIVE DIVISION
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Lawrence: Alright my name is Jim Lawrence, I'm a detective with the Portland Police Bureau assigned to the Cold Case Homicide Unit. My DPSST number is 3034, 30434, excuse me. Today is the 9th of February, and it is 12:55pm. In the room with me is?

Turnage: Detective Aaron Turnage, Gresham Police Department, East County Major Crimes Team. DPSST 51413.

Tuner: Officer Darryl Turner, PPA President, DPSST 25221.

Rippe: Officer HEATHER RIPPE, 34493.

Lawrence: And HEATHER you know that we're here to talk to you because you witnessed some events today that occurred, particularly a use of deadly force by another Portland Police officer and what we want to do is talk to you about the events that led up to that uh, that event. Um, and a couple of things I want to mention is that we brought in a couple of maps to help orient ourselves to the area. Um, and before we went on tape we just talked to you generally about kind of what the uh, purpose of the interview was just to gather facts. Um, and at this point um, we don't have any reason to do anything other than get a, a version of events from you. Um, there's going to be other officers, as you know that have been interviewed on this before. If at any time you're, you need to um, mark up these maps just, there's a Sharpie here for you to do it. Um, and I may actually mention some of the things we talk about for purpose of the recording. Um, this recording will be transcribed and this will essentially be the report that we use based on what you tell us. In other words what your report would have been will be this interview, okay?

Rippe: Okay.

Lawrence: Uh, do you have any questions before we start?

Rippe: No.

Lawrence: Okay um, why don't you start off with how you got started with this event.

Rippe: Okay. Um, a call came out for a robbery that occurred at um, the Best Value Inn, Portland Value Inn, something like that. 9:31 Officer FERNER got dispatched to that. Um, while he was enroute, oh also Officer TATRO got dispatched to that while he was enroute um, we found out that it happened 30 ago and there wasn't much to go on so Officer FERNER told Officer TATRO over the air to – oh then

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another call came out of a car prowler that just occurred. Um, and I got dispatched to that, dispatched to that with Officer TATRO. Um, because Officer FERNER said he could handle the 30 minute old robbery.

Lawrence: Okay.

Rippe: So I started to the car prowler that happened about a block away from the robbery which was at 8400 block of Hancock. The description, or the caller said that um, she found a car prowler in her car and um, chased him off or – and described him as a black male, early teens to 20, 20's um, black male wearing dreadlocks. Black or blue jacket and blue jeans.

Lawrence: Okay.

Rippe: Officer TATRO asked me to do an area check and he would contact the uh, caller.

Lawrence: Okay.

Rippe: I headed that direction and I got almost there and Officer, Officer TATRO had te- or typed me on the MDT, said I already did an area check, you can clear. I said okay. Headed back the opposite direction and dispatch got back to me and said, you need to go back to assist Officer TATRO, there's a homeowner calling at uh, [REDACTED] NE Tillamook stating that an unknown black male is at her door pounding on it. Um, he had to hop the fence in order to get to the house.

Lawrence: Okay.

Rippe: I responded, I got there first um, as I pulled up dispatch told me that it was a flag lot and it was be- next to [REDACTED]. On Tillamook. Then I saw the big gates were closed and I said that I was going to wait for cover um, to arrive before I went and looked in, on the property. While I was waiting I contacted the homeowner, MARSHA and I asked her if he, she could still see the guy there. She didn't know. She said I have a big backyard and I can't see him, I don't know if he's still there but he had to hop the fence in order to get to my house. I said, okay well I'm waiting outside waiting for my cover I'll be there in a little bit when the officer comes. She said, okay. Officer TATRO um, pulls up, oh and the, the homeowner told me there was a chair next to um, the fence on the, on the neighbors side that I could get a, get the chair, put it at the fence, stand on it and unlatch the lock at the gate since it was all locked up.

Lawrence: Um-hm.

Rippe: Told Officer TATRO this when he showed up. Got the chair, Officer TATRO unlocked the gate and uh, we started down the long driveway. I'll show you on these maps here. I think this is it right here.

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Lawrence: So um, just to orient, you started pointing at uh, the map that has Tillamook Street on it, kind of a blow up and there's two images that are same, kind of the, this pool um, that's uh, literally kind of to the west on the map because north would be up on this side. So here we have Hancock and this would be 82nd out here. So 82nd is closer to you.

Rippe: Oh this is north, okay.

Lawrence: Here's Hancock so –

Rippe: Oh yeah, north, okay.

Lawrence: Yeah, so here's Tillamook.

Rippe: Okay.

Lawrence: 82nd would be in this direction so let's actually flip the maps...

Rippe: ...oh there it is, okay.

Lawrence: Right there.

Rippe: Oh perfect, okay.

Lawrence: Yeah so north is that way now.

Rippe: Got it. Okay. Um, this looks like it's the flag lot here.

Lawrence: Okay.

Rippe: And um –

Lawrence: So –

Rippe: The gate would be right here.

Lawrence: Okay.

Rippe: And this black car was actually there, parked the sa- exactly where it was.

Lawrence: Okay.

Rippe: When we, maybe a little bit further up.

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Lawrence: So I'm going to indicate uh, with a blue arrow with my blue pen the car that you indicated and I'm going to put a number one next to that. Do you believe that car was there when you were there?

Rippe: Um-hm.

Lawrence: Okay.

Rippe: We walked up, TATRO was on the left side, I was behind him on the right side. Um, a couple feet back. He got up to the front of the, this vehicle and told me that he saw the guy standing back here on the um, north side of the house.

Lawrence: So do you remember the address to this house?

Rippe: Yeah, [REDACTED].

Lawrence: So this one being [REDACTED].

Rippe: Okay.

Lawrence: So you're talking about a dr- the long flag lot driveway moving to the south?

Rippe: Correct.

Lawrence: And then TATRO sees um, the suspect is slightly to the west alongside of the address that you just gave me, the [REDACTED]? Sorry to the north, he's on the north side but to...

Rippe: ...he's on the north side but to the west of us.

Lawrence: But to the west of the driveway?

Rippe: Correct.

Lawrence: Okay, perfect.

Rippe: I come up to the corner between the car and the, and the fence.

Lawrence: Okay.

Rippe: And that's where I'm standing. There's only a couple feet between the car and the, and the fence. I turn around and I see the guy, he's, there's a bunch of property, like a suitcase and it looks like he went through the suitcase and it's all strewn out on the ground. And he's, he was down going through the stuff and he sees us and TATRO starts to um, tell him to get his hands up. So the guy who was wearing the dark hoody, blue jeans with dreadlocks, black male. Um, that's

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who was standing there and I remember that is the car prowler description of the, matched pretty well to the car prowler suspect.

Lawrence: While we're talking about the suspect description, while we're talking about that and I know right now things are starting to accelerate in your mind, I can actually see what you're talking about. Had, had at this point had you already corresponded that the car prowler suspect is also the robbery suspect? Has that information been put out on the air?

Rippe: Not that I remember.

Lawrence: Okay.

Rippe: Hearing anything about that. In fact I, um – no I, I believe I remember TATRO stating on the way when I was going there when he heard the suspect or the description of this male he goes, yeah my caller says that that's the description of the suspect or that's the suspect. But I don't remember FERNER ever coming on and saying what his description or his scene was going on.

Lawrence: Okay.

Rippe: From there.

Lawrence: We'll come back to that because I have some questions about the before, but let's go back to you saw the suspect now, he's on the north side of the house to the west of the driveway.

Rippe: Correct.

Lawrence: He matches the description that you had related to the car prowler that you had initially started to do an area check on but were called off.

Rippe: Correct.

Lawrence: Okay and so now you see him and he's got all this property in front of him. TATRO has told him to get his hands up.

Rippe: And he puts his hands halfway, three-quarters of, you guys want to describe this? Can't do it over the (laugh).

Lawrence: Kind of like uh, somebody getting ready to, you know like uh, you know it's like he's –

Rippe: Halfway up.

Lawrence: Yeah, okay.

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Rippe: And um, he wouldn't put his hands all the way up but, and so TATRO's like get your hands up, get your hands up. He's like what's going on? And um, TATRO is like, turn around because he had his hands halfway up and he wouldn't turn around. We're like turn around, turn around, get your hands up. And then he just wouldn't, he kept saying, this is my house, what's going on? And um, he said, this isn't your house. Um, turn around and then TATRO said something like um, you can walk back towards us and we can talk about this. And um, he's like I want to know what's going on, talk to my guardian and he's I want you talk to my guardian inside the house. So this dialog is going on and he's not, not resp-listening to anything except for holding his hands at a halfway up.

Lawrence: And when you say halfway up so his hands are literally at shoulder level.

Rippe: At shoulder level, yes.

Lawrence: Yeah, okay.

Rippe: And um, TATRO at one point says I believe you to be uh, have a weapon, if you make a move for that weapon you may be shot. Um, and he's like I don't know what's going on. And uh, so I said, get on the radio, I said he's not complying so they started more cars code-three. FERNER shows up but he, I never saw him because I'm watching the um -

Lawrence: Suspect.

Rippe: Suspect.

Lawrence: Um-hm.

Rippe: And um, but I could hear that FERNER, someone said FERNER showed up or something, it must have been TATRO because he's the only one there and um, TATRO asked me, well should we talk to the homeowner? I was like I, I guess, I don't know, I talked to her and I was pretty certain that he didn't belong there but um, you know to confirm. So he goes, FERNER changes places with TATRO and TATRO goes over to the door and knocks on the door which is very close to where we are. And um, he gets the homeowners attention and we're still, get your hands up, get your hands up um, he starts to put his hands down and immediately like get your hands up. And he's like why and I was like get your hands up. And he turns and he starts to run and he puts his hand, his, it must have been his left hand right at his waist as he's running and goes around the corner of the house.

Lawrence: So he turns and starts running to the west and goes around the corner of the house to the south?

Rippe: Correct.

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Lawrence: And at that time you saw with what you believe is his left hand?

Rippe: Yes.

Lawrence: So I'm, I'm gonna actually do it so you can see if I'm this person and I turn to run it's this hand that goes down to my waist?

Rippe: Yes.

Lawrence: Where was his right hand?

Rippe: Just down at his side I believe.

Lawrence: So down at his side?

Rippe: Yeah.

Lawrence: Okay. So you can see his right hand but his left hand then went to the front of his waist?

Rippe: Yes.

Lawrence: Okay and he's turning and running?

Rippe: Correct.

Lawrence: Okay.

Rippe: FERNER go- went down the driveway back outside the, around the property, TATRO and I start to pie the corner here so...

Lawrence: ...so, so suspect went around the northwest corner?

Rippe: Correct.

Lawrence: And you begin to pie the southeast corner so...

Rippe: ...well...

Lawrence: ...directly across at an angle from the corner the suspect went around?

Rippe: Correct, we were going to come back, we went around the corner the opposite direction, went westbound and then pie this to the point where we could see that he was no longer in the backyard and that he had hopped a fence. But I di- we, I didn't know which fence he hopped.

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Lawrence: But this is an entirely fenced yard and he's no longer in the yard?

Rippe: Absolutely.

Lawrence: Okay.

Rippe: Um, I came back out, I went back around, I came back out the, I, I turned back around the way that I came and then went back down the driveway and met up with FERNER. Um, who was hearing, who was convinced that he knew the guy had gone over the fence southbound and we were about right, where's – this is still, okay - I'm sorry.

Lawrence: Yeah.

Rippe: We were about right here.

Lawrence: So you're ne- you're, the flag lot, the house sits a little bit to the south.

Rippe: Um-hm.

Lawrence: So the house then sits directly to the north, it directly faces and touches Tillamook.

Rippe: Tillamook, right.

Lawrence: You're one house to the west when you're talking to FERNER?

Rippe: Correct.

Lawrence: Okay.

Rippe: And I'm trying to come up with a plan, trying to get other officers here, asking for a K-9, set up a perimeter and then it just kind of went from there.

Lawrence: Okay. So um, I won't, we're gonna, I'm gonna bounce a little bit.

Rippe: Sure.

Lawrence: Because I have a couple questions directly and then I want to walk back through.

Rippe: Okay.

Lawrence: From the beginning to the end. So um, at the point where the suspect turned and ran the corner were you and TATRO did, did you guys actually communicate with each other, did TATRO say, let's go this way, did you say go this way or did you both?

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Rippe: No we just started going that way.

Lawrence: Kind of naturally going that way.

Rippe: Correct.

Lawrence: Did one of you, when you got to the corner say stop, let's not go any further or were you just proceeding with caution?

Rippe: No we just were proceeding with caution, both of us had our guns out and were just pie-ing the corner.

Lawrence: Perfect. Um, when you're here on the corner and you're starting to do that.

Rippe: Um-hm.

Lawrence: You're starting to do, what, what actually is going through your mind at that point?

Rippe: I believed he was armed, especially based on the, I didn't it was the suspect for the robbery but because it was so close um, the fact that the wasn't complying, the fact that he put his hand down at his waist. Um, I kept thinking of THOMAS JEFFERIES to be honest with you.

Lawrence: Um-hm.

Rippe: Thinking I'm not planning, I'm not running after him when he took that corner because I'm not going to get, he's not going to have him turn around and get shot.

Lawrence: Right.

Rippe: So went the opposite direction and slowly started pie-ing around just to make sure that he was actually out at the, the backyard.

Lawrence: So based, based on what you're telling me, the – when we talk about his clothing, his clothing description, how much of his waist area of his pants could you actually see?

Rippe: I could see it but he had like a hoody and then something, I don't remember what it was but it must have been some sort of shirt or whatever it was like a greenish khaki color.

Lawrence: Um-hm.

Rippe: Or, it was a green color so I don't know if it – but um, and I could see his pants but I don't know what was under that.

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Lawrence: And how much of his, did you actually see like the belt line? Like the belt loops and the front of his pants or was that obscured by his jacket or his shirt?

Rippe: I, I can't tell you.

Lawrence: Okay.

Rippe: I know the call said white, white belt but I don't recall in my head a white belt so I –

Lawrence: Sure.

Rippe: I was focused on his hands and where his hands were.

Lawrence: Um-hm.

Rippe: And then he had turned around to the point where when I saw him put his hand down at his waist.

Lawrence: As we talk about his non-compliance.

Rippe: Yes.

Lawrence: When you guys tell him to get his hands up and he's failing to obey your commands, any indication that he was under the influence of anything to you?

Rippe: I have no idea.

Lawrence: So, but clearly your, your take on his responses to you is that he is...

Rippe: ...that he, he understood what we were asking him to do but he was not following what we, well – he just kept skirting around. I want you to talk to the person in the house first.

Lawrence: Um-hm.

Rippe: I'm not coming over to you. He didn't say that but he's like I want you to talk to my guardian, I live here. This isn't, you know. So he understood what we were asking him to do he just was not doing it.

Lawrence: And in, have you experienced this kind of thing in a suspect before? Somebody engaged in that kind of behavior?

Rippe: Absolutely.

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Lawrence: And when you, when you see somebody engaging in that kind of behavior, particularly with their hands only going halfway up and some of those things, what starts going through your mind normally?

Rippe: What has he done that he's not going to comply? Is he mak- is he armed, is, and he's trying to come up with an escape route and right now he's got, he's fenced in and he doesn't have a lot of places to go.

Lawrence: So as he's doing this and he's not complying with your commands is he moving at all? Is he starting to go?

Rippe: No he just literally just stood there in the same position.

Lawrence: Okay. But it's at that point where he has now asked you guys to check with his guardian and TATRO is trying to speak with the, the homeowner. The two of you are still on this side of the house, is TATRO calling out to the homeowner or is he?

Rippe: No he walked over because it's like 10 feet. It's very close to, to the house here.

Lawrence: Okay and so here on the map, I'm going to ask you to use the silver Sharpie.

Rippe: Um-hm.

Lawrence: Um –

Rippe: Sorry.

Lawrence: That's okay.

Rippe: I don't know how to turn it off.

Lawrence: There we go. Um, so I'm going to ask you to use the silver Sharpie and I take it the suspect is somewhere where the shadow of the house is.

Rippe: Correct.

Lawrence: Just uh, if you could just put kind of a small X where you, where about where you think the suspect was standing. Okay perfect. And then I'm going to use the blue marker um, where do you, where using the fence line as kind of your reference, where do you think you were standing? Okay and that's –

Rippe: Oh I'm sorry, you wanted blue, sorry.

Lawrence: That's okay, no that's okay. Let me borrow the Sharpie though.

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Page 12**Rippe:** Sorry.**Lawrence:** That's okay. So and I'm going to circle that with the blue pen so we know that was you. And you and TATRO were together at that point?**Rippe:** Well he was on the other side of the car.**Lawrence:** So TATRO was behind you?**Rippe:** Correct.**Lawrence:** But back here to the car?**Rippe:** No the car was further up.**Lawrence:** Okay.**Rippe:** It was about the same location but it was further up. It was more in line with the, a little bit further than that fence line.**Lawrence:** Okay.**Rippe:** So he was able to go to the front of the car on the opposite side and get a good vantage point.**Lawrence:** Okay that makes sense. So he had a good vantage point straight down...**Rippe:** ...correct...**Lawrence:** ...the alleyway but he, he had the car for some basic concealment.**Rippe:** Absolutely.**Lawrence:** And then you were at the corner of the fence.**Rippe:** Standing just behind it, just enough where I could see him.**Lawrence:** Just enough where you could see the suspect but the suspect didn't have a clear view of you?**Rippe:** Correct.**Lawrence:** Okay so from here um, TATRO goes towards the front of the porch to talk to the homeowner?**Rippe:** Yes.

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Lawrence: When, did you see the homeowner on the front porch? Did you see?

Rippe: She, well he knocked on the door and she looked out the window and then she opened the door and they exchanged some words, I don't kn- I, something about not seeing them or not knowing who he was, but I was paying attention to the suspect so um, and then he told her to stay inside the house.

Lawrence: Okay. So at, during that time your, you got the clear view of the suspect.

Rippe: And FERNER.

Lawrence: And FERNER, is FERNER with you up here?

Rippe: No FERNER's away, exactly where TATRO was.

Lawrence: Oh and so FERNER came up and was in this same position that FERNER was so now there's three of you there.

Rippe: Yeah they exchanged. Correct.

Lawrence: Okay, perfect. Uh, that was going to be one of my other questions to you because in that, in the first description I, and it was me uh, slightly confused as to where FERNER was. So before TATRO moved up to that house FERNER came up?

Rippe: Correct.

Lawrence: Um, so um, once FERNER got there did you hear he and TATRO talk at all about who was going to move up to the house or was there anything going on between them?

Rippe: No I heard TATRO ask should we, should I go up to the house, should I go, should I go talk to the homeowner or not. I was like uh, I don't think he belongs here but go ahead, just for reassurance that –

Lawrence: Sure.

Rippe: Because we weren't getting anywhere but he wasn't doing, I mean he put his hands down that one time but he's still go this hands up and he's just not complying at this point.

Lawrence: Now I'm not asking you to tell me what was in TATR- TATRO's mind.

Rippe: (inaudible) .

Lawrence: But um, but what the, with, with this guy's behavior.

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Page 14**Rippe:** Um-hm.**Lawrence:** Do you think maybe the idea was to convince him that he didn't belong there and to begin to comply? Is that kind of?**Rippe:** I think he put maybe a second of doubt in us, like oh maybe the homeowner was incorrect, like maybe he, she – he's like go talk to my guardian and I was like but you don't live here, maybe you have the wrong address. He's like I don't have the wrong address.**Lawrence:** Okay.**Rippe:** And um, I asked for the name of, I asked him what the name of the guardian and I can't for the life of me remember what he told me but it was not, I remember the homeowner was MARSHA because I had just talked to her.**Lawrence:** Right.**Rippe:** And it wasn't MARSHA so I was like, no.**Lawrence:** Yeah.**Rippe:** But that was at the same time that he was talking to the homeowner.**Lawrence:** That TATRO was talking to her, correct?**Rippe:** Um-hm.**Lawrence:** Okay um, at, at that point were you beginning to formulate uh, in your mind what your next plan of action was going to be? If he had stayed right here had you already started to put together a plan for what you wanted to do?**Rippe:** Yeah the plan was to have him put his hands all the way up and walk back towards us, hook him up and figure out what was going on. That was the original plan all along.**Lawrence:** At this point what uh, what did you think was the crime that you would be taking him into custody for?**Rippe:** At least the car prowl.**Lawrence:** Okay because he matched the description?**Rippe:** Correct.

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Lawrence: Um, when, when you say him, the first time you saw him was it clear in your mind that this was the person that you believed to be the suspect of the car prowler?

Rippe: Yes.

Lawrence: Okay um, once you, once you saw him had, did you communicate that to TATRO or did, or did TATRO...

Rippe: ...TATRO saw him first.

Lawrence: Oh TATRO saw him first.

Rippe: Right.

Lawrence: And did he say the same thing? Did he come to the same conclusion and voice that to you or?

Rippe: Um – no.

Lawrence: Okay but you knew it?

Rippe: I knew it.

Lawrence: Okay perfect. Um, when he fled and he went back here, it took a, probably a period of time before you guys got to the corner did you hear him go through any brush? Did you hear going over any fence?

Rippe: I did not.

Lawrence: Did you ever get the opportunity to see this fence over here?

Rippe: I saw the fence.

Lawrence: Okay.

Rippe: But I didn't look over the fence.

Lawrence: What kind of fence was it?

Rippe: It's just a wood fence.

Lawrence: It's like a good neighbor?

Rippe: Like a six foot, no I don't think it's a good neighbor, I think it's just a solid, solid but it didn't have the um, so it must have been their fence.

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Lawrence: Um-hm.

Rippe: Because they got all the nice wood and then the other...

Lawrence: ...okay (laugh)...

Rippe: ...that's how I can describe it so it was just a six foot wooden fence.

Lawrence: Okay so it's not like the split boards but did the, the people behind them also have a fence? So were there two fences or?

Rippe: Oh I have no idea.

Lawrence: Sandwiched together, so you just saw it on this side?

Rippe: Correct.

Lawrence: Okay um, so once he took off you lost sight of him and did, once you guys got to this corner then you came up to the next corner which is the um, southwest corner. It was very obvious he was no longer in that yard, did you go back out the same way?

Rippe: Correct.

Lawrence: So when you came back out you followed the same path that you went into the yard.

Rippe: Yes.

Lawrence: And then you, did you talk to the homeowner again or just proceed?

Rippe: Just proceeded out.

Lawrence: And it was all three of you or did FERNER stay here?

Rippe: FERNER was already out. He went, when this all happened TATRO and I went around the house and FERNER automatically turned around and went down the driveway and onto Tillamook.

Lawrence: When FERNER went out onto Tillamook was he um, starting, was that when he started to try and put together some sort of a perimeter?

Rippe: Yes, he had said he heard him jump the fence and thought he had gone somewhere to the west or the south or he thought the south and then -

Lawrence: So he didn't just say this to you, he actually got on the air and said that?

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Rippe: He was saying stuff on the air.

Lawrence: Okay.

Rippe: And um, you know I was only hearing part- part of it and then I got over to him and we tried to come up with where we were all going to stand. He said something on the air and I, for the life of me I have no idea what he said. Um, but it had to do with, he heard the fence and – or heard the guy jump the fence and then something back here, but – so that's why I went to him because I thought oh maybe he has the guy in the next backyard.

Lawrence: Um-hm.

Rippe: Um, but it, it wasn't that way so he told me, he's like well why don't you go back ins- watch the driveway in case he backs up and then he stood at this other house two houses down where I met up with him and then people started coming in.

Lawrence: So when you took a perimeter position basically um, at the same driveway that you had approached uh, the house on?

Rippe: Um-hm.

Lawrence: FERNER was to your west, at this point where did TATRO go?

Rippe: I have no idea, TATRO was with us and then I don't know where he went.

Lawrence: Okay.

Rippe: Oh no I do. He wen- I think he went originally – I'm not positive. But I think he took the car and went um, to 84th.

Lawrence: Okay so he was going uh, to the east...

Rippe: Correct.

Lawrence: To 84th?

Rippe: That's what I recall.

Lawrence: Sure. You don't know for sure but that's you're assuming.

Rippe: I'm not positive.

Lawrence: Okay.

Rippe: Yes.

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Lawrence: Um, at this point are you hearing other officers coming to uh, different positions for a perimeter?

Rippe: Yeah it sou- seemed like forever.

Lawrence: Okay.

Rippe: But yeah they, we tried to set up a perimeter um, I talked to FERNER, we were going to do 82 to 84 Tillamook to um, Schuyler. But then dispatch was kind of taking over and telling people where to go so I was like well they must have it so I'm just going to focus on what I have here.

Lawrence: Okay.

Rippe: So I moved my car. I had parked right here. I moved my car up for cover and was watching the driveway and then obviously these houses on this side.

Lawrence: So you retrieved your car and then you brought it up here to have for cover so you place your car between you and where you'd last seen the suspect?

Rippe: Correct.

Lawrence: Um, when you were getting into position and the perimeter is starting to form up, at what time did you hear uh, or you had any time during this event, what time did, was it aw- were you made aware of the suspect in the car prowl was also the same suspect from the robbery? Do you recall?

Rippe: I don't recall ever hearing that.

Lawrence: So you don't recall anybody ever voicing that to you directly or hearing it over the radio?

Rippe: No.

Lawrence: Okay um, when FERNER was up at the car with you did he give you any of that information?

Rippe: I don't remember.

Lawrence: Okay because you were focused on the suspect, okay.

Rippe: Correct.

Lawrence: Okay. So while you're here on the perimeter position um –

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Rippe: I, I can tell you that later on when we were standing at the perimeter FERNER told me that's the same guy as the um, as my robbery suspect.

Lawrence: Okay now is it, was that before or after um, the suspect had been engaged by other officers over here on Hancock?

Rippe: It was before.

Lawrence: Okay um, so and it was...

Rippe: ...way before.

Lawrence: And it was even before you moved your car down to this perimeter position?

Rippe: I think it was right before I did when we were coming up with a plan down here at the um, where FERNER was standing.

Lawrence: Okay um, so um, you have all these officers coming in now, you're on a perimeter position. Um, I, I believe it's, in my mind it's obvious that officers out on Hancock um, are starting to get on the radio and talk about some of their activity so when you're on the perimeter how did things progress for you? Listening to the radio and hearing just things going on around you?

Rippe: It's pretty much what it – they were all on Hancock and there was never talk about, there was something about a fence down at 86 and someone hearing something in um, that moved in the perimeter but nothing on Tillamook and nothing coming back onto Tillamook. Um, they wanted 901 at 82 and Tillamook for a long, you know get somebody here, get somebody here and at Les Schwab and, but um, and then I heard all the activity on the house and all that stuff on the radio.

Lawrence: Okay um, and when you were in that perimeter position what did you hear officers saying on the radio when this activity started at the house on Hancock?

Rippe: Well I was trying to figure out how na- NERT got involved because I heard them and they were talking about there was a broken window and some fresh, a broken window at the one house. I thought it was 8301 and they were trying to get ahold of the homeowner and they couldn't. And there was um, I thought it was the same address that they had said that there was a flag on or so- not a flag but dispatch had come up with a, a homeowner owned a gun in there.

Lawrence: Um-hm.

Rippe: Or owned a gun, a fo- a 40 or something like that. And then um, they had to, they asked for some bolt cutters for across the street. I didn't know what that was all

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about and then um, then they asked, later on they asked about an alarm and because there was only one trip they thought it wasn't, the guy wasn't in there. But then all of a sudden they got on the air and said, he is in there, he's in there and then it was shots fired.

Lawrence: Okay so was there a call about an alarm? Did that come, did dispatch?

Rippe: Yes, okay so I think it was HELFRICH because I had a really, really hard time understanding his radio. He said, he asked can you see if there was an alarm call. Call the alarm company and see if they got any hits. And dispatch got back on and said well there's just the one, they just got the one hit. Or they just got a hit and they called in and said there was a hit but that's the only one. And so it sounded like, to me it sounded like okay well, then HELFRICH got on and said well then he's not, most likely not in here. And my assumption was that they had done something to trip the alarm and because there was only that one trip he must not be in there because the alarm is clearly working.

Lawrence: Right.

Rippe: And um, then within seconds they said, no he is in here. Think it was BROWN said he's in here.

Lawrence: So on the air you heard somebody you think is BROWN but you're not sure which officer but you think it's BROWN.

Rippe: BROWN, I mean its – to me it's, yeah.

Lawrence: Saying that he's at the place that they had just talked about the alarm?

Rippe: Yeah.

Lawrence: Um, and then shortly after there you hear...

Rippe: ...he wasn't talking about the alarm. Whoever got back on the radio, thought it was BROWN or maybe one of the NERT guys said no he is in here. And then um, within seconds it was shots fired.

Lawrence: Did you hear the shots as well?

Rippe: I did not.

Lawrence: Okay.

Rippe: I don't know how I missed it but no.

Lawrence: But you heard them on the air say shots fired?

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Page 21**Rippe:** Yes.**Lawrence:** Okay and then uh, following that what did you, what did you hear on the air?
Kind of post, post event?**Rippe:** It was where we need medical. They immediately asked for medical. They said they were going to take him into custody quickly to get him medical assistance and they asked for a shield. Um, and then all the other – everybody and their brother.**Lawrence:** Okay um, I want to go back and I want, I want to start at the beginning again because I have a few questions uh, but um, you know what I want to do is I want to take a break for just a second, okay?**Rippe:** Okay.**Lawrence:** So the time is uh, 25 after 1:00, I'm going to stop the recording here for just a minute.

(Recording stopped)

(Recording resumes)

Lawrence: Okay and we're back on the tape and it's uh, 20 minutes until 2:00. Um, and I had taken a break HEATHER because I saw, it looked like you were a little uh, starting to get, this room is hot, it looked with all your gear on it looked like you were getting hot so I wanted to give you chance to go download some of your gear so we could talk further about this. Um, before we uh, start asking you some specific questions is there anything that you can think of now that you want to add to what we talked about before?**Rippe:** Oh, yeah actually there.**Lawrence:** Okay.**Rippe:** When I was out there talking to FERNER, FERNER I remember um, TATRO had got on the air and said, I looked at the stuff where he had left all his um, suitcase and all the stuff. There was no gun in there um, so he, so he, so m- he may still have it or something like that or, or my thought was he may, he has it if it's not in there. And um, that some of that stuff is the car prowl victim's stuff.**Lawrence:** Oh okay. Um, and that happened before you came out on the street with FERNER?**Rippe:** No I, I was out here with FERNER.

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Lawrence: You were out with FERNER.

Rippe: And TATRO then said that on the air.

Lawrence: Okay.

Rippe: So he, I don't remember which way he went, he may have gone all the way through and then came around here I, I don't remember. Um, so the opposite of me.

Lawrence: Um-hm.

Rippe: Of the way I went. But at some point he looked at, through all his stuff. So when I was out here he got on the radio and said that.

Lawrence: Okay.

Rippe: There was no gun in the property that was left behind but some of the car prowl victim's stuff is there.

Lawrence: Okay so now in your mind there's probable cause to arrest this guy now for prowling the car beyond a doubt he's your guy.

Rippe: Yes.

Lawrence: Um, plus when you hear uh, TATRO talk about a gun you believed in your mind that this guy was armed but when we did we, when did anybody, I mean particularly you start to equate a gun because, you know people could be armed with a variety of weapons but what?

Rippe: Okay so I wasn't positive that this guy was armed. I thought that I, I didn't know, I didn't ha-hear anything about the robbery suspect although I thought because it was such in close proximity that it probably was the guy um, that's why I waited for cover um, to arrive instead of just checking the house by myself, hey what are you doing? So I, I, I had it in the back of my mind but I wasn't positive and then he, he at some point TATRO had at some point had told me, this is, this is my car prowling suspect guy. So I was like okay well we at least have the car prowling but he wasn't known to be armed. But I still have it in the back of my head this robbery guy and then he's not complying. He, and then it's, and then I'm like okay and then TATRO is like I believe him to be armed and I was like yeah. Things just kind of were kept um, adding up and then when he turned around and ran and was grabbing for his waistband I was like he's got a gun, nobody just grabs for their waist.

Lawrence: Right.

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Rippe: And um, and then when I went back out um, FERNER was like that's my guy and so then it was – and TATRO said the gun's not here so that's when it was all kind of coming together as far as...

Lawrence: ...that's when you pieced it together completely?

Rippe: Completely, correct.

Lawrence: Okay but even before that, before we go back through and kind of get the sequence again.

Rippe: Yeah.

Lawrence: Once you had, once you were in the area looking for the car prowler suspect, in the back of your mind you're starting to put two and two together because of the proximity of the crime? Or was it, or it wasn't until you actually came here?

Rippe: Correct.

Lawrence: Okay.

Rippe: I thought well maybe they're connected but what I was thinking with the robbery, FERNER had asked some specific questions on the air, he's like well is this the actual hotel that got robbed or is this just some ped rob and it happened 30 ago? So um, dispatch had come on and they're like oh this guy said that he got robbed at gunpoint after he was sleeping in his car some guy just came up to him and put a gun to, a gun to him and wanted his car. And I'm thinking okay a transient sleeping in his car, had a guy just open, randomly open his door and point a gun at him, mmm – I don't know. You know I'm not there but this is what I'm hearing.

Lawrence: Right.

Rippe: So I wasn't quite putting it as being, you know a true robbery.

Lawrence: Uh-huh.

Rippe: Um, but so I did think that the guy probably did something or that it's related because it's so close in proximity like literally. But I thought well maybe he was just trying to do a car prowler. Um, I don't know the legitimacy of the gun. That's what was going through my brain at the time.

Lawrence: But you had heard on the radio that a citizen had reported somebody was armed with a gun and then tried to rob them?

Rippe: Correct.

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Lawrence: Did you uh, during that did you hear any description of the suspect? Had that come out over the air?

Rippe: Um, I don't recall ever hearing the description of the suspect from the robbery.

Lawrence: Okay um, so well let's go back to that because you heard the call come out on the air, you knew, you'd previously told me that you knew that the call had dispatched to FERNER as the primary.

Rippe: Yeah, the robbery.

Lawrence: The robbery, yeah.

Rippe: Correct.

Lawrence: Because that's kind of where this started was the call on the robbery.

Rippe: Correct.

Lawrence: And the robbery was at the Best Value Inn?

Rippe: Correct.

Lawrence: Um, and TATRO was uh, set up as the second car to go with FERNER?

Rippe: Correct.

Lawrence: And you had said that when TATRO was enroute FERNER cleared him because he said the robbery was 30 ago.

Rippe: The, the second call came out, dispatch was like well I don't know if this is related but this car prowl came out so FERNER says well I can take this why doesn't TATRO take that.

Lawrence: Perfect. So TATRO now going to the car prowl and you're dispatched to be TATRO's cover.

Rippe: To be TATRO's cover, correct.

Lawrence: Okay and then while you were enroute TATRO said, hey why don't you do an area check.

Rippe: Uh, he said that right as dispatch gave it to me. He's like okay I'll contact the caller um, 942 can do the area check.

Lawrence: Had at that point had the description of the car prowl suspect been broadcast?

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Rippe: Yes that was originally the –

Lawrence: So when dispatch was giving it to TATRO they're already naming the suspect in or, or describing the suspect.

Rippe: Giving a description, correct.

Lawrence: And do you, and that was where you heard the dreadlocks, the dark colored jacket or shirt.

Rippe: Um-hm.

Lawrence: Blue jeans.

Rippe: And white belt or something like that.

Lawrence: Okay. Any, anything else that you remember now about the description?

Rippe: No.

Lawrence: Any facial hair or anything?

Rippe: Just black male, early teens to early 20's.

Lawrence: Okay. Um, so you, you do your area check.

Rippe: And dreadlocks, yes.

Lawrence: And dreadlocks, exactly.

Rippe: Sorry.

Lawrence: Um, you do your area check, do you remember...

Rippe: ...I did not do an area check.

Lawrence: Oh, okay.

Rippe: I got up to about 82 and uh, Schuyler and um, FERNER was still looking for the victim of his call and I got up to 82 and Schuyler and I got a message on the CAD from TATRO that said, I did an area check as I was coming in and you can clear.

Lawrence: Okay.

Rippe: Okay so I turned back around at 82 and Schuyler and headed back south.

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Lawrence: Okay. So you're on 82nd heading south?

Rippe: Yeah

Lawrence: And then what caused you to turn back around again?

Rippe: Dispatch got on the air and said you need to go back because there's this homeowner calling at 8322 with an unknown male um, knocking at their door. They had to have jumped the fence to get there.

Lawrence: Okay did, at that point did dispatch give a description of that unknown male?

Rippe: I don't recall.

Lawrence: Okay. So you go, you see it's the fence.

Rippe: Well hold on. They had to have because I remember dispatch saying um, or no I remember TATRO going yes my caller says that's the suspect when the dispatch gave the description.

Lawrence: So you're on your way now to this person that's in a yard.

Rippe: Yes.

Lawrence: The homeowner is calling saying hey there's this unknown male in my yard and after dispatch gives that call TATRO gets on the air and says that's my suspect.

Rippe: Yeah my caller says that's my suspect and there was something about a suitcase in there.

Lawrence: Okay.

Rippe: That I do remember.

Lawrence: So now you have connected those two?

Rippe: Yes.

Lawrence: Okay so you're on your way now and if you, if you know...

Rippe: ...um-hm...

Lawrence: ...that you're going to be finding somebody that has been described as being a car prowl suspect, kind of where is this going for you as a police officer? What are you starting to do with, with this in your mind?

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Rippe: Well I'm, I'm just thinking I'm not going to confront this guy by myself.

Lawrence: Okay.

Rippe: Because I don't know what he's um, at this point he's just a car prowler to me but I'm still not going to go arrest him by myself so I might as well, I knew that um, by dispatch telling me that it was a flag lot and it looked like it was completely surrounded by fence that well either he's there or he jumped a fence so I'm just going to wait out here for cover to arrive before I even go check it.

Lawrence: Because you're definitely hooking this guy for car prowl, definitely looking at him for trespassing in this yard.

Rippe: Trespass, yes, correct.

Lawrence: Um, so I mean in your mind you're already thinking at some point you're...

Rippe: ...I'm gonna h- I'm going to arrest him because he's already the suspect of a -

Lawrence: Okay. So you, because you know that you want to do that and you don't want to do it alone you, you, kind of your next step is to get there to the homeowners house but wait for cover?

Rippe: Yup and that's what I said over the air.

Lawrence: Yup and then how long do you think it was before TATRO got there with you?

Rippe: Oh it seemed like forever. It was probably just a couple minutes but he didn't know that - see I, I - there was a little confusion because he didn't know that, that dispatch attached my call to his call and that um, he thought - I don't know. He didn't know that he was supposed to be my cover and so I waited awhile. I mean I called the, the homeowner and I was like, okay is someone coming, you know and finally he showed up. He's like sorry I didn't, I didn't realize that dispatch was sending as your cover.

Lawrence: Yeah so you arrived.

Rippe: Yeah.

Lawrence: And said you were going to wait for cover?

Rippe: Yeah.

Lawrence: And then it seemed to be taking a while so you called the homeowner from down the street.

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Rippe: I called the homeowner, um-hm. I asked dispatch if she was still on the line, they said no and gave me the phone number for her so I called her and asked if he was still in her yard.

Lawrence: Okay um, and she said he was or she couldn't see him?

Rippe: She didn't know, she had a big backyard and at that point I didn't know if she had a big backyard but –

Lawrence: Right.

Rippe: She said I can't, I can't see, I don't know.

Lawrence: Okay um, and so after TATRO arrives and um, and he gets there a little while, a few minutes um, and he gets there in a little while, says yeah I'm sorry I didn't realize that the, that I was supposed to be your cover. Um, do you guys talk about getting down the gate and then did you have to call the homeowner back or were you, did, had she already described to you how to get in?

Rippe: She already described to me how to get in.

Lawrence: Okay so you knew how to get in so you told TATRO, hey we gotta use that chair and then open the gate.

Rippe: Yes.

Lawrence: Had you heard, while you were out on the street had you heard any, anything going on in the yard?

Rippe: No.

Lawrence: Okay so it was pretty quiet?

Rippe: Yes.

Lawrence: Um, could you hear the traffic out on 82nd? I mean because there's...

Rippe: ...not really, no. There is a lot of traffic but it's a few, it's a bl- a good block down.

Lawrence: Okay um, and when, did you park um, uh to the east or west of the flag lot at the time?

Rippe: I parked to the west of the flag lot.

Lawrence: To the west?

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Page 29**Rippe:** Um-hm.**Lawrence:** Like one full lot away?**Rippe:** No I parked probably right where this car is here.**Lawrence:** Okay so as we're looking at the two streets on the map that you've put a couple silver X's on.**Rippe:** Um-hm.**Lawrence:** There's a house directly to the north and you were at the western edge of that house to the north out on the street. So the house, the house is providing you cover.**Rippe:** I think its 8312 and yes the house was providing me cover.**Lawrence:** Concealment.**Rippe:** Concealment, yeah, whatever.**Lawrence:** Yeah concealment from anybody in view that, that would, in this yard that potentially would have view of you.**Rippe:** And I had actually walked, at one point while I was waiting, I walked down this driveway.**Lawrence:** Um-hm.**Rippe:** Um, but I didn't walk, I didn't walk into their backyard. I just walked down their driveway and kind of was like listening but I didn't hear anything so I walked back out and just waited.**Lawrence:** And that's the driveway directly to the west of the actual flag lot driveway that, that the homeowner has?**Rippe:** Correct.**Lawrence:** Okay um, so you're waiting, cover comes, TATRO gets there, you guys put together kind of a plan based on what the homeowner said to get inside the gate?**Rippe:** Yes.**Lawrence:** Um, and at this point your, your intent is to kind of search the yard I'm guessing?**Rippe:** Yeah just look and see if he was still there.

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Lawrence: Okay. And then right when you get the corner of the fence there he is?

Rippe: Yup.

Lawrence: Okay. Uh, were you surprised to see him just kind of standing right there?

Rippe: Well TATRO saw him first.

Lawrence: Okay.

Rippe: So I knew he was around the corner.

Lawrence: So you didn't actually have that surprise?

Rippe: No, TATRO did.

Lawrence: Okay did you, did you see how TATRO reacted to it?

Rippe: No because I was looking to go around the corner, I was –

Lawrence: Sure...

Rippe: ...focused on the...

Lawrence: ...and he was on the other side of the car.

Rippe: He was on the other side of the car, right.

Lawrence: Okay um, but TATRO starts to give him commands before you can even see him, that's how you knew? Or did TATRO...

Rippe: ...oh he, TATRO says, he's right here.

Lawrence: Oh he's right here, okay.

Rippe: Um-hm.

Lawrence: And you could tell he was surprised by that?

Rippe: I don't know if there was any surprise, I just heard him say...

Lawrence: ...okay...

Rippe: ...he's right here.

Lawrence: Okay.

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Rippe: And I was like, okay. And so I kind of go around the corner and look and there he is.

Lawrence: Did you initiate commands or did TATRO?

Rippe: TATRO did.

Lawrence: Okay and what was his first command? Do you remember?

Rippe: Get your hands up.

Lawrence: Okay and then from there?

Rippe: Or let me see your hands. Something about getting the hands up.

Lawrence: Okay. So clearly TATRO is giving him commands that he needs to show his hands?

Rippe: Yes.

Lawrence: So we know he's not armed.

Rippe: Correct.

Lawrence: Um, and then is it immediate non-compliance or is, do you think the suspect is now surprised that you guys are there?

Rippe: He just kind of stared at us and was like – what's going on? Why?

Lawrence: And, and you're both in uniform?

Rippe: Oh yes we're both in uniform.

Lawrence: And even though you –

Rippe: He wanted us to tell him why we were there. What, why are you talking to me. Why are, what's going on, what's going on?

Lawrence: Okay.

Rippe: It's like well you can come over to us or, you know with your hand behind, you know.

Lawrence: Um-hm.

Rippe: Up, turn around with your hands up, we'll talk about but there was none of that.

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Lawrence: There's, there's no question that he did not know you guys were police officers?

Rippe: Oh no question.

Lawrence: So when you had described earlier that you were on the corner of the fence and you were keeping yourself partially obscured –

Rippe: Oh hold on can I go back?

Lawrence: Oh yeah absolutely.

Rippe: I don't know exactly what he was saying but there was something about, I know how this goes and something about like – in my brain I'm thinking he's going the whole black, gonna shoot me because I'm black, that's what the police do and I don't remember the exact words but that's what's going through my brain. He's like, I'm like oh we're not going through this are we?

Lawrence: Yeah.

Rippe: And um, so that's, like I said I can't remember the exact wording but it was something that he said that it was like you're just doing this because I'm black here, you know.

Lawrence: So there's a clear indication, from the very beginning that he knew you were the police. Not just the fact that you guys were wearing your uniforms and you're giving him commands and that he can see both of you. Even though you were partially obscured...

Rippe: ...yes...

Lawrence: ...he can still see that you are wearing a uniform, you're a police officer.

Rippe: Correct.

Lawrence: And he could see TATRO because TATRO wasn't hiding.

Rippe: No he was just behind the car.

Lawrence: Just behind the car and behind the hood of the car so like his upper part of his body is exposed or? Or is he behind you?

Rippe: I can only as- no he's not behind me. I can, I'm pretty sure he, and I don't even know if he had, I'm, I'm pretty certain he had his gun out but he's had to have been behind, in front of me so it would have been the front part of the car.

Lawrence: Okay.

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Rippe: Because obviously he's not going to point a gun at my head.

Lawrence: Right. And at that point when he's confronted by TATRO and told to get his hands up he begins to say things that are, that you recognize as somebody who knows it's the police and is starting to describe a pattern of behavior by the police that he doesn't, that he is not happy with.

Rippe: Correct.

Lawrence: Okay. Um, but you don't remember the exact words...

Rippe: ...ehh, I don't...

Lawrence: ...but it's just he feels he's going to be treated badly because he's black?

Rippe: Correct.

Lawrence: Okay um, was there some back and forth with him and TATRO and was it –

Rippe: No it was TATRO was, get your hands up, get your hands up and the only really dialog was we'll talk about it when you come back here, get your hands up. I believe you have a weapon, if you make a move for that weapon you may be shot. That was pretty much the dialog.

Lawrence: So TATRO is very direct, he's not engaging the conversation this guy wants to have, he's just very direct on trying to get him to comply with commands.

Rippe: Yeah.

Lawrence: To get his hands up.

Rippe: And I tried giving him, correct.

Lawrence: Okay.

Rippe: I tried to, my voice started cracking from whatever but I'm like get your hands up, let's just – and I got the same response.

Lawrence: Okay. Um, and during this is that when FERNER came and joined you?

Rippe: Yeah I got on the air, said he's not being compliant, they said non-emergency off the air.

Lawrence: Okay.

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Rippe: Step up cover and within a short period of time FERNER showed up and went, I could hear him behind with, with TATRO but I don't know what they –

Lawrence: Okay.

Turnage: Detective, can I ask a couple questions?

Lawrence: Yeah go ahead.

Turnage: While we're right here in her mindset.

Lawrence: Yeah.

Turnage: Um, about what time of day did this call come out?

Rippe: Oh 7:00, 7:20 in the morning. Right be- I couldn't even get coffee.

Turnage: What was the, when, when you first arrived there at the Tillamook address what was the weather like and what was lighting conditions like?

Rippe: Oh it was pouring down rain. It was light out but it was absolutely pouring down rain.

Turnage: And you say light out uh –

Rippe: It was, it was daylight.

Turnage: Daylight, okay.

Rippe: Um-hm, I didn't have any problem, like I didn't need a flashlight or anything.

Turnage: Okay and you said that when you guys come around the corner there.

Rippe: Um-hm.

Turnage: And he's down and you first see him, TATRO says, hey here he is, you come around the corner, you see him. About how far away were you from the subject?

Rippe: Oh um, 20 feet.

Turnage: Okay and in the backyard, it's a big backyard.

Rippe: It's not a big backyard.

Turnage: Oh it's not a big backyard.

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Rippe: No it's not (laugh).

Turnage: She, she's mistaken.

Rippe: Yes.

Turnage: Were there any physical barriers between you and subject besides the vehicle and the house you guys were using as cover?

Rippe: No. And the fence.

Turnage: And the fence, okay. Um, how long did that conversation take place between him and TATRO where there's this engaging and the subject is wanting to talk about things you guys don't want to talk about. How long did that last approximately? And I know time is relevant.

Rippe: I know time is like a – (laugh).

Turnage: (laugh) It slows down or it speeds up.

Rippe: I don't – five, I don't know, I want to say five minutes but I, it probably wasn't that long.

Turnage: Okay, makes sense. And then you got on the radio and said they were not complying, did you request for code-three cover? Did you request them to step it up or is that something dispatch took care of for you?

Rippe: That's just something dispatch took care of. And there's no way it could have been five minutes because we weren't standing there with non-compliance. It had to have been much quicker than that.

Turnage: I completely understand. That's all I got.

Lawrence: Um, and along those lines, what time did your shift start today?

Rippe: 7:00.

Lawrence: Okay so you, you were only on the road 20 mintues tops.

Rippe: Not even that because we had roll-call so –

Lawrence: So that, and that's, yeah exactly that's what you meant by you didn't even get a chance to go get a cup of coffee.

Rippe: Yeah.

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Lawrence: Okay um, so um, at the point where he's not complying and um, you've asked for additional cover and FERNER has showed up um, during that time is TATRO engaging the entire time? Continuously giving commands or was there a break in...

Rippe: ...there was no break.

Lawrence: So it was continuous?

Rippe: Um-hm.

Lawrence: Um, do you remember FERNER's kind of arrival as being in close proximity to your request for cover or did that...

Rippe: ...yeah.

Lawrence: Okay so you, you're requesting...

Rippe: ...and he probably was on the way and just...

Lawrence: ...okay...

Rippe: ...stepped it up. He - 'cause he was only around the block anyways.

Lawrence: Right. Um, is, is this your normal patrol district?

Rippe: No.

Lawrence: And what district were you assigned to today?

Rippe: 942.

Lawrence: Okay and that's uh, to the south?

Rippe: That's Gateway pretty much.

Lawrence: Okay yeah so -

Rippe: And that's not my normal district either but -

Lawrence: Yeah.

Rippe: Today was 42 it was Gateway area.

Lawrence: Yeah so that's to the south and then just up Halsey...

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Rippe: ...correct...

Lawrence: ...a little bit to the east.

Rippe: Yes.

Lawrence: From that area, okay. Um, so uh, during that time um, there really isn't a break. TATRO is engaging him in terms of commands the entire time?

Rippe: Yes.

Lawrence: Just constant telling him.

Rippe: Um-hm.

Lawrence: So when FERNER arrives you're also giving commands?

Rippe: One or two but I didn't want to constant um –

Lawrence: So when TATRO takes a break to go and talk to the homeowner after this guy said talk to my guardian um, at that point have you taken over to giving commands or is now some...

Rippe: ...I tried, I think we both, FERNER and I both were.

Lawrence: Okay so you, you know that there was at least two voices talking to him. You think it was FERNER and you or you know it was FERNER?

Rippe: Well I know...

Lawrence: ...talking to the suspect.

Rippe: FERNER was talking but I also was talking, we both were.

Lawrence: Okay.

Rippe: He'd say get your hands up and then he'd say, the suspect would say something like oh go talk to my guardian or whatever and I'd be like, your guardian doesn't live there, get your hands up and um –

Lawrence: Okay so uh, TATRO talks to the homeowner, he comes back to the same position?

Rippe: There was a cal- so first before he goes over to talk to the homeowner there was a brief conversation between us. Should I go talk to the homeowner?

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Page 38**Lawrence:** Um-hm.**Rippe:** And then we decided well go ahead, there's three of us here it's not going to hurt anything.**Lawrence:** Um-hm.**Rippe:** Um, so yeah so he goes to talk to the homeowner and he wasn't back when the guy took off running.**Lawrence:** Okay.**Rippe:** I don't think. Maybe he wa- I, I didn't think he was but – I did hear him say shut your door and – it was all quick so I'm not sure where TATRO was.**Lawrence:** So you, you remember uh, TATRO saying okay just shut your door and stay inside?**Rippe:** Correct.**Lawrence:** And there's, and it's shortly after that the suspect turns and runs?**Rippe:** Yes.**Lawrence:** Um, and at that point you and TATRO were then together moving to the south to cut the corner because the suspect went north and to – or went uh, west and then to the south?**Rippe:** Correct.**Lawrence:** Okay and you know that at that point FERNER went back out to Tillamook?**Rippe:** Correct.**Lawrence:** Okay did, did you hear FERNER say anything to you like I'm going this way, I, you know I'll get um, and at that point you already had cover coming in?**Rippe:** No I did not hear FERNER say he was going back out there. Um, and yes um, we knew that people were coming in because he took off running and FERNER had gotten on the radio and said that he had taken off running and gotten his, had his hand on his waistband.**Lawrence:** Okay so you don't even get the chance to get on the air, FERNER says that?**Rippe:** Yes.

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Lawrence: And you're focused on the bad guy and focused on marrying up with TATRO to get around the corner and try and cut the bad guy off?

Rippe: Correct.

Lawrence: Okay you get around this corner and you pie this corner and when we say pie you mean by cautiously...

Rippe: ...cautiously, guns out...

Lawrence: ...getting around the corner.

Rippe: Around the corner, yes.

Lawrence: Okay um, if you get around, and this is a purely hypothetical but again I'm trying to make sure that I understand where you guys are at as a team, you and TATRO. When you get to that corner suspect hadn't gotten over the fence was your intent to continue to give him commands and try and gain his compliance?

Rippe: Yes.

Lawrence: Okay but when you get to the corner you don't see him?

Rippe: Correct.

Lawrence: And then you move cautiously to the west along the south side of the house to observe the area that he just came from and again you don't see him.

Rippe: Correct.

Lawrence: Okay and during that time when you're moving up to TATRO was when you heard FERNER say, he's running, he was reaching into his waistband?

Rippe: Yes.

Lawrence: And you heard that on the air?

Rippe: Yes.

Lawrence: Okay um, and then once you got out to the street was when FERNER told you that's the guy from his uh, robbery?

Rippe: Correct.

Lawrence: Um, and at that point now you've kind of put everything together in terms of the sequence of events?

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Rippe: Yes.

Lawrence: Okay um, so when you're out here on your perimeter position what's going through your mind now?

Rippe: There's this armed suspect, I was thinking what point do we call in SERT? Only if we saw the gun or knew that he, you know feel that he was armed? I was thinking and then I started to stand out here and I was like oh maybe I want to move my car so I moved my car so it would block it just in case he did pop back out. Because I didn't know what was in that suitcase, yeah. Um, I knew that TATRO had looked in it but I didn't look in it for myself so I didn't know what he was, if there was stuff in there that he needed or was going to come back or um-

Lawrence: Is that something, I mean a-and again this may seem like a goofy question but...

Rippe: ...yeah...

Lawrence: ...is that something when you're sitting out on these perimeters for an armed guy that's the typical thought pattern isn't it?

Rippe: Yes.

Lawrence: I got to, I have to be aware of where this guy is and where he might come back to.

Rippe: Well this was definitely a heightened one. Like I wouldn't sit in my car, I really wanted to sit in my car because it was pouring down rain freezing.

Lawrence: Um-hm.

Rippe: But I really believed this guy was armed so I was like I'm not going to sit in my car. Um, a lot of these I'm like, a lot of perimeters normally, you know the guy runs from you or whatever I'll s- if it's pouring down rain I'll sit in my car and if he pops up and pops out, but this one I was definitely like no I'm not sitting in my car and, I'll freeze.

Lawrence: Yeah um, and, and that's all based on what you observed in his behavior and the additional information that you're getting about what he was involved in?

Rippe: Correct.

Lawrence: And you, you began thinking that way long before these officers actually engaged him right here?

Rippe: Long before, yes.

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Lawrence: Okay um, in fact at the moment where he was not complying you began to think there was something seriously wrong?

Rippe: Seriously wrong and then I was convinced of it when he, he bent down and had his hand in his waist when he was running around the corner.

Lawrence: Okay um, you've had training in identifying people that are potentially carrying weapons, correct?

Rippe: Correct.

Lawrence: Um, and is that some of the behavior that you saw this guy exhibiting?

Rippe: Absolutely.

Lawrence: So the reaching to the waistband, kind of the bent over posture, what does that indicate to you, I mean...

Rippe: ...that he's reaching for a weapon.

Lawrence: And then is there...

Rippe: ...or, or is checking for it. That it's still there, it's not going to fall out when he runs.

Lawrence: So the, the checking behavior describe that a little bit for me and what you, what you mean by that.

Rippe: Well the gun is down at his waist he's, if he takes off running it might fall down his waist or he wants to check to make sure it's still there and not going to fall out when he takes off running so he either has to hold it or try and grab for it.

Lawrence: Okay and you don't have that problem when you run with a gun because your gun is in a holster.

Rippe: I have a holster, yes.

Lawrence: So typically when you find guns on people –

Rippe: They don't have a holster, they're just shoved in a pocket or down their pants.

Lawrence: Okay and that's clearly what it looked like to you, this guy's behavior?

Rippe: Yes.

Lawrence: Okay. Um - okay, got anything that you need to cover?

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Turnage: Are you, are we about done?

Lawrence: We're getting close if you've got some follow-up questions, yeah.

Turnage: Through all of this how are you feeling? So there you are, you've confronted the guy in the backyard um, he takes off running, what's going on in your world? I mean what's going on in your head? How are you feeling about this? What emotion are you feeling?

Rippe: I wasn't really feeling any emotion other than I hope we can - you know it's different things going through my head as far as, okay I was thinking oh we have a school up here, this, I see a lot of school kids coming, I know this guy is armed, I don't want to be shot today and nobody, I don't want any of my friends to be shot. Um, what can I do tactically uh, I don't want to, where are other people? There's a lot, ton of things going on in my head. But emotionally just I think in a, in the moment you're just kind of like it's just the job and think about it afterwards when the shots were fired I went over to FERNER, I was like oh my gosh that could have been us. And he's like, yeah it could have been. I was like that's creepy uh, that's, that's a lot.

Lawrence: Was, in that conversation that you had with FERNER, that could have been us, was that like right after they said on the air, shots fired?

Rippe: Yeah.

Lawrence: I mean like, like seconds?

Rippe: Like a minute or two, no I had to walk over to him.

Lawrence: Okay so you walked over.

Rippe: I was just like wow that could have been us and he goes yeah it could have been. I was like whoa.

Lawrence: Okay.

Turnage: At any point did you ever think about shooting this guy?

Rippe: Just when he went around the corner, I was like here we go.

Turnage: I'm good.

Lawrence: Um, and Darryl go ahead.

Turner: I, I do have one thing. In, in our training when we talk about where most weapons are found, most guns are found where are they mostly found?

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Rippe: In the waist.

Turner: And in that training they teach you how to search and what do they call that search around there? Like the per- there's up to 60 percent.

Rippe: Oh the 60th percentile, that's right.

Turner: And why is that 60 percentile?

Rippe: Because that's where they reach, that's where you can, I don't know (laugh) that was 20 years ago Darryl. But that's where they reach.

Turner: 60 percent of all weapons were found in that area.

Rippe: Oh thank you (laughing).

Lawrence: But that, and that's typically...

Rippe: ...but that is my training, yes.

Lawrence: And typically in your experience that's where, when you've found weapons on people that's where you've found them.

Rippe: That's where you find them, correct.

Lawrence: Yeah. Um, we're uh, we're gonna turn this off here in a minute and I think we're probably done. There's a couple things that I have to tell you. Um, I mentioned before we started that the lieutenant was going to be here with the Communication Restriction Order. Um, so before you leave today we need to find that.

Rippe: Okay.

Lawrence: Um, Darryl sat here, we told you that's going to be placed on you so it's kind of your responsibility now, not to talk about it further outside of the room. The Communication Restriction Order allows you to talk to a union rep, allows you to talk to an attorney, allows you to talk to your spouse, allows you to talk to us but outside of those groups of people um, you know from my experience you need to keep it, even here before you get it, it's just going to be good practice not to do that.

Rippe: Yeah.

Lawrence: Um, and then additionally if you think of anything at that we didn't ask you about that you think is important reach out to me directly because I want to be able to

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log in when you said that, but we will not have another conversation with you without Darryl or another union re- union representative present, okay?

Rippe: Okay.

Lawrence: Um, and then along those lines um, I'm not sure what witnesses the DA will call uh, to any grand jury review of this but you are potentially a witness in that which is another reason why you don't want to have a lot of superfluous conversation even with other people that you know were there and especially those people.

Rippe: Yeah.

Lawrence: We need to make sure we keep everybody's stuff intact, okay? Um, and I'll say on the record one more time um, these are difficult things so you are going to start to remember stuff and you're going to start to go through a myriad of emotions and make sure you reach out to the union, to EAP and if there's something that comes up in any of that conversation which you're allowed to have, that you know is important to the investigation get a hold of us right away.

Rippe: Okay.

Turnage: Absolutely.

Lawrence: Anything else to add there?

Turnage: That's good.

Lawrence: Okay uh, HEATHER thank you very um, oh one last thing is you are going to have to uh, just write a quick report that you did talk to us but the details of that report are going to be contained in our uh, transcript of this interview and you can refer to that in your report, okay?

Rippe: Okay.

Lawrence: Okay.

Transcribed Verbatim with Punctuation Added 201217 / 1150 T. Bradshaw

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IMAGE ATTACHMENT (1259798) CMDR PARMAN TRANSCRIPT

**PORTLAND POLICE BUREAU
CASE NUMBER 17-39972**

February 9, 2017

**Interview of
COMMANDER PARMAN**

TAPED STATEMENT TRANSCRIPTION

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Lawrence: Okay today is the 9th of February, it is uh, 2:31pm. This is Detective Jim Lawrence with the Portland Police Bureau, Cold Case Homicide Unit. Uh, 30434, I'm in a room getting ready to talk to Commander BRIAN PARMAN uh, also in the room with me is?

Turnage: Detective Aaron Turnage, Gresham Police Department, East County Major Crimes Team, 51413.

Mackler: Mark Mackler I am BRIAN's attorney. My bar number is 914801.

Parman: I'm BRIAN PARMAN, I'm the commander of East Precinct, my DPSST is 28328.

Lawrence: Okay and before um, we start Commander PARMAN I want to reference, I have two maps sitting in front of you that are of the general area where some of the events occurred today. Um, the maps are uh, if we need to mark on them we actually have a silver Sharpie that we'll ask you to use for any diagraming.

Parman: Okay.

Lawrence: Um, and any marks that we make I'll indicate along the way for part of the transcript um, that this is what the mark is and what it indicates since we're clearly not videotaping this interview.

Parman: Right.

Lawrence: Um, it's just going to be for the purposes of the transcript so we can marry up what you're saying with where you're at in the transcript and if you want another type of marker, and I may make some marks based on things that you describe also.

Parman: Okay.

Lawrence: Um, if you don't mind Commander why don't you tell us um, first what time did you start your shift today?

Parman: Uh, 7:00, well I came in about 6:30, we had first roll-call at 7:00am.

Lawrence: Okay and then how did you get involved with this?

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Parman: So uh, Officer, or sorry Lieutenant DELAND and I were, were out at, at coffee and I, we had heard this call come out and we knew there was a perimeter established and so we were kind of half having our normal uh, conversation and half listening to this call. Uh, the call had been going on for a, a while and RICK got a call from one of the sergeants on the scene, I believe it was Sergeant NICE and uh, they had kind of honed in on an address, they thought that possibly the suspect was inside. We were talking about possibly uh, like what else could we do, maybe even becoming a SERT call-out so at that point we picked up what we were doing and we, and we drove to, to the general area. Enroute uh, RICK kind of gave me the, the overview of the call, like what it was and uh, and what we were looking for an uh, we pulled into, on, on Hancock uh, right there on the corner of 82 and Hancock there's like the Les Schwab and an old business building that used to be a DMV so that's what I referred to it as. And, and there's a parking lot behind there so just east of 82nd behind that building and that's where Sergeant NICE was so we pulled in. We went uh, door-to-door. I was driving so we went door-to-door and uh, KYLE briefed us on the, the perimeter and the dog track and that they had seen uh, some evidence that this house had possibly been broken into and they were going through the process of trying to find an RP, working with BOEC to figure out, you know who owned the house and get a responder. And we were, we were trying to figure out um, we didn't feel like there was enough to immediately make it a SERT call-out with other more investigation that we could do so we were talking about actually putting the dog inside. So we had a quick conversation about that and how it would work. Uh, and um, my assessment was it was a good, it was a good plan, they were going to try to use the dog to, to see what they could clear and then um, KYLE said, well hey if we end up calling SERT I'm not, I'm not sure where to have them land. Where to stage them, can you go find a spot? So uh, we drove back out, we did a quick uh, drive along 82nd. We identified Schuyler between 80th and 82nd as a spot to stage SERT, it's a big wide street. So I pulled back in to, to brief KYLE on, on that um, we were listening to the, the radio while that was going on and I heard um, that there was an alarm activation with inside the house and then uh, the officers asked if that was the only trip and, and uh, and then when we got back to KYLE, KYLE was, we were starting to think that it sounded like maybe he wasn't in there. That that trip was actually caused by us and the suspect wasn't in the house and so uh, we were actually, in my mind we're kind of getting ready to wrap up. They were going to continue to work the, the perimeter but the interest in this house was, was counting down so to speak. Uh, and then uh, RICK, you know we were all, we were facing um, south so away, the, the house was behind us. RICK said, oh either, he said there he is or hey, hold on a second they're up to something or I, I can't remember what exactly he said uh, when I looked over my shoulder I saw uh, officers there in the driveway of the house and they, they had their guns out so I pulled forward so that KYLE could get out of his car. I stopped, I got out uh, I walked across the street uh, across Hancock towards the, towards the house and as I was walking up RICK and KYLE were

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ahead of me. And they went up, up the driveway onto the property and I was just a little behind them because I had been parking the car and as I was walking across the street uh, two officers were pulling an FIU up right in front of the house and I think that was, I think it was ED LOCKE and MELISSA BISHOP, I think is who it was or it may have been, it may have been DEVONA DICK I, I apologize but – uh, they, they pulled up and what I did is I was walking up, kind of my mind set is I, I stopped short because I saw the lieutenant and I saw the sergeant kind of going up there and I deliberately stopped at the street to, to kind of look at it and see if there were any tweaks that need to be made. You know what I could see was a group of officers that were providing lethal cover. I could see a group of officers that I believe was the custody element and I could see um, I had an on again, off again view of the suspect as police officers moved. Like through them, down the breezeway and I could see uh, the suspect uh, appeared to be a, a dark skinned male. Probably in his late 20's to late 30's, you know not, not old but not young. Uh, and he was in there, he had a, kind of a pu- a puffy, I think kind of a coat um, it looked, an-and my sense was just kind of generally, for lack of a better word, kind of dirty. Almost looked like a transient maybe had been squatting in the house or something like that. That was kind of my, what I thought. Uh, anyway they were, they were giving commands to uh, to the suspect and um, I heard them say go down to the ground. I heard them asking the suspect to, to crawl and so what I could see was uh, the suspect on his, like walking on his knees with his, with his hands up. Uh, and as he got to, it was difficult for me to make out distance, but as he, as the suspect got out, like more outside of the breezeway at, at that point, maybe towards, maybe breaking the front of the garage. It was difficult to tell. Uh, I saw the suspects hands, I saw both hands come down uh, and I heard, get your hands up, put your hands up. I saw the hands go up again and then I saw – I, I, for some reason I was more fixated on his right hand. I saw his right hand go down and I couldn't tell if he was pulling up his jacket or going into his waistband and at that moment the officer shifted again and blocked my view and then I heard three, three, what I believe were three gunshots. Uh, they sounded to me like they were rifle shots uh, and then the officers moved again and the suspect was, was down on the ground. So it was, it was my belief uh, that we had shot the suspect so um, I just looked quickly at the group to make sure everybody was okay uh, and then um, KYLE NICE walked over towards me and he was, I think – he said something about his ears ringing uh, and I said, and, or he said, I think he said to me, we're gonna work on custody or, I really don't recall what that immediate conversation was, but very quickly started putting together a plan. I saw somebody on the radio saying that there were shots fired, asking for code-three medical. Um, that somebody was looking for a shield. I heard Sergeant NICE say there's one in my car and because I knew where it was I turned around and just started going to the car. Uh, I was there with another officer, I believe it was DEVONA DICK. We unwrapped the shield, I said, well why don't you take that back and go with the custody team and I was still just trying to keep myself out in the street to just start figuring out what we

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needed to do. Um, got back and uh, they started doing their approach. KYLE, I believe Sergeant NICE was um, starting to give direction about crime scene and then those pieces. I stepped back, I made a quick phone call letting um, my boss know what had happened and letting uh, there was an Acting Assistant Chief, KELLI SHEFFER, letting her know, but also that I was a witness to it and I wouldn't be able to really provide her any briefing. And then I let her know I was going to call ROBERT KING and try to get some supervisors over from North Precinct to help us manage the, the scene. So uh, by the time I was off the phone I looked up again, I saw the suspect in-custody, handcuffed in the post shooting position. Um, I, officers came back out and um, I heard medical starting to come in at that point. Uh, I saw, I saw tape starting to go up, officers with crime scene logs starting to set up so, you know it looked to me like everything was being done that needed to be done in that moment. Stepped back again, called ROBERT KING over at North Precinct. Started arranging for supervisors uh, to, to come over and start helping manage the, the scene and then um, and then shortly thereafter medical arrived. Medical went up and checked the suspect. The uh, the person from AMR came back, spoke to me a-about the suspect's condition. Said that uh, when they hooked the suspect up to the monitors, said that there was, there was heart activity but nothing that would sustain life and no palpable pulse so they believe the suspect was deceased and they were going to notify the ME. Uh, I made sure, or I didn't make sure or I didn't make sure of, right in front of me her name got put into the log uh, to know that she had been in the scene and then at that point the red tape was going up, the yellow tape was going up and so other than a few other calls that I made just to check in with supervisors and then check in with folks to make sure we're doing what we're doing and all the right people have been notified that was the extent of my involvement.

Lawrence: Okay um, I want to go back through, there's a couple of things and part of it is because other people are going to, are going to review the interview so –

Parman: Yes.

Lawrence: When we sit here and we talk we like to say things like door-to-door.

Parman: Right, exactly.

Lawrence: So and just describe that for me, what that is.

Parman: So uh, door-to-door is when uh, especially on a day like today where it's raining, you get two cars uh, so the, I drive on the, we end up with the driver's side door to the driver's side door. So the two vehicles are facing the opposite direction and they are, typically they are so close that you couldn't open either door but it

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allows us to roll down our windows and have a conversation and by in large be shielded from the elements.

Lawrence: Um-hm.

Parman: So that was that, that was that positioning and obviously, you know, no- because no one could get out of their car, I had to pull forward then.

Lawrence: Right um, and you had said that uh, you thought it was Officer ED LOCKE and then another officer you thought maybe DEVONA DICK pulled up in an FIU?

Parman: Yeah and I, I didn't know if it DEVONA DICK or it was um, I think in-initially I thought have might have been uh, MELISSA BISHOP.

Lawrence: Um-hm, what's an FIU?

Parman: The, the Ford Interceptor Utility. It's the, the patrol car that we...

Lawrence: ...okay..

Parman: ...that we use.

Lawrence: So it's not a special tactical vehicle or (inaudible) it's just a normal Ford Explorer patrol vehicle.

Parman: No, I know we have, we do have some that have armor in the doors and I don't know if this was one.

Lawrence: Um-hm.

Parman: But I just felt like they were pulling it up to have a place to move the suspect.

Lawrence: Sure and d-do the, the ones with armor with them do they have a special acronym or is it, do we just?

Parman: No they, they're just a, I've seen them, there's a label on the door inside that says ballistic panel.

Lawrence: Okay.

Parman: But I wasn't -

Lawrence: FIU is just what the typical jargon is for the Ford Explorer?

Parman: Yeah that's what Ford calls it.

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Lawrence: Okay.

Parman: They call it the Ford Interceptor Utility.

Lawrence: Okay um, and then um, when you were describing some of the actions of the officers you were pointing on the map, in a minute we're gonna go back through and we're going to actually make marks on the map where things were at.

Parman: Um-hm.

Lawrence: Um, you talk about um, as you were coming up you were watching the officers move and you, you saw the suspect reaching down to his waistband and bring his hands back up, reach down again and then another officer had moved over and stopped your view. Was when that officer moved over and stopped your view of the suspect were the shots simultaneous to your view being blocked or was there a, a pause, do you recall?

Parman: I, it was, they were really close to each other. I mean I couldn't say that they were, that was exactly when it happened, but my, you know my view of the suspect was blocked and I, you know because I couldn't see anything I looked somewhere else and as I, and as I move my head I heard the three shots. So they were almost...

Lawrence: ...and you had said you thought they were rifle shots?

Parman: Tha-that was my belief, yes.

Lawrence: Um, are you an AR-15 operator?

Parman: Yes.

Lawrence: And based...

Parman: ...or I'm sorry, let me rephrase, I was.

Lawrence: Based on your training and experience that's the sound you recognize as being the AR-15?

Parman: Yes.

Lawrence: Um, but it is of course possible, in your mind that it could have been one of the other uh, side, sidearms that we carry, a nine millimeter.

Parman: Yes.

Lawrence: But to, to the best of your, best of your ability you believe it was an AR-15?

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Parman: Yeah when I heard it I believed they were AR-15 shots but -

Lawrence: Okay, but you're not positive because you weren't right there.

Parman: No, I was, but I'm not positive because I wasn't right there.

Lawrence: Perfect. Um, before we go to the map do you have anything you want to ask right now? Okay um, you had said when you first uh, got the call or when you first were listening to the call you were at coffee with uh, Lieutenant DELAND?

Parman: Yes.

Lawrence: And in a previous part of the transcript that's who you meant by when you said RICK?

Parman: Yes.

Lawrence: Okay.

Parman: Yes.

Lawrence: Um, and then KYLE NICE is Sergeant NICE?

Parman: Yes.

Lawrence: Okay, I just want to make sure for the transcript we have who is who. So there aren't any questions. So you guys were at coffee, you had heard this call come out, did you hear the initial call on your radio or did you just hear them setting up the perimeter?

Parman: I didn't hear the initial call. On the way there I heard the perimeter being established, I heard the request for the K-9 and so we just kind of started listening to the, the nature of the call. It wasn't until we were on the way and RICK kind of briefed me on what the call had been. He was, he pulled up the call on the, on the computer in the car and was kind of reading me the, the highlights if you will, as we were driving there.

Lawrence: Okay so you, before you arrived on-scene and you knew that there was multiple incidents that were leading the officers to this particular location?

Parman: Yeah I knew, well let me rephrase, I don't want to - I knew that they had been on a track and they had been working with the dog and that this house had become of interest. They thought it was possibly broken into and they were working with the dog to, to see if the dog was going to track there or what, what interest the dog showed in the house.

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Lawrence: Do you, do you recall what the incidents were that uh, Lieutenant DELAND briefed you on that had led up to that track?

Parman: Uh, he talked about the initial call which I believe was an attempted carjacking and that the suspect was seen uh, running away with a, a camo and black looking revolver. I think someone said they thought it was a Desert Eagle, like a large uh, handgun.

Lawrence: Okay.

Parman: But that is what I had heard and then I, I knew the perimeter was setup but I wasn't aware of other –

Lawrence: You, you we- so you knew about the, and when we say a carjacking we're talking about actually a robbery, trying to rob somebody...

Parman: ...right...

Lawrence: ...of their car.

Parman: Yes.

Lawrence: Um, you knew of that but you didn't know specifically of any of the other incidents?

Parman: No.

Lawrence: Um, so in your mind your officers are set up on this perimeter and you're headed out here, particularly as a commander and you're close and you're going out there.

Parman: Right.

Lawrence: You're out there obviously because we've got guys dealing with an armed suspect. You get your briefing from the sergeant.

Parman: Um-hm.

Lawrence: Um, and everybody is already talking about, particularly Sergeant NICE talking about calling in SERT and doing that sort of thing and you're already kind of posturing yourself in a position to be in command of this.

Parman: Right.

Lawrence: Not to get directly involved.

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Parman: Right.

Lawrence: Um, when you uh, when you break the cars from your door-to-door, so that Sergeant NICE can go over, that was because Lieutenant DELAND had told you that it looks like the officers are now engaging this guy?

Parman: Yes.

Lawrence: So previously you had said that it, it sounded like everything was kind of ramping down on this particular house but the officers were going to keep the perimeter up and then boom, Lieutenant DELAND says it looks like they've got the suspect.

Parman: Yes.

Lawrence: Do you know if Lieutenant DELAND actually saw the suspect himself at that point?

Parman: That I, I, I, that I don't know. I –

Lawrence: He didn't communicate that to you?

Parman: No he didn't communicate it to me, he just, he, he said something either they're up or they're – I mean it, and, and then at that point, you know I could hear, like when he said that um, I looked over my shoulder just really quickly and I saw police officers moving and I saw somebody pulling their gun so that's when I just put the car in drive and pulled forward to let Sergeant NICE get out so he could go over and, and manage that.

Lawrence: Okay and then when you and Lieutenant DELAND moved up, so as we're looking at the map that is to your right and it's kind of the larger view that shows Hancock Street. Um, is this the Les Schwab parking lot where you were door-to-door?

Parman: No we were door-to-door in this parking lot over here behind what used to be the DMV.

Lawrence: Okay.

Parman: And I believe these row of trees here –

Lawrence: Um-hm.

Parman: That, between these, these two trees there's a driveway.

Lawrence: Okay.

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Parman: And so it was the driveway, the, the far east driveway is where KYLE was, from there looking out the front of his car he had a, a view of the one/two side of the house.

Lawrence: So you're essentially at a 45 degree angle but to the south of Han- the south curb line of Hancock, in the parking lot that's marked by these trees?

Parman: Yes.

Lawrence: So I'm, what I'm going to do, just to indicate kind of what your vantage point is, is I'm going to draw an arrow with blue ink and then I'm going to label that uh, number one.

Parman: Okay.

Lawrence: Um, so that's essentially kind of your vantage point looking towards the house.

Parman: Yes

Lawrence: So you left your car in that lot when you exited your car yourself?

Parman: Yes.

Lawrence: So you get out of the car and you moved up but you had indicated w- the Ford Explorer came up as you were walking along this south curb or this south sidewalk the Explorer came up to also help?

Parman: Yes.

Lawrence: So when you're moving up did you have any other concealment or cover that you can recall?

Parman: No I did not. I was just uh, I was out in the, the street and as the car rolled by I, I kind of fell in behind the car. Uh, but no I was just out...

Lawrence: ...enough to leave yourself a view but then...

Parman: ...yes...

Lawrence: ...be able to quickly get behind it if you needed to?

Parman: Yes

Lawrence: Okay um, so when you're moving up the, and I'm going to indicate actually with a, a blue X on the roof of the address in question. Kind of where the breezeway is located on the house. You moved up far enough where you could see kind of

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along this wall in the breezeway or were you even further over where you had a better angle of the breezeway?

Parman: Yeah it's, it's difficult to tell from the, the map and the, the FIU stopped basically at what would be kind of the western edge of the apron for the driveway.

Lawrence: Uh-huh.

Parman: And so I was looking, my view was, was closer to the house. I was looking almost straight down the side of the house at the breezeway. Maybe just off just a few degrees like that, I wasn't farther east than that.

Lawrence: So if the breezeway was parallel to the house then your point of view is just slightly to the west of that line but enough where you can see down the breezeway as it goes, extends past the house?

Parman: I think probably just slightly to the east.

Lawrence: Just slightly to the east.

Parman: A little farther out, so it wasn't like a dead-on, I was out just a little bit.

Lawrence: Can you do me a favor...

Parman: ...yeah...

Lawrence: ...and just use this silver Sharpie and put an X...

Parman: ...yes.

Lawrence: About where you think you were. And I know it's hard to tell from a map.

Parman: Right, yeah it's hard to tell from here, but I, you know I think, you know the FIU was here so I was, I was out in the street right about there.

Lawrence: Oh.

Parman: Didn't even turn out to be much of an X but –

Lawrence: Yeah that, that works.

Parman: Yeah.

Lawrence: Um, perfect. Um, and it's at that point where you can now see the suspect?

Parman: Yes.

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Lawrence: Um, and you had previously described the suspect, had you, as you and Lieutenant DELAND were getting, you know when you were on your way do you assist in this (inaudible) at any time have you heard a description giving, given on the suspect?

Parman: You know he, he read the description, some of the descriptors to me and to be honest the only thing I remember him telling me on the way there was the, the suspect had a white belt on.

Lawrence: Okay.

Parman: And I don't, I don't recall whether I saw one or not but I, I didn't recall um, a whole lot about the, the description that he kind of briefed me on on the way there

Lawrence: Did you hear any radio traffic from anybody at the scene or anybody at one of the other incidents that this guy that they're setting the perimeter on is the robbery suspect? Did you hear anybody like say that definitively or did that matches the description?

Parman: No, I don't recall that.

Lawrence: Okay and um, one of the things that, you know we know and everybody knows is there's a lot of stuff that's going on. Was there radio traffic during this whole event that you didn't discern because you were talking to Lieutenant DELAND about what's going on but the officers are clearly communicating on the air?

Parman: Yes, absolutely.

Lawrence: Okay, okay. Um, so when you move up and um, you see the officers giving this guy commands and he's down on his knees and his hands are going down, you're already starting to posture yourself for being able to, to assist in custody or to help direct things and then even at the shooting that's essentially what you're doing is now putting yourself in a position to help manage it until somebody can take that over for you?

Parman: Yeah that was the plan.

Lawrence: Um, following the event did anybody say anything to you about the suspect's actions? Did you hear from any officers or like he pulled a gun on us or did you hear any of that?

Parman: So as I was, as I was down and I don't, I don't remember at wh- at what point, I believe it was after medical went up to, to check the suspect uh, somebody came down and, and probably didn't even realize that I had been involved and said, hey just so you know there's a, there's a gun within arm's reach of the suspect.

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Lawrence: Okay.

Parman: And then I said, no I'm involved don't, don't tell me anymore. Um, and like I said I just think it was somebody passing that along to me because I was, you know trying to, you, you know –

Lawrence: Do you remember who that was?

Parman: I'm like – I'm not 100 percent sure, it may have been, I don't want to guess, so no I'm not sure.

Lawrence: Okay um, now I'll ask you –

Parman: Okay.

Lawrence: Could you give me a guess who you think it might be?

Parman: It may have been JEFF HELFRICH because I, I want to say he was the one who walked medical in, but it was, you know it was whoever walked in with medical to, to check the subject.

Lawrence: Okay um, so you, now you have all the information, you're making the command notifications that you know you're responsible for making um, and you let uh, Acting Chief of Operations SHEFFER know...

Parman: ...yes...

Lawrence: ...that you had been involved.

Parman: Yes

Lawrence: And then you started getting command staff involved to help take over your roll as a supervisor.

Parman: Yes.

Lawrence: For the event. During all of that stuff was the, was the tactical event at that point over?

Parman: Yeah once um, you know once the suspect was in custody uh, it really, it, it very quickly transitioned to a static crime scene.

Lawrence: Um-hm.

Parman: And it was just, you know once I saw the tape go up, once I saw officers manning the logs, you know from my perspective the, the pieces of managing the crime

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scene were up and functioning and then the, the only other real direction I gave is because, you know obviously there was, excuse me, there was a lot of officers there when it happened and officers uh, were – who were, who had been there, who had witnessed it were still effectively manning the crime scene perimeter and as more resources arrived I would grab, I believe Sergeant HOLBROOK showed up and I grabbed him and I said the number one priority is to get all the witnesses out of the scene, get them off the perimeters and let's get them separated and get them away from it. But initially there was no one else to help and we had to hold the scene but that was the, the prior- the one priority in my mind was we needed to just start getting witnesses out of the scene as soon as we could an-and that's, you know I went back to my car and I, you know tried not to talk to anybody else other than to do that and from my point, you know looking uh, I could see that people were being swapped out and the witnesses were being mustered in an area. So that was the only other direction I gave was just making sure we tried to isolate witnesses as best we could.

Lawrence: Yeah so and, and what I'm hearing is I want to make sure I put it in the uh, kind of in the context I think you're trying to relay is you tried to separate yourself from the event because you had been witness, because you had said that previously and you'd notified um, Acting Chief SHEFFER about that and even when somebody gave you the information you said, hey I'm involved I don't, I don't need that right now. But you also still recognized you had command responsibility to kind of direct other people to make sure that we kept some integrity in the investigation.

Parman: Right I want to be able to, to transition the scene out to the investigators and, you know in, in a perfect world there would be someone else I, who would be there who wouldn't be involved but absent that um, I guess looking at where the lieutenant had been, where the sergeants had been I viewed myself as the least involved. Uh, even though I had witnessed and decided that I would take on the responsibility of just making sure that nothing got missed. At least from my perspective.

Lawrence: Okay.

Turnage: Just a couple things. Um, you had mentioned that it was a lieutenant that was riding with you?

Parman: Yes.

Turnage: You'd mentioned that he gave you the hi-lights and in the hi-lights, I don't know if you know now but there are some other uh, calls associated with it, there's a car prowl call um, that occurred at a different address, so on and so forth, were you aware of any of those? Did those come up in the hi-lights?

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Parman: And I'm not 100 percent sure. I mean at one point I was unsure whether we were, it was a car prowler and we had spooked off the car prowler or it was a, a carjacking or a robbery. Um, and, you know in my mind I didn't, I didn't recognize those as two separate incidents. I know both were discussed and –

Turnage: Okay.

Parman: I thought, in our conversation he reframed it as not what it is, is it's this robbery, I didn't realize there were other –

Turnage: Understood, thank you for that clarification. You said that, earlier when you were referring to the map you said the one/two side. Can you just explain to me what you're talking by one/two.

Parman: Oh yeah, I apologize.

Turnage: That's okay.

Parman: So the, when we look at, at houses we number the, the house. The side where the front door is we refer to that as the one side and then you go clockwise around the house and you number the four sides of the house so the one/two corner would be uh, the corner on the, if you're looking at the front of the house it would be the corner on the left. Uh would be the one/two corner.

Lawrence: So, so for this, for the purposes of this map knowing where our, where our cardinal directions are um, you, you're indicating then it would be the southwest corner.

Parman: Yes.

Lawrence: That would be the one/two corner.

Parman: Yes.

Turnage: And if I'm understanding you correctly on, according to this map south is the one side, west would be the two side, north would be the three side, east would be the fourth side, is that correct?

Parman: Yes.

Turnage: Perfect, that's all.

Lawrence: Um, Mark do you have anything? I've got a couple other questions but do you have anything right now?

Mackler: I don't.

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Lawrence: Um, when and in, in talking with, with Lieutenant DELAND kind of the, to dove tail off the question he asked when we were talking about the multiple incidents, in your experience just as a police officer in general is it common for when calls come in related to different crimes, particularly regarding vehicles for dispatchers to give out a call where either the crime their saying or the type of call it is not necessarily what it is so it may come out as a car prowl turns out that somebody was actually trying to steal the vehicle not just steal things out of the vehicle or for example this car prowl and now a, a carjacking it could have been two separate calls but at that time when you're talking with Lieutenant DELAND he didn't separate two separate incidents from you. You're just hearing a car is involved and there is a suspect and now officers are set up on a perimeter on is that, is that a fair assessment?

Parman: Yeah that's a fair assessment and, and in my mind I viewed it as, you know like you say the evolution of the call that it came in as a car prowl then, then it was recognized that it was a robbery. I mean I knew that there was an armed suspect in the blocks, I knew they were searching, I knew that they were trying to either fi- determine whether or not the suspect was in this particular house which then would, would make it a SERT call or eliminate this house and continue with their track.

Lawrence: Had you, when they set up the perimeter did uh, Lieutenant DELAND give you any of the information about a previous confrontation with the suspect before the perimeter was set up?

Parman: No.

Lawrence: Or you didn't hear any of that?

Parman: Not that I recall, no.

Lawrence: Okay um, and d-did you receive any additional information about that since the event occurred or while the event was ongoing?

Parman: No.

Lawrence: Okay. I don't think I have any, do you?

Turnage: I don't have anything else.

Lawrence: Mark anything?

Mackler: I have nothing.

Lawrence: Okay um, let me stop the recording, it is 3:00pm.

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(Recording stopped)

(Recording re-started)

Lawrence: Okay and we are back on the tape. It is two minutes after 3:00 and we were having some brief conversation just about how events transpired and the nature of where uh, what kind of, what occurred that brought police to this area and, and you had said you remembered something else, could you share that with us commander?

Parman: Yeah, so as we were talking about the, the suspect having been challenged in an adjoining yard uh, it, it – I recalled um, before when we went to door-to-door the first time with Sergeant NICE and we were having a con- a, having the conversation about uh, whether or not to activate SERT, what else we could do to eliminate the house uh, that Sergeant HELFRICH actually walked over and I had to reposition my car so he could walk between the two cars and we had a conversation and that's where, you know HELFRICH talked to us about having heard the suspect go over a fence that he believed was in this yard and that they had seen evidence of forced entry to this house and we again talked about other steps we could take to try to either confirm that the suspect was inside or, or eliminate but that he was, Sergeant HELFRICH was also a part of that discussion about potentially using the dog to clear the house. And then when we all agreed that was good Sergeant HELFRICH went back then to, to be the supervisor with those folks uh, actually inside the, the search team inside the perimeter and that's when we left to go look for a spot to potentially stage SERT if it, if we could confirm the suspect was in the house.

Lawrence: So at, at that point the information you had is that a home owner, possibly scared somebody out of their yard and that the suspect had then gone from that yard to this location where now officers were trying to search?

Parman: Yes, that's what I understood from that.

Lawrence: But you, you didn't, you didn't know that that was related to a specific police event?

Parman: No.

Lawrence: That's information that Sergeant HELFRICH had provided you based on what officers were doing now?

Parman: Yes.

Lawrence: Okay. And it, it's, and again I'm guessing because uh, I'm not a commander um, so when, when we, when you show up on-scene people are trying to give you

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information and some of it is information that is clearly useful to you as the commander. Um, and then some of it is information that is just so quick and brief that you don't, you're not privy to all the details and as a commander you're not listening to the radio like patrol officers do so your perspective is a command perspective not an operational perspective, is that fair to say?

Parman: I, yeah I think that's fair to say and you know I'm looking at um, regardless of those underlying circumstances I'm looking at the totality trying to determine, does this warrant activating SERT, you know what, you know and, and my assessment, you know having talked to everybody is they had a good plan that that scene was being well managed by sergeants and there was no need for me to assume command. I could simply be there to help and be a resource and be somebody they could bounce stuff off of. But, you know the, the incident commander are those sergeants who are there running the incident uh, and until I accept a briefing and then tell them that I'm taking the call over it is still their call to run. And so I was just there as a resource.

Lawrence: You know and hypothetically I mean let's, let's say hey the guy is actually in the house, Sergeant HELFRICH says hey he's in the house, everybody back up and at that point then it does kind of fall to you or the lieutenant to start to make a different determination.

Parman: Yes absolutely and then we would have activated SERT and then, you know we would have had that time to go through, tell me everything you know um, you know the briefings I got were really the kind to quickly bring me up to speed so that I could weigh in effectively about, you know what's the best way to, to either uh, clear this house, either confirm the suspect is in there or eliminate it and move on with the search.

Lawrence: Okay. Um, be-because we were kind of having that brief conversation and then you remembered that...

Parman: ...yeah...

Lawrence: ...I think what I'll do is I'll end with -- there's no possible way for us, in this immediate moment to suck every bit of information out of your head so if, even before you leave today you remember something else let your attorney know.

Parman: Okay.

Lawrence: And we'll come back in and we'll discuss it. If you remember it a day from now let your attorney know, we'll come back and we'll discuss it. But do me the favor of either sending me a text or giving me a phone call right behind notifying your attorney, say hey I remembered something else we need to talk about.

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Parman: Okay.

Lawrence: Because then I can, I can note the time that that occurred and it corresponds with when you notified your attorney. Okay?

Parman: Absolutely.

Lawrence: That make sense, we good with that?


Parman: Yeah.

Mackler: That's good.

Lawrence: Okay.

Turnage: Good.

Lawrence: Okay.

Transcribed Verbatim with Punctuation Added 021117 / 1112 T. Bradshaw 

0210.9jla

CONFIDENTIAL

FOLLOWUP REPORT #10				
ASSIGNED TO TATRO, DANIEL E (48330)		RANK		
ORG UNIT EAST		CAPACITY 1-PATROL SUPPLEMENTAL		
ASSIGNED ON 02/09/2017	ASSIGNED BY TATRO, DANIEL E	SUBMITTED ON 02/09/2017	APPROVED ON 02/10/2017	APPROVED BY HUGHES, MICHELE M
NARRATIVE				
AUTHOR TATRO, DANIEL E (48330)			DATE/TIME 02/09/2017 1355	
SUBJECT INTERVIEW				
In regards to the shooting incident, I was interviewed by detectives at East Precinct. See their report for transcription of the interview.				

CONFIDENTIAL

FOLLOWUP REPORT #11						
ASSIGNED TO LOCK, EDWIN C (18363)		RANK				
ORG UNIT EAST		CAPACITY 1-PATROL SUPPLEMENTAL				
ASSIGNED ON 02/09/2017	ASSIGNED BY LOCK, EDWIN C	SUBMITTED ON 02/09/2017	APPROVED ON 02/10/2017	APPROVED BY HUGHES, MICHELE M		
NARRATIVE						
AUTHOR LOCK, EDWIN C (18363)			DATE/TIME 02/09/2017 1422			
SUBJECT OFFICER INVOLVED SHOOTING						
Noted date and time I was interviewed by detectives in re: to an officer involved shooting. Refer transcript for details.						

CONFIDENTIAL

FOLLOWUP REPORT #12

ASSIGNED TO STAAB, J DAVID (28011)		RANK		
ORG UNIT EAST		CAPACITY 1-PATROL SUPPLEMENTAL		
ASSIGNED ON 02/09/2017	ASSIGNED BY STAAB, J DAVID	SUBMITTED ON 02/10/2017	APPROVED ON 02/10/2017	APPROVED BY HUGHES, MICHELE M

NARRATIVE

AUTHOR STAAB, J DAVID (28011)	DATE/TIME 02/09/2017 1300
SUBJECT OFFICER INVOLVED SHOOTING	

I responded to assist on the perimeter that was established. I arrived at 0826 hours. I took up a position on NE Tillamook St between 82nd and 84th Ave's. I was then directed a short time later to take a position at 82nd Ave and NE Tillamook St. I remained there until 0857 when I was requested to move to a position in front of [REDACTED] NE Tillamook St. I stayed there until the focus narrowed in on the house at [REDACTED] NE Hancock St. I then moved to the front of [REDACTED] NE Tillamook St, which is the house directly north of [REDACTED] NE Hancock St.

While I was there I heard it broadcast over the radio that a subject was being challenged. I knew this to be the K-9 tracking team that was at [REDACTED]. I heard it broadcast at least twice that a subject was being challenged. I then heard at least three gun shots and it was broadcast that shots had been fired. Code 3 medical was requested. At this point I returned to my patrol vehicle and drove to the intersection of NE 83rd Ave and NE Hancock St. I blocked eastbound Hancock St from vehicle and pedestrian traffic by using my patrol vehicle and crime scene tape. When medical arrived I helped direct them in from NE 82nd Ave. I started an outer perimeter crime scene log.

I spoke with Det Kammerer and told him that I had an IBIS in case they needed one. Eventually at the request of detectives, I entered the inner crime scene perimeter. Once there I provided ME O'Brien with my handcuff key so he could uncuff the deceased. Once ME O'brien had finished his examination I assisted with bagging the deceased and placing him on the gurney. Once the deceased was on the gurney I performed an IBIS fingerprint scan of the deceased. I spoke with FED on the phone and also received a "hit" on my computer at 1345 hours. The fingerprint scan identified the deceased as MARSHALL, Quintell M/B [REDACTED]. I ran this name in RMS and found that it was an AKA for HAYES, Quanice Derrick [REDACTED].

I returned to and maintained my perimeter position until the crime scene was cleared. I turned my crime scene log over to detectives prior to leaving the scene.

CONFIDENTIAL

FOLLOWUP REPORT #13				
ASSIGNED TO MCHUGILL, STEVEN N (24736)		RANK		
ORG UNIT TRAFFIC:		CAPACITY 1-PATROL SUPPLEMENTAL		
ASSIGNED ON 02/09/2017	ASSIGNED BY MCHUGILL, STEVEN N	SUBMITTED ON 02/09/2017	APPROVED ON 02/09/2017	APPROVED BY ANDRUSKO, STEVEN L
NARRATIVE				
AUTHOR MCHUGILL, STEVEN N (24736)			DATE/TIME 02/09/2017 1600	
SUBJECT OFFICER INVOLVED SHOOTING				
<p>I responded to NE Tillamook/NE 82nd Ave to assist with a K9 track.</p> <p>I was interviewed by detectives. See detective narrative for further.</p>				

CONFIDENTIAL

FOLLOWUP REPORT #14				
ASSIGNED TO MELE, RYAN M (50232)		RANK		
ORG UNIT EAST: NRT		CAPACITY 1-PATROL SUPPLEMENTAL		
ASSIGNED ON 02/09/2017	ASSIGNED BY MELE, RYAN M	SUBMITTED ON 02/09/2017	APPROVED ON 02/10/2017	APPROVED BY HUGHES, MICHELE M
NARRATIVE				
AUTHOR MELE, RYAN M (50232)			DATE/TIME 02/09/2017 1330	
SUBJECT WITNESS OFFICER				
<p>08. At listed time and date I was assisting on this incident. I was interviewed by the detectives. See detectives transcripts for further.</p>				

CONFIDENTIAL**FOLLOWUP REPORT #15**

ASSIGNED TO HIGGINBOTHAM, JERROLD D (28713)		RANK		
ORG UNIT TRAFFIC:		CAPACITY 1-PATROL SUPPLEMENTAL		
ASSIGNED ON 02/09/2017	ASSIGNED BY HIGGINBOTHAM, JERROLD D	SUBMITTED ON 02/09/2017	APPROVED ON 02/10/2017	APPROVED BY HUGHES, MICHELE M

NARRATIVE

AUTHOR HIGGINBOTHAM, JERROLD D (28713)	DATE/TIME 02/09/2017 1346
SUBJECT INVOLVEMENT IN MAJOR CASE	

I self dispatched to [REDACTED] NE Tillamook St to assist Officer Ferner on a perimeter for a robbery suspect that was reported to be armed with a gun. I was subsequently interviewed by detectives regarding my involvement in the incident. See detectives' report for narrative.

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FOLLOWUP REPORT #16				
ASSIGNED TO PARMAN, BRYAN H (28328)		RANK		
ORG UNIT EAST		CAPACITY 1-PATROL SUPPLEMENTAL		
ASSIGNED ON 02/09/2017	ASSIGNED BY PARMAN, BRYAN H	SUBMITTED ON 02/09/2017	APPROVED ON 02/10/2017	APPROVED BY HUGHES, MICHELE M
NARRATIVE				
AUTHOR PARMAN, BRYAN H (28328)			DATE/TIME 02/09/2017 1544	
SUBJECT SCENE ROLE				
<p>On today's date I was involved as a witness member in an Officer Involved Shooting Investigation. I was interviewed by members of the Detective Division. My interview was recorded for transcription. See additional reports for more information.</p>				

CONFIDENTIAL

FOLLOWUP REPORT #17				
ASSIGNED TO HELFRICH, JEFFREY (27245)		RANK		
ORG UNIT EAST		CAPACITY 1-PATROL SUPPLEMENTAL		
ASSIGNED ON 02/09/2017	ASSIGNED BY HELFRICH, JEFFREY	SUBMITTED ON 02/09/2017	APPROVED ON 02/10/2017	APPROVED BY HUGHES, MICHELE M
NARRATIVE				
AUTHOR HELFRICH, JEFFREY (27245)			DATE/TIME 02/09/2017 1511	
SUBJECT OFFICER INVOLVED SHOOTING				
I was a supervisor on scene at an officer involved shooting. See Detective interview for details.				

CONFIDENTIAL**FOLLOWUP REPORT #18**

ASSIGNED TO RIPPE, HEATHER B (34493)		RANK		
ORG UNIT EAST		CAPACITY 1-PATROL SUPPLEMENTAL		
ASSIGNED ON 02/09/2017	ASSIGNED BY RIPPE, HEATHER B	SUBMITTED ON 02/09/2017	APPROVED ON 02/10/2017	APPROVED BY HUGHES, MICHELE M

NARRATIVE

AUTHOR RIPPE, HEATHER B (34493)	DATE/TIME 02/09/2017 1433
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SUBJECT OFFICER INVOLVED SHOOTING

I was dispatched to [REDACTED] regarding a car prowl. Refer to detectives interview for details of my involvement.

CONFIDENTIAL**FOLLOWUP REPORT #19**

ASSIGNED TO DELAND, RICHARD C (24581)		RANK		
ORG UNIT EAST		CAPACITY 1-PATROL SUPPLEMENTAL		
ASSIGNED ON 02/09/2017	ASSIGNED BY DELAND, RICHARD C	SUBMITTED ON 02/09/2017	APPROVED ON 02/10/2017	APPROVED BY HUGHES, MICHELE M

NARRATIVE

AUTHOR DELAND, RICHARD C (24581)	DATE/TIME 02/09/2017 0724
SUBJECT DETECTIVE INTERVIEW	

I responded to this incident in my role as Acting Captain of East Precinct Day Shift along with Commander Parman. Following the incident I submitted my report via taped interview with detectives.

CONFIDENTIAL

FOLLOWUP REPORT #20				
ASSIGNED TO FERNER, JAMES A (24817)		RANK		
ORG UNIT EAST		CAPACITY 1-PATROL SUPPLEMENTAL		
ASSIGNED ON 02/09/2017	ASSIGNED BY FERNER, JAMES A	SUBMITTED ON 02/09/2017	APPROVED ON 02/10/2017	APPROVED BY HUGHES, MICHELE M
NARRATIVE				
AUTHOR FERNER, JAMES A (24817)			DATE/TIME 02/09/2017 1500	
SUBJECT INTERVIEW				
I was interviewed by detectives regarding this incident.				

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FOLLOWUP REPORT #21				
ASSIGNED TO NICE, KYLE S (26853)		RANK		
ORG UNIT EAST		CAPACITY 1-PATROL SUPPLEMENTAL		
ASSIGNED ON 02/09/2017	ASSIGNED BY NICE, KYLE S	SUBMITTED ON 02/09/2017	APPROVED ON 02/10/2017	APPROVED BY HUGHES, MICHELE M
NARRATIVE				
AUTHOR NICE, KYLE S (26853)			DATE/TIME 02/09/2017 0724	
SUBJECT DETECTIVES INTERVIEW				
On this date and time I respoded to an armed robbery call. Please see my Detectives interview for details.				

CONFIDENTIAL**FOLLOWUP REPORT #22**

ASSIGNED TO WULLBRANDT, ROBERT M (42649)		RANK		
ORG UNIT TRAFFIC: CANINE UNIT		CAPACITY 1-PATROL SUPPLEMENTAL		
ASSIGNED ON 02/09/2017	ASSIGNED BY WULLBRANDT, ROBERT M	SUBMITTED ON 02/09/2017	APPROVED ON 02/10/2017	APPROVED BY HUGHES, MICHELE M

NARRATIVE

AUTHOR WULLBRANDT, ROBERT M (42649)	DATE/TIME 02/09/2017 1429
SUBJECT OFFICER INVOLVED SHOOTING	

On 02/09/17 at approximately 0800hrs I responded to the 8300 block of NE Tillamook St to assist EA precinct officers with a subject who had fled into the blocks. See detectives interview for details.

CONFIDENTIAL**FOLLOWUP REPORT #23**

ASSIGNED TO BISHOP, MELISSA A (18974)		RANK		
ORG UNIT EAST		CAPACITY 1-PATROL SUPPLEMENTAL		
ASSIGNED ON 02/09/2017	ASSIGNED BY BISHOP, MELISSA A	SUBMITTED ON 02/09/2017	APPROVED ON 02/10/2017	APPROVED BY HUGHES, MICHELE M

NARRATIVE

AUTHOR BISHOP, MELISSA A (18974)	DATE/TIME 02/09/2017 1431
SUBJECT OFFICER INVOLVED SHOOTING	

On 02/09/17 at about 0740, Officer Lock and I were dispatched to set up on a perimeter to look for a robbery suspect. We were later interviewed by detectives regarding the Officer involved shooting. See detectives written report for narrative.

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FOLLOWUP REPORT #24

ASSIGNED TO EUGENIO, ANTHONY M (39877)		RANK		
ORG UNIT TOD: GANG ENFORCEMENT TEAM		CAPACITY 1-PATROL SUPPLEMENTAL		
ASSIGNED ON 02/10/2017	ASSIGNED BY EUGENIO, ANTHONY M	SUBMITTED ON 02/10/2017	APPROVED ON 02/10/2017	APPROVED BY HUGHES, MICHELE M

NARRATIVE

AUTHOR EUGENIO, ANTHONY M (39877)	DATE/TIME 02/10/2017 0103
SUBJECT VIDEO COLLECTION	

MICHAELS # 40400 DETECTIVE

BLEDSON # 41701 DETECTIVE

ON FEBRUARY 9, 2017 AT APPROXIMATELY 1200 HOURS I RECEIVED A CALL FROM DETECTIVE MICHAELS REQUESTING ASSISTANCE IN COLLECTING VIDEO FOR AN OFFICER INVOLVED SHOOTING. UPON ARRIVAL I BRIEFLY MET WITH MICHAELS WHO REQUESTED I COLLECT VIDEO FROM THE FOLLOWING LOCATIONS: PORTLAND VALUE INN, LES SCHWAB, PLAID PANTRY AND BANFIELD PET HOSPITAL.

I WENT TO THE PORTLAND VALUE INN LOCATED AT 1707 NE 82ND AVE. IN PORTLAND. (1305) I CONTACTED PATEL, SITE MANAGER, WHO SHOWED ME HIS SYSTEM AND GRANTED ACCESS TO REVIEW AND BACK UP VIDEO FILES. I IDENTIFIED THE SYSTEM AS AN OPEN EYE DVR RUNNING MULTIPLE CHANNELS. I FOUND THE SYSTEM TIME MATCHED THE ACTUAL TIME AND DOCUMENTED IT ON MY RECEIPT. I SUCCESSFULLY BACKED UP VIDEO FILES FROM 0530 TO 0800 ON 020916. I VERIFIED THE COLLECTION USING MY LAPTOP COMPUTER AND PROVIDED PATEL A COPY OF RECEIPT A049655 AND A BUSINESS CARD. I ASKED HIM TO CONTACT ME WITH ANY ADDITIONAL INFORMATION REGARDING THIS INCIDENT.

AT 1430 HOURS I WENT TO LES SCHWAB TIRE CENTER LOCATED AT 2010 NE 82ND AVE. IN PORTLAND. I CONTACTED FINLEY, EMPLOYEE, WHO SHOWED ME HER SYSTEM AND GRANTED ACCESS TO REVIEW AND BACK UP VIDEO FILES. I IDENTIFIED THE SYSTEM AS "AVS" (ARIEAL VIDEO SYSTEM) RUNNING MULTIPLE CHANNELS. I FOUND THE SYSTEM TIME WAS ONE MINUTE FASTER THAN ACTUAL TIME AND DOCUMENTED IT ON MY RECEIPT. I SUCCESSFULLY BACKED UP VIDEO FILES FROM 0545 TO 0800 ON 020917. I VERIFIED THE COLLECTION USING MY LAPTOP COMPUTER. I PROVIDED FINLEY A COPY OF RECEIPT A049656 AND A BUSINESS CARD AND ASKED HER TO CONTACT ME WITH ANY ADDITIONAL INFORMATION ON THIS INCIDENT.

AT 1600 HOURS I WENT TO THE PLAID PANTRY LOCATED AT 2116 NE 82ND AVE IN PORTLAND. I CONTACTED SPURLING, EMPLOYEE, WHO PROVIDED ME A DVD OF VIDEO I REQUESTED FROM THE MANAGER EARLIER. I VERIFIED THE COLLECTION AND TIME OFFSET USING MY LAPTOP COMPUTER AND DOCUMENTED THE TIME ON MY RECEIPT. I PROVIDED SPURLING A COPY OF RECEIPT A049657 AND A BUSINESS CARD. I ASKED HIM TO CONTACT ME WITH ANY ADDITIONAL EVIDENCE.

DETECTIVE BLEDSON PROVIDED ME A PHONE NUMBER FOR RUDY GALAN WHO IS THE CORPORATE SECURITY OFFICER FOR BANFIELD PET HOSPITAL. HE TOLD ME HE CONTACTED GALAN WHO WAS CHECKING WITH HIS BOSSES TO SEE IF WE NEEDED A SUBPEONA TO GET THEIR VIDEO. BLEDSON TOLD ME GALAN WOULD CONTACT ME ON 021017 TO FURTHER DISCUSS.

CONFIDENTIAL

I RETURNED TO THE OFFICE AND TRANSFERRED THE VIDEO FROM USB TO DVD USING IMAGE BURN SOFTWARE. I USED THE ORIGINAL TO MAKE A COPY FOR THE INVESTIGATOR BEFORE ENTERING THE ORIGINAL INTO EVIDENCE UNDER RESPECTIVE RECEIPTS.

I HAVE BEEN TRAINED BY RESOLUTION VIDEO AND THE PORTLAND POLICE BUREAU TO COLLECT VIDEO EVIDENCE. I HAVE SUCCESSFULLY COLLECTED OVER 250 CRIME SCENE VIDEOS.

CONFIDENTIAL**FOLLOWUP REPORT #25**

ASSIGNED TO ALBERT, STEVEN G (29707)		RANK		
ORG UNIT EAST		CAPACITY 1-PATROL SUPPLEMENTAL		
ASSIGNED ON 02/09/2017	ASSIGNED BY ALBERT, STEVEN G	SUBMITTED ON 02/09/2017	APPROVED ON 02/09/2017	APPROVED BY ANDRUSKO, STEVEN L

NARRATIVE

AUTHOR ALBERT, STEVEN G (29707)	DATE/TIME 02/09/2017 0724
SUBJECT NARRATIVE	

I arrived at 1152 hours to relieve Officer Rippe who advised she was guarding a suitcase and other property dropped by the suspect on the north side of a house at [REDACTED]. Additionally, she said a Forensic Evidence Division Criminalist would be responding to process the scene.

While guarding the property I observed nobody on the property which was not disturbed.

After Criminalist Tina Willard responded and processed the scene and I was advised I could clear the location I took a perimeter position at NE Hancock St./NE 84th Ave.

CONFIDENTIAL**FOLLOWUP REPORT #26**

ASSIGNED TO WINTERS, WILLIAM H (34381)		RANK DETECTIVE		
ORG UNIT DETECTIVE: ROBBERY DETAIL		CAPACITY 1-INVESTIGATOR, SECONDARY		
ASSIGNED ON 02/12/2017	ASSIGNED BY WINTERS, WILLIAM H	SUBMITTED ON 02/13/2017	APPROVED ON 02/13/2017	APPROVED BY WHATTAM, KEN N

NARRATIVE

AUTHOR WINTERS, WILLIAM H (34381)	DATE/TIME 02/12/2017 2032
SUBJECT (LAW ENFMT #1) TATRO, DAN E Au	

On February 9th, 2017, I was assigned to assist with an officer involved shooting investigation that had occurred at [REDACTED] NE Hancock Street, Portland, Oregon, 97204. I was paged by Detective Sergeant Whattam to respond to the location. I arrived and was part of the initial homicide briefing. I was assigned by Detective Sergeant Whattam to respond to East Precinct to assist with officers who were witnesses to the shooting. I was assigned to work with Detective McGuire, BPST #31951. The first officer I was assigned to interview was Dan Tatro, BPST #48330 who was a witness because he had contact with the suspect prior to the shooting. Officer Tatro's interview was recorded and transcribed. Present for Officer Tatro's interview was Detective Myers, BPST #39608 as his union representation.

For full details of the interview see the transcription. Attached to this report is a signed color copy of the map showing the location of Officer Tatro at the time of the shooting. The original CD/R and signed copy of the map was logged and placed into evidence on receipt number # A047982. The items were placed into locker C-016 in the Central Precinct property room by writer.

For additional information regarding this investigation see other reports written.

CONFIDENTIAL**IMAGE ATTACHMENT (1293370) OFFICER TATRO TRANSCRIPT**

**PORTLAND POLICE BUREAU
CASE NUMBER 17-39972**

February 9, 2017

**Interview of
OFFICER DAN TATRO**

TAPED STATEMENT TRANSCRIPTION

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**PORTLAND POLICE BUREAU
DETECTIVE DIVISION
CONFIDENTIAL TAPED STATEMENT TRANSCRIPTION**

Case #17-39972

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Winters: Good afternoon this is Detective Winters, Portland Police Bureau. Present with me is Detective Brendan McGuire, Detective Jeff Myers and Officer DAN TATRO?

Tatro: TATRO.

Winters: TATRO and DAN you know this is being recorded correct?

Tatro: Yes.

Winters: Okay. So what we're gonna talk to you about today is an incident that occurred on 86, 82nd and uh, Tillamook.

Tatro: Correct.

Winters: So uh, first what's your BPST?

Tatro: 48330.

Winters: And where are you assigned to work right now?

Tatro: East patrol.

Winters: Uh what shift?

Tatro: Day shift.

Winters: Day shift.

Tatro: A shift I should say.

Winters: And uh, what unit number were you working?

Tatro: I was 941.

Winters: Okay and today is uh, February 9th, 2017, and it is 12:53pm. So DAN tell me about this morning. You logged on normal.

Tatro: Yeah um, right out of roll-call Officer FERNER gets dispatched as primary to a robbery uh, call. Robbery at gunpoint call 30 minutes ago. Um, and I was his cover officer and so that was, it was, it was at the Portland Best Value Inn which is near like 82nd and Schuyler.

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Winters: Okay and do you remember any of the details about the suspect or anything that had come down from dispatch?

Tatro: Um, I don't remember specifics, I just remember um, it being a younger black male and um, because it was 30 minutes old I wasn't sure how accurate the information was. Because typically when people are robbed they call immediately not 30 minutes. And the po- the Best Value Inn is not necessarily like uh, it, it's very, a lot of crime there so a lot of times like dope rips happen there so --

Winters: Okay.

Tatro: Um --

Winters: And uh, when that call came out uh, did you make it to the scene?

Tatro: No I was, while enroute um, I'm, I'm talking like maybe a minute or two later um, another call hits BOEC and they say uh, there's another caller calling in saying their car was just prowled at the Banfield Vet Clinic which is on the um, east side of the street from where this ro-robbery had occurred.

Winters: So on 82nd, so just...

Tatro: ...on 82nd just on the other side of, east side of the street.

Winters: Okay.

Tatro: And um, she, she actually had found the guy like in her car and had a pretty good description of the guy.

Winters: Can you tell me her name?

Tatro: Yes um, the victim in that case is a CHRISTINE JULIE.

Winters: Okay.

Tatro: Or JULIE CHRISTINE.

Winters: Okay.

Tatro: 100 percent, middle of ANN.

Winters: Okay.

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Tatro: Um, and she was standing by her Ford Focus um, on my way in I was doing an area check to see if I could find the guy. He was last seen on foot. I think he was eastbound on Hancock was wh-when she last saw him.

Winters: Was there any kind of description given at that time?

Tatro: Yeah um, I don't remember, it's in the call.

Winters: Okay.

Tatro: Specifics about that description um, right now but um, I was looking around for the, for – I didn't see anybody out walking at all.

Winters: Okay.

Tatro: Um, and so I ended up going the long way around and I initially got flagged down by the robbery victim.

Winters: Um-hm.

Tatro: And I said, did you call? He said yeah and I noticed he had a Nissan Altima, I was looking for a Ford Focus and there was a little confusion there and then FERNER arrived and said this is my guy. I said, oh okay mine is across the street.

Winters: Okay.

Tatro: So I, I go across the street and the victim is flagging me down. Her um, right front passenger window is smashed.

Winters: Okay.

Tatro: She says uh, I came to the vet hospital today, I'm inside, some people um, from outside come in and say hey, is this, who's car is this? Their window is broken out.

Winters: Um-hm.

Tatro: She went out to check, noticed the guy was inside her car um, and he wou- she said he was cleaning himself um, which I recovered s- a zip lock bag of like baby wipes.

Winters: Okay.

Tatro: That was on, on the front passenger seat. Also on the front passenger seat was this um, it was a reversible vest, like a, like a felt vest.

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Winters: Um-hm.

Tatro: Not felt uh, fleece.

Winters: Do you remember what color?

Tatro: Fleece. Jeez I've – um, it was like purple or blue or some-something like that.

Winters: Perfect.

Tatro: Um, and so I, I grabbed those, those two items and as I'm just initially talking to her another call comes in, that I'm hearing on the radio and my cover officer now at the time, Officer RIPPE um, she's getting sent to this house on Tillamook uh, where the neighbor says that there's a male knocking at the door um, and it's suspicious because they have a, a big fence and he'd have to jump that fence to get into their yard and dispatch says it sounds like it could be the same guy um, that –

Winters: So dispatch lets you know it could be the same guy.

Tatro: Could be the same and so then I asked my victim what do you remember him wearing? And she told me a black sweatshirt, white belt um, he was 5'7", thin, had dreadlocks down to his shoulders and he had like a roller suitcase with him.

Winters: Okay.

Tatro: And so I broadcast that information and it um, based on that it probably was the same guy, based on the description that, that Officer RIPPE's homeowner was.

Winters: Um-hm.

Tatro: And so knowing, for some reason uh, dispatch didn't get uh, Officer RIPPE a cover car right away, they put me on it.

Winters: Um-hm.

Tatro: Even though I was talking to the victim so I, I kind of quickly went through the car prowl um, thing with the victim, grabbed the rock that had been used to smash the window, it was on the driver's side floorboard.

Winters: Um-hm.

Tatro: I asked her if anything had been taken. She says um, my lunchbox was taken. It had like a water bottle in it and looks like the owner's manual for my car is missing too.

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Winters: And that was to a Ford Focus?

Tatro: Ford Focus.

Winters: Okay.

Tatro: So I gave her my card, case number and said, could you identify him if you saw him again? She said yes, 100 percent, no problem.

Winters: Okay.

Tatro: Said okay I'll call you back if we find him I'll, we'll have to do a show-up. So I quickly leave there and I go to where Officer RIPPE is, it's only a block away. Or two, I guess two blocks, Schuyler to Tillamook.

Winters: Okay so from the first incident is across the street on 82nd?

Tatro: Um-hm.

Winters: Basically and then across the street from there uh, still on 82nd is the Banfield Hotel to then a couple minutes later you're getting this, another 9-1-1 call of some suspicious person –

Tatro: Right, two blocks to the north on Tillamook.

Winters: Okay.

Tatro: So I arrive um, Officer RIPPE is just on the sidewalk waiting for me. Um, she had, she's already um, talked to the caller on the phone.

Winters: Um-hm.

Tatro: So she knows exactly where we're going.

Winters: Was it, sorry to interrupt, was it daylight out? Was it still dark, was it?

Tatro: Yeah it was, by this point it was probably 7:45ish.

Winters: Okay.

Tatro: Um, it's just a guess.

Winters: Um-hm.

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Tatro: But it, it's bright out. I can see just fine and um, so we see it's a flag lot, there's this big six foot tall cedar fence. Officer RIPPE goes and grabs a chair from like the neighbors um, so I can get up on it and then unlock the, the gate.

Winters: Um-hm.

Tatro: So as we're walking down the flag lot there's a, a car, I don't, I don't know what kind of, maybe like a Subaru Outback type vehicle. Um, Officer RIPPE is on the, is it the west side of the fence line and I'm on the east side and as I come around the car, right in the engine block I look down the side of the house facing west and I see um, a, a black male with dreadlocks wearing a black hoody sweatshirt and he's either putting a coat on or taking it off but there is a um, a roller suitcase down at his feet.

Winters: Okay.

Tatro: And there's just a bunch of other stuff uh, like clothing and stuff down um, in the dirt.

Winters: Okay.

Tatro: And he's maybe 30 or 40 feet from me.

Winters: Okay.

Tatro: Nobody else around. I can see the caller looking out her like front window shade to see. And so I tell Officer RIPPE he's right there.

Winters: And when you're saying you're on, you're in the front of the house so it would be the number one side of the house?

Tatro: Correct.

Winters: Would he be on the two side if you're...

Tatro: ...he's on the four.

Winters: Four side.

Tatro: He's on the four side.

Winters: Four side of the house.

Tatro: Um, and so I'm behind the, the uh, the car. I, I - I pull my gun out and I'm in SUL and I yell out to him, hey get your hands up. Um, and so he, he looks over

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and he, and he slowly starts to put his hands up but he's, he's raising them like, like ear level.

Winters: Um-hm.

Tatro: And he starts, hey what's going on? And I, I'm, I'm trying to just give him directions, just simple instructions. Get your hands up, get your hands up. Um --

Winters: Did he have anything in his hands at that time?

Tatro: No um, he had just finished putting a coat on.

Winters: Okay.

Tatro: Or taking it off...

Winters: ...waistband?

Tatro: One of the thing, I couldn't see anything in his waistband.

Winters: Okay.

Tatro: I couldn't even see his belt that she described him having a white belt. I couldn't even see, I think it's because maybe the sweatshirt was hanging over.

Winters: Okay.

Tatro: Um, and so we get into kind of this, he's, he's trying to tell us um, I don't trust you um, I live here, go ask the homeowner and I'm just continuing to tell him, keep your hands in the air, I need you to turn around and face away from me.

Winters: So he's facing you at this point?

Tatro: He's like, he's, he's like so-sorta facing me. Um, his, his right side is closer to me than his left. He's kind of bladed away from me but, but not like in a way that he's trying to hide anything. He just, he just got his hands up and he's kind of sideways.

Winters: Um-hm.

Tatro: Um, then I, then I tell him uh, look we believe you to be armed if you, we believe you have a weapon if you go for that weapon you're going to be shot do you under-

Winters: ...and you made those...

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Tatro: ...do you understand. I made that uh, yelled that him and he said, I don't have anything on me and I said, okay well I don't know that so I just need you to turn around and put your um, and walk backwards to the sound of my voice and he says no. That's when Officer FERNER arrived and he, he was right next to me on the side of the car. And so...

Winters: ...you're pointing to your right side, correct?

Tatro: Correct.

Winters: Okay.

Tatro: And so we're getting nowhere with this guy uh, this is maybe 30 seconds, 45 seconds of us trying to give him in- simple instructions and he is unable to, he's not complying with them. He's, he is keeping his hands up um, that's the only thing he's doing.

Winters: Um-hm.

Tatro: And so I asked Officer, Officer FERNER, hey I'm, do you mind if I just go knock on the door and see if this is actually where he lives?

Winters: Um-hm.

Tatro: And he's fine with that and so I run across the fr-front of the car so I um, but I, it, it's maybe, I don't know 15 feet from the car to the front door.

Winters: Okay.

Tatro: And I start knocking on the door window um, the homeowner answers and she's like, she's visibly shaky, like shaking as she answers. Um, it's an older um, probably like early 40's I guess. That's not older um – (chuckle).

McGuire: It's all perspective.

Tatro: Yeah, sure. Um a black female and I see a, like a maybe late teens uh, black male inside the home. I say um, do you know this guy that's on the side of your house? She goes I, um, I, I don't know who he is, I've never seen him before. I asked her how long she'd live there, she said I've lived here 12 years.

Winters: Okay.

Tatro: This guy does not live here.

Winters: Okay.

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Tatro: I said okay and she says I'm really scared. I said well just shut your door we're gonna take care of it. And at that time I heard Officer FERNER say, yell at um, the suspect again, keep your hands up.

Winters: Okay.

Tatro: And so I was about to um, come back over to where Officer FERNER was to give him the new information and then I hear him say he's running.

Winters: Okay.

Tatro: And so I'm on the um, the, the one/four corner there.

Winters: Um-hm.

Tatro: And then when he says that I slide over to the, the tw- one/two corner to see if he's going southbound.

Winters: Okay.

Tatro: Um, I, I've, there's really nothing in the yard. I mean it's just pretty bare.

Winters: Um-hm.

Tatro: I see nothing at all and then Officer RIPPE joins me and we do a slow clear of the backyard. He's no longer seen.

Winters: Okay.

Tatro: Uh, from there I think she goes out front to where the street is. I, I go back, I continue around the house, I check his stuff to see if there maybe was a gun left behind.

Winters: Okay.

Tatro: Because that obviously changes things if the, if we don't think he's armed anymore.

Winters: Okay.

Tatro: I, I quickly go through the luggage, some coats. I notice the owner's manuals for the Ford Focus sitting on the grass there or in the dirt mud grass and, but I don't see a gun.

Winters: Okay.

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Tatro: Um –

Winters: Did you broadcast that?

Tatro: I did, I don't remember exactly when I did but I...

Winters: ...okay...

Tatro: ...but I did broadcast that. I go out, back out to the street. Officer FERNER is sort of setting up a perimeter um, I go to 84th and Hancock on my perimeter spot.

Winters: Okay.

Tatro: So down a block and ar- I go down the block and around.

Winters: Okay.

Tatro: And I just, I sit there for um, probably, I don't know 45 minutes to an hour before K-9 arrives and they start their search for the suspect.

Winters: During that time when have that perimeter spot can you hear anything uh, the guy maybe running around or?

Tatro: No.

Winters: Anything you saw?

Tatro: I didn't, I didn't hear anything of- uh, Sergeant HELFRICH I think got on the air saying he heard like a chain-link fence rattling. Um, I was like half a block away I, I didn't hear that...

Winters: ...okay, you didn't hear anything...

Tatro: ...from where I was.

Winters: Okay.

Tatro: I just heard the, the three shots.

Winters: Okay so back to when you were challenging him the first time.

Tatro: Yes.

Winters: Okay and uh, hands were up and stuff like that and you say he was kind of bladed away.

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Tatro: Um-hm.

Winters: At any point did you see, could you tell if he was armed at all?

Tatro: No, no I couldn't, I could not tell but like he had, I know he had a black sweater on. I can't remember if he had a coat or, or not but I could not see waistband area.

Winters: And was he comprehending what you were saying? I mean...

Tatro: ...he was, he was um, he put his hands up immediately.

Winters: Right.

Tatro: Um, bu-but then he wanted to have like a dialog with me about um, if it was okay for him to be there and I was just trying to, he's like well what's going on, I want to know what's going on before I do anything.

Winters: Okay.

Tatro: And I, and I kept telling him we'll talk about it when you listen to my instructions.

Winters: And your, your ultimate plan was uh, with FERNER and RIPPE was if you got your hands up you were going to?

Tatro: We were going to bring him closer to us, get him down on his knees and do like a high risk to, you know like one be lethal cover and then...

Winters: ...okay...

Tatro: ...the two would take into custody.

Winters: And you said earlier that you had your gun drawn, you were at the SUL point.

Tatro: Um-hm.

Winters: Any time you pointed at him?

Tatro: No I did not.

Winters: Any point did you feel that he was a threat to you or to other people other than having him, you know you had a gun out based off of...

Tatro: ...just all, all, all I knew is that he..

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Winters: ...of the situation...

Tatro: ...he may be armed and that's...

Winters: ...okay...

Tatro: ...all we knew.

Winters: Okay.

Tatro: And then um, yeah.

Winters: Anybody have a taser out? Anything of the sort?

Tatro: I, I think um, I wasn't, I thought HEATHER may have gone to her taser.

Winters: Okay.

Tatro: But I'm, but I'm not sure.

Winters: Okay.

Tatro: Um –

Winters: But just for you, you –

Tatro: I was, I was focused on him, yeah.

Winters: Okay and uh, no other weapons you could tell just at that time?

Tatro: No, hm-um.

Winters: Okay and uh, did you see his face directly? Any of that, I mean like you were saying he was loo- kept looking back, was he like trying to size you guys up, just trying to do anything.

Tatro: No he, he would um, he was mainly just looking at us.

Winters: Okay.

Tatro: Um, I don't – I mean he, he didn't have that look like I'm gonna run look.

Winters: Okay.

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Tatro: That I've seen before um, but I mean there was, there was a break from when I first saw him to when he actually ran so I don't know if he changed the way he was acting.

Winters: Okay.

Tatro: When I went to talk to the homeowner.

Winters: Okay, what I've got here is a, a map of the area. Of the 82 and Tillamook area. Uh, what I want to have you do, if you don't mind.

Tatro: Um-hm.

Winters: Uh, I have a pen here that's in blue or if you have a – can you just mark the, or put a circle around the address where you guys were at and where people were challenging and all that.

Tatro: Yeah.

Winters: I know that there's, the map that we're showing here has a tree cover but if, to the best of your ability.

Tatro: Yup, yup, so um, this is the actual entryway right here.

Winters: Okay.

Tatro: To the driveway and there's the fence, you can see that big fence.

Winters: Okay.

Tatro: And so do you want me to just circle the house?

Winters: Yeah circle the house that you guys are, in question. Okay.

Tatro: There's the house.

Winters: Um-hm.

Tatro: So there's, there's the fence that um, I had to reach over and, and latch. And this, this car in the picture is further back.

Winters: Okay.

Tatro: Um, it's almost parallel with this fence because HEATHER is up at the fence.

Winters: Okay.

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Tatro: Using it as, as cover or concealment more.

Winters: Right.

Tatro: And then I'm using the engine block of the car so I can, you know my torso is exposed.

Winters: Right.

Tatro: So he can easily tell it's me, a police officer.

Winters: Okay.

Tatro: And he's – so I'm here, well actually here.

Winters: I know.

Tatro: And then HEATHER is here.

Winters: Okay.

Tatro: And then FERNER kind of joins me right there and he's way back here like...

Winters: ...okay...

Tatro: ...this area of the house.

Winters: And so you don't notice him originally like when you're first standing here? He's far enough back?

Tatro: No you, we, we couldn't, we didn't even look over the fence here.

Winters: Okay.

Tatro: Because we couldn't even tell um, it's pretty tall.

Winters: Okay.

Tatro: Um, so yeah.

Winters: Okay, perfect. And uh, can you go ahead and just write your name and sign it right there.

Tatro: Um-hm.

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Winters: With your BPST if you don't mind. (sound of pen on paper) Perfect. So anything I didn't ask you that you think we should know about this guy, about this incident that in your mind like when this originally started and you're getting these multiple calls.

Tatro: Um-hm.

Winters: What was your mindset there? Was it, I mean?

Tatro: Oh well initially, you know a 30 minutes old robbery at gunpoint, I was thinking oh th-this may not be like a legitimate um, but once the car prowler – I, I wasn't sure they were the same guy because um, you know 30 minutes is a long time between...

Winters: ...um-hm....

Tatro: ...and he just moved across the street, to let you know, apparently. So I, I wasn't 100 percent sure but when, when HEATHER got dispatched to that Tillamook address I was almost positive it was the same as my car prowler. I wasn't sure it was connected.

Winters: Um-hm.

Tatro: To the robbery or not but um, it was, it was very like coincidental that it was all in the same –

Winters: Right.

Tatro: So that's why when he was in the back um, of the house there um, I felt fine running away from cover to, to talk to the homeowner because I wasn't even sure if he was armed. I mean I cou- there was no indication other than he might possibly be the armed robbery suspect.

Winters: Okay.

Tatro: So –

Winters: And then your car prowl victim, did she ever say she saw a gun or anything like that?

Tatro: No she never mentioned anything like that.

Winters: Nothing like that of the sort?

Tatro: Uh, no.

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Winters: Okay. Brendan do you have anything?

McGuire: A couple of real quick questions. Uh, car prowler victim did she have a conversation with him?

Tatro: I, I don't know, my interview with her was, it was fairly short because of the other call that, you know there's a guy that was possibly um, related down the street and there was no around.

McGuire: Sure, yeah for sure.

Tatro: So I haven't, I can call her back and ask her those questions.

McGuire: No.

Winters: Okay.

McGuire: That's okay. Um, and –

Winters: Go ahead.

McGuire: Um, when you were challenging him um, behind that house and you said that he clearly was understanding you?

Tatro: Um-hm.

McGuire: Wanted to uh, talk to you basically.

Tatro: Um-hm.

McGuire: Just what was, what kind of uh, was his voice elevated or his mannerisms, did he appear uh, angry or compli- you know not angry or?

Tatro: Um, it, there was a, let's see I don't know how to describe it. It wasn't like we were, it was a jovial conversation. He, he was very inquisitive, kind of distrusting of, you know why I was asking him to do those things. Uh, but it'd be like a typical response I find there's certain, certain people that don't want to talk to me and so that's kind of the tone they use I guess. I, I don't know how to describe it um –

Winters: Have you talked to people before that have been high?

Tatro: Yes.

Winters: Did he present any of those mannerisms that he possibly could be high?

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Tatro: He was pretty clear in his thought process, like he just wanted to know what was going on. It, to me it was more like a stalling tactic.

Winters: Okay.

Tatro: Like I, I, I don't want to do what you want so I'm going to ask questions that I already know the answer to.

Winters: Okay.

Tatro: Like and he'd ask the same question over and over again, like, you know what, what's this about, what's this about even though I gave him the answer we'll talk about it when you listen to what I have to say.

Winters: Okay.

Tatro: Um, um, it, that, that's what it felt like to me like –

Winters: Okay.

McGuire: Okay.

Tatro: That I've seen before.

Winters: So and that your positioning, you said, when the perimeter, when the perimeter was done.

Tatro: Um-hm.

Winters: Uh, not the perimeter was done but when the perimeter was active you were at 84 and Hancock?

Tatro: Um-hm.

Winters: And there was another part of an incident that occurred, there was a shooting obviously.

Tatro: Correct.

Winters: Did you hear any shots?

Tatro: Yes.

Winters: How many shots did you hear?

Tatro: I heard three shots.

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Winters: Okay, could you hear commands at that time?

Tatro: I was too far away to hear.

Winters: Too far away.

Tatro: Yeah.

Winters: And you just heard?

Tatro: I heard the dog barking.

Winters: Okay.

Tatro: And I heard um, the radio traffic like challenging one.

Winters: Okay.

Tatro: And um, just heard the dog and then um, yeah three consecutive shots just right in a row.

Winters: Okay.

Tatro: And then that was it.

Winters: Okay and did you go up to help with the custody team at all?

Tatro: No I stayed in my perimeter spot.

Winters: Stayed in the perimeter.

Tatro: There was, I, I looked down the street and there was like two or three other officers that were kind of in that ra- general area and I saw them walking towards the –

Winters: Okay.

Tatro: That scene, so.

Winters: Okay.

McGuire: Just uh, you mentioned, what you heard there I just want to make sure what you said was also the, the timeline that you heard it. You said you heard um, on the radio challenging one and then dogs barking and then shots or dog barking or what was?

0210.4wwi

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Tatro: Oh man. Um (pause) I think I heard them, I think I heard it was 8950 I think it was say we're challenging one and then I heard the dog start barking. I think that was the order of the events, I, I can't say...

McGuire: ...okay...

Tatro: ...100 percent but yeah.

Winters: No, no worries.

McGuire: Perfect.


Winters: Anything else that we didn't ask you that you think we should know that would be pertinent to the robbery investigation, the car prowl, the person in front and then the shooting that occurred uh —

Tatro: Not that I can think of right now, no.

Winters: Okay.

Tatro: Yeah.

Winters: Okay I have nothing further. At this time it is 1:13pm, I'll be concluding my interview.

Transcribed Verbatim with Punctuation Added 021117 / 1430 T. Bradshaw 

0210.4wwi

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IMAGE ATTACHMENT (1255332) A047982



CONFIDENTIAL

BUREAU OF POLICE
2619 NW INDUSTRIAL ST., STE. B4
PORTLAND, OREGON 97210
503-823-2179

PROPERTY/EVIDENCE RECEIPT

HOURS OF OPERATION:
9:00 AM TO NOON &
1:00 PM TO 4:00 PM, M-F

THIS RECEIPT MUST BE ACCOMPANIED BY AN APPROPRIATE REPORT

RECEIPT NUMBER No. A047982	DATE/TIME 2/9/17 1800 (PM)	AM <input type="checkbox"/>	PM <input checked="" type="checkbox"/>	REFER CASE NO.	PPB CASE NO. 17-39972	
CHECK ONE TYPE <input checked="" type="checkbox"/> ONLY <input checked="" type="checkbox"/> EVIDENCE	<input type="checkbox"/> FOUND PROPERTY	<input type="checkbox"/> PRISONER'S PROP. GAVE COPY? YES <input type="checkbox"/> NO <input type="checkbox"/>		<input type="checkbox"/> SAFEKEEPING		
PROPERTY TAKEN FROM:	LAST NAME	FIRST	M.I.	SEX	DOB	
DENIED OWNERSHIP <input type="checkbox"/>						
HOME ADDRESS	CITY	STATE	ZIP		I VOLUNTARILY RELINQUISH THE ITEM(S) LISTED FOR SAFEKEEPING SIGNATURE	
OWNER OF PROPERTY	LAST NAME	FIRST	M.I.	SEX		DOB
HOME ADDRESS	CITY	STATE	ZIP			PHONE
TYPE OF INCIDENT Officer Involved Shooting			DELIVERING OFFICER Winters		DPSST/ASSIGN 34381/203	
LOCATION WHERE SEIZED, FOUND, SURRENDERED Detective Division			INVESTIGATOR (IF DIFFERENT) Kammenen		DPSST/ASSIGN How	
<input type="checkbox"/> DEFENDANT	LAST NAME	FIRST	M.I.	SEX	RACE	
<input type="checkbox"/> SUSPECT	DOB					
FOR GUNS LIST MAKE, TYPE, CALIBER, MODEL, SERIAL NUMBER(S), IMPORTER & COUNTRY OF ORIGIN. LIST ONLY ONE ITEM PER SELECTION.					STLN	
ITEM 1	CD/R of interview of Officer D. Tatro #48330					
ITEM 2	Signed Goggle map of 8328 NE Tillamook By officer Tatro					
ITEM 3						
ITEM 4						
ITEM 5						
ITEM 6						
ITEM 7						
ITEM 8						
DELIVERED TO:	<input type="checkbox"/> STATE CRIME LAB	<input checked="" type="checkbox"/> SATELLITE PROP. ROOM	<input type="checkbox"/> PED	PRECINCT & LOCKER#	DATE	
CHECK ONE ONLY	<input type="checkbox"/> FED	<input type="checkbox"/> OTHER	C-016 2/13/17			
DO NOT WRITE IN SPACE BELOW — FOR PED USE ONLY						
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07/12

CONFIDENTIAL**FOLLOWUP REPORT #27**

ASSIGNED TO WINTERS, WILLIAM H (34381)		RANK DETECTIVE		
ORG UNIT DETECTIVE: ROBBERY DETAIL		CAPACITY 1-INVESTIGATOR, SECONDARY		
ASSIGNED ON 02/12/2017	ASSIGNED BY WINTERS, WILLIAM H	SUBMITTED ON 02/13/2017	APPROVED ON 02/13/2017	APPROVED BY WHATTAM, KEN N

NARRATIVE

AUTHOR WINTERS, WILLIAM H (34381)	DATE/TIME 02/12/2017 2119
SUBJECT (WITNESS #4) LOCK, ED	

On February 9th, 2017, at approximately 0949 hours, I was notified by Detective Sergeant Whattam to respond to [REDACTED] NE Hancock Street to assist with an Officer Involved Shooting investigation. I arrived and was part of the initial homicide briefing. I was assigned by Detective Sergeant Whattam to respond to East Precinct to assist with witness Officer interviews. Detective B. McGuire, BPST # 31951 and I were partnered up to conduct witness officer interviews. I interviewed officer E. Lock, BPST #18363.

The interview was recorded for full details of the interview listen to the CD/R or read the transcription of the interview. Attached to this report is a signed copy of the google map showing the position of officer Lock at the time of the shooting. I collected the signed copy of the map and a CD/R of the interview. The property was logged on property receipt number # A047983 and placed into locker C-016 by writer.

For additional details regarding this case see other reports written.

CONFIDENTIAL**IMAGE ATTACHMENT (1293373) OFFICER LOCK TRANSCRIPT**

**PORTLAND POLICE BUREAU
CASE NUMBER 17-39972**

February 9, 2017

**Interview of
ED LOCK**

TAPED STATEMENT TRANSCRIPTION

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**PORTLAND POLICE BUREAU
DETECTIVE DIVISION
CONFIDENTIAL TAPED STATEMENT TRANSCRIPTION**

Case #17-39972

February 9, 2016

Page 1

Winters: Good afternoon, this is Detective William Winters with the Portland Police Bureau, BPST #34381. It's, uh, February 9th, 2017. It's, uh, 1:46 PM. We're currently at East Precinct. Uh, with me is Detective Brendan McGuire, Detective Jeff Myers, and Officer ED LOCK. We're gonna be talking about a officer involved incident that occurred this morning in the area of NE 82nd and NE Tillamook. Ed, you know this is being recorded?

Lock: Yes, I do.

Winters: Okay. So ED, uh, your BPST please.

Lock: #18363.

Winters: And your last name.

Lock: LOCK, L-O-C-K.

Winters: And what, where do you work at?

Lock: I work for the Por-, City of Portland, Portland Police Bureau, currently assigned to East Precinct patrol day shift.

Winters: Okay and what unit number were you assigned today?

Lock: I was assigned to District 952.

Winters: 952, so tell me about logging on this morning and the events, uh, how you got to where you did today.

Lock: Well I worked a two person car today and basically Officer BISHOP and I logged on and we were, uh, reco-, asked to go to the area of 82 and I believe Hal-, around Halsey around the, uh, Bes-, Portland Value Inn hotel in regards to a robbery. We were going to be the area check unit or the cover unit.

Winters: Okay.

Lock: Uh, prior to our arrival there, they said that the possible suspect was actually moving, I wanna say, southbound, uh, around, in the area of 83rd and Hancock, 83rd and Tillamook area. So when we arrived there, we went ahead and set up a, a loose perimeter.

0210.16wwi

CONFIDENTIAL**Confidential Taped Statement Transcription
Case # 17-39972****February 9, 2017
Page 2**

Winters: Okay.

Lock: And we took up the position at 82 and Hancock and then we stood by and watched as the dog went ahead and did their track.

Winters: Okay and, uh, were you and Officer BISHOP together the whole time at 82...

Lock: Yes.

Winters: ...82...

Lock: Yes, we were.

Winters: Okay and, uh, when the dog track happened, did you stay on the perimeter spot?

Lock: Yes, we stayed at that position the entire time.

Winters: Okay. And then tell me what happened next as the dog, uh, started his track.

Lock: Well, a-, they, uh, they went through the lot quite a bit and I believe there was another incident where they actually thought somebody was crashing through some fences. So they brought the eastern end of the per-, uh, the perimeter from 86 down to 84.

Winters: Okay.

Lock: They brought the units from the 86 perimeter unit, they brought them into the, the suspect house or a target house. I, I think that was 8301.

Winters: Okay.

Lock: And, uh, they s-, they sealed that house off and then they went ahead and they completed the search, came back to the house and then I believe that's when they, they discovered the suspect and they started challenging him.

Winters: Um-hm.

Lock: So, they put it out, they started to challenge, we were the only car that was there right now that was 2016. 2016's have armor plate.

Winters: Okay.

Lock: So, we brought the car out, we were gonna put it at the bottom of the driveway so that if they needed to back out or we had hard cover for anybody else that was responding.

0210.16wwi

CONFIDENTIAL**Confidential Taped Statement Transcription**
Case # 17-39972**February 9, 2017**
Page 3**Winters:** Okay.**Lock:** So, we had just arrived, we were at the bottom, uh, the Lt., uh, just walked across the driveway, so he said, "drop it here." So we dropped it at a hard angle.**Winters:** Um-hm.**Lock:** Uh, Officer BISHOP was obviously on the passenger side, so she came around so she was on the east side of the driveway.**Winters:** Okay.**Lock:** I came out the driver side door, which meant I was directly in line to the west side of the driveway line. So, I could hear them challenging, when I looked up, it's just a downward grade.**Winters:** Um-hm.**Lock:** I could see his face. And then as I approached, I got caught on the grade and then s-, other teams started to move in front of me. So, I didn't actually see anything other than the fact that they were giving commands, there was some movements on his part, and then I heard three shots.**Winters:** Okay.**Lock:** And then at that time, everybody just, we just, everybody froze for a minute.**Winters:** Okay.**Lock:** We pulled some people back behind the car and then HELFRICH from the, uh, south side of the house, behind cover, he started to, uh, started to detail people for a custody team.**Winters:** Okay.**Lock:** So, I was detailed for a custody team. Officer HIGGINBOTHAM was, Officer DEVONNA DICK, she was sent back to get a shield.**Winters:** Okay.**Lock:** Brought the shield up, uh, Sergeant HELFRICH was the team leader. We went ahead and did the approach. We came up, the suspect was faced down and there, there was a pile, uh, there was some blood to the head area.**Winters:** Um-hm.

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Lock: Officer HIGGINBOTHAM, he took the suspect's right arm, I took the left. Officer HIGGINBOTHAM, he completed the handcuffing. Then after that time, I grabbed him, rolled him to his left side, verified that no, there was no moment.

Winters: Um-hm.

Lock: Went ahead and put him in the post shooting position. We verified that, uh, he was there. We verified the gun was just near his feet. And then it was decided at that time we weren't gonna go ahead and attempt to clear the house. We were gonna freeze the scene and at that ti-, time everybody just backed out.

Winters: Okay.

Lock: Uh, Sergeant NICE and I, we set up the internal red tape zone and then we just stayed right at the, uh, bottom of the driveway to make sure nobody...

Winters: Okay.

Lock: ...crossed the line.

Winters: When, uh, you approached and parked your car...

Lock: Um-hm.

Winters: ...and, uh, it was at that angle, uh, into the driveway and, uh, you were on the driver side, uh, were you in direct, could you see the suspect? Were you in direct line with him at that point?

Lock: Yeah, when I first, actually, when I first stepped out, I actually saw like his head and this part of his body.

Winters: Okay.

Lock: But like, as I moved forward, the angle started to rise and then the other team started and moved up in front of me.

Winters: Okay.

Lock: So, right after the other team cut my vi-visual, I just stayed at the bottom of the driveway and then we, I heard the shots.

Winters: Okay. Did you ever have your weapon out?

Lock: No.

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Page 5

Winters: Okay. Uh, at that point, did you ever see, you said earlier, you were describing that the suspect, you could only see the top half of...

Lock: Yeah I, I can clearly see that when they were giving the commands, he probably, I guess, stood up. But I could clearly see his face and then that par-part, like the shoulders, shoulder part here.

Winters: Okay.

Lock: The rest was obscured by the fence, the hedge, and everything, and the other officers. And once I, once I moved from the street to the sidewalk where the, the fence was to the house, and then the officers moved through it, then I lost visual of the him.

Winters: Okay. Could you hear commands being given?

Lock: Yeah, that's kinda what started the whole thing up. I mean literally they were on the radio, you could hear the commands given on the radio, we came through and they were still giving commands right up...

Winters: Okay.

Lock: ...until the very, till the shots were fired.

Winters: Okay. And, uh, what was the suspect's demeanor at that time when they were giving him commands? Could you tell at anything? Could you tell if he...

Lock: A-All I could see is that he had a look on his face, he had, his eyes were, he was wide up. Just, just, you know, alert, looking at the officers like this, and that's all I could really tell you about it.

Winters: Okay.

Lock: He knew that, you know, we were there.

Winters: Okay. And you were in uniform?

Lock: Yes...

Winters: Okay.

Lock: ...in uniform.

Winters: Was the patrol car, did it have lights on in the patrol car, spot lights, anything? Did the positioning of those, the, give a better angle?

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Case # 17-39972****February 9, 2017
Page 6**

Lock: No, no.

Winters: Any, any of that, uh...

Lock: Hm-um.

Winters: ...that, okay. And, uh, so you went up with, uh, Officer HIGGINBOTHAM as part of the custody, you were on the left side or right side?

Lock: Well, if you, if you're facing the north being or the 12 o'clock position...

Winters: Yep.

Lock: ...I was on the right-hand side.

Winters: Right-hand side.

Lock: So, we had myself on the right-hand side, then we had the shield...

Winters: Okay.

Lock: ...and then officer, Sergeant HELFRICH, and then Officer HIGGINBOTHAM.

Winters: Okay, perfect. And then you guys went up and made contact with...

Lock: Um-hm.

Winters: ...the suspect who was down and, uh, Officer HIGGINBOTHAM put him into custody and...

Lock: Yep.

Winters: ...then you helped position him into the...

Lock: Yep.

Winters: ...post shoot?

Lock: Um-hm.

Winters: Um, and you said you saw a gun on the ground by the suspect?

Lock: Yes.

Winters: Okay. Could you describe that gun at all that you seen?

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Lock: Yeah, semi-automatic, uh, the lower portion was obviously a polymer style in a desert, uh, desert ta-, tan camouflage or coyote, oh it's coy-, it was not coyote 'cause that's the darker. It was a light tan.

Winters: Okay.

Lock: Like desert light tan and it was obviously a mod-, more modern gun because it had rails underneath for...

Winters: Okay.

Lock: ...to affix, uh, either a light or a laser designator. So, it was, it was a fairly modern gun and it looked clean.

Winters: Okay.

Lock: It wasn't dirty. It wasn't chipped up. It didn't look like somebody, you know, pulled it out of the ground or anything like that.

Winters: Okay. Um, Brendan, do you have anything?

McGuire: I do.

Winters: Okay.

McGuire: Just a second. One clarification.

Lock: Um-hm.

McGuire: Um, you said, uh, and part of the issue is this is being recorded...

Lock: Yeah.

McGuire: ...you said, you said you described the suspect and you made a hand sig-, motion and said he was wide open and he was like this and you...

Lock: No, that's just...

McGuire: ... (unintelligible)

Lock: ...that's just me hand motioning.

McGuire: (unintelligible)

Lock: I could not see anything...

McGuire: Okay.

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Lock: ...below. All I saw was like the f-, the head, the head and the shoulder area. I couldn't see anything other than that.

McGuire: Was he saying anything, that you recall?

Lock: Not that I cou-, not that I saw, not that I could he-, recall at all.

McGuire: Okay. Um, and, uh, let's see here. Do you recall what commands you did hear being given by police?

Lock: No, I'll be perfectly honest with you. I-I heard a lot of commands, but I wasn't paying attention then. I was trying to get the car where it needed to be and get outta the car. So...

McGuire: Okay.

Lock: ...I'm not gonna...

McGuire: Um-hm.

Lock: I can't elaborate on that.

Winters: Okay.

McGuire: Um, um, and then once that, I guess contact team, you said, moved in front of you and you made your way...

Lock: Um-hm.

McGuire: ...out to the bushes, did you see the suspect, um, uh, any after that before you...

Lock: No.

McGuire: ...a-actually approached?

Lock: I did not.

Winters: Okay. From the time that you positioned your car and got out of the car to the time that shots were fired, how soon after was that?

Lock: Maybe, definitely less than a minute.

Winters: Okay.

Lock: I figure less than 45 seconds.

Winters: Okay. Yeah the...

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Lock: I-It went down really fast.

Winters: Pretty fast, oh okay.

McGuire: Do you know what the, i-if you had to guess, what the sort of total time that they were in contact with him out there was or when you, when you first heard them?

Lock: Well just, i-it had to be at least enough time for them to start the commands, you know, put it over the radio when I heard the commands, and then us to drive from 82 and Hancock up to the site.

Winters: Okay.

Lock: So that, that's the only timeframe, 'cause I wasn't looking at the clock, but that's kinda the timeframe. So...

Winters: Okay.

Lock: ...from 82 to 8301, so you're talking about basically a full block and you know, acceleration, deceleration, then do the maneuver, then go ahead and extradite out of the vehicle...

Winters: Okay. Okay.

Lock: ...that'd be kind of the timeframe I could give you.

Winters: Okay, what I have here in front of you is a map of the location, uh, where the officer involved sho-...

Lock: Um-hm.

Winters: ...the shooting occurred. This is a Google, uh, map which shows NE Hancock approximately at the edge line of 82nd, which is the, uh, on the west edge it would be 82nd and, uh, the Les Schwab is on the south s-, or the north side. Then there's a home and then a second home here, uh, there's a flag lot and then a, the house of where it occurred. Could you show me your positioning? I have a blue pen...

Lock: Sure.

Winters: ...uh, where you were at the time of the shooting and the vehicle, if you can draw...

Lock: Sure.

Winters: ...that for me. And where the suspect, where you saw the suspect at.

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Lock: Does your pen work?

Winters: Yeah, it's-it's kinda tough.

Lock: Okay. So, so basically here we are on the, the camp was in here. We basically covered over half of the driveway.

Winters: Um-hm.

Lock: And part of that was 'cause the l-, like I said, the lieutenant was walking through here, so we were actually had, still having to avoid, you know, other officers that were coming across the street. So, I believe this is the garage. So, the suspect was back set here...

Winters: I'll have to borrow your pen 'cause the pen keeps...

Lock: ...here, he was, I think, coming up around here when I saw him and this is my angle right here. I'm right down here.

Winters: Okay. That might work better.

Lock: (unintelligible) I get out of the car here and he's here. you can see how there's a really high grade.

Winters: Okay.

Lock: So, not only did, as I approach here, I'm cutting my visibility off because I'm, uh, increasing the angle of the grade. But the other secu-, safety team, I can't, is that concrete there?

Winters: Y-Yeah, this is an old map. So this was, appears...

Lock: Yeah.

Winters: ...that's, um...

Lock: Yeah, they're off to the side here on the south side of the house and they swung around here as he came out and that's when I lost visual.

Winters: Okay. So, and they were, th-they were in front of you, did you have your gun out at all?

Lock: No.

Winters: Okay.

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Lock: There was no reason to.

Winters: Okay. And so these guys, 'cause you knew these guys were in front of you...

Lock: Yeah.

Winters: ...at that point? Okay. And, uh, they were challenging that guy...

Lock: Um-hm.

Winters: Okay.

Lock: And there was another contact team of several officers here on the other side of the house.

Winters: Okay.

Lock: On the far, east side of the garage.

Winters: Okay, do you remember who was in front of you in that, this team that was directly in front?

Lock: I know, I know one of them was Sergeant NICE.

Winters: Okay.

Lock: Because I know as soon as the shots were fired, he was the first one to turn around.

Winters: Okay.

Lock: So, that's the only one...

Winters: Okay.

Lock: ...I could tell you for absolute positive that was there.

Winters: Perfect. Can you do me a favor? Print your name and sign it and put your BPST, if you don't mind.

McGuire: ED, at, at any point during this, did you see below the suspect's shoulders?

Lock: No.

McGuire: Okay.

Winters: Okay. And that was because?

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Case # 17-39972****February 9, 2017
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Lock: Because of the angle. Well the angle of the grade...

Winters: Um-hm.

Lock: ...if you look at it, it's-it's a real steep grade.

Winters: Right.

McGuire: Right.

Lock: The other officers and then he's in a, the house is actually, you have the garage, you have the house and the position he came out is actually back set about four feet. So, before he could even come out, even with the garage, he's gotta come out four feet.

Winters: Okay.

Lock: So there's a lot of elevation that you could, I'm only 5'8" so, there you go.

Winters: Okay.

McGuire: Uh, and having only seen shoulders and above, did you ever see his hands?

Lock: No, I did not.

McGuire: Okay.

Winters: Did you hear anybody say any commands about a gun, anything of...

Lock: Uh...

Winters: ...I know you were saying earlier...

Lock: Yeah.

Winters: ...you couldn't tell, but, anything?

Lock: No, to be honest with you, I did not and...

Winters: Okay.

Lock: I did not.

Winters: Perfect. But you did witness the gun laying by his feet when he was taken into custody?

Lock: Yes.

0210.16wwi

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Case # 17-39972**February 9, 2017**
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McGuire: And obviously if you saw shoulders and above and never saw his hands and you never saw his hands being held up?

Lock: Exactly, yes.


McGuire: Okay.

Winters: (unintelligible) I have nothing further. Anything else?

McGuire: No.

Winters: At this time it is 1:58 PM, I'm concluding this interview.

Transcribed Verbatim with Punctuation Added 021017 / 2300, K. Searle



0210.16wwi

CONFIDENTIAL

IMAGE ATTACHMENT (1255401) A047983



CONFIDENTIAL

BUREAU OF POLICE
2619 NW INDUSTRIAL ST., STE. B4
PORTLAND, OREGON 97210
503-823-2179

PROPERTY/EVIDENCE RECEIPT

HOURS OF OPERATION:
9:00 AM TO NOON &
1:00 PM TO 4:00 PM, M-F

THIS RECEIPT MUST BE ACCOMPANIED BY AN APPROPRIATE REPORT

RECEIPT NUMBER	No. A047983		DATE/TIME	2/9/17 1800 PM		AM	PM	REFER CASE NO.	PPB CASE NO. 17-39972		
CHECK ONE TYPE	<input checked="" type="checkbox"/> EVIDENCE		<input type="checkbox"/> FOUND PROPERTY		<input type="checkbox"/> PRISONER'S PROP.		<input type="checkbox"/> SAFEKEEPING		GAVE COPY? YES <input type="checkbox"/> NO <input type="checkbox"/>		
PROPERTY TAKEN FROM:			LAST NAME	FIRST	M.I.	SEX	DOB		I VOLUNTARILY RELINQUISH THE ITEM(S) LISTED FOR SAFEKEEPING SIGNATURE		
DENIED OWNERSHIP <input type="checkbox"/>			HOME ADDRESS		CITY	STATE	ZIP				
OWNER OF PROPERTY			LAST NAME	FIRST	M.I.	SEX	DOB				
HOME ADDRESS			CITY	STATE	ZIP	PHONE					
TYPE OF INCIDENT Officer Involved Shooting					DELIVERING OFFICER			DPSST/ASSIGN			
LOCATION WHERE SEIZED, FOUND, SURRENDERED Detective Division					INVESTIGATOR (IF DIFFERENT)			DPSST/ASSIGN			
<input type="checkbox"/> DEFENDANT		LAST NAME		FIRST	M.I.	SEX	RACE	DOB			
<input type="checkbox"/> SUSPECT											
FOR GUNS LIST MAKE, TYPE, CALIBER, MODEL, SERIAL NUMBER(S), IMPORTER & COUNTRY OF ORIGIN. LIST ONLY ONE ITEM PER SELECTION.								STLN	FOR PED USE ONLY		
ITEM 1	CD/R of interview with officer Ed Lock #18363										
ITEM 2	Signed Google map of 8301 NE HANCOCK ST by officer Ed Lock										
ITEM 3											
ITEM 4											
ITEM 5											
ITEM 6											
ITEM 7											
ITEM 8											
DELIVERED TO:		<input type="checkbox"/> STATE CRIME LAB		<input checked="" type="checkbox"/> SATELLITE PROP. ROOM		<input type="checkbox"/> PED		PRECINCT & LOCKER#		DATE	RECEIVED BY
CHECK ONE ONLY		<input type="checkbox"/> FED		<input type="checkbox"/> OTHER				C-016		2/13/17	
DO NOT WRITE IN SPACE BELOW — FOR PED USE ONLY											
RECEIVED BY PED				BY				WHITE - RECORDS COPY PINK - WITH PROPERTY YELLOW - CITIZENS RECEIPT			
DATE:				TIME:							

07/12

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FOLLOWUP REPORT #28				
ASSIGNED TO KAMMERER, ERIK W (29988)		RANK DETECTIVE		
ORG UNIT DETECTIVE: HOMICIDE DETAIL		CAPACITY 1-INVESTIGATOR, LEAD		
ASSIGNED ON 02/09/2017	ASSIGNED BY KAMMERER, ERIK W	SUBMITTED ON	APPROVED ON	APPROVED BY

CONFIDENTIAL**FOLLOWUP REPORT #29**

ASSIGNED TO WINTERS, WILLIAM H (34381)		RANK DETECTIVE		
ORG UNIT DETECTIVE: ROBBERY DETAIL		CAPACITY 1-INVESTIGATOR, SECONDARY		
ASSIGNED ON 02/13/2017	ASSIGNED BY WINTERS, WILLIAM H	SUBMITTED ON 02/13/2017	APPROVED ON 02/13/2017	APPROVED BY WHATTAM, KEN N

NARRATIVE

AUTHOR WINTERS, WILLIAM H (34381)	DATE/TIME 02/13/2017 0939
SUBJECT (WITNESS #6) ADRIAN, GREG	

On February 9th, 2017, I was notified by Detective Sergeant Whattam to respond to [REDACTED] NE Hancock Street to assist with an officer involved shooting investigation. I arrived and was present for the initial homicide briefing. After the briefing I was assigned by Detective Sergeant Whattam to respond to East Precinct to assist with witness officer interviews. I was partnered with Detective McGuire BPST # 31951 to conduct the interviews. I was assigned to interview Officer G. Adrian BPST #28173.

This interview was recorded and transcribed. For details of the interview read the transcription and/or listen to the CD/R of the interview. Attached to this report is a signed copy of a Google map of the shooting scene and it shows where Officer Adrian was standing at the time of the shooting. I collected as evidence along with a CD/R of the interview. The evidence was logged on property receipt number # A047984 and the evidence was placed into locker C-016 by writer.

For any additional information regarding this case see other reports written.

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IMAGE ATTACHMENT (1293376) OFFICER ADRIAN TRANSCRIPT

**PORTLAND POLICE BUREAU
CASE NUMBER 17-39972**

February 9, 2017

**Interview of
GREG ADRIAN**

TAPED STATEMENT TRANSCRIPTION

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**PORTLAND POLICE BUREAU
DETECTIVE DIVISION
CONFIDENTIAL TAPED STATEMENT TRANSCRIPTION**

Case #17-39972**February 9, 2016****Page 1**

Winters: Good afternoon, this is Detective Winters, Portland Police Bureau, BPST #34381. Present with me is Detective Brendan McGuire, Officer Ryan Reagan, Officer GREG ADRIAN of East Precinct. GREG, do you know this is being recorded, correct?

Adrian: Yes.

Winters: Okay. GREG, spell your last name for me, please.

Adrian: A-D-R-I-A-N.

Winters: And who do you work for?

Adrian: Portland Police.

Winters: And where are you assigned out of?

Adrian: East Precinct.

Winters: East Precinct, what shift?

Adrian: A sh-, A shift which is mornings.

Winters: Okay and, uh, where were you assigned today? What was your unit number?

Adrian: My unit number was 981.

Winters: Okay and, uh, talk to me about your morning when you first logged on. How you, uh, just, how you got dispatched to a call in the area we're talking about, the officer involved shooting that occurred at the, the 80-, 82nd about, uh, Hancock area this morning.

Adrian: I was in the area of a 108th and Holgate. I heard the call come out and, um, other officers were already on scene.

Winters: What ca-, sorry to interrupt, what call did you hear dispatch first?

Adrian: I heard a call of a, um, basically a car-jacking.

Winters: Okay.

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Adrian: And then as they were arriving at that scene, there was an additional call, a second call with a matching suspect nearby.

Winters: Okay.

Adrian: Involving somebody looking into some cars and attempting to get into cars.

Winters: Okay.

Adrian: And, uh, at that time, I thought, uh, to listen up. I was still a long ways from it because it was around 82 and Tillamook...

Winters: Um-hm.

Adrian: ...approximately five or six miles from where I was.

Winters: Okay.

Adrian: And, uh, uh, then I heard the voice of Officer FERNER on the air that he had the suspect running away from him. And the suspect purportedly had been armed with a, a gun that was kind of a camo colored gun.

Winters: Okay.

Adrian: Which I believed, when a witness tells you that the gun was that type, that if it's something unique like that it tends to be true.

Winters: Um-hm.

Adrian: And, uh, Officer FERNER broadcast that he saw the guy reaching for something in his waistband as he was running away.

Winters: Okay.

Adrian: Uh, that's when I started rolling toward the, the call.

Winters: Um-hm.

Adrian: Believing that we would set up a perimeter. Uh, they did dispatch me as well and we...

Winters: Did you go, sorry to interrupt, lights and siren or was this just a, you know, hey I'm cruising over there, little bit of speed or?

Adrian: I-I, yeah, I went lights and, uh, I was able to go on the freeway faster...

Winters: Okay.

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Adrian: ...without the siren.

Winters: Okay.

Adrian: I took the right shoulder all the way up to Glisan from Powell.

Winters: Okay.

Adrian: And then went lights and siren from Glisan/205 to the site.

Winters: Okay.

Adrian: Um, at that time we had, we believed that we had the suspect somewhere between 82nd and 86th. Um, I think it was Tillamook down to, uh, the one south of Hancock.

Winters: Okay.

Adrian: And I don't know, I can't remember which one that was. So, I positioned myself at, uh, 86 and Hancock.

Winters: Um-hm.

Adrian: Um, I saw a neighbor who was at 1911 on 86 who came out to find out why all the cops were there. He had a large two story house that faced, uh, the, it-it faced the east, which had a good viewpoint of backyards. Uh, I went up into his kids' room and could see backyards six blocks down and observed for a bit. I heard Officer or Sergeant HELFRICH, who I knew was at about 85th and Tillamook. H- He had broadcast that to the south of him he heard some breaking noises like somebody was scaling a fence. Uh, we heard additional information that we believed he was contained, suspect was contained in a smaller perimeter. Uh, JEFF HELFRICH recommended that we move the perimeter and shrink it down. Uh, I was, I was told to go to the target house, which in this case was 8301 NE Hancock.

Winters: Okay.

Adrian: I drove to that location where K-9 was there, HELFRICH, um, Officer McHUGILL, and I believe a couple NRT officers.

Winters: Okay.

Adrian: I believe it was, yeah, a couple NRT officers.

Winters: Did you approach from the west or the east?

Adrian: I came from the east...

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Page 4****Winters:** Okay.**Adrian:** ...and drove straight there, which was a block and a half.**Winters:** And did you park directly in front of that location or did you park to the east of...**Adrian:** I parked, I parked in the roadway, directly in front.**Winters:** Okay.**Adrian:** And canted so that, uh, vehicles would not go passed us.**Winters:** Okay.**Adrian:** Uh, I got out, um, K-9 had discovered a, a breached door at that target house. Uh, two units, myself and Officer McHUGILL, no I'm sorry. Officer HIGGINBOTHAM and I went back to the three side of the house...**Winters:** Okay.**Adrian:** ...and waited at that breached door.**Winters:** Okay.**Adrian:** The breached door was a, um, a basement door. We could see, from our location, we could see a, uh, a handprint, muddy handprint on the, um, just before the staircase, which was a, a, um, concrete staircase that went straight down to this basement. And then by looking down across, you could see a fresh looking boot print, shoe print into the door. Uh, the door was still closed, however there was a metal screen part that had been breached and bent in...**Winters:** Okay.**Adrian:** ...large enough for somebody to go in. Um, so we stayed on that door for a considerable amount of time while K-9 continued to search. We knew that we had the one side covered, the three side covered, and, uh, surrounding areas were checked out by the K-9. I was told by K-9 that the dog had really alerted to that backyard where we were.**Winters:** Okay.**Adrian:** And then of course we've got the, the breach and the fresh marks and, and I felt confident that, that somebody was in there and I expressed that to Sergeant HELFRICH.**Winters:** Okay.

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Adrian: So we stayed on that door, um, Officer McHUGILL and I had to get over a, uh, basically a railing, get over that to access the staircase. We went down the stairs, fresh broken glass, um, again, confirmed that the, that the wire or the metal, um, part of the door was completely smashed in. And it would've taken considerable effort.

Winters: To push it?

Adrian: There was, there was fresh glass on the inside of the house as well. So, we, we believed that it was fairly recent.

Winters: Okay.

Adrian: There was some discussion as to what we wanted to do at that point.

Winters: Okay.

Adrian: Um...

McGuire: I'm gonna stop you there just for a quick second GREG, 'cause, uh, you've mentioned that you and, uh, you said HIGGINBOTHAM at one point and McHUGILL at one point.

Adrian: Yeah, by this time McHUGILL had, had come back...

McGuire: Okay.

Adrian: ...around as well. Cause...

McGuire: Perfect.

Adrian: ...at this point, we know that we've got a likely entrance and a guy who is likely armed, so we had probably six officers back there.

McGuire: Okay.

Adrian: Uh, one sergeant, five officers.

Winters: Okay.

Adrian: And, um, it was in a location where the K-9 was not gonna work as well for us. We went down, down below, took a look inside the house, couldn't find any definitive evidence that anybody was inside.

Winters: Okay.

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Adrian: But it was still large enough for somebody to go. Um, we then backed out and stayed on that door and we're developing a plan. We had, we had announced, through the doorway, I didn't hear anything inside the house, and, uh, we got back to the top. Climbed back over...

Winters: And you a-, you announced or who did?

Adrian: I-I announced, yeah. I was yelling "Portland Police, give yourself up. We know you're in there."

Winters: Okay. And could you hear any movement inside at that point?

Adrian: No.

Winters: Could you tell anything?

Adrian: No, and the basement was kind of cluttered.

Winters: Okay.

Adrian: So, there was a lot of debris just around on the basement anyway.

Winters: And did you guys open the door at all to make entry into that location of the basement part? When you had announced, were you attempting to clear that location or were you just making the loud announcement at that point, at the door?

Adrian: We had not yet decided to, uh, push it through. We knew that we could.

Winters: Okay.

Adrian: Um, the, the large deadbolt was compromised. But there was a secondary lock on the inside of that door which was...

Winters: Okay.

Adrian: ...fully in the frame and we could tell we were gonna need to need to break that frame.

Winters: Okay.

Adrian: And we believed, based on the big boot print, we think that that's, that's what stopped the guy from making it all the way in. And he ended up going through what is basically the wire window.

Winters: Okay.

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Adrian: Um, so we felt comfortable that the guy was inside, but we didn't know for sure.

Winters: Okay.

Adrian: We backed out, I stayed posted with, um, McHUGILL...

Winters: Okay.

Adrian: ...at that doorway. Then we backed out a little bit, uh, the idea at this time was, uh, to get a consult from, uh, SERT.

Winters: Okay.

Adrian: And, uh, the sarge said stay posted on that. The sergeant was HELFRICH back there. He said, "Stay posted on this door. We're gonna make some phone calls." And they went around to the, the one side.

Winters: Okay, so that had been talked about as, 'hey, we're gonna start, we're pretty confident this armed guy is probably in here so we're gonna do a consult...'

Adrian: Yeah and we had already, we, the-the team that was there, we had already confirmed that we tried all the numbers for the homeowner, uh, receiving nothing.

Winters: Okay.

Adrian: And, um, we'd exhausted all that and we were not yet prepared to go in, um, and breach the door on our own.

Winters: Okay.

Adrian: Alright. So, uh, within about two minutes probably, of them leaving, we heard shouts on the other side of the house, on the one side.

Winters: Okay.

Adrian: And...

McGuire: I-, sorry, i-is it now just you and McHUGILL that are in the basement?

Adrian: Yes.

McGuire: Okay.

Adrian: Two officers back there, just the two of us.

Winters: Because HELFRICH had told you to post there and they had, they were gonna go around front and make phone calls and do...

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Page 8****Adrian:** Yeah.**Winters:** ...their consult?**Adrian:** My understanding is, you know, we've got the cavalry is starting come in and they're gonna wanna get briefed...**Winters:** Um-hm.**Adrian:** ...uh, by somebody who's on scene and that's why they went over to the one side.**Winters:** Okay.**Adrian:** Is my understanding and we were posted there, um, McHUGILL and I had talked about, hey if he comes out firing, we have to engage and, immediately at this, at this location 'cause we know that he's likely in there.**Winters:** Okay.**Adrian:** Um, and then I heard shouts. It sounded like police, um, personnel shouting, shouting loudly over the air. It was broadcast 'we're challenging one'. Uh, it was broadcast again 'challenging, non-compliant', something to that extent. I don't know who made the broadcast. From the three side of the house, we continued to hear lots and lots of yelling by the cops.**Winters:** Okay.**Adrian:** It was, uh, unintelligible for me at that location. I was still expecting the possibility of somebody to pop out of our door. So we stayed on that...**Winters:** Okay.**Adrian:** ...on that, uh, deal. Uh, I then heard distinctive rounds being shot off. It sounded like a rifle and I heard four shots and it was bam, bam, bam, bam and then silence and nothing. And I thought, okay, the guy is supposed to have a semi-auto, it's not gonna sound like that and I guessed that that was police fire.**Winters:** Okay.**Adrian:** Um, everybody stayed off the air. Then we heard on the air, 'shots fired' and I heard from the, uh, from the four side, I heard somebody yelled 'ADRO' and I believe it was RYAN MELE.**Winters:** Um-hm.

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Adrian: It's a nickname that I've gone by. I hear 'ADRO', so I go running over there, uh, and he said, we've got a suspect in the driveway. So we, um, stationed up right on the one/four side of the house...

Winters: Okay.

Adrian: ...uh, I was...

Winters: S-Sorry to interrupt.

Adrian: That's alright.

Winters: Who was with you at that, at that point?

Adrian: It was MELE.

Winters: Um-hm.

Adrian: And he had a less lethal out.

Winters: Okay.

Adrian: Uh, it was McHUGILL and he was behind me.

Winters: Um-hm.

Adrian: I went down low, um, I saw the suspect on the ground, on his stomach, head facing away from me, um, matching the description that they'd broadcast earlier of, uh, skinner African American male in a...

Winters: Um-hm.

Adrian: ...I think it was charcoal colored sweats, hoodie.

Winters: Okay.

Adrian: And he wasn't moving. His left hand toward me was under his chest.

Winters: Okay.

Adrian: I couldn't tell where his right hand was. Um, to my left, toward the front of the driveway, there were a, another set, a team. We confirmed that there was a shield getting ready. We, um, I heard somebody call for medical to stage and, um, we were assessing exactly what we wanted to do. Um, I saw no signs of life from the person. I was watching very carefully as lethal fire or lethal cover, I was watching that person to see if they were gonna move at all.

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Winters: Um-hm.

Adrian: I was approximately, uh, 15 to 18 feet away from him...

Winters: Okay.

Adrian: ...at that location, about the length of the free throw...

Winters: Okay.

Adrian: ...in basketball. And, uh, stayed on him and then we developed a plan with the shield to come up. Uh, I was one of the lethal guys toward, toward the gentleman.

Winters: Um-hm.

Adrian: Um, and, uh, I believe it was Officer LOCK grabbed one hand and, I forget which officer grabbed the other. I was just watching the, the guy.

Winters: Um-hm.

Adrian: Making sure that there was nothing. As I approached, I saw a gun that kinda looked camo colored. Uh, it looked like a 9mm semi-auto and it was on the right side of the body.

Winters: Okay.

Adrian: Uh, close to where his right hand would be.

Winters: Okay.

Adrian: Uh, and it was off the pavement. It was in, uh, kind of the bark dust area.

Winters: Okay.

Adrian: Within maybe a foot of his body.

Winters: Okay.

Adrian: Um, and I said, "Gun" and I pointed to it and everybody confirmed that they saw the gun right there. Uh, he was then, uh, placed into handcuffs and Officer LOCK, I saw him put him in the post shooting position.

Winters: Okay.

Adrian: They rolled him onto his left side a little bit. That's when I saw a large head wound on the, on the gentleman. Uh, there were no signs of life at all.

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Page 11****Winters:** Okay.**Adrian:** Somebody down there, I-I holstered, somebody down by his body confirmed there were no signs of life. Uh, at that time, we all, we put him in that position, backed out, and held.**Winters:** Okay.**Adrian:** And, uh, I was sent back into the backyard again 'cause it, we did not yet have a, um, a containment on the house post shooting.**Winters:** Okay.**Adrian:** So we knew we had a breached door in the back as well the slider and another door. So we went back there to, to post on that once again.**Winters:** Okay.**Adrian:** Uh, I never touched the guy and that is about all my, my involvement.**Winters:** Okay. So the shooting had happened, you were in the backyard, you heard, you were in that, that corner locked down on the, the back door?**Adrian:** Yeah, I was on the other side of the garage.**Winters:** Okay. And then you came around and you pers-, provided lethal cover with MELE and, uh, and that, when they developed the plan?**Adrian:** And McHUGILL was behind me.**Winters:** McHUGILL was behind you?**Adrian:** Yeah.**Winters:** Okay. Uh, other than that, I don't have anything. Do you?**McGuire:** Uh, just a couple of quick, um, you said you heard, but couldn't understand, unintelligible commands being given by police, right?**Adrian:** Not from the backyard. I just couldn't tell.**McGuire:** Did you hear any response to those commands by anybody?**Adrian:** No.**McGuire:** Okay.

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Winters: Did you hear the dog barking?

Adrian: Yes.

Winters: Okay.

Adrian: Yeah.

Winters: Have I covered everything?

McGuire: Can...

Winters: What I've got here in front of us is a Google map that's going to, uh, if you don't mind, um, what this depicts is the NE Hancock, NE 82nd and the house in question, the [REDACTED] where the shooting incident occurred. This is a, obviously, an older picture. Uh, today's scene does not have the two vehicles that are parked there. Can you, with the sh-, silver Sharpie, show me where you were at the, uh, time of the shooting?

Adrian: Um, just a check?

Winters: Yep.

Adrian: Oh, that didn't come out...

Winters: Yeah.

Adrian: ...very well.

Winters: That's fine.

Adrian: Okay.

Winters: And then, after the shooting, will you show me with an 'X', where you were positioned to...

Adrian: From here.

Winters: Okay, perfect.

Adrian: Do you want bad guy...

Winters: And then a circle of where the bad guy was. Perfect, that's everything I need.

Adrian: Do you want me to sign anything on that?

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Winters: I will at the end. Here's the blue pen, can you print and sign with your BPST please.

McGuire: And just for utmost clarity, prior to the shooting, you never saw, uh, this gentleman, correct?

Adrian: I don't know. You mean prior to the incident?

McGuire: Prior...

Adrian: Or prior to the, the shooting during...

McGuire: While the incident was going on, but prior to moving up and seeing down, you never...

Adrian: No, I didn't s-, I didn't know him.

McGuire: Okay, okay.

Adrian: I didn't recognize him.

McGuire: Okay, perfect.

Winters: Perfect. Well, I have nothing further. Unless...

Adrian: Alright.

Winters: ...there's something that we did not discuss, that you think we should know...

Adrian: Well I was...

Winters: ...that would add to this investigation that could help.

Adrian: That was all of my involvement.

Winters: Okay. It is currently 3:19 PM. I'm concluding my interview.

Transcribed Verbatim with Punctuation Added 021117 / 0900, K. Searle

Edith JB

0210.15wwi

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IMAGE ATTACHMENT (1255523) A047984



Greg Adrian 28173 *[Signature]*

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BUREAU OF POLICE
2619 NW INDUSTRIAL ST., STE. B4
PORTLAND, OREGON 97210
503-823-2179

PROPERTY/EVIDENCE RECEIPT

THIS RECEIPT MUST BE ACCOMPANIED BY AN APPROPRIATE REPORT

HOURS OF OPERATION:
9:00 AM TO NOON &
1:00 PM TO 4:00 PM, M-F

RECEIPT NUMBER	No. A047984		DATE/TIME	2/9/17 1500 PM		AM	PM	REFER CASE NO.	PPB CASE NO.		17-39972			
CHECK ONE TYPE	<input checked="" type="checkbox"/> EVIDENCE		<input type="checkbox"/> FOUND PROPERTY		<input type="checkbox"/> PRISONER'S PROP.		<input type="checkbox"/> SAFEKEEPING		<input type="checkbox"/> GAVE COPY? YES <input type="checkbox"/> NO <input type="checkbox"/>					
PROPERTY TAKEN FROM:			LAST NAME		FIRST		M.I.		SEX		DOB			
DENIED OWNERSHIP <input type="checkbox"/>			HOME ADDRESS		CITY		STATE		ZIP		I VOLUNTARILY RELINQUISH THE ITEM(S) LISTED FOR SAFEKEEPING			
OWNER OF PROPERTY			LAST NAME		FIRST		M.I.		SEX		DOB			
HOME ADDRESS			CITY		STATE		ZIP		PHONE		SIGNATURE			
TYPE OF INCIDENT			OFFICER INVOLVED		DELIVERING OFFICER		DPSST/ASSIGN		DPSST/ASSIGN					
LOCATION WHERE SEIZED, FOUND, SURRENDERED			Detective Division		Winters		24381/209		KAMMERER		HOM			
<input type="checkbox"/> DEFENDANT			LAST NAME		FIRST		M.I.		SEX		DOB			
<input type="checkbox"/> SUSPECT														
FOR GUNS LIST MAKE, TYPE, CALIBER, MODEL, SERIAL NUMBER(S), IMPORTER & COUNTRY OF ORIGIN. LIST ONLY ONE ITEM PER SELECTION.										STLN		FOR PED USE ONLY		
ITEM 1	LD/2 interview of Officer G. Adrian #28173													
ITEM 2	Signed google map of shooting location by Officer G. Adrian #28173													
ITEM 3														
ITEM 4														
ITEM 5														
ITEM 6														
ITEM 7														
ITEM 8														
DELIVERED TO:			<input type="checkbox"/> STATE CRIME LAB		<input checked="" type="checkbox"/> SATELLITE PROP. ROOM		<input type="checkbox"/> PED		PRECINCT & LOCKER#		DATE			
CHECK ONE ONLY			<input type="checkbox"/> FED		<input type="checkbox"/> OTHER				C-016		2/13/17			
DO NOT WRITE IN SPACE BELOW — FOR PED USE ONLY														
RECEIVED BY PED			DATE:		TIME:		BY		WHITE - RECORDS COPY PINK - WITH PROPERTY YELLOW - CITIZENS RECEIPT					

07/12

CONFIDENTIAL**FOLLOWUP REPORT #30**

ASSIGNED TO WINTERS, WILLIAM H (34381)		RANK DETECTIVE		
ORG UNIT DETECTIVE: ROBBERY DETAIL		CAPACITY 1-INVESTIGATOR, SECONDARY		
ASSIGNED ON 02/13/2017	ASSIGNED BY WINTERS, WILLIAM H	SUBMITTED ON 02/13/2017	APPROVED ON 02/13/2017	APPROVED BY WHATTAM, KEN N

NARRATIVE

AUTHOR WINTERS, WILLIAM H (34381)	DATE/TIME 02/13/2017 0954
SUBJECT (WITNESS #7) DICK, DEVONNA C D	

On February 9th, 2017, I was contacted by Detective Sergeant Whattam to respond to [REDACTED] 1 NE Hancock to assist with an officer involved shooting investigation. I arrived and was present for the initial homicide briefing. After the briefing I was assigned by Detective Sergeant Whattam to respond to East Precinct to assist with witness officer interviews. I was partnered up Detective McGuire BPST #31951. We were assigned to interview Officer D. Dick BPST # 28646.

The interview was recorded and transcribed. For details regarding this interview listen to the CD/R or read the transcription. I collected a copy of the CD/R on property receipt number #A47985 and placed the evidence into locker C-016 by writer.

For additional details regarding this investigation see other reports written.

CONFIDENTIAL**IMAGE ATTACHMENT (1293381) OFFICER DICK TRANSCRIPT**

**PORTLAND POLICE BUREAU
CASE NUMBER 17-39972**

February 9, 2017

**Interview of
DEVONNA DICK**

TAPED STATEMENT TRANSCRIPTION

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**PORTLAND POLICE BUREAU
DETECTIVE DIVISION
CONFIDENTIAL TAPED STATEMENT TRANSCRIPTION**

Case #17-39972

February 9, 2017

Page 1

Winters: Good afternoon, this is Detective William Winters, Portland Police Bureau, DPST 34381. Present with me is Detective Brendan McGuire, Officer CHRIS KOHL, Officer DEVONNA DICK. We're, it's, uh, February 9th, 2017, it's approximately 3:38 PM. We're currently investigating an officer-involved shooting that herp-happened, uh, near NE 82nd and, uh, Hancock. DEVONNA, you know this is being recorded, correct?

Dick: Um-hm.

Winters: Okay, so DEVONNA, spell your last name, please.

Dick: D-I-C-K.

Winters: And your DPST?

Dick: 28646.

Winters: And who do you work for?

Dick: Portland Police Bureau.

Winters: And what precinct and what shift?

Dick: East, days.

Winters: Okay.

Dick: Or I suppose it's A shift, now.

Winters: A shift. And what, uh, unit number were you today?

Dick: 961.

Winters: Okay, so tell me about your morning, you get logged on your system.

Dick: I was attempting to eat my breakfast at 162 and Stark when the call came out.

Winters: And what call was this?

Dick: Um, started off as a attempted car-jacking, and then it turned into a car prowl.

Winters: Okay.

0210.17 ww1

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Dick: So I came to cover when I heard that he was running, and I took a position about 83, 84 and Hancock.

Winters: Okay. And when you arrived, as your perimeter spot, what did you do?

Dick: I turned my car off and stood outside in the rain.

Winters: Okay.

Dick: Um, and then (pause), let's see. I heard the K9 and a, a team of officers doing a search all around...

Winters: Okay.

Dick: ...and then I heard them, actually heard them, not on the radio, but heard them say, uh, there he is, there he is, right there.

Winters: Okay.

Dick: And, uh, I heard them giving commands for the guy to come out of the window, as it turns out, I think, and, uh...

Winters: Okay.

Dick: ...I heard them say, he's not complying, and is it three or four, five officers, I saw them in the driveway giving him commands, pointing their guns at him.

Winters: Okay.

Dick: And then I heard, I think three shots.

Winters: Okay. Uh, part of that team that you saw, did you see, was there a K9 there?

Dick: Yes.

Winters: Okay, was there any, uh, from your distance, how far away were you when you were seeing all this?

Dick: Uh, 20 feet?

Winters: 20 feet away? And so were you, they were in the driveway...

Dick: Uh-huh.

Winters: ...and you were to the west or to the east, at that point?

0210.17 ww1

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Dick: To the west.

Winters: To the west, and you had positioned yourself earlier on in the perimeter on the 84, or I think you were saying 84 and Hancock?

Dick: Yeah.

Winters: And so this occurred on 83rd, how'd you get over to that, did you come down in front of this house?

Dick: Um, so I must've been, more, closer to 83rd.

Winters: Okay, 83rd?

Dick: 'Cause they were just east of me.

Winters: Just east of you? Okay. And then you hear them challenging this, uh, person in the yard, uh, could you see this person at all?

Dick: No.

Winters: Okay. Could you hear any, was it just the police officers commands you were hearing, or was, you, were you hearing anybody yelling back to them, talking back to them?

Dick: Just the police officer.

Winters: Okay. And could you cla-or, clearly hear the...

Dick: Yes.

Winters: ...commands? Okay. Do you remember what some of those commands were?

Dick: Um, goodness. I think something like, you know, get on the ground, or, I think he even said, I couldn't hear him, but I think he even said something about, um, that he couldn't get out of the window or whatever.

Winters: Okay.

Dick: Um, and then somebody told him to, to crawl, I think, my understanding, out the window, and then they were giving him commands, on the ground, and, and then I heard something about, he's not complying.

Winters: Okay, and you were hearing that from the yelling, or was that from the radio?

Dick: Um, I think the c-not complying was on the radio.

0210.17 wwi

CONFIDENTIAL**Confidential Taped Statement Transcription**
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Winters: Okay. And you heard about three shots. After the, the shots were heard, what did you do?

Dick: I went and got the shield out of, I think Sergeant NICE's truck that was parked behind EMV, and then I was part of the custody team that went up...

Winters: Okay, and you, what did...

Dick: I just held the shield, I didn't do any handcuffing or anything.

Winters: Okay, held the shield? Okay. Uh, do you remember who, at that point, was doing the handcuffing?

Dick: I know ADRIAN was up there...

Winters: Okay.

Dick: I think it was him. Yeah.

Winters: Okay. Anybody else?

Dick: Not that I recall.

Winters: Okay, so you didn't directly see the shooting, you were about 20 feet away. You heard them giving the commands, uh, and did you hear a dog barking at all? Can you remember any of that?

Dick: Can't remember that.

Winters: Can't remember that. And you never saw the suspect, you never saw anything, was it, when you walked up to, and covered on the shield, were you able to see any weapons, uh...

Dick: No, but shortly thereafter, someone goes, there's a gun right there.

Winters: Okay.

Dick: And so I did see it.

Winters: Okay. Did you remember what it looked like, or anything like that?

Dick: Um, no I, but I remember it wasn't all black, it was an odd-colored gun.

Winters: Okay. Perfect. Uh, after the shield, after he was taken into custody, do you remember what happened next?

0210.17 wwi

CONFIDENTIAL**Confidential Taped Statement Transcription**
Case # 17-39972**February 9, 2017**
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Dick: I think we all just backed off.

Winters: Backed off? Did medical arrive?

Dick: Yes.

Winters: Okay.

Dick: AMR.

Winters: AMR did? And no fire or anything like that, just them?

Dick: Uh, fire was there, but AMR was the one to check him.

Winters: Okay. Brendan, anything?

McGuire: Uh, just a couple of quick things, um, before, when you were eating breakfast, or when you were running up there, um, what kinds of things did you hear on the radio as far as updates, or descriptions, or if, was there anything broadcast about what he was doing or anything like that?

Dick: Yeah, I mean, there was, it's kind of odd, it was an attempt car-jacking, but it happened 30 minutes prior, that's the information we're getting, which I thought was kind of odd. Um, and then they gave the description of the car prowler, and I remember the Dispatcher saying, that sounds very similar to the car-jacking suspect, and then she sent a couple more cars there.

Winters: Okay. Did you hear anything, 'cause there was the car prowler, did you hear any other calls that were coming in while, I mean, while you started going that way, was that because...

Dick: Uh, he ran.

Winters: He ran? Do you remember who he ran from?

Dick: I think it was TATRO I know was up there, and, uh, MELISSA and LOCK.

Winters: Okay. Okay.

McGuire: And did you hear them broadcast anything besides, he's running? Like, anything else, even a direction...

Dick: Yeah, he also said that, uh, I think it was LOCK, also said that he was not complying...

McGuire: Okay.

0210.17 ww1

CONFIDENTIAL**Confidential Taped Statement Transcription**
Case # 17-39972**February 9, 2017**
Page 6**Winters:** Okay.**Dick:** ...with directions.**Winters:** Okay.**McGuire:** Uh, and then I had a, uh, quick question, you s-said that you heard the officer's commands, at the, at the shooting, back at the shooting scene...**Dick:** Um-hm.**McGuire:** ...um, uh, you didn't see the, the gentleman at all, right?**Dick:** Right.**McGuire:** Um, but you said I understand he was com-crawling out a window, or you said something to that effect, it, when we'd asked...**Dick:** Yeah.**McGuire:** ...is that your impression at the time, or the...**Dick:** That was my impression at the time, 'cause somebody, um, I could see some officers in the, again, in the driveway, and they're pointing to an open window, and like, did you s-did you see this one, did you see this one?**McGuire:** I gotcha.**Dick:** And then, so that's, and then they said, he's right here, and so that's when I...**Winters:** Okay.**Dick:** ...figured he was coming out a window.**Winters:** Okay. Is there anything we didn't ask you that you think we should know about this whole incident?**Dick:** Nope.**Winters:** Okay. It is currently 3:45 PM, and we'll conclude our interview;Transcribed Verbatim with Punctuation Added 021017 / 1800 A. Chasteen *AC*

0210.17 wwi

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IMAGE ATTACHMENT (1255653) A047985

BUREAU OF POLICE
2619 NW INDUSTRIAL ST., STE. B4
PORTLAND, OREGON 97210
503-823-2179

PROPERTY/EVIDENCE RECEIPT

HOURS OF OPERATION:
9:00 AM TO NOON &
1:00 PM TO 4:00 PM, M-F

THIS RECEIPT MUST BE ACCOMPANIED BY AN APPROPRIATE REPORT

RECEIPT NUMBER No. A047985	DATE/TIME 2/9/17 1800 PM	AM <input checked="" type="checkbox"/>	REFER CASE NO.	PPB CASE NO. 17-39972			
CHECK ONE TYPE ONLY <input checked="" type="checkbox"/> EVIDENCE	<input type="checkbox"/> FOUND PROPERTY	<input type="checkbox"/> PRISONER'S PROP.	<input type="checkbox"/> SAFEKEEPING				
GAVE COPY? YES <input type="checkbox"/> NO <input type="checkbox"/>							
PROPERTY TAKEN FROM:	LAST NAME	FIRST	M.I.	SEX	DOB		
DENIED OWNERSHIP <input type="checkbox"/>							
HOME ADDRESS	CITY	STATE	ZIP				
OWNER OF PROPERTY	LAST NAME	FIRST	M.I.	SEX	DOB		
HOME ADDRESS	CITY	STATE	ZIP	PHONE			
TYPE OF INCIDENT Officer Involved Shooting			DELIVERING OFFICER Winters		DPSST/ASSIGN 34381/ROB		
LOCATION WHERE SEIZED, FOUND, SURRENDERED Detective Division			INVESTIGATOR (IF DIFFERENT) Kammerer		DPSST/ASSIGN Howe		
<input type="checkbox"/> DEFENDANT	LAST NAME	FIRST	M.I.	SEX	RACE	DOB	
<input type="checkbox"/> SUSPECT							
FOR GUNS LIST MAKE, TYPE, CALIBER, MODEL, SERIAL NUMBER(S), IMPORTER & COUNTRY OF ORIGIN. LIST ONLY ONE ITEM PER SELECTION.					STLN	FOR PED USE ONLY	
ITEM 1	CD/R of interview of officer D. Dick						
ITEM 2	# 28646						
ITEM 3							
ITEM 4							
ITEM 5							
ITEM 6							
ITEM 7							
ITEM 8							
DELIVERED TO:	<input type="checkbox"/> STATE CRIME LAB	<input checked="" type="checkbox"/> SATELLITE PROP. ROOM	<input type="checkbox"/> PED	PRECINCT & LOCKER#	DATE	RECEIVED BY	
CHECK ONE ONLY	<input type="checkbox"/> FED	<input checked="" type="checkbox"/> OTHER		L-016	2/13/17		
DO NOT WRITE IN SPACE BELOW — FOR PED USE ONLY							
RECEIVED BY PED	TIME:		BY		WHITE - RECORDS COPY PINK - WITH PROPERTY YELLOW - CITIZENS RECEIPT		
DATE:							

07/12

CONFIDENTIAL**FOLLOWUP REPORT #31**

ASSIGNED TO HEARST, ANDREW L (50996)		RANK		
ORG UNIT EAST: NRT		CAPACITY 1-PATROL SUPPLEMENTAL		
ASSIGNED ON 02/10/2017	ASSIGNED BY HEARST, ANDREW L	SUBMITTED ON 02/10/2017	APPROVED ON 02/13/2017	APPROVED BY HUGHES, MICHELE M

NARRATIVE

AUTHOR HEARST, ANDREW L (50996)	DATE/TIME 02/09/2017 0921
SUBJECT OFFICER INVOLVED SHOOTING	

8 - On the 9th of February, 2017 at approximately 0921 at [REDACTED] NE Hancock Street, I was involved in an incident involving my use of deadly force. For a more detailed account of the incident, refer to the continuation of this report provided in the form of oral statement(s) to be given to detectives, Internal Affaris and/or Grand Jury.

USE OF FORCE (TT)

AUTHOR HEARST, ANDREW L (50996)	DATE/TIME 02/09/2017 0921
SUBJECT USE OF FORCE	

[UOF42001] PPB FORCE DATA COLLECTION REPORT [V.160210]

FORCE DATA COLLECTION REPORT

DATE FORCE USED [2/9/17] APPROX. TIME FORCE USED [0921]

PRECINCT OF OCCURRENCE[EAST]
LOCATION OF OCCURRENCE[[REDACTED]]
[] SAME AS INCIDENT LOCATION

SUBJECT'S NAME [N/A]

PERCEIVED SUBJECT CONDITIONS (check all that apply)

- | | |
|---|---|
| <input checked="" type="checkbox"/> 1. ACTUALLY / PERCEIVED ARMED | <input checked="" type="checkbox"/> 2. REPORTED TO BE ARMED |
| <input type="checkbox"/> 3. ASSAULTED OFFICER | <input type="checkbox"/> 4. ASSAULTED CITIZEN |
| <input checked="" type="checkbox"/> 6. FAILURE TO COMPLY | <input checked="" type="checkbox"/> 7. ENGAGED IN PHYSICAL RESISTANCE |
| <input type="checkbox"/> 10. UNDER THE INFLUENCE OF ALCOHOL | <input type="checkbox"/> 11. UNDER THE INFLUENCE OF DRUGS |
| <input type="checkbox"/> 13. NONE APPARENT | <input type="checkbox"/> 14. OTHER (explain in narrative) |

USE OF FORCE / CONTROL NECESSARY TO (check all that apply)

- | | |
|--|---|
| <input checked="" type="checkbox"/> 1. DEFEND SELF | <input checked="" type="checkbox"/> 2. DEFEND ANOTHER |
| <input checked="" type="checkbox"/> 3. MAKE ARREST | <input type="checkbox"/> 4. PREVENT ESCAPE |

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[] 15. CIVIL HOLD [] 6. OTHER (explain in narrative)

OFFICER ACTIVITY IMMEDIATELY PRIOR TO FORCE RESPONSE (check all that apply)

[] 1. FOOT PURSUIT [] 2. SUBJECT ESCORT
[] 3. PERSON SEARCH (Cuffed) [] 4. PERSON SEARCH (Not Cuffed)
[] 5. HANDCUFFING [] 6. TRANSPORTING IN VEHICLE
[] 7. INTERVIEW / INTERROGATION [X] 8. OTHER (explain in narrative)

SUBJECT WAS INJURED (check all that apply)

[] 1. PRIOR TO POLICE INVOLVEMENT [] 2. DURING ARREST
[] 3. IN CUSTODY [X] 4. OTHER (explain in narrative)

INJURIES (check all that apply)

	OFFICER	SUBJECT
1. NONE	[X]	[]
2. BRUISES.	[]	[]
3. ABRASIONS.	[]	[]
4. LACERATIONS	[]	[]
5. BROKEN BONES	[]	[]
6. OTHER INJURIES	[]	[X]

MENTAL HEALTH INDICATORS *** ALL BOXES MANDATORY ***

1. MENTAL ILLNESS.	[No]	[]
2. MENTAL HEALTH ADMISSION TO FACILITY	[No]	[]
3. OFFICER HAD PRIOR KNOWLEDGE OF SUBJ'S MENTAL HEALTH HISTORY	[No]	[]
4. MENTAL HEALTH PROFESSIONAL AT SCENE	[No]	[]
5. MENTAL HEALTH PROFESSIONAL CONTACTED SUBJECT	[No]	[]

FORCE OPTIONS

	EFFECTIVE (YES/NO)
[] 1. CONTROL HOLDS CAUSING INJURY.	[]
[] 2. TAKEDOWNS	[]
[] 4. HANDS/FEET.	[]
[] 5. BATON	[]
[] 6. PEPPER SPRAY.	[]
[] 7. TASER	[]
[] 8. BEAN BAG (ROUNDS)	[]
[X] 9. POINT FIREARM	[No]
[] 10. K9 BITE	[]

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TREATMENT RECEIVED

	OFFICER	SUBJECT
1. EMS AT SCENE	[]	[]
2. EMS AT PRECINCT.	[]	[]
3. HOSPITAL / ADMITTED.	[]	[]
4. HOSPITAL / RELEASED.	[]	[]
5. TREATMENT REFUSED.	[]	[]
6. SELF TREATMENT	[]	[]

NOTIFICATIONS

	YES/NO
SUPERVISOR NOTIFIED.	[Yes]
SUPERVISOR AT SCENE.	[Yes]
SUPERVISOR NAME / DPSST.	[SGT. HELFRICH #27245]

CONFIDENTIAL**FOLLOWUP REPORT #32**

ASSIGNED TO ADRIAN, GREGORY J (28173)		RANK		
ORG UNIT EAST		CAPACITY 1-PATROL SUPPLEMENTAL		
ASSIGNED ON 02/09/2017	ASSIGNED BY ADRIAN, GREGORY J	SUBMITTED ON 02/13/2017	APPROVED ON 02/13/2017	APPROVED BY CLARK, JACOB R

NARRATIVE

AUTHOR ADRIAN, GREGORY J (28173)	DATE/TIME 02/09/2017 1429
SUBJECT MANDATORY REPORT	

I was at the scene of a critical incident at [REDACTED]. Officers were attempting to find and arrest a possibly-armed robbery suspect believed to be inside the residence.

The incident resulted in an officer-involved shooting in the driveway at that location.

Please see the detectives' investigation for my statement.

--End report.

CONFIDENTIAL**FOLLOWUP REPORT #33**

ASSIGNED TO WILLARD, TINA M (22518)		RANK CRIMINALIST		
ORG UNIT FORENSICS:		CAPACITY 2-FORENSIC UNIT PROCESSING		
ASSIGNED ON 02/09/2017	ASSIGNED BY WILLARD, TINA M	SUBMITTED ON	APPROVED ON 02/15/2017	APPROVED BY MORRIS, JAMES J

NARRATIVE

AUTHOR WILLARD, TINA M (22518)	DATE/TIME 02/14/2017 0210
SUBJECT FED SUPPLEMENTAL	

REFER CASE #17-39626**Property Evidence/Receipt #1408302**

Item 1: (1) AR-15 A2, .223 caliber, S/N: [REDACTED], Colt Mfg. Co. Inc. Hartford, Conn. USA "SE 24"

Item 2: (1) "FC .223 REM" round - from chamber of AR-15

Item 3: (1) Magazine from rifle, plus 14 rounds "FC .223 REM"

Item 4: (1) Magazine from rifle pouch, plus 18 rounds "FC .223 REM"

Disposition: The above listed items were kept in the Forensic Evidence Division's vault until Det. Kammerer okay's them to be released.

NARRATIVE:

On 020917 at about 1200 hours, I conducted the round count for Officer Hearst #50996 with the assistant of Det. Kammerer.

The above listed items were also photographed and collected. I also photographed: overall photographs of Officer Hearst, Officer Hearst's primary weapon, a Glock 17 with S/N: [REDACTED] that had (1) 9mm round on the chamber, his three magazines each containing (17) 9mm rounds.

The photographs were uploaded into DIMS.

CONFIDENTIAL**FOLLOWUP REPORT #34**

ASSIGNED TO KAMMERER, ERIK W (29988)		RANK DETECTIVE		
ORG UNIT DETECTIVE: HOMICIDE DETAIL		CAPACITY 1-INVESTIGATOR, LEAD		
ASSIGNED ON 02/14/2017	ASSIGNED BY BRADSHAW, TESSRA	SUBMITTED ON 03/01/2017	APPROVED ON 03/01/2017	APPROVED BY WHATTAM, KEN N

NARRATIVE

AUTHOR KAMMERER, ERIK W (29988)	DATE/TIME 03/01/2017 1048
SUBJECT INITIAL ACTIONS AT SCENE	

CONNECT INFORMATIONInvolved Officer:

Officer Andrew HEARST, DPSST #50996

M/W, DOB [REDACTED]

Work Address: 1111 SW 2nd Avenue
Portland, Oregon 97204

Work Phone: 503-823-4800

Deceased Suspect:

HAYES, QUANICE DERRICK

AKA: MARSHALL, QUINTEL

M/B, DOB [REDACTED]

5'8" / 140 Lbs / Black Hair / Brown Eyes

Home Address: Transient

Cell Phone: Unknown

Suspect Firearm:

Action Sports Games (ASG) CZ P-09 6mm Airsoft pistol, modified

NONCONNECT INFORMATIONWitness Officers:

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Commander Bryan PARMAN, DPSST #28328
East Precinct Commander, Unit 9900

Lieutenant Ric DELAND, DPSST #24581
East Precinct Dayshift Patrol Lieutenant, Unit 9902

Sergeant Kyle NICE, DPSST #26853
East Precinct Uniform Patrol, Unit 3907

Sergeant Jeff HELFRICH, DPSST #27245
East Precinct Uniform Patrol, Unit 3906

Officer Jerry HIGGINBOTHAM, DPSST #28713
East Precinct Uniform Patrol, Unit 921

Officer Ryan MELE, DPSST #50232
East Precinct Neighborhood Response Team, Unit 8950

Officer Greg ADRIAN, DPSST #28173
East Precinct Uniform Patrol, Unit 981

Officer Ed LOCK, DPSST #18363
East Precinct Uniform Patrol, Unit 952

Officer Melissa BISHOP, DPSST #18974
East Precinct Uniform Patrol, Unit 952

Officer Jim FERNER, DPSST #24817
East Precinct Uniform Patrol, Unit 931

Officer Gene GILLOCK, DPSST #32016
East Precinct Uniform Patrol, Unit 991

Officer Daniel TATRO, DPSST #48330
East Precinct Uniform Patrol, Unit 941

Officer Devonna DICK, DPSST #28646
East Precinct Uniform Patrol, Unit 961

Officer Heather RIPPE, DPSST #34493
East Precinct Uniform Patrol, Unit 942

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Officer Rob WULLBRANDT, DPSST #42649
Canine Officer, Unit K96

Officer Steve MCHUGILL, DPSST #24736
Traffic Division, Unit 1812

Detectives Mentioned:

Lieutenant Cliff BACIGALUPI, DPSST #30878
Detective Division Person Crime Lieutenant, Issued CROs

Sergeant Michele HUGHES, DPSST #36818
Detective Division Homicide Detail, Supervisor On-Scene

Sergeant Ken WHATTAM, DPSST #24582
Detective Division Homicide Detail, Supervisor On-Scene

Detective Mark SLATER, DPSST #27192
Detective Division Homicide Detail, Primary Investigator

Detective Todd GRADWAHL, DPSST #29981
Detective Division Homicide Detail, Crime Scene

Detective Brad CLIFTON, DPSST #37152
Detective Division Homicide Detail, Canvass Interviews

Detective Bryan STEED, DPSST #19008
Detective Division Homicide Detail, Witness Interviews/Crime Scene

Detective Michele MICHAELS, DPSST #40400
Detective Division Homicide Detail, Witness Interviews

Detective Meredith HOPPER, DPSST #36239
Detective Division Cold Case Detail, Officer Interviews

Detective Eric MCDANIEL, DPSST #41372
Detective Division Cold Case Detail, Officer Interviews

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Detective Brendan MCGUIRE, DPSST #31951
Detective Division Cold Case Detail, Officer Interviews

Detective Jim LAWRENCE, DPSST #30434
Detective Division Cold Case Detail, Officer Interviews

Detective Bill WINTERS, DPSST #34381
Detective Division Robbery Detail, Officer Interviews

Detective Michael BLEDSOE, DPSST #41701
Detective Division Assault Detail, Witness/Canvass Interviews

Detective Jeff SHARP, DPSST #34582
Detective Division Assault Detail, Witness/Canvass Interviews

Detective John ZWICK, DPSST #43805
East County Major Crimes Team, Multnomah County Sheriff's Office, Officer Interviews

Detective Steve SMITH, DPSST #10762
East County Major Crimes Team, Multnomah County Sheriff's Office, Officer Interviews

Detective Aaron TURNAGE, DPSST #51413
East County Major Crimes Team, Gresham Police Department, Officer Interviews

Criminalists Mentioned:

Criminalist Supervisor Shawnda MCMURRAY, DPSST #24747
Forensic Evidence Division, On-Scene Supervisor

Criminalist Dan OUTHAYTHIP, DPSST #24990
Forensic Evidence Division, Scene Photos/Evidence Collection

Criminalist Randy YOSHIMURA, DPSST #24583
Forensic Evidence Division, Scene Photos/Evidence Collection

Criminalist Tina WILLARD, DPSST #22518
Forensic Evidence Division, Scene Photos/Evidence Collection

CONFIDENTIALOfficer Mentioned:

Officer Dave STAAB, DPSST #28011
East Precinct Uniform Patrol, Unit 901

Persons Mentioned:

SUAREZ, ARMANDO JAVIER

M/H, DOB [REDACTED]

Home Address: Transient

Cell Phone: [REDACTED]

Victim in PPB Case #17-39625

CHRISTIE, JULIE

F/W, DOB [REDACTED]

Home Address: [REDACTED]
Portland, Oregon 97206

Cell Phone: [REDACTED]

Victim in PPB Case #17-39626

PITTMAN, MARSHA

F/B, DOB [REDACTED]

Home Address: [REDACTED]
Portland, Oregon 97220

Cell Phone: [REDACTED]

Victim in PPB Case #17-40386

VU, CHRISTINE

F/A, DOB [REDACTED]

Home Address: [REDACTED]
Portland, Oregon 97220

Cell Phone: [REDACTED]

Victim in PPB Case #17-39711

CONFIDENTIALOther Mentioned:

Deputy Medical Examiner Damon O'Brien
Oregon State Medical Examiner's Office

Chief Deputy Don Rees
Multnomah County District Attorney's Office

Steve Myers, Attorney At Law
Representing Officer Hearst
Work Phone: 503-227-4558

SUMMARY

ARMANDO SUEREZ called to report he had been robbed at gunpoint at the 1700 block of NE 82nd Avenue. East Precinct uniform officers, including Officer Ferner and Officer Tatro, responded. While the officers were enroute, JULIE CHRISTIE called 911 to report someone had broken into her car in the parking lot of 1816 NE 82nd Avenue. The description of the person who broke into JULIE CHRISTIE's car was similar to the description of the person who robbed ARMANDO SUAREZ at gunpoint. Officer Tatro went to this call instead. A short time later, MARSHA PITTMAN called 911 to report an unwanted male in her yard at [REDACTED], whose description matched the description of the suspect from the previous two calls. Officer Rippe went to this call. This male was contacted by Officers Rippe and Tatro in the side yard of MARSHA PITTMAN's residence, and the suspect fled on foot and jumped a fence. A perimeter was established, and a canine track began. The search team, which included Officer Hearst, eventually arrived at [REDACTED], and discovered a rear basement door window had been broken. The suspect, later identified as QUANICE HAYES, was able to exit the house through a window and concealed himself in an alcove between the house and the garage. Officer Higginbotham discovered QUANICE HAYES and the search/custody team directed him to come out with his hands up. QUANICE HAYES was uncooperative, and kept lowering his hands, especially his right one, toward his waistband. QUANICE HAYES was told by the officers he was believed to be armed and if he kept reaching into his waistband, he would be shot. QUANICE HAYES deliberately and quickly reached into his waistband. Officer Hearst fired his rifle three times, striking and fatally wounding QUANICE HAYES. This report documents the initial steps of the investigation at the scene.

NARRATIVE

On February 9th, 2017, at approximately 0930 hours, I received notification to respond to NE 82nd Avenue and NE Hancock Street to investigate an Officer Involved Shooting near that location. While enroute, I learned the person who had been shot was deceased. Upon arrival, I learned one officer, Officer Hearst, had fired his rifle, and no one else had fired a weapon. I ensured all involved and witness officers were separated and someone was assigned to observe them. Because it was raining heavily and the ambient air temperature was in the upper thirties, I requested the officers sit separately in nearby

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police vehicles. I then coordinated with uniform personnel on establishing the crime scene and preserving evidence. I learned Sergeant Nice was a witness to the shooting, and I asked him if he would provide a briefing to the investigative team and conduct a scene walkthrough, and he agreed.

Once everyone had arrived, I met with my partner, Detective Slater, and the other members of the investigative team, and we attended a briefing conducted by Officer Ferner at 1045 hours. From Officer Ferner, I learned the following: at approximately 0724 hours, Officer Ferner responded to a 911 call made by ARMANDO SUAREZ saying he had been robbed at gunpoint thirty minutes prior at NE 81st Avenue and NE Schuyler Street. The suspect was described as male black in his twenties wearing a grey hooded sweatshirt and black jeans, armed with a camouflage-colored handgun, which he carried in his waistline, and he was last seen walking eastbound toward NE 82nd Avenue. Among the items taken from ARMANDO SUAREZ were his Oregon Trail card and a green vest with an Alaska patch on it (see Supplemental Report documenting the interview of Officer Ferner for complete details).

During that same briefing, I learned the following from Officer Tatro: Officer Tatro responded as cover with Officer Ferner.

While enroute, Officer Tatro was dispatched to a 911 call made by JULIE CHRISTIE at 0726 hours, reporting her vehicle had been broken into in the parking lot at 1816 NE 82nd Avenue. JULIE CHRISTIE followed the suspect as he left northbound on NE 82nd Avenue, and described him as a black male, in his teens to early twenties, with long dread locks, wearing a blue or black jacket, blue jeans with a white belt. Officer Tatro contacted JULIE CHRISTIE and was taking a report when he heard Officer Rippe dispatched to a 911 call made by MARSHA PITTMAN reporting an unknown male black in his twenties wearing a black hooded sweatshirt and carrying a black suitcase was banging on her door at [REDACTED] NE Tillamook Street.

Believing this was likely the same person who broke into JULIE CHRISTIE's car, Officer Tatro went to cover Officer Rippe. Officer Tatro and Officer Rippe found a black male matching the previous descriptions in the back yard putting on a coat from a suitcase at his feet. The officers challenged the male, but he was uncooperative with them, only partially raising his hands as directed, and refused to put his hands all the way up. The male also made statements similar to he was only being treated this way because he is black and said he lived at the residence. The officers worked to verify whether or not the male lived at the residence, and when MARSHA PITTMAN said the male did not live there, he fled on foot southbound through the yard and over the fence. The officers broadcast the information and a perimeter was established and a canine officer responded (see Supplemental Report documenting the interviews of Officer Tatro and Officer Rippe for complete details).

During that same briefing, I learned the following from Sergeant Nice: Sergeant Nice was the Incident Commander and was in charge of the outer perimeter. Near the end of the canine track, the search team had focused on [REDACTED] NE Hancock Street as a potential location of the suspect. Sergeant Nice believed the alarm system in the house had been activated, but was not sure if it had been activated by the suspect or the police. Sergeant Nice was aware of a conversation about sending a police dog with a camera into the residence. Sergeant Nice saw the search/custody team, including Officer Hearst, coming around the east side of the garage from the backyard to the driveway in front of the garage. Sergeant Nice heard the officers challenge someone and went over with his patrol rifle to assist. Sergeant Nice saw the suspect in an alcove between the house and the garage. Sergeant Nice heard the officers giving loud and clear commands to the suspect to crawl out from the alcove, but he instead walked out on his knees. Sergeant Nice said the suspect was not following commands to raise his hands up, and never had his hands higher than chest level. Sergeant Nice said the custody team was backing away from the suspect, and Sergeant Nice moved behind and to the side of the custody team. As he was moving, Sergeant Nice saw the suspect quickly reach his hand down to his waistband, and he heard three gunshots fired by Office Hearst. Sergeant Nice then removed himself from the immediate area and began making notifications (see Supplemental Report documenting the interview of Sergeant Nice for complete details).

At the conclusion of the briefing, investigatory assignments were made. All of the witness officers were directed to proceed to East Precinct to be interviewed by Detectives (please refer to the Supplemental Reports by the above listed Detectives for complete details of all of the interviews). Detective Steed and Detective Gradwahl were assigned to assist with documenting and processing the scene. Detectives Clifton, Michaels, Sharp, and Bledsoe were assigned to conduct civilian witness and canvass interviews.

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At 1130 hours, Detective Slater and I conducted a walkthrough of the scene with Sergeant Nice. We stood on the north side of NE Hancock Street directly in front of the driveway for [REDACTED] NE Hancock Street, and Sergeant Nice showed us the following: The custody team was standing in an arc on the east side of the driveway, in an east-west direction with the open part of the arc facing toward the garage. Officer Wullbrandt was at the far eastern side of the driveway with his canine partner, along with Sergeant Helfrich, on the east side of the arc. Sergeant Nice was on the west side of the arc, next to Officer Hearst, which was in the middle of the driveway. The suspect was recessed in an alcove between the west side of the garage and the east side of the house. At the time the shots were fired, Officer Hearst and the suspect were approximately ten feet apart. Based on the walkthrough provided by Sergeant Nice, I knew Officer Hearst's field of fire was to the north, and his backdrop would have been the foundation of the house. Sergeant Nice was then directed to proceed to East Precinct to be interviewed by Detectives (see Supplemental Report for complete details of the interview).

Detective Slater and I then observed the scene, and I noted the following: Multiple marked police vehicles were parked on NE Hancock Street, including one parked across the entrance to the driveway of [REDACTED] Hancock Street, on the north side of NE Hancock Street, slightly angled into the driveway, but generally facing east. A second vehicle was parked on the south side of NE Hancock Street, west of [REDACTED] Hancock Street, angled, but generally facing west. In the driveway of [REDACTED] Hancock Street, I saw three apparent .223 caliber shell casings.

At the west edge of the driveway of [REDACTED] Hancock Street, near the garage, I observed a deceased male lying on his left side with his hands cuffed behind him. I also observed what appeared to be a large caliber tan and black handgun lying near the deceased subject. Lying next to the handgun was a window screen that appeared broken, with a long piece of screen frame lying on the ground nearby. Above the screen was an open window and it appeared the broken screen had previously been mounted in the window frame. At the northern end of the alcove between the house and the garage, I could see a black women's bag full of property sitting on the ground. At the rear of the residence was a set of cement stairs leading down to a basement door with a window in the upper half of the door. The window glass had been recently broken out, and I could see the glass on the ground on front of the door. A decorative security screen in the door on the inside of the now-broken window was bent inward, which appeared to allow access to allow someone to crawl through the window and enter the basement. Several recent smudge marks of boot sole imprints around the doorknob indicated someone had attempted to kick the door in to gain access to the basement (please refer to Detective Steed's Supplemental Report for complete details of the scene).

After it was photographed by Criminalist Outhaythip, I attempted to render the handgun safe so it could be collected. Upon handling the firearm, I was able to determine the handgun was not real, but was in fact some type of extremely realistic looking BB or pellet gun. The frame of the pistol was polymer plastic, and the slide was metal. The slide was capable of being manipulated in a realistic manner. The muzzle of the barrel was approximately sized to accommodate a large caliber bullet. An accessory rail was located in front of the trigger guard. The functional safety was in the "off" position. The magazine in the handgrip was removable and revealed a CO2 cartridge in the magazine. Traces of rifling were visible at the end of the barrel. Criminalist Outhaythip then collected the pellet gun.

At 1300 hours, Deputy Medical Examiner (DME) O'Brien arrived onscene. During his preliminary investigation, DME O'Brien located what appeared to be a gunshot wound to the deceased subject's head. DME O'Brien also removed an Oregon Trail card from the deceased's back pocket, and I could see the card was signed "ARMANDO SUAREZ" on the back. I could also see what appeared to be loose U.S. and foreign currency in the deceased's left front pant pocket. Officer Staab was able to operate an IBIS machine and obtain fingerprints from the deceased in an attempt to identify him. DME O'Brien then transported the deceased to the Oregon State Medical Examiner's Office pending a post-mortem examination.

Officer Staab subsequently told me the fingerprints he obtained from the deceased were a match for QUINTEL MARSHALL, a black male with a date of birth of [REDACTED], and an Oregon SID number of [REDACTED]. Officer Staab said when he checked that name in RegJIN, it showed the associated name QUANICE DERRICK HAYES, a black male with a date of birth of [REDACTED]. Officer Staab said it was unclear which name was the true name of the deceased.

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Detective Slater was able to speak with the resident of [REDACTED] NE Hancock Street, CHRISTINE VU, who was out of town, but gave us her permission to enter her residence. Criminalist Willard photographed the inside of the residence, and then Detective Slater, Detective Gradwahl, and I went inside [REDACTED] Hancock Street. Once inside the residence I could see the alarm panel in the living room area had been broken and torn apart, disabling the alarm system. I could also see the plastic shades covering the window on the east side of the residence next to the garage had been broken and torn down and thrown onto the kitchen floor. A dog gate next the window was broken, as if someone had stepped on it to gain access to the countertop next to the window and the gate was unable to support the weight. In the living room was a desk with open drawers, as if someone had been going through the drawers. In the basement in the room adjacent to the exterior door, decorative wooden screen and a metal clothes rack containing clothes had been knocked over. Pieces of broken window glass were present on the floor inside the door (see Supplemental Reports by Detective Slater and Detective Gradwahl for complete details).

All of the previously described items of evidence were collected by Criminalists with the Forensic Evidence Division (see Supplemental Reports by members of the Forensic Evidence Division for complete details). Detective Slater and I cleared the scene a short time later. We did not locate any surveillance video from the area immediately surrounding [REDACTED] NE Hancock Street, nor did anyone contact us regarding possessing video of any portion of the incident at [REDACTED] Hancock Street.

This investigation is ongoing.

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FOLLOWUP REPORT #35				
ASSIGNED TO SLATER, MARK E (27192)		RANK DETECTIVE		
ORG UNIT DETECTIVE: HOMICIDE DETAIL		CAPACITY 1-INVESTIGATOR, SECONDARY		
ASSIGNED ON 02/14/2017	ASSIGNED BY BRADSHAW, TESSRA	SUBMITTED ON	APPROVED ON	APPROVED BY

CONFIDENTIAL**FOLLOWUP REPORT #36**

ASSIGNED TO TURNAGE, AARON (51413)		RANK DETECTIVE		
ORG UNIT FAMILY SERVICES: CHILD ABUSE TEAM		CAPACITY 1-INVESTIGATOR, SECONDARY		
ASSIGNED ON 02/14/2017	ASSIGNED BY TURNAGE, AARON	SUBMITTED ON 02/14/2017	APPROVED ON 02/14/2017	APPROVED BY HUGHES, MICHELE M

NARRATIVE

AUTHOR TURNAGE, AARON (51413)	DATE/TIME 02/14/2017
SUBJECT W. OFC. INTV S. MCHUGILL	

Action Taken:

On February 9, 2017, as a member of the East County Major Crimes Team, I responded to the 8300 block of NE Hancock to assist the Portland Police Bureau with an officer involved shooting that had occurred earlier in the day. Upon arrival, I was briefed and asked to respond to the Portland Police East Precinct to assist with witness officer interviews.

I was partnered with Portland Police Detective James Lawrence, DPSST # 30434 and we jointly interviewed Officer's Rippe, McHugill and Commander Parman. Detective Lawrence lead the interviews with Rippe and Parman, while I led the interview with McHugill. The interviews were audio recorded and have been lodged into PPB evidence by Detective Lawrence. All three subjects were shown individual sets of the same overhead images of the scene, each set was clean and free from markings and the three interviewees were allowed to make markings / diagrams on their respective set. All three sets of diagrams were identified on the revers by the interviewee's name or initials and were scanned into Detective Lawrence's report . The diagrams were then lodged as evidence.

The audio from my interview with Officer McHugill was transcribed. See my supplemental report for the interview details contained in the transcription, the transcription review and approval.

Action Recommended:

Pending

CONFIDENTIAL**FOLLOWUP REPORT #37**

ASSIGNED TO WINTERS, WILLIAM H (34381)		RANK DETECTIVE		
ORG UNIT DETECTIVE: ROBBERY DETAIL		CAPACITY 1-INVESTIGATOR, SECONDARY		
ASSIGNED ON 02/14/2017	ASSIGNED BY WINTERS, WILLIAM H	SUBMITTED ON 02/14/2017	APPROVED ON 02/14/2017	APPROVED BY HUGHES, MICHELE M

NARRATIVE

AUTHOR WINTERS, WILLIAM H (34381)	DATE/TIME 02/14/2017 0913
SUBJECT (WITNESS #8) NICE, KYLE S Oct-	

On February 9th, 2017, I was contacted by Detective Sergeant Whattam to respond to [REDACTED] Hancock to assist with an officer involved shooting. I arrived and was present for the initial homicide briefing. After the briefing, I was assigned by Detective Sergeant Whattam to go to East Precinct and assist with witness officer interviews. I was partnered with Detective McGuire BPST # 31951. I interviewed Sergeant K. Nice BPST #28653 of East Precinct. Present for his interview was union rep Daryl Turner.

This interview was recorded and a CD/R copy was produced after the interview, this interview was fully transcribed. For full details of this interview listen to the CD/R or read the transcription. After the interview I collected as evidence the CD/R and a signed color Google map showing the location of the shooting scene and where Sgt. Nice was at the time of the shooting. I logged the evidence on property receipt number #A047986 and placed into Central Precinct property room locker C-016 by writer.

For additional details regarding this investigation see other reports written.

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IMAGE ATTACHMENT (1257838) A047986

SAR-KN: a
26853



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BUREAU OF POLICE
2619 NW INDUSTRIAL ST., STE. B4
PORTLAND, OREGON 97210
503-823-2179

PROPERTY/EVIDENCE RECEIPT

HOURS OF OPERATION:
9:00 AM TO NOON &
1:00 PM TO 4:00 PM, M-F

THIS RECEIPT MUST BE ACCOMPANIED BY AN APPROPRIATE REPORT

RECEIPT NUMBER	No. A047986		DATE/TIME	2/9/17 1800	AM PM	REFER CASE NO.	PPB CASE NO.	17-39972
CHECK ONE TYPE	ONLY <input checked="" type="checkbox"/> EVIDENCE		<input type="checkbox"/> FOUND PROPERTY		<input type="checkbox"/> PRISONER'S PROP. GAVE COPY? YES <input type="checkbox"/> NO <input type="checkbox"/>		<input type="checkbox"/> SAFEKEEPING	
PROPERTY TAKEN FROM:			LAST NAME	FIRST	M.I.	SEX	DOB	
DENIED OWNERSHIP <input type="checkbox"/>								
HOME ADDRESS			CITY		STATE		ZIP	
OWNER OF PROPERTY			LAST NAME	FIRST	M.I.	SEX	DOB	
HOME ADDRESS			CITY		STATE		ZIP	
							PHONE	
TYPE OF INCIDENT			DELIVERING OFFICER			DPSST/ASSIGN		
Officer involved Shooting			Winters			34381/ROB		
LOCATION WHERE SEIZED, FOUND, SURRENDERED			INVESTIGATOR (IF DIFFERENT)			DPSST/ASSIGN		
DETECTIVE DIVISION			RAMMERER			HOW		
<input type="checkbox"/> DEFENDANT			LAST NAME		FIRST	M.I.	SEX	RACE
<input type="checkbox"/> SUSPECT								DOB
FOR GUNS LIST MAKE, TYPE, CALIBER, MODEL, SERIAL NUMBER(S), IMPORTER & COUNTRY OF ORIGIN. LIST ONLY ONE ITEM PER SELECTION.							STLN	FOR PED USE ONLY
ITEM 1	CD/R of Interview of Sgt K Nice #28653							
ITEM 2	Signed Google Map of Shooting Scene by Sgt K Nice #28653							
ITEM 3								
ITEM 4								
ITEM 5								
ITEM 6								
ITEM 7								
ITEM 8								
DELIVERED TO:			<input type="checkbox"/> STATE CRIME LAB		<input checked="" type="checkbox"/> SATELLITE PROP. ROOM		<input type="checkbox"/> PED	
CHECK ONE ONLY			<input type="checkbox"/> FED		<input type="checkbox"/> OTHER		PRECINCT & LOCKER#	
							C-016	
							DATE	
							2/13/17	
							RECEIVED BY	
DO NOT WRITE IN SPACE BELOW — FOR PED USE ONLY								
RECEIVED BY PED			DATE:		TIME:		BY	
WHITE - RECORDS COPY PINK - WITH PROPERTY YELLOW - CITIZENS RECEIPT								

07/12

CONFIDENTIAL**IMAGE ATTACHMENT (1296084) SERGEANT NICE TRANSCRIPT**

**PORTLAND POLICE BUREAU
CASE NUMBER 17-39972**

February 9, 2017

**Interview of
SGT. KYLE NICE**

TAPED STATEMENT TRANSCRIPTION

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**PORTLAND POLICE BUREAU
DETECTIVE DIVISION
CONFIDENTIAL TAPED STATEMENT TRANSCRIPTION**

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Winters: Good afternoon this is Detective William Winters, BPST 34381. Present with me is Detective Brendan McGuire uh, Officer Darryl Turner and Sergeant KYLE NICE of East Precinct. KYLE you know this is being recorded?

Nice: I do.

Winters: And uh, spell your last name for me please.

Nice: NICE, N-I-C-E.

Winters: And your BPST?

Nice: 26853.

Winters: Okay and where do you work currently?

Nice: Uh, day shift at East Precinct.

Winters: Okay and uh, what was your unit number?

Nice: Uh, today was 3907.

Winters: Okay so this morning, it's February 9th, at approximately 7:00 in the morning it sounded like there was a, some sort of a call of a possible carjacking.

Nice: Yeah actually coming out of roll-call I was briefed uh, just basically by a night shift sergeant who had heard it and uh, made sure that I was aware of it. I started listening to the call um, and as soon as I heard that officers were out with a subject I immediately went to my car and headed to the scene.

Winters: Okay uh, heading to the scene did you make plans on the way or, or anything over the radio?

Nice: No I was just uh, trying to get to the scene and trying to listen to the radio to find out what exactly was going on because I did miss the initial dispatch.

Winters: Okay.

Nice: Um, but I, I caught the part of um, that they were challenging one and he was not following directions so I was basically driving code to the scene.

Winters: Okay, do you remember who was challenging him at first?

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Nice: I don't.

Winters: Okay and when you arrived where did you go first?

Nice: Uh, let's see I pulled onto, I want to say Schuyler off of 82nd, uh they were still setting up a perimeter because the guy, the suspect had fled from the officers so we were no longer in contact with him so I took a perimeter spot, I want to say 86 and Schuyler.

Winters: Okay.

Nice: 86, maybe eigh- no I think I started 84 and Schuyler.

Winters: Okay.

Nice: We later expanded the perimeter but we'll get to that later.

Winters: Okay and then after that perimeter was established uh, what happened next?

Nice: Um, uh, on the way there I made sure that we had a K-9 enroute.

Winters: Okay.

Nice: And the way we set up um, Sergeant HELFRICH came in from a different direction and he was close to where the K-9 track was going to start so he took over the, the K-9 track which left me, I guess as I see...

Winters: ...okay...

Nice: ...running the exterior um, so I made sure our perimeter was set up um, we did start a dog track um, I had some conversations over there about making sure we had a rifle and make sure we had enough people uh, to go on the track. Um, I was in the car, in and out of the car making sure that the perimeter was tightened, tight enough, there, there weren't any gaps. Um, track went on for quite some time.

Winters: Okay.

Nice: Initially Se-Sergeant HELFRICH had broadcasted um, over towards 84 and, I want to say is it one north is Tillamook?

Winters: Yeah Tillamook is to the north.

Nice: Um, that, that he had heard somebody going over the fence so they initially st- I think started the track over there and it led through the blocks. I don't think it ever got south of Hancock.

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Winters: Okay.

Nice: But it led to the area of the 8100 block of Hancock.

Winters: Okay and uh, when you guys, what led you to that, that yard? I mean –

Nice: Um, the dog track led us there and they um, found a broken window I, I believe it was, they called it a lower basement window.

Winters: Okay.

Nice: Over the air so they were um, focused on that house but they um, spent a fair amount of time checking all the uh, out buildings and other yards around this...

Winters: ...okay...

Nice: ...area first and uh, once that was all cleared um, Sergeant HELFRICH joined me uh, at my car and uh, Lieutenant DELAND and uh, Capt- Commander PARMAN were also there and we had a discussing about, a discussion about what to do at the house.

Winters: Okay.

Nice: Um, we knew that it was a, a SERT training day, we knew that SERT was, I think at Tri-County so there was some delay with SERT but we were not um, we were not real sure that anybody was in that house. We couldn't get any contact with any owners. We, we researched phone numbers, we talked to neighbors um, we, we ba- pretty much exhausted all avenues that we could think of to, to contact anybody in the house.

Winters: Okay.

Nice: Um, we didn't know if it was an old burglary um, I, I thought there was some conversation over the radio that somebody looked inside and saw fresh footprints so we had enough that we didn't feel comfortable walking away from that house with an armed suspect still in the blocks somewhere.

Winters: Um-hm.

Nice: So um, we decided uh, that we didn't really have enough to call SERT and make entry in the house but we wanted to go send the dog in with a camera to look around to see if it, it would key on anything um, to give us anymore information to, to, to uh, take action on this house.

Winters: Okay uh, when that happened what happened next?

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Nice: Um, so I, I wasn't part of the team.

Winters: Right.

Nice: So I'm not sure that I caught everything on top but as I recall um, Sergeant HELFRICH went back with the custody and K-9 team. I believe they made entry into the back of the house which made an alarm go off.

Winters: Okay.

Nice: Um, we noticed an alarm sign up front so we had dispatch call the alarm company and they said yes, we got an activation but they said this was the only activation. We did not get an activation history like as if the suspect had made it into the house.

Winters: Okay.

Nice: And so we were thinking like well maybe this was old, you know maybe we're done here because the dog went in, didn't see anything.

Winters: Um-hm.

Nice: Didn't get a hit on anything an-and we were like well, you know we did all we could today.

Winters: Um-hm.

Nice: Um, so the, the custody and K-9 team is walking around the east side of the house uh, coming through uh, the, the wooden gate there and all of a sudden there's a commotion of, there he is.

Winters: Okay.

Nice: And I, I don't remember what keyed me to see that but I almost remember like seeing the dog come around and actually just taking a right turn like hey, right there.

Winters: Okay.

Nice: Um, I had had my rifle out so I ran up to join the custody team.

Winters: Okay.

Nice: Uh, I, I'm not sure all who was up there but I went up there uh, saw the subject hiding between the house and the, I think it's an unattached garage or there is a uh, there's like a space that leads back away from the, that front edge of the

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garage where it, it may or may not be connected. It's connected somewhere back there but there's a space there and the suspect was in there. He uh, he was given commands by the K-9 unit to show his hands which he didn't really follow. Um, he kind of would raise his hands and then kind of put them back down. He was given commands, you know to crawl out to us, he didn't do that. Um, I turned and spoke with HELFRICH about, do you have the custody team uh, because I had my rifle so I was going to be part of the lethal cover.

Winters: Okay.

Nice: For this event. He said yes, I, I, I remember him holstering and like getting his uh, gloves out and he took another officer, which I think might've been McHugill but I, I can't remember.

Winters: Okay.

Nice: And they started to move around my back to go to the, my right which is east.

Winters: Okay.

Nice: And um, I moved uh, over to the left, which would be the west of Officer HEARST.

Winters: Okay.

Nice: Um, and I have a, I, I have a - I can't remember what order I did this. At some point as we were bringing him back, I want to say this was right before that movement was made that there was a break in time when no one was giving commands and this subject was not giving, was not following the commands that I yelled to him as loud as I possibly could, crawl out to us on your hands and knees.

Winters: Okay.

Nice: So that there was no confusion what he was supposed to be doing.

Winters: So when you first had, when the, when he was first getting addressed uh, by commands what was his positioning?

Nice: Uh, he, let's see - I don't know if he was sitting or kind of crouched.

Winters: Okay.

Nice: Like maybe, you know on one knee and one foot up.

Winters: Okay.

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Nice: I don't remember. There's, there's a little bit of shrubbery and I, I don't remember his position but he was lowered, he was, as if he'd been crouched down hiding in that space.

Winters: Okay, did uh, at that point what was your guy's distance? The custody team...

Nice: ...um...

Winters: ...to, what – estimate, I mean –

Nice: Yeah I'm thinking 10, eight to 10 yards.

Winters: Okay.

Nice: We were, we were up the driveway but we were not, um, like right on the garage door, we were back a- aways from the, from the uh...

Winters: ...so center up the driveway possibly?

Nice: Yeah we were kind of in a, in an arc.

Winters: Okay.

Nice: Across the, the center of the driveway.

Winters: Okay and uh, at that point were you, did you have a rifle pointed at him or were you?

Nice: I was kind of low ready, you know giving commands and making sure that the custody team was getting set up and –

Winters: Okay and you were next to HEARST it sounded like at one point.

Nice: I, I, I initially came up and I was, I was kind of behind HEARST's right shoulder.

Winters: Okay.

Nice: That's when I was talking to Sergeant HELFRICH and I don't remember if I gave the commands from that position. I remember that the shots were fired as I was moving around...

Winters: ...okay...

Nice: ...Officer HEARST.

Winters: Okay.

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Nice: So I, I can't, I think I gave the commands before we, the custody team moved. I think, I think as we, as he was starting to kind of knee walk out I, and he wasn't crawling, I think as we backed out I gave that command, then had the conversation with Sergeant HELFRICH about custody and then started to move around uh, Officer HEARST.

Winters: Okay. When you guys were addressing the suspect was he, and you guys were yelling loud, obviously, you know we've all addressed people.

Nice: Yes.

Winters: And we can say, hey get your hands up, let me see your hands.

Nice: Yes.

Winters: Or you're yelling like you're saying, was that because of his demeanor, of how he was acting or was that because you had start- someone had started to give commands and he wasn't listening so you were amping it up onto –

Nice: As, as I remember Officer WULLBRANDT, was it WULLBRANDT or – I think it was Officer WULLBRANDT was giving him commands initially and they were to, to crawl out to us.

Winters: Okay.

Nice: Um, you know we, we didn't want his hands, we knew that he had a weapon and we didn't want his hands, you know, accessible, we wanted him to put his hands on the ground and crawl out to us because we did not want to go into that confined space to take custody of him.

Winters: Okay.

Nice: So we wanted him to come out but, you know putting him on his, his hands limits his ability to reach for a weapon.

Winters: Okay.

Nice: He did not do this.

Winters: Okay.

Nice: So we...

Winters: ...what did, what, sorry to interrupt, what did he do?

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Nice: He, he responded back verbally a little bit and I don't remember what he was saying. He, he had, he spoke as if he had something in his system like drugs or alcohol because it, it was a little bit slurred and I didn't understand all of it. At some point he said, I didn't do anything and that's about the only thing I re- I really remember that was intelligible.

Winters: Okay.

Nice: But his hands were like moving up and around. He was not keeping his hands in any one place. He's, he's kind of, kind of raising and lowering and –

Winters: So animated?

Nice: Yeah.

Winters: Okay.

Nice: But slowly, he wa- he wasn't like waving them around.

Winters: Right.

Nice: But he's like, like he's trying to figure out, you know what he wants to do.

Winters: Like trying to look for a place to escape or?

Nice: Possibly.

Winters: Size you guys up?

Nice: Possible, yes.

Winters: Okay.

Nice: Um, and that's why on-once there was a break in a conversation because I didn't want to talk over anybody else's command. I wanted to give him a very loud, very clear, very specific command.

Winters: Okay and what was that command?

Nice: That was crawl out to us on your hands and knees.

Winters: Okay and at that time what happened after that?

Nice: He continued to kind of uh, walk on his knees but he kept his hands moving. He, his hands would go up and down and he wou- he was looking around.

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Page 9**Winters:** Okay.**Nice:** You know he wasn't, you know when I, when I yelled those commands I, I have a very large voice.**Winters:** Um-hm.**Nice:** He, he did not look at me, he continued to look around, I don't know what he's looking at but it's not, like you couldn't get his attention.**Winters:** Um-hm.**Nice:** Um, and he did not respond at all to my commands he just kept, kept kind of knee walking uh, out towards us.**Winters:** Okay, did you see anything in his hands?**Nice:** No I did not.**Winters:** In his waistband, anything that...**Nice:** ...no I did not...**Winters:** ...presented a weapon at all?**Nice:** No.**Winters:** Okay and then what happened after, when he started to crawl out?**Nice:** Uh, so we started to move back.**Winters:** Okay.**Nice:** To give us some room to take him into custody uh, and that's when I made the move around um, Officer HEARST, to his left side because the custody was going to be over here so being lethal I still had my rifle out but I just moved around to support...**Winters:** ...okay...**Nice:** ...uh, Officer HEARST and keep an eye on him and as I was moving uh, out of the corner of my eye I saw his right hand start to go down to his waist and that's when the shots were fired.**Winters:** Copy. How many rounds did you hear?

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Nice: Three.

Winters: Okay, do you know where those rounds hit?

Nice: I do not.

Winters: Okay and what was the reaction of the suspect after those rounds were fired?

Nice: He fell directly forward.

Winters: Okay.

Nice: And did not move again.

Winters: Okay and then what was the plan after that?

Nice: Uh, I kind of got my bell rung by those uh, shots so I had walked back away from the group.

Winters: Okay.

Nice: Um, just to kind of blink a couple times and clear my head.

Winters: Okay.

Nice: Um, I spoke with Officer HEL or Sergeant HELFRICH uh, I can't remember – we decided to bring up a shield and we called for medical and I think an approach was made once we got the shield up there and he was taken into custody.

Winters: Okay were you part of that?

Nice: I was not.

Winters: Okay.

Nice: I was out on the street um, notify- uh, talking with Lieutenant DELAND, I don't remember what I told him though.

Winters: Okay.

Nice: Um, and I want to say I made some notification over there but I, I don't remember.

Winters: Okay um, so you, you stepped back just because your bell was rung after, because you were so close to –

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Nice: Yeah.

Winters: Okay um, did anybody say anything after the shooting, after they put him into the, the handcuff position post shooting? You know such as the sort like hey, we saw a gun or hey did we even see any weapons?

Nice: No, no.

Winters: Anything of that sort?

Nice: We, we all kind of kept our distance and –

Winters: Okay, okay.

Nice: You know we, it was a very veteran crew, we kind of know the drill so.

Winters: Okay and at any point did you point your rifle at him?

Nice: No.

Winters: Did you pull your trigger at all?

Nice: No.

Winters: Okay. Any less lethal of the sort?

Nice: No.

Winters: Okay.

McGuire: I'm gonna back it up just a little bit.

Nice: Okay.

McGuire: Actually quite a bit. Um, when you (clearing throat) excuse me. When you first heard, when you first made the decision that you're going to go to this call, because you said that you were kind of monitoring a little bit after being told by the night shift...

Nice: ...um-hm....

McGuire: ...that at some point you made the decision to go there um, what exactly about it was that made your, was it that made your decision to go there?

Nice: We had officers challenge a, an armed subject and over the air I heard, he is not following commands so to me that's an indication that it may be an officer

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involved shooting. That's very common pre-cursor transmission of an officer involved shooting so –

McGuire: And do you remember any other specific transmissions from the officers at that time?

Nice: Uh, not really. I'm running to my car.

McGuire: Um-hm.

Nice: So I wasn't even logged on yet. I do remember, I want to say maybe Officer FERNER transmitted that as the subject ran behind the house he had put his hands down by his waist.

McGuire: Okay.

Nice: I'm not sure that's Officer FERNER but I remember that as I'm throwing my gear in my rig and trying to get rolling I remember somebody saying something about that.

Winters: Okay, yeah.

Nice: And I actually later when we were thinking about getting this out so I called Officer FERNER and confirmed what he had heard from uh, the victim.

Winters: Um-hm.

Nice: About the gun, I wanted to make sure that we had good information there and good information about what uh, was, what actually happened when we challenged him so as I'm on the perimeter running the outside of this...

McGuire: ...alright...

Nice: ...I was confirming details um, from the primary officer and then I also called and uh, briefed Lieutenant DELAND.

Winters: Okay.

McGuire: Do you remember um, when you learned those details about the gun and about him reaching for it and stuff like that from those phone calls, other than Lieutenant DELAND do you remember telling any of the officers uh, on the custody team or anything?

Nice: No.

McGuire: (unintelligible).

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Nice: I knew that it had gone over the air and I was really confirming.

McGuire: Okay.

Nice: Because I had not heard it clearly over there and I wanted to make sure that, you know I, I assumed everybody else heard it because the officers were already on the call.

Winters: Um-hm.

Nice: And, you know I'm still doing things in the officer here when I hear this and roll. So I was confirming it mostly for myself and as a supervisor that I heard those things correctly.

Winters: Okay.

McGuire: Okay. Um, so just to be clear when you uh, the uh, first person that you heard challenging him was ROB WULLBRANDT with the K-9 as they came around there that you...

Nice: ...I believe so.

McGuire: Okay um, and then that's when you uh, made the move up to uh, from where you were with your AR up to the, to where everyone else was coming around or was that -

Nice: Um so -

McGuire: Did I get that wrong?

Nice: Well I'm not sure what you're asking so -

McGuire: Okay.

Nice: I, when they came around the corner there was some commotion of like, somebody said well there he is and I don't know who said what, I just know...

McGuire: ...okay...

Nice: ...that all of a sudden things were happening and I ran over there. And to, and I joined the group of officers that were in the driveway.

McGuire: Okay.

Nice: When I got there that's when I remember hearing Officer WULLBRANDT giving the subs- subject commands.

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Winters: On an estimate, sorry – real quick.

McGuire: No, no.

Winters: On an estimate from the time they're like there he is to the shots fired can you estimate a time? Was it like bam, okay give m- get your hands up, bam, shots fired or was it...

Nice: ...no we...

Winters: ...a considerable amount of time?

Nice: I don't want to say considerable but we, we, we took some time to give him multiple commands.

Winters: Okay.

Nice: Um –

McGuire: Well and you had...

Nice: ...I remember him being in that, that space for awhile. I mean he was there long enough that I could talk to Sergeant HELFRICH about a custody team, start getting people moved around so, you know from the time they rounded the corner to shots fired, two to three minutes.

Winters: Okay.

Nice: I mean we were, we were static with him for a noticeable amount of time.

Winters: Okay.

McGuire: And was somebody an-and including the, that break in the action when you said you gave the command, was somebody pretty much giving him some form of command during that whole time?

Nice: Yes.

McGuire: And at any point did he uh, um, really cooperate with those commands?

Nice: No.

Winters: At any point did his demeanor change from, okay some compliance to zero compliance to like despondent like just making that...

Nice: ...no..

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Winters: ...what you're seeing, you know like you were saying earlier that possibly his slurred speech and his, maybe some drugs or alcohol on board, don't know but where you just kinda you can tell that he sh-shut it off and he's like just having, I'm not even focused on what you guys are doing?

Nice: No he, he didn't really, he didn't really pay attention to us. He never really focused on anything, he just, he was kind of the same hand motions and the, the absolute minimal of compliance. You know we yelled at him to get his hands up and he, you know he, he raised 'em to about mid-chest like, you know um, and then lowered them and more commands were given an-and he never, he never did go to a crawling position.

Winters: Okay.

McGuire: Right.

Nice: Um –

McGuire: And he did at least the one time respond verbally to you, so there was no question that he heard.

Nice: I, I don't know if he was responding to me or just responding to this whole situation.

McGuire: Okay.

Nice: He never looked at me.

McGuire: Okay.

Nice: I don't, I, he, he ke- kind of continued to look around, I don't know if he was looking at WULLBRANDT when WULLBRANDT was giving commands um, I never got the sense that he was um, really following any of the commands.

Winters: Okay and at any point during that time did, was there a conversation in your plan with WULLBRANDT when he was trying to address him, hey send the dog or?

Nice: No, no.

Winters: No.

Nice: We di- we did not, and I wouldn't want to send the dog for an armed subject like that.

Winters: Okay, just making sure we're covering all this.

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Nice: We were, you know we were getting what I would say minimal compliance.

Winters: Okay.

Nice: He was, he was moving towards us which we, he, we wanted. We wanted him out of that area.

Winters: Okay.

Nice: And we were getting that.

Winters: Okay.

Nice: But we were not getting compliance with his hands.

Winters: Okay, anything to the point of like hey maybe we should do taser or beanbag?

Nice: No.

Winters: Nothing of that sort?

Nice: No.

Winters: Okay.

McGuire: Was he ever close enough for a taser?

Nice: (deep breath) Maybe, yeah but he had, you know he had a, a jacket of some type on and, you know it's cold out, everybody's wearing extra clothes.

McGuire: Sure.

Nice: Uh, and again with a, with a, with an armed subject that's, that's not something we regularly do.

McGuire: Okay.

Winters: Perfect.

Nice: That's, you know we want, we want compliance from verbal commands out of him because anything that we do, you know might have, might have a reaction that we're not expecting or desiring.

Winters: Right.

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Nice: So we want verbal commands, we're gonna back up, give him the room to come out to us and, you know we're just gonna prone him out and take him into custody.

Winters: And this is an outside subject so you became the outside perimeter and then when they, and you adjusted to coming to help with the custody team.

Nice: Well I can tell you how it got there. So um, when we, when we focused in on this house we collapsed the perimeter down and there was a gate over here that was locked and they actually called for bolt cutters. That's what brought me from my perimeter position into here.

Winters: Okay.

Nice: I cut the lock, backed out and then since we were focusing on here and I was starting to consider options of whether we needed other resources such as SERT or anybody else.

Winters: Right.

Nice: I, I backed into a parking lot here and started doing more supervisory issues...

Winters: ...right...

Nice: ...as opposed to pr- uh, perimeter.

Winters: And yo- and your positioning prior to him getting challenged was across the street uh, there was a parking lot...

Nice: ...yes...

Winters: ...right behind there so -

Nice: Just slightly to the west.

Winters: You're 40, you're 25, 30 yards away.

Nice: Yeah.

Winters: Okay.

Nice: Yeah um, I was parked uh, nose up to the curb of the south curb line there uh, facing north so I could observe the house and uh, Lieutenant DELAND and Commander PARMAN had come up and gone car to car with me.

Winters: Okay.

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Nice: And we were having our discussions and then at some point Sergeant HELFRICH joined us there.

Winters: And at that point was there any discussion from WULLBRANDT saying that dog was hitting on here or focused on here?

Nice: Yes.

Winters: Other than the broken window that you'd discussed...

Nice: ...as far as I know the, I don't ever, I don't know if we ever really got a good tack.

Winters: Okay.

Nice: Um, I don't know what, if they just worked the yards this way or they were following a scent um, you know I, I don't, I never got a sense that the dog really keyed hard on anything.

Winters: Okay, perfect and but being the outside perimeter commander you were confident that we had a good containment on that yard?

Nice: Yes and that, that was from information that Sergeant HELFRICH had given because he had heard, you know the uh, the fence over here, he was in better communication with WULLBRANDT, the K-9 officer.

Winters: Okay.

Nice: So when he, when he decided to collapse it down, you know I, I went along with that, I didn't have any problems, I thought that was good to bring it in and Sergeant HELFRICH was really the one that says, I think he's still in here, I think we still have good containment.

Winters: Perfect and after the shooting you che- everybody checked each other to make sure no one was hit.

Nice: Yeah.

Winters: You didn't hear any rounds fired from the suspect?

Nice: No.

Winters: Never saw that?

Nice: No.

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Winters: Okay, anything of the sort.

McGuire: And at one more point and you may not be an- be able to answer this because you described the, that final movement he made with his hands...

Nice: ...um-hm...

McGuire: ...as you seeing it out of your corner of your eye, but other than, did you get a sense, did you see his facial expressions? Did you hear him say anything? Did you see mo- you know anything about that movement that...

Nice: ...like I said, as the shots were fired I, I'm, you know I'm just moving around the back side of HEARST to come up on his right and I just, literally out of the corner of my eye I just see the one hand drop.

Winters: Okay.

Nice: And the shots were fired and -

Winters: And you, earlier you described, sorry, you described it as the right hand the suspect had?

Nice: Yes.

Winters: Right hand?

Nice: Right hand.

Winters: Okay. It dropped down?

McGuire: And was that right hand dropping a, a sort of different, in your mind, different movement than the sort of moving around with his hands previously?

Nice: Yes that was a, a significant movement because I mean it went from, you know shoulder height all the way down to his waist in, in a...

Winters: ...so like a deliberate...

Nice: ...fairly rapid, rapid movement. It's not like he was just moving his hands around, it was, it was direct and straight to his waistband.

Winters: Okay so deliberate moves to...

Nice: ...which I think that's why it caught my eye because it wasn't just the movements he was making, it was - it was a straight...

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Page 20**McGuire:** ...right...**Nice:** ...solid move- uh, I mean a direct movement to his, to his waistline.**Winters:** Okay. Is there anything we didn't ask you that you think we should know about this incident that you observed or saw that would be, would help in this investigation?**Nice:** Uh, nothing I can think of.**Winters:** Okay.**McGuire:** Do you want him to mark on the –**Winters:** Yeah and so what we have here is a uh, Google map of the location of Hancock Street on the west side is 82nd and uh, east side...**Nice:** ...um-hm...**Winters:** ...is 83rd or 84th. Here the location of the house in question where the incident occurred. Can you show me where you were standing uh, put a circle, or put an X where you were at and in position and a circle where the uh, suspect was at the time that you believe the...**Nice:** ...um...**Winters:** ...the shooting was.**Nice:** A circle for the suspect?**Winters:** Yup.**Nice:** And obviously that car was not there at the time.**Winters:** Um-hm.**McGuire:** Yes.**Nice:** And I'm gonna put an X um –**Winters:** And even if it's over the top of the car.**Nice:** Yeah I'm gonna be about right there.**Winters:** Okay and HEARST was on, at that time you said...

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Nice: ...my right.

Winters: Okay.

Nice: And inside.

Winters: Okay, that is perfect. Okay all I need, that's it, I'll have you sign.

Nice: Want me to sign this or something?

Winters: Yup and then just put your BPST.

Turner: I just like one, reiterate one thing because I, I don't, I want to make sure we're all clear on that. KYLE you said when you moved to your left, I believe it was?

Nice: Yes.

Turner: Behind HEARST, you said you came up on his right side, was his right side...

Nice: ...I'm sorry, left side.

Turner: Left side...

Winters: ...left side, yes.

Turner: See that's, I just want to make sure it's clear for the recording.

Winters: Yes.

Nice: I went from right to left.

Winters: Right side to the left side.

Turner: Yes, yes, I remember we talked so I was...

Nice: ...custody, custody and I were switching places and so –

McGuire: Okay.

Winters: And you had come into depress ready to come back up.

Nice: Yeah.

Turner: Yeah.

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Winters: And the, you saw out of the corner of your eye the hand drop and shots were fired.

Nice: Right, correct.

Winters: How many shots did you hear again?

Nice: Three.

Winters: Okay, perfect. I have nothing further.

McGuire: Me either.

Winters: It is currently 4:20pm.

Transcribed Verbatim with Punctuation Added 021017 / 1931 T. Bradshaw

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CONFIDENTIAL**FOLLOWUP REPORT #38**

ASSIGNED TO HOPPER, MEREDITH L (36239)		RANK DETECTIVE		
ORG UNIT DETECTIVE: COLD CASE DETAIL		CAPACITY 4-INTERVIEW WITNESS		
ASSIGNED ON 02/14/2017	ASSIGNED BY HOPPER, MEREDITH L	SUBMITTED ON 02/16/2017	APPROVED ON 02/16/2017	APPROVED BY WHATTAM, KEN N

NARRATIVE

AUTHOR HOPPER, MEREDITH L (36239)	DATE/TIME 02/14/2017 1130
SUBJECT WITNESS OFFICER INTERVIEW	

On February 9, 2017, I was assigned to interview Sergeant Jeff Helfrich regarding his involvement in the shooting at [REDACTED] NE Hancock Street. Detective Jon Zwick from the Multnomah County Sheriff's Office assisted me with this interview. Also present for this interview was Officer Scott Robertson who acted as Sergeant Helfrich's union representation. This interview was recorded and transcribed. Please refer to those transcripts for the complete details of that interview. The follow is a brief summary on Sergeant Helfrich's involvement.

Sergeant Helfrich responded to the area of NE 83rd Avenue/ NE Hancock Street to assist officers that had a subject run from them that they believe was armed with a gun and involved in a robbery. Sergeant Helfrich supervised the team of officers that accompanied the K-9 handler on the dog track for the suspect. Sergeant Helfrich was eventually part of the team that confronted the suspect in the driveway of the listed residence. Sergeant Helfrich described the suspect's demeanor as non compliant when officers gave him very clear instruction on putting his hands up. Sergeant Helfrich did not see the actions that precipitated the shots being fired because at that very second he looked towards the other group of officers to ensure there was no crossfire situation.

Refer to the transcription for the full details of Sergeant Helfrich's statement.

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IMAGE ATTACHMENT (1289651) FOUR OVERVIEW MAPS OF AREA USED IN INTERVIEWS A004736

COLONIAL CUSTOM FORMS (503) 293-6134		T177686 (03/15)	
BUREAU OF POLICE 2619 NW INDUSTRIAL ST., STE. B4 PORTLAND, OREGON 97210 503-823-2179		PROPERTY/EVIDENCE RECEIPT THIS RECEIPT MUST BE ACCOMPANIED BY AN APPROPRIATE REPORT	
RECEIPT NUMBER No. A004736	DATE/TIME 03-02-17 / 0639 PM	REFER CASE NO.	PPB CASE NO. 17-39972
CHECK ONE TYPE <input checked="" type="checkbox"/> ONLY <input type="checkbox"/> EVIDENCE <input type="checkbox"/> FOUND PROPERTY	<input type="checkbox"/> PRISONER'S PROP. GAVE COPY? YES <input type="checkbox"/> NO <input type="checkbox"/>		<input type="checkbox"/> SAFEKEEPING
PROPERTY TAKEN FROM: LAST NAME FIRST M.I. SEX DOB	I VOLUNTARILY RELINQUISH THE ITEM(S) LISTED FOR SAFEKEEPING		
DENIED OWNERSHIP <input type="checkbox"/>	SIGNATURE		
HOME ADDRESS CITY STATE ZIP	PHONE		
OWNER OF PROPERTY LAST NAME FIRST M.I. SEX DOB	TYPE OF INCIDENT Shooting - OIS		
HOME ADDRESS CITY STATE ZIP	DELIVERING OFFICER Heggie DPSST/ASSIGN 36-239/105		
LOCATION WHERE SEIZED, FOUND, SURRENDERED East Portland	INVESTIGATOR (IF DIFFERENT) Kennemer DPSST/ASSIGN 1125		
<input type="checkbox"/> DEFENDANT LAST NAME FIRST M.I. SEX RACE DOB	FOR GUNS LIST MAKE, TYPE, CALIBER, MODEL, SERIAL NUMBER(S), IMPORTER & COUNTRY OF ORIGIN. LIST ONLY ONE ITEM PER SELECTION.		
<input type="checkbox"/> SUSPECT	STLN FOR PED USE ONLY		
ITEM 1 4 overview maps used in interviews			
ITEM 2			
ITEM 3			
ITEM 4			
ITEM 5			
ITEM 6			
ITEM 7			
ITEM 8			
DELIVERED TO: <input type="checkbox"/> STATE CRIME LAB <input checked="" type="checkbox"/> SATELLITE PROP. ROOM <input type="checkbox"/> PED	PRECINCT & LOCKER#	DATE 03-02-17	RECEIVED BY
CHECK ONE ONLY <input type="checkbox"/> FED <input type="checkbox"/> OTHER	DO NOT WRITE IN SPACE BELOW — FOR PED USE ONLY		
RECEIVED BY PED DATE: TIME: BY	WHITE - RECORDS COPY PINK - WITH PROPERTY YELLOW - CITIZENS RECEIPT		

07/12

CONFIDENTIAL**IMAGE ATTACHMENT (1262782) OVERVIEW MAP OF AREA-HELFRICH***Handwritten signature or initials in blue ink.**Handwritten signature in blue ink: Sgt. Helfrich, Oregon*

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IMAGE ATTACHMENT (1296021) SERGEANT HELFRICH TRANSCRIPT

**PORTLAND POLICE BUREAU
CASE NUMBER 17-39972**

February 9, 2017

**Interview of
SGT JEFFREY HELFRICH**

TAPED STATEMENT TRANSCRIPTION

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**PORTLAND POLICE BUREAU
DETECTIVE DIVISION
CONFIDENTIAL TAPED STATEMENT TRANSCRIPTION**

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Hopper: This is Detective Meredith Hopper, it is Thursday, February 9th, 2017. It's approximately 2:35 PM. Uh, this is a recorded interview with Sergeant JEFF HELFRICH, uh, DPSST 27245. Um, also present, assisting me with the interview is Detective John Zwick with the Multnomah County Sheriff's Office. Um, acting as union representation for Sergeant HELFRICH is Officer Scott Robertson, DPSST 31290. Do you understand this is being recorded, Sergeant HELFRICH?

Helfrich: Yes.

Hopper: Okay. So I understand that you took part in an incident, um, earlier, um, this morning, afternoon, that resulted in a shooting...

Helfrich: Yes.

Hopper: ...could you tell me, from the beginning, what happened?

Helfrich: We got done with roll call, uh, officers were already out on the street. Call came out, man with a gun, didn't hear too much about it, the night sergeant copied the call, let us know what was going on and, and as the radio chatter progressed, it was to the point where he's not complying, they had found the person, we thought maybe the guy's in the wind and ran, didn't know all the details of it. So, um, got out to the car, rolled out to the scene, as, listening to the updates as they're coming along, and during the updates, they're starting to set up perimeter positions. 82nd was gonna be the western boundary, and as I get in I ask where they need another car at, so I end up at 84 and Tillamook, which was the furthest boundary line, it's our northern boundary line. I get out, and it's pouring rain, and is, if you look at the picture of i-if I, try to describe it, the wind is blowing, there's cars everywhere, and it is just a howling, miserable squall that came through, uh, when it was, when we're setting up this perimeter, um, I sat right at 84 and Tillamook, you know, it was kind of an alleyway, it was like a dead-end. I got out of the car, and I was listening, and I could hear, at some point I heard kind of a, what was, sounded like a chain link, somebody hopping over a chain link fence.

Hopper: Um-hm.

Helfrich: Which caught my attention, which, been to the north, towards Hancock, at 84. Thought I saw something, but I wasn't sure, I th-s-some movement behind the fence, or behind another fence that has like a vinyl coating on it, and what, and that's what I heard, and so I got on the radio, hey, give me some more cars, and I couldn't tell if that, whatever that sound was, could have been a cat, could have

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been a s-tree falling down on the fence line, but it was enough of that rattle that made me think somebody's trying to scale a fence.

Hopper: Um-hm.

Helfrich: So, then not wanting to, this person to break containment, I asked for more cars to go to 86th Avenue. Uh, and so we had, our containment went from 82nd Avenue to 86th, Tillamook was the northern boundary, and I think Hancock or Siskiyou was the southern, but I can't remember what our furthest southern boundary was. We had good containment, um, I asked for another car to respond to my location, uh, 'cause I knew K9 was coming. K9 got there, um, and they needed another person to run with them, so the car that was with me was MCHUGILL and SORENSEN, uh, SORENSEN stayed in my spot, I went with MCHUGILL, went to where the K9 was at, and kinda gathered our team. HEATHER RIPPE was there, and, uh, FERNER, JAMES FERNER was there, and they kinda talked about exactly what we had, what'd they see, guys with a gun, and then if something happened at the hotel, and then possible car-jacking at this flag lot that was there. Car was there, I asked HEATHER, okay, what did you see, where did you, where'd they go? Went down the driveway, subject being non-compliant, so at that point, I was calling, at some point in time I called for having another, um, an AR operator, thinking this person's an armed suspect, and then, in the blocks, we don't know where he's at, or if even he's broken containment or not, but wanna have enough force options available during this event to, that we could deal with whatever's thrown in front of us. Talked with the K9, just kinda, we got to the point where we would, I talked to the other sergeants, I'm like, we're not quite ready for a SWAT callout, or a SERT callout, with this because we don't know if he's even in the blocks yet, we don't know where he's at, he hasn't holed up, we chase people in the blocks a lot, and we've used K9, we've slowed it down, uh, I didn't think SERT was, at that point, was where we needed to be at. S-and so what we did was, I talked with K9, started doing article searches outside, but if we lurked into an area where a, um, close structure, or inside a house, or something like that, we would then stop at that moment and re-evaluate where we needed to go with that. Sending the dog in, get SERT consult-where, we need to do with that, so as we got all our stuff together, I grabbed another officer, I think it was, (sighs) I can see his face, um, uh, HIGGINBOTHAM. Had him grab a shotgun, and then eventually we, um, start kinda looking at the houses to, we went to one of the backyards where he was last seen, the suspect was last seen walking down the driveway. He went in the house, saw some stuff around the outside of the house, it was just kinda weird clothing and different things. Kinda went on the backside, which would be the south side of the property line of the, of the house where the victim was at, where the carjacking happened, and you could see where somebody had tried to scale the fence, it was a very, uh, old, wooden style fence, it had a lot of moss on it, and you could see there was a boot print on it where they tried to scale it or use there, and they slipped...

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CONFIDENTIAL**Confidential Taped Statement Transcription**
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Page 3**Hopper:** Um-hm.**Helfrich:** ...so we figured, probably jumped over in that yard. I'm thinking that person jumped over the yard, was working to the, back to the east. So we looked for a way to get over that fence, and it was just, really no safe way to kinda try to scale the fence, get the dog over there, and get everybody over a six foot fence that's...**Hopper:** Um-hm.**Helfrich:** ...not gonna be very good, and it's, mud's everywhere, and it's, besides, I was, so we came back out, and said hey, let's go around down to Hancock and start looking where the house is at, and start poking around, the dog, and that way, start doing the search that way, see where the dog would alert at and go running. It was like, in the last location that we thought the suspect was at, that the original victim's house on the opposite side. And as we get there, um, um, the NRT guys get there, HEARST and, um, I can see his name...**Zwick:** MELE?**Helfrich:** MELE. HEARST and MELE are there, so HEARST is my AR operator, MELE, I had him grab his, um, less-lethal shotgun, so we had the variety of options available to us...**Hopper:** So, let me just stop you, so you have a shotgun with HIGGINBOTHAM, HEARST has the AR-15...**Helfrich:** I had, I had HIGGINBOTHAM secure his, as soon as HEARST got there with the long gun...**Hopper:** Okay.**Helfrich:** ...I had HIGGINBOTHAM secure his shotgun.**Hopper:** Okay.**Helfrich:** And then so I have an A-uh, I have an AR, I have a less than lethal...**Hopper:** Um-hm.**Helfrich:** ...um, and then I've got the K9...**Hopper:** Um-hm.**Helfrich:** ...and then I got HIGGIN-HIGGINBOTHAM and myself.**Hopper:** Okay.

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Helfrich: Th-there, I can't, I don't think there was anybody else, yeah, actually, we picked up some other, somebody else, I can't remember where it was at. So I had, I ended up with ADRIAN and, um, older, gray-haired guy, um, what the hell's his name? It's in the back, I can see his face, glasses, well, his name'll come to me. I can see his face, I'm drawing a blank. So as, as we kinda get to planning, and we start talking about, hey, this is what we're gonna do, we'll go around the back side of the block. We stopped at this house that is on Tillamook, and, uh, the K9 said that I can, I know I can go through this yard here, 'cause I've done searches or something here before, this'll go, cut across to Hancock, from Tillamook to Hancock, it's this very long lot that goes between the two, it's like a double lot the guy had. Okay, so we get there, and try to sh-try the gate, and it's locked, and he's got, this place is all kinda secured. And as I'm sitting there, and they co-were kinda looking for other ways to get over the fence to, to expedite a way into the, you know, to Hancock, I heard what sounded like re-a recycling bin going into the back of a, a recycle truck, it, crashing...

Hopper: Um-hm.

Helfrich: ...the metal, the, all that kind of glass and all that, is somebody running, I couldn't see anything, and eventually where I heard it from, or where I found out it came from, and where I was looking, which, kinda different directions, just the way it worked out, but it sounded like a recycle, the glass was breaking, and all this, what the hell is that, and I'm thinking somebody's in the back working, but I don't see anything, so we're trying to get over there, trying to get over there, and somebody said, hey that's a tweaker house over there, we did a sear-search warrant on it before, um, it might be coming from there, so we might be, just seeing the police and they're running or something like that, so, kinda get distracted with a bunch of different things going on, but we're down back off of Hancock, and then go up to that yard that we saw the footprint on the other side of the fence. Start working, the dog starts casting one way, so we go into another, the yard, and kinda, I'd given updates to radio, then we end up circling back and the K9 goes, hey, he's kinda wanting to go back to the west. Okay, so we go back to the west, and at this point, myself, we had, um, ADRIAN, we had HEARST, no, uh, the other NRT guy, I just lost his name...

Zwick: MELE?

Helfrich: MELE. Um, MCHUGILL was with us at some point, MCHUGILL, yeah, MCHUGILL _____ he's the other person that went on the track. It was MCHUGILL. Where ADRIAN picked up on that, I'm not sure how we got ADRIAN, ADRIAN, oh, ADRIAN came later when I moved the perimeter, okay, no, now I know where, now I know where it's going, so we go in there, we start looking, and they had HEARST, MELE, myself, HIGGY, and I can't remember the officer that was there, so...

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Helfrich: GILLOCK, I think GILLOCK came in a little bit later. But we're in the back, in the, U-MCHUGILL, MCHUGILL was the one that was in the, we're in the back, and the dog starts casting and when they're checking, the K9's checking, there's a shed that's back there, he starts casting, and starts casting, and the K9's like, hey, he's in here casting, he's been in here, he's somewhere around this area, maybe he went across, 'cause they could hear, somebody else could hear something, like somebody going over a chain link fence somewhere else, hey, this is kinda what I heard, so we wanted to kinda pull that way, and I kinda wanted to slow things down a little bit, let's search what we had first, before so don't go over something and miss something. At some point in time in there, somebody says, hey, there's a stairwell that goes down into the basement of this house, that 8301, and the window's busted out, and there's a s-a corrugated, expanded metal that's attached from the inside, so it's like a barrier, so if somebody...

Hopper: Um-hm.**Helfrich:** ...tries breaking and can't get through it...**Hopper:** Um-hm.**Helfrich:** ...and it looks like it was broken out, which would be the glass that I heard, explaining that m-that metal...**Hopper:** Um-hm.

Helfrich: ...metallic metal sound, was somebody trying to get into that, right through there, and it was, it was from the upper right hand corner, it was pushed in, and if you were a teeny, tiny little person, I would have thought you could get in there, but I had, one-once they went down there and looked, and kinda looked, hey, do you see anyone, do you see any indicators that somebody made it into that house?

Hopper: Um-hm.

Helfrich: No, there's nothing that really showed that was in there, but we see footprints, it looks like he might have went in there, nothing was there, no, so it kinda was, indicators maybe yes, maybe no, but there's an alarm, a permit, and there's a alarm sticker, I can't remember the, the alarm company, and we didn't get any calls that there's, this alarm went off, and it's, looks like it's a good sticker, current alarm sticker. So the K9 goes, let's go clear these other yards, we'll come back here and address this house, and so that's when I moved the perimeter, the people that were off of 86th, pushed them onto 84 and met, left 84th as our eastern boundary, and that's where, um, ADRIAN and, I just missed the other guy's name you mentioned earlier...

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Helfrich: GILLOCK. And they, they kinda came in there, and so we were searching, we had two people posted back there, make sure nobody came out, and about that time, there, I can't remember where it was at, but I had talked to the commander, lieutenant, and the other sergeant was there, I'm like, hey, here's what's going on, I'm not sure if this guy's in here or not, I don't think he's in the house, but if he is, what I would like to do is get a K9, make entry downstairs through the door if we can, and if the K9, have the camera on the, the dog with the little lens and have him, thing, and it's like here, and send the dog in...

Hopper: Um-hm.

Helfrich: ...and talk to the K9, we talked about the different scenarios, well if he bites somebody, you have to go in there and get him out, how, how are we gonna get through that? I said, this is a plan, an idea that I wanna have, so I went to the, the command, he-here's our options, we can do this, do a full SWAT callout, do the consult, do all those, it was gonna be a combination of the, probably a consult or at least, we're gonna send the dog in and see what happens, and then we'll talk to SERT if something's there, push that button if it's needed, so we never made entry into the house at that point, we never went in there, never did any of that. Went around, cleared the other, um, cleared the other backyards and stuff, and went around there, the next yard and, and then went in the other places we thought he might be at, and that longer yard that went from those, that one house that we s-talked about where those, that double lot...

Hopper: Um-hm.

Helfrich: ...that went from street to street? So we came back around the back side, we were kinda looking at it again, to, I was debating, in my mind, weighing the factors, do we make entry to the house, enter the house, what do we wanna do, where are we at, and we're back there for quite a while, and I had them, I said, look at the door, can you push it open? And he said, there was something that was blocking the door to be opened with, and so in my mind, that door, they moved that door, they, um, moved it around, moved it around, nothing really came out, and about that time they're s-s-still kinda mess with that door downstairs, the alarm goes off, this is the first time the alarm in the house goes off, and the...

Hopper: Um-hm.

Helfrich: ...that must have been us.

Hopper: Um-hm.

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Helfrich: That, that's why, because we just kinda messed with the door, and the alarm goes off, okay, yeah, that's, we are going to go out, one last talk with the, everybody that was out there as to what we wanna do, and poll the backyard and kinda figure out how we wanna deal with the house, uh, 'cause it, as far as we know, it could have been a burglary the night before...

Hopper: Um-hm.

Helfrich: ...or that night, so it's...

Hopper: Right.

Helfrich: ...you just didn't know. So as we come around the house, and somebody points out, like, hey, where'd that, and you could see, as you come around the garage, and you're facing to the east of the house, there's a window that's open, looked like the bathroom window, it's a small, probably foot and a half, 18 inch window, and, or slider, and then the, there's a screen that's, o-down on the ground, it's pushed out. And the screen's like somebody punched it out or something, pushed it out, whatever it was, pulled it out, and it's just a, we're like, was that like that before, I don't remember it being like that, I remember everything being nice and tidy...

Hopper: Um-hm.

Helfrich: ...as we kinda make around the corner, somebody yells, let me see your hands, let me see your hands, let me see your hands, and there's a little alcove, or a little area that's between the garage and the house, and I didn't know there was, blocked off, but it's blocked off so it's kinda, you're kinda stuck right there, you got the natural gas pipes and all that in there, and then that's, that's where I see the suspect, that's in there. Generally matches the description of who we were looking for.

Hopper: Um-hm.

Helfrich: He was kinda back in the corner, he's not really being compliant, he's not really, let me see your hands, get out, it's, you know, crawl out, he stands up, no, get back down there and use, and it's, this is, we're yelling at him...

Hopper: Um-hm.

Helfrich: ...don't, keep your hands up, you may be shot, all, all these orders and commands we're giving and he starts coming out, and we had assembled, um, K9, myself, so the K9 was kinda le-the bark, dogs barking, I was next to the K9, to his right. HEARST was to my left, and I don't know if there was, I think HIGGINBOTHAM may have been next to HEARST over there, I s-I don't

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remember the sequence of where everybody was at. I was on the end, he's not complying, he's not complying, I remember Sergeant NICE kinda, uh, see him on the, like, peripheral coming around, s-and he's yelling, let me see your hands, get your hands up, on your knees, and then I got to, the other three guys are sitting in the corner, and I wanna make sure there's not a crossfire...

Hopper: Um-hm.

Helfrich: ...and you've got the less lethal that's there with, uh, MELE, uh, GILLOCK, and somebody else that's there, it might, I think it was ADRIAN, was the guy that was sitting there, I wanted to make sure there's not a crossfire, and just as I'm, just as I turn, the guy's kinda like this, I hear bam, bam, bam, I was like, wh-what the hell was that? And I come over and I see HEARST is in the shooting stance, leaned forward, smoke's coming out, and then I look at the suspect, and his hands are kinda here, and then he just kinda falls forward on the ground and...

Hopper: Um-hm.

Helfrich: ...it is obvious he, he's not moving, there's, there's not much movement from that. Um, get on the radio, shots fired, uh, I called for medical to respond, and then developed a quick, uh, plan to get a shield to go up, get him into custody, um, and then apply any type, first aid type thing we needed to do. LOCK and some other people, I pulled HEARST out, got him with somebody, got him back to the car, secured his unsecured weapon in the car, and he's off when, getting pulled out, and this is, it seemed like it took forever, but it was probably really fairly, happened fairly quickly. Um, get the shield, we go up, um, I think it was HIGGINBOTHAM and ED LOCK, took the guy into custody, DEVONNA was holding the shield. Hooked him up, they wanted to leave him, I said no, put him in the post-shooting position, get his foot up, let's see if he's still breathing, something like that, so we get him up, post-shooting position. Then we look around, at that point in time, I see the gun, see it's kind of in the driveway, in the driveway, and kind of in the dirt and the gun's kinda off into the dirt between the house and the driveway, if there's that much dirt in there, and it looks like it's a Sig Saur with a tan, desert, kinda look, with a slide, metallic ta-slide on it, I can't tell if it's shiny or not, but it, it was sitting right there, I'm like, hmm, alright. Back out, let's, uh, and I told, uh, Officer HIGGINBOTHAM, because of the rain, because of all these other things going on, grab your phone, take a couple pictures, at least take a picture of this area, so when you guys have to come do your interviews, you'll see what the area looked like freshly right then and there...

Hopper: Um-hm.

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Helfrich: ...and then we got that taped off, um, pulled the red tape in and then the yellow tape, and then medics came in and HIGGINBOTHAM, he may or may not have, I don't know if he was filming. The medics came in, checked the deceased, um, or checked to see if he was deceased, deceased, and then pulled out. I'm trying to separate, 'cause there was a whole lot of witness officers there, hey, let's not talk about this, went back to HEARST, you gonna be okay, he's, he's obviously very upset and as soon as he was, as soon as the shooting was over, he's like, this is gon-this is, my life has just changed now, because he, he's just very emotional about this, and obviously rightfully so, and so, hey, you're gonna be okay, we'll, you're okay, and we're gonna get the union rep tic team here and take care of you that way. Kinda start the process of getting, um, other supervisors there, command post, I'm trying to run two or three things, but yet I'm still witness to, witness to this, and so I'm trying to do stuff, and I got, everybody's kinda taking a piece of this and moving it through. Finally got more resources there so they could relieve us from our duties as trying to be supervisors and manage this, but yet still keep the integrity of the, the event.

Hopper: So let's, let's go back here, a little bit. So when you first encountered the suspect...

Helfrich: Um-hm.

Hopper: ...and you said, his hands are up, his hands are down, let's kinda break that down as much as we can. So he's in that little alcove, who is giving him commands?

Helfrich: So he's sitting in that alcove, and I think his hands are, he's kinda back in here, back like this, like he's trying to...

Hopper: Like, hide?

Helfrich: ...like hide back behind there...

Hopper: Um-hm.

Helfrich: ...and I wanna say the voice that I heard, I thought I heard, was either HEARST and, or, HIGGINBOTHAM yelling, get your hands up, get your hands up, on, get on your knees, and crawl out. Those are the commands that I'm hearing. I couldn't tell you who, what voices I heard...

Hopper: Right.

Helfrich: ...but I know those are the two voices and the two people that I saw over there...

Hopper: Okay.

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Helfrich: ...um, I, I wanna say HIGGINBOTHAM engaged in, did that, that's, I'm trying to remember, but I just, I was so surprised at this guy standing, I'm like, shit, here he is, how, how'd this happen...

Hopper: Um-hm.

Helfrich: ...how'd we miss this guy?

Hopper: Um-hm.

Helfrich: Um, so it was, HEARST and HIGGINBOTHAM, and they were, but it's kinda, we came around the corner, as I was bringing the rest of, as we were kinda falling, people falling out, that's kinda where, en-encountered, get on the ground, then he stood back up, no, get down on the knees and crawl back out, that was the...

Hopper: And is he saying anything at this time, that point in time? Like is he saying, you know...

Helfrich: He's, uh, he's kinda acknowledging, but kinda avoid, can we get up, no, you gotta get down, no, crawl out.

Hopper: So, so verbally, he's saying...

Helfrich: Verbally, yeah, he, he verbally said, well you told me to get up, no, get on your knees, and get out. I remember, but it was, this was very fast...

Hopper: Um-hm.

Helfrich: ...it wasn't a very slow, methodical...

Hopper: Um-hm.

Helfrich: ...event, this was a very fast-paced event. 'Cause I think it caught everybody by surprise that this...

Hopper: Right.

Helfrich: ...where the hell'd this guy come from?

Hopper: Okay. So he's, i-initially he's down on his knees, he complies a little bit, are his hands up all the way, or where, what level would his hands be up?

Helfrich: Kinda hands up, and hands down, but as he moves out, and they've got him on his knees, or c-bringing him out, hey, crawl out, that's when I turned and was looking for, uh, make sure there wasn't crossfire, that's when...

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Page 11****Hopper:** Um-hm.**Helfrich:** ...the shots came out, 'cause I, my attention got diverted...**Hopper:** Um-hm.**Helfrich:** ...to make sure we didn't have a crossfire somewhere.**Hopper:** Okay.**Helfrich:** And then I s-the shots rang out, and that's when I saw him slump down...**Hopper:** With that...**Helfrich:** ...like that.**Hopper:** ...um, slumped down, okay. And where was his hands when he slumped down?**Helfrich:** Underneath him.**Hopper:** So, like, at his waistband, or his chest, or...**Helfrich:** Yeah, his, at his waistband, 'cause...**Hopper:** Okay.**Helfrich:** ...he fell down and he was kinda, he was down here, like this, I remember seeing his shoulder, and his hands were kinda down like this. I could see one, it would have been, it would have been his right arm, I could see his hand was fairly clear, but I couldn't quite see where his left arm was at, but that's where I saw it, just kinda laying by his leg down at, there like this.**Hopper:** Okay, but at his waistband region?**Helfrich:** Yeah, wa-yeah.**Hopper:** It was...**Helfrich:** General waist area.**Hopper:** Okay. Okay. Um, and when you guys were challenging him, what was the distance between the officers and the suspect?**Helfrich:** Less than 15 feet, I mean, I...**Hopper:** Relatively close, though.

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Helfrich: Rel-yeah, rel-it, relatively close to where it wasn't, we didn't have that time to...

Hopper: Um-hm.

Helfrich: ...it was, we were right there, I mean, it's not much more than, than here to the door, it seemed like.

Hopper: Okay. And were there any cars in the driveway?

Helfrich: No.

Hopper: Did you have anything to act as cover?

Helfrich: No.

Hopper: Or concealment of any kind?

Helfrich: No, it was, it was all a big open...

Hopper: All...

Helfrich: ...space, 'cause it's a very narrow, from where the side of the garage was at and the fence, it was a very narrow funnel...

Hopper: Um-hm.

Helfrich: ...and then we came around, and then all of a sudden it's a sloping driveway that kinda goes down, and you have the walkway that goes up into the door, and so it's kinda this L-shape, with this little alcove that was in the back, and so as you come around, we're just sitting here looking like, I'm looking at you right now, it was like, mm. Okay, here we go, game on.

Hopper: Right.

Helfrich: I, I, it's, he's...

Hopper: What was his reaction when he, did you see his reaction when he was initially realized, like, uh-oh, they saw me?

Helfrich: I didn't get that part, 'cause I kinda came, I quickly moved around, like...

Hopper: Um-hm.

Helfrich: ...what are you yelling at? And I was so focused on, is he back in the house, did he jump, did he jump into the house...

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Page 13**Hopper:** Um-hm.**Helfrich:** ... 'cause the window was open, or what was, what was that, and then, and then, get on the ground, and he got on the ground, and he was like, oh, no, like, he had big eyes...**Hopper:** Right.**Helfrich:** ...big eyes.**Hopper:** Okay. And what was his, um, did you get any kinda, like, what his emotional state was a-at any point? I realize it all happened very quickly, but...**Helfrich:** I, I, I played that through a couple times in, in rewinding that in my brain, and watching that e-that event, it was more like, I got caught, stunned...**Hopper:** Um-hm.**Helfrich:** ...don't know what to do, and he's, like, oh no, what, what do I do, what's my next move...**Hopper:** Um-hm.**Helfrich:** ...is, 'cause he was, he was kinda thinking, you could tell he was kinda thinking, like, what do I wanna do, what's here, and kinda...**Hopper:** Um-hm.**Helfrich:** ...looking around, and I think he's just seeing all the cops there, it's like, uhh, that kinda, like, oh, I'm a caged, I'm, I'm cornered now, what, what do I have to do...**Hopper:** Um-hm.**Helfrich:** ...that's, that's kinda what it seemed like to me.**Hopper:** And his attitude obviously wasn't cooperative?**Helfrich:** No, he was not cooperative, I mean, he just was, I mean, when you have a lot, to me, when I've seen people that have a lot of, when you have police officers challenge you, like, okay, hey, yeah, y-whoa, whoa, stop. He wasn't that, he's, more that, it wasn't passive resistance, but it was a...**Hopper:** Um-hm.**Helfrich:** ...r-a resistance like, huh, thinking, trying to think...

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Hopper: Do you think he was trying to make a plan? Was it that kind...

Helfrich: He was thinking about something, I think he was trying to...

Hopper: Yeah.

Helfrich: ...out how he's gonna try to escape, or am I, am I caught? Like, that's, to me what it, you, when you look at an, I hunt, I fish, I do all these things, but when you corner an animal...

Hopper: Um-hm.

Helfrich: ...you know when they're thinking, trying to figure out what they're gonna do, 'cause I don't think in his mind, he was gonna give up, 'cause he still wasn't compliant with his hands up and hands down, wasn't listening to the instructions. He was trying to think of something, in my, and that's just me, when I'm watching this, because he's, kinda, kinda compliant, but he's not, it's like, I don't know if he wanted to run, or what he wanted to do, but there was a, he just wasn't the typical, like, when you pull somebody out on a high-high risk stop...

Hopper: Um-hm.

Helfrich: ...hands up, turn around, can I get on the ground, yeah, get on the ground, it's raining out, we'll get you dusted off, yeah...

Hopper: Um-hm.

Helfrich: ...it wasn't that, it was...

Hopper: Um-hm.

Helfrich: ...more of this, like I, I'm thinking, I'm looking, kinda, what's going on here, it's...

Hopper: Um-hm. Okay. Do you have anything to...

Zwick: Did he, when he was in the alcove, did he have any position of cover? From the corner of any of the two buildings, or was he kind of out more in the open?

Helfrich: He was more in, more, he was more back, 'cause when I turned around the corner, it was a straight line where the garage was at, and then here, and then that alcove was right there, and I kinda missed that alcove, when we kinda walked up and walked around, um, 'cause we checked the front yard, 'cause we found a hole in the, the latticework that was there, and I just saw a box, there was a package sitting at the front door with a little, it has a little push-button key thing, and I just

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kinda looked at that bri-briefly, and I really never paid attention to that alcove, 'cause in the back of the house it's all a solid wall, and so in my mind, I'm thinking it's all solid across there, uh, they just, an add-on that they did, whatever, remember someone commented, looked like, built that. Yeah. There was this, so it was just this weird add-on in the back. So in my mind, I would assume that was a solid, it was solid, and it wasn't.

Zwick: Gotcha.

Helfrich: So he w-it seemed to me his back, so if he was slicing the pie, he could, he could have had the drop on us, the way, back in there, he was back enough to where I don't, I don't see him, so I'd have to slice the pie to get to him, but he would definitely be able to see me before I saw him.

Zwick: Okay.

Helfrich: If I walked by.

Zwick: Okay, and when the challenging was happen-he crossed that threshold beyond...

Helfrich: We, we moved...

Zwick: ...it brought him out a little bit?

Helfrich: ...'cause you had, you had people that ran up kinda f-in the front of the house, and then we came around the side, you had a convergence of two different groups of people, and that's when they saw him, whoever, whoever made it in front of me, that's when we challenged him to bring him out, was that way.

Zwick: Okay. That's all I have.

Hopper: Okay. So we have a diagram here, it's a overview shot, Google Maps shot. Um, this is the residence, if you could just note, kind of explain to me again what happened, but just draw a little diagram.

Helfrich: S-so which time?

Hopper: Um...

Helfrich: From what event?

Hopper: From your challenge.

Helfrich: So we come here, and we end up in here somewhere...

Hopper: Um-hm.

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Helfrich: ...and this is the window, this right here, and the screen's off of that, and he's back in this part here, so he's coming, they're challenging him here and then somebody came up from this way. Someone came up this, so I had officers here and here, so we challenged him in this area right in here, this is where we challenged him...

Hopper: Okay.

Helfrich: ...we just, kinda coming out of here, kinda, he wanted to walk out, no, you gotta crawl out, and that's, and that's where he came out, was right there.

Hopper: Okay.

Helfrich: We had the other officer-we had officers here and here, and we were kinda in here and here, this kind of movement in here, so we're right, we're all right in that area _____...

Hopper: And where, where was HEARST?

Helfrich: HEARST was to my left, and he would have been over in here...

Hopper: Okay.

Helfrich: ..._____

Hopper: Okay.

Helfrich: So that's the middle of the garage, so we're all kinda right in here, it was very compact...

Zwick: You're right on top of him...

Helfrich: Yeah.

Hopper: Yeah. And where was the gun? I realize it's a overview, but just approximately.

Helfrich: So d-gun would be right in here, between...

Hopper: Just real close.

Helfrich: ...the house and the driveway, 'cause I think the driveway, there's enough, there's like, grass or something between the driveway and the house...

Hopper: Okay.

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Helfrich: ...right in there, that's sitting, and he was kinda half in, half out at that, 'cause he's walking out in that area.

Hopper: Okay, how, and how close was the gun to him?

Helfrich: I didn't see the gun 'til we rolled him over, so I, I don't know if he was, it, I don't know, I, I, the gun was in the ground, and by the dirt, where he was by, or he was at, and it was within, within arm's reach, but whether it dropped out of his hand or what, I don't know, I can't tell you that part, but it was...

Hopper: Um-hm.

Helfrich: ...it was within...

Hopper: It was close.

Helfrich: ..._____ it was, uh, yeah, if your hand would have went out like that, he was to, grabbing for a gun, if it woulda...

Hopper: Um-hm.

Helfrich: ...he would have been that close. Within arm's reach.

Hopper: Okay.

Zwick: And as he lay there, it was to his right?

Helfrich: Yes, to his right.

Zwick: Okay.

Hopper: Is there anything else that you have? You can think of?

Helfrich: Just, you know, the officers did everything good, you know, we tried to slow everything down, and _____ things, but everybody on scene, once the shots were fired, kinda got over that initial, what was that, just happened? And then everybody just kinda worked together to try to get stuff going and, and...

Hopper: Was it evident to you that he was deceased?

Helfrich: Yes. Because when I saw the blood just rolling out of him, it was, once we had him there, we s-had, still had somebody covering on him, and then when we got the sh-th-the, uh, shield there, it, it was very evident he was deceased. However, you know, pro-protocol with shootings, get 'em hooked up, he's not deceased until he's sitting down and the ME says he's...

0210.11 mho

CONFIDENTIAL**Confidential Taped Statement Transcription**
Case # 17-39972**February 9, 2017**
Page 18**Hopper:** Right.**Helfrich:** ...I, I thought he was, pretty sure he was, but ME gets to make that call, I'm not a medical expert, but that's why we did what we did and got medical in there just to make sure.**Hopper:** Okay.**Helfrich:** 'Cause if he was still alive, well.**Hopper:** Right. Okay.**Helfrich:** And that's the other reason I had HIGGY kinda take the pictures, like, hey, in case of, take a picture.**Hopper:** Um-hm.**Helfrich:** We kind of have an idea where stuff's at so we can rebuild it, you know?**Hopper:** Yeah.**Zwick:** I don't know if we specifically asked, how many total shots did you hear fired?**Hopper:** Exactly, thank you.**Helfrich:** It, two or three, but I think it was three.**Hopper:** Three?**Helfrich:** It was closer to three. I remember pop, pop, pop.**Hopper:** Um-hm.**Helfrich:** Oh, my head hurts, my, I mean, my ear's still ringing right now...**Hopper:** 'Cause it was so loud.**Helfrich:** Oh, it was horribly loud...**Hopper:** Yeah.**Helfrich:** ...'cause you had the echo with those...**Hopper:** Yeah.**Helfrich:** ...two buildings, and _____ headache right now.

0210.11 mho

CONFIDENTIAL**Confidential Taped Statement Transcription**
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Page 19

Hopper: Yeah, I'll bet. Okay. Anyone? Okay, um, let's stop the recording, it's five minutes after 3:00.

Transcribed Verbatim with Punctuation Added 021417 / 0750 A. Chasteen *ac*

0210.11 mho

CONFIDENTIAL**FOLLOWUP REPORT #39**

ASSIGNED TO CLIFTON, BRAD E (37152)		RANK DETECTIVE		
ORG UNIT DETECTIVE: HOMICIDE DETAIL		CAPACITY 4-INTERVIEW WITNESS		
ASSIGNED ON 02/15/2017	ASSIGNED BY CLIFTON, BRAD E	SUBMITTED ON 02/15/2017	APPROVED ON 02/16/2017	APPROVED BY HUGHES, MICHELE M

NARRATIVE

AUTHOR CLIFTON, BRAD E (37152)	DATE/TIME 02/15/2017 0800
SUBJECT WITNESS INTERVIEWS.	

Suspect/Deceased:

-
-

Marshall, Quintell
AKA Quanice Hayes
M/B, DOB 0 [REDACTED]
SID [REDACTED]

Involved Officer:

-
-

Officer Andrew Hearst, DPSST #50996

Witness Interviewed:

-
-

Colby, Pauline (Recorded Interview)
F/W, DOB [REDACTED]
Home Address: [REDACTED]
Portland, OR
Cell Phone: [REDACTED]

Neighborhood Canvass:

-
-

Grindeland, Katie
F/W, DOB [REDACTED]
Home Address: [REDACTED]
Portland, OR
Cell Phone: [REDACTED]
*Not home when shooting occurred.

CONFIDENTIAL**Larrov-Cross, Marcelle**

F/W, DOB [REDACTED]

Home Address: [REDACTED].

Portland, OR

Cell Phone: [REDACTED]

*Not home when shooting occurred.

Rowell, Tony Dean

M/W, DOB [REDACTED]

[REDACTED] [REDACTED]

Portland, OR

Cell Phone: [REDACTED]

*Sleeping when shooting occurred, did not hear or see anything.

Gutierrez, Alfredo

F/W, DOB [REDACTED]

Home Address: [REDACTED]

Portland, OR

Cell Phone: [REDACTED]

*Sleeping when shooting occurred, might have heard shots.

DAO, BAO DUY

M/A, DOB [REDACTED]

Home Address: [REDACTED]

Cell Phone: No Phone

*Sleeping when shooting occurred, speaks Vietnamese only

Dau, Linh

M/A, DOB [REDACTED]

Home Address: [REDACTED]

Portland, OR

Cell Phone: [REDACTED]

*Not home when shooting occurred.

Nguyen, Hien Trong

M/A, DOB [REDACTED]

Home Address: [REDACTED]

Portland, OR

*Did not see or hear shooting, speaks Vietnamese only.

Persons Mentioned:

-

-

Vu, Christine

Home Address: [REDACTED]

Portland, OR

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Cell Phone: [REDACTED]

Vu, TahnHome Address: [REDACTED]
Portland, OR

Cell Phone: [REDACTED]

Vu, AhnHome Address: [REDACTED]
Portland, OR

Cell Phone: [REDACTED]

*Vu family owns the residence at [REDACTED]

Officers Mentioned:

-

-

Lt. Cliff Bacigalupi, DPSST #30878
Sergeant Michele Hughes, DPSST #36818
Sergeant Ken Whattam, DPSST #24582
Detective Erik Kammerer, DPSST #29988
Detective Mark Slater, DPSST #27192
Detective Todd Gradwahl, DPSST #29981
Detective Michele Michaels, DPSST #40400
Detective Bryan Steed, DPSST #19008

EXHIBITS

-

-

1. Portland Police Property/Evidence Receipt #A036197
Item 1: CD containing interview with Pauline Colby

SUMMARY

-

-

On February 9, 2017, at approximately 0949 hours, I was called out to assist with an officer involved shooting at [REDACTED] NE Hancock St. Portland, Oregon. I arrived on-scene and was briefed on the known details of the incident and instructed to canvass the neighborhood for witnesses. Detective Kammerer was assigned as the primary investigator for the incident.

During the neighborhood canvass, I contacted Pauline Colby who resides at [REDACTED] NE Hancock St. Mrs. Colby told me she witnessed the incident and was willing to give a recorded statement. This report contains Pauline Colby's statement as well as

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the other neighbor's statements. It should be noted that none of the people I contacted during the canvass, other than Pauline Colby, witnessed the incident.

NARRATIVE

-
-
On February 9, 2017, at approximately 0949 hours, I was called out to assist with an officer involved shooting that occurred at [REDACTED] NE Hancock St. Portland, Oregon. I arrived on-scene and responded to the command post where myself and responding detectives were briefed on the known details of the shooting. During the briefing, I learned that officers engaged a suspect, an unidentified male black, in the driveway of [REDACTED] NE Hancock St. The male black was later identified as Quintell Marshall.

Detective Kammerer was assigned as the lead investigator for the incident. Sergeant Hughes was the on-scene supervisor of the incident and directed me to canvass the neighborhood for potential witnesses. Sergeant Hughes told me a female resident at [REDACTED] NE Hancock St. had been in the window and front door of her residence since the police arrived and was potentially a witness to the shooting. I observed this residence to be south and slightly east of [REDACTED] NE Hancock St.

Pauline Colby's Statement:

At approximately 1150 hours, I contacted a female at [REDACTED] NE Hancock St. Portland, Oregon who introduced herself as Pauline Colby. I introduced myself to Mrs. Colby and asked her if she was home this morning when the shooting occurred, she said, "yes," and that she was standing in her front door when the shooting occurred. Mrs. Colby invited me in her house where I conducted a recorded interview with her.

[Note: The following is a summary of my interview with Pauline Colby. The report does not follow the exact chronological order of the interview as it progressed. The complete interview can be reviewed on a CD that was submitted into evidence on the listed property/evidence receipt. Additionally, my interview with Pauline Colby was transcribed in its entirety and will be available for review.]

Mrs. Colby told me this morning around 0930 hours someone rang her doorbell. Mrs. Colby said she opened her front door and observed a Portland Police Officer standing on her front porch. Mrs. Colby said the officer asked her if she knew who lived at [REDACTED] NE Hancock St. and if she could get a hold of them. Mrs. Colby told me she knew the residents of [REDACTED] NE Hancock St. and explained that the residence was owned by Tahn Vu and that his daughter, Christine Vu, currently lived at the residence. Mrs. Colby added that Christine Vu traveled sometimes for her job and noted that her car was not parked in the driveway this morning. Mrs. Colby said she gave the officer the Vu's contact information and as she spoke to the officer she observed numerous officers standing in the driveway/sidewalk area in front of [REDACTED] NE Hancock St. as well as police cars parked in the street. Mrs. Colby said once she gave the officer the Vu's contact information she observed the officer walk across the street towards [REDACTED] NE Hancock St. Mrs. Colby said she heard the officer broadcast on his radio that he had contact information for the residence. Mrs. Colby said she stayed in her doorway with her storm door shut and continued to watch to see what was occurring at [REDACTED] NE Hancock St. Mrs. Colby told me her view was somewhat obstructed to the north due to her husband's 1972 Chevy Blazer that was parked, facing west, on the south curb-line of NE Hancock St. in front of her house. It should also be noted that Mrs. Colby is approximately 5'1"-5'2" inches tall which also contributed to her view being obstructed by the Chevy Blazer. Mrs. Colby estimated that there were between 10-12 officers standing in the driveway area of [REDACTED] NE Hancock St.

Mrs. Colby said a short time after the officer left her front porch, "possibly a few minutes," she heard a little bit of a "ruckus" and then heard an officer yell, "Get down," and then repeat the same command of "Get down" several times. Mrs. Colby said

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she believed the same officer gave the command of "Get down" and described the tone of his voice as a command and not a suggestion. Mrs. Colby said she couldn't tell who was giving the command because the officers were facing the other way. Mrs. Colby said the officers seemed to be focused on something in the space between the carport and the house. Mrs. Colby repeated that the officer yelled, "Get down," several times and estimated the command was given more than three times. Mrs. Colby said the officer then yelled, "Crawl if you have to!" and again believed the same voice was giving the command. Mrs. Colby said the officer was trying to get "him" to respond to what he (the officer) was saying and then gave another command of, "Get down or you are going to be shot!" Mrs. Colby said the officer paused for approximately two seconds between the command of "Crawl if you have to," and "Get down or you're going to be shot!" Mrs. Colby said there was a long enough pause for "him" to respond if he was going to. Mrs. Colby said a few seconds later she heard three gunshots.

Mrs. Colby said she couldn't see who fired but said there was a little bit of excitement. Mrs. Colby said she observed officers around the police car that was parked at edge of the driveway of [REDACTED] NE Hancock St. Mrs. Colby said the police car was the only one that had it's lights on. Mrs. Colby said she didn't know who shot but said she observed an officer walk from the house to the east on NE Hancock St. holding a rifle. Mrs. Colby said she observed another police officer walking with the officer with the rifle and observed him put his arm on his shoulder as if he was consoling him. Mrs. Colby said she couldn't hear what was being said at this point because after the shots were fired she shut her front door to take cover and then moved to her front window to continue watching what was happening. Mrs. Colby said she observed the officers walking to the east from her front window. Mrs. Colby said she observed the officer with the rifle get in a police car that was parked to the east on NE Hancock St.

Mrs. Colby said she continued to watch but didn't know what happened in the driveway. Mrs. Colby said she never saw or knew who the police were giving commands to in the driveway of [REDACTED] Hancock St. I concluded my interview with Mrs. Colby and gave her contact information.

I canvassed the neighborhood and interviewed all of the people listed in neighborhood canvass section of this report. None of the listed people witnessed the shooting.

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IMAGE ATTACHMENT (1260927) A036197

BUREAU OF POLICE
2619 NW INDUSTRIAL ST., STE. B4
PORTLAND, OREGON 97210
503-823-2179

PROPERTY/EVIDENCE RECEIPT

THIS RECEIPT MUST BE ACCOMPANIED BY AN APPROPRIATE REPORT

HOURS OF OPERATION:
9:00 AM TO NOON &
1:00 PM TO 4:00 PM, M-F

RECEIPT NUMBER No. A036197	DATE/TIME 2/9/17 1700	AM <input checked="" type="checkbox"/>	PM <input type="checkbox"/>	REFER CASE NO.	PPB CASE NO. 17-39972
CHECK ONE TYPE <input checked="" type="checkbox"/> ONLY <input checked="" type="checkbox"/> EVIDENCE <input type="checkbox"/> FOUND PROPERTY <input type="checkbox"/> PRISONER'S PROP. GAVE COPY? YES <input type="checkbox"/> NO <input type="checkbox"/>	<input type="checkbox"/> SAFEKEEPING				
PROPERTY TAKEN FROM: LAST NAME FIRST M.I. SEX DOB					I VOLUNTARILY RELINQUISH THE ITEM(S) LISTED FOR SAFEKEEPING SIGNATURE
DENIED OWNERSHIP <input type="checkbox"/>					
HOME ADDRESS CITY STATE ZIP					
OWNER OF PROPERTY LAST NAME FIRST M.I. SEX DOB					SIGNATURE
HOME ADDRESS CITY STATE ZIP PHONE					
TYPE OF INCIDENT Officer Involved Shooting			DELIVERING OFFICER Bras Clifton #37152/HOM		
LOCATION WHERE SEIZED, FOUND, SURRENDERED 8308 NE Hancock St.			INVESTIGATOR (IF DIFFERENT) Erik Kammerer #29988/HOM		
<input type="checkbox"/> DEFENDANT	LAST NAME	FIRST	M.I.	SEX	DOB
<input checked="" type="checkbox"/> SUSPECT					
FOR GUNS LIST MAKE, TYPE, CALIBER, MODEL, SERIAL NUMBER(S), IMPORTER & COUNTRY OF ORIGIN. LIST ONLY ONE ITEM PER SELECTION.					STLN FOR PED USE ONLY
ITEM 1	(1) CD containing interview w/ Pauline Colby				
ITEM 2					
ITEM 3					
ITEM 4					
ITEM 5					
ITEM 6					
ITEM 7					
ITEM 8					
DELIVERED TO: <input type="checkbox"/> STATE CRIME LAB <input checked="" type="checkbox"/> SATELLITE PROP. ROOM <input type="checkbox"/> PED	PRECINCT & LOCKER# C-016		DATE 2/9/17		RECEIVED BY
CHECK ONE ONLY <input type="checkbox"/> FED <input type="checkbox"/> OTHER					
DO NOT WRITE IN SPACE BELOW — FOR PED USE ONLY					
RECEIVED BY PED	BY		WHITE - RECORDS COPY PINK - WITH PROPERTY YELLOW - CITIZENS RECEIPT		
DATE:	TIME:				

07/12

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IMAGE ATTACHMENT (1296110) PAULINE COLBY INTERVIEW

**PORTLAND POLICE BUREAU
CASE NUMBER 17-39972**

February 9, 2017

**Interview of
PAULINE COLBY**

TAPED STATEMENT TRANSCRIPTION

CONFIDENTIAL

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**PORTLAND POLICE BUREAU
DETECTIVE DIVISION
CONFIDENTIAL TAPED STATEMENT TRANSCRIPTION**

Case #17-39972

February 9, 2017

Page 1

Clifton: Okay, this is Detective Clifton with the Portland Police Bureau, DPSST 37152. The date is February 9th, 2017. It is approximately 11:50 in the morning. Uh, I am here with PAULINE COLBY, female, white, [REDACTED], who resides at [REDACTED] NE Hancock Street. Cell phone number [REDACTED]. And we are here, uh, regarding a shooting, uh, that occurred this morning, um, Mrs., uh, COLBY, for the record, her house, uh, is essentially to the south of, uh, the address where officers responded to, which is [REDACTED] uh, NE Hancock. And her house sits to the south, and she was, uh, in her front window, uh, which looks to the north, uh, to the driveway of that residence. So Mrs. COLBY, can you go ahead and, uh, tell me, uh, what happened this morning, and how you were, uh, alerted that something was going on outside?

Colby: At 9:30 this morning, an officer came to my front door, rang the doorbell. When I answered it, um, he asked me if I knew the resid-the people who lived across the street in this big, white house. And I said I did, I didn't know 'em real well, but I did know them, and that, um, I didn't know if the parents were there, the owners of the house, because he travels a lot due to his, uh, occupation working with Nike. However, the daughter lives there, her name is CHRISTINE, her last name is VU, V-U, and she works for OSU, so sometimes she travels a little bit, but her car wasn't in the driveway, so I didn't figure anybody was home, and, and then I was, I gave the officer the phone, the cell phone numbers for the mother, the father, and the daughter.

Clifton: Okay.

Colby: And then, uh, when he left, I was just watching, because there were several, uh, police cars in the street...

Clifton: So, so how long was the officer at the door? When you...

Colby: Oh...

Clifton: ...were talking to him?

Colby: ...maybe five minutes, if that.

Clifton: Okay, and were you standing, was your door open at that...

Colby: Yes.

Clifton: ...your front, and that's your front door you're...

0206.19 mbl

CONFIDENTIAL**Confidential Taped Statement Transcription
Case # 17-39972****February 9, 2017
Page 2**

Colby: Yes.

Clifton: ...referencing?

Colby: Yes, that's where I was standing.

Clifton: And were you, were you out on the landing, or were you in the doorway?

Colby: I was inside with the storm door shut.

Clifton: With the storm door shut? Okay. And when you were talking to the officer, what else could you see, was there anything else going on behind him, could you see any other police officers, or?

Colby: Yes, there were, um, five or six, I don't remember, uh, police cars in the street, and a lot of, uh, police officers standing around. I did see a K9...

Clifton: Okay.

Colby: ...and, uh, I couldn't figure out what was going on, so I was just kinda watching. Then all of a sudden I heard (clapping) there was a little bit of ruckus i-uh, you know, people saying, I need you over here, uh, one of the officers said that to another officer, and then pretty soon a, one of the officers yelled, get down. And he yelled that several times. After a while, he says, get down, crawl if you have to, get down or you'll get shot. And then I heard three shots fired.

Clifton: Okay. And could you see what, uh, who was shooting, or?

Colby: No, but afterwards I saw two policemen, one with a, with a rifle, and he was very upset, I'm not sure why, but he was voicing, uh, like, well I can't even remember what he said, but he was walking to the car, the police car, and the other guy had his hand on his shoulder, like he was consoling him, saying it's okay, and then walking him to the police car. And then, um, he got in the police car, and then they waited, and then another, um, unmarked car, police car, came.

Clifton: Okay.

Colby: And I don't know which gun it was, but I saw one rifle was put inside a police car.

Clifton: Okay. So let's back up here, just so I'm clear on this. So the officer initially comes to your door...

Colby: Um-hm.

Clifton: ...and what, he knocks on the door?

0209.20 bcl

CONFIDENTIAL**Confidential Taped Statement Transcription
Case # 17-39972****February 9, 2017
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Colby: He rang the doorbell.

Clifton: Rang the doorbell, and you come to the door...

Colby: Right.

Clifton: ...and you're standing in the doorway...

Colby: Yeah.

Clifton: ...and you talk to him for, you said, you think about five minutes or so?

Colby: Yeah.

Clifton: And at that point, you're giving him information, does he ask you about the house across the street?

Colby: Yes.

Clifton: And what does he ask you?

Colby: If I knew who lived there, if I knew the people.

Clifton: Okay. And that's when you give him their contact information?

Colby: Right.

Clifton: Okay. Were you looking across the street at that point? Like, did you see anything going on at the house during that time?

Colby: No, I didn't, just police officers standing around.

Clifton: And where did you see the police officers standing around at that point?

Colby: Sidewalk and pretty much the driveway area.

Clifton: Okay. And can you point to me, so when you say the, so the sidewalk right in front of the house?

Colby: It was in front of the driveway.

Clifton: Okay.

Colby: And then the driveway area, just kinda the other side of my husband's car...

Clifton: Okay.

0209.20 bcl

CONFIDENTIAL**Confidential Taped Statement Transcription
Case # 17-39972****February 9, 2017
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Colby: ...'cause I can't see a whole lot...

Clifton: Okay.

Colby: ...with that car in front of the house.

Clifton: And so for, for the recording, and reference, um, uh, Mrs. COLBY here, in front of her residence, parked o-on the south side of the street here, facing westbound, is a older...

Colby: '72...

Clifton: ...Chevy, se-1972 Chevy Blazer, uh, that's like a K5 edition, so it's a, a taller, uh, model, so her view from the, uh, front porch, or front area of, of the house, is somewhat, uh, obstructed to the driveway area, it limits, uh, the view. So you see officers in the driveway, you see officers standing, uh, when you say they're in the driveway are up-are they up closer to the garage, or are they closer out towards the street?

Colby: Closer to the street.

Clifton: They're closer to...

Colby: The sidewalk...

Clifton: ...the street?

Colby: ...just, just a little bit inside the driveway there.

Clifton: Okay. And so, and you said, did you see any cars or anything in the driveway?

Colby: No, no cars in the driveway.

Clifton: Okay. Okay, and while the officer is there and you're giving him that information, what are you seeing going on in the driveway, or, or hearing, you, can you hear the officers saying anything, or can you see anything that's going on?

Colby: I couldn't really hear anything until they said, get down.

Clifton: Okay.

Colby: That's...

Clifton: And is your door still open at that point?

0209.20 bcl

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Case # 17-39972**February 9, 2017**
Page 5

Colby: Yes.

Clifton: Okay, and you're still standing in the...

Colby: Yes.

Clifton: ...doorway?

Colby: Yes.

Clifton: Is the officer still at your door at that...

Colby: No.

Clifton: ...point?

Colby: No.

Clifton: Okay. So when does he break, when did he leave?

Colby: After I gave him the phone numbers of the...

Clifton: Okay.

Colby: ...three people.

Clifton: And then you just stayed, you stayed in the doorway and were just checking things out, what was going on?

Colby: Yes.

Clifton: Okay. How long after the officer left, after you gave him that info, did you hear him giving commands? Or telling him to get down?

Colby: I, I'm not very good with time, but it, it was, it wasn't too long, just a few minutes, because then I thought, okay, shots are fired, so I started shutting the door.

Clifton: Okay, so after the officer leaves, um, where did he go? Did you see where he went?

Colby: Well he, he was on his walkie-talkie thing, and said that he had contact information for the residents, and then he just, I didn't notice where he went, I think he just went back over to the, the group that was in the, standing there.

0209.20 bcl

CONFIDENTIAL**Confidential Taped Statement Transcription
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Clifton: Okay. And so you watch him go across, and there's a group, do you know how many officers, would you say, were there?

Colby: I didn't count 'em, I'm sorry.

Clifton: Oh, no, that's fine, but you think more than a few, though, or is that...

Colby: Oh, yes.

Clifton: Okay.

Colby: Ten or twelve, I would guess.

Clifton: So you're in your doorway, uh, and you're still just standing inside the door, looking through your storm door?

Colby: Yes.

Clifton: And is that a mascot door, or is that, is it like an iron screen door, um, _____

Colby: It's aluminum.

Clifton: Aluminum? So you're looking out that, but you can hear...

Colby: Um-hm.

Clifton: Okay.

Colby: There's a screen on the top.

Clifton: Okay. And so you're sitting there, and then what do you hear? What's the first thing you hear that draws your attention over there?

Colby: Just when he yelled out, get down.

Clifton: Get down? Okay, and so tell me, tell me to, best of your memory, go through, what were the things that you heard the officers saying? Could you say, could you hear who was saying, or d-tell...

Colby: No, I couldn't...

Clifton: ...who was saying...

Colby: ...see who it was.

Clifton: Did it sound like the police?

0209.20 bcl

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Colby: They were all facing that section between the ca-the, uh, carport and the house, they were all looking in that little space in there.

Clifton: Okay, so can you show me real quick, I apologize for having to have you get up here...

Colby: That's okay.

Clifton: ...but so you're talking about that section between the carport and the house right there?

Colby: Right, right.

Clifton: They were all focused in that area?

Colby: Right.

Clifton: Okay. So they're looking in that direction, and what do you hear them saying?

Colby: Just heard him say, get down.

Clifton: Okay.

Colby: And that if he didn't get down, he was gonna get shot. Other than that, he s-i-w- in the process, he says if you don't, if you, crawl if you have to, so I don't know what the situation was.

Clifton: Okay, so you hear, get down, if you don't get down, you...

Colby: He said get...

Clifton: ...might get sho-...

Colby: ...he said get down, and he said that several times, and he, he really yelled it, and then he said, crawl if you have to. And he said it again, get down, or you're gonna get shot.

Clifton: So you hear, a-and again, I want you to think back, to the best of your memory, so you hear the officer say, get down, and he yells it, like, how would you describe it, like, with authority?

Colby: Oh, yes.

Clifton: Like a command?

Colby: Oh, yes.

0209.20 bcl

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Clifton: Not like a suggestion?

Colby: Oh, no.

Clifton: Okay, so he's saying get down...

Colby: He meant it.

Clifton: Okay, and how many times did he say that? (Cell phone chimes)

Colby: Oh, I don't know, more than three, maybe.

Clifton: Okay, so he repeats it several times?

Colby: Yes.

Clifton: Okay, sorry. (Typing sound on cell phone) Okay. So he repeats that several times, okay. Um, so you hear, get down, get down, and then do you, is that the same voice that's saying that over and over again...

Colby: Um-hm.

Clifton: ...or can you tell?

Colby: Yes, it was the sa-he sounds...

Clifton: Same voice?

Colby: ...exactly the same. Every time.

Clifton: You just couldn't see who was giving the...

Colby: No, because...

Clifton: Okay.

Colby: ...they were all facing the opposite direction. And like I said, the Blazer is kinda in the way.

Clifton: Yep. Now is it a same voice, you said someone then said, crawl if you have to?

Colby: It was the same voice.

Clifton: Same voice? And then was it after that when you said, that you hear, crawl if you have to, that you hear, what was the command you heard where you might be shot, or something like that, or you're gonna, if you...

0209.20 bcl

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Colby: Well he was trying to...

Clifton: ...don't get down...

Colby: ...get him to respond to what he was saying, and that's when he says, crawl if you have to, and then he waited, and then he said, get down or you're going to get shot.

Clifton: So after he says if you, crawl if you have to, there's a pause...

Colby: Um-hm.

Clifton: ...and then says, get down or you're gonna get shot?

Colby: Yes.

Clifton: Okay. How long was that pause, do you think?

Colby: Oh, a few seconds. Long enough, long enough for him to respond if he's going to.

Clifton: So he had enough time to do what the officer was asking him to do?

Colby: Yes.

Clifton: Okay. And then you hear, get down or you're gonna get shot?

Colby: Yes.

Clifton: And then what happened after that?

Colby: I heard three gunshots.

Clifton: Okay, how long after you heard the get down, uh, or you're gonna get shot, were the gunshots after that?

Colby: Just a few seconds.

Clifton: Few seconds after that?

Colby: Yeah, I don't think it was very long.

Clifton: And how many gunshots did you hear?

Colby: Three.

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Clifton: And I know I asked you this before, but just so I'm clear on this, so the officers, at this point, when you hear the gunshots, what do you see the officers doing at that point when you hear the gunshots, can you, can you see any indication of who fired, or...

Colby: I couldn't see who fired, but, um, there was a little bit of excitement. Some of the officers, because that, that, um, police car there, I think they were also mingling around that one, that _____

Clifton: Okay, that's a good thing that you, um, pointed out there, so was that police car there as well?

Colby: It was there the whole time.

Clifton: Okay, that police car was there as well?

Colby: And it's lights were flashing.

Clifton: Was that police car there when the, uh, officer knocked on your door?

Colby: Yes.

Clifton: Okay.

Colby: All the police cars were here.

Clifton: And its lights were on?

Colby: Yes, he had his, his li-he was the only one that had lights flashing.

Clifton: Okay. And it was there ever since you were contacted. Okay. Okay, so you couldn't see who shot, but you said there was some type of excitement after you hear the gunshots, and then what do you see, what do the police do at that point?

Colby: Well that's what surprised me, nobody was in a hurry, it was like, they were just waiting. I don't know what for, but.

Clifton: Okay, you didn't see anybody in, moving around on the driveway or anything?

Colby: No, I was expecting somebody to go e-to the back, and I didn't see anybody go to the back.

Clifton: Okay.

Colby: I just saw that one policeman who apparently is the one that shot the gun, the f-the, uh, shot, made the fl-shot the...

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Clifton: Okay, and so you said earlier, the rifle?

Colby: Yeah, thank you.

Clifton: So, okay, so you said afterwards, after the shots were fired, you saw an officer, tell me about that, you saw him walk away?

Colby: He turned or, uh, I didn't see him turn around, but I saw him walking from the house towards one of the, um, police cars that was...

Clifton: And you're...

Colby: ...parked up the street.

Clifton: Okay, and so he walks out and he's walking to the east...

Colby: Right.

Clifton: ...on Hancock...

Colby: Right.

Clifton: ...okay.

Colby: Right. And he was, um, another policeman was with him, walking to the car, the, the police car.

Clifton: And was he holding a rifle?

Colby: The, the one, w-not the guy, okay, the guy that first left, he had the rifle, then the other policeman who had his arm around him, uh, walking down the street kinda put an ar-his hand on his shoulder. He didn't, he didn't have the rifle.

Clifton: Okay, but there, so, just so I got this right, so I'm clear, so the guy is walking with the rifle, and the guys comes u-has his arm around, like, has his arm around his shoulder?

Colby: Yeah, just on his shoulder.

Clifton: Okay, like, consoling him...

Colby: Right.

Clifton: ...or something, okay. Alright. And they...

Colby: And walking him to the police car that was up the street.

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Clifton: And did they get in the police car?

Colby: The one that had the rifle did, the other one did not.

Clifton: And could you hear what they were saying?

Colby: No, too far away.

Clifton: Okay. And as far as the driveway at that point, and the police, did you continue to watch what was going on there?

Colby: Yes, 'cause I couldn't figure out what was going on.

Clifton: Okay.

Colby: I didn't know what it was all about.

Clifton: Sure. And wh-what did you see at that point?

Colby: Nothing more, they just, people waiting, looking around, and then s-a lot of 'em had clipboards.

Clifton: Okay. Did you see any movement in the driveway towards anything or anyone, or was there...

Colby: No.

Clifton: Okay.

Colby: Then the caution tapes were put up. And then a lot of photographs were taken, and...

Clifton: Okay.

Colby: ...that's all I've ever seen.

Clifton: Alright. Um, as far as, just so I understand real quick, let's go over here to your, do you mind standing up with me? So during that time, you're really just looking right out here?

Colby: Right.

Clifton: Okay. Through the front, here-front here?

Colby: Uh-huh. You're taller...

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Clifton: Okay.

Colby: ...than I am, so...

Clifton: Yeah, how, how tall are you, that's a good question.

Colby: 5'1" and a half.

Clifton: 5'1" and a half.

Colby: So I get to count the half (laughs). I'm like...

Clifton: I'll give it to you.

Colby: ...six and a half...

Clifton: Yeah, yeah.

Colby: Well, I was 5'2", but I've shrunk.

Clifton: Okay.

Colby: That's what happens when you get old.

Clifton: Okay, so 5'1" and a half, so you're right here? Okay.

Colby: There you go.

Clifton: There we go, uh...

Colby: Can't see much, can ya?

Clifton: Okay, so for the recording, uh, I'm here with Mrs. COLBY and we're looking out her front door, uh, through the screen, as what she has, describing how she viewed this incident, and I am looking at the, uh, front, uh, where the south side of [REDACTED] SE, or NE Hancock, and then to the driveway, and your house sits, uh, just a little bit off-center to the east of that residence, an-uh, so for your vantage point there. And so when you were looking at the officers when they were in the driveway, so that police car is parked, as described earlier?

Colby: Right, right there.

Clifton: Right there, this car, your vehicle, the K5 Blazer is parked there...

Colby: Correct.

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Clifton: ...and the officers, when you hear them giving commands, they're in the driveway?

Colby: Yes.

Clifton: Okay, of [REDACTED] ?

Colby: Correct.

Clifton: Okay, and did you ever see or have any idea who they were talking to when they were giving...

Colby: No.

Clifton: ...the commands?

Colby: No.

Clifton: Okay. Alright. Okay, we'll go ahead and shut your door real quick. (Door shuts) Alright. Okay, so Mrs. COLBY, is there anything that I haven't asked you, uh, that you think it's important I should know about the incident this morning?

Colby: I can't think of anything.

Clifton: Okay. Well what I'm gonna do is, I'm gonna give you, uh, my card, uh, if you have any questions or anything, you can obviously feel free to give me a call, and then the other thing, would it be possible if our, um, crime scene people, well, I don't know if you watch any of those TV shows like First 48 or whatever, but we have crime scene people. Uh, would it be okay if they came and snapped some photos from your vantage point of where you saw this occur?

Colby: Yeah.

Clifton: Okay. Alright, that would be great, they, they're running around, are you gonna be...

Colby: Are they the ones that on the back say DVD?

Clifton: No...

Colby: Oh.

Clifton: ...those are other guys, yeah.

Colby: Oh.

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Clifton: We got a whole bunch of people out here, um, are you gonna be here for the remainder of the day?

Colby: Yes, I believe so.

Clifton: Okay. So they will come by, like I said, all they'll do is just snap some photos, uh, of that view. Did you ever come and look out the front window during that time?

Colby: Well, after the shots went off, then I came over to the window.

Clifton: Oh, okay, so a-that's a good point, so that's something that's important for me to know. So when the shots were fired, then, you moved into the house, did you shut the door?

Colby: I shut the door, yes.

Clifton: Okay. And then you shut the door, and then looked out your...

Colby: And then looked out, yes, looked out the front window.

Clifton: Okay. Did you ever go back to the door so you could hear, and open it up, or did you just stay looking out the window at that point?

Colby: Well I did go back to the door but that, I was working on the bolt lock.

Clifton: Oh, okay.

Colby: 'Cause it didn't work right. And I figured it was okay with you guys out in front.

Clifton: Okay. When you saw the officer walk away to the east and all of that, and get in the police car, was that through the window?

Colby: Yes.

Clifton: Okay. Alright, so once the shots were fired, you shut the door, basically took cover in the house and...

Colby: Yes.

Clifton: ...were looking out that way?

Colby: Yes.

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Clifton: Okay. Alright, um, okay. Well I think that's it, for now. I'm giving you my contact information, if you have any questions, um, feel free to call me, uh, the time is approximately 12:25, uh, and I'm gonna go ahead and end this recording.

Transcribed Verbatim with Punctuation Added 021017 / 0905 A. Chasteen *AC*

0209.20 bcl

CONFIDENTIAL**FOLLOWUP REPORT #40**

ASSIGNED TO HOPPER, MEREDITH L (36239)		RANK DETECTIVE		
ORG UNIT DETECTIVE: COLD CASE DETAIL		CAPACITY 4-INTERVIEW WITNESS		
ASSIGNED ON 02/16/2017	ASSIGNED BY HOPPER, MEREDITH L	SUBMITTED ON 02/16/2017	APPROVED ON 02/16/2017	APPROVED BY WHATTAM, KEN N

NARRATIVE

AUTHOR HOPPER, MEREDITH L (36239)	DATE/TIME 02/16/2017 1118
SUBJECT INTERVIEW WITH WITNESS OFFICER	

On February 9, 2017, I was assigned to interview Officer Bishop regarding her involvement in the shooting at [REDACTED] NE Hancock Street. Detective Jon Zwick from the Multnomah County Sheriff's Office assisted me with this interview. Also present for this interview was Officer Chris Culp who acted as Officer Bishop's union representation. This interview was recorded and transcribed. Please refer to those transcripts for the complete details of that interview. The follow is a brief summary on Officer Bishop's statement.

Officer Bishop was riding in the passenger's seat of a two person car with Officer Ed Lock. Officer Bishop explained Officer Lock pulled their police car in the street to block the driveway to act as cover due to the fact their vehicle had ballistic protection installed. Officer Bishop stayed with her vehicle on the street in front of the residence. Officer Bishop did see the suspect being challenged by the other officers near the residence. Officer Bishop did see the suspect drop his hand towards his waistband area shortly before the shots were fired.

For the complete details of Officer Bishop's statement see the interview transcription.

IMAGE ATTACHMENT (1262855) OVERVIEW MAP OF THE AREA-BISHOP



Of Bishop Angier

CONFIDENTIAL**IMAGE ATTACHMENT (1295994) OFFICER BISHOP TRANSCRIPT**

**PORTLAND POLICE BUREAU
CASE NUMBER 17-39972**

February 9, 2017

**Interview of
MELISSA BISHOP**

TAPED STATEMENT TRANSCRIPTION

CONFIDENTIAL

CONFIDENTIAL

**PORTLAND POLICE BUREAU
DETECTIVE DIVISION
CONFIDENTIAL TAPED STATEMENT TRANSCRIPTION**

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Hopper: This is Detective Meredith Hopper, it is Thursday, February 9th, 2017. It's approximately 15:10 in the afternoon. This is a recorded interview with Officer MELISSA BISHOP, uh, DPSST 18974. Um, assisting me with this interview is Detective John Zwick, with the, uh, Multnomah County Sheriff's Office, and, uh, representing the union is Officer Chris Culp, DPSST 40730. And we are located in, uh, East Precinct's Prostitution Detail office. MELISSA, you understand this is, uh, being recorded?

Bishop: Yes.

Hopper: Okay. So I understand today you were involved in an incident, um, that resulted in a shooting.

Bishop: Yes.

Hopper: If you could just start from the beginning with your involvement.

Bishop: Um, Officer, I partner with Officer LOCK, and, uh, we were dispatched about, um, 7:35, 7:40, to cover Officer FERNER, he'd gone out on a robbery call where the suspect, um, was seen with a gun and was at large. So we initially went to cover him, and then, uh, he asked f-while we were, were en route, he asked for a K9 and to set up a perimeter. So we set up on the perimeter at, um, 82nd and Hancock, and, um, we sat there for a while, they were doing the dog track, um, they were listening on the radio and they said that they were at, uh, [REDACTED] and they found a broken out window, so they were, um, concentrated on that for a little bit and then they held that scene, and then went to the next yard just to check that yard, and then came back to the house. Um, they, I could hear 'em talking that they were trying to get a hold of the homeowner, uh, couldn't get a hold of the homeowner. Um...

Hopper: And was this talk occurring over the radio or...

Bishop: Yeah, over the radio.

Hopper: ...could you physically hear them...

Bishop: Over the radio.

Hopper: Okay.

Bishop: We were down the block...

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CONFIDENTIAL**Confidential Taped Statement Transcription**
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Page 2**Hopper:** Okay.

Bishop: ...about, about half a block away. Um, and then, uh, about the time they, they were gonna go check through the blocks again, um, somebody on the radio said that, hey, there's a open window on a different side of the house. So they went, I, they said they were going over there, and then I heard, I think it was Sergeant HELFRICH say on the radio that they saw the guy, the guy was in the house. Um, at that point Officer LOCK was driving, 'cause we have an armor-plated car, he drove up right in front of the driveway so that, uh, we had cover right there with the armor-plated car. Um...

Hopper: So you drove up to the residence where Sergeant HELFRICH said that...

Bishop: Yes.

Hopper: ...he saw...

Bishop: Right in front of the driveway.

Hopper: So, like, the driveway's here, and you kinda block the driveway with your car?

Bishop: So the driveway came out this way, and we were sideways...

Hopper: I have a diagram of where you, so if you just wanna draw on there where your car was parked. That's the house.

Bishop: This is the house?

Hopper: Yeah.

Bishop: Okay, so this is the driveway, so yeah...

Hopper: Um-hm.

Bishop: ...we were just parked right here.

Hopper: Yeah, it doesn't work.

Bishop: No.

Hopper: (Rustling) _____ There you go. And were you driving, or Officer LOCK?

Bishop: Officer LOCK was driving...

Hopper: Okay.

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Bishop: ...so I got out of the passenger side...

Hopper: Um-hm.

Bishop: ...and Officer LOCK came around to my side...

Hopper: Um-hm.

Bishop: ...and, uh, we could see them, the other officers, uh, challenging him...

Hopper: Um-hm.

Bishop: ...uh, there were, uh, non-lethal and lethal, and, um, I could see him come out, I, I couldn't tell if it was a doorway or a stairway...

Hopper: Um-hm.

Bishop: ...from where I was...

Hopper: Okay.

Bishop: ...but I could see him coming out, he kinda had his hands kinda, not all the way up...

Hopper: Um-hm.

Bishop: ...but kinda half up...

Hopper: Um-hm.

Bishop: ...um, he had his hood up, he, uh, I could hear them tell him, um, get down on the ground, crawl out...

Hopper: Um-hm.

Bishop: ...it didn't look like he was doing what they were telling him to do...

Hopper: Um-hm.

Bishop: ...um, and then as he kind of, I'm, it was hard to tell, but it looked like he was either on his knees or starting to get to his knees...

Hopper: Um-hm.

Bishop: ...I s-saw his right hand come down...

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Hopper: Um-hm.

Bishop: ...to his waistband, and...

Hopper: Um-hm.

Bishop: ...in the, the reports, uh, the witness said that he had his, a weapon in his waistband.

Hopper: And is this the robbery suspect...

Bishop: Yes, the robbery...

Hopper: ...they're...

Bishop: ...suspect...

Hopper: ...vic-victim, rather?

Bishop: The victim...

Hopper: Yeah.

Bishop: ...yeah, said that he had a weapon...

Hopper: Okay.

Bishop: ...in his waistband. And the guy that they were confronting looked just like the description of the person that they broadcasted over the radio.

Hopper: Okay.

Bishop: So I saw him go down, and I thought to myself, oh my god, he's so lucky that they didn't shoot him...

Hopper: Um-hm.

Bishop: ...because he's going down in his waistband, and then all of, and then I heard the three shots.

Hopper: Okay. So did you see his hand drop once or twice?

Bishop: I saw it kinda come down and hesitate...

Hopper: Uh-huh.

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Bishop: ...so not really twice, but...

Hopper: Um-hm.

Bishop: ...just go down.

Hopper: Okay.

Bishop: And then hang there, and stay there.

Hopper: Um-hm. But it was obvious to you that it was his waistband area?

Bishop: Yes.

Hopper: And did you think, oh my gosh, he's going for a gun, or what were your...

Bishop: Yeah, I...

Hopper: ...thoughts?

Bishop: ...I'm think-because I s-I thought, oh my god, he's so lucky he's not getting shot right now.

Hopper: Um-hm, right.

Bishop: Because...

Hopper: Yeah.

Bishop: ...it was so...

Hopper: So in your mind, you believed...

Bishop: Oh yeah.

Hopper: ...holy cow, because of this previous information...

Bishop: That he had it...

Hopper: ...he's going for his waistband...

Bishop: Yes.

Hopper: ...he might be going for a gun.

Bishop: Yeah, he might be going for a gun.

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Hopper: Okay.

Bishop: And I couldn't see at that distance...

Hopper: Um-hm.

Bishop: ...if he had a gun...

Hopper: Sure.

Bishop: ...or where the gun was or anything, but...

Hopper: Right.

Bishop: ...um, I could definitely see, oh my god.

Hopper: Um-hm.

Bishop: It looks like he's going for something, he is so damn lucky that...

Hopper: Right.

Bishop: ...he's not getting shot right now.

Hopper: Right.

Bishop: And then I heard the shots.

Hopper: And how many shots did you hear?

Bishop: I, I'm pretty sure it was three.

Hopper: Okay. And do you, could you distinguish if it was a rifle or a handgun?

Bishop: Um, I couldn't.

Hopper: Just gunshots.

Bishop: Gunshots.

Hopper: Okay. 'Cause you and Officer LOCK were down here...

Bishop: Yeah, so we were...

Hopper: ...maintaining a position...

Bishop: ...close...

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Hopper: ...of cover...

Bishop: Yes.

Hopper: ...at your car...

Bishop: Yeah.

Hopper: ...but the other officers were here?

Bishop: Yeah. Yeah.

Hopper: And just referencing the, the tape, it was closer to, let's say, the garage and the suspect than what you and Officer LOCK were?

Bishop: Yeah, is this the garage?

Hopper: Yeah, that's the garage there, here.

Bishop: Yeah, so, and I, is this where he was coming out, is that make sense?

Hopper: U-y-yeah. What do you remember?

Bishop: 'Cause it's hard to tell from the aerial...

Hopper: Yeah, I know, it's...

Bishop: ...'cause it looks different.

Hopper: But this is, just help to orient you, this is, from what I understand, the alcove.

Bishop: Okay.

Hopper: The breezeway, if you will...

Bishop: Okay, so...

Hopper: ...that was there.

Bishop: ...so yeah, there were officers here...

Hopper: Um-hm.

Bishop: ...and then, um, Sergeant NICE and other officers with, um, long rifles...

Hopper: Um-hm.

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Bishop: ...were here.

Hopper: Okay.

Bishop: And, uh, yeah, but we were behind...

Hopper: Okay. And what did, could you estimate the distance between the other officers up here, up front, and the suspect, from where you're sitting?

Bishop: Between these officers...

Hopper: Yeah.

Bishop: ...and the suspect?

Hopper: Between those officers.

Bishop: Oh, it wasn't far, um...

Hopper: So close, in your opinion?

Bishop: ...a car length?

Hopper: Okay. But at the time, and, in this diagram it shows two cars...

Bishop: Um-hm.

Hopper: ...but there were no cars in the driveway?

Bishop: No, there were no cars.

Hopper: Okay. So going back to when you and Officer LOCK were initially dispatched to cover Officer FERNER, that was on the robbery, correct?

Bishop: Yes.

Hopper: Um, and did Officer FERNER or did Dispatch put out a description?

Bishop: Um, yes, Officer FERNER did.

Hopper: Okay. Um, did you hear any other radio traffic about other calls?

Bishop: There was another call of a, I think it was a car prowler...

Hopper: Um-hm.

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Bishop: ...and they were linking it because it sounded like the suspects were the same.

Hopper: Okay. Who was giving that description, did you hear a second description that made it sound like the same?

Bishop: I heard Dispatch say it sounds like it's the same person.

Hopper: Okay. You have anything to...

Zwick: No, um, was there anything that stood out to you about the description that was given on the initial call?

Bishop: Stood out to me when seeing the person? What do you mean?

Zwick: Um, that stood out to you, yeah, then when you saw him, you're like, oh that's definitely the guy, or was it just the same...

Bishop: No, it was...

Zwick: ...and what was that description?

Bishop: Um, they said he had a green coat with a black hoodie underneath, and he had a, a black hoodie and a, kind of an olive-drab coat. And then he had, uh, they said that he ha-his jeans were sagging, black jeans, and that you could see his boxers underneath, and could definitely see the boxers underneath.

Zwick: So based on the time, and the location, and the description...

Bishop: Yeah, yeah...

Zwick: ...there's no doubt in your mind that was him...

Bishop: ...it was a very good description and it looked, yeah. It was him.

Zwick: _____. Okay.

Hopper: Um, _____. Did he say anything at all? Could you hear him yelling, did he say anything back to the officers as they were trying to direct him?

Bishop: Not that I could hear, no.

Hopper: Not that you could hear.

Bishop: No.

Hopper: Okay, could you see, like, his facial expressions or anything like that?

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Bishop: No, his hood was covered, I...

Hopper: Okay.

Bishop: ...couldn't see him.

Hopper: Um, so after the shots were fired, what did you do?

Bishop: Um, I came around the front of the car...

Hopper: Um-hm.

Bishop: ...and, uh, and just, you know, held my position...

Hopper: Sure.

Bishop: ...just in case...

Hopper: Right.

Bishop: ...um, and...

Hopper: 'Cause there's obviously plenty of officers over there...

Bishop: Right, and I wasn't gonna, um, pull out my gun, because...

Hopper: Right.

Bishop: ...you know, there were people in the line of fire.

Hopper: Right.

Bishop: So I just stood in the position there, and then Officer LOCK, um, Sergeant HELFRICH asked Officer LOCK to come around to help them, um, as a custody team.

Hopper: Um-hm.

Bishop: And, uh, and then I think Officer DICK got a, had a shield, and then they went up and I just held my position there.

Hopper: Okay. Um, anything else?

Zwick: I have nothing else.

Hopper: Do you have anything else that we haven't asked you, that you can think of?

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Bishop: Mm, no.

Hopper: No?

Bishop: Don't think so.

Hopper: Chris, do you have anything?

Culp: Um, to piggyback on Detective Hopper, when he was going to the ground, from your vantage point, could you hear the officers telling him, giving him commands still?

Bishop: Yes.

Culp: Him obeying, when he was coming down to his waistband, were they still giving him commands?

Bishop: Um, I remember s-...

Culp: Or was it a little chaotic?

Bishop: I'm sorry?

Culp: Probably a little chaotic.

Bishop: Yeah, and I remember somebody saying, um, you know, crawl out, crawl out, um, yeah, I don't remember at that point if somebody was yelling...

Culp: But there was definitely communication?

Bishop: Yes, yeah, people were giving him commands and, and, m-from my vantage point, it, it didn't look to me like he was complying, initially, because, um, but like I say, I couldn't tell if he was coming upstairs and it...

Hopper: Um-hm.

Bishop: ...just looked like it...

Hopper: Um-hm.

Bishop: ...that way, but, d-like, I mean, if somebody had a gun pointed at me, I'd be...

Hopper: Um-hm.

Bishop: ...you know, with my hands up in the air and...

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Hopper: Right.

Bishop: ...m-you know, but he was kinda like, half-ass doing it.

Hopper: Um-hm.

Bishop: What they were s-what they were telling him.

Hopper: Okay, so from your vantage point, just to recap what you said, he did not appear compliant...

Bishop: No...

Hopper: ...to you?

Bishop: ...not to me. No.

Hopper: I mean he wasn't, like you would expect if you saw...

Bishop: Correct, if you had...

Hopper: ...multiple police officers pointing guns at you...

Bishop: Exactly...

Hopper: Right.

Bishop: ...in my experience, when I've seen...

Hopper: Right.

Bishop: ...people with guns pointed at them...

Hopper: Right.

Bishop: ...they're (laughs), they're...

Hopper: They typically act a certain way...

Bishop: Exactly.

Hopper: ...if they're gonna comply.

Bishop: Exactly.

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Hopper: Yeah. Okay. Okay, if anybody else doesn't have anything? Okay, the time is, uh, 3:20.

Transcribed Verbatim with Punctuation Added 021117 / 1520 A. Chasteen *ac*

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CONFIDENTIAL**FOLLOWUP REPORT #41**

ASSIGNED TO OUTHAYTHIP, NAVARATH (24990)		RANK		
ORG UNIT FORENSICS:		CAPACITY 2-FORENSIC UNIT PROCESSING		
ASSIGNED ON 02/16/2017	ASSIGNED BY OUTHAYTHIP, NAVARATH	SUBMITTED ON 02/16/2017	APPROVED ON 02/20/2017	APPROVED BY MCMURRAY, SHAWNDA L
NARRATIVE				
AUTHOR OUTHAYTHIP, NAVARATH (24990)			DATE/TIME 02/16/2017 1128	
SUBJECT CRIME SCENE				

Property/Evidence Receipt (PER) A051860

- Item 1 - one grn/blk ASG Co2 powered BB pistol Model CZ P-09 6mm caliber, placard 1
- Item 2 - one Remington 223 shell casing from driveway, placard 2
- Item 3 - one Remington 223 shell casing from driveway, placard 3
- Item 4 - one Remington 223 shell casing from driveway, placard 4
- Item 5 - one Lancel day bag with; one jacket, one pair of socks, three pair of shoes, one belt, one hairspray bottle, and one portable organizer with tool, placard 5
- Item 6 - one damaged window screen and window screen frame, placard 6
- Item 7 - one suspected bullet fragment from driveway, placard 7

Later it was determined to be a piece of candy or beverage packaging.

Disposition: Property Room

PER A051861

- Item 1 - one pair of Peerless handcuffs model 700 serial # [REDACTED]

Disposition: Property Room

PER A051862

- Item 1 - one Oregon Trail card account # [REDACTED]
from decedent's left rear pants pocket

Disposition: Property Room

On 02/09/17, Criminalist Yoshimura and I responded to [REDACTED] NE Hancock Street to assist with an officer involved shooting investigation. Upon our arrival, we made contact with the detectives in the outer perimeter. Once we got the ok, we checked in with the tending officer and entered the inner perimeter to assess the scene. Criminalist Yoshimura and I decided to use photos, videos, and lasers to document the scene.

A Nikon D700 (for stills) and Nikon P7800 (for videos) were used to document the scene in the condition as we found it. Then I placed photo evidence markers with numbers 1 through 4 in the scene, as the investigation progressed photo evidence markers 5, 6, and 7 were added. Photos and videos of the scene with the photo evidence markers were made. Then Criminalist Yoshimura used the Leica C10 (a laser scanner) and iStar (a digital 360 degree camera) to document the scene.

Before I collected the pistol and shell casings, Detective Kammerer (one of the lead detectives) assisted me by handling the pistol so as to make it safe. He removed the magazine and racked the slide. The pistol turned out to a BB gun. I photographed it then I collected it.

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When Deputy M.E. O'Brien arrived, he removed the handcuffs from the decedent. As he examined the body, I photographed the decedent's hands and face, his front pants pockets, and the Oregon Trail card from his left rear pants pocket.

I received the pair of handcuffs and Oregon Trail card from Deputy M.E. O'Brien, Pers A051861 and A051862.

At the request of Detective Kammerer, I photographed the window frame, two white substances of interest near photo evidence marker 7, and the suspected bullet fragment next to photo evidence marker 7.

While I made photographs and video files of the backyard and damaged basement door, Criminalists Yoshimura and Ware assisted me by collecting the evidence associated with photo evidence markers 5, 6 and 7.

Evidence listed on PERs A051860, A051861, and A051862 was transported to FED. The BB gun, the 223 shell casings, the suspected bullet fragment, and the day bag and its content were photographed. Note, the suspected bullet fragment turned out to be a piece of candy or beverage packaging.

Evidence listed on PERs A051860 and A051862 was delivered to the Property Room and evidence listed on PER A051861 was delivered to the Property Room via FED outgoing locker.

CONFIDENTIAL**FOLLOWUP REPORT #42**

ASSIGNED TO HOPPER, MEREDITH L (36239)		RANK DETECTIVE		
ORG UNIT DETECTIVE: COLD CASE DETAIL		CAPACITY 4-INTERVIEW WITNESS		
ASSIGNED ON 02/17/2017	ASSIGNED BY HOPPER, MEREDITH L	SUBMITTED ON 02/17/2017	APPROVED ON 02/21/2017	APPROVED BY WHATTAM, KEN N

NARRATIVE

AUTHOR HOPPER, MEREDITH L (36239)	DATE/TIME 02/17/2017 0826
SUBJECT WITNESS OFFICER INTERVIEW	

On February 9, 2017, I was assigned to interview Lieutenant Rick Deland regarding his involvement in the shooting at [REDACTED] NE Hancock Street. Detective Jon Zwick from the Multnomah County Sheriff's Office assisted me with this interview. Also present for this interview was Lieutenant Tashia Hager who acted as Lieutenant Deland's union representation. The interview was recorded and transcribed. Please refer to those transcriptions for the complete details of that interview. The following is a brief summary of Lieutenant Deland's statement.

Lieutenant Deland was riding in Commander's Parman's vehicle in the area of the perimeter after a possible robbery suspect ran from officers near NE 83rd/ NE Hancock. Lieutenant Deland and Commander Parman met with Sergeant Nice on the edge of the perimeter to discuss different options for the resolution of the call such as SERT activation, deployment of a K-9, or just walking away. Lieutenant Deland and Commander Parman left that meeting and drove around the area to look for a good staging location in case SERT was activated. When Lieutenant Deland and Commander Parman returned to the perimeter location they parked just down the block from the target location. Sergeant Nice contacted them and told them words to the effect that they were done with the search. Lieutenant Deland then noticed officers challenging someone in the area of the driveway of the target location.

Lieutenant Deland ran up to where the officers were challenging the suspect and he observed the suspect standing in a small alcove with his hands up just to his shoulders and his elbows at his waist area. Lieutenant Deland explains at one point the suspect drops his right hand down to his right pants pocket and pats it. Lieutenant Deland described an officer warning him not to drop his hand again or he would be shot. Lieutenant Deland stated it was as if the suspect was daring the officer to shoot him because as soon as he was warned about being shot he dropped his hand into his waist band area. Lieutenant Deland then said he heard several very loud shots and the suspect fell forward.

For the complete details of Lieutenant Deland's statement see the interview transcription.

CONFIDENTIAL**IMAGE ATTACHMENT (1296033) LT DELAND TRANSCRIPT**

**PORTLAND POLICE BUREAU
CASE NUMBER 17-39972**

February 9, 2017

**Interview of
LIEUTENANT DELAND**

TAPED STATEMENT TRANSCRIPTION

CONFIDENTIAL

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**PORTLAND POLICE BUREAU
DETECTIVE DIVISION
CONFIDENTIAL TAPED STATEMENT TRANSCRIPTION**

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Hopper: This is Detective Meredith Hopper. It is February 9th, 2017. Uh, this is a recorded interview with Lieutenant RICK DELAND, DPSST 24581. Um, also present, representing his union is Lieutenant Tashia Hager. Um, I'm assisted in the interview by Detective John Zwick of the Multnomah County Sheriff's Office. Um, we are conducting this interview in the East Precinct Human Trafficking Office. RICK, do you understand this is being recorded?

Deland: Yes.

Hopper: So, I understand you were involved in an incident, um, today in your precinct.

Deland: Yes.

Hopper: Can you tell me what happened?

Deland: So, I was riding with Commander BRIAN PARMAN in his, uh, commander car, and we had just had coffee and while we were at coffee, we heard a call developing, uh, in the 8-, area of 82 and Tillamook regarding an attempted carjacking. Uh, there was a very detailed suspect description given. Uh, including a very distinctive handgun used in, in that attempted carjacking. Uh, described as a, in the call as a, a, like a desert camo handle, uh, on a black pistol, uh, which the commander and I actually commented on, that's an unusual description for a gun. Um, one of the arriving officers, uh, said that the person had run and jumped a fence nearby and they set a perimeter. And so we were just listening at how this was gonna developing, uh, how this was going to develop. It's not unusual at East Precinct, to have perimeters set and dog tracks and things like that. We were paying extra attention to this one because of the, the information about the gun. Um, once the perimeter was set and, uh, Sergeant HELFRICH and Sergeant NICE had responded and were on scene and were running things, uh, with, uh, Sergeant NICE, it sounded like he was in overall control of the scene and Sergeant HELFRICH was running the dog track once the, uh, K-9 Unit responded and they began tracking. They ended up, uh, tracking to an address on Hancock, at about, uh, the 8300 block of Hancock, where they talked about seeing, uh, boot print-prints on a door as if somebody had tried to kick their way in through the door. And a broken window. And so everything kinda slowed down at that point because all of the focus at that time was spent on, 'do we have an RP for this address', uh, and there was a house and, it doesn't look like anybody's home and they were working their way kinda through that process. And that was as we were, uh, back in our, in-in the commander's car and we were like, hey, we should swing by there and see because if they determine that this guy got into this

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location, it's potentially a SERT call. And so let's go, kinda check in and see where they're at on this thing. So, we responded to the scene, I got a hold of KYLE while we were on the way there and said 'specifically, where are you at'. He identified the parking lot on Hancock, just east of 82nd, where he was parked. And we pulled in car to car with him and, uh, uh, he-he said 'basically, where we're at is w-we're, I've got the search team still evaluating what they think on whether they think entry was made on this location and whether it's fresh. And he goes, at that point, we're, we're talking with K-9 about putting the camera on the dog and sending the dog in.

Hopper: So, you personally were talking to K-9 or you and...

Deland: No, K-, this is KYLE...

Hopper: ...the commander...

Deland: ...telling me...

Hopper: Oh, gotcha...

Deland: ...what his plans...

Hopper: ...okay.

Deland: Uh, he said I've got three options that I'm evalu-evaluating. I-If K-9 is willing to send their dog in with a camera on the dog, uh, we're having that discussion. Second would be to activate SERT because we believe he's inside and he's armed and he's barricaded. The third would be to make the determination that we don't think he went into that building, um, c-, either continue the yard search if the K-9 thinks it's worth it or break this down, you know, and-and call it good. Um, he goes, the w-, and he walked away at one point, was on the radio with HELFRICH and, and, uh, he had a, a, I believe a rifle slung.

Hopper: __ (unintelligible) __

Deland: Pretty sure, pretty sure KYLE had...

Hopper: __ (unintelligible) __

Deland: ...had a, had a rifle slung...

Hopper: Okay.

Deland: ...at the time. And so he'd walked away at one point and, um, you know, we were like, what can we do for ya and, uh, he's like, well, you know, until we kinda make a decision on how this is gonna go, I'm not sure. And I suggested, how

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'bout we go scout out a staging location so that if you have to hit the button and we're gonna take it over, you know, that we kinda have all that wrapped up. He goes, 'that'd be awesome'.

Hopper: Um-hm.

Deland: And so we left, drove, and we kinda made a round around the perimeter to try to figure out where we were gonna establish a staging location if we wanted it. We determined we were gonna do that from 80 to 82nd on Skyler, which is offset one block from Hancock. And so then we returned to KYLE's location to let him know that we had found a spot and that's where it would be and to get an update on where things were. And when we pulled up, uh, we were kinda car to car with him again and he walked up with his, with his, uh, rifle, and he goes 'i-indicators are that we don't think it's fresh'. He goes 'I think we're gonna be done here' and he unslung his rifle and put it back in, in the rack in his car. And, we didn't, we hadn't even gotten out of the car, we were still sitting in the car. And the target location was across the street and one house over and so I'm looking across the street and I see JERRY HIGGINBOTHAM up here, from the 3-4 corner of the house, so to the, kind of the front, uh, southeast corner...

Hopper: Um-hm.

Deland: ...and, you know, he's kinda walking normally and then he stops and he looks to the west, from the driveway location, and I see him kinda look and he says something to somebody to his north and he points. And then he gets on the radio and now I can hear him on the radio and he said, 'did anybody notice this broken out window on the east facing wall of the front of the house' and there was no answer initially and then I think he asked it again and then an officer appears and I don't remember who it was, from the, you know, what appears to be coming from the backyard or that 3-4 corner of the house. Um, and then, you know, another officer, and so basically the, you know, they're finding this window and so that front and side perimeter, the officers were just kind of collecting...

Hopper: Um-hm.

Deland: ...um, on the driveway to look at this thing. And-And I can tell you, from the, kind of the tone of everything at that point, it was like, we're basically done here and now it's like, kinda is there any evidence we're missing or...

Hopper: Right.

Deland: ...anything like that. It was very casual. And KYLE, at that point, was still putting his rifle away. So, he was standing outside his SUV, with his head inside of it, with, you know, racking it, and I'm looking at them and all of a sudden, it was,

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and this is an exaggeration, but it was like everybody in the driveway jumped five feet in the air and...

Hopper: Um-hm.

Deland: ...the guns came out. It was...

Hopper: Okay.

Deland: ...like oh, shit.

Hopper: Um-hm.

Deland: And they're all screaming...

Hopper: Um-hm.

Deland: ...at, you know, a-a corner of the house that I couldn't see, adjacent to the driveway. And so I start yelling at KYLE, and I don't even know why I chose these words, but I was like 'They're up! They're up! They're up! They're up!' and he goes 'what'. And, you know, all we see is a group of officers in the driveway challenging somebody that we can't see, out of view.

Zwick: Could you hear clearly what they were saying, from your position?

Deland: They were, it was 'get your hands up. Get your hands up. Get your hands up. Don't move' kinda stuff. Um...

Hopper: Could you hear the suspect say anything?

Deland: No.

Hopper: Or any kinda yelling or anything...

Deland: No.

Hopper: ...like that? So, the words you heard were officers, a bunch...

Deland: Yes.

Hopper: ...of 'em?

Deland: Um, and it was all clearly stabilization commands, right. It wasn't like, you know, move to your left, move to your right, crawl, get down on your knees, anything like that. It was all like stop, hands up, don't move kinda language being shouted. Um, so KYLE looks up and he bolts. I throw my door open and I bolt and I run

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for the driveway of the house 'cause I don't know, I don't know if he's in the house...

Hopper: Right.

Deland: ...you know, or what 'cause I can't see what they're challenging. And a bunch of other officers, kind of at the same time, everybody converges on this driveway. So, when I come into view on the driveway, I see two distinct lines of officers of approximately four or five in each line. There was a line of officers kinda on the east edge of the driveway, pointed, uh, primarily west and slightly north and I see officers lined up perpendicular to the driveway, partway up the driveway, pointing north. And, so I come up behind that line of officers and in between them, I can see the exact description of the suspect in the call standing in a, it's not even really a walkway, but there's a gap between the, the garage and the house...

Hopper: Um-hm.

Deland: ...that appeared, from the few seconds I had to look at it, to go straight north and then make a left-hand turn. And he was standing, facing the officers, I look past him and I could see what appeared to be a, a bag or something in the corner. I never had a really clear view of it. But I was looking at the area around him and could see something in the back right corner behind him. Um, and he was standing and he had kinda that classic, the hands aren't really up...

Hopper: Um-hm.

Deland: ...but they're not down. He's just, his elbows are down here and he's, and he's kinda got his hands at about chest high...

Hopper: Um-hm.

Deland: ...with his elbows down by his hips.

Hopper: Um-hm.

Deland: Um, so at that point, one officer, and I don't know who, clearly took over commands and everybody else quieted down. And is yelling at him, 'you need to get down on your knees'.

Hopper: Um-hm.

Deland: And he gets down on his knees and they said, 'you need to crawl out towards us. Keep your hands out in front of you and crawl out towards us'. And at that point, he started to get back on his feet again and he goes, 'no, we want you to crawl. Get back down on your knees and crawl out toward us'. And so he gets down on

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his knees and-and he has a very flat facial expression. Um, and he, an-and from my memory, I don't remember him ever saying a word.

Hopper: Um-hm.

Deland: It was just a very unemotional, um, through this entire event, there was nothing on his face in terms of facial expressions. Um, so he starts to crawl and that brings him passed the threshold of the face of the garage. So now he's, he's basically, he's not in that tight quarters anymore, he's just popped out of that tight corners where he's, he's a little...

Hopper: Towards the officers?

Deland: ...towards the officers. So he's a little more out in the open. And they're s-, and-and the officer who's giving him commands is continuing, you know, 'crawl forward. Crawl all the way out to the driveway. We want you to crawl all the way out here'. And he stops and he gets back up on his knees where his torso is vertical.

Hopper: Um-hm.

Deland: And his left hand is up above shoulder height and his right hand is still down in that tucked elbow where his palm is just chest high.

Hopper: Can I ask you a question? Were his hands ever both all the way up in the air or were they always kinda that chest high?

Deland: The closest, they-they, no, they were never both all the way up in the air. They were in the beginning, equal, equally low.

Hopper: Okay.

Deland: Matching each other.

Zwick: To the chest?

Deland: Yes. But this time when he got up, they were, they were not equal. One, one was up and one was not.

Hopper: Okay.

Deland: And it was just that original kinda partially up position. And there's, the officer's still yelling at him, you know, 'you need to crawl out' and what he does, is he takes his right hand and he reaches down, palm in, so his fingers go down. And- And I'll tell you, my first impression of that move is he's gonna pull up his pants.

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It was the same hand motion that you would make if you were gonna hitch up your pants.

Hopper: Um-hm.

Deland: But he doesn't do that. He reaches down and he's looking directly at the line of officers that are in front me.

Hopper: Um-hm.

Deland: And I'm looking between them. And he's looking right up at them and he reaches down and he pats his right pocket like I wanna say twice.

Hopper: Okay.

Deland: And they're, everybody's screaming at him at this point, right. 'Get your hands up! Get your hands up! Get your hands up!' And he, and as he picks that hand up off of his pocket an officer says 'if you reach down like that again, I'm going to shoot you'.

Hopper: Um-hm.

Deland: And he brings his hand up and almost on cue, he stops and he reaches down and this time when he reaches down, he reaches to his waistband not his pocket. It's...

Hopper: Um-hm.

Deland: ...a different target location then where his hand went the first time. And when he does that, the line in front of me and me, we all move. And it was a random movement.

Hopper: How did you move?

Deland: I moved to my...

Hopper: __ (unintelligible) __ move?

Deland: ...to my left.

Hopper: Okay. So everybody...

Deland: Right...

Hopper: ...moved as...

Deland: Everybody was like...

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Hopper: Everyone was like...

Deland: Yeah.

Hopper: ...whoa.

Deland: Everybody was like whoa.

Hopper: Um-hm.

Deland: And then the shots went off.

Hopper: Okay.

Deland: Um...

Hopper: How far did his hand get down?

Deland: It was, it was down touching...

Hopper: Touching his belt line?

Deland: ...his belt line...

Hopper: Okay.

Deland: ...at the time that I lost view of him because...

Hopper: Um-hm.

Deland: ...what happened with me is I move, they move, and it was like, you know, the slideshow effect of bodies are crossing in front of me.

Hopper: Um-hm.

Deland: The shots go off, I actually reached up and covered my ear because it was piercingly loud.

Hopper: Um-hm.

Deland: It came from somewhere very close to me, to my right. Um, and I see immediately he falls forward with his right hand underneath him.

Hopper: Okay.

Deland: Um...

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Hopper: Can I, just 'cause this is important...

Deland: Yeah.

Hopper: ...piece of it, I have a couple questions. So, how many officers were in the driveway when you initially came up and they were challenging him? Do you remember or can you estimate?

Deland: I, I, i-if, if I was to estimate, my memory is the, the-the two kinda lines were in place, I, I actually didn't know at the time that I got there, where KYLE ended up.

Hopper: Um-hm.

Deland: Because we had been kinda running up there at the same time and I, I wasn't paying attention to him.

Hopper: Um-hm.

Deland: My focus was on the, there was a line of officers in front of me that I would estimate as four or five.

Hopper: Um-hm.

Deland: And there was the line of officers off to my right, which would be to the east, um, which was four or five.

Hopper: Okay.

Deland: And then I believe, I-I'm assuming that KYLE was there somewhere near me because we ran up, kinda side by side, and me. Um...

Hopper: So, we're talking 10 plus officers there?

Deland: Yes.

Hopper: Okay.

Deland: And, you know, I never had my gun out. I had my hand, I had my hand on my gun with my thumb on the thumb break. But I recognized, as soon as I got there, there's no reason for me to have...

Hopper: Right.

Deland: ...my gun out. There's plenty of guns out right now.

Hopper: Did ever, did all the officers that you saw, did they all have their guns out?

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Deland: I-I can't say that. But I knew that there was, uh, there were multiple handguns being pointed and at least one rifle. And so I knew there was plenty of fire power...

Hopper: Right.

Deland: ...you know, you know, ready on this. There-There was no reason for me to pull my gun out at that point.

Hopper: And how, what was the distance away from the officers...

Deland: I-It was...

Hopper: ...and the subject?

Deland: It was close. Um, 10 to 12 feet would be my estimate.

Hopper: Okay.

Deland: Uh, I was a little bit farther back from them because I was behind that initial line. Um, but it was one of those things were, you know, when, when, when HIGGI, and I wanna say that other person that showed up, it may have been HELFRICH, but I'm not a 100% sure. I-I've known HIGGI so long that I can, I can spot him from a mile away. As people started to converge, I'm not sure who beyond them was there.

Hopper: Right.

Deland: Um, but, uh, you know, when I ran up, I was, since you guys are gonna, you know, map it, I was approximately equal to whatever, it seemed like there was a, a small porch or front door, elevated front door area. And I was, that was kinda what I moved towards when I made my left juke...

Hopper: Um-hm.

Deland: ...in response to that movement.

Hopper: Um-hm.

Deland: I remember kinda looking for a place to go and there was the, w-whatever that was there, the front little landing or whatever. I remember seeing that immediately to my left.

Hopper: Um, was there anybody that had less lethal out?

Deland: Yes and I don't remember who.

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Hopper: What form of less lethal, the beanbag?

Deland: Uh, beanbag shotgun.

Hopper: Okay. One...

Deland: Yeah.

Hopper: ...person or...

Deland: I saw at least...

Hopper: ...more than one?

Deland: ...one there.

Hopper: Okay.

Deland: One for sure.

Hopper: And was he bean bagged at all?

Deland: Not that I'm aware of.

Hopper: Okay. Um, how much time elapsed, do you think, from the time you saw everybody jump in realization that the suspect is there, until, um, he was shot?

Deland: I would be guessing...

Hopper: Just...

Deland: ...and it, it was about the time it would take me to run across the street...

Hopper: Right, so very quickly...

Deland: ...and see what, what I saw.

Hopper: ...evolving?

Deland: But, I mean, there was that, I was there in time to see, kinda the initial crawl.

Hopper: Um-hm.

Deland: And so I think what kinda seemed like it happened really fast, was probably actually, you know, a minute or two.

Hopper: Okay.

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Deland: His, his, his eyes were, you know, were moving, but there was no facial, there was no arguing, there was no recognition.

Hopper: Um-hm.

Deland: There just wasn't anything there. But he was clearly paying attention to what was going on in front of him and he could clearly understand what was being said because he was following directions when wanted to. Um, and-and that last movement just came across as being kinda like, you know, he did the thing and it got him yelled at and it was like, well then I'll do it again. I don't care. Um, it was just almost like right on cue.

Hopper: Um-hm.

Deland: That-That second movement, after very clear direction that if he...

Hopper: Right.

Deland: ...you know, if he, if you, if you reach for your waist again like that, I'm gonna shoot you. And it was like immediately reaches for his waist. It was like, I mean my, my first emotional reaction was I was, I was mad at him because it was like...

Hopper: Like why'd you do that?

Deland: ...why did you do that.

Hopper: You mentioned he was looking around, do you think he was evaluating the officers or do you think he was looking for another avenue of escape?

Deland: H-He wasn't, he wasn't animated in the way that I think he would be if he was looking for an avenue of escape. I, uh, and again, it would s-, trying to kinda read his mind. But it was just so unemotional, uh, slow, and deliberate, and it was almost like how far can I push this.

Hopper: Um-hm.

Deland: And like he wasn't sure how far he wanted to push it. But he wanted to see how far he could push it because I mean he is, he had overwhelming numbers in front of him.

Hopper: Um-hm.

Deland: Um, it was a completely no win situation for him. Uh, but it was like that last moment was almost like, oh, you're gonna shoot me if I reach down here again? Well let's find out.

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Hopper: Okay. So, once he was shot, did you see where the shots struck him?

Deland: I did not.

Hopper: Okay.

Deland: He fell immediately straight forward.

Hopper: Okay.

Deland: Um, I could immediately see blood visible on the sidewalk. He actually fell onto the concrete of the sidewalk...

Hopper: Um-hm.

Deland: ...from the landscaped area adjacent to the sidewalk. Um, fell straight forward on, on, uh, face down. Uh, I reached for my radio and at the same time that I did, I believe it was Sergeant HELFRICH who put out the shots fired call and immediately requested medical. Um, I looked back behind me, um, and-and essentially what I was doing, there was a par-, part of it is I was still trying to figure out kinda what e-everything that just happened, right. I, it was pretty clear to me, from the ringing in my ears and the angle, that we had fired shots. Uh, because of my movement and I-losing that momentary sight, I didn't know if he had fired shots.

Hopper: Um-hm.

Deland: And so I was trying to see i-i-, do we have somebody down, is everybody okay, um, and then when HELFRICH, uh, finished his transmission of calling for medical, it was like, okay, we have two things we need to accomplish right now. Uh, we need to evaluate him for an immediate, to get him in custody so that medical can come straight in.

Hopper: Okay.

Deland: Or we need to make a determination that it's not safe to do that because of his positioning and it's gonna be a SERT callout.

Hopper: Um-hm.

Deland: Um, and so I called, uh, you know, verbally on scene, I'm like, 'we need to get a shield setup for a custody team'.

Hopper: Um-hm.

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Deland: Um, and, and I need, and I think it was HELFRICH, it was either HELFRICH or NICE, but I was like 'I need an immediate evaluation on whether you think we can get a custody team into him with a shield'.

Hopper: Um-hm.

Deland: And I think, I think it was KYLE who, who, who was looking and he goes, 'we're gonna be able to do this with a shield'. And I said, 'then get it done'.

Hopper: Um-hm.

Deland: And then I ran out to the street, looked towards 82nd, and then I got on the air because we weren't even on this call, the commander and I.

Hopper: Right.

Deland: Um, so I got on the air and I said '9902, I'm on scene. Have medical come directly to 82 and Hancock, eastbound. Come straight into the scene. We're taking him into custody', um, you know, 'so we need medical to come straight in'.

Hopper: Um-hm.

Deland: Um, and then I think I was the one that put us 10-61 when the cuffs went on him. A-And it happened very quickly. It happened in the time it took for an officer to run across the street to Sergeant NICE's car, grab the shield out of the back, and run it back to the, to the, where the line of officers was and they...

Hopper: Um-hm.

Deland: ...they were immediately moved up and handcuffed him. Um, when we did that, so I went down, double checked that an officer was getting a shield, which put me back probably five feet from my original position, just so that I could look back to where the commander car, where we previously had been parked, and KYLE NICE's car was at...

Hopper: Um-hm.

Deland: ...and I believe it was BISHOP, ran across the street. I see her coming back with the shield, turned around, moved up, the shield comes up, I'm like 'go get him', they move up, and I look immediately in the landscaping next to him, and laying next to him is a, is a, an olive drab or desert brown, uh, it appears to be a Glock handgun with a colored frame.

Hopper: Um-hm.

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Deland: Um, and it's that, that kinda desert brown...

Hopper: Um-hm.

Deland: ...with a black slide, laying...

Hopper: So how far away was it laying from him?

Deland: Two feet from his right hip...

Hopper: Okay.

Deland: ...laying on the ground...

Hopper: So, I wanna ask...

Deland: ...and...

Hopper: ...you a couple questions about the custody. So, the officers took the shield, they went up, took him into custody, did they roll him over? Did he, I'm assuming he fell forward, how did they accomplish the custody? Did you see that?

Deland: The, H-HIGGINBOTHAM and an officer who I, who I don't remember who it was, went up. HIGGINBOTHAM was the primary handcuffing officer and he basically went up, grabbed his right arm, pulled up, kinda behind his back...

Hopper: Um-hm.

Deland: ...and then either grabbed his other arm or with the help of that other officer, who I wasn't looking at, pulled his left arm out and put the handcuffs on and then they rolled him into the post shooting...

Hopper: Um-hm.

Deland: ...recovery position. Um, but it was when they walked up is when I saw the gun. I mean...

Hopper: Okay.

Deland: ...prior to them reaching...

Hopper: Okay.

Deland: ...him, is when I could see the gun laying there to where one of us, maybe both of us, said 'don't step on the gun' to HIGGINBOTHAM because where he was approaching, he was walking right where the gun was at...

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Page 17****Hopper:** And approx-...**Deland:** ...in order to get to his right hand.**Hopper:** Approximately how far away was the gun from the suspect?**Deland:** A foot and a half to two feet from his right hip.**Hopper:** So very close?**Deland:** Very close, within arm's reach.**Hopper:** Okay.**Deland:** Yeah.**Hopper:** Do you have anything detective?**Zwick:** Uh, q-quickly, you mentioned that they just gave a good description of him on the initial attempted, um, call. What was that description and what was he wearing when you guys saw him in that little alleyway?**Deland:** So, I want to say it was a brown coat, black hoodie, black pants, white belt because I made a joking comment to the commander that he must be a golfer 'cause only golfers wear white belts now days. But I, an-and part of that was like, that's a distinctive feature, right. Um, and when he came out, he was wearing a black hoodie, there was, I think, a red shirt poking out underneath in the front, black jeans, and the waistline was covered enough that I don't remember seeing a belt. Um, and n-now that I think about it, it might've been blue jeans. I'm trying to picture that pat, when he patted his pocket. I don't remember now. My memory, as I sit here right now, this guy is, that his, is that his jeans were blue, um, the original call description was that his jeans were black. I think in this case I think his jeans were blue.**Hopper:** But there was no doubt in your mind that this was the suspect from earlier?**Deland:** Just the location alone, and...**Hopper:** But to you, as a police officer, he matched the description to you?**Deland:** Yeah, yeah.**Hopper:** Okay. I think that's all I have. Um, do you have anything else that you haven't said?

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Deland: I don't, I mean, you know, and, the, one of the complicating parts about this call and kinda the aftermath of it is that, um, everybody that was, i-i-it went from we're done to we just shot somebody.

Hopper: Right.

Deland: And everybody who was on scene who would've been gagged around a police car somewhere debriefing this...

Hopper: Um-hm.

Deland: ...thing, were packed into a driveway, uh, witnessing or, or taking this action.

Hopper: Um-hm.

Deland: And so, from a supervisory standpoint, it was like, we still have work to do...

Hopper: Um-hm.

Deland: ...but we have to think about like everybody's a witness or an involved...

Hopper: Um-hm.

Deland: ...and we need to start separating people and, and making sure that we maintain the integrity of, of this. Um, an-and that was challenging just in kinda how quickly we could get people there because we were aware, we didn't even want there to be an appearance of, of people talking. And we were going around and saying, you know, everybody do your job that you have right now but nobody talk. Um, uh, HEARST's rifle, right, pretty quickly, uh, I, you know, and I, 'cause I was asking, you know...

Hopper: Um-hm.

Deland: ...how many people shot, who was it, they'd iden-, somebody identified HEARST as the shooter. Um, we pulled him aside. He went to an SUV that was parked just east of the location. Um, I could see him over there with another officer, um, and so I went over to make sure that they weren't gonna to talk and then we were gonna get him somebody, a, you know, a neutral, you know, kinda person to keep him isolated. And I, so I went up, I asked him if he was okay and I asked him where his rifle was at. He said, "I put the rifle in the backseat." And I said, "Is it still hot?" And he said, "The safety is on. But other than that, I have not manipulated the rifle at all." And I said, "Then secure this vehicle and leave it right where it's at. Don't touch it again." We said we did the same thing with the gun next to the suspect. Once the cuffs were on, it was pretty obvious that he was already dead. Um, so we, when we rolled him up, we met medical, escorted medical in. But once we determined his medical condition, which was, was pretty

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apparent, um, we left the gun right where it was at. Um, nobody cleared it, nobody touched it. Where it sits on the ground, probably right now, is where it was when we first, uh, saw it.

Hopper: So, let me ask you about medical. You said it was very obvious to you that he was dead.

Deland: Yes.

Hopper: So, in your mind, officers knew that and they didn't render any kind of medical aid?

Deland: Correct.

Hopper: Cause it was s-so clear that...

Deland: Yes.

Hopper: ...he was dead?

Deland: The officers who went up and put, so HIGGINBOTHAM would be one...

Hopper: Um-hm.

Deland: ...so he-he'd have the answer to this in terms of his observations but, um, the-the complete, there-there was no movement. There was no breathe. There was significant amount of blood. He went down immediately and never moved again. Um, i-it was, it was very apparent, uh, that he was done.

Hopper: Um-hm.

Deland: And, uh, when HIGGI handcuffed, when HIGGINBOTHAM handcuffed him and rolled him up into the recovery position, it was just so apparent at that point, that i-it became a, a, a decision between d-, providing medical attention for the show versus preserving the scene and the evidence of the scene. And that was more important...

Hopper: So, did the...

Deland: ...at point.

Hopper: ...medical personnel ever enter the scene?

Deland: They did.

Hopper: To confirm that he was...

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Page 20****Deland:** They...**Hopper:** ...deceased?**Deland:** Yes, they did.**Hopper:** Okay.**Deland:** Um, yeah, they, uh, uh, we had him in custody and ready for medical treatment q- quite a t-, quite a while before they actually arrived.**Hopper:** How much time would you estimate?**Deland:** Um, I couldn't say. I mean it'll be in the call.**Hopper:** Yeah, for sure.**Deland:** But, um, at, you know, once we got him secure, uh, at that point I was running around trying to isolate people and...**Hopper:** Um-hm.**Deland:** ...and keeping an ear for the sirens and an eye on the entry because when they came in, I, I guiding them in, um, to make sure they came straight in and then brought them straight through the tape. In the meantime, we had established an inner and outer crime scene log and so they got logged into the log. And they went in and they hooked up their machinery, confirmed, um, that he was dead and then they got escorted out and...**Hopper:** And how many medical...**Deland:** ...those were the only...**Hopper:** ...personnel were there?**Deland:** Pardon me?**Hopper:** How many medical personnel went in?**Deland:** Two.**Hopper:** Okay.**Deland:** Maybe one. One might've stayed just outside the tape.**Hopper:** But it's in the crime scene log?

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Page 21****Deland:** Yes.**Hopper:** Okay.**Deland:** Two got out of the ambulance and it could be that only one actually went in, into the red, the red taped crime scene.**Hopper:** Okay. And going back to when the shots were fired, how many shots did you hear fire?**Deland:** Uh, I would say, it's always hard to tell.**Hopper:** Um-hm.**Deland:** Um, three, four, or five. It was, it was rapid succession.**Hopper:** Okay.**Deland:** Um, that first one absolutely rang my ears on the right side. Um, they're still ringing.**Hopper:** Um-hm.**Deland:** My right ear's still ringing right now. Um, and so it was, uh, there was no auditory exclusion. It was, it was like having an AR-15 rifle go off right next to your head.**Hopper:** And did you know that that...**Deland:** Um...**Hopper:** ...was an AR-15 that went off?**Deland:** I could tell immediately...**Hopper:** Yeah.**Deland:** ...from the sound that that was an AR-15 rifle.**Hopper:** So, all the shots that you heard, you believe came from that rifle?**Deland:** I do.**Hopper:** So, you didn't hear...**Deland:** Yeah.

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Hopper: ...any other additional shots? Just the...

Deland: I did not.

Hopper: ...rifle shots?

Deland: Yeah. And-And if I had to, you know, put it in a window, I'm guessing four to five.

Hopper: Okay. Okay, anything else before I go to this?

Zwick: That's it.

Hopper: Okay, so I have a diagram here of the, uh, of the scene and from what I understand, this is the, uh, the house where the...

Deland: Yes.

Hopper: ...suspect was found.

Deland: Um-hm.

Hopper: Um, this is an overview, just for the recording, this is an overview, um, I believe generated off of, uh, Google Earth.

Deland: Okay.

Hopper: Um, there's a couple cars parked in this driveway here...

Deland: Yes.

Hopper: ...in the picture. Were those cars present?

Deland: No.

Hopper: Were there any cars present...

Deland: No.

Hopper: ...in the driveway? Okay. So, if you wanna use my pen...

Deland: Sure.

Hopper: ...could you mark where, um, the officers were and where you were sitting, standing?

Deland: So, I started, I believe, over here. I think we were parked...

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Hopper: Go ahead, and write on it...

Deland: ...there's a dr-...

Hopper: ...'cause this is your's so...

Deland: There's gonna be a driveway approximately here.

Hopper: Okay.

Deland: And I could see HIGGINBOTHAM approximately here.

Hopper: Okay.

Deland: And then another officer appeared and was standing next to him here.

Hopper: Okay.

Deland: And then another officer came up and th-, officers just started...

Hopper: Um-hm.

Deland: ...kinda, you know, and it was all about a window somewhere over here right by the...

Hopper: About a broken window, the __ (unintelligible) __.

Deland: Right, about a broken window.

Hopper: Okay.

Deland: And so I'm still just watching from here, when...

Hopper: Um-hm.

Deland: ...all of a sudden it was like shit and all the guns came out.

Hopper: Um-hm.

Deland: Um, and they're all pointed, you know, in this direction and then, and so, you know, KYLE ran, I bailed out and ran, and so when I get to the driveway and I start heading up the driveway, he is in this space, right there between the garage and the house.

Hopper: And were the majority of the officers here?

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Deland: So, what we had was a line of officers about here and a line of officers here, and of course it's hard to drive my dots because...

Hopper: Um-hm.

Deland: ...it's, of the scale of this.

Hopper: Right.

Deland: But you basically had a line at about here and a line at about here.

Hopper: And where were you in relation...

Deland: And I was right behind this line at about...

Hopper: Okay.

Deland: It's hard to tell from the...

Hopper: Um-hm, sure.

Deland: ...elevation of this, but, you know, when I did that juke right, whatever this little entryway is here...

Hopper: Um-hm.

Deland: ...that was immediately to my left. Um...

Hopper: Okay.

Deland: ...bec-, or juke to the left rather. 'Cause that was kinda the, that was the direction I...

Hopper: Um-hm.

Deland: ...you know, bopped when his hand went down.

Hopper: Right.

Deland: Um, and the immediately, I mean it, it, as I'm, as I'm doing that and they're all shuffling, the shots go off and then I s-, I kinda stop. My hands go up to my ear and I look and I see him immediately going down.

Hopper: Okay.

Deland: And-And, uh, an-and, I mean it was pretty clear he was hit hard and, and it was like, at that point it was, the risk level, to me, like dropped immediately when...

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Page 25****Hopper:** Um-hm.**Deland:** ...I saw h-how-how he went down. It was like the danger level was just decreased dramatically.**Hopper:** Um-hm.**Deland:** Um, and at that point it was, is-is all, are all of my people vertical...**Hopper:** Um-hm.**Deland:** ...you know. And, uh, and then y-, and then we went from there as I talked about earlier. So, I mean he, where he was sta-, or-or, uh, kneeling when he was hit, is right on the edge of the driveway...**Hopper:** Um-hm.**Deland:** ...just a couple of steps...**Hopper:** Okay.**Deland:** ...out the side, the face of the garage in relation to that walkway where he was hiding.**Hopper:** Okay. And that's when, where he was hit, correct?**Deland:** Yes.**Hopper:** And so...**Deland:** And then the gun is off the driveway, in the landscaping adjacent to the concrete of the driveway.**Hopper:** So, it's off this way, to my left, your right or off...**Deland:** No, off...**Hopper:** ...this way?**Deland:** ...off, towards the house.**Hopper:** Okay.**Deland:** So, if you've got, I could draw down here.**Hopper:** Yeah, yeah, draw all over this.

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Deland: So, if this is the walkway where he was originally at.

Hopper: Um-hm.

Deland: He, and-and this, this here is, it's like rocks and boulders and...

Hopper: So, like landscape in here?

Deland: ...landscape.

Hopper: Um-hm.

Deland: So, he gets out to about here and then when he goes down, he goes down just kinda like that.

Hopper: Okay.

Deland: And the gun was laying right here.

Hopper: Right there, okay. So, he crawled from this first 'X' to the second 'X'?

Deland: Yeah and it...

Hopper: And that's when he stood up?

Deland: Yes.

Hopper: And that's when he made those movements with...

Deland: Yes.

Hopper: ...his hands?

Deland: Yes. He was, he was outside of the threshold of the front of the garage and almost to the concrete of the driveway.

Hopper: Okay.

Deland: Um, but I believe he was still kneeling in the landscaping with the driveway, he was right on the edge of it when he fell forward. He fell onto the driveway.

Hopper: Okay.

Deland: And then the gun was right next to the driveway, in the landscaping just off his right hip.

Hopper: Okay. So, going back to when he made the two different motions...

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Page 27****Deland:** Yeah.**Hopper:** ...with his hand. The first motion, you said, it l-, it appeared to you that he was pulling up his pants or he was going to pull up his pants?**Deland:** I-It, not that that was h-, that, I mean in the end with what he did with his hand, it obviously wasn't.**Hopper:** Right.**Deland:** But, y-you know you're always evaluating...**Hopper:** Um-hm.**Deland:** ...y-, I mean you're, you're, you're threat assessing and it's like what this, what's this guy thinking, what's he trying to do, and i-, is he just being slow to follow directions, is he just, you know, trying to be defiant or...**Hopper:** Um-hm.**Deland:** ...you know, what-what-what's making this guy tick right now. And, you know, from his initial like desire to stand up rather than crawl, i-it, it, just that first kinda instant when his hand moved, 'cause as soon as a hand drops when it's supposed to be up, you, i-it alerts...**Hopper:** __ (unintelligible) __**Deland:** ...you, right?**Hopper:** Um-hm.**Deland:** And you're trying to evaluate what's, what's he doing, where is he reaching, how fast is he reaching, you know, what does this movement mean. And my first, just impression of that hand going down for the first time was he's reaching down to hitch up his pants. And I think it had to do with the fact that he was palm towards us...**Hopper:** Um-hm.**Deland:** ...he had the, uh, kinda the high hand and the low hand and it wasn't like, it didn't go down like the blade edge of the hand going down.**Hopper:** Um-hm.**Deland:** It immediately turned like this...

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Page 28****Hopper:** Um-hm.**Deland:** ...to reach down like if, like, like I would naturally do.**Hopper:** Right.**Deland:** Right? If I was like this and my pants were falling down...**Zwick:** Uh, finger tips lead the way?**Deland:** Yes, finger tips lead the way and it was palm, flipped palms towards and no different than if I wanted to pull up my pants, that's what I would do.**Hopper:** Did you notice if his pants were falling down?**Deland:** No.**Hopper:** So the...**Deland:** And it didn't go there.**Hopper:** Um-hm.**Deland:** It went to his pocket.**Hopper:** To his pocket, okay.**Deland:** And he patted his pocket, which...**Hopper:** Um-hm.**Deland:** ...was strange.**Hopper:** Um-hm.**Deland:** And then everybody's yelling at him and his hand goes back up.**Hopper:** Um-hm.**Deland:** And then he gets the warning 'if you reach down like that again, I'm-I'm gonna shoot you'. And then it was almost like 'let's find out'. And then that hand went down and this time it went down not like it was targeting down towards his pocket where he had just touch.**Hopper:** Um-hm.**Deland:** But higher than that.

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Page 29****Hopper:** So...**Deland:** Like...**Hopper:** ...it was more of a reaching motion...**Deland:** Yes.**Hopper:** ...the second time?**Deland:** Yes, it wasn't a flipped fingers down. It was, it more came in fingers to the side like at an angle towards here. And it was a distinctly different move.**Hopper:** Was it a quicker movement?**Deland:** No.**Hopper:** So same, very deliberate...**Deland:** Yes, yes.**Hopper:** Okay.**Deland:** Same speed.**Hopper:** Did you see any bulges or anything in his, either his pocket or his waistband or any of his clothing that made you think that's possibly where the gun might be?**Deland:** No.**Hopper:** Okay.**Deland:** Um, but the configuration of his clothing, there was certainly sufficient to conceal a gun.**Hopper:** Right.**Deland:** Um, there, but there wasn't anything like we look for sometimes...**Hopper:** Um-hm.**Deland:** ...where it's like I can see it bulging consistent with a gun in his waistband. It was, it was baggy enough up there that I don't know that you could really discern that.**Hopper:** Um-hm.

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Page 30****Deland:** Um, it...**Hopper:** And he was, he was wearing a sweatshirt? Is that right?**Deland:** He was wearing a hoodie over a t-shirt or a sweatshirt that was partially hanging down underneath the hoodie.**Hopper:** Okay.**Deland:** And covering the front.**Hopper:** So, it was covering his waistband area?**Deland:** Yes.**Hopper:** His clothes were?**Deland:** Yes.**Hopper:** Okay. Um, did you ever think about shooting him?**Deland:** I, I dialed that out kind of immediately, from any initial response because I had nothing but cops in front of me. Um, and so when I first came up and I put my hand on my gun and my thumb on the thumb break and closed in, um, it's, it's kinda like the-the sequence you go through is like, is there a spot for me, am I needed here, am I just extra.**Hopper:** So, there was no role for you to provide any kinda...**Deland:** Correct.**Hopper:** ...lethal...**Deland:** Right. And so it was like, yeah there's plenty, there's plenty of guns here.**Hopper:** Okay.**Deland:** Uh, there's no need for me to even pull mine out, let alone try to take a position, you know, on these two lines of officers. Um, so then it was just, I fully expected, at that point, I was gonna stand behind the line that I was behind and they were gonna prone him out in the driveway...**Hopper:** Um-hm.**Deland:** ...and take him into custody. Um, and it was gonna be one of those, we just went from 10 seconds of driving away in our cars to now we caught this carjacker guy.

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Hopper: Um-hm.

Deland: Right? And then it wasn't that. It was...

Zwick: What would you approximate, after the officer said, "If you reach down like that again, you're gonna be shot," what would you approximate his reaction to the second movement was? So, after the command was given...

Deland: Um-hm.

Zwick: ...what was that delay of his next movement?

Deland: His reach seemed to me to be in response to the warning.

Zwick: Okay.

Deland: It was right on cue.

Hopper: Do you have anything else?

Zwick: No.

Hopper: Do you guys have anything else to add?

Hager: No.

Deland: I don't think so.

Hopper: Okay. Uh, I think that's it. Okay, uh, we're gonna turn off the recording. It is approximately, uh, 1:40 PM.

Transcribed Verbatim with Punctuation Added 021417 / 2300, K. Searle

Edited 021717 / 0925, M. Sparks

M Sparks

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CONFIDENTIAL**IMAGE ATTACHMENT (1264840) OVERVIEW OF MAP OF THE AREA-DELAND**

CONFIDENTIAL**FOLLOWUP REPORT #43**

ASSIGNED TO HOPPER, MEREDITH L (36239)		RANK DETECTIVE		
ORG UNIT DETECTIVE: COLD CASE DETAIL		CAPACITY 4-INTERVIEW WITNESS		
ASSIGNED ON 02/17/2017	ASSIGNED BY HOPPER, MEREDITH L	SUBMITTED ON 02/17/2017	APPROVED ON 02/21/2017	APPROVED BY WHATTAM, KEN N

NARRATIVE

AUTHOR HOPPER, MEREDITH L (36239)	DATE/TIME 02/17/2017 1222
SUBJECT WITNESS OFFICER INTERVIEW	

On February 9, 2017, I was assigned to interview Officer James Ferner regarding his involvement in taking the initial car jacking robbery report and his involvement in the shooting at [REDACTED] NE Hancock. Detective Jon Zwick from the Multnomah County Sheriff's Office assisted me with this interview. Also present for the interview was Officer Scott Robertson who acted as Officer Ferner's union representation. This interview was recorded and transcribed. Please refer to those transcriptions for the complete details of that interview. The following is a summary of Officer Ferner's statement.

Officer Ferner was dispatched to an incident at the Portland Value Inn involving a robbery at gun point. Officer Ferner made contact with the victim who reported being robbed at gunpoint in his vehicle by a younger black male armed with a very distinctive handgun. Officer Ferner then heard another radio call come out about a car prowling in the same area that sounded like his robbery suspect. Officer Ferner explained he then heard on the radio, Officers Rippe and Tatro confronting a subject in the yard of a residence that sounded as if might be the same person. Officer Ferner responded to that location and as soon as he saw the subject I believe he was the suspect in his robbery with a gun just a few minutes prior. Officer Ferner and Officer Rippe challenged the suspect and the suspect did not comply with their commands. Officer Ferner observed the suspect turn and run from them while holding both of his hands in his waistband area. Officer Ferner did not chase the subject because he believed he was armed with a gun. Officer Ferner then took a perimeter position and remained there for the rest of the incident. Officer Ferner was not present when the shots were fired but did hear them from a distance away.

For the complete details of Officer Ferner's statement see the interview transcripts.

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IMAGE ATTACHMENT (1296038) OFFICER FERNER TRANSCRIPT

**PORTLAND POLICE BUREAU
CASE NUMBER 17-39972**

February 9, 2017

**Interview of
JAMES FERNER**

TAPED STATEMENT TRANSCRIPTION

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**PORTLAND POLICE BUREAU
DETECTIVE DIVISION
CONFIDENTIAL TAPED STATEMENT TRANSCRIPTION**

Case #17-39972

February 9, 2016

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Hopper: This is Detective Meredith Hopper. It is Thursday, February 9th, 2017. It's approximately 1410, uh, in the afternoon. This is a recorded interview with, uh, Officer JAMES FERNER, DPSST 24817. Um, assisting me with this interview is Detective John Zwick and present, um, for the Union is Officer Scott Robertson, DPSST 31290. Do you understand this is being recorded?

Ferner: Yes.

Hopper: So, I understand that you were a part of a radio call involving a robbery, uh, possibly a car -jacking earlier today?

Ferner: I was dispatched to the robbery at the Portland Value Inn.

Hopper: Okay.

Ferner: Uh, while we were starting there, I was asking for more clarification 'cause I knew the hotel isn't open at that time of the morning. You know, was it a customer in a room, was it that type of thing, and, uh, so we were trying to get more updated information while on the way there. Um, updated information came saying it happened 30 ago initially, wasn't sure if it was seconds or minutes, clarified minutes ago. So, then Officer TATRO was my cover, so when I had the time there and I realized it wasn't the hotel, it was a person related to the hotel, I said, okay, with the timeframes, I'll take the robbery. At the same time, there was a car prowler type issue going on, um, related to Banfield Pet Hospital, which is next door and so, I said why don't I start with this so that he can go start dealing with that call. Um, when we got there, I pulled the Portland Value Inn, 'cause it's, the call said he'd be waiting in the lobby. There was absolutely nobody there. Uh, Officer TATRO found, um, the victim of the robbery, SUAREZ, Mr. SUAREZ down on Skyler, just behind the hotel, 8100 block. So I went down there to interview Mr. SUAREZ about the robbery while Officer TATRO went off to deal with the car prowler issue.

Hopper: Okay. And what did, um, Mr. SUAREZ say about the robbery?

Ferner: So, he was sleeping in his car, um, he's, has a friend that's at the hotel. But he didn't have the money for a room for the night. He had come in from out of town. He wasn't your normal transient that sleeps in your car kind of, type of person.

Hopper: Okay.

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Ferner: He's a working guy. So his friend was staying at the hotel with his family, he was sleeping in his car. Um, hears a knock, car's parked on the north curb, hears a knock on the passenger window where the sidewalk would be, thinks it's his friend, pushes the button down to roll the window down, and the guy sticks the gun through the window into his face. Reaches in, opens the door, gets in the car with him, puts the gun to his forehead, saying, you know, 'I know you got money'...

Hopper: Um-hm.

Ferner: ...that type of stuff. And the guy's like 'I don't have any money. If I had any money, I wouldn't be sleeping in my car'. So the guy's rifling through all his stuff trying, and the guy's got, S-, Mr. SUAREZ doesn't have anything and the guy was getting hostile, saying 'I'm gonna blow your head off', you know, 'I'm from Chicago, we,', you know, 'we usually shoot people before we rob them'. This type of stuff.

Hopper: Um-hm.

Ferner: He was pretty shook up. Mr. SUAREZ's a hard working guy.

Hopper: Um-hm.

Ferner: He's been around the block. He's in his mid-40s.

Hopper: Um-hm.

Ferner: So, he, for seeing him as shook up as he was, I knew...

Hopper: Um-hm.

Ferner: ...it was something...

Hopper: Um-hm.

Ferner: ...pretty substantial. Uh, so, then the guy was trying to, he was telling, 'alright, you're going to drive me around so I can go get some money' and all this well, Mr. SUAREZ had fallen asleep with his car running and ran out of gas.

Hopper: Uh-huh.

Ferner: So he, so he tells the guy, he goes 'look' and he's, he's pushing the push button to start the car and it's turning over, but it's not starting.

Hopper: Um-hm.

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Ferner: And the guy's like, 'aye, you start the car,' he, 'cause the guy just didn't get it...

Hopper: Um-hm.

Ferner: ...you know. And then he says, but then, you know, uh, he took his wallet, went through it and only took his food stamp card and then he took his, um, sweatshirt, it's like a pullover...

Hopper: Um-hm.

Ferner: ...or not pullover, like a zip up sleeveless vest.

Hopper: Um-hm.

Ferner: And he put that on and he had taken his cigarettes, but then handed his cigarettes back to him.

Hopper: Hm...

Ferner: The suspect hands it back to him. And then he gets out of the car and he just nonchalantly walks away, tucking the gun back into the waistband, the front waistband situation.

Hopper: So Mr. SUAREZ saw the suspect put the gun into his waistband?

Ferner: Oh yeah, yeah.

Hopper: And did you happen to ask him if he was right handed or left handed?

Ferner: You know, he was motioning with his right hand, but I didn't specifically ask.

Hopper: But that's what he was motioning as?

Ferner: He was doing this kind of number. Um, you know, Mr. SUAREZ was very specific about the gun. He says 'I know guns. I've been around guns' and, 'this is what I saw'. You know, at one point, the guy actually chambered a round, you know...

Hopper: Oh.

Ferner: ...while he, then he put the gun up to his forehead and stuff.

Hopper: Um-hm.

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Ferner: So, Mr. SUAREZ was pretty, pretty worked up at the beginning. So it took a little while to get him calmed down. At the same time, the other issue was going on on the radio...

Hopper: Um-hm.

Ferner: ...up on Tillamook. Uh, and Mr. SUAREZ was, 'this guy is going to come back and he's going to kill me'.

Hopper: Um-hm.

Ferner: You know, I, he was really frightened about this issue.

Hopper: Did the guy tell Mr. SUAREZ that he was gonna kill him?

Ferner: Yeah, he mentioned it to him a couple times.

Hopper: He told him?

Ferner: Yeah, he said, 'blow your head off', I mean that kind of stuff.

Hopper: Um-hm.

Ferner: So he, he was definitely afraid for his safety. So he was leaving his car and going back up to the hotel to kind of hide in the office until I could figure out what was going on because he had no gas for his car.

Hopper: Right.

Ferner: And he didn't have the cash to get the gas because he had to get to Safeway to get...

Hopper: Um-hm.

Ferner: ...his money wire transferred. So, I mean it was just things weren't working.

Hopper: Somebody had a bad day.

Ferner: It was a bad...

Hopper: Yeah.

Ferner: It was a bad morning for him, so, you know, I told him 'listen, I'll be back. Let me go deal with this issue'. Because I heard it was kinda, you know, they were, somebody knocking on the house door, whatever, on, uh, Tillamook.

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Hopper: And you heard that over the radio?

Ferner: I heard something going on, uh, you know, where there was somebody in somebody's yard or something.

Hopper: Um-hm.

Ferner: And-And TATRO and, and RIPPE were headed out there. So, you could just kinda, from the air traffic, it just sounded like things were getting a little excited, so I told SUAREZ, 'I-I'll come back here. I'm gonna run...'

Hopper: Um-hm.

Ferner: '...over here'.

Hopper: Um-hm.

Ferner: So I drive over to the Tillamook address...

Hopper: Um-hm.

Ferner: ...which was the flag lot 8322...

Hopper: Yeah.

Ferner: ...I think it was.

Hopper: So 8300 block?

Ferner: Yeah, it's that, that flag lot. So, as I was getting up out of the car, they, they were broadcasting on the air that he was non-compliant, um, that kind of issue. So, I'm coming down the driveway and there's a car parked in the driveway with Officer RIPPE standing to the right of the car and Officer TATRO to the left, kinda looking over the car, and the subject was down the side of the house, which I couldn't see from the driveway until I got down there. And so when I got down there, he was standing there, he kinda matched the description, height, build, of the guy that Mr. SUAREZ had told me about.

Hopper: And how did SUAREZ describe him?

Ferner: He described him as a male black, 20s, uh, 5'10", 120. Had a hoodie up over his head so he couldn't get a hair description. Clean shaven, um, and the, no facial hair and a round kind of face.

Hopper: What about...

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Ferner: He was...

Hopper: ...clothing? Did he describe his clothing other than the...

Ferner: He said, he said, uh...

Hopper: ...hooded sweatshirt?

Ferner: He said a dark sweatshirt and when I saw the suspect, he had the black hoodie on.

Hopper: Um-hm.

Ferner: And that's a, a black pants, so...

Hopper: Okay.

Ferner: ...um, h-he, so I was looking at the guy and h-, he's standing next to some luggage on the ground and stuff and they were trying to give him commands and he was trying to play 'oh well, you know, I belong over here' and all, I mean I couldn't really...

Hopper: Um-hm.

Ferner: ...get the gist of it. And he started bringing his hands down. At one point, he started moving backwards and I yelled at him and he got his hands back up again and then he started getting a little squirrely. I said, "Listen, just turn around, put your hands behind your head and come back to us", you know.

Hopper: Um-hm.

Ferner: And then all of a sudden, you know, you just kinda saw it, he had his hands up, he brought 'em down a little bit, and then he just did that little duck and...

Hopper: Um-hm.

Ferner: ...started to run and as he ran, you could see him digging into his waistband...

Hopper: Um-hm.

Ferner: ...as he was rounding the corner of the house. So, I said, well, I'm not, I'm not ready to chase after him...

Hopper: Um-hm.

Ferner: ...just yet. And Officer TATRO, he was looking down the other side of the house at this point 'cause he had gone over to talk to the homeowner while Officer

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RIPPE and I were standing there. So, when he ran, he went around the corner stuff and then I heard the fence get hit. So, I said, okay, well he's either going west or south. And I was figuring west, so I went, ran out back around the driveway to the houses that were west of there...

Hopper: Um-hm.

Ferner: ...to try and cut him off or at least see where he went and I just stayed up on the perimeter there.

Hopper: Okay.

Ferner: And the house I was in front of was the, I believe, the one behind where they contacted him at.

Hopper: So, I'm gonna show you a diagram here. Does that look familiar to you, as far as the house that you initially challenged him? It's this one, I think.

Ferner: No.

Hopper: It's not? Okay.

Ferner: He was right here.

Hopper: Okay.

Ferner: And so, when I pulled up, I pulled up here.

Hopper: Um-hm.

Ferner: And when I came around here, Officer RIPPE was here. This car was parked here.

Hopper: Okay.

Ferner: And Officer TATRO was there and the subject was right here.

Hopper: Okay.

Ferner: And...

Hopper: Go ahead and write on it. Here, use my pad though 'cause that's your map. So...

Ferner: So, the car is, 'cause I was using the car as cover, so the suspect was here. Officer RIPPE was right here. TATRO was here and then TATRO went over to the front door 'cause the homeowner came out.

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Hopper: Um-hm.

Ferner: And so I took his place there and then when he came, he started around the corner here and we lost sight of him.

Hopper: Um-hm.

Ferner: And that's when I heard the fence get he-, hit.

Hopper: Um-hm.

Ferner: So, I said okay. So, I just came out to here because this one, you know, the flag lot covered that issue.

Hopper: Um-hm.

Ferner: So, I came out to here to make sure he wasn't trying to come out one of these side yards, till we could get the perimeter set.

Hopper: Okay and where did, uh, RIPPE and TATRO go? Do you know?

Ferner: RIPPE ended up out here, somewhere out here in the street.

Hopper: So, taking a perimeter position?

Ferner: Right and I'm not sure, I think TATRO came out, I think he drove around the block.

Hopper: Um-hm.

Ferner: But I'm not sure about that. I-I...

Hopper: Okay.

Ferner: I think he did because they, we had a brief discussion...

Hopper: Um-hm.

Ferner: ...about what to do.

Hopper: Um-hm.

Ferner: And I think he went, I think he drove down this way to get to another perimeter position while we were setting the rest of them up.

Hopper: Okay. So who set the perimeter? Did you set it or TATRO or RIPPE?

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Ferner: No.

Hopper: Or who set it?

Ferner: You know, it was, it was kinda convoluted on who was setting what, where. Um, TATRO, I think, was setting it. But I'm not sure.

Hopper: Okay. Okay, so what happened next?

Ferner: I, well I had called out that issue with the, you know, how he was going in the waistband...

Hopper: Um-hm.

Ferner: ...because he did look like, similar to what I had gotten as a description and all. And just, just the way he was diving his hands down into...

Hopper: Um-hm.

Ferner: ...the waistband. It, it wasn't like where they grab it 'cause they want to run.

Hopper: Um-hm.

Ferner: It was like he was going for something and I said, you know, we're not, I'm not gonna go after him and run myself into a blind corner.

Hopper: Um-hm.

Ferner: So that's why I went back out and around. So we set, set the perimeter there and whoever had come in was setting up the perimeter, I don't know if it was TATRO or not, that was on the air.

Hopper: Um-hm. Okay.

Ferner: And then basically we were just holding the perimeter until the other incident occurred.

Hopper: Okay. So, when you were back on your original, uh, robbery call with Mr. SUAREZ, did you broadcast a suspect description at that time?

Ferner: Oh, dispatch had given one.

Hopper: Okay.

Ferner: And I had gotten a little bit of one at that time. Mister, Mr. SUAREZ was so amped up...

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Hopper: Um-hm.

Ferner: ...that it was difficult trying to, to get everything. And I've since talked to him several times a-after all this to get everything for the report so.

Hopper: Okay. Okay.

Ferner: I didn't put one out other than I may have said that it, it sounds like it's matching or somebody said...

Hopper: Um-hm.

Ferner: ...sounds like it's matching the description of the car prowler issue.

Hopper: And was that as the perimeter was being set up? The people were...

Ferner: No, this was before.

Hopper: Oh, before that?

Ferner: This was before he was even...

Hopper: Okay.

Ferner: ...contacted. When we contacted him, that's when I, I put out, you know, listen, uh, he was going for that waistband too hard.

Hopper: Um-hm, um-hm.

Ferner: I wanted to make sure that got out on the air.

Hopper: Right, okay.

Zwick: Did Mr. SUAREZ describe the gun as it...

Ferner: Yes.

Zwick: And what did he describe it as?

Ferner: He said it was a 45 and it was black framed and he said camo, first he said it was a camo, um, grips. Then he corrected and said it was like desert camo or it was tan. You know, he-he wasn't really sure 'cause the guy was holding it, if it was an actual like desert camo. But that was his interpretation. But he said the rest of it was black.

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Hopper: Okay. So, you maintained a perimeter position while the other officers arrive in the area, I assume?

Ferner: Yep.

Hopper: And then did you run with the dog or anything like that?

Ferner: No.

Hopper: Okay.

Ferner: No, I stayed on my perimeter.

Hopper: And then what happened after that?

Ferner: Uh, I was there until I heard, uh, them challenging. Heard it on the air, the challenging, and heard the three shots.

Hopper: Okay. So, you heard three shots?

Ferner: That's what it sounded like to me.

Hopper: An-And could you tell if it was a handgun or a rifle?

Ferner: It sounded like a rifle.

Hopper: Okay. Um, so you had no involvement at all, in the challenging of the suspect or?

Ferner: No, I believe it was the house 'cause...

Hopper: So here is, this is the house where the suspect was.

Ferner: Okay.

Hopper: So Tillamook is here. Right? Yeah, Tillamook. I think, yeah, that's the house there.

Ferner: I'm just trying to...

Hopper: Yeah.

Ferner: So this is the house?

Hopper: Um-hm, 'cause you can see the...

Ferner: So, this is the house, so I was stationed right here.

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Hopper: Okay.

Ferner: Because I thought when, when they started doing it, they thought he went southbound.

Hopper: Um-hm.

Ferner: And then they were thinking he went east.

Hopper: Okay.

Ferner: But I was holding this because I figured if he was gonna pop out, from here...

Hopper: Um-hm.

Ferner: ...I can also see through the backyards.

Hopper: Um-hm.

Ferner: And then I've got other officers posted up there, so...

Hopper: Okay.

Ferner: So, when this happened, I was standing right here.

Hopper: Okay. So, just for the recording, you were standing on Tillamook?

Ferner: On Tillamook, right between 80-, I wanna say this is 8300 and this is like 8224, I think.

Hopper: Okay. Uh, detective, do you have anything?

Zwick: Um, no, I don't.

Hopper: Um, when you first encountered him and, and challenged him in the driveway there at that flag lot, did he appear to be, um, under the influence of any kind of narcotics or alcohol or anything like that?

Ferner: You know, I was probably 40-50 feet away maybe.

Hopper: *(unintelligible)*

Ferner: And I, I came in, they were already challenging him.

Hopper: Um-hm.

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Ferner: I came in and I was s-strictly covering and then the homeowner came out, so TATRO went over to talk to her 'cause he was saying something about, I got the interpretation he was saying something about like I belong here, this is my caregiver. I-I...

Hopper: Um-hm.

Ferner: ...didn't quite, or aunty or I-I wasn't really sure what they were saying.

Hopper: Um-hm.

Ferner: But it kinda had that feeling that he was saying that he belonged here and, you know, that was the point I just said, okay, you know, he stepped aside, so, I'm still thinking, if this is our, my guy, from the robbery, he could be armed.

Hopper: Um-hm.

Ferner: So, that, I started being a little harsher with commands...

Hopper: Um-hm.

Ferner: ...just to get my point across and it was only, you know, the several, couple things I said to him, you know, 'put your hands on the back of your head. Come on, back up, we'll get this straightened out'.

Hopper: Um-hm.

Ferner: You know, and then he'd started dropping so I had to be a little more forceful.

Hopper: Um-hm.

Ferner: And then he just took off.

Hopper: Okay. Did you have your gun out when you were challenging him?

Ferner: I had my gun out, but I didn't have it pointed. I had it down my side because...

Hopper: Okay.

Ferner: ...TATRO had his down, kinda depressed. I couldn't see what RIPPE was doing, she was on the other side of the car.

Hopper: Um-hm.

Ferner: And so when he stepped off and thinking that if this is the same armed guy, I'm behind the engine block...

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Hopper: Um-hm.

Ferner: ...so I had it out, but I didn't have it pointed at him.

Hopper: Okay.

Ferner: I was trying to get him to, hey come on, you know, just put...

Hopper: Um-hm.

Ferner: ...your hand behind your head and back out here.

Hopper: Try to low key it a little bit.

Ferner: Yeah.

Zwick: How high was he raising his hands when he did raise his hands? Were they like up above...

Ferner: Uh...

Zwick: ...his head or like...

Ferner: Yeah, they were above his head, maybe, you know, eight or eight inches or so.

Zwick: Okay.

Ferner: But then he kinda, you know, when I was telling him, hey man, come on, do this, you know, he just started bringing them back down again. Hey, hey, and I'd be a little more forceful.

Hopper: Um-hm.

Ferner: They went up again and then it went down, he started putting 'em behind his back and I'm like 'woah, woah, woah', you know, I really got loud and that's when he went up and then he dove and he took off. Or actually, he started taking off and then he got his hand in that waistband as he was...

Hopper: Um-hm.

Ferner: ...going around the corner.

Zwick: So how's he round that corner so you could see that he was digging into something...

Ferner: Yeah, I mean it was...

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Zwick: ...in front of him?

Ferner: My thought was he was going for something and I said...

Hopper: Um-hm.

Ferner: ...okay, you know...

Hopper: Okay.

Ferner: And that's when I looked over to TATRO, was leaned over the corner of the house kinda looking down...

Hopper: Um-hm.

Ferner: ...you know, westbound down the south side of the house. So, I was kinda watching and then all of a sudden I heard the fence get hit. That's when I went around to see if I could parallel with him if he was gonna be going west so...

Hopper: So, his motion to his waistband, it was, you definitely took it to be this guy is more likely than not armed?

Ferner: Yes.

Hopper: And he's...

Ferner: Absolutely.

Hopper: ...either trying to get rid of it or trying to get access to it or...

Ferner: Yeah.

Hopper: Okay. And did he use both hands or one hand?

Ferner: I saw both hands go down. I didn't see him grab anything 'cause, I mean, it was, it was a matter of a second or the half, maybe.

Hopper: Um-hm.

Ferner: I mean he was gone around the corner and it was really...

Hopper: Um-hm.

Ferner: ...and it was a really substantial, it wasn't like, like I said before where sometime they grab their pants to start running...

Hopper: Sure.

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Ferner: ...because they're sagging. But, no this was like he was intentionally trying to grab something, so...

Hopper: So much so, that that's why you didn't chase him? Because you believed him...

Ferner: Right.

Hopper: ...to be armed?

Ferner: Oh no, I wasn't gonna go anywhere down there.

Hopper: Yeah.

Ferner: That's why I went out and around, you know, because it just wasn't safe to even think about...

Hopper: Right.

Ferner: ...going down there. Plus h-hearing him hit the fence, I thought he was heading over anyways and I wasn't about to go leaping fences behind him...

Hopper: Um-hm.

Ferner: ...when I can get around and cut him off.

Hopper: Okay. Okay, do you have anything else that's, is there anything else that you can think of that we haven't asked?

Ferner: No.

Hopper: Do you have anything?

Zwick: No.

Hopper: No? Okay. I'm gonna stop the recording. Uh, the time is 2:30.

Transcribed Verbatim with Punctuation Added 021117 / 1400, K. Searle *RKS*

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CONFIDENTIAL**IMAGE ATTACHMENT (1265230) OVERVIEW MAP OF THE AREA-FERNER**

CONFIDENTIAL**FOLLOWUP REPORT #44**

ASSIGNED TO HOPPER, MEREDITH L (36239)		RANK DETECTIVE		
ORG UNIT DETECTIVE: COLD CASE DETAIL		CAPACITY 4-INTERVIEW WITNESS		
ASSIGNED ON 02/17/2017	ASSIGNED BY HOPPER, MEREDITH L	SUBMITTED ON 02/17/2017	APPROVED ON 02/21/2017	APPROVED BY WHATTAM, KEN N

NARRATIVE

AUTHOR HOPPER, MEREDITH L (36239)	DATE/TIME 02/17/2017 1241
SUBJECT WITNESS OFFICER STATEMENT	

On February 9, 2017, I was assigned to interview Officer Gene Gillock regarding his involvement in the shooting at [REDACTED] 1 NE Hancock Street. Detective Jon Zwick from the Multnomah County Sheriff's Office assisted me with this interview. Also present for this interview was Officer Scott Robertson who acted as Officer Gillock's union representative. The interview was recorded and transcribed. Please refer to those transcriptions for complete details of that interview. The following is a summary of Officer Gillock's statement.

Officer Gillock respond to assist the officers that had a potentially armed subject run from them. Officer Gillock took a perimeter position in the area of NE 86th Avenue/ NE Tillamook Street. Officer Gillock moved up to the target house once it was determined a window had been broken out of the residence. Officer Gillock was directed to knock on neighbor's door to attempt to find a phone number for the owner of the home. Officer Gillock obtained some phone numbers for the owner from a neighbor and walked back to the driveway of [REDACTED] NE Hancock Street. Officer Gillock described one of the other officers noticing the suspect hiding in a type of alcove, officers challenged the suspect. Officer Gillock recalled hearing Officer Hearst clearly tell the suspect not to reach for his waistband. Officer Gillock stated he was looking around to make sure he was not in another officer's crossfire when he heard several shots being fired. Officer Gillock took Officer Hearst to the side of the house and eventually escorted him back to a nearby police vehicle to secure his rifle and wait for investigators.

For the complete details of Officer Gillock's statement see the interview transcripts.

It should be noted Officer Gillock did not write on the overview map that was provided so one is not attached to this report.

CONFIDENTIAL**IMAGE ATTACHMENT (1296039) OFFICER GILLOCK TRANSCRIPT**

**PORTLAND POLICE BUREAU
CASE NUMBER 17-39972**

February 9, 2017

**Interview of
CURTIS GILLOCK**

TAPED STATEMENT TRANSCRIPTION

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**PORTLAND POLICE BUREAU
DETECTIVE DIVISION
CONFIDENTIAL TAPED STATEMENT TRANSCRIPTION**

Case #17-39972**February 9, 2017****Page 1**

Hopper: This is Detective Meredith Hopper, it's Thursday, February 9th, 2017. It's approximately 15:35 hours. This is a recorded, um, interview with Officer, uh, GILLOCK, DPSST #32016. Um, also present assisting me with the interview is Detective John Zwick with the Multnomah County Sheriff's Office. And representing the union is Officer Scott Robertson, DPSST 31290. Officer GILLOCK, do you understand that the, uh, your interview is being recorded?

Gillock: Yes, I do.

Hopper: Okay. So I understand that you were part of an incident today that resulted in a shooting?

Gillock: Yes.

Hopper: Um, could you tell me your involvement from the beginning?

Gillock: Um, from the beginning I, uh, self-dispatched myself, um, uh, to the call and, um, th-it, it sounded like there was two calls that were, were, uh, were related, um, an armed robbery and, and then, like, an attempted car-jacking or something like that. Um, and then, um, um-I-I was placed on a perimeter spot about 83rd and, like, Tillamook, and then I was asked to move up to 86th and Tillamook, um, uh, a while later they were doing a track with the dog and they were focusing in on, uh, a, a house, [REDACTED] on Hancock, uh, there appeared to be a window broken in a basement, uh, a basement window, uh, so they asked myself and another officer to come around, uh, so w-went around to [REDACTED] on Hancock, um, where, uh, uh, I was a perimeter in the front of the house. Um, at one point, uh, I, because there was now three of us, 'cause Sergeant NICE had, uh, uh, showed up, uh, at our spot and, uh, I decided to go knock on a neighbor's door, see if I could get a phone number for that resident. Um, I got three numbers, one of 'em they had already tried, um...

Hopper: And the phone numbers were for the house in question?

Gillock: Yes.

Hopper: Okay.

Gillock: Um, and, um, come back, uh, you know, out into the street, um, they, uh, had determined, 'cause the, the, there had been one alarm that had come through the alarm company, but the officers believed that, uh, it was from them, I think, uh, through the, through the basement, or through the basement window, um, and so

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they were coming back around the east side of the house, uh, where there's a garage...

Hopper: Um-hm.

Gillock: ...and, um, between, the garage is attached to the house, and there's a little alcove, small little alcove, and there was a window there. And, um, we were in the driveway, um, I was coming into the driveway and Officer HEARST and, and I believe MELE, I think were the first ones that saw the subject, I think, come out of the, that window there, and he was in, down in that little alcove, um, and they were, um, giving commands to him, um, to, uh, you know, to stay on the ground and to not reach for his waist, um, because early in the call, in, in, when Officer FERNER, um, had put out the description of the subject, the, the, uh, the subject had been reaching for his waistband and this had been, uh, a subject of an armed robbery earlier.

Hopper: Um-hm.

Gillock: And so, um, uh, s-um, um, Sergeant, um, I can't remember his name...

Robertson: HELFRICH?

Gillock: Yeah, HELFRICH, yeah. So s-Sergeant HELFRICH was kind of coordinating us in, into who's gonna be the custody team. And they, uh, they're continuing to give, uh, him commands, and he's on his knees, a-a-and it's like he's gonna stand up, and they're telling him, no, stay down...

Hopper: Um-hm.

Gillock: ...and we want you to crawl. Um, and again, uh, Sergeant HELFRICH is, uh, uh, is kind of rei-reiterating, you know, who's gonna be in, in it and kind of what position, and I, and I move into the left, uh, with them, and, um, Officer HEARST is, i-i-is in front, um, and, and I, and I, I hear his voice much more than anybody else's, but I kept hearing him tell the, the sus-the uh, suspect, or subject, you know, uh, not to reach for his waist. Somebody else was telling him, you know, we want you to crawl. Um, and we kept telling him, don't reach for your waist, um, i-I was aware that there were other people that had been behind us, other officers, and so I kinda looked to the right, and as, kinda moving to the left with, uh, with everybody, um, just to see if there's, uh, if I'm moving in front of somebody that may have their...

Hopper: Um-hm.

Gillock: ...gun un-holstered. And then I just, I hear, you know, bam, bam, bam. And, uh, i-immediately, people kinda parted, um, I took Officer HEARST and w-uh, and,

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uh, Officer HIGGINBOTHAM, we all moved to the left corner of the house, and, um, Officer HEARST kept saying, you know, why did he reach for it, h-his waist, why did he reach for his waist, I told him not to do it, I told him not to do it. I said, I know you did, I know you did. Um, and then, um, you know, we kinda had it, um, we had people on, on one corner, and then we were on the other corner of the house, and once we kinda had, you know, things secured, then I took Officer HEARST away, uh, and took him down to my car, and, uh, put his rifle in the backseat of my car and put him in the front seat of the car, to get him away from the scene.

Hopper: Um-hm. Okay. Let's, let's back up, here, to...

Gillock: Okay.

Hopper: ...when you first come. So remind me how you came to be at the house, y-'cause you were on a perimeter position...

Gillock: Right.

Hopper: ...correct? Did you respond up as they were challenging him, is that what happened?

Gillock: Yeah. So, um, this is the house here?

Hopper: Um-hm, yes. That's the garage, this is the house.

Gillock: Okay, okay, alright, yeah. So there's that little alcove...

Hopper: Um-hm.

Gillock: ...so I had been over here contacting this neighbor...

Hopper: Feel free to write on it, it's your...

Gillock: Uh...

Hopper: ...map, so.

Gillock: Um, and they were coming from around the side of the house...

Hopper: Um-hm.

Gillock: ...um, um, the officers that were on the track...

Hopper: Um-hm.

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Gillock: ...with the K9 and everything, they were coming over to the side of the house, and I was coming back across the street here. So this is the driveway, there.

Hopper: Um-hm.

Gillock: And that's where I, I think it was, I, I know it was Officer HEARST and I think O-Officer MELE...

Hopper: Um-hm.

Gillock: ...I think that they were together when, um, Officer HEARST saw the suspect in that little alcove right there.

Hopper: Um-hm.

Gillock: And that's when he started yelling, and that's when, you know, the rest of us that were there just u-sort of all converged into a, a group.

Hopper: Um-hm.

Gillock: And then we're trying to figure out, you know, well, you know, who's doing what here...

Hopper: Right.

Gillock: ...so.

Hopper: So once the-they challenge the suspect initially, and you guys converge in a group, um, what was the suspect doing at that point?

Gillock: Um, well I, a-at first, you know, he was, like, trying to get up, he was saying s-something, I'm not...

Hopper: Um-hm.

Gillock: ...really sure what he was saying, 'cause, you know, there were commands being given...

Hopper: Um-hm.

Gillock: ...um, and, um, you know, he was trying to get up, and they're telling him, no, stay down...

Hopper: Um-hm.

Gillock: ...we want you to crawl...

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CONFIDENTIAL**Confidential Taped Statement Transcription**
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Page 5**Hopper:** Um-hm.**Gillock:** ...and it was at that point, um, you know, when he was u-like still on his knees, um, I think it was at that point when I looked to see, there was somebody behind me that I was moving in front of...**Hopper:** Um-hm.**Gillock:** ...um, when, you know, the, the gunshots were...**Hopper:** Okay. So you didn't see the actions that precipitated the gunshots?**Gillock:** No.**Hopper:** 'Cause you were looking to make sure you weren't standing...**Gillock:** Yeah, I, I...**Hopper:** ...in anybody's crossfire...**Gillock:** ...it's like, I, yeah, and his, you know, yelling at him, _____ giving him commands, and I, and I look over here, and it's like, it just, it was that quick.**Hopper:** Right.**Gillock:** Boom, boom, boom.**Hopper:** And then when you looked back, what did you see the suspect doing, after...**Gillock:** I...**Hopper:** ...the shots were fired?**Gillock:** ...I saw him just hit the ground.**Hopper:** Okay. And, uh, how many shots did you hear?**Gillock:** Three.**Hopper:** Three. And did you hear, do you believe it was from one gun, or multiple guns?**Gillock:** Uh, it was one gun.**Hopper:** One.**Gillock:** Yeah. It was like, boom, boom, boom.

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Hopper: Okay. Um, and was it evident to you that the suspect was deceased?

Gillock: It seemed most probable...

Hopper: Um-hm.

Gillock: ...because there was no movement from him...

Hopper: Um-hm.

Gillock: ...and the blood that was on the ground was coming from the area of where his, uh, head was.

Hopper: Okay. And did you take part in the custody team at all?

Gillock: No. Because...

Hopper: Okay.

Gillock: ...uh, like I said, um, I, you know, I went to the left here...

Hopper: Um-hm.

Gillock: ...with Officer HEARST...

Hopper: With HEARST, and you took...

Gillock: Yeah.

Hopper: ...HEARST away, right?

Gillock: And then I took him out.

Hopper: Okay. So did you ever see a gun?

Gillock: No.

Hopper: 'Cause you were with Officer HEARST...

Gillock: Right.

Hopper: ...you didn't, you didn't ever, let me rephrase the question...

Gillock: Right.

Hopper: ...you never went back up to the scene...

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Gillock: No.

Hopper: ...you stayed with Officer...

Gillock: No.

Hopper: ...HEARST.

Gillock: Right.

Hopper: Okay. Um...

Gillock: 'Cause ver-very quickly, you know, the red tape was put up...

Hopper: Um-hm.

Gillock: ...and, you know, it, I didn't need to go back in there...

Hopper: Right, and your responsibility was to be with...

Gillock: Yeah.

Hopper: ...Officer HEARST. Okay.

Zwick: Officer HEARST was clearly shaken up, you said he stated, why did you reach, why did you reach for _____

Gillock: Right.

Zwick: Did he say anything else, or is that kind of the end of the conversation that you guys had? I'm sure it was a pretty quick one to get him in the car...

Gillock: Yeah.

Zwick: ...secure the weapon and then...

Gillock: Yeah.

Zwick: Do you remember anything else that sticks out to you?

Gillock: H-h-h-even back at the car, and he kept going, you know, why, why did he do that, why did he do that? Um, you know, it, you know, he didn't, he, he, he said I, I didn't wanna do that, and, you know, I, I, I think he, I think he said he reached twice for his waist, um, and, a-and he goes, but why did he do that?

Zwick: And Officer HEARST, he was one of the voices that you'd heard...

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Gillock: Yeah.

Zwick: ...giving commands initially...

Gillock: Yeah, yeah, hi-his was the main one that, you know, that my ears were tuned to, because, you know, he was like the point.

Zwick: Pretty loud commands, you could...

Gillock: Yeah.

Zwick: ...especially with the proximity...

Gillock: Yeah.

Zwick: ...to...

Gillock: Yeah, yeah, 'cause we were probably ten feet away from the, the subject, or so.

Zwick: Uh, that's all I have.

Hopper: Okay. Do you have anything?

Robertson: No.

Hopper: Is there anything that we haven't asked you that you can think of, or you'd like to...

Gillock: No, I'm good.

Hopper: Okay. And just to r-uh, recap, he, the suspect was saying something, but you couldn't make out what he was saying...

Gillock: Yeah.

Hopper: ...because the officers were yelling commands?

Gillock: Yeah.

Hopper: Okay. And when you were with the group of officers, were you standing behind them, or next to them, or?

Gillock: Uh, u-well, i-i-it was like, next to them, behind...

Hopper: Um-hm.

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CONFIDENTIAL**Confidential Taped Statement Transcription**
Case # 17-39972**February 9, 2017**
Page 9**Gillock:** ...it was, it moved...**Hopper:** Right.**Gillock:** ...you know, uh...**Hopper:** Yeah.**Gillock:** ...once, uh, once, you know, everybody figured out, you know, oh, he's in that alcove, and everybody...**Hopper:** Um-hm.**Gillock:** ...was mov-moving over.**Hopper:** Okay. Okay. Great. Okay, I'm gonna stop the recording, it is 3:46 PM.Transcribed Verbatim with Punctuation Added 021117 / 2200 A. Chasteen *AC*

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FOLLOWUP REPORT #45

ASSIGNED TO MCDANIEL, ERIC B (41372)		RANK DETECTIVE		
ORG UNIT DETECTIVE: COLD CASE DETAIL		CAPACITY 4-INTERVIEW WITNESS		
ASSIGNED ON 02/17/2017	ASSIGNED BY MCDANIEL, ERIC B	SUBMITTED ON 02/17/2017	APPROVED ON 02/21/2017	APPROVED BY WHATTAM, KEN N

NARRATIVE

AUTHOR MCDANIEL, ERIC B (41372)		DATE/TIME 02/17/2017 1500
SUBJECT WI OFCR INTERVIEWS 42649/28713		

Person Mentioned:

Mr. Trevor Caldwell
Public Safety Labor Group- Officer HIGGINBOTHAM'S attorney

Police Personnel:

Officer R. WULLBRANDT, DPSST #42649
PPB K-9 Handler- Interviewed by Detective McDaniel

Officer J. HABKIRK, DPSST #29192
North Precinct- Officer WULLBRANDT'S Portland Police Association (PPA) representative

Officer J. HIGGINBOTHAM, DPSST #28713
East Precinct- Interviewed by Detective McDaniel

Detective S. SMITH, DPSST #10762
Multnomah County Sheriff's Office (MCSO) - interview assistance

Evidence:

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1. Property/Evidence Receipt #A048130:

- Item 1: DVD- containing (audio) interview with Officer Wullbrandt
- Item 2: (2) Google maps shown to Officer Wullbrandt during the interview

2. Property/Evidence Receipt #A048131:

- Item 1: DVD- containing (audio) interview with Officer Higginbotham
- Item 2: (2) Google maps shown to Officer Higginbotham during the interview

3. Property/Evidence Receipt #A048132:

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Item 1: DVD- containing video and photographs of the crime scene download from Officer Higginbotham's PPB issued iPhone

Narrative

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On February 9, 2017, I responded to NE Hancock Street and NE 82nd Avenue to assist with an officer involved shooting that occurred at [REDACTED] 1 NE Hancock Street, Portland, Oregon. At about 1040 hours, I attended a briefing at the command post and was instructed by Homicide Sergeant K. Whattam to proceed to East Precinct to assist with witness officer interviews.

Interview with K-9 Officer R. Wullbrandt:

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On February 9, 2017, at about 1313 hours, Detective Smith (MCSO) and I interviewed Officer Wullbrandt at East Precinct. Officer Habkirk was also present for the interview, as Officer Wullbrandt's PPA representative. I notified Officer Wullbrandt and Officer Habkirk that the interview would be recorded audibly in its entirety. I also notified Officer Wullbrandt and Officer Habkirk that I would be recording the interview with a secondary device in case one of the recording devices failed. The duplicate recordings were copied for the case file and a copy was placed into evidence at the Central Precinct property room, on PER #A048130. It should be noted that details of the interview were summarized for this report. When appropriate, quotes are used. However, for specific information regarding the exact wording refer to the typed transcription and/or the recording(s) of the interview.

Officer Wullbrandt told me he responded to the 8300 block of NE Tillamook Street to assist with a search for a residential prowler suspect that also matched the description of an armed carjacking suspect from earlier in the morning.

Officer Wullbrandt formed a search team and established a plan of action with the search team.

The K-9 track ultimately led to [REDACTED] NE Hancock Street. Officer Wullbrandt said as he walked from the back yard to the front yard of the residence he saw a broken window. Officer Wullbrandt had observed the window moments before while conducting the K-9 track and it was not in disrepair, at that time. As Officer Wullbrandt was mentally processing the difference in the window, he heard another officer challenging the suspect.

At this point, Officer Wullbrandt was about 20 to 30 feet from the suspect. Officer Wullbrandt told me that Officer Hearst was on Officer Wullbrandt's left side. There was an additional officer to Officer Wullbrandt's left side and an officer to Officer Wullbrandt's right side, but Officer Wullbrandt did not know the identity of the two officers.

Commands were given to the suspect to put his hands in the air and to get on his knees. Officer Wullbrandt indicated the suspect's demeanor was non-compliant. Multiple times the suspect would lower his hands and then put them back up. When the suspect was on his knees, Officer Wullbrandt directed him to crawl out but the suspect came back up to his feet. Again, the suspect was ordered to his knees and directed to crawl toward the officers. Officer Wullbrandt explained that the suspect began to crawl (on his hands and knees) but suddenly the suspect popped up, keeping his knees off the ground and the suspect's hands went toward his waistband, and 3 shots were fired.

At the time the shots were fired, Officer Wullbrandt did not know which officer fired but Officer Wullbrandt said the gun shot came from his left side and the gun shots sounded like an AR-15.

The interview ended at about 1415 hours. Please refer to the transcription and/or recording(s) for more details.

CONFIDENTIALInterview with Officer J. Higginbotham:

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On February 9, 2017, at about 1433 hours, Detective Smith (MCSO) and I interviewed Officer Higginbotham at East Precinct. Mr. Trevor Caldwell (Officer Higginbotham's attorney) was also present for the interview. I notified Officer Higginbotham and Mr. Caldwell that the interview would be recorded audibly in its entirety. I also notified Officer Higginbotham and Mr. Caldwell that I would be recording the interview with a secondary device in case one of the recording devices failed. The duplicate recordings were copied for the case file and a copy was placed into evidence at the Central Precinct property room, on PER #A048131. It should be noted that details of the interview were summarized for this report. When appropriate, quotes are used. However, for specific information regarding the exact wording refer to the typed transcription and/or the recording(s) of this interview.

Officer Higginbotham heard Officer Ferner on the police radio indicating that a suspect had run from him (Officer Ferner). Officer Higginbotham responded to the area of NE 82nd Avenue and NE Tillamook Street to take up a perimeter position. However, after Officer Higginbotham arrived on scene he was redirected to be a part of the K-9 search team, because Officer Higginbotham was the only person on scene with a long gun (shotgun loaded with slugs).

After the K-9 search had started Officer Hearst arrived on scene with an AR-15. Therefore, Officer Higginbotham pulled out of the search team and Officer Hearst took Officer Higginbotham's position on the K-9 search team. At this point, Officer Higginbotham took up a perimeter position near 8433 NE Hancock Street.

Ultimately, the K-9 search focused on the residence located at [REDACTED] NE Hancock Street. At this point, Officer Higginbotham was redeployed to the backyard of [REDACTED] NE Hancock Street.

Officer Higginbotham explained that he left the backyard and went to the front of the residence, to assist Sergeant Helfrich with opening a secure key box that potentially contained a key to the residence.

As Officer Higginbotham made his way around to the front of the house he noticed an open window and a damaged window screen on the ground. Officer Higginbotham did not observe the window/screen in this condition when he initially went to the backyard of the residence.

Next, Officer Higginbotham observed the suspect in a crouched position at the back of an alcove that was between the house and the garage. Officer Higginbotham indicated that the suspect description he initially heard over the police radio matched the description of the suspect he observed in the alcove.

Officer Higginbotham ordered the suspect to show his hand's and put his hands up. Officer Hearst came to Officer Higginbotham's location and took at position to the left side of Officer Higginbotham. K-9 Officer Wullbrandt took a position to Officer Higginbotham's right side.

Officer Higginbotham heard Officer Hearst instruct the suspect to put his hands in the air and to keep his hands away from his waistband. Officer Hearst advised the suspect that if he went for his waistband he would be shot. Officer Wullbrandt ordered the suspect to crawl out on this knee's.

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Officer Higginbotham explained that the suspect was defiant with regard to complying with the commands that were given to him.

Just prior to the shots being fired, Officer Higginbotham started to look to his right to see who would be available for the custody team. At this moment, Officer Higginbotham saw from his peripheral vision (to the left) the motion of the suspect's arms going down and then Officer Higginbotham heard three gunshots.

After the suspect was handcuffed, Officer Higginbotham observed a gun on the ground within arm's reach of the suspect. Officer Higginbotham indicated that he thought he would have noticed the gun if it was lying on the ground prior to the shooting because the gun was in close proximity to the window screen that Officer Higginbotham had just seen lying on the ground.

Officer Higginbotham took digital photographs and videos of the crime scene with his PPB issued iPhone, in the event that evidence got disturbed prior to its documentation and collection by the Forensic Evidence Division (FED). I took custody of Officer Higginbotham's PPB issued iPhone and downloaded and removed the crime scene photographs and videos from the iPhone. I made a DVD copy of the images and placed it into evidence at the Central Precinct property room, on PER #A048132. I also downloaded the photographs and videos into DIMS.

The interview ended at about 1604 hours. Please refer to the transcription and/or recording(s) for more details.

It should be noted that on 2/10/17, at about 0930 hours, I provided PPB Internal Affairs Investigator B. Renna, DPSST #15038 with a DVD copy of the above-mentioned photographs and videos, at Investigator Renna's request.

On February 14, 2017, at about 0700 hours, I met Officer Higginbotham at East Precinct, and returned Officer Higginbotham's PPB iPhone to him.

This concludes my report.

CONFIDENTIAL**IMAGE ATTACHMENT (1296073) OFFICER WULLBRANDT TRANSCRIPT**

**PORTLAND POLICE BUREAU
CASE NUMBER 17-39972**

February 9, 2017

**Interview of
ROBERT WULLBRANDT**

TAPED STATEMENT TRANSCRIPTION

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**PORTLAND POLICE BUREAU
DETECTIVE DIVISION
CONFIDENTIAL TAPED STATEMENT TRANSCRIPTION**

Case #17-39972

February 9, 2017

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McDaniel: This is Detective Eric McDaniel with the Portland Police Bureau, assigned to the Cold Case Homicide Unit. My DPST is 41372. It is February 9th, 2017 at about, uh, 1313 hours. Uh, we're currently at East Precinct, back in the old, uh, computer lab area. I believe the Prostitution Detail works, uh, out of this office now. And, um, I'm gonna go ahead and do, have everybody do their own introductions around the room here.

Habkirk: Jim Habkirk, #29192, PPA representative.

Wullbrandt: ROB WULLBRANDT, #42649, uh, assigned to the K-9 Unit.

McDaniel: W-, and this, this is a witness officer statement and, uh, Officer WULLBRANDT is the witness officer being interviewed.

Smith: And, uh, Deputy Steve Smith. I'm a detective, #10762, from the Multnomah County Sherriff's Office.

McDaniel: Okay and, um...

Habkirk: That's an old one, 1-7...

McDaniel: Yeah, you got that for me? So, um, my-my understanding is once a perimeter was locked down, you were called to the location of 82nd and Tillamook. Is that...

Wullbrandt: Correct.

McDaniel: ...correct? Okay. And since, uh, there was, i-it sounded like there was quite a bit of, uh, activity going on with the, the robbery at the car, the-the c-, um, car prowl.

Wullbrandt: Um-hm.

McDaniel: At what, what point of this did you come into play?

Wullbrandt: So, I was, we log on from our house, my shift started at 8:00. So, I th-, don't even think when they got called, I had logged onto my radio and was listening to it as I was getting dressed in my garage.

McDaniel: Okay.

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Wullbrandt: And they asked for a dog. So, I came from Clackamas, uh, to the scene. So I, I was 10 to 15 minutes behind, uh, the perimeter was still getting established when I was in route.

McDaniel: Okay and wh-what do you remember hearing as, in regards to them calling for a K-9?

Wullbrandt: I didn't hear the initial call, originally. I was getting bits and pieces on the, uh, radio as I was in route. I had heard that, um, there had been an attempted carjacking earlier in the day. I didn't know the timeframe of that. And that the suspect was possibly armed and that, um, I also had heard Officer FERNER say that they th-, this guy matched the description of the guy from the earlier call. But there was a time, there was a break in time from the two different calls.

McDaniel: Okay. So, the, the call that you're responding to, is that the...

Wullbrandt: I was responding to the car, the prowler call.

McDaniel: At the house?

Wullbrandt: At the house.

McDaniel: Okay, okay. And if I understand right, the-the theft from the motor vehicle at the veterinarian was between that, your call and then the carjacking? Or do you...

Wullbrandt: I don't know.

McDaniel: ...you didn't, okay.

Wullbrandt: I don't even know.

McDaniel: Fair enough. Then we'll just move pass that. So, you're, you're coming for the, basically the prowler at the house?

Wullbrandt: Correct.

McDaniel: Okay. And, um, when you, so where do you respond to?

Wullbrandt: So, I responded to the 8300 block of, uh, NE Tillamook. I think it was [REDACTED] maybe. Um, Officer FERNER and Officer RIPPE had gone to a separate call, a suspicious call, I'm not sure how it was coded, about a guy that had jumped into a flag lot, fenced off area, and the homeowner was calling in saying that this guy was in their yard. And so, um, from what I gathered on the way, they had walked down the flag log, saw the guy, confronted him, and then he took off running into the neighborhood.

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Page 3**McDaniel:** Okay.**Wullbrandt:** And so, uh, that's when they called for me. So, I responded to their location...**McDaniel:** Okay.**Wullbrandt:** ...uh, to get our search team together.**McDaniel:** And wh-, um, just backing up to the sus-suspect description match. You, you indicated the call, if I have it right, you indicated what you were responding to match the description of the carjacking suspect or was it something else?**Wullbrandt:** Uh, I don't remember. I just remember, uh, somebody on the radio saying that there was two su-, two descriptions that were similar.**McDaniel:** Okay.**Wullbrandt:** But I don't know which...**McDaniel:** You were, what they, what they were...**Wullbrandt:** ...which calls.**McDaniel:** ...related to?**Wullbrandt:** Yeah.**McDaniel:** Okay, perfect. So, you show up, um, and who, who do you meet with to get the brief from?**Wullbrandt:** So, um, myself, Sergeant HELFRICH, um, Officer FERNER, Officer MELE, Officer HEARST, and Officer, uh, the traffic officer, I can't remember his name right now.**Habkirk:** McHUGILL?**Wullbrandt:** McHUGILL.**McDaniel:** Yeah, that's probably right.**Wullbrandt:** So, we get there, I talk to the sergeant, uh, initially, um, because of the information put out about the firearm. I run it by him, hey, what do you think, uh, or what's our plan gonna be. Um, and we decide, we make the plan that we're going to try to get some type of track and see if he gives us anything into the neighborhood. If we get to an area where, uh, where we know that he's at and that he's confined, then we'll back out, we'll do a SERT consult and we'll reassess

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from there. Cause at that point, I mean, we had like a 15 minimum perimeter. We don't even know if he's still in the perimeter 'cause it was pretty slow developing it.

McDaniel: Right.

Wullbrandt: I think there was still cars coming in as I was in route. And like I said, that's 10 to 15 minutes.

McDaniel: Right.

Wullbrandt: So, uh, that was our plan. We had an AR, we had a less lethal, we had our custody team, and so we got all our players in, in, uh, in order and then we decided to try to pick up a track.

McDaniel: Got it. So, you, basically you formulated a, a good plan, it sounds like, with Sergeant HELFRICH?

Wullbrandt: Correct.

McDaniel: Okay, just to make sure I had the right sergeant. At what, at what point do you remember hearing that there was a, a gun in place, so to speak? Y-, was it on the radio or did you get it at the briefing?

Wullbrandt: Uh, I heard it on the radio and then I clarified it at the briefing.

McDaniel: Okay.

Wullbrandt: Um, that the c-, that the car guy, the carjacking suspect, I didn't know that there was two separate calls. I thought there was one from earlier in the day, uh, possibly was armed when he attempted to do the carjacking.

McDaniel: Okay. So, um, when you, when you get to the briefing, do you get the rundown on all the other incidents of the day or just what your mission is there at that point?

Wullbrandt: I didn't know, I knew that there was an incident earlier.

McDaniel: Okay.

Wullbrandt: But I didn't know anything about, I didn't really get any information about what had happened, transpired earlier in the day.

McDaniel: Okay. A-And forgive me, 'cause it's been almost a decade since I was on patrol, um, when-when you started the dog track, did people have assignments, um..

Wullbrandt: Correct.

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McDaniel: Okay. Can you remember what the assignments were?

Wullbrandt: Well, HEARST was, he had his AR, he was the AR operator, MELE was less lethal, um, and then McHUGILL, or, McHUGILL and, uh, HELFRICH, I believe, were going to be our custody team if we found him in the blocks.

McDaniel: Okay. And, and you guys know you're going, more likely than not, you have an armed suspect you're dealing with. What, um, if you can just clarify one more time with me that the plan if, if he was confronted?

Wullbrandt: So the plan was, obviously, if we come into a yard and, let's say he's hiding in the bush, we made the decision, if he takes off running and his hands are clear and I can tell that he's not armed, I'm gonna send the dog to apprehend him. Um, if, you know, shots were fired, then obviously my cover guys are gonna respond accordingly with, uh, what the f-, deadly force. I'm, I'm the dog guy, so I'm watching my dog...

McDaniel: Right.

Wullbrandt: ...and I need them to cover me. Um, so that's why we designated, you know, we have our AR guy, we have our less lethal guy, and then the two custody guys are also deadly force if, if we get into that situation.

McDaniel: Okay. It, a-and from where we're, where we're talking after making the plan, then are, are you guys executing the plan at this point or does something ha-, anything occur in between that?

Wullbrandt: No, we, we talk about it, we get the team ready, and then we, FERNER and his partner decide to stay on the perimeter, we leave them on the perimeter and they say they last saw him down the flag lot, um, around the side of the house and unknown from there.

McDaniel: Okay. And, and what I, what I have here are just kind of aerial shots, so maybe, as we're talking about this, it'll be easier probably for me to understand, so, if I have it right. This is gonna be, this is, this is gonna be the h-, the driveway where contact was made.

Wullbrandt: It occurred, yeah.

McDaniel: Is that right? And then, I believe if we turn it this way, um, we're, we're gonna have where, um, the subject may have last been seen or, or I guess you can explain it to me. And if, by all means, if it's easy to mark on things, go for it.

Wullbrandt: So, suspect was last seen somewhere in this vicinity.

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McDaniel: Okay. And just so you, you know so it doesn't seem like I'm interrupting you or stepping over you since it's just audio, then I, I'm just gonna explain what you circled.

Wullbrandt: Okay.

McDaniel: And, and it's a house, uh, to the south of NE Tillamook, um, and it would be the east of 82nd Avenue, um, I'm what do s-say, at least...

Wullbrandt: I believe it's...

McDaniel: ...three house...

Wullbrandt: ...

McDaniel:

Wullbrandt: But I'm not positive.

McDaniel: Okay, no that, that's fine. So it sits south side of Tillamook, um, and then, uh, the officer has drawn a circle on the map where, um, the subject was last seen?

Wullbrandt: Correct.

McDaniel: Okay and does your team go to that?

Wullbrandt: Uh, I, I start the dog down here, he's in the lead. I give him the _____
(9:30) command which is a search _____.

McDaniel: You know, um, to cut, you can draw, if you just draw it with your pen...

Wullbrandt: Alright.

McDaniel: ...what you can remember. If you don't remember, that's fine.

Wullbrandt: So, he comes down here, he bangs this turn, there's a suitcase right here and some other miscellaneous items, tracks past that, and basically tracks down to the corner, uh, down here that leads into this yard, which is this one on th-, which is this one on this map. So, he tracks to this fence line, I can see there's like, um, it's an old rotten fence, you can see some boot marks or shoe marks from going over it that's pretty mossy and then it looks like part of it had broken away when he tried to go over. And you could see some fresh, uh, breakage on the fence. So, my dog gave me a good indicator here. I think he probably entered into this yard, but the fence is super dilapidated and about ready to fall down. So we can't go over it. So we make the decision to try to, uh, go around onto Hancock and get into this yard and pick it up from there.

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McDaniel: So when you go around Hancock, you talking back out to 82?

Wullbrandt: Yeah.

McDaniel: Okay.

Wullbrandt: So, we start back down this way and I believe it's this address right here. I've searched this before and I knew that it, you could pass all the way through this yard.

McDaniel: Okay.

Wullbrandt: So, I'm like, 'hey, let's just cut through this yard real quick,' uh, to...

McDaniel: And this is the driveway, this is the driveway with the red pickup truck to the south side of Tillamook?

Wullbrandt: Yeah, but when we get up there, it's locked, so we can't get through.

McDaniel: Okay.

Wullbrandt: But as we're standing there, somebody thinks they hear something in, on the other side, closer to Hancock, uh, Sergeant HELFRICH thought he had heard something. He described it as like, um, like somebody dumping recycle out, like glass breaking or something like that. But no, no movement, didn't see anybody, so we're like, okay, so we kinda take note of that. We move around, uh, after we can't get in here, we move around onto Hancock and we come back into the yard where I believe the guy had, uh, jumped over.

McDaniel: Um-hm.

Wullbrandt: We get into that yard, I cut through the, I give my do-, K-9 announcements, I cut the dog off, let him work it and he kinda tracks back towards the east to this fence line. And it looked like something had been peeled down there, um, going into the next yard to the east. So, we check that yard and I get absolutely nothing, no indicators, no change of behavior for my dog. Uh, so at that point I make the decision, talk to Sergeant HEFLRICH, I'm like let's check to the west to see if he doubles back and goes back west. So, we get into, uh, this yard, which is, uh, the yard where he's eventually found, and I send him off lead. He works the yard, goes up to the northeast corner of the property and then puts his nose down and basically trails all the way to the other corner of the yard and there's a shed at the very northwest corner, which is right about here.

McDaniel: Okay.

Wullbrandt: Doors open, one door is open on the shed.

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McDaniel: And we're talking, the h-, just for tape, we're talking the location of where, uh, you, where he was confronted. Where the suspect was confronted.

Wullbrandt: Correct.

McDaniel: The, to the backyard? Okay.

Wullbrandt: Dog goes in, he's casting, his nose is up, uh, tails wagging, which leads me to believe he's working odor now.

McDaniel: Wh-What's casting mean?

Wullbrandt: His nose is like up on the wall and he's like, he'll, back and forth, left to right, like his nose is working some type of odor.

McDaniel: So something...

Wullbrandt: Normally it's down like when he's tracking and he's tracking odor. But a lot of times, when they get close and it's, there's a lot of odor pooling somewhere, it'll come up and they'll start casting on the odor.

McDaniel: Does that give you indication that he's...

Wullbrandt: Well so...

McDaniel: ...he's coming up on something or?

Wullbrandt: Yeah, but it's hard to tell because we knew he probably ran this way and my thought was, I can see in the shed and there's one blue tarp in there that I can see. Everything else I can see. So, I'm thinking maybe he came in here s-, hunker down for a little bit and then squirted out again. So, he's working the odor, I give the dog his bite command 'cause I want the dog to bite and hold him if he is in there. And the dog just, uh, is still working odor. He doesn't pay any attention to the tarp. Doesn't really, comes back out after probably 20 seconds. So, I send him in again, same thing. He's up on the wall, but nothing, he's not paying any attention to the only real thing I could see that the guy would be hiding under. So, I pull him out. I tell, I forget who was with us at that point, somebody on the track team, I just say 'hey, I think the guy was in this shed. Um, I don't think he's in there anymore. But we need to, you know, clear under the tarp just to make sure he's not there'. So, we clear under it and nothing there. *(cough)* Sorry.

McDaniel: And this tarp is in the backyard of the target location?

Wullbrandt: Correct.

McDaniel: Okay.

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Wullbrandt: Uh, so after we do that, we start, I start working the rest of the yard. When we get around to the northwest corner of the house, we notice, they had like this netting over the back of the stairwell of the house, uh, to go down to the basement, the stairs down. One of the corners is ripped and then if you looked down the stairs, you could see that the door had a bunch of muddy, looked like footprints...

McDaniel: Take your time.

Wullbrandt: ...and the window had been busted. So, we back out a little bit. Sergeant HELFRICH and I start conferring. I'm like, well I know he was in this yard, my dog's giving me indicators. He was in this yard. I think we should break our perimeter down, 'cause it was all the way out to 86.

McDaniel: Okay.

Wullbrandt: Let's break it to 84 to 82, Hancock to Tillamook. Let's get additional officers here, let's lock this house down. Once the house is locked down, we'll continue these two yards to clear 'em, just to make sure that I didn't miss a crossing and he continued west. And then after we do that, we'll focus on the house.

McDaniel: And with that said, while you're taking a drink of water, I'm gonna throw in a couple que-questions I, I had as you were talking.

Wullbrandt: Yeah.

McDaniel: So, so we, it kinda goes in rhythm here. When, when you were back in this area here, you indicated that Ser-Sergeant HELFRICH heard something like recycling being spilled or something to that nature?

Wullbrandt: Yeah.

McDaniel: Was HELFRICH with your track or was he over here on Hancock?

Wullbrandt: No, he was with us.

McDaniel: Okay. Was that a sound anybody el-, or that you heard? I guess I can't ask for other people.

Wullbrandt: I didn't hear it.

McDaniel: Okay.

Wullbrandt: He just relayed that to me.

McDaniel: Okay. And it indicated that it sounded like it was coming, excuse me, from over on the Hancock area?

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Page 10**Wullbrandt:** Yeah.**McDaniel:** Okay. And in just for my knowledge, um, not ever working with dogs, the, y-you indicated you were giving him a command to bite and hold?**Wullbrandt:** Yeah.**McDaniel:** Is that normal for every capture or is it because of a high-risk capture?**Wullbrandt:** Uh, are dogs are trained in guard and bark, which means they're supposed to, uh, alert on odor when they find the person. But then there's an override command where I can give my dog his bite command if I wanted him to bite and hold. Uh, obviously, it's a higher level of force. In this situation, we're looking for a suspect who's possibly armed, who has committed, you know, multiple felonies. If he's in that, uh, if he's in that shed, I'd like him to bite and hold, which gives us time to make a plan, either to call the guy out or if I want to recall the dog after he's on the bite and then have him come out afterwards. Uh, so it's just a different, it's a different tactic to use if, you know, if it's justified for the...**McDaniel:** Sure.**Wullbrandt:** ...for the situation.**McDaniel:** I-In, and tell, I'm just, uh, posing a question here, tell if, if I'm wrong. Thinking from your angle, if I'm a, a handler and yeah, you're, to me, you're in a very serious scenario where you know he's got a gun or y-, it's been reported he's...**Wullbrandt:** Yeah.**McDaniel:** ...got a gun. He's, um, he-he's committed, you know, like you said, multiple felonies, um, would the bite and hold also give you an indicator that you know, like your dog goes around the corner and you can't see what's back there. But you get that bite and hold and without a doubt, you know you've got the, the suspect back there because you're gonna hear the suspect respond to the bite?**Wullbrandt:** Well I really...**McDaniel:** Or is that...**Wullbrandt:** It really depends on the, there's been situations where people have been bit by a dog and not made a sound.**McDaniel:** Oh really? Okay.**Wullbrandt:** So...

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McDaniel: I-I was just wondering if that...

Wullbrandt: Yeah.

McDaniel: ...was something that might work in your advantage, that's all.

Wullbrandt: It does, I mean it would definitely, most of the time it's gonna hurt and they're gonna cry out and you're, you're gonna know where their location is at...

McDaniel: Right.

Wullbrandt: ...based on those, those audible alerts. But sometimes guys will take it and they won't make a sound so.

McDaniel: Oh.

Wullbrandt: Uh, it's really dependent on the bad guy.

McDaniel: And, and while you're taking another sip of water, um, i-i-, to sum it up, basically, sounds to me that the command to bite is because of the high-risk situation and y-you rather, rather deal with a dog bite than, um, coming up on an armed suspect, uh...

Wullbrandt: Correct.

McDaniel: ...without any notification?

Wullbrandt: It's a way to de-escalate a, I guess you can put it. Um, if he goes in there, bites the guy, and then take all the fight out of him, take all his attention where we're able to move in, maybe use a taser in conjunction and get him into custody safely. As opposed to he just goes in there and starts barking at this guy, the shoots him and then starts shooting at us. It doesn't...

McDaniel: Right.

Wullbrandt: ...really do us a lot of good.

McDaniel: Okay. And that's, you're-you're job's pretty unique, so it's also kinda, unfortunately I'm just kinda tryna, to learn...

Wullbrandt: Um-hm.

McDaniel: ...as we're talking here too. Would, um, do you, do you want a minute just to clear your throat and everything? I know it sounds like you got...

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Wullbrandt: I've been sick and, uh, I don't know if it's gonna get any better. Uh, I've had, like been coughing up stuff all week, so...

McDaniel: Oh, okay. Alright.

Wullbrandt: I might just have to continue to drink my water.

McDaniel: So I, I think before I interrupted you with my questions, you had, um, you were kinda at the point where you closed down the perimeter.

Wullbrandt: Okay. So, we break the perimeter down. We get two officers to watch the back of the house, two to watch the front of the house, and then my thought is, I'm gonna clear this yard, 'cause if he came through, uh, I should be able to pick a track up heading westbound to rule out, maybe, that he is in the house. So I just work this yard, I get absolutely nothing. Work this yard, nothing and this yard, nothing.

McDaniel: And those are two y-, officers indicating two yards to the west of the target location that he worked and got no, no indication?

Wullbrandt: Correct. So, we come back to the target location where we end up locating the suspect. We put a plan together that we're gonna send a team down the stairs to kind of evaluate the, uh, entry point, see if entry could actually have been made through, 'cause where we're at, we can't really tell. Does it look like he made entry? How fresh is it? 'Cause there's tons of transients in that area.

McDaniel: Right.

Wullbrandt: Did, is this old damage? Is this new damage? Uh, so, we put a team together and we send them down there. As they're doing that, an audible alarm starts going off. Uh, which indicates to me as a handler, like okay, if we're now jiggling this door and this audible alarm's going off and it hasn't been going off, is that guy in that house? That-That's what I'm trying to figure out in my head. Uh, and they look at the damage, they say 'yeah, it's fresh. It looks fresh. But we can't tell if he'd made, if he'd gone into the house'. They can't see footprints or anything.

McDaniel: So-So who, when you say 'they looked at the damage'?

Wullbrandt: I think it was ADRIAN and one other officer, but I don't remember who exactly it was.

McDaniel: So, were you, wh-...

Wullbrandt: I was up, I was behi-, there was the house, there is a covered patio enclosed portion of the house that's connected to the house.

McDaniel: Okay.

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Wullbrandt: I was back here. They went down. HEARST was covering over the top of 'em with his AR and they went down to look at the damage. Then they relayed back that, oh I could hear the alarm start going off and then I heard one, it was either HELFRICH or another officer, asking if there'd been any trips inside the location and they said there hadn't. Um, but then they later called in five minutes later and said now they're getting a trip, which we didn't know if it was us that just tripped it or if there was...

McDaniel: Right.

Wullbrandt: ...another trip inside.

McDaniel: Cause there, I assume, and correct me if I'm wrong, if, even if you guys are inside and there's a trip, you don't know if it's a trip upstairs, a trip in the basement, or a trip where you're at?

Wullbrandt: Well the, a lot of times they'll be able to tell you like, uh, rear, rear door en-, rear door motion or living room motion or that type of stuff. Depending on the alarm company.

McDaniel: R-Right and-and what kind of alarm they've invested in.

Wullbrandt: Yeah.

McDaniel: Well I guess when, what I, when you use the term 'trip', I assumed they had things internal in the house that would...

Wullbrandt: Yeah.

McDaniel: ...tell you what part. But, in this, so you're, you're on, you're in the backside of the house, um, and this, uh, it sounds like HEARST and, um, GREG ADRIAN, come out, come along this, to the west side of the house?

Wullbrandt: HEARST is up above the, uh, stairwell.

McDaniel: Oh, okay, 'cause you're going...

Wullbrandt: He's covering down.

McDaniel: Got it, okay.

Wullbrandt: They have to climb over a rail and then go down the stairs to be able to look at the damage.

McDaniel: Okay. Who-Who spots the damage?

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Wullbrandt: I can't, I can't even remember.

McDaniel: I-I, and you guys are in a, in a track together?

Wullbrandt: Yeah.

McDaniel: It wasn't as a group, obviously, somebody a head saw it or?

Wullbrandt: No, I think we're working, the dog's working, he, if I remember, he goes down the side of the house this way.

McDaniel: Oh, okay.

Wullbrandt: And as I am watching the dog, somebody behind me, I just remember them saying 'hey, th-there's a broken window right here'. So, I come back and look at the broken window, I'm like, yeah there is.

McDaniel: Oh, okay.

Wullbrandt: Um-hm.

McDaniel: So-So the broken window is actually where you're holding?

Wullbrandt: Uh, it's down. So this, like you come around here, there's a stairwell right here.

McDaniel: Okay, so the backside of the house, um, on the west side.

Wullbrandt: Stairwell down and then the door is right here on the corner.

McDaniel: Okay. So, when you say HEARST is covering from the higher ground here, wh-
...

Wullbrandt: He's c-, he's on the patio I guess this would be.

McDaniel: Okay.

Wullbrandt: Covering down into the house.

McDaniel: Okay, so that would be the northwest corner of the house then, is kinda where you guys are...

Wullbrandt: Yeah.

McDaniel: ...headed? Okay, and sorry, continue.

Wullbrandt: Um, so at this point, uh, another SERT consult is brought up and, um, the decision is made that we're gonna possibly force the front of the house, force the door,

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loud hail the house, and see if we get any response. And then possibly use the dog with the, um, camera to s-, go in and see if the house is, if there's anybody hiding inside. They're, HELFRICH is still talking in the back with those guys, I decide to walk back out into the front of the house just to get a better look. As I come around the side of the house, I notice there's a window now open and a broken screen laying on the ground.

McDaniel: Can, and where was that?

Wullbrandt: Right here. Right where the, right where the little alcove is th-, uh, for the garage.

McDaniel: And correct me if I'm wrong, that's where, um, the suspect was ultimately contacted by the police?

Wullbrandt: Correct.

McDaniel: Okay.

Wullbrandt: So, I look at it and I'm like that was not open before and I know that screen was not down before 'cause I had walked, just walked by there. And as I'm processing this, I hear from behind me, somebody start challenging the, the bad guy who's, this is like a alcove. It's, there's no thor-, through, through I guess, you can't get through...

McDaniel: Yeah.

Wullbrandt: ...the backyard.

McDaniel: R-Right, I, and I'm with you there. I-I kinda got to this point to take a look, to see what you're talking...

Wullbrandt: Yeah.

McDaniel: ...yeah in, in real life. Wh-, now so when you saw this screen on the east side of the house l-look like it had been, you said pulled off?

Wullbrandt: Yeah.

McDaniel: Um, where were, where were you?

Wullbrandt: I was just coming around the corner here.

McDaniel: Okay, so you're at the, you're at the south end of the gara-, or...

Wullbrandt: So I can't see anybody.

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McDaniel: You're at the east end of the garage, coming back onto the driveway?

Wullbrandt: Yeah and I can't see in this alcove.

McDaniel: Right, right.

Wullbrandt: So somebody from down here on the street, I don't know who it was, starts challenging...

McDaniel: Oh, okay.

Wullbrandt: ...this person.

McDaniel: Okay.

Wullbrandt: I start kinda slicing out with my dog. On lead he's probably got about eight feet of lead. My dog catches him finally and starts barking up the guy.

McDaniel: When you say 'catching him', you know, what's the...

Wullbrandt: Like he finally sees.

McDaniel: Oh...

Wullbrandt: He sees what everybody's yelling at.

McDaniel: Okay.

Wullbrandt: At first, he's like looking around.

McDaniel: Right.

Wullbrandt: He doesn't know what ever-, the commotion is and then he finally sees the guy and gets locked in on the bad guy and starts barking at him.

McDaniel: Okay.

Wullbrandt: Um, at that point, I would say we're 20 to 30 feet, maybe, from the, uh, bad guy. And I believe HEARST comes around, he's on my left hand side. I know there's one other person on my left hand side, I don't know who it is and I couldn't tell you who was on my right hand side.

McDaniel: So, so you think there's, it sounds like there was four of ya. You know for sure you had HEARST and one officer...

Wullbrandt: Yes.

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Page 17**McDaniel:** ...to your left...**Wullbrandt:** To my left.**McDaniel:** ...left and then a-another officer to your right?**Wullbrandt:** At least one to the right.**McDaniel:** Right, okay.**Wullbrandt:** I don't know who was there.**McDaniel:** Sure, okay.**Wullbrandt:** Um, we start giving him commands, the dog's barking at him, uh, I take over commands and I start ordering him down onto his knees.**McDaniel:** What are the commands you hear before you take over?**Wullbrandt:** Uh, 'let me see your hands', 'get your hands in the air', there was like, I don't know, it sounded like two to three different people yelling 'get your hands in the air'.**McDaniel:** And-And what was the suspect's, uh, response to that?**Wullbrandt:** It was, it was kinda, he was processing it, but he wasn't like, like if the police yell at me to get my hands in the air, you know, they're up in the air and...**McDaniel:** Right.**Wullbrandt:** ...I'm sh-...**McDaniel:** Comply and...**Wullbrandt:** ...I'm scared.**McDaniel:** ...get 'em up high.**Wullbrandt:** This guy's kinda acting like too cool, like I don't have to do what you tell me to do. His hands are still kinda down, they go up, he drops 'em back down. Uh, he wasn't, he wasn't being fully cooperative with the commands they were giving.**McDaniel:** Okay and then you took over?**Wullbrandt:** Yeah and I...**McDaniel:** Was he moving at all, other than his hands?

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Wullbrandt: He was just, it seemed like he was staring at the dog...

McDaniel: Okay.

Wullbrandt: ...and, uh, then I started in just, not yelling at him, I was in a firm voice, I'm like 'you need to get down on your knees, your hands and knees, and you're gonna crawl out to us'. And he's looking at me, it seems like he understands what I'm telling him, uh, he starts to go down. Gets down on his hands and knees and we got our custody team, I'm like 'alright, start crawling out'. Then he immediately stands back up. And so then everybody's like, get back down on the ground, kind of erupts again with people yelling at him. I'm like, 'no, down on the ground, you're gonna crawl out to us'. He gets back down on the ground and starts crawling out, uh, and he gets right to about the driveway and then all of a sudden, he just po-, pops up with nobody saying anything. O-, he's on his knees, but he pops and then his hands go down towards his waistband again and then the shots were fired.

McDaniel: Okay. And wh-, speaking of going towards his waistband, was there any indication prior to this confrontation here, where the suspect was, uh, carrying his gun?

Wullbrandt: Uh, you mean from other officers?

McDaniel: Uh, other officers or, uh, people calling in 'cause, you know, you had the one guy that was, uh, robbed early on. Was there any information about that, the suspect in the robbery, who we believe is gonna be this fella here, any indication where he was carrying his firearm?

Wullbrandt: From the information that I had received initially, it was that the suspect pulled the gun and stuck it back in his waistband and also from Officer FERNER, who saw the guy run initially, that he was holding his waistband as he ran away like he was trying to secure something.

McDaniel: Okay. And when, um, when-he's not following commands, as soon as you guys put eyes on him and you, what you just went through with, uh, officers giving him commands and then you're giving him commands, um, and it sounds like he's doing what he wants to do...

Wullbrandt: Um-hm.

McDaniel: ...y-, he had his own plan, um...

Wullbrandt: Yeah.

McDaniel: What, what's going through your mind?

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Wullbrandt: Um, you know, I'm, I'm trying to decide if my dog is going to be the best option at this point, as far as use of force. And, uh, I thought maybe that they would hit him with the beanbag when he was, uh, going down and putting his hands down towards his waistband. I was about to let the dog go at that point, um, and then the shots rang out and, uh, my dog heard the shots and kinda lost it. So, I had to grab him, 'cause I didn't want, know how he was going to react to the other officers. I didn't want him to bite the operator.

McDaniel: R-Right, right.

Wullbrandt: So, I grab him, kinda turn and walk him away so that he doesn't, uh, accidentally bite somebody else.

McDaniel: Okay. So, you're, you're about ready to let the dog go...

Wullbrandt: Um-hm.

McDaniel: ...right, just prior to hearing shots fired, is that, is that correct?

Wullbrandt: I'm, yeah, I'm just trying to run through my mind, make the decision. I mean there's two schools of thought. This guy's possibly armed, if my dog goes in and bites him, we're still gonna have to move up on him and, uh, take him into custody. Are we gonna be able to do that safely with him wrestling around...

McDaniel: Right.

Wullbrandt: ...with the dog. As opposed to, uh, you know, I thought maybe a taser would be deployed or so-, and that's the other option, if he goes onto the bite, we can move up and taser him also.

McDaniel: Right, a little distraction?

Wullbrandt: Uh, yeah.

McDaniel: Yeah.

Wullbrandt: Um, so, it happened so fast that, uh, I was still kinda running through that thought process and ho-how am I gonna deal with this. I, obviously, wasn't gonna let him get away.

McDaniel: Right.

Wullbrandt: But I felt that when he was on his hands and knees, he wasn't gonna be able to flee. Had he got up and ran, it would've been an easy deployment. I would've sent my dog right away. But since he was on his hands and knees still, uh, I was still,

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you know, kind of in that grey area where, where, where am I gonna allow him to get to, uh, before I use the dog.

McDaniel: Sure. Uh, there's a, a lot going on.

Wullbrandt: Yeah.

McDaniel: Um, what, um, just to make it clear with me, when, so right before the shots are fired, he's back standing up...

Wullbrandt: No-No. He co-, he like raises, he's on his hands and knees crawling, and then he just raises up...

McDaniel: Oh, okay.

Wullbrandt: ...on his knees...

McDaniel: Okay.

Wullbrandt: ...and then like goes down, back down towards his, pretty fast, towards his waistband and then that's when the shots were fired.

McDaniel: W-, and so when he comes up on his knees, where are his hands at that point?

Wullbrandt: Um, they're like mid-level, like here.

McDaniel: Okay.

Wullbrandt: They're not up here, they're like here and then all of a sudden, they're back down.

McDaniel: Okay.

Wullbrandt: And there are, people are yelling at him, 'put your hands in the air'.

McDaniel: Okay. And-And when, so he's on his knees, hands are about, um, shoulder height...

Wullbrandt: Um-hm.

McDaniel: ...what, um, do both hands go down to the waistband?

Wullbrandt: Uh, I don't remember.

McDaniel: Okay. Okay. So, um, w-we're at that point where you, he-he's got his hands here, they go towards the waistband, sounds like right, right about that time...

Wullbrandt: Um-hm.

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McDaniel: ...um, your, you release your dog?

Wullbrandt: No, I don't release him.

McDaniel: Oh, oh, oh. I thought...

Wullbrandt: I'm, I don't release the dog. I'm still like processing it like is this guy gonna try to like jump up now and run or what is he...

McDaniel: Right.

Wullbrandt: ...doing and then the shots go off and dog...

McDaniel: Oh, okay.

Wullbrandt: ...s-...

McDaniel: See, I'm glad I asked, I misunderstood. I thought, I thought you released your dog...

Wullbrandt: No, I...

McDaniel: ...just prior...

Wullbrandt: No...

McDaniel: ...to the shooting. Okay.

Wullbrandt: ...I never actually sent him on the take.

McDaniel: Okay, okay. So, um, when, so it sounds like when, when the shots were fired, you, you're kinda, you're more dealing with your dog 'cause you don't want him to mistake an operator...

Wullbrandt: Correct.

McDaniel: ...a-as a target to bite?

Wullbrandt: Um-hm.

McDaniel: So you get him out of there. What, what are you seeing at that point?

Wullbrandt: Um, officers start kinda backing up, getting some distance. I end up coming out, there's a police car parked out here on the street, I come out here. I get KYLE, KYLE NICE is standing out here, I'm like 'we need to get a shield. We need to get a custody team', uh, 'get up there, get him into custody so we can render some

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aid'. So, they start getting the shield going, they bring that up. They get their team ready, they move up with the shield, and then _____
(34:53) and I just stay back here at the...

McDaniel: So...

Wullbrandt: ...car.

McDaniel: ...when you notified Sergeant NICE on, um, the next plan of action, which would be get a shield, go up, um, to see if you can render aid, you're, you're observing from back in the middle, basically standing in H-, on Hancock...

Wullbrandt: Yeah, there's a...

McDaniel: ...watching this...

Wullbrandt: ...police car and...

McDaniel: ...occur?

Wullbrandt: Yeah.

McDaniel: Okay. Um, when, um, just backing up just prior to that, um, when the shooting occurs, at that time in life, did you know who the shooter was?

Wullbrandt: I did not.

McDaniel: Okay. Could you tell from left or right, who shot?

Wullbrandt: Uh, like could I tell which direction the sh-shots...

McDaniel: Well, uh...

Wullbrandt: ...came from?

McDaniel: No, you indicated you, and the thing that you indicated, you've got two officers to your left, one to your right.

Wullbrandt: Oh...

McDaniel: Do you remember which side you remember hearing the shooting from?

Wullbrandt: Yeah, it definitely came from the left side. I saw the...

McDaniel: Okay.

Wullbrandt: ...the m-, uh, the, whatever from the muzzle, the s-smoke or whatever.

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McDaniel: And my understanding is Officer HEARST had an AR-15?

Wullbrandt: Correct.

McDaniel: And was he the only one, at that contact point, that had a rifle?

Wullbrandt: Yes.

McDaniel: Did the shooting sound like an AR-15?

Wullbrandt: Yeah.

McDaniel: Okay.

Wullbrandt: And after, after I had peeled away, I, I pretty quickly identified Officer HEARST as the person who...

McDaniel: Okay.

Wullbrandt: ...had shot.

McDaniel: P-, now and you, that's good. I just...

Wullbrandt: Yeah.

McDaniel: ...was curious what, what you knew at that point.

Wullbrandt: Yeah.

McDaniel: But obviously, afterwards you...

Wullbrandt: Yeah.

McDaniel: ...you found out who, who was the shooter officer. Um, w-was there only one shoot off-, shooter officer, as far as you know?

Wullbrandt: That I know of.

McDaniel: That you know of? Okay. How many shots do you remember hearing?

Wullbrandt: I think three.

McDaniel: Three? Okay. Um, what, um, when once the shots were fired, you go back, you're onto Hancock, are you hearing or can you hear what's being said by, I assume and tell me if I'm wrong, I'm a-, I'm assuming the other three officers that y-you described two to the left, one to the right, I assume they stayed on point, you know, they stayed up with-with the downed subject?

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Wullbrandt: From what I remember, they, at some point they take HEARST out of it. Somebody else steps up and covers him. Um, they get HEARST out of the mix, take him away from the scene. They form their, uh, shield team and then they move up and, uh, take him into custody.

McDaniel: Okay. So, does the shield team consist of the people that were up on the driveway with the exception of HEARST?

Wullbrandt: I think so. I think once shots fi-, were fired, some additional units responded and I don't know who jumped in to that. But they were staged on the, like the front, what would that be? The southeast corner of the house, right along here somewhere and that's where they kicked off to go to the...

McDaniel: Okay.

Wullbrandt: ...with the shield.

McDaniel: So, obviously there is some, um, getting the hard cover more l-...

Wullbrandt: Yeah.

McDaniel: ...is what it sounds like. D-Did, uh, did, and if you don't know, it's fine. I understand.

Wullbrandt: Um-hm.

McDaniel: You're out here and there, there's a lot going on. Did anybody stay on point, b-back of a letter, lack of a better term, drawing down on the suspect until that shield team's ready?

Wullbrandt: I can't say for sure.

McDaniel: Okay.

Wullbrandt: I would hope so, but...

McDaniel: R-Right, right.

Wullbrandt: _____ (38:11)

McDaniel: No, a-and, and I, and I get it, um, it's just, uh, the things I ask...

Wullbrandt: Yeah.

McDaniel: ...just, yeah 'cause, as you know, um, y-you'll, you might have snapshots of things...

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Page 25**Wullbrandt:** Yeah.**McDaniel:** ...that, you're like 'huh, why don't remember that', you know?**Wullbrandt:** Yeah.**McDaniel:** Um, so, when, when you, uh, go back out to the street, do you ever re-approach this part of the crime scene, in the driveway?**Wullbrandt:** Uh, I ca-, when I'm out here and they make their approach, I kinda just walk out this way a little bit just in case maybe he's playing possum. But he's probably not. But if he gets up and bolts, I wanted to be in a position to still be able to use the dog. So, I kind of break out just a little bit away so I can still see him and not have them right in, right in front me. And once they take him into custody then I walk down here and somebody gets my car and put the dog away.**McDaniel:** So, so what, you, but you remain on Hancock?**Wullbrandt:** Yeah.**McDaniel:** Okay. When, when the subject was shot, did you see where he was hit?**Wullbrandt:** Uh, I, no.**McDaniel:** Okay, okay.**Wullbrandt:** I'm-I'm guessing it's gonna be s-, I mean he only had, he's on his knees so...**McDaniel:** Right.**Wullbrandt:** ...c-center mass.**McDaniel:** Right. A-And, and that's, a-and I, you had mentioned, uh, you were staying by in case he was playing possum, but...**Wullbrandt:** Uh-huh.**McDaniel:** ...you didn't think he was. What, w-what was, was there any indicator other than you know...**Wullbrandt:** No.**McDaniel:** ...an AR-15, w-was shot at him more likely than not?**Wullbrandt:** No, I mean there was no indicator that he was gonna be able to get up and run, but you never know and...

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Page 26**McDaniel:** Right.**Wullbrandt:** ...bad guys are, do some miraculous things.**McDaniel:** N-N-No, I, I understand. I'm just, uh, trying to cover all...**Wullbrandt:** Yeah.**McDaniel:** ...the angles I can, I can think of. Um, so, you're back here, the shield team comes up?**Wullbrandt:** Um-hm.**McDaniel:** Um, what, uh, what do you hear? Do you hear anything from them a-after, on approach, taking to custody?**Wullbrandt:** I don't remember.**McDaniel:** Okay. Do you, do you know, firsthand, if there was a gun? If the suspect had a gun?**Wullbrandt:** I don't know that firsthand.**McDaniel:** Okay. Okay, did, did you hear that he did?**Wullbrandt:** I heard somebody, uh, after the scene was secure, say they, s-somebody was directed to take a picture of the gun, so I figured there was a gun up there.**McDaniel:** And what, so you, it's just that you hear one person telling another person...**Wullbrandt:** I think it w-...**McDaniel:** ...get a picture and...**Wullbrandt:** I thought it was Sergeant HELFRICH that said 'I want you to take a picture of that where' or 'the gun, where it is now'.**McDaniel:** Okay. And did, from that dialog, did you, were you able to ascertain where the gun was?**Wullbrandt:** No.**McDaniel:** Okay. Okay, um, what am I missing?

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Smith: When you, uh, arrived on the scene and you were gonna go, uh, look for the, the suspect in the prowler call, do you remember what description it was, you were looking for the prowler?

Wullbrandt: Uh, I knew it was a black male with long dreads. His, um, I don't remember what the original clothing description was. Uh, in his 20s, thin build.

Smith: And-And, okay, anything about clothing?

Wullbrandt: I don't remember.

Smith: Okay. And one of the officers, uh, told you about, which officer told you that he, you said that he reached for his waistband as he ran?

Wullbrandt: FERNER.

Smith: FERNER did?

Wullbrandt: Yeah.

Smith: Okay. And they told you, at this point, that, that, uh, they thought this was the guy from before or?

Wullbrandt: Uh, he, they said that he matched the description...

Smith: Matched description, okay.

Wullbrandt: ...of the previous suspect.

Smith: So then, um, when you were going around the back of the building, back of the house by the garage and you first saw him...

Wullbrandt: Um-hm.

Smith: ...um, who was with you at that time?

Wullbrandt: When I was coming back out?

Smith: When you were going around the building just before you heard the officers challenging him.

Wullbrandt: Uh, I can't remember who was walking out with me. There was officers out in front of here that I had posted, that's who I was going to talk to just to kinda survey the front of the house...

Smith: Okay.

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Wullbrandt: ...in case we, this turned into a SERT call. So, I don't know, I thought somebody was walking out with me, but I don't know for sure who it was.

Smith: Okay. And, uh, w-what d-, what did you hear as the challenge? Do you remember?

Wullbrandt: I don't remember the specific language. I just remember, uh, hearing, uh, I can't, I don't, I don't know. I remember hearing yelling, uh, directed, you know, at where the...

Smith: Sure.

Wullbrandt: ...window was. But I don't know what they said.

Smith: Okay. Could you put a dot where you th-, where you first saw the, uh, the suspect and, and where you were, uh, maybe a, however you wanna number 'em.

McDaniel: Right.

Smith: Maybe in...

Wullbrandt: Well he was in this, this is where the alcove is there.

Smith: Um-hm.

Wullbrandt: That's where he was. He was inside there.

Smith: No, when you saw him cha-, when you heard...

Wullbrandt: Oh.

Smith: ...the people challenge him and...

Wullbrandt: Um-hm.

Smith: ...your dog was going around behind the garage, when you first saw him...

Wullbrandt: Um-huh.

Smith: ...where was he at? If you could...

Wullbrandt: He was still in the, he was in there.

Smith: He was in the alcove?

Wullbrandt: Yeah.

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Smith: Okay. So, that's a dot, dot right there?

Wullbrandt: Yes.

Smith: So, where were you, if you could put an 'X' where you were at.

Wullbrandt: I was like standing, just coming out from the garage right here. But I couldn't see into that alcove.

Smith: Okay. So, when you s-, your dog keyed on him and you saw him, where were you at?

Wullbrandt: We started slicing, kind of around this way.

Smith: Uh-huh.

Wullbrandt: Until I could get a, my dog, target locked on him.

Smith: So, where were you approximately when you first saw him?

Wullbrandt: From, how far was I from him?

Smith: No, uh, just on this drawing here.

Wullbrandt: Oh, I was probably, maybe there.

Smith: Okay. Were there any cars in the driveway or?

Wullbrandt: No.

Smith: Cause the map we're l-...

Wullbrandt: Yeah.

Smith: ...we're showing is a Google map.

Wullbrandt: There was no cars there.

Smith: Okay. And were there officers on either side of you?

Wullbrandt: At that point, I don't know.

Smith: Okay.

Wullbrandt: I know there was one somewhere in this vicinity 'cause they were the one that was challenging him.

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Smith: Challenging him, okay. Do you remember what they were saying?

Wullbrandt: No.

Smith: Okay. Uh, when you first saw him, um, what-what, what did, describe what you saw; what he looked like and what he what was he doing?

Wullbrandt: I saw a black male, about in his 20s, um, I d-, I was picturing long dreads like Bob Marley. But that's not what I saw. Uh, I thought he had a camo jacket with jeans, um, he's wide-eyed, staring at us. Um, you know, typically when you find, in my like of work, when you find somebody that's hiding, they're like petrified of the dog and that, you know, they go with the program. They don't want any, this guy just was like, like I said, he was just trynna, like acting super cool like, uh, you know, you can't tell me what to do, you know, I'll do what, I'll go with what I can't to. Um, the, he didn't really seem fazed by the dog barking at him and us yelling at him.

Smith: Oh, where was the, uh, where was he facing when you first saw him?

Wullbrandt: He was facing us.

Smith: Facing us?

Wullbrandt: Yeah.

Smith: Where was, were his hands? Do you remember?

Wullbrandt: Initially, they were down by his side.

Smith: Down by his side?

Wullbrandt: And then we ordered him to put his hands in the air.

Smith: And what did he do?

Wullbrandt: He put 'em up like halfway.

Smith: So, you're demonstrating, just for the tape...

Wullbrandt: Um-hm.

Smith: ...he had his hands up about, just a little above the shoulders?

Wullbrandt: Yeah.

Smith: And so then what happened?

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Wullbrandt: And then we told him to put 'em all the way up and then he finally put 'em like this. But...

Smith: Okay, and he raised his hands up above his head?

Wullbrandt: Yeah...

Smith: Okay.

Wullbrandt: ...and then, and, uh, but then he dropped 'em back down.

Smith: To the position before, just above...

Wullbrandt: Yeah.

Smith: ...his shoulders. Ha-, palms outwards...

Wullbrandt: Yeah.

Smith: ...so then what?

Wullbrandt: Um, so then that's when we started giving the commands that we wanted him to get on the ground.

Smith: Okay. Uh, who gave him the commands?

Wullbrandt: I told, I gave him the command to get on the ground.

Smith: Okay.

Wullbrandt: And, uh...

Smith: Had he, had he said anything up to this point?

Wullbrandt: No.

Smith: Okay. And once more, did he look frightened at all?

Wullbrandt: No.

Smith: He looked?

Wullbrandt: He looked like he'd been here and done this.

Smith: Okay. So, go ahead.

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Wullbrandt: Uh, so he starts complying with my commands, gets on his hands and knees, and that's when I relay the message that he's gonna crawl out to me.

Smith: Hands on his knees...

Wullbrandt: They're, the han-, gets on his hands and knees. So, he's, he's down on the ground...

Smith: Okay.

Wullbrandt: ...hands and knees.

Smith: Okay.

Wullbrandt: And...

Smith: How far away from you at this point?

Wullbrandt: Like I said, I thought 20 to 30 feet.

Smith: Okay. How many times do you think you, how many, did he do it immediately or did you have to keep...

Wullbrandt: Uh, it's hard to tell, say how much time elapsed between the time, uh, we encountered him and the time that he actually got down on his hands and knees.

Smith: Did you have to tell him repeated times to get on his hands and knees or just once or?

Wullbrandt: I can't remember.

Smith: Sure. Okay, go ahead.

Wullbrandt: Uh, he gets on his hands and knees and that's when I relay to him that he's gonna crawl out to us, which he star-, well, as soon as I tell him to start coming, that's when he stands up again. And so then we have to go through it again to get back down on his ha-...

Smith: Okay, when he stood up, uh, which way was he facing?

Wullbrandt: Still facing us.

Smith: Okay. And, um, did he say anything?

Wullbrandt: No.

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Smith: Okay. And w-what kind of mas-, mannerisms did, he stood up and...

Wullbrandt: He just stood up and then we just told him to get back down on, on his hands and knees and he went back down on his hands and knees.

Smith: Uh, from your experience, how long have you been a police officer?

Wullbrandt: Uh, about 14 years.

Smith: What, is that, uh, something a person would normally do when they've been on hands and knees, stand up like that?

Wullbrandt: No.

Smith: Okay.

Wullbrandt: It was, it was out of the ordinary.

Smith: Did...

Wullbrandt: Like I said, I, uh, ki-, a little bit of me thought, when he stood up, that maybe he was gonna try look for an ave-, avenue of escape.

Smith: Okay.

Wullbrandt: But then he did go back down to his hands...

Smith: Did you notice which way he was looking or what his eyes were doing?

Wullbrandt: He was looking...

Smith: Going?

Wullbrandt: It looked like he was looking straight at us.

Smith: Okay. So, go ahead, I'm sorry.

Wullbrandt: Uh, then he goes back down, he starts to crawl out. And like I said, when he gets r-, to about the driveway, without any instruction, he pops back up, not to his feet but s-, like his, so his torso's up and he's now looking at us again. And we hadn't told him to stop crawling yet and then hands start to go down towards his waistband and that's when the shots went off.

Smith: Okay. How far did he crawl?

Wullbrandt: Five feet, maybe.

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Smith: Okay. And, uh, when he, when he got up on his knees, was it slowly or quickly?

Wullbrandt: It was, it seemed fairly quickly.

Smith: Okay.

Wullbrandt: It wasn't like it was, yeah, it seemed quick to me.

Smith: And, uh, do you know which way he was facing or who he was looking at?

Wullbrandt: He was still facing us, looking at us.

Smith: Okay. And where were his hands?

Wullbrandt: Um, initially they came up to maybe mid-chest and then they dove back down to, towards his waistband.

Smith: Okay. Was it, uh, slow, quick...

Wullbrandt: No, it was, it was quicker than, it wasn't like he was going back down to the ground. It was down towards his waistband with like some type of intention like to retrieve something or do something.

Smith: What was, what went through your mind at that moment?

Wullbrandt: Uh, I didn't, you know, I thought 'well, if he's got a gun, I hope somebody,' I-I can't address this guy, I've got a dog in my hands. So I was hoping somebody would address the threat and then immediately after that, the, the shots went off.

Smith: A-, if you, uh, didn't have a dog, as a trained police officer with this many years on...

Wullbrandt: Um-hm.

Smith: ...mannerism like that, what would d-, what did you, in this situation, what did you think?

Wullbrandt: Uh, I thought that lethal force was, was the best option.

Smith: Okay. Um, no, that's the main thing I wanted to get.

McDaniel: Thank you.

Smith: Oh, visibility, what was the visibility?

Wullbrandt: Uh, it was raining, but I could see him, there was no obstructions. Uh...

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Smith: Roughly, what time of day was it?

Wullbrandt: Uh, that's a good question, 8:45, I have no idea.

Smith: Was it, um, overcast?

Wullbrandt: It was raining.

Smith: Were you able to see clearly?

Wullbrandt: Yeah, I could see clearly.

Smith: Okay.

Wullbrandt: Um, I didn't have, there was no trees or obstructions in front of us.

Smith: And this area here, that your, the maps are showing the, map one is the top map that goes out to Tillamook, two is the lower map, um, uh, were you able to communicate with your fellow officers?

Wullbrandt: Yes.

Smith: Okay. Um, is there any doubt in your mind, I mean were y-, did you have any doubt at all this person d-, did not understand your commands?

Wullbrandt: No.

Smith: No language difficulties?

Wullbrandt: No.

Smith: Hearing difficulties at all?

Wullbrandt: No.

McDaniel: Y-, a-and there's some things I wanted to clean up, uh, or not clean up but clarify. Um, back, back at the house, um, a-at some point in here, you used the term, uh, uh, SH-, uh, SERT consult...

Wullbrandt: Um-hm.

McDaniel: ...w-, can you explain like, to me that's actually calling in to the SERT office and get a consult...

Wullbrandt: Yeah.

McDaniel: ...on a search warrant. What-What do you mean here?

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Wullbrandt: So, um, we got to a certain point where this suspect could possibly in this house or he could still be in one of these neighboring yards or he could be across the perimeter. I mean there's no guarantee that he's in any of these areas.

McDaniel: Right.

Wullbrandt: But we got good indicators here.

McDaniel: Right.

Wullbrandt: So, with a consult we, the sergeant would call one of the SERT sergeants and be like this is what we have. These are the situations; we tracked to this yard, we got good indicators, we got forced entry to this house, um, and run it by them and then basically ask them where, are, do you want to come out on this call? They say 'no, we don't think we have enough', then we continue pushing, uh, to try to narrow it down a little bit more or if they say 'yeah, we're coming out', then we'll lock it down and wait for them to come out.

McDaniel: Was that call ever made? Do you know?

Wullbrandt: Uh, I don't know.

McDaniel: Okay. And-And y-, and the reason you don't know is?

Wullbrandt: I typically won't make that call. It would be a sergeant that makes that call.

McDaniel: R-Right, I get, what I, what I'm getting at is, um, something obvious, you know, the-the, not shor-, not long after the shooting occurs here...

Wullbrandt: Yeah.

McDaniel: So, the bottom line is, you're in the backyard, you talk about a SERT consult...

Wullbrandt: Yeah and then I d-...

McDaniel: ...I'm guessing you're gonna sit tight until you hear something.

Wullbrandt: Yeah, I don't know what, what the conversations going after I start to walk around the house. I'm-I'm guessing some-, something along those lines is gonna happen. But then all of a sudden...

McDaniel: Okay and that...

Wullbrandt: ...that guy _____ (53:03)

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McDaniel: ...that's what I wanted to get at. So you, and tell me if I'm wrong, so it sounds like your mindset back here is, somebody's gonna call in and do a SERT consult, you're just kinda posting up, waiting to see what the decision is?

Wullbrandt: Yeah.

McDaniel: And as you're doing that, as you're making your way to the front of the house, that's when contact's made with the suspect?

Wullbrandt: Correct.

McDaniel: Okay.

Smith: A-And, obvious question, the reason for a SERT cons-, consult would be?

Wullbrandt: Armed, barricaded suspect.

McDaniel: Okay. And did, did your dog or to your knowledge, any officers go into this house here?

Wullbrandt: No.

McDaniel: Okay. Um, w-, have you, 14 years...

Wullbrandt: Um-hm.

McDaniel: ...you said, um, when, when you deal with people on the street that don't, um, comply with your commands...

Wullbrandt: Um-hm.

McDaniel: ...um, is it, i-is there typically a reason why, other than just, um, I don't wanna listen to ya? Uh, like, uh, like are they delaying the inevitable for a reason? A- And when they...

Wullbrandt: I mean there's all kinds of reasons why people would do that. They're trying to gain a tactical advantage, you know, maybe they're surveying their scene where, where can I go, how can I get away and not get caught. Um, you know, maybe they're, uh, high on some type of drug which is making them, you know, do stuff that they normally wouldn't do. There's all types of different reasons why I've seen people not, uh, comply with commands. And, but a lot of times, it, uh, from my experience, a lot of times is they're trying to buy time especially in, in a case where, you know, you have a super motivated suspect who's willing to break into a house to avoid capture. Uh, if he's gonna, willing to go to those lengths, then when he is cornered, he's gonna do everything in his, uh, ability to try to get away again.

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McDaniel: So, so it sounds like from your experience, when people don't go with commands, it's almost like they're trying to buy, buy time to formulate a plan to escape the situation they're in?

Wullbrandt: Correct.

McDaniel: Okay. Um, did, did you have, um, any indicators that this fellow was, uh, high on any kind of narcotic?

Wullbrandt: I, our contact was so brief that no...

McDaniel: Okay.

Wullbrandt: ...I couldn't tell.

McDaniel: Okay. Um, all I was gonna do just on tape is, so everybody hears is I'm gonna draw a, uh, line from the 'X' that you made as your location...

Wullbrandt: Um-hm.

McDaniel: ...and just, just put your name out here. Uh, yeah, that way in the, in the future, we remember who's, who's who and then I'm gonna draw, um, a line from this area here where you indicated the suspect was and, and I'll just put a, the standard, uh, triangle up there indicating, uh, the defendant.

Wullbrandt: Okay.

McDaniel: Okay? That-That way for my notes later I know, I just wanted, you know, since I'm altering the map, I wanted to, it to be noted and I also put map one on the top one that shows Tillamook and map two on the bottom map that shows NE Hancock where the, uh, officer involved occurred.

Wullbrandt: Um...

McDaniel: Do you have anything else?

Smith: Um, no, that's fine.

McDaniel: I'm sorry. One more that just came to mind. When you had the description and it, it was, uh, I believe dreadlocks and w-what else do you...

Wullbrandt: Male...

McDaniel: ...remember?

Wullbrandt: ...black, early 20s, um, thin build.

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McDaniel: So when you came over here, it-it sounds like the person you're describing here, um, met the f-, the, met the description of what you heard?

Wullbrandt: Correct.

McDaniel: Um, y-you indicated earlier you were expecting dreadlocks like the length of what you see of Bob Marley photos, that sort of thing. W-What did you see?

Wullbrandt: Uh, from what I remember, they were just shorter. I couldn't tell you how long. But they didn't, they weren't like past his shoulders.

McDaniel: Right. Could you tell if he had dreadlocks?

Wullbrandt: I can't even remember, to tell you the truth.

McDaniel: Okay. But in, in your mind, and tell me if I'm putting words in your mouth, in your mind, the fella you contacted here was the fella that you were initially searching for?

Wullbrandt: Correct. Given the, you know, given the description, the track that my dog gave me, and the indicators that we had in that yard, uh, where he was found, I believed that was the suspect that had ran from Officer FERNER.

McDaniel: Okay.

Smith: Do you remember, uh, just on the radio, um, anything from when you were around this house, you know the house you, looks like the house you're tracking just on that one yard, due south into the yard where the shooting happened and stuff...

Wullbrandt: It's, well, this is the...

Smith: Right.

Wullbrandt: This is where we started. So, we go one and then two.

Smith: Okay. So, just due south and then to the east?

Wullbrandt: West.

Smith: West, I mean, okay. Do you remember hearing anything on the radio during that time that was related to this call?

Wullbrandt: No.

Smith: Okay, okay. And...

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Wullbrandt: You mean as relation to like a homeowner calling in or something?

Smith: Uh, anything, yeah, anything else about any other things happening with this person or anything else?

Wullbrandt: I don't recall, no.

Smith: Okay.

McDaniel: I'm just adding on to the map, uh, where the track, uh, started.

Wullbrandt: Oh, okay.

Smith: Okay.

McDaniel: And then I'm just putting my initials by what I did.

Smith: And I, I-I think we covered it, but when you have a pers-, starts to a prowler call and then you, uh, possibly related to the earlier call about the, um, carjack, and that person possibly breaking into a, a house, uh, what comes in your mind as far as would a person be willing, uh, a suspect would be doing? Does that, is that normal?

Wullbrandt: No. I mean it shows a, a very motivated suspect who does not want to be captured by police and he's going to great lengths by breaking into a home that he doesn't know is occupied or not...

Smith: Right.

Wullbrandt: ...to try to, uh, hide from us. So, uh, that's pretty high on the scale of people that we look for. You don't typically get a lot of, uh, criminals that will go to that length and break into a possibly occupied residence...

Smith: Um-hm.

Wullbrandt: ...to evade capture. To, so to me, that shows that he's g-, he'll go to an extreme length to get away.

Smith: Meaning? The p-...

Wullbrandt: E-Either, you know, uh, possibly shooting it out with the police or, uh, doing what he needs to do so that he doesn't go to jail that day.

McDaniel: He, do you know...

Smith: So he had increased his threat level?

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Wullbrandt: Correct.

McDaniel: So, do you know if this house was occupied by its residence?

Wullbrandt: We didn't. We were trying to c-, we were trying to work through that as this all transpired.

McDaniel: Okay. Well, we're done with our questions. You, any-any follow up there?

Smith: No, I think we covered everything.

McDaniel: Okay, great, um, so it is now, uh, almost 2:45, 14-, or I'm sorry, uh, 2:15 or 1415 if you want to go by the military time or I could just look at my phone, 1415, and, uh, we're gonna go ahead and, uh, stop the interview here.

Transcribed Verbatim with Punctuation Added 021117 / 2400, K. Searle

RKS

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IMAGE ATTACHMENT (1296075) OFFICER HIGGENBOTHAM TRANSCRIPT

**PORTLAND POLICE BUREAU
CASE NUMBER 17-39972**

February 9, 2017

**Interview of
JERROLD HIGGINBOTHAM**

TAPED STATEMENT TRANSCRIPTION

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**PORTLAND POLICE BUREAU
DETECTIVE DIVISION
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McDaniel: Okay, this is Detective Eric McDaniel with the Portl-Portland Police Bureau, Cold Case Homicide Unit. It is, uh, February 9th, 2017, and it is 4:33 in the afternoon. I am at, uh, East Precinct, um, doing an officer witness interview, oh, I said 4:00, sorry, 14:33. I, uh, correction of the time, we'll just go 2:33 in the afternoon, um, and we are doing an interview in regard to an officer-involved shooting earlier in the day. I'm gonna have each person in the room introduce themselves, uh, so we can recognize voices here, so we'll start with you, JERRY.

Higginbotham: JERRY HIGGINBOTHAM.

Caldwell: Trevor Caldwell.

Smith: And Steve Smith, 10762 from Multnomah County.

McDaniel: And, uh, my numbers are 41372 if I didn't say it. And, and JERRY HIGGINBOTHAM is gonna be the, uh, witness officer that we'll be interviewing. Um, before we get started, I understand you have a bureau phone that we're gonna do a download on, um...

Higginbotham: That's correct.

McDaniel: Okay, is that it right here?

Higginbotham: This is it.

McDaniel: Okay, perfect. So, since it's a bureau phone, I've already checked, there are no receipts necessary, um, and once we get it downloaded I'll get it right back to you. When, when's your next work day?

Higginbotham: Uh, now it won't be until Tuesday.

McDaniel: Oh, okay, w-what's...

Higginbotham: Normally it would be tomorrow, but I'm off tomorrow...

McDaniel: Okay.

Higginbotham: ...and then I go on my weekend, I have, uh, Saturday, Sunday, Monday off.

McDaniel: What's the best way to get it back to you? Whatever, we'll figure it out.

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Page 2**Higginbotham:** Yeah.**McDaniel:** Okay. Got it. Okay. So, um, we, uh, I am not familiar as to wh- at what point did you come into this whole incident, because I, and I say that because there was the car-jacking, and the, the, the, uh, trespass, possible attempt burglary, and then, uh, the, uh, car prowling, um, scenario. So if, maybe we can just start out where you...**Higginbotham:** Okay.**McDaniel:** ...got introduced to this.**Higginbotham:** Um, so I self-dispatched to it, I had just cleared a call, um, involving some, uh, suspicious folks down off of, uh, 74th and Henderson, and when, uh, Officer FERNER said that s-he just had somebody matching the description go over a fence at, I think it was [REDACTED] uh, NE Tillamook, that I s-added myself to the call and just started going up. Um, I initially took a perimeter position, um, right, uh, to the, on the east side of, uh, Les Schwab...**McDaniel:** Okay.**Higginbotham:** ...uh, on Tillamook.**McDaniel:** Which is 82nd, is Les Schwab?**Higginbotham:** Correct.**McDaniel:** Okay.**Higginbotham:** Um, and then, uh, as, uh, more information came in, um, Sergeant HELFRICH thought he heard what sounded like somebody breaking in or a lot of noise, uh, just off of Hancock, um, we started to, and the K9 got there, um, we were putting together a, um, search team and, uh, there wasn't, at that time, an AR available, so I was gonna be the long cover with a shotgun loaded with slugs. Um, so initially, uh, we started, we put that together and we started, uh, down the, uh, address where, uh, the suspect was last saw-seen, um, on the flag lot, I think it was, I think that, [REDACTED] is the address, I think, um, where, uh, he was seen going over the fence.**McDaniel:** Is that, um, so you were on Tillamook...**Higginbotham:** On Tillamook...**McDaniel:** ...okay, and...

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Page 3**Higginbotham:** Yes.**McDaniel:** ...and just since there's no video in here, we're looking at two, uh, um, Google images of the area of occurrence, this is gonna be Tillamook with 82nd right over here...**Higginbotham:** Okay.**McDaniel:** ...and then this is where it ended down here on Hancock, just to give you a reference point.**Higginbotham:** Okay. Um, so...**McDaniel:** Here, you know what, what'd I do with that pen, I, i-'cause it, you are welcome to mark on this so we keep, keep it all straight. K-I would offer you this one but it doesn't write well on the...**Higginbotham:** That's okay. Let's see if this one does. Okay, so I'm trying to...**McDaniel:** So there's the Les Schwab there...**Higginbotham:** Right.**McDaniel:** ...just on the edge.**Higginbotham:** Um, it might be, uh, I think it's this right here. I think this is the, the lot, so, uh, we came down this driveway, and initially began searching this lot, uh, this house right here. Uh, the yard. And there was, uh, scuff marks on the fence, uh, in the, um, moss that was on the fence...**McDaniel:** Okay.**Higginbotham:** ...uh, to indicate that he'd gone over the fence here, and that's what, uh, was last seen by, uh, FERNER when he took off running this way. Um, so as we start coming back out, we started down, uh, this house over here, 'cause, or this one right here, um, from past experience, uh, WULLBRANDT had been through that backyard and knew that it would cut through, um, unfortunately the gate was LOCKd and then when we came back out, um, HEARST and MELE had arrived, and so MELE took over as the long cover, and then I, uh, was assigned a perimeter position to go around and come over here to Hancock, um, and I was in front of, I think it was 8433...**McDaniel:** Okay.**Higginbotham:** ...on Hancock.

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Page 4**McDaniel:** You're fine, that was...**Higginbotham:** Okay.**McDaniel:** Thank you.

Higginbotham: And then, um, they were searching the different yards and so forth over here, and they, uh, had, uh, announced that they found a broken glass window to the downstairs of [REDACTED] and that, uh, everybody who was, uh, east of 84th, to come on down and kinda shuffle down and tighten up the, the perimeter down here. So I wound up, um, parking in front of, uh, I think it's [REDACTED] the house right next door to [REDACTED]. Um, the search team was continuing through the backyards and so forth over here, and when they came back out, um, WULLBRANDT asked, uh, ADRIAN and I to go to the backyard and keep an eye on, uh, the downstairs, uh, where the, the broken window was found...

McDaniel: Okay.**Higginbotham:** ...uh, it's like a, a stairwell that goes down, uh...**McDaniel:** Is that right about here?**Higginbotham:** ...on the back-uh, yes, right here.**McDaniel:** Okay, we're...**Higginbotham:** Yeah, this is in a, like, a deck, and underneath the deck is a, like an addition...**McDaniel:** Okay.**Higginbotham:** ...that they, they made. And so right h-uh, down here there's a stair that goes right, right about to there. And that's where the, uh, the door was.**McDaniel:** Okay.

Higginbotham: Um, so, uh, ADRIAN and I moved back and were back here by the shed, keeping an eye, uh, on that door, and then, uh, the deck and the upper window was here. Um, we stayed here, and the search team went around and, uh, got some bolt cutters and wound up going through this, uh, lot over here, searching. Um, and then, uh, once they were done there, they came back around, uh, there was a discussion, um, between, uh, Sergeant HELFRICH and, and, uh, WULLBRANDT as to whether or not we had enough yet to be able to call SERT, and, uh, based on, uh, Sergeant HELFRICH's, uh, discussion with, um, Commander PARMON, um, they didn't believe we were there yet. Um, so we were, uh, going to put the camera on the dog, and send

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the dog through the window and have him search the interior. While we were waiting for, for that to happen, we were, you know, in the backyard, uh, they, uh, Sergeant HELFRICH had said that there was a, um, a lockbox on the front door, um, you know, kind of like one of those hide-a-key, you know, or, u-uh, rental, you know, type boxes. Uh, I know from past experience that the oils on your fingers can highlight the buttons that get pushed...

McDaniel: Oh, okay.

Higginbotham: ...all the time if it's used frequently...

McDaniel: Right.

Higginbotham: ...and so I was gonna go around and see if I could, you know, take a look at it and see if I could figure out the combination to, to see if we could, you know...

McDaniel: Get the key.

Higginbotham: ...not, get, yeah...

McDaniel: Yeah.

Higginbotham: ...yeah...

McDaniel: To prevent damage.

Higginbotham: Right, exactly.

McDaniel: Okay.

Higginbotham: So as I came around, um, the side, I now notice that this window, uh, that was just in front of the, um, the garage, was now open and the screen from it looked like it had been, um, bent up and pushed out, and broken. And it was laying on the ground, uh, kind of, there's like a little tree or bush and, um, like a, uh, natural gas meter, th-it was kinda laying down right in front of, and so I yelled back to the guys, um, if that window had been like that, 'cause I didn't remember it...

McDaniel: Right.

Higginbotham: ...being that way, and, uh, as they start coming this way saying, no, I don't remember it being that way, and so they w-i-you know, calling e-everybody, you know, else from the back to take a look. So I kinda sliced the pie around, and I could see, uh, the suspect, uh, crouched down back in this little area, um,

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between the house and the garage, and started challenging him, uh, withdrew my gun and, you know, told him to get his hands in the air, um, uh, that we, I believed he was armed, if, you know, he came out with a gun he'd be shot, um, you know, to...

McDaniel: And you gave the s-c-warnings to the suspect?

Higginbotham: Correct.

McDaniel: Okay.

Higginbotham: And then, and yelled, you know, I've, I-I've got, you know, I've got him here...

McDaniel: Right.

Higginbotham: ...and so, um, as I was maintaining, uh, cover on him here, um, WULLBRANDT came around with his dog and I think, uh, MELE came around with, uh, the less lethal, and I'm not exactly sure where, uh, HEARST came from, if he had come around this way, or, or where, but he wound up coming over onto my left side, and, uh...

McDaniel: Okay.

Higginbotham: ...um, so he, uh, um, started gi-giving commands as d-did, uh, uh, WULLBRANDT, and, you know, the same things about, uh, keeping his hands in the air, that we believed he was armed. If he made a move for his waistband, he'd be shot. Um, and, uh, so I re-holstered, because I was gonna be part of the custody team with, uh, at first it was gonna be Sergeant HELFRICH, and then I think he delegated, uh, ED LOCK, I think, to be the other custody person. So, um, we're, uh, having him, um, get on his knees, and, uh, WULLBRANDT was giving him direction to, to crawl out, um, with his hands in the air, you know, on his knees, to come out. There were a couple other people who were, w-you know, were telling him to keep his hands in the air as well. Um, he would, he'd start, he, he started with his, his hands in the air, and then he'd kinda bring 'em down, and then we'd, you know, give him the order to, you know, keep your hands in the air, you know, we think you've got a gun, you're gonna get shot, if you don't keep your hands in the air. And then he, he, he'd start coming back a-you know, he'd take a couple steps on his knees, and then he'd kinda lower again, and we're like, you know, keep your hands in the air, you're gonna get shot. Um, so they were giving him direction, he, he came out to just about, uh, even or right about, maybe in, in front of where the, the, uh, uh, gas meter was, and I just looked back to f-I was gonna, you know, grab a hold of, um, LOCK, you know, so that we could go up together a-and take him into custody, and just as I looked this way, that's

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when I h-kind of saw, uh, his hands drop again, um, and then that's when, uh, I heard three shots.

McDaniel: Okay.

Higginbotham: Um, and, uh, um, gosh, uh, he fell forward, uh, onto his face, um, I, you know, drew my gun again, um, provided cover, um, we moved, uh, HEARST and, uh, then GILLOCK, I'm not sure where he came from, but he wound up being on, uh, the left side of HEARST, and I was on the right. We maintained cover, um, and then we discussed about, um, a custody team, uh, to come up, and then, uh, somebody asked for the shield and I think, uh, Sergeant NICE had one in his car, and, uh, DEVONNA DICK went back and got the shield. And then, uh, we went up to, to take him into custody, a-gloved up. Initially I think it was gonna be, uh, uh, HELFRICH and I, and then, again, uh, LOCK wound up being the, the custody guy for his left arm (coughs), excuse me, and I w-uh, took his, uh, his left, or his right arm on the left side of him, so, um, you know, we moved up, um, like, and I cuffed him, and, uh, then we rolled him up onto his, uh, side, um, put him in a post-shooting position, bent his leg-you know, or his knee up, so that he was on his left shoulder.

McDaniel: And that posed position, shooting...

Higginbotham: Right.

McDaniel: ...position is done for...

Higginbotham: To ensure that, um, he can still breathe, you know, if, uh...

McDaniel: Uh, right, yeah...

Higginbotham: ...so there's no...

McDaniel: ...you're basically...

Higginbotham: ..._____ yeah...

McDaniel: R-right, okay, I just wanted to v-verify that with you. I-I'm sorry to interrupt...

Higginbotham: Oh, that's all right.

McDaniel: ...y-you doing okay?

Higginbotham: Oh, yeah.

McDaniel: Yeah, no...

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Page 8**Higginbotham:** No, but, yeah...**McDaniel:** Okay.**Higginbotham:** ...the, the, needed a little drink. Um, but, uh, one thing prior to, um, the shooting and _____ going into custody, his, his attitude was kind of angry, and defiant, um, and then right, right before, uh, he was shot he kinda, he kinda was gla-you know, looking, it was like he was looking around at us, uh, kinda, you know, instead of, you know, like, going, um, keeping it, you know, his hands up or, or, you know, going out, you know, prone, it was, it was li-almost like he's kinda looking at us to see how many people are there, where we were positioned, um, whether or not he was gonna, you know...**McDaniel:** Well, well from your training, what does that tell you?**Higginbotham:** Uh, he was formulating a plan that he wasn't exact-you know, he, he wasn't sure he was gonna follow our direction, um, and, uh, his, his facial expression changed, it kinda, you know, he, it kinda, um, I don't know, uh, it became more stern, you know, kind of a, um, a glare, you know, is, you know, what I, I don't, I...**McDaniel:** No, you...**Higginbotham:** ...at a loss for describing, but it, his...**McDaniel:** Sure.**Higginbotham:** ...you know, you're just kinda, you know, changed from having, you know, any expression in his mouth to just kinda being straight, and just kinda, you know, like, like he, he, he had, came to a resolve, I guess.**McDaniel:** And, and that, from the, and since it is just audio, I'm gonna kinda do a word picture here, is that from me looking at you when you were doing that, the look you gave me was like, I've got a mission that I'm gonna accomplish here, like he, like a determination...**Higginbotham:** Right.**McDaniel:** ...to get something done. Is that accurate, or?**Higginbotham:** Yes.**McDaniel:** Okay. Okay. From your experience, um, it, it sounded like, um, he w-I think you used the word defiant, he wasn't listening to commands, that kind of thing?

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Higginbotham: In, in kinda his responses back to, you know, when we would tell him, get your hands in the air, you know, I, I don't remember exactly what he said, but it was how he would say it, it's like, well you told me to g-to get do-or, you know, something like, you told me to, um, to crawl out, a-a-and, you're telling me to get my hands in the air, you know, he just was being argumentative, you know...

McDaniel: Right.

Higginbotham: ...not like, okay, what do you want me to do? You know, it was more...

McDaniel: Is, is that...

Higginbotham: ...he's:...

McDaniel: ...argumentative, other than just being defiant, is that a indicator from your experience as to, um, a suspect's, uh, plan?

Higginbotham: I, could b-you know, it could be the po-uh, posturing, you know, that he's, um, he's not wanting to, um, I would say give in, he doesn't wanna give up, he doesn't wanna give in, he doesn't want to do what he's told. Um, he's, um, he wants to be in control. And, um, not willing to give up that control is kind of...

McDaniel: And the longer he does that is, the more time that goes by, does, from your experience, does that give him any kind of benefit?

Higginbotham: Uh, just from the standpoint of, you know, figuring out where we are, what, what his avenue of escape may be, um, whether or not, um, uh, what our positions are.

McDaniel: Okay. Okay. And I, I know, I kinda interjected during your story, u-uh, your story, so it, if you wanna, I, I assume we're kinda getting close to it, but I, I just wanna give you a chance to finish.

Higginbotham: Um, that, that was, that was it, I just wanted to, you know, s-say, you know, that his, his demeanor was that of, you know, as being defiant, um, angry, and then, uh, like I said his, his facial expression, you know, it just had changed, it just, you know, went from being more open to, you know, you know, straight-line mouth, being closed, kinda, you know, just kinda the...

McDaniel: Almost like a light switch...

Higginbotham: ...that, that stare...

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McDaniel: ...it sounds like to me...

Higginbotham: Yeah, it was...

McDaniel: ...just, pft.

Higginbotham: ...yeah, just, yeah, it just kinda, like...

McDaniel: Yeah.

Higginbotham: ...you know, okay, you know.

McDaniel: Right.

Higginbotham: This is th-you know, he, h-I think he resolved to whatever action he was gonna take.

McDaniel: Okay. Okay, and then, and then you, uh, maybe we can start from where you put him in the, uh, the, uh...

Higginbotham: The post-shooting...

McDaniel: ...the shooting position.

Higginbotham: Okay, uh, after, um, putting him in the post-shooting, um, uh, we called for Code 3 medical to come up, um, and, uh, we, we backed off, um, waited for, uh, medical to, to come in, um, and then, uh, while we were waiting for medical and while they were setting up the, uh, the crime scene tape, I, I took some pictures, uh, to preserve the scene, um, where the gun was, um, where, you know, he was lying, and, and his backpack, where he was at, what the window looked like and the, the three shell casings where they were at.

McDaniel: Okay, di-did you do that on your own...

Higginbotham: I, I did.

McDaniel: Okay. I, I didn't know if, um, if you were directed by anybody to do it, or if that's wh-...

Higginbotham: I, I just did.

McDaniel: A-an-that's, it w-and how come?

Higginbotham: Just to preserve the, I wasn't sure, you know, who would be coming up, um, and so I just wanted to preserve the scene.

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McDaniel: I-is, is it, um, you know, my, my experience working patrol you had to be c-i- it'll turn into even more of a chaotic scene, so i-i-if I'm putting words in your mouth tell me, but it sounds like you were concerned that shell casings might acc-inadvertently...

Higginbotham: Kick, get...

McDaniel: ...get kicked...

Higginbotham: ...kicked, exactly.

McDaniel: ...that kind of thing. Okay.

Higginbotham: Exactly.

McDaniel: Um, what, w-were there any other circumstances...

Higginbotham: And then if, and then if, and then if, the other thing is, um, you know, with, uh, medical coming in, a lot of times they...

McDaniel: True.

Higginbotham: ...change the scene dramatically, so I wanted to try and capture it as it was...

McDaniel: Right.

Higginbotham: ...um, as best I could.

McDaniel: Would, um, wh-what were the weather conditions?

Higginbotham: It had been, uh, raining significantly, uh, earlier on, um, it started to let up a little bit, um, right about the time that, uh, this, the shooting took place. But it was, uh, very wet and very cold.

McDaniel: Which, again, I, I don't wanna put words in your mouth, but I, I'm just speaking, experience here. Um, weather can disturb a crime scene in seconds, was that on your mind at all, or?

Higginbotham: Uh, no, not really.

McDaniel: Okay.

Higginbotham: Yeah.

McDaniel: Yeah.

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Higginbotham: It was just, just more of the movement of, of the...

McDaniel: The, the bodies coming through...

Higginbotham: ...the, the body...

McDaniel: Okay.

Higginbotham: ...the position of the gun, I didn't, you know, I, I just...

McDaniel: Yeah.

Higginbotham: ...wanted to make sure that, that all was captured.

McDaniel: Okay. N-now what I'd like to do is just, um, we're gonna start from the top again...

Higginbotham: Um-hm.

McDaniel: ...um, do, do you feel like you've, did you have more to this that you wanted to...

Higginbotham: Uh, the only other thing that I would say is that, uh, when, uh, the paramedic came up, uh, we, we hadn't, uh, you know, searched his waistband or anything, we, we didn't know if he was laying on top of anything else, um, so when, uh, she came up to, uh, check for vital signs, um, I also, I videoed it with my phone as well.

McDaniel: Oh, okay. Okay.

Higginbotham: So.

McDaniel: And I'll get, um, I'll get more detail about all that with ya, I just, you were, you were doing a, um, you're doing a fine job of just kinda running us through the whole thing, so I, I tried not to jump in too much, and lose you off track there...

Higginbotham: Okay.

McDaniel: ...but, uh, so, so it sounds like you were working in the south end when they're at...

Higginbotham: Yes.

McDaniel: Okay. So what's the, what's the rad-what do you hear on the radio that makes you come up to the north?

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Higginbotham: Well, initially, uh, there were two calls really close by, uh, one was the, uh, possible, uh, car-jacking, and the other was that somebody was, uh, or a robbery, um, and then the other one was, uh, somebody, uh, f-caught somebody trying to get into their car, and this, the suspect description, uh, was very close in, in both, so, um...

McDaniel: Do you remember what that, a-and...

Higginbotham: So...

McDaniel: ...if...

Higginbotham: ...what I, I, I can tell you 9, 931, FERNER, was dispatched to one call and 941...

McDaniel: But do you remember the suspect description and...

Higginbotham: Uh, it was a, um, male black, um, about 5'7", uh, dark hoodie with an olive-drab, uh, coat over the top, and dreadlocks.

McDaniel: Okay, and that's what you're hearing on the radio...

Higginbotham: Yes.

McDaniel: ...coming up? Is that what you saw here?

Higginbotham: Yes it is.

McDaniel: Okay. And since there is, again, we're not videoing, what I did was point to the, to the map where, uh, the, the suspect, uh, was contacted and shot by police, and, and so I have it straight, that person, that was, um, shot by the police matched the description you were hearing on the radio?

Higginbotham: That's correct.

McDaniel: Okay. Um, so you're, you're coming up, you're hearing, you're hearing these two different calls with the similar, same area, suspect description, same, um, what, um, what was the reason for your response, though, it sounded like there might have been a perimeter or something, or?

Higginbotham: Well that's, yeah, once, once, you know, initially they, they were, uh, trying to get a perimeter set up, and basically all the north end cars, uh, were dispatched between the, these two calls, um, setting up that perimeter, um, when, uh, like I said, I, I was taking care of a, a, a suspicious person call down, um, it was

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like, 7400 block of, um, Henderson, uh, which is the 7400 block of southeast,
so...

McDaniel: Right, you were a ways away...

Higginbotham: ...I'm, I'm a ways away...

McDaniel: Yeah.

Higginbotham: ...um, and th-but then when, uh, uh, JIM, uh, FERNER, Officer FERNER,
said that he saw somebody matching that description going over the fence,
um...

McDaniel: Okay.

Higginbotham: ...then I, um, s-a-attached myself to the call and started heading up that way
to, to assist in the perimeter.

McDaniel: And, and, and i-you're, I'm assuming, tell me if I'm wrong, I'm assuming
your thought is matching the description of not only the, uh, robbery suspect,
but the car prowler, that, they're one...

Higginbotham: Right.

McDaniel: ...and the same...

Higginbotham: Right.

McDaniel: ...um, and it sounds like Officer FERNER had eyes on him, and now it's time
to do, you know, lock him down in a perimeter?

Higginbotham: Correct.

McDaniel: Okay.

Higginbotham: And then, you know, and minimize, um, the, uh, exposure to the citizens, you
know, coming through, it's, it's, um, the time of the morning where kids are
going to school, um, you know, people walking their kids to school, um,
Madison High School is nearby, um, you know, this guy's already
demonstrated, uh, you know, that he has a firearm, um, he's, you know,
robbed one person, tried to take somebody else's car, um, that, uh, you know,
we, we need to try and catch this guy before somebody gets hurt.

McDaniel: Right. Okay, a-and for the safety of the public?

Higginbotham: Correct.

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McDaniel: So do you remember the description of the gun?

Higginbotham: I don't, I remember hearing something about, uh, the gun, or, or, something being camouflage, and I didn't, I wasn't clear whether it was the gun that was supposed to be camouflaged, or if, if the, um, the suspect somehow had some kinda camouflage on him...

McDaniel: Okay.

Higginbotham: ...but I remember hearing something about camouflage.

McDaniel: Do you remember hearing, uh, any broadcast, you know, or, or face to face contact with another officer as far as where the suspect was, uh, supposedly carrying that gun?

Higginbotham: In his waistband.

McDaniel: Okay. So...

Higginbotham: And, and, um, when JIM, uh, when Officer FERNER broadcast that he was running, he said he kept, he was reaching for his, uh, waistband as well.

McDaniel: Okay. What does that indicate to you?

Higginbotham: That he's got something heavy in there, pro-probab-most likely a, a weapon, but he's got, you know, obviously something in his waistband that's not secure, that he's trying to keep control of.

McDaniel: Ah. So when you respond up to assist on the perimeter, if you can go, you know, before we get to that...

Higginbotham: One, one...

McDaniel: Oh.

Higginbotham: ...one of the other descriptions of him, the lady, I, I think it was the lady that, uh, s-saw him i-in her car, um, said that he also had a black, uh, like rolling suitcase or some-...

McDaniel: Okay.

Higginbotham: ...somehow that was, uh, also part of it, and when we were doing the, um, started the, the search with the K9, um, there was a, a rolling suitcase, kind of like a carry-on type, uh, suitcase that was on the north side of that house, um, 8322...

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Page 16**McDaniel:** Of the, of...**Higginbotham:** ...the, on the flag lot.**McDaniel:** Oh, over here?**Higginbotham:** Yeah.**McDaniel:** Okay.**Higginbotham:** So it, it, you know, that was, you know, one thing, pl-plus the, you know, the marks on the fence...**McDaniel:** We call it a clue.**Higginbotham:** Yeah, exactly...**McDaniel:** _____, okay. Alright.**Higginbotham:** The, the, that we were on the right trail.**McDaniel:** Yeah, yeah, yup. So, um, JERRY, what I did here was, uh, and again, I'll, it's, it's obvious, but so the, the recorder picks it up, is I labeled the map that shows Tillamook as Map 1, and then Map 2 is Hancock, and they, they kinda, yeah, they were, these weren't, they were just kinda printed on the fly...**Higginbotham:** Yeah.**McDaniel:** ...so they kinda overlap...**Higginbotham:** Yeah.**McDaniel:** ...I believe this house here is gonna be this house here. Like...**Higginbotham:** Yes.**McDaniel:** ...you had indicated earlier...**Higginbotham:** Yeah.**McDaniel:** ...it...**Higginbotham:** Yeah.**McDaniel:** ...right, that, that way we're kinda on the same page. What, when you responded to the area, where, where was the first point you went to?

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Higginbotham: The first point I went to was, uh, right, uh, right here. I parked, um, partially blocking this driveway, so that I could have a, a look down the side of Les Schwab's here, as well as the shot over here...

McDaniel: Okay. So what I'll do is, uh, I'll put a, you know, actually I'll have you put the X...

Higginbotham: _____

McDaniel: ...yeah, um, and, and for w-throughout this, as I ask, like, where did you go next, you'll just be the X...

Higginbotham: Okay.

McDaniel: ...okay, you'll be X.

Higginbotham: Do you want me to draw a little box and put a one for the first place I was, and then...

McDaniel: That, that's good too...

Higginbotham: Okay.

McDaniel: ...yeah. Yeah, and it, that's the problem is these pens don't, I, I was looking for a Sharpie, but I don't know that...

Caldwell: I got a, I got one that might work.

McDaniel: Thank you.

Caldwell: A black one. Is that any better?

Higginbotham: No.

Caldwell: No?

McDaniel: Uh, you know, we can just, I mean, he can just even do the arrow to it too.

Higginbotham: Okay, um, then, uh...

McDaniel: So le-so you, you, you...

Higginbotham: This was the first spot...

McDaniel: This first spot...

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Page 18**Higginbotham:** Yeah.**McDaniel:** ...and then you are, uh, you've got a good view, it looks like, um...**Caldwell:** Will this work better? It's like a ball point.**McDaniel:** Uh, it, it may, that's a, this...**Higginbotham:** We'll get it...**McDaniel:** ...hey, we're, we're...**Higginbotham:** ...we'll get it going.**McDaniel:** Yeah.**Higginbotham:** We'll get it working.**McDaniel:** So, um, yeah, I wonder if, you're right, put that under there, it might help, huh? So, so you're, you're here, um, and that's gonna be the, uh, northeast corner of 82 and Tillamook, roughly?**Higginbotham:** Well, the south, southeast. Or, 'cause we're on the south s-south side of Tillamook.**McDaniel:** Okay.**Higginbotham:** Yeah.**McDaniel:** Yeah, gotcha. Um, corner of Tillamook and, uh, 82nd on the south side...**Higginbotham:** Correct.**McDaniel:** ...um, and you, this was your first perimeter position...**Higginbotham:** Correct.**McDaniel:** ...wh-then what happens next?**Higginbotham:** Um, then, uh, like I said, I d-uh, Sergeant HELFRICH had said that he, he had heard noises coming from, uh, an area over here, uh, to indicate that, you know, he thought that there was still somebody in, in the backyard over...**McDaniel:** And how, how are you hearing that?**Higginbotham:** Um, actually...

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Page 19**McDaniel:** Are...**Higginbotham:** ...let's see, yeah, okay, that's right. Um, that, that's all, uh, by the radio.**McDaniel:** By radio? Okay.**Higginbotham:** Yeah, and so he, um, widened the perimeter initially, down, uh, got some more, uh, folks down to 86th...**McDaniel:** Okay.**Higginbotham:** ...um, to make it to the, the east of, of this location over here. Um, then, uh, as the, uh, K9 was coming in, into the area, um, they came down to where, uh, Officer FERNER was down, actually, uh, Officer, uh, RIPPE was down in front of this house here, and FERNER was somewhere, like in, right in here...**McDaniel:** Okay.**Higginbotham:** ...so, uh, when the K9 came down, I drove up to here with my car...**McDaniel:** Okay.**Higginbotham:** ...um, because, uh, I was gonna be the, uh, long cover with my shotgun, because we didn't have an AR available at that time.**McDaniel:** Okay. So did somebody come and pick up your post?**Higginbotham:** Uh, yeah, FERNER moved down.**McDaniel:** Okay, so FERNER...**Higginbotham:** So...**McDaniel:** ...FERNER's about mid-block on this map, he moves and takes your spot...**Higginbotham:** Correct.**McDaniel:** ...you, you come up to help, um, because you have, uh, a long gun loaded with slugs?**Higginbotham:** Correct.**McDaniel:** Wh-what, help refresh my memory as far as, what does it take to load slugs in, do you need any kind of approval or circumstance?

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Higginbotham: Uh, Sergeant HELFRICH, uh, uh, told me that, asked me to load the slugs. I, I, he asked, he asked what I had with him, and I said, I got buckshot and I got slugs, and he goes, load it with slugs.

McDaniel: Okay, and wh-what's the purpose of switching from one to the other?

Higginbotham: Uh, with the, uh, uh, the slug you're, uh, able to shoot longer distance, um, more precise, um, and, uh, yeah, you're able to have a, a, a longer range.

McDaniel: Okay. And, and I assume, with my knowledge of buckshot, you, that you're gonna get that pattern that spreads, and more likely than not, you're dealing with an armed suspect that's in a community, so you wanna limit what you're throwing down range?

Higginbotham: That, and then, and, like I said, and then we wanted to have more stand-off distance, so having the slug would give me more stand-off distance with the, the shotgun than having buckshot.

McDaniel: Okay.

Higginbotham: Because, again, that, you know, like what you were saying, the spread and...

McDaniel: Spread, okay. Okay, so when, when you came along Tillamook, um, because you had the, the shotgun, was there, was there a place where they wanted you to post, or was there like a track team starting?

Higginbotham: That's, yeah, we were starting a track team, and so it was, uh...

McDaniel: Okay.

Higginbotham: ...uh, WULLBRANDT, um, Sergeant HELFRICH, uh (pause), I'm trying to think who else was in the initial (pause), I can't remember who the initial, there was (pause)...

McDaniel: And it, you know, it's...

Higginbotham: Yeah, there was...

McDaniel: ...i-if you remember a number...

Higginbotham: ...it, it was like...

McDaniel: ...whatever you can remember, don't...

Higginbotham: So one, two, okay, one, two, three, I think there was four of us.

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McDaniel: Okay. Was there any kind of, uh, briefing or anything as far as strategy?

Higginbotham: Yeah, we, when we, uh, before we, uh, started on the search, um, we talked about what would happen if, uh, he came out, um, and, and ran, that, uh, uh, WULLBRANDT was gonna release his dog, and a-let his dog take him, y-if, um, he came out with a weapon, you know, then we would address that, um, but w-our initial plan was to let the, the K9, um, corral and catch him, you know, do all that kinda stuff. Um, and then, uh, uh, take him into custody.

McDaniel: W-where did you start the track...

Higginbotham: So the...

McDaniel: ...uh...

Higginbotham: ...so, um, we started down, uh, this driveway right here...

McDaniel: Maybe you can just do...

Higginbotham: ..._____...

McDaniel: ...like the box two, there. Yeah.

Higginbotham: Okay, so I-I'll, I'll put a star where the, that started...

McDaniel: Okay.

Higginbotham: And this is where I parked, just somewhere, like, in here.

McDaniel: The box with the number two?

Higginbotham: And then...

McDaniel: Okay.

Higginbotham: ...um, we went down and the dog took us around this side and it, right about here is where I found the, the suitcase. Or noticed the suitcase.

McDaniel: If, if you can, if that pen works on there...

Higginbotham: Okay.

McDaniel: ...if you can just draw the trail, that'd be great.

Higginbotham: Okay, went around here, and then to the back, and then the...

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McDaniel: And the suitcase was right here?

Higginbotham: The suitcase was right here.

McDaniel: Okay.

Higginbotham: You want, you want me to put a mark, uh...

McDaniel: Yeah, we'll, we'll just say...

Higginbotham: ...I'll just draw a circle or something...

McDaniel: ...you're, yeah, circle for the suitcase, perfect.

Higginbotham: Okay. Um, right about in here is where the, uh, the marks on the fence were, um, we, you know, kinda looked over the fence to see if there was a way around, or how we were gonna get around, uh, or go over the top. Um, we wound up coming back around the house, and then back out the driveway...

McDaniel: Okay.

Higginbotham: ...do you want me to...

McDaniel: Yeah, why not.

Higginbotham: ...draw that?

McDaniel: So we're just drawing a line that...

Higginbotham: And I'll draw it...

McDaniel: ...circle there...

Higginbotham: ...draw it, beside it. And then we went down, I think it was this house right here. And tried to go down through the, um, the, uh, the carport, uh, and there's a little gate, uh, like a wrought-iron gate, um, that was open last time, uh, he did a track down in this area, and it was locked this time, we weren't able to go through...

McDaniel: Okay.

Higginbotham: ...and then we tried to get a hold of the resident to go through, um, and at this, when we started coming back out, that's when, uh, uh, MELE and, uh, HEARST arrived, and so, uh, HEARST took my spot as the, uh, uh, long cover for the search team, and then I went around and took up a, the perimeter position down here, uh, [REDACTED]

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Page 23**McDaniel:** Okay.**Higginbotham:** On Hancock.**McDaniel:** So when you come back out to Tillamook, somebody with the, uh, HEARST, was the, with, came with a AR-15...**Higginbotham:** Correct.**McDaniel:** ...um...**Higginbotham:** And then he was...**McDaniel:** ...so you all swapped out?**Higginbotham:** Yeah, and then MELE, uh, grabbed his less lethal, and so he was less lethal with cover, um, HEARST was, uh, long cover with the AR, um, he had, uh, HELFRICH, WULLBRANDT, and, I'm drawing a blank on who, who the other officer was that was on the search team, but...**McDaniel:** That's fine. And why, um, why the switch from the, your shotgun to an AR, and who made that call?**Higginbotham:** Well, uh, uh, Sergeant HELFRICH...**McDaniel:** Okay.**Higginbotham:** ...and, and it, because of the accuracy and stand-off distance, uh, of the AR versus a sh-the shotgun, it was, uh, safer for everybody to use an AR versus a, a shotgun with slugs.**McDaniel:** Right. They're more accurate...**Higginbotham:** More accurate and...**McDaniel:** ...yeah.**Higginbotham:** ...and greater distance.**McDaniel:** Ok-okay. And so when that tactical decision was, was made, to switch out, you, you indicate that you went and took a perimeter position at, o-on Hancock, 86 area?**Higginbotham:** Uh, 84.**McDaniel:** 84, okay.

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Higginbotham: Or, I'm sorry, you were right, 86-it was, like, 8633? Or 8533...

McDaniel: Okay.

Higginbotham: It w-it was just, I was just a little bit, uh, m-84, it was 8433, I was just a little bit east of, uh...

McDaniel: Oh, okay...

Higginbotham: ...84.

McDaniel: ...so th-this doesn't quite capture where you were, then? This map?

Higginbotham: Right.

McDaniel: Okay. So you were east off of this map, whatever the distance is, but, okay. So, uh...

Higginbotham: Just a little bit.

McDaniel: ...so now you, now you've got this, uh, perimeter position here, is there anything that we missed from switching out to you getting here, that you heard on the radio or know of?

Higginbotham: Um, no, 'cause it, we didn't have any more sightings, there weren't any more sightings, there weren't any m-wasn't any other contact, um...

McDaniel: Nothing notable...

Higginbotham: Nothing...

McDaniel: ...on the radio that you...

Higginbotham: ...yeah nothing...

McDaniel: ...remember?

Higginbotham: ...nothing new...

McDaniel: Okay.

Higginbotham: ...that I recall.

McDaniel: So, so now you're, now you're down here, uh, what's, what's next?

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Higginbotham: Uh, so, uh, like I said, a-after, uh, JEFF, uh, after Sergeant HELFRICH, um, you know, uh, d-uh, had first, uh, come as long cover, he wanted another car mid-block 'cause he thought there, when he was last down on Hancock, there were only two cars down there, um, one at 86th and one at, uh, 82nd, so it was a, you know, long area for...

McDaniel: Somebody could get through it, yeah.

Higginbotham: Exactly. And so he wanted, uh, me to come down and be mid-block. Well there, there was somebody that was, uh, had their car somewhere right about 84th, um, and so I was just, like, set a little bit, I kinda split the distance between the car, uh, at 80, uh, 6th and, and down here at 84th. And so I was down here on [REDACTED] um, so then, um, after, uh, they decided they had, you know, really good, uh, indicators from the K9, uh, in this backyard, and then f-found the, uh, the broken, uh, glass on the, the downstairs door...

McDaniel: You're hearing this communicated on the radio?

Higginbotham: On, on the radio.

McDaniel: Okay.

Higginbotham: Okay, so, uh, h-he then asked everybody, uh, that was east of 84th to move closer and tighten it up...

McDaniel: Okay.

Higginbotham: ...tighten up the perimeter.

McDaniel: A-and where, when they, when they tighten up the perimeter, where did you move to again?

Higginbotham: So then I drove down and I parked right in front of 84, I think it's 80-or, or, excuse me, [REDACTED] so I believe it's this house right here.

McDaniel: So, so you're, you're parked on Hancock, basically, a-in front of the house that's just one to the east of where the shooting occurred...

Higginbotham: Correct.

McDaniel: ...same side of the street.

Higginbotham: Yeah.

McDaniel: Okay. And then...

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Higginbotham: ...and so then, uh, Officer ADRIAN came and joined me, and then, uh, we initially, you know, kinda looked at, at the area where the, the window was, and, uh, moved back, uh, to the, the corner of the, the lot here in front of the, uh, there's a shed and a, like a little, uh, lean-to. We were hoping to find some kind of cover but there was, there was no cover, no concealment, we were just kinda, um, out in the open, the only thing there was, was a tree, uh, right here, and it was really close, um, to here, so we, we backed off, uh, kinda in the corner here and, um, he was focused, uh, on the downstairs, and I kinda kept an eye, um, on the upper level just in case, uh, the suspect actually, you know, got into the house and would have full rein of the...

McDaniel: Right.

Higginbotham: ...run of the house, and be able to, uh, have a view of us down here, or come out the, the door or window from the top, so I was watching the top...

McDaniel: Did, did you or...

Higginbotham: ...second floor.

McDaniel: ...did you or did ADRIAN ever report seeing anybody in the house?

Higginbotham: No.

McDaniel: Okay.

Higginbotham: We di-we did not see anybody.

McDaniel: How about any indications as an alarm going off?

Higginbotham: The only thing I could, could hear, um, was a, a chirping that, it, to me it sounded like a, a, um, fire alarm or something like that when the battery goes, starts dying, it makes a little, you know, chirping...

McDaniel: Right.

Higginbotham: ...every once in a while.

McDaniel: Yeah.

Higginbotham: That was the only thing that I was hearing at this time, um, it wasn't until, um, the, the search team had gone and searched this, uh, lot to the west of 8301 and, and come back, um, when, uh, ADRIAN and, uh, MCHUGILL, uh, went down to check to see if they could, uh, see any footprints or, um, anything else inside that would indicate that, you know, that entry was actually made, um,

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that when they, 'cause they, they also announced, you know, it's the Portland Police, you know, come on out, get, you know, hands up, I mean, you know, get your hands out, um, and then, uh, they kinda l-you know, leaned i-in through the, uh, the frame of the door, there was like a, a metal screen, uh, almost like, um, real thin, um, wrought-iron, I guess for lack of a better, uh, inexpensive, uh, window covering, uh, kind of a barrier, um, that had been, uh, the glass was broken out of the door, and then that was pushed in and kind of li-it had, uh, a, a bend in it, like, they could have been made from somebody, you know, pushing in and laying on top of it, um...

McDaniel: A-and, I'm s-w-that was at this window, or the one...

Higginbotham: By the back...

McDaniel: ...in the back corner...

Higginbotham: The back.

McDaniel: Okay.

Higginbotham: Yeah, on the back.

McDaniel: 'Cause I, I know...

Higginbotham: Yeah.

McDaniel: ...there was two different...

Higginbotham: Yeah, so that's...

McDaniel: ... _____

Higginbotham: ...that's dow-yeah, so that was on, on the, uh, north side of the house...

McDaniel: Okay.

Higginbotham: ...um, down in the, um, I don't know what you call it, if you wanna call it like a cellar-type entrance, it, it was, uh, concrete stairs that, that went down to this, um, lower level basement, um, door, um, and when the-had leaned in and kinda pushed, you know, kinda looking in, that's when, um, Dispatch had notified us that, uh, they were receiving a alarm trip f-from the alarm company at this residence, and they said it was a, a interior main motion, something like, to that effect, um, so at that point we were trying to, uh, get from the alarm company whether this was the first activation, um, that had

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happened, or, uh, if there'd been one earlier, uh, to help us, you know, determine whether or not he was inside the house.

McDaniel: And, and you, just so I'm following you, you guys, at some point, looked into this window, or came up to...

Higginbotham: We, yeah, MCHUGILL and, and, uh, ADRIAN...

McDaniel: Okay.

Higginbotham: ...were down and, and trying to see, like, if the, the door had been initially, the, uh, I think GREG thought that, uh, like a piece of furniture had been pushed over in front of the...

McDaniel: R-right...

Higginbotham: ...door, kind of blocking...

McDaniel: Right.

Higginbotham: ...and I think when they went down and, and looked, um, more closely, that it, it, the deadbolt hadn't been, um, bu-you know, the doorframe hadn't been broken...

McDaniel: Okay.

Higginbotham: ...it was just the, the window, and that would have been where the access point would have been, is through the window in the door, not, not the, the door itself...

McDaniel: Okay.

Higginbotham: ...um, and it didn't look like there was, um, the furniture pushed up against the _____, I didn't go down and look, just from my vantage point up in the yard, down in, it looked like there was a lot of stuff i-i-all over in that, that basement area.

McDaniel: Kinda like a pack-rat...

Higginbotham: Exactly.

McDaniel: ..._____ stuff?

Higginbotham: Yeah, kind of a...

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McDaniel: The hole in the window, uh, would, uh, in your op-in your opinion, do you think somebody could crawl through it, or it would have been a scenario where they could reach in and unlock the door?

Higginbotham: Uh, th-from what it looked like, from my experience and what I saw, it looked like it was, uh, they went through the window, uh, on top of, and pushed down that, um, that barrier, the, the steel, or not, I don't, some kind of metal, um, that was in, uh, had been in front of that window...

McDaniel: Okay.

Higginbotham: ...as kind of like bars, they were really inexpensive, cheap, you know...

McDaniel: And it...

Higginbotham: ...bars.

McDaniel: ...and was it in r-that same moment of time, a little before, a little after, have it, that the, the alarm company notification came out, or?

Higginbotham: It was, yeah, it was just after, uh, they were down there and, uh, you know, were looking at the, 'cause they had actually kinda, uh, reached inside to, and kinda pressed on the, on the, uh, steel, to, you know, kinda see...

McDaniel: Right.

Higginbotham: ...how it, how it was being held in and, you know, that, and so it was, you know, breaking through the, the threshold inside of the house, so that's why w-you know, we weren't sure whether it was, you know, if they had a motion sensor that was maybe down, downstairs...

McDaniel: That picked...

Higginbotham: ...that picked up the, the arm coming in...

McDaniel: Y-yeah, right, the police...

Higginbotham: Yeah.

McDaniel: ...or could it be...

Higginbotham: Exactly.

McDaniel: ...picking up the bad guy upstairs...

Higginbotham: Or up-upstairs...

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Page 31**McDaniel:** Yeah.**Higginbotham:** Exactly.**McDaniel:** Okay. Okay, and I know, I know we spent a lot of time on that, so...**Higginbotham:** No, it's fine.**McDaniel:** ...um, so we're, so you're, you're, from that point, what do you do?**Higginbotham:** Okay, so, um, uh, let's see, so (pause), it's, uh, JEFF had gone and, before, uh, the rest of the search team, uh, was back in the yard, he'd gone over and talked with, uh, Commander PARMON...**McDaniel:** Yeah, that's, Sergeant HELFRICH, yeah...**Higginbotham:** Yeah, Sergeant...**McDaniel:** Okay.**Higginbotham:** ...yes, I'm sorry, yes...**McDaniel:** No, it, no, that's fine...**Higginbotham:** Okay.**McDaniel:** ...I just wanna make sure we get, got...**Higginbotham:** Yeah.**McDaniel:** ...the right JEFF.**Higginbotham:** Right. Uh, had gone and had a conversation with, um, uh, Commander PARMON, and, uh, when he came back around, that's when he, he told us that, you know, we didn't have enough, at this point, uh, to be able to, uh, have SERT come in, 'cause we weren't sure that, uh, he was inside and that we had a barricaded suspect. Um, we weren't sure that we had, uh, entry yet, into this house. Um, and they were in the process of making a plan to, uh, have the, uh, camera mounted to the K9 and have, put him in through the window to have him, uh, search through the house.**McDaniel:** Di-did you have any, uh, and...**Higginbotham:** And while, I'm sorry...**McDaniel:** No, go, go ahead.

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Higginbotham: ...while, while this is going on, people are trying to look in RMS, look for previous calls to the house...

McDaniel: Right.

Higginbotham: ...we've, we've tried to, um, you know, get an r-uh, responsible person to, to come to the house, you know, any, anything t-you know, so that we could be able to, to go in and find out, one, if, um, one to make entry into the house, two if there's anybody, you know, in the house, m-'cause e-you know, if they're in the house, they could be hostage as well.

McDaniel: And that, that was gonna be my question, do, do you know if there was or was not anybody in the house?

Higginbotham: I do not know.

McDaniel: Okay.

Higginbotham: Yeah.

McDaniel: Um, uh, so, what...

Higginbotham: Okay.

McDaniel: ...keep, keep going.

Higginbotham: Um, so, uh, when, when Sergeant HELFRICH came back around and, you know, relayed that, you know, what our next steps were, you know, likely gonna be, um, I, I believe that, uh, Commander PARMON was maybe making some phone calls over to the, um, TOD commander as well to kinda keep them, you know, abreast of what, what we had...

McDaniel: Right.

Higginbotham: ...and, you know, Sergeant, or, uh, Commander PARMON had it, most recently been, uh, a TOD, you know, commander over there, so, um, pretty good handle of, you know, what...

McDaniel: Right.

Higginbotham: ...the threshold was, and what we were gonna...

McDaniel: Right. Yep.

Higginbotham: ...be up against, so, so they were gonna, um, maybe look a little more through the yards and, around here, uh, with the K9, and that's when, um, I asked, uh,

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Sergeant HELFRICH, you know, what type of, uh, lockbox it was and, um, that I was gonna go around and take a look at it to see if I could figure out the combination.

McDaniel: Okay, and then that's, that's when we pick up with ha-you mentioned earlier, you, um, matter of fact, instead of me doing it, um, kinda your route...

Higginbotham: And so, so, uh, when, when I had this conversation with, um, with, uh, uh, Sergeant HELFRICH and, and, um, the K9 and, and everybody else that was back there, or, somewhere, we're, there's a little pond, it's difficult to s-see in here, um, but there's like a, a little, uh, water feature type pond that's back here, and we were just kinda, I think, right about in this area when I had that conversation. And so, um, I went around and through this side of the house, and when I got over here...

McDaniel: And that's just for, it's to the east side of the house...

Higginbotham: Yeah.

McDaniel: ...coming up on the driveway. Were the cars there when...

Higginbotham: No.

McDaniel: Okay, just...

Higginbotham: There were no cars in the driveway.

McDaniel: Okay. The Google map shows two cars, so we just want to save confusion for later.

Higginbotham: Um, so I came through and as I came around the corner, I noticed that this window that's about, in the middle of the main portion of the house, it's a smaller window, it looks like maybe a, like a bathroom window, it was a, a narrower, um, maybe, uh, two foot window? Um, and one of the sections, it, it was slid open, and the screen was missing out of it, and was laying, uh, just below the window, um, on the ground between the driveway and the house. Um, the screen was ruptured, it was, you know, pushed ou-you know, torn, and the, um, the screen was kinda twisted, you know, like somebody had kicked it, uh...

McDaniel: Is that, from your experience, does that indicate that a homeowner has taken off the screen to do windows, or does it indicate...

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Higginbotham: It indicates that, uh, somebody attempting to get into the house, that didn't have regular access probably, uh, tried to gain access or was trying to get out of the house. It's not something that the homeowner would do...

McDaniel: R-so wo-were y-...

Higginbotham: I'm thinking that...

McDaniel: ...are you thinking...

Higginbotham: ...they s-somebody...

McDaniel: ...you have a burglar there?

Higginbotham: Yeah, exactly.

McDaniel: Okay.

Higginbotham: And that's, and that's the other, you know, the, uh, other aspect w-one, was the window open before, and two, did anybody remember seeing the, the...

McDaniel: Right.

Higginbotham: ...the screen there, um, because when I, when I went around the back of the house, the window was fine to my recollection, uh, I didn't remember seeing it open, and I didn't remember, you know, seeing the screen on the ground, so something had changed.

McDaniel: Right. And is that on, in the perimeters you've done throughout your career, is this kind of a rare occurrence where...

Higginbotham: That was...

McDaniel: ...this is occurring...

Higginbotham: ...yeah...

McDaniel: ...and you're standing in the yard...

Higginbotham: Yeah.

McDaniel: ...that it's occurring in?

Higginbotham: It, yeah, it was...

McDaniel: And, yeah...

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Higginbotham: ...uh, alarming, you know, that we, uh, uh, that this had taken place very recently, 'cause we'd been here this whole time...

McDaniel: Right.

Higginbotham: ...right here, and it, some, the, the, the scene had changed.

McDaniel: Right. Which...

Higginbotham: Indicate, yeah...

McDaniel: ...tells ya almo-to me, it tells ya, boy, he probably has eyes on us, and we don't have eyes on him.

Higginbotham: Yeah.

McDaniel: Uh, you know, possibly.

Higginbotham: Yeah.

McDaniel: Um, so you're here, you see the screen, what's next?

Higginbotham: So I, uh, called back to the guys in the backyard, you know, to ask, hey, you know, I got an open window over here, you know, was it, like this? And, uh, I, I want, I want to say it was WULLBRANDT, but it might have been MELE, uh, that came up first, and they're like, nah, I don't remember that, you know, they're, I remember looking, you know, the windows were fine. And so I just kinda started, um, slowly walking over this way, or, was more focused in the, the house itself looking, you know, kinda into the room, to see if I could see anybody, and then right as I got to the corner of the garage, that's when I saw, um, the suspect crouched down, um, back in the, in the corner, um, the house, and the garage is kinda like a detached garage, but it's, there's kind of a, a little wall, um, it's a real narrow space, probably, oh, maybe three feet, maybe, maybe three feet, not quite, maybe 30 inches, uh, that goes, uh, back for about, probably a good 15, 18 feet? Um, along the, the side of the, the garage...

McDaniel: Right, you can almost...

Higginbotham: Yeah.

McDaniel: ...see it here.

Higginbotham: And, uh, and then there's a wall, and he was, um, backed up with his back to that wall, in a crouched position, um, I couldn't, his, his hands were down, uh,

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kind of at his, at his waist, um, but I didn't, I didn't see anything in 'em, and then, uh, I didn't, you know, he w-wasn't lifting up his coat or anything, I di-they were down, kinda, he was kind of in a, you know, like I said, it was k-like, a, a crouched, almost like a, almost like a catcher...

McDaniel: A catcher's stance?

Higginbotham: Yeah, like a catcher in, in softball or baseball.

McDaniel: Did you have view of his waist, or was his coat, uh, covering it?

Higginbotham: His coat was covering.

McDaniel: Okay, and you, do you remember what kind of coat that was?

Higginbotham: That was, well he had a, a hoodie pulled up over top of his head, and he had a, uh, dark, olive green, um, almost like a military, um, like a flight jacket kinda, uh, coat that was over the top and, uh, blue jeans.

McDaniel: Okay. So you, you see him crouched, um, what, wh-what's going through your mind at that point?

Higginbotham: That, you know, he, I found, h-one, th-I found the suspect and either, one, he's waiting to ambush us, um, but two, I wanna contain him, you know, back in that area and, and so that's when I, you know, started challenging him.

McDaniel: And when, and when, when you're describing this to me and, and, uh, the, the depth here, possibly 18 feet, and you say ambush, is that, i-i-I'm picturing that he's kind of back, almost hiding...

Higginbotham: Correct.

McDaniel: ...in that, in the depth of that alcove, and ultimately, can probably see you before you see him.

Higginbotham: Pro-yeah, probably.

McDaniel: I mean I don't, we don't know...

Higginbotham: Yeah, I, I...

McDaniel: ...I wasn't, from that angle?

Higginbotham: ...uh, yeah, I mean he's...

McDaniel: But generally from training...

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Higginbotham: Y-um, he was, he was back on this side, and it...

McDaniel: On, on...

Higginbotham: ...as I was coming around, I, you know...

McDaniel: ...like on the...

Higginbotham: ...as you, I, I would say, it, had I not looked back in there, uh, and caught, you know, maybe motion, um, that, uh, drew my attention away from the, the window, back into there, um, that he probably saw me first, or could have seen me first, um, but I, it was probably pretty close to simultaneous, because, um, you know, like I said, soon as I, I saw him, I was kind of slicing, slicing around, because I was slicing the window, um...

McDaniel: Right.

Higginbotham: ...you know, and just...

McDaniel: 'Cause you're, you're th-to you, your threat's that window?

Higginbotham: Yes.

McDaniel: Right, and, and he's in s-he's inside, he's kinda hiding out in this little pocket here...

Higginbotham: Yes.

McDaniel: ...in the alcove, and bottom line is if you didn't catch that out of the side of your eye, your back or side is exposed to him.

Higginbotham: Yes.

McDaniel: Okay. Um, but y-you did spot him, then what?

Higginbotham: Uh, then that's when I, you know, started, you know, let me see your hands, get your hands up, uh...

McDaniel: And what, what point do you draw your, your weapon?

Higginbotham: Right away. I...

McDaniel: So once...

Higginbotham: ...soon, soon as I...

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McDaniel: ...once you saw him...

Higginbotham: Yes.

McDaniel: ...or when you saw the window?

Higginbotham: No, as soon as I saw him.

McDaniel: Okay.

Higginbotham: Yeah. As soon as I saw him, uh, that's when I, I drew, um, and, um, you know, pointed my gun at him, you know, and down, down that path. Um, I actually kind of backed out a little bit, and kinda lost sight of him a little bit, um, so I didn't have, uh, sight of him the full time, um, at least of, of his hands, um, and then...

McDaniel: What was the purpose of you backing out?

Higginbotham: I, just to have some cover...

McDaniel: Right.

Higginbotham: ...you know, so, 'cause it...

McDaniel: Did you...

Higginbotham: ...if he came out past here, um, then I had the advantage.

McDaniel: Right, did you, did you have anything physical for cover, concealment...

Higginbotham: There wasn't.

McDaniel: There wasn't anything...

Higginbotham: No.

McDaniel: ...to get behind?

Higginbotham: Hm-um.

McDaniel: So...

Higginbotham: J-just the corner of the building.

McDaniel: So the natural reaction is to gain distance to, to be able to see him first.

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Higginbotham: Right, and then, and then that's when, you know, like I said, d-they, they obviously heard me challenging him, and they, everybody that was in the backyard, uh, came around this side, and like I said I, I don't remember where, uh, Officer HEARST came from, um, if he had come around this side of the house or, or where, but he took up a position, um, over on my, uh, on my left side.

McDaniel: Okay. Do you remember who...

Higginbotham: And, and WULLBRANDT...

McDaniel: ...was to your right?

Higginbotham: ...was, uh, WULLBRANDT, the, with the K9 was on my right.

McDaniel: Okay, do you remember anybody else kinda up front with you there?

Higginbotham: Uh, no, not up front.

McDaniel: Okay.

Higginbotham: It was, uh, it was, um, a, it was just, it was me and, um...

McDaniel: HEARST to your left...

Higginbotham: ...HEARST...

McDaniel: ...WULLBRANDT to your right.

Higginbotham: ...yeah, yeah, yeah.

McDaniel: Okay. And WULLBRANDT, I know this, but just to remind, is the K9 officer...

Higginbotham: Yeah.

McDaniel: ...who I assume's got his dog...

Higginbotham: Yes.

McDaniel: ...with him there? Okay.

Higginbotham: And he's, and he's got his dog, and his dog's barking and out front, and, you know, and then, um, like I said at, at that point, uh, uh, Officer HEARST had given him some direction, you know, as far as getting his hands in the air,

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that, you know, if, uh, keeps his hands away from his waistband, if he, uh, goes for his waistband he's gonna get shot, um...

McDaniel: And that's Officer HEARST giving him those commands?

Higginbotham: HEARST giving that commands, uh, and then, uh, you know, everybody's kinda e-echoing the, the commands, you know, keep your hands up, you know, don't go to your waist, and then, um, uh, WULLBRANDT, you know, also, uh, was giving commands, and then he was the one that, uh, was directing him to crawl out, uh, towards us...

McDaniel: Okay, during...

Higginbotham: ...and keeping his hands in the air.

McDaniel: D-but, uh, crawl out on his belly, or...

Higginbotham: No, on his knees.

McDaniel: On his knee-okay...

Higginbotham: Yeah.

McDaniel: ...so kinda like, do a knee walk?

Higginbotham: Yes.

McDaniel: Okay. So why, when he gets confronted, um, your cover comes around, or when you confront him, cover comes around, is there any dialogue between WULLBRANDT, HEARST, and you? Or is it all f...

Higginbotham: It's all f...

McDaniel: ...focused attention?

Higginbotham: Yeah, it's focused attention, fluid on, on, on him, and...

McDaniel: Okay.

Higginbotham: ...and based on our conversation that we, uh, had had, um, prior to when we were, uh, first starting out that the search team, um, my thought was that, you know, if this guy bails that we're gonna let the dog try and take him first, unless we, we see a weapon, and then we'll have to address the weapon, but...

McDaniel: Right.

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Higginbotham: ...um, but that was my, uh, thinking, because of, uh, the conversation that, the plan that we'd made prior to this.

McDaniel: Okay. And, and so, um, we'll, we'll go back to the point where now you have HEARST to your left, WULLBRANDT to your right?

Higginbotham: Right, correct.

McDaniel: And you remember hearing HEARST give him commands or he'll be shot...

Higginbotham: Right.

McDaniel: ...um, wh-what was the reaction of the suspect to all that?

Higginbotham: Just, um, uh, kind of, n-uh, I would say, nonchalant, um, kind of, uh, oh, almost like, uh, you know, we were, we were, uh, putting him out, somehow, you know, di-you just, um, it, it wasn't one, an attitude of, hey, I'm gonna do everything that you guys ask me to do, you got me, you know, type thing, it was, it was more of a defiant kind of, you know, what, whate-you know, whatever, kind of...

McDaniel: Right.

Higginbotham: ...attitude.

McDaniel: Okay, and then, and I know we k-we, this section we, we kinda, that's where we kinda hit in detail the first time around, um, and, and then, uh, so he, he's being defiant, a-at any point, did one officer take over commands, or was the, uh...

Higginbotham: Here, well...

McDaniel: ...was it just intense to the point...

Higginbotham: No, no, that's, yeah, 'cause we actually, you know, um, we focused it down to where, um, I m-I might have even put my hand on, like, ANDY's, you know, shoulder to, you know, kind of like, to indicate, you know, let's let the K9...

McDaniel: Right.

Higginbotham: ...take commands, and I th-I don't know if we actually communicated it, but, but it, it's apparent in these situations, if you have lots of people yelling, that it can be confusing and chaotic, you know, obviously...

McDaniel: Right.

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Higginbotham: ...when we've got, you know, somebody that we believe to be armed, uh...

McDaniel: I-is ANDY...

Higginbotham: ...and...

McDaniel: ...HEARST? Or...

Higginbotham: ANDY is, I think it's HUR-i-is it ANDY? I...

McDaniel: Or, the...

Higginbotham: ...I keep wanting to call him ANDY, it, HEARST, Officer HEARST...

McDaniel: Yeah, no, and I just wanna, so, so ba-just so...

Higginbotham: Yeah.

McDaniel: ...to paint the pictures, you're in the middle of WULLBRANDT to the right, HEARST, who is ANDY, to the left, and basically, y-I'm just, from my patrol experience as a senior officer, like, h-h-you know...

Higginbotham: Yeah.

McDaniel: ...he's got, you know...

Higginbotham: Yeah, exactly...

McDaniel: ...WULLBRANDT's got it, you just...

Higginbotham: ...and that's kinda...

McDaniel: Okay.

Higginbotham: ...and that's kinda what we did, you know...

McDaniel: Okay.

Higginbotham: ...and, and, so eventually, uh, as we're bringing _____ out, uh, the only person who's giving him commands is WULLBRANDT.

McDaniel: WULLBRANDT. Okay, and, and run me through those again.

Higginbotham: Um, he told him, you know, keep your h-well, keep your hands in the air, you know, uh, don't reach for your waist, um, we believe you're armed, um, keep your, and you know, keeping your hands in the air, crawl out to me. And

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that's, you know, he kinda like, well how am I supposed to crawl out if I'm, got my hands in the air? And he's like, just walk on your knee-you know, we're explaining to him, and so he's, like I said, he's, he's, not, um, he's not being, um, real compliant, you know, he's not, again, you know, if, if I've got people pointing guns at me, and telling me that they're gonna shoot me if I reach for my waist, I'm gonna make sure and do everything that, that they tell me to do.

McDaniel: Right.

Higginbotham: And he's not, doesn't have that attitude. His attitude is, he still wants to kinda be defiant, he wants to, um, have things on his terms, his way.

McDaniel: So, um, when, uh, when he's being advised that he, he will be shot if he doesn't comply, um, you know, you believe he's armed, or, yeah, whoever's giving that command...

Higginbotham: Um-hm, um-hm.

McDaniel: ...does he have a response to that? Like, I don't have a gun, or...

Higginbotham: Nope.

McDaniel: ...just doesn't respond to that comment at all?

Higginbotham: Doesn't respond to that at all.

McDaniel: Okay. Okay.

Higginbotham: Doesn't, doesn't ask what's going on, do-you know, sometimes they'll say, hey, I, I, you know, I don't, what's going on, you know, and just...

McDaniel: Okay.

Higginbotham: ...you know, _____ trying to, you know, whatever, type of excuse, he...

McDaniel: Okay.

Higginbotham: ...he doesn't give any kind of...

McDaniel: Denial of having a weapon?

Higginbotham: Yeah.

McDaniel: Okay.

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Page 44**Higginbotham:** None at all.**McDaniel:** So, so you have WULLBRANDT's taking, you know, taking the lead on this, and he's, um, basically being sarcastic and, like, I-just like...**Higginbotham:** Right.**McDaniel:** ...you described, and...**Higginbotham:** Right.**McDaniel:** ...and then...**Higginbotham:** And then...**McDaniel:** ...th-then what?**Higginbotham:** ...when, when his hands, when he starts dropping his hands, like, h-he did that a, a, you know, a couple times, when he started dropping his, lowering his hands, that's when, uh, Officer HEARST, again, advised him, you know, we think you're armed, don't reach for your waistband, keep your hands up in the air, you know, uh, each, each ti-you know, that's, that's when, uh, Officer HEARST would in-interject, e-even with, um, uh, WULLBRANDT giving the, the main commands of, you know, as far as, like, you know, come out, uh, you know, crawl out here on, you know, on your knees, keep your hands in the air...**McDaniel:** Right.**Higginbotham:** ...you know. I think he might have even said, you know, you know, you, you're gonna get bit if you don't do what you're told.**McDaniel:** Right. Wh-for you personally, um, are y-i-is the, uh, is the fear level up on you, I mean, are you, a-a-are you feeling that, the fear that th-this guy is a bad guy, or...**Higginbotham:** Um...**McDaniel:** ...h-how do you...**Higginbotham:** ...just, just that he's, you know, he's not following directions...**McDaniel:** Okay.

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Higginbotham: ...and his, just his, uh, attitude, um, h-h-he, I don't know, I'm trying to
uh, not grand-standing, but, uh, kind of, uh, puffin', you
know, he, he's puffin' his chest out, you know, he's...

McDaniel: Right.

Higginbotham: ...he's being defiant, he's, he's just not, you know, whether he's, whether he's
trying to, you know, have an audience, you know...

McDaniel: Right.

Higginbotham: ...people see, y-you know, this guy, you know, basically giving the finger to
the police when they're telling him to...

McDaniel: Right.

Higginbotham: ...come out with his hands up, kind of thing, you know...

McDaniel: So...

Higginbotham: ...that's kind of his, his attitude...

McDaniel: Okay.

Higginbotham: ...and so, um, he's, he's not being compliant.

McDaniel: Okay, so I think we're kinda getting to the hands...

Higginbotham: Yeah.

McDaniel: ...going up and down, what...

Higginbotham: Yeah.

McDaniel: ...what's, uh, I, I, f-from what I remember you telling me, we're kinda, kinda
getting close to when, uh, the shots were fired?

Higginbotham: Right, so once he, uh, got actually, you know, came out and got, uh, just about
in front of the, uh, or, alongside, there's, uh, where the window is, um, and
the, um, there's like a little tree and a, um, a gas meter, um, once he kinda was
abreast of there, basically I, you know, the next steps would have been to have
him, uh, you know, prone out...

McDaniel: Right.

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Higginbotham: ...you know, put his hands out in front of him, push his legs back, keeping his arms out at his side, you know, ro-you know, put his face on the ground, roll over, put your thumb-you know, palms up, you know, put your arms out like an airplane, you know, don't move, you know...

McDaniel: All the things you're trained...

Higginbotham: ...again...

McDaniel: ...to do...

Higginbotham: All the things, you know...

McDaniel: Yeah.

Higginbotham: ...that, th-that was, you know, the next, would have been the next step, and so that's why, like I said I, I glanced over to see who was gonna be, uh, the custody person on, uh, the right side, and how we were gonna, you know, a-approach him, who was gonna be, you know, lethal and, um, cover as we went up to, uh, take his arms, uh, and control his arms. And that's, just as I, like I said, as I, I started to look, look to my right to see who, that was gonna be, um, that's when I just, I just saw a motion of his arms come down, and that's when I heard the, the gunshots.

McDaniel: Okay. So, so you're looking towards WULLBRANDT?

Higginbotham: I'm looking, I'm, yeah, towards WULLBRANDT.

McDaniel: Okay, and so peripheral...

Higginbotham: And yon-beyond him, because I'm trying to figure out who, who's gonna be the custody...

McDaniel: Who you can recruit...

Higginbotham: ...person...

McDaniel: ...yeah...

Higginbotham: ...that's gonna be, that's standing behind him, 'cause I can't see, 'cause m-I'm focusing on, on the suspect, and I couldn't, you know, I know WULLBRANDT's here 'cause I, hi-his dog's here, and I can see him...

McDaniel: Right, right.

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Higginbotham: ...out of the corner of my eye, but I can't see who's right beyond him, and so I was trying to, you know, look back to communicate, you know, to whoever that was, um, you know...

McDaniel: Right.

Higginbotham: ...for the, the custody.

McDaniel: To see who you could use for custody.

Higginbotham: Right.

McDaniel: So when you're looking, it sounds like, almost out of your peripheral, to the left is when you're seeing the hands drop?

Higginbotham: Yes.

McDaniel: Do you, do you see where they go, are they just...

Higginbotham: I didn't.

McDaniel: ...you can see the motion of the hands coming down?

Higginbotham: I, yeah, all I s-saw was motion and the, and the, the gunshots.

McDaniel: Okay, and how many gunshots?

Higginbotham: Three.

McDaniel: And do you know who the shooter was?

Higginbotham: Uh, it was Officer HEARST.

McDaniel: And do you know that f-did you know that at that time, or was it later that you learned that?

Higginbotham: I learned it right at the time...

McDaniel: Or...

Higginbotham: ...one, one, because the, um, the spent cartridges from the AR had basically come off in front of me and hit the ground...

McDaniel: Yeah.

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Higginbotham: ...in, in front of me in the driveway, um, and, uh, you know after, after the, um, the shots, you know, kinda looked around to see wh-who else, uh, may have fired...

McDaniel: Right.

Higginbotham: ...and, and nobody else, uh, that I saw had their weapon out, um...

McDaniel: Okay.

Higginbotham: ...and, um, there were some people that were, um, retreating, um, out of the corner of my eye and then, um, I th-uh, Officer HEARST also started backing up, and then I went over to him, to his, his side, and we were, started trying to use the, the corner of the house here, um, as cover, and then, uh, Officer GILLOCK, I'm, I, I'm not sure where he came from, but he wound up on, uh, the left side of Officer HEARST.

McDaniel: Okay. A-and, um, seeing the shell casings coming in front of you, was, was the, u-u-and I know, I know this is kind of a, a no-brainer question, but was the, the gunfire consistent with an AR-15, or a 9 mm?

Higginbotham: Uh, with an AR.

McDaniel: Right. That's just, so you...

Higginbotham: That's...

McDaniel: ...and he's the only one out there with an AR?

Higginbotham: Correct.

McDaniel: Okay. Okay. So, um, then, uh...

Higginbotham: I'll, I'll say, it was consistent with a gun bigger than a 9 mm.

McDaniel: And you were probably still having trouble...

Higginbotham: I, my ears were ringing...

McDaniel: Yeah.

Higginbotham: ...i-initially.

McDaniel: I bet. I bet. Um, so, um, and then as you, a-and tell me if I'm jumping through something here, but i-it sounds like you, um, get, uh, another officer, or, was it a sergeant, to go up and make the arrest?

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Page 49**Higginbotham:** Um, so...**McDaniel:** Or the custody?**Higginbotham:** Yeah, so very rapidly, you know, like, m-when it-let's, you know, let's get him cuffed up, you know, let's get him cuffed up and get medical in here, um, and so, uh, uh, Sergeant NICE said he had a, a shield in his, uh, vehicle, and so, uh, DEVONNA, uh, DICK, uh, went back, got the shield, and when she came up, um, ED went, initially it was gonna be, uh, Sergeant HELFRICH was gonna be on the custody, and then, um, I don't know if he designated ED, or what, but somehow, um, uh, Officer LOCK became the, uh, person to come up on the suspect's left side, and I went, uh, on the suspect's, uh, right side, um...**McDaniel:** And wh-and who's got the shield?**Higginbotham:** DEVONNA, uh, Officer DICK.**McDaniel:** DICK, so do you...**Higginbotham:** And...**McDaniel:** ...go up...**Higginbotham:** ...and...**McDaniel:** ...three stacked?**Higginbotham:** And, uh, there was a fourth, 'cause, I can't remember, I don't remember who, uh, was lethal...**McDaniel:** Okay.**Higginbotham:** ...um, but, um, LOCK was on, on h-her right, and I was on, uh, her left. And, you know, which would have been the opposite of the suspect, you know, coming up.**McDaniel:** Okay.**Higginbotham:** 'Cause he was laying on the ground, uh, face down, uh, head pointed towards us.**McDaniel:** Okay, okay. And then, uh, um, you handcuff him?**Higginbotham:** Yes.

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McDaniel: Okay, and then you get him in that post-shooting position...

Higginbotham: Yes.

McDaniel: ...and then, uh, um, then, uh, who calls for medical, do you remember?

Higginbotham: I think, uh, Sergeant HELFRICH did.

McDaniel: Okay. And, uh, so at that, at that point, um, once you...

Higginbotham: And then we d-we also did a, you know, kind of a roll call, a, you know, you know, you know, everybody, you know, everybody okay, you know...

McDaniel: Right.

Higginbotham: ...you know, officer, you know, check, check yourselves, check your buddy, you know...

McDaniel: Right.

Higginbotham: ...and, you know, we determined that none of us had, were hurt.

McDaniel: And i-i-is that, a-and I can only imagine, uh, that is because at that time, you might not have known if the suspect had shot at you, like, you hear three shots, but you don't...

Higginbotham: Right, and...

McDaniel: ...know how many...

Higginbotham: Or if...

McDaniel: ...or what's coming your way.

Higginbotham: ...i-or if something went, you know, if it went through him, through the building, ricocheted, you know...

McDaniel: Right.

Higginbotham: ...whatever, you know.

McDaniel: Right, a lot can happen.

Higginbotham: Right.

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McDaniel: Okay. So, so you've got him in the post, uh, shooting position, what, what do you do next?

Higginbotham: Um, it was pretty evident to me that the, it was a very, um, traumatic wounds that he sustained, and, uh...

McDaniel: Do you, do you know where he was hit?

Higginbotham: And that I, I don't, but there was, um, uh, the blood that was coming out from his, uh, head and mouth area, you know, I wasn't sure whether he was hit in the head, um, or if it was, uh, body shots, and it was the, um, blood coming out, you know, as he was breathing, but, um, I'm a deer hunter...

McDaniel: Right, and you know, I know what you're getting at, it, it's that thick red blood...

Higginbotham: Yeah.

McDaniel: ...that tells ya...

Higginbotham: Right. Yeah.

McDaniel: ...it's, it's serious...

Higginbotham: And he w-and he, he w-wasn't moving, there were no signs of respiration, there wasn't, um, a-any, uh, any, any indications that he was, uh...

McDaniel: Alive?

Higginbotham: ...alive.

McDaniel: Did, did he make any statements after he was shot?

Higginbotham: No.

McDaniel: Okay.

Higginbotham: None that I heard.

McDaniel: Okay. And, um, did you, um, did you ever, like, doing the, getting him handcuffed, getting him in the post posi-position of, after a shooting, um, did you ever see a handgun?

Higginbotham: Uh, I did, I noticed, um, off, after getting him, uh, handcuffed, um, off to my, uh, right hand side, down by my foot, um, just, uh, off of the driveway, um, there's a, you know, like a little flower bed, like I said, where there's a, like a

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tree and, and where the, uh, um, gas meter is, uh, there was a, a tan-ish colored, um, semi-automatic handgun. Looked to me like it was either, like, a 9 mm, uh, or larger, um, .40 caliber, um, that was, uh, laying on the ground.

McDaniel: How, how far, from like, where his body fell, and I know there was some movement and all that, but just, just a rough estimate of how far do you think the gun was from the body?

Higginbotham: Um...

McDaniel: And I know we'll see it on the...

Higginbotham: Yeah, two feet.

McDaniel: Two feet? Okay. Okay, and that, that's captured on your phone?

Higginbotham: Yes.

McDaniel: Wh-which reminds me, do you mind if I could just get your password, 'cause I know we all have thumb plus password...

Higginbotham: Yeah, it's, uh, Jarhead, with a capital J.

McDaniel: Okay.

Smith: Marine.

McDaniel: Then, then everything lowercase?

Higginbotham: Yes. And then, uh, 2083.

McDaniel: Okay. Is that...

Higginbotham: That was my bootcamp...

McDaniel: Oh, no, that's my, but that's, that's all I need?

Higginbotham: ...platoon.

McDaniel: I, I don't think, I don't think we need it for th-to get the video off of it, the way they do it, but just, just in case, I figure, that way we're not calling you and bugging you, you know, we got it. So I got Jarhead2083?

Higginbotham: Yes.

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McDaniel: Perfect. Um, so is it, is that the same time period where you do the recording with your phone?

Higginbotham: Um, yes, so af-after, uh, he, um, after he was cuffed up, and they called for medical, um, that's when I, uh, took out my phone and I, I started, uh, taking pictures of where he was lying, um, the pos-the position he was in, you know, that we had put him in...

McDaniel: Right.

Higginbotham: ...um, and where the gun was, the window, uh, his backpack that he had, that was back in the, in the corner that he, he'd left out there...

McDaniel: Okay.

Higginbotham: ...um, uh...

McDaniel: What, so...

Higginbotham: ...and...

McDaniel: ...so I have it right, you just did still photos, or were there video too?

Higginbotham: I, I did still photos, uh, just during this time...

McDaniel: Uh-huh.

Higginbotham: ...then, uh, when the, uh, AMR, uh, paramedic came up, uh, to go, you know, check on him, um, I went up with her and then I took video of her, uh, checking...

McDaniel: Okay.

Higginbotham: ...uh, for, uh, hooking him up to an EKG and...

McDaniel: Okay. And, and, uh...

Higginbotham: And I told her that she was being recorded and, and...

McDaniel: Right.

Higginbotham: ...so...

McDaniel: A-and, and that was to preserve any evidence that might...

Higginbotham: Right.

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McDaniel: ...be destroyed by the medical care?

Higginbotham: Right.

McDaniel: Okay.

Higginbotham: And, and, um, we hadn't, uh, we hadn't searched him, so if, if she was going to be pulling outer, his clothes and so on, if something else came out, um, it would show that...

McDaniel: Right.

Higginbotham: ...where it came from.

McDaniel: Right. Di-yeah, good point.

Higginbotham: But there wasn't anything put on him.

McDaniel: Right. Um, do you have anything?

Smith: Um, how far were you when he was, uh, kneeling dOW-not kneeling down, but squatting down...

Higginbotham: Um-hm.

Smith: ...and stuff, um, when you saw him, where, where was he looking?

Higginbotham: He was just, he was just looking, uh, out towards the street, uh...

Smith: Was he squatted against the building, or the garage?

Higginbotham: Yeah, so he was, yeah, well he was squatted...

Smith: The house or garage?

Higginbotham: Uh, well actually, this area, there, there's like a little wall, um, back, uh, in the back between where the house is and the...

Smith: Um-hm.

Higginbotham: ...the detached garage, so he ha-he was back in that little alcove...

Smith: Um-hm.

Higginbotham: ...so if, if this is, if this is the house...

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Page 55**Smith:** Um-hm.**Higginbotham:** ...and this is the, the garage, he's back, you know, in, in here, squatted down.**Smith:** So you're demonstrating that his, his, uh, he was right in between...**Higginbotham:** Back...**Smith:** ...the house and the garage against that little...**Higginbotham:** Right. And so whatever...**Smith:** ...wall.**Higginbotham:** ...whatever wall that was on...**Smith:** Okay.**Higginbotham:** ...to the north, uh, that's what he had his back to.**McDaniel:** Lack of a better term, so like he was hiding?**Higginbotham:** Yes. Trying to be small.**McDaniel:** Right, right.**Smith:** About how far from, um, him were you?**Higginbotham:** At that time, so I came around, I was probably about, oh, not quite, uh, to the front of the house, uh, so it would have been, uh, probably s-uh, well, I guess, yeah, probably right about, in here. Um, so it would have been, I think there was another window right here, um, so it was kind of in line with the window and maybe this, uh, front porch, so I'd come around to right about in here. Just, j-and like I said, just, just enough where I, I was far enough around the corner...**Smith:** Um-hm.**Higginbotham:** ...that I could see him back inside, but I wasn't all the way to the house here.**Smith:** A-approximately how many feet, you guess?**Higginbotham:** How many feet, um, probably...**Smith:** Just...

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Page 56**Higginbotham:** ...25.**Smith:** Okay.**Higginbotham:** 25, 30 feet.**Smith:** When he was, when they were giving him the commands (pause), was he able, w-I guess, or at, at times, there are different people giving them, and then at other times just one person g-mainly giving commands, it sounds like, um, was, would he have been able to follow each command, or were they so rapid fire, 'cause...**Higginbotham:** No, they, they were deliberate enough, you know, that, um, you know, and of the same thing, you know, keep your hands in the air, don't re-reach for your waistband, if you reach for your waistband, you're gonna get shot, um, and, uh, like I said, um, WULLBRANDT, uh, was giving the, the main commands as far as, you know, his direction to, to have him crawl out, um, and, uh, they, uh, might have been, you know, crawl on your knees, crawl out, you know, and then, uh, as his hands would kinda drop down, that's when, uh, Officer HEARST would, you know, told him get your, you know, keep your hands in the air, you're gonna get shot, do-keep your hands away from your waist, um, you know, to, to reiterate, you know, that warning, you know, that, keep your hands in the air. Don't reach towards your waist.**Smith:** Did you ever see the, when you were watching the hands, did they ever go, when you could s-when you were facing him, before you looked away toward the officers for the arrest team and stuff...**Higginbotham:** Um-hm.**Smith:** ...did you ever, h-did y-how far did, did you ever see him lower his hands down below the shoulder area?**Higginbotham:** Yeah, that's, I mean, that's when, when the, when I said the, the shots came out kinda, when it had come down to, um, almost parallel wi-I guess, with his waist...**Smith:** Okay. Okay.**Higginbotham:** ...like his el-elbows would come down...**Smith:** Okay.**Higginbotham:** ...um, yeah.

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Smith: Okay, did you ever see that bef-uh, prior to that time?

Higginbotham: Uh, not that low-or I mean, he'd, he would drop, he, he had dropped them down, um, pretty low, uh, when, before he had, uh, gotten to where the, uh, um, gas main is...

Smith: Um-hm.

Higginbotham: ...uh, the gas meter, but i-you know, his hands were still visible, you know, he hadn't come, you know, down into here, but he had dropped 'em down...

Smith: Okay. Let's see. And you say that the pistol was about two feet away from his feet?

Higginbotham: Uh, well, from his...

Smith: When it was res-...

Higginbotham: ...um, body, yeah, um, f-about, um, I'm trying to think, it's probably about mid-point of his body, um, and just, you know, within a, a kinda, it would have been within arm's length.

Smith: Okay. What was going through your mind just, generally, this whole thing with the initial call with the, um, car-jacking to the, to the, uh, prowler, around that house, you know, to this here in the g-where the guy was acting, what, what were your feelings, any-and being an officer for how many years?

Higginbotham: 23.

Smith: And the way he was acting, what...

Higginbotham: The...

Smith: ...any...

Higginbotham: ...I, like I said, he was, one, that it was definitely our, our guy...

Smith: Um-hm.

Higginbotham: ...um, because of, you know, the, the description of his, his actions, you know, prior to this, his physical description, um, you know, what he was wearing matched the description that they'd put out over the air, uh, of the suspect and, um, his, um, you know, defiant, um, you know, argumentative, you know, kinda, just, defiant behavior, um, just led me all to believe that this was the, you know, the, the person responsible for all this other stuff.

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Smith: So, uh, would that be, not putting words in your, um, putting words, in this, in this situation, that would be...

Higginbotham: Eleva-it was, you know, heightened, uh, awareness, you know, height- heightened caution on our part.

Smith: Okay.

McDaniel: I don't have anything else...

Smith: Anything else that you think, can you at all think about that, uh, might be relevant?

McDaniel: Uh, yeah, that we forgot to ask you, that...

Higginbotham: Uh, um, I didn't see the gun until we were cuffing him up, um, so I didn't, I didn't see him, you know, his actual go into his...

Smith: Um-hm.

Higginbotham: ...his waistband, I, I didn't see, you know, where, where the gun came from. Um...

McDaniel: Did you notice the gun on the ground prior?

Higginbotham: I noticed the gu-no, uh...

McDaniel: Prior to this, did you...

Higginbotham: No.

McDaniel: What...

Higginbotham: It's, it was when, when we were up, cuffing him is when, when I noticed the gun.

Smith: Um, how far were you away from him when the shooting happened?

Higginbotham: Uh, from, probably, um, 10 feet, 12 feet.

Smith: 10 to 12 feet?

Higginbotham: Yeah.

Smith: Okay. And when you initially saw him, how far w-tha-what was that thing that you s-you s-...

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Page 59**Higginbotham:** Probably tw-25 feet.**Smith:** No, when you...**Higginbotham:** Oh...**Smith:** ...the, where the gun was found, it was next to that...**Higginbotham:** There's like a...**Smith:** ...meter reader, whatever some...**Higginbotham:** ...there's like, yeah, there's a, uh, a gas meter...**Smith:** Right.**Higginbotham:** ...and then there's like a little tree, like, shrub, kinda...**Smith:** Um-hm.**Higginbotham:** ...tree that, uh, and then it's like a flowerbed that's between the driveway and the house...**Smith:** Um-hm.**Higginbotham:** ...and it was just right on, right on the edge, closer to the driveway than the, than the house, but in that little flowerbed.**Smith:** How close were, were you to that when you first saw him?**Higginbotham:** Uh (pause), probably 12 feet from that, I guess. 'Cause i-it was kinda like, that's kinda like, the midpoint from where I was and where...**Smith:** Sure.**Higginbotham:** ...where, um, he was down in the, the little alcove thing.**Smith:** _____**McDaniel:** What, what was the, and I know we'll get to see all this but...**Higginbotham:** Um-hm.**McDaniel:** ...uh, the flower, the flowerbed area that the gun was laying in, was it thick with foliage, or could you...

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Higginbotham: No, it was like, m-muddy, you know, kind of a muddy weed kinda thing. There wasn't very much...

McDaniel: Okay.

Higginbotham: ...an-weeds in it, it was, you know, mas-mainly just kinda mud.

McDaniel: So it was easy to see the gun laying there...

Higginbotham: Yeah.

McDaniel: ...or hard to see it?

Higginbotham: It was, it was easy to see the gun.

McDaniel: Okay. So when he's crawling out on the knees, being defiant, um, is that relatively the same area where he was ultimately shot, or is there...

Higginbotham: It, it's, yeah, pretty, yes.

McDaniel: Okay, so when he's crawling out on the knees, and he's getting, he's kinda lower to the ground as, a-at-at, any point, I mean, did you, would you have seen whether that gun was there or not, prior to the shooting?

Higginbotham: Um, I think because of noticing the, uh, uh, screen, 'cause the screen was pretty close to that same area...

McDaniel: Right.

Higginbotham: ...that I would have noticed it...

McDaniel: Right.

Higginbotham: ...there on the ground, had it been there, um, because like I said, I, I, you know, I, I noticed the screen and saw that it twisted up, and the holes in it, and...

McDaniel: And...

Higginbotham: ...and that kinda stuff, I'm sure...

McDaniel: ...and did the screen fall all the way to the ground? Or, I can't...

Higginbotham: The screen was on the ground.

McDaniel: Okay.

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Page 61**Higginbotham:** Yeah.**McDaniel:** And it was in, how far do you think from the gun?**Higginbotham:** Um, within a couple feet.**McDaniel:** So naturally, looking at the screen, with the way you described that flowerbed, it, it would have been obvious seeing the gun sitting there, if it was...**Higginbotham:** I, uh, I don't know about obvious, but I, I definitely s-could have seen it or should have seen it if it...**McDaniel:** It...**Higginbotham:** ...if it were there.**McDaniel:** Prior to the shooting.**Higginbotham:** Prior to, yes.**McDaniel:** Okay.**Higginbotham:** I would, I would hope I would have seen it, I know I'll say that.**McDaniel:** You, and you don't recall seeing...**Higginbotham:** And I, and I didn't see it.**McDaniel:** Okay. If you don't, if you all don't have anything, we'll go ahead and turn these off. Um, and I'm gonna read the time off here, so I don't say it wrong again, it's...**Higginbotham:** _____**McDaniel:** Look at that, it's 16:04,**Higginbotham:** ...30...**McDaniel:** ... 4:04. All right, let me uh-...

(Recording shuts off)

Transcribed Verbatim with Punctuation Added 021317 / 1125 A. Chasteen

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FOLLOWUP REPORT #46

ASSIGNED TO TEIG, RANDY S (21689)		RANK		
ORG UNIT EAST: NRT		CAPACITY 1-PATROL SUPPLEMENTAL		
ASSIGNED ON 02/09/2017	ASSIGNED BY TEIG, RANDY S	SUBMITTED ON 02/09/2017	APPROVED ON 02/14/2017	APPROVED BY TEIG, RANDY S

NARRATIVE

AUTHOR TEIG, RANDY S (21689)	DATE/TIME 02/09/2017 1053
SUBJECT CRIME SCENE ASSIST	

I responded to the report of an officer involved shooting and assisted the sergeant in charge with administrative duties within the yellow taped off area. I entered from the yellow taped area at 84 and NE Hancock at approximately 0930. I assisted Sergeant Holbrook with gathering witness officers and insuring that the officers were assigned a support officer. I contacted witness officers Mele, Gillick and Hearst. While on scene I received an accidental facetime phone call from Sgt Helfrich. I include this as a matter of record that the phone call did not involve any conversation between me and Sgt Helfrich, the accidental call was terminated. While on scene, I had no conversation regarding the circumstances of the officer invloved shooting, but saw to it they were seperated from each other and generally ok physically and mentally. While at the crime scene I did not observe or handle any evidence.

CONFIDENTIAL**FOLLOWUP REPORT #47**

ASSIGNED TO GILLOCK, GENE (32016)		RANK		
ORG UNIT EAST		CAPACITY 1-PATROL SUPPLEMENTAL		
ASSIGNED ON 02/09/2017	ASSIGNED BY GILLOCK, GENE	SUBMITTED ON 02/18/2017	APPROVED ON 02/18/2017	APPROVED BY CLARK, JACOB R

NARRATIVE

AUTHOR GILLOCK, GENE (32016)	DATE/TIME 02/09/2017 1448
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SUBJECT
INFORMATIONAL REPORT

On the listed date, time and location, I responded to the listed call. I Was assigned a perimeter location at NE 83RD and Tillamook street. I was then moved to NE 86TH and Tillamook street and then to [REDACTED] NE Hancock Street.

I was subsequently interviewed by detectives. See detectives report for the narrative.

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FOLLOWUP REPORT #48

ASSIGNED TO YOUNG, JOSEPH D (33646)		RANK		
ORG UNIT EAST: NRT		CAPACITY 1-PATROL SUPPLEMENTAL		
ASSIGNED ON 02/09/2017	ASSIGNED BY YOUNG, JOSEPH D	SUBMITTED ON 02/09/2017	APPROVED ON 02/14/2017	APPROVED BY TEIG, RANDY S

NARRATIVE

AUTHOR YOUNG, JOSEPH D (33646)	DATE/TIME 02/09/2017 1115
SUBJECT ASSIST WITH CRIME SCENE	

My partner and I responded to listed location at around 0923 hrs to assist with crime scene. I first assisted by retrieving two patrol vehicles that were north of Hancock St on Tillamook St so officers had a place to sit out of the rain. I was assigned to sit with Ofc. Mele who was witness in this event. Sgt. Teig instructed Ofc. Mele to not discuss case with me which he did not. I sat with Ofc. Mele in a patrol vehicle until union rep arrived.

I was flagged down by Mr. Nguyen in front of [REDACTED] NE Hancock. Mr. Nguyen is a resident at this address and asked if he could leave to make an appointment. This area was taped off by yellow tape but not in red tape area. I asked Mr. Nguyen if he heard or seen anything today and he stated "no". Mr. Nguyen stated he just woke up a few minutes ago and opened his garage to start his vehicle to make an appointment and saw police. I took Mr. Nguyen's information and advised Det. Kammerer Mr. Nguyen needed to make an appointment and he did not see or hear anything. Det. Kammerer asked me to get his information and put in report and he can leave. I directed Mr. Nguyen to exit Hancock towards the east.

CONFIDENTIAL**FOLLOWUP REPORT #49**

ASSIGNED TO SHEARER, JEFFREY G (29992)		RANK		
ORG UNIT FORENSICS:		CAPACITY 2-FORENSIC UNIT PROCESSING		
ASSIGNED ON 02/24/2017	ASSIGNED BY SHEARER, JEFFREY G	SUBMITTED ON 02/24/2017	APPROVED ON 03/06/2017	APPROVED BY MCMURRAY, SHAWNDA L

NARRATIVE

AUTHOR SHEARER, JEFFREY G (29992)	DATE/TIME 02/24/2017 1358
SUBJECT FOLLOW-UP	

On 02/24/17 at around 1330 Detective Kammerer came to the Forensic Evidence Division to retrieve Officer Hearst's rifle in order to deliver it to the Oregon State Police Forensic Laboratory. The AR-15 rifle with serial number [REDACTED], magazines (2), and ammunition were listed on receipt #1408302. I transferred the items on receipt #1408302 to Kammerer.

CONFIDENTIAL**FOLLOWUP REPORT #50**

ASSIGNED TO SAHLI, SHAUN M (41051)		RANK OFFICER		
ORG UNIT CENTRAL		CAPACITY 1-PATROL SUPPLEMENTAL		
ASSIGNED ON 02/09/2017	ASSIGNED BY SAHLI, SHAUN M	SUBMITTED ON 02/09/2017	APPROVED ON 02/10/2017	APPROVED BY HUGHES, MICHELE M

NARRATIVE

AUTHOR SAHLI, SHAUN M (41051)	DATE/TIME 02/09/2017 1335
SUBJECT NARRATIVE	

I was dispatched to assist East Precinct officers who were involved in a shooting near the 8300 block of NE Hancock. When I arrived, Sergeant Holbrook instructed me to escort any neighbors who lived inside the perimeter to and from their houses.

I escorted the following people:

Grindeland, Katie to [REDACTED]

Nguyen, Thien Trong to [REDACTED]

Thacker, David to [REDACTED]

Vu-Pham, Luccie to [REDACTED]

Nothing further at this time.

CONFIDENTIAL**FOLLOWUP REPORT #51**

ASSIGNED TO DICK, DEVONNA C (28646)		RANK OFFICER		
ORG UNIT EAST		CAPACITY 1-PATROL SUPPLEMENTAL		
ASSIGNED ON 02/09/2017	ASSIGNED BY DICK, DEVONNA C	SUBMITTED ON 02/09/2017	APPROVED ON 02/09/2017	APPROVED BY ROESER, DAREN C

NARRATIVE

AUTHOR DICK, DEVONNA C (28646)	DATE/TIME 02/09/2017 1045
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SUBJECT
ACTIONS DURING OFC INVOLVED

I self dispatched to cover after a subject ran from officers. I took up a perimeter position just South of [REDACTED] NE Hancock. I heard a team of officers give commands to the suspect. I could see they had a subject at gun point. I could not see the suspect. I heard what I believe was three gunsots. I heard them call for code 3 medical. I went to Sgt. Nice's vehicle to retrieve the shield. I moved up with a team of officers to take the suspect into custody. I held the shield.

I established a crime scene log for the inner perimeter. I put an mark next to the people who entered the red zone.

CONFIDENTIAL**FOLLOWUP REPORT #52**

ASSIGNED TO HILL, ANTHONY R (36236)		RANK OFFICER		
ORG UNIT NORTH		CAPACITY 1-PATROL SUPPLEMENTAL		
ASSIGNED ON 02/09/2017	ASSIGNED BY HILL, ANTHONY R	SUBMITTED ON 02/09/2017	APPROVED ON 02/10/2017	APPROVED BY HUGHES, MICHELE M

NARRATIVE

AUTHOR HILL, ANTHONY R (36236)	DATE/TIME 02/09/2017 1420
SUBJECT ASSIST CRIME SCENE BACKYARD	

I responded to assist East Precinct with an Officer involved shooting at [REDACTED] NE Hancock St. I arrived and was instructed to relieve witness Officers Adrian #28173 and Mchugill #24736. I was escorted by Officer Kulp through the East section of the front driveway and around the East side of the house. I relieved both officers who were at the N/W section of the back yard.

I maintained visual and crime scene protection of the back yard until I was relieved by Officer Sorensen #26850. I walked out the same way I came in.

CONFIDENTIAL**FOLLOWUP REPORT #53**

ASSIGNED TO ENGWEILER, RYAN P (37133)		RANK OFFICER		
ORG UNIT CENTRAL		CAPACITY 1-PATROL SUPPLEMENTAL		
ASSIGNED ON 02/09/2017	ASSIGNED BY ENGWEILER, RYAN P	SUBMITTED ON 02/09/2017	APPROVED ON 02/10/2017	APPROVED BY HUGHES, MICHELE M

NARRATIVE

AUTHOR ENGWEILER, RYAN P (37133)	DATE/TIME 02/09/2017 1352
SUBJECT DETAIL IN PERIMETER	

R/C of an Officer involved shooting at [REDACTED] NE Hancock. We arrived and contacted the on scene supervisor. I was directed to relieve Officer Lock who was in his vehicle in front of [REDACTED] NE Hancock. I stayed at the vehicle and made sure only authorized individuals entered the inner perimeter. That was the extent of my duty until I was released.

CONFIDENTIAL**FOLLOWUP REPORT #54**

ASSIGNED TO SORENSEN, COLLIN J (26850)		RANK OFFICER		
ORG UNIT TRAFFIC:		CAPACITY 1-PATROL SUPPLEMENTAL		
ASSIGNED ON 02/09/2017	ASSIGNED BY SORENSEN, COLLIN J	SUBMITTED ON 02/09/2017	APPROVED ON 02/10/2017	APPROVED BY HUGHES, MICHELE M

NARRATIVE

AUTHOR SORENSEN, COLLIN J (26850)	DATE/TIME 02/09/2017 0800
SUBJECT OFFICER INVOLVED SHOOTING	

On this date I responded to the listed location on a reported robbery suspect in the blocks. I arrived on was assigned to guard NE Tillamook/Ne 84th AVE.

I monitored the radio and heard the search team go into a house where signs of possible entry could have occurred. A few minutes later I heard a series of gun shots.

I do not know how many shots were fired, I estimate 3 or 4.

I returned to East Precinct. At East Precinct Detective Winter told me to document my participation on a supplemental report and send it to the homicide cue.

CONFIDENTIAL**FOLLOWUP REPORT #55**

ASSIGNED TO MCGUIRE, BRENDAN P (31951)		RANK DETECTIVE		
ORG UNIT DETECTIVE: COLD CASE DETAIL		CAPACITY 1-INVESTIGATOR, SECONDARY		
ASSIGNED ON 02/28/2017	ASSIGNED BY MCGUIRE, BRENDAN P	SUBMITTED ON 02/28/2017	APPROVED ON 03/01/2017	APPROVED BY WHATTAM, KEN N

NARRATIVE

AUTHOR MCGUIRE, BRENDAN P (31951)	DATE/TIME 02/28/2017
SUBJECT (WITNESS #14) MELE, RYAN M Dec	

On February 9th, 2017, I was contacted by Detective Sergeant Greulich to respond to [REDACTED] NE Hancock to assist with an officer involved shooting. I arrived and was present for the initial homicide briefing. After the briefing, I was assigned by Detective Sergeant Whattam to go to East Precinct and assist with witness officer interviews. I was partnered with Detective Winters, BPST # 34381. I interviewed Officer R. Mele #50232 of East Precinct. Present for his interview was union rep Det. Myers.

This interview was recorded and a CD/R copy was produced after the interview, this interview was fully transcribed. For full details of this interview listen to the CD/R or read the transcription. After the interview I collected as evidence the CD/R and a signed color Google map showing the location of the shooting scene and where Ofc. Mele was at the time of the shooting. I logged the evidence on property receipt number #A024115 and delivered it to the Central Precinct property room locker C-016.

For additional details regarding this investigation see other reports written.

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IMAGE ATTACHMENT (1286607) A024115

BUREAU OF POLICE
2619 NW INDUSTRIAL ST., STE. B4
PORTLAND, OREGON 97210
503-823-2179

PROPERTY/EVIDENCE RECEIPT

HOURS OF OPERATION:
9:00 AM TO NOON &
1:00 PM TO 4:00 PM, M-F

THIS RECEIPT MUST BE ACCOMPANIED BY AN APPROPRIATE REPORT

RECEIPT NUMBER	No. A024115		DATE/TIME	2-24-17	AM	1400	PM	REFER CASE NO.	PPB CASE NO.	17-39972		
CHECK ONE TYPE	ONLY <input checked="" type="checkbox"/> EVIDENCE		<input type="checkbox"/> FOUND PROPERTY		<input type="checkbox"/> PRISONER'S PROP.		<input type="checkbox"/> SAFEKEEPING					
PROPERTY TAKEN FROM:		LAST NAME		FIRST		M.I.		SEX		DOB		
DENIED OWNERSHIP <input type="checkbox"/>		HOME ADDRESS		CITY		STATE		ZIP		I VOLUNTARILY RELINQUISH THE ITEM(S) LISTED FOR SAFEKEEPING		
OWNER OF PROPERTY		LAST NAME		FIRST		M.I.		SEX		DOB		
HOME ADDRESS		CITY		STATE		ZIP		PHONE		SIGNATURE		
TYPE OF INCIDENT		OFFICER INVOLVED SHOOTING		DELIVERING OFFICER		M. G. WIRE		DPSST/ASSIGN		31751 / DET		
LOCATION WHERE SEIZED, FOUND, SURRENDERED		DET. DIV.		INVESTIGATOR (IF DIFFERENT)		KAMMEIER		DPSST/ASSIGN		NOM		
<input type="checkbox"/> DEFENDANT		LAST NAME		FIRST		M.I.		SEX		RACE		
<input type="checkbox"/> SUSPECT										DOB		
FOR GUNS LIST MAKE, TYPE, CALIBER, MODEL, SERIAL NUMBER(S), IMPORTER & COUNTRY OF ORIGIN. LIST ONLY ONE ITEM PER SELECTION.									STLN		FOR PED USE ONLY	
ITEM 1		LD-R w/ RECORDED INTERVIEW OF OFC. R. MELE # 50232										
ITEM 2		AZ101 / OVERHEAD IMAGE OF INCIDENT LOCATION w/ NOTES BY OFC. MELE										
ITEM 3												
ITEM 4												
ITEM 5												
ITEM 6												
ITEM 7												
ITEM 8												
DELIVERED TO:		<input type="checkbox"/> STATE CRIME LAB		<input type="checkbox"/> SATELLITE PROP. ROOM		<input type="checkbox"/> PED		PRECINCT & LOCKER#		DATE		
CHECK ONE ONLY		<input type="checkbox"/> FED		<input type="checkbox"/> OTHER		CB-16		2-24-17		RECEIVED BY		
DO NOT WRITE IN SPACE BELOW — FOR PED USE ONLY												
RECEIVED BY PED		DATE:		TIME:		BY		WHITE - RECORDS COPY PINK - WITH PROPERTY YELLOW - CITIZENS RECEIPT				

07/12

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IMAGE ATTACHMENT (1293384) OFFICER MELE TRANSCRIPT

**PORTLAND POLICE BUREAU
CASE NUMBER 17-39972**

February 9, 2017

**Interview of
RYAN MELE**

TAPED STATEMENT TRANSCRIPTION

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**PORTLAND POLICE BUREAU
DETECTIVE DIVISION
CONFIDENTIAL TAPED STATEMENT TRANSCRIPTION**

Case #17-39972

February 9, 2017

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McGuire: We are recording, this is Detective Brendan McGuire, here with Officer MELE and Detective Billy Winters, and Detective Jeff Myers. Today is February 9th, it is 2:22 PM. And we're talking with Officer MELE about, uh, the officer-involved incident that occurred this morning, um, the 8300 block of Hancock. Uh, Officer MELE, what, uh, spell your last name for the, uh, uh, re-record, first of all, you understand this is being recorded?

Mele: Yeah.

McGuire: Okay.

Mele: Uh, MELE, it's M like Michael, E-L-E.

McGuire: And your DPSST number?

Mele: 50232.

McGuire: And what shift were you working today?

Mele: Uh, day shift.

McGuire: Is that a regular assignment or was that an overtime gig?

Mele: It's a normal assignment.

McGuire: Okay, and what, uh, district?

Mele: Uh, we are the NRT team, so we're 8950.

McGuire: When you say we, who's we?

Mele: Uh, my partner is Officer HEARST.

McGuire: Okay. Uh, what time did, uh, did you log on today?

Mele: Um, I think we logged on at about 7:00.

McGuire: Okay. What t-t-just fill me in a little bit on the, what happened from when you logged on to when, um, this all started, this incident.

Mele: Um, well Officer HEARST and I had some other NRT-ly duties to do, um, had to go down and, uh, check a street down in southeast where there was some cars that

0210.6 bmc

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some neighbors had been complaining about that were illegally parked, so we went down there, and, um, kinda started the tow process on that.

McGuire: Okay. At what point, um, and did you hear these calls start coming out on the radio?

Mele: Yeah, while we were down there, I did.

McGuire: Yeah, and what did you hear for, what, uh, what calls did you hear come up first?

Mele: Uh, we initially, well I n-initially heard that there was a, um, attempted PED ROB, um, then I heard there was a potential someone running through someone's house, um, some officers lost him, and then they wanted to start doing a check for the person. So then they, at that time, requested for a long gun, which my partner has.

McGuire: Okay. Um, so you guys were responding a-as, at the r-to the request for a long gun?

Mele: We were responding to the cr-yeah, the request of going on the track with K9.

McGuire: Okay.

Mele: To meet at 82, just, uh, east of Tillamook. Or, sorry, Tillamook just east of 82.

McGuire: Okay. Who, uh, who did you end up meeting there, who was also with-with you guys for the track?

Mele: Uh, Sergeant HELFRICH, uh, Traffic Officer MCHUGILL, um, GREG ADRIAN, um, and, uh, WULLBRANDT. And myself, and Officer HEARST.

McGuire: Okay. And WULLBRANDT's the K9 officer, correct?

Mele: Yes.

McGuire: Okay. And did all, all those officers you just mentioned go on the track?

Mele: Yeah, I believe so. Yeah, we were all there. Um, at some points, though, I believe we pulled ADRIAN and MCHUGILL off, they were kind of just supporting us if we needed them...

McGuire: Sure.

Mele: ...if that makes sense.

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McGuire: Sure. Um, do you remem-what do you remember about the track, where you went and the...

Mele: Sure, yeah, so if you go, uh, north of Hancock, you're gonna hit Tillamook, which is...

McGuire: Okay.

Mele: ...where we started. Um, the track actually started just a f-I, I believe it's a couple houses over, ANDY and I are really familiar with this area, um, and we went a few houses just east of 82, um, and that's where (loud recorded voice) I don't know what that is. Um, (recorded voice and beeping continues) was that on? (Recorded voice and beeping continues)

McGuire: Hm?

Winters: They might be fighting with someone in the holding cell, not the holding cell but the...

(Recorded voice and beeping continues)

McGuire: Sally Port?

Winters: Um-hm. I don't think anyone knows how to turn it off _____.
_____, you know.

Mele: Oh...

Winters: Here we go.

Mele: ...here we go. Um, so we were at a street just north of Hancock, which was NE Tillamook. We ended up just a few houses east of 82nd, um, on the...

McGuire: And that's where you said you started the track, right? Was...

Mele: Yeah.

McGuire: ...just east of...

Mele: Yep.

McGuire: Okay.

Mele: And then on the south side of Tillamook. Um, that's at, at a house that ANDY and I also know, um, and so we're kinda standing around and, uh, Sergeant HELFRICH was saying they might have heard something coming from the south,

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kinda behind the house area, like a chain link fence kinda (slapping sound) hitting back and forth, making that very distinct sound. Um, so what they wanted to do is they wanted to get a track going, we cleared that backyard of the house, um, and we went back towards 82nd, um, and when I say we it's, uh, at that point it's me, Officer HEARST, MCHUGILL, uh, ROB WULLBRANDT, and Sergeant HELFRICH. Uh, we work our way back towards 82nd, we got south, we hit Hancock, we start going east, uh, start kinda, just starting to check, and there is a known house that we know about, um, that SERT's kinda served warrants on before, um, and it's kind of just a known drug house to us, so that was kind of ANDY and I's first suspicion of something might be there, um, but we end up bypassing that, of these few houses at first, and we go to the back of, uh, 81-or 8301, the house, this white one here, um...

McGuire: At this point, was the dog actually on a track, or were you guys just looking, I mean, was the dog, uh, scenting someone, or, I mean...

Mele: I have...

McGuire: ...do you know?

Mele: ...I don't know how that works.

McGuire: Okay.

Mele: Um, so, uh, we go, we check the backyard, nothing, we do a few more houses to the east, check, uh, still nothing. Another house to the east, check, nothing. We kind of, at this point, are at the point where we're like, okay, um, we know we heard something going on in the backyard near this location. Let's just go check again. Just to be sure, 'cause that's what everyone's gut's telling 'em. Um...

McGuire: How long had you, had the track been going on at this point, you think?

Mele: Do I think?

McGuire: Yeah.

Mele: Mm, maybe 20 minutes.

McGuire: Okay.

Mele: 30 m-uh, you know, I don't know the exact time. Um, so we end up working our way back, um, we end up actually going to this, uh, house, this, uh, dope house that we know about, we check that, nothing. Um, we, but we, we end up at [REDACTED] Uh, when we end up at [REDACTED] we all go into the backyard, and again, when I say we, it's the same group of people, uh, we check the back of the house, um, and as

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we go back, we go along this side right here, just, uh, I guess that would be the, uh, eastern side of the house. And then go around the back of the fence, we get in the backyard, we're checking around, and sure enough, there is kind of a, like, chain link fence that we kinda see, so we're like, oh, that could have been the, what we heard. Um, start looking around some more, and at that point, you know, I, MCHUGILL, uh, sees that down here, th-so this is an add-on, this is a type of add-on right here, and, in the back...

McGuire: Okay, so, uh...

Mele: Right here.

McGuire: Yes, there's structure...

Mele: On the north side.

McGuire: ...behind [REDACTED]..

Mele: Yes.

McGuire: ...on the north side that's, when you say add-on, add-on, like, a whole room, like a...

Mele: Yeah, like...

McGuire: ...that kind of thing?

Mele: ...al-almost kinda like a sun room type...

McGuire: Okay.

Mele: ...but it's, you know, it's poorly built, poorly constructed, um, so, and right along here, if you, if you look, there is, at the bottom of this house, there's a basement, and there's a, uh, storm, uh, storm door, uh, for the basement, but it's cut off, it's kind of weird. So there's an actual rail that runs along from here all the way to the back of the, uh, of the house where you can actually enter inside of it, and it's...

McGuire: Okay.

Mele: ...a two by six, and it's like a rail, so it blocks it off, so you can't fall down the stairs to the storm door, right?

McGuire: Okay, and then...

Mele: But it's...

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McGuire: ...it's on the back side of the house, again, and...

Mele: Yeah, but it's...

McGuire: Okay.

Mele: ...it's weird, because it goes all the way, and it meets this building, so you can't really access the storm door, unless you go through this newly built little thing that they've constructed, right?

McGuire: Sure. Okay.

Mele: So, it's a two by six, and it's flat, and MCHUGILL reali-he looks at it and he's like, hey, there's kind of, like, you know, it's obviously been raining a bunch here...

McGuire: Right.

Mele: ...um, and he said there, there was like a d-kind of like a, it looked like a handprint on top of the two by six, as if someone was to climb over...

McGuire: Okay.

Mele: ...which drew our attention towards that. And then down the stairs, I was like, okay, let's, you know, obviously start looking for wet footprints, um, but it's kind of exposed to the water and elements, so it's all wet. But then downstairs at the, at the storm door, it's an older door, and it has the, it's almost, it's got the glass, but instead of glass, it has a piece of like, mesh metal, kind of, and that piece of metal was actually busted in...

McGuire: Is that...

Mele: ...inward...

McGuire: ...um, the whole door, or just the upper half...

Mele: Just...

McGuire: ...of _____

Mele: ...just the upper half, I mean it's, it's large, it's, it's large enough for a person to get through very eas-like, I could get through it, and I'm 6'1", 225. And I know I could fit through it.

McGuire: Okay.

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Mele: Um, so we definitely know, hey, you know, that could be a point of entry right there, and then MCHUGILL said he saw some kind of fresh mud on the door, where it looked like someone might have, like, used their foot to get up into it, um, or to kick the door itself, so our plan was to go down, um, get long cover on it, 'cause again, it's a real tight space...

McGuire: Um-hm.

Mele: ...and it...

McGuire: Can you, just, I wanna stop you right there, so when you're tal-when you say real tight space, um, I'm picturing, you know, stairs going down to the, this door...

Mele: Um-hm.

McGuire: ...and you access the stairs from the, from that building...

Mele: Yep, this little...

McGuire: ...the thing?

Mele: ...this little outbuilding right here.

McGuire: Okay, so...

Mele: That little new construction thing.

McGuire: ...so the stairs run from their top to their bottom, east to west?

Mele: Yep.

McGuire: Okay. And, uh...

Mele: And, and west...

McGuire: ...and, uh, bottom...

Mele: ...would be going downward...

McGuire: Correct...

Mele: Yes.

McGuire: ...and at the bottom of those stairs, what would be, uh, you're now between, like, the basement of the structure, or foundation, and...

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Mele: Yes.

McGuire: ...on your other side...

Mele: Exactly.

McGuire: ...what was it, like, concrete...

Mele: Yep.

McGuire: ...was there, okay.

Mele: Just like a storm, a storm...

McGuire: Okay.

Mele: ...door.

McGuire: And how wide is that space, would you guess?

Mele: Ah, man. I, you know, I don't know, I didn't, I didn't crawl down into there...

McGuire: But pretty tight?

Mele: ...to look. Yeah, it was, it was tight.

McGuire: Okay.

Mele: Um, so after he sees the, kinda fresh mudprints on there, we, we all start thinking, oh, this could be a possibility, um, we get long cover on it, we wanna check to see if we can see footprints inside of the house, 'cause obviously it'd be wet footprints inside, um, at that point, uh, we decide that, there's some conversation going on and I'm kind of back here now, and I have a bean bag shotgun, so I'm just looking at the windows, up, just in case he's inside...

McGuire: When you say back here, you're, you're pointing to sort of the back of the yard?

Mele: Yeah, so I'm, I'm just backed up a little bit further from the house, so I'm...

McGuire: Perfect.

Mele: ...further north in the yard, um, so I can see both levels of the house and...

McGuire: Okay.

Mele: ...most of the windows, just while they're dealing with that.

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McGuire: Can you see down into that...

Mele: No.

McGuire: ...threshold...

Mele: I can't.

McGuire: ...down where the storm, okay.

Mele: Nope. Um, so they come up with a plan, um, HELFRICH says, you know, or, at one point, the alarm goes off, we ask Dispatch, hey, is this the first time the alarm's going o-gone off? Um, we don't get a response, or that I heard. Um, so then HELFRICH says, you know, let's just, let's go further to the west again. So we go to, we start to leave, and, uh, at that point, ADRIAN was back there as well. Um, with, uh, MCHUGILL. So we're starting to walk away, and the guys are starting to walk back around this garage structure, right? And MCHUGILL and ADRIAN are still over here, and they're starting to, you know, we're like, uh, should we kinda watch this door, what should we do? HELFRICH looks back at me and I'm probably at about, here, at this point, towards the corner...

McGuire: Uh, right at the, what is that, 3-4 corner of the house?

Mele: Yeah.

McGuire: Okay.

Mele: And, uh...

Winters: The, um, sorry to interrupt, the east side of the house? Is that where you're pointing at?

McGuire: Yeah.

Winters: Okay.

Mele: Yeah, we're, I'm on, like, the northeast corner, um, and he says, hey, will you go tell ADRIAN and MCHUGILL to stand by the door, just watch it in case someone pops out. Sure. So they keep walking, uh, towards Hancock-Hancock Street, and I yell at them, hey, FYI, you guys stay here, just in case someone pops out. Okay, so they're already starting to make their move out this way. Um, as they start moving out, um, I get to about here, and they're about right here in the lot.

McGuire: Okay, and you're pointing, just for the record, you are, uh, now up to the...

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Mele: There was like a...

McGuire: ...1-4 corner...

Mele: Right.

McGuire: ...roughly.

Mele: Right.

McGuire: And they're further down into the, uh, driveway of the...

Mele: Yeah, I'm still here, but kinda by this, like, out-garage, this other existing garage.

McGuire: Right.

Mele: Um, and there's an alcove, right here between the house, which is definitely big enough...

McGuire: Right.

Mele: ...for someone to go back in, but it dead-ends here at this wall. So you can't get through.

McGuire: Oh, okay.

Mele: And then there's a window, which you can see kind of right here, almost, in the picture, you have a window right there. And as, as we got out, I start hearing them saying, hey, we're challenging one, get your hands up, show us your hands, giving clear commands to whoever it is that they're challenging, um, and I make the corner and I see, I notice that that window was now open, and it wasn't open before in the house, 'cause it was a smaller window and I, I just happened to look at it because I was like, oh, I wonder if someone could cut through this alcove or not. Um, so they're challenging him, their guns are facing north, I'm right here at this corner, I have a less lethal, so my thought process is, there is plenty of guns facing him, they're giving him clear commands, show us your hands, we believe you have a gun, if you reach for the gun, you may be shot. Um, and s-you know, everything else...

McGuire: Did you hear that specific command?

Mele: Yes.

McGuire: Okay.

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Mele: Um, ANDY, ANDY was giving very loud, concise commands, telling him what he wanted him to do. Um, and so my thought process right here is, I don't want to make this dart out to their group, I'd rather sit here at this corner where I had hard cover, and I also can use that to my advantage, to where if this guy does anything, I can be off to his side, where he doesn't know where I'm at...

McGuire: Okay.

Mele: ...and potentially bean bag, so I had my bean bag up on him, and he didn't see, um...

McGuire: I'm gonna pause you right there, just, uh, to make sure I have this right. So he is right in that, uh, that alcove there...

Mele: Yeah.

McGuire: ...and they are, the other team is virtually due south from him?

Mele: Yep.

McGuire: And you are...

Mele: Right here.

McGuire: ...sort of triangulated, almost due east from him?

Mele: Yes.

McGuire: Okay.

Mele: Yep.

McGuire: Perfect.

Mele: Um, so at that point, I had my bean bag up...

McGuire: What kind of distances were you, uh, you know, you from him, and then them from him? Them being the other team.

Mele: You know, from me to him, I'd probably say 15 feet...

McGuire: Okay

Mele: ...um, from them to him, I would estimate the same...

McGuire: Okay.

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Mele: ...I'm not 100% sure, but I would estimate that. 20 to 15, in there. Um, so at that point, I realize their guns are now facing north, and I know that ADRIAN and MCHUGILL are back there, and they're probably hearing the commotion, and I had, just in case, sh-if shots were fired, I don't want them to be behind this...

McGuire: Right.

Mele: ...sh-so, at that point, I take my eye off of him for, it, I mean, a brief second, and I, I yelled, ADRIAN, MCHUGILL, stay there, they've got him prone out, I hear okay, I hear boom, and it's like a l-a, a hollow boom, I hear, it sounds like just one to me at first. I turn and I look, and as I'm looking back, I see the smoke coming from the AR, from the barrel, and then I hear another boom, and then I see the suspect just kind of keel over and fall on to his face.

McGuire: So two shots, you heard?

Mele: Yeah.

McGuire: Okay. So let's back up just a little bit. When you basically make that corner of the garage, and, uh, you hear them challenging, your first sight of the suspect...

Mele: Um-hm.

McGuire: ...um, what's he looking like, what's he doing, um...

Mele: Um...

McGuire: ...what do you see?

Mele: ...he, he isn't looking at them. He's looking towards Hancock Street.

McGuire: Okay.

Mele: He's, I, it, from what it looks like from, from my experience, is it looked like he was looking for a way to potentially run past and get to Hancock Street. Um, so that's what I saw, and he was, he was down and he had his hands out in front...

McGuire: Down on, like, crouched down, but still on his feet, or down on his knees, or?

Mele: Knees, and then hands like this, but not, not prone out.

McGuire: Okay.

Mele: Like, almost like a wrestler position, um, and...

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McGuire: So on his knees, but hands down, you, you, you're showing this to us, and you had your fists clenched, is it, did you see that...

Mele: Yeah, I, I remember that, because I remember it looked like he had tattoos on the tops of his hands.

McGuire: Okay.

Mele: Um, and that's just, I just noticed that, and I was like, uh, he looks like he's in a position where he's thinking, I'm either gonna run, or not, and I d-I, that's what I assumed from the situation that was presented to me.

McGuire: And, um, was he following any of the commands that were given to him?

Mele: You know, I, it, it happened, he, he crawled out, so I mean, at first, yeah, he must have been, he was coming towards them, um, because he worked his way from the back of that alcove. I, I don't know, my view is completely cut off, so, like I was showing you here, this actually, this alcove goes back...

McGuire: Right.

Mele: ...so I can't see anything up until he crosses that plane of view to me, uh, at which point, that's when I bring up the less lethal, and he's on, in that position that I was just explaining to you before, and then I turn, and I yell at ADRIAN and MCHUGILL, hey, stay back there, the one shot's fired, and then he goes down. So from my understanding is that at some point, he must've gone up from that position...

McGuire: So...

Mele: ...if he were to go down.

McGuire: Right, so when you, um, I'm gonna back up just a tiny bit, okay. Uh, so he breaks that plane of the, of the alcove there, and you see him.

Mele: Um-hm.

McGuire: And is he, is he crawling at that point? Is he, um, on his hands and knees, is he, like...

Mele: I don't know what, I don't know if he's on his hands and knees, I mean...

McGuire: Okay.

Mele: ...that's, that's the position, 'cause, like I said, everything is kinda cut off, all I see is...

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McGuire: ...to any of those?

Mele: I don't know.

McGuire: Okay. Um, did he, did you see him physically do anything in response to those commands, like, move differently or, uh, anything?

Mele: No.

McGuire: Okay. Um, and then, so you turn away to give the, the, the warning back to GREG, um...

Mele: Um-hm. And MCHUGILL.

McGuire: ...and MCHUGILL back there, and while you're turned away, you said you heard the first shot?

Mele: Um-hm.

McGuire: Okay, you turned back, and now he's...

Mele: I've taken...

McGuire: ...more upright?

Mele: ...I, yes, but I've taken my attention off of him...

McGuire: Right.

Mele: ...and I'm like, you know, did I hear what I thought, and so then that's when I look over, I see the smoke coming from the barrel, one more shot...

McGuire: Okay, so...

Mele: ...and...

McGuire: ...you, so you almost, when you hear the shot, your...

Mele: I...

McGuire: ...vision pans past him...

Mele: Yes...

McGuire: ...not paying him attention...

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Mele: Right.

McGuire: ...to where that shot come fr-came from.

Mele: Correct.

McGuire: Okay.

Mele: And then it, my vision directly goes back, and that's when I see him fall down.

McGuire: And when you say fall down, was he now, uh, had he stood himself up, or do you know, or?

Mele: I, he had fallen down from a position which wouldn't have been consistent with him being just, like, on his hands...

McGuire: Okay.

Mele: ...in a wrestler position.

McGuire: Okay.

Mele: It was more of just a falling forward from his knees.

McGuire: Okay. Perfect. Uh...

Mele: Um, after that...

McGuire: ...what...

Mele: ...um, they were still giving him commands, medical, I heard was being called, uh, at that time I knew I was on this corner kinda by myself with the less lethal, and I wanted more people there, so at that time I believed that it was safe for me to call around, MCHUGILL and ADRIAN, just so they'd have their guns as well with me in the corner. Um, so then they ran over. We provided cover while they got a shield, a shield was provided, they did the walk up, handcuffs were placed on him.

McGuire: Um, at any time prior to the shots being fired, were you a-able to see his waistband?

Mele: Uh, no, I only ha-saw his side view.

McGuire: Okay, and y-his...

Mele: His le-...

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McGuire: ...I-left...

Mele: ...his left side...

McGuire: ...left side.

Mele: Yeah.

McGuire: Okay. And seeing that left side, did you see, uh, a gun?

Mele: No, I did not.

McGuire: Okay, but you only saw the left side.

Mele: I only saw the left side.

McGuire: Okay. Um, so after, after the shots are fired, um, did you still hear commands being given?

Mele: Yep.

McGuire: Okay, do you remember any of those specific commands that were being given, or?

Mele: No, I don't remember.

McGuire: No worries...

Mele: Sorry.

McGuire: ...no worries. Um, did you give any commands?

Mele: Uh, I did not, because there was already people talking, and I just, there's, there's no point in throwing in extra commands.

McGuire: Perfect. Um, do you recall, after, when your, your, d-your attention's back on him, and after the shot, did he, um, move at any point, did he make any statements or say anything at that point?

Mele: No, there was zero movement.

McGuire: Okay. How about, and you, obviously, uh, you didn't have any cause to fire your less lethal, correct?

Mele: Uh, I didn't see...

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McGuire: Or, or you didn't fire your less lethal...

Mele: I did not fire my less lethal.

McGuire: Can you think of anything right now, Billy?

Winters: Nope. I'm just kind of putting everything through what you had said, give me one sec.

McGuire: Okay.

Winters: So was HEARST the only one, at that time, giving commands, was there anybody else giving commands, could you tell?

Mele: You know, it's, I, I, uh, like I said, ANDY and I are partners, and so his voice is gonna stand out to me more than other people's voices...

Winters: Right.

Mele: ...uh, especially when it's in a heightened state of awareness...

Winters: Okay.

Mele: ...so I, all I heard, I, I know other people were giving commands, but I heard ANDY specifically.

Winters: Okay, right, got it.

Mele: Just 'cause I recognize his voice.

Winters: Okay, and so let me get this straight, as you've been talking, showing this Google map and kind of talking, _____ everything, when you came around that 3-4 corner...

Mele: Um-hm.

Winters: ...were you with ANDY and the group, and the K9, or are they separated from you at that point, a-you were talking about how you got, created some separation...

Mele: Yeah...

Winters: ...was that because you were...

Mele: That's be-...

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Winters: ...you were told to go back...

Mele: Yes.

Winters: ...and tell them, so that was your separation...

Mele: That was the separation.

Winters: ...and they had not addressed him, they had not seen him at that point?

Mele: No, I...

Winters: Okay.

Mele: ...I don't believe so.

Winters: Okay.

Mele: It was up until...

Winters: So it was like a s-...

Mele: ...we heard the bark...

Winters: ...not a startle factor, but it was a, hey, we're separating, um, you spot this window open and at the same time, they're _____...

Mele: Yeah, you know and I, yeah, that's, that's where I ended up...

Winters: Okay.

Mele: ...right there on the corner.

Winters: Okay, and you didn't have a clear positioning where you could point your less lethal at him, or anything, 'cause they were...

Mele: Not down into the alcove, no.

Winters: 'Cause they were addressing him, okay. At that time. And you said you heard a total of two shots fired?

Mele: Yes.

Winters: You saw one, or you, you heard the one, you looked back, and that's when you see the second round?

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Mele: That's when I hear...

Winters: Yep.

Mele: ...yeah, second round. And then the, I see that, when I first look, that's when I see the smoke...

Winters: Okay.

Mele: ...on the barrel, and then I see, uh, well then I hear the second shot.

Winters: Okay. And were you more focused on the rifle going off, or were you looking down to see where that round was going, could you...

Mele: My direct focus was first to the rifle...

Winters: Okay.

Mele: ...and then my attention spanned back to the suspect.

Winters: So as soon as you saw, heard the round fired, you looked over and you saw this gentleman falling...

Mele: Yes.

Winters: ...down?

Mele: Yes.

Winters: And at that point, did you go up and help, uh, with the custody, or did you stay back in your position?

Mele: No, they were able to get a shield, and they had a much better position already where they were at, where they could directly go up to him...

Winters: Okay.

Mele: ...where I was off to the side, so all he'd have to do is look over to where it's gonna be harder for him to start looking up...

Winters: Okay.

Mele: ...towards them, so that's why I called up ADRIAN and MCHUGILL, 'cause I knew that they were gonna do a...

Winters: For their safety...

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Case # 17-39972**February 9, 2017**
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Mele: ...custody team.

Winters: ...so they weren't in the line of fire.

Mele: That too, and I also wanted them over there so if he did anything while they were approaching him, we had also more people.

Winters: Okay. Perfect. Could you hear, uh, that the K9 was barking...

Mele: Oh, yeah.

Winters: K9 was barking...

Mele: I could, I could hear that, yeah.

Winters: Okay. O-and then you could hear, over the K9 barking, HEARST...

Mele: Oh, yeah.

Winters: Okay, so he was, he wasn't just, just like, hey...

Mele: No.

Winters: ...you know how we've, everybody's addressed someone at some point...

Mele: Yep.

Winters: ...to get your hands up. He...

Mele: It...

Winters: ...HEARST had, in his voice, this raised voice, 'cause obviously he needed to...

Mele: Yes.

Winters: ...address this guy...

Mele: It w-...

Winters: ...in a different demeanor than you would address a normal person of like, hey, let me see your hands...

Mele: I was...

Winters: ..._____

0210.6 bmc

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Mele: ...I was...

McGuire: And you had no problems hearing the commands over the dog?

Mele: No.

McGuire: Okay.

Mele: Zero.

Winters: They were clear and concise, all of them?

Mele: Yeah.

Winters: Okay. And then when you first, he was first seen, 'cause he was behind the alcove, it would be, like, like your positioning right now...

Mele: Exactly...

Winters: ...you'd be able to see me...

Mele: So if this is a solid wall right here, this is the view I have.

Winters: And you would see...

Mele: I...

Winters: ...you said at first...

Mele: ...I still, so...

Winters: ...you saw him like in a s-wrestling position that you described...

Mele: Yep.

Winters: ...basically him on his knees, with his hands clenched as, like, you were, you said earlier.

Mele: Yeah, I couldn't see his knees, I could see...

Winters: But...

Mele: ...but he was...

Winters: ...his fists were...

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Mele: ...obviously...

Winters: ..._____, he was in a position like maybe a sprinter's, like, getting ready to sprint, or getting, you know, of that sort.

Mele: Yeah, ready position.

Winters: Okay.

McGuire: Okay.

Winters: And then he went from there, you went back around, your, you just turned your head back...

Mele: I just turned, yeah, just, I mean it was...

Winters: In that split second from there to turning back, as you hear the first shot...

Mele: Yeah.

Winters: I, I know we're going over and over, I just wanted to...

Mele: Sure.

Winters: ...so you go back, you hear the sound, you look over, at that point when you look over, you see the smoke, and you see another round...

Mele: Panned back...

Winters: ...or you hear another round...

Mele: Yeah.

Winters: ...and you see the smoke come out...

Mele: And then...

Winters: ...and then you see gentleman...

Mele: The suspect fall.

Winters: ...fall.

Mele: Yes.

Winters: Okay.

0210.6 bmc

CONFIDENTIAL**Confidential Taped Statement Transcription**
Case # 17-39972**February 9, 2017**
Page 24**McGuire:** Okay.**Winters:** I have nothing further. The only thing, I think...**McGuire:** You've kind of been pointing and showing us...**Mele:** Yeah, I'm sorry...**McGuire:** ...um, but, no, no, no, that's, that's good, that's what we wanted...**Mele:** It's weird, I mean, the map doesn't do it justice, because there's...**McGuire:** Right, and plus, and these two cars of course...**Mele:** Right.**McGuire:** ...weren't there...**Mele:** Yep.**McGuire:** ...um...**Mele:** There's a planter right here, which I remember very, very distinctly...**McGuire:** Right.**Mele:** ...'cause it was bamboo, and I was like, this thing's in my way.**McGuire:** So what I want you to do with, with the pen is, um...**Mele:** Initial.**McGuire:** Uh, well we're gonna do that in a second, but first mark, you know, the corner that you were at, uh, the position that you, uh, saw the, the...**Mele:** When the shots were fired, where I was at?**McGuire:** ...shots were fired, where you were at, where the cust-or the contact team was, excuse me, where the...**Mele:** Do you have, like...**McGuire:** ...suspect was...**Mele:** Do we have like a, a better pen? Like a red pen?

0210.6 bmc

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Winters: I will go get, uh, a different pen, I...

McGuire: Yeah...

Mele: Well, it...

Winters: ...better, we got some pens that are...

Mele: ...just a red one or something...

Winters: Yep, I will do that, I'll be right back.

Mele: Do you want me to sign it or anything?

McGuire: Yeah, you've got, you're gonna do that afterwards anyway, so you might as well do it now. (Pen scribbling) Was there anything, um, that you recall from this event or that you think we should know about this event...

Winters: This is a silver...

McGuire: ...that we didn't ask you?

Winters: ...silver Sharpie, so hopefully you can...

Mele: Perfect.

Winters: ...and then _____

Mele: I will do my, my best.

Winters: Yes.

Mele: So I was probably right, ah, solar doesn't really do it justice. (Pen scribbling) Does that show it very well? Not really, huh?

McGuire: Uh, no, that's perfect, that's good enough.

Mele: Okay.

McGuire: Yep. Okay. So back to that, that, that question, um, anything that you can think we should know about this that we didn't ask you about, or that you, you think i-i-should be conveyed, that we didn't, you know, ask you about or anything that, that you want?

Mele: Uh, no, I'm, I know without a doubt in my mind that I could hear exactly what ANDY was saying.

0210.6 bmc

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McGuire: Okay. Um, when you, I just have one follow-up question, and I may have actually already asked you this...

Mele: Um-hm.

McGuire: ...um, 'cause you, you told us that he was looking, almost looking past them, and your impression at the time was that he was...

Mele: Towards Hancock Street...

McGuire: Well, uh, yeah, looking for a place to run, or possibly...

Mele: Um-hm.

McGuire: ...somehow to get away or something like that, um, how would you characterize his expression as far as, was it a fearful one, a defiant one, a calm one, or did you even...

Mele: Y-you're gonna have to realize this was within the span of seconds...

McGuire: Sure, sure, sure.

Mele: ...um, you know, all I saw was that I-I know if I was being challenged by a group of police officers, my attention would be directly on them, because I would be focusing on all of the weapons being pointed at me, and I would wanna do exactly what they were telling me...

McGuire: Sure.

Mele: ...plus you have a K9 dog. I know that I would be looking directly at them, trying to do everything right. And what I saw was someone who was looking off towards the street, and at a place where police officers were not.

McGuire: Okay.

Winters: Yeah.

McGuire: I have no further questions, so it is now 2:52 PM.

Transcribed Verbatim with Punctuation Added 021417 / 1605 A. Chasteen

0210.6 bmc

CONFIDENTIAL**IMAGE ATTACHMENT (1332026) OFFICER MELE DIAGRAM**

Ryan Mele #50772
2-9-17

CONFIDENTIAL

FOLLOWUP REPORT #56				
ASSIGNED TO WARE, PAUL D (37137)		RANK		
ORG UNIT FORENSICS:		CAPACITY 2-FORENSIC UNIT PROCESSING		
ASSIGNED ON 02/28/2017	ASSIGNED BY WARE, PAUL D	SUBMITTED ON 02/28/2017	APPROVED ON 03/06/2017	APPROVED BY MCMURRAY, SHAWNDA L
NARRATIVE				
AUTHOR WARE, PAUL D (37137)			DATE/TIME 02/28/2017 1553	
SUBJECT COLLECTION OF EVIDENCE				
<p>On 02-09-17, I was sent to scene of an Officer Involved Shooting investigation at [REDACTED] 1 NE Hancock. I was assigned to assist Detectives with a Robbery investigation, (17-39625), which is associated with the Officer Involved Shooting investigation. Refer to my report under that case number for details.</p> <p>At the scene of the shooting, I assisted Criminalist Outhaythip with the collection of items 5, 6, and 7 from PER #A051860.</p> <p>I did not collect any evidence for this case, 17-39972.</p>				

CONFIDENTIAL**FOLLOWUP REPORT #57**

ASSIGNED TO KAMMERER, ERIK W (29988)		RANK DETECTIVE		
ORG UNIT DETECTIVE: HOMICIDE DETAIL		CAPACITY 4-INTERVIEW OTHER		
ASSIGNED ON 03/01/2017	ASSIGNED BY KAMMERER, ERIK W	SUBMITTED ON 03/01/2017	APPROVED ON 03/01/2017	APPROVED BY WHATTAM, KEN N

NARRATIVE

AUTHOR KAMMERER, ERIK W (29988)	DATE/TIME 03/01/2017 1109
SUBJECT OFFICER HEARST COUNTDOWN	

CONNECT INFORMATIONInvolved Officer:

Officer Andrew HEARST, DPSST #50996
M/W, DOB [REDACTED]
Work Address: 1111 SW 2nd Avenue
Portland, Oregon 97204
Work Phone: 503-823-4800

Officer Weapon:

Colt AR15-A2 .223 caliber rifle
SN [REDACTED]

Deceased Suspect:

HAYES, QUANICE DERRICK
AKA: MARSHALL, QUINTEL
M/B, DOB [REDACTED]
5'8" / 140 Lbs / Black Hair / Brown Eyes
Home Address: Transient
Cell Phone: Unknown

NONCONNECT INFORMATIONDetectives Mentioned:

CONFIDENTIAL

Lieutenant Cliff BACIGALUPI, DPSST #30878
Detective Mark SLATER, DPSST #27192
Detective Todd GRADWAHL, DPSST #29981

Criminalist Mentioned:

Criminalist Tina WILLARD, DPSST #22518

Person Mentioned:

Steve Myers, Attorney At Law
Representing Officer Hearst
Work Phone: 503-227-4558

SUMMARY

Uniform officers responded to report of a robbery at gunpoint at the 1700 block of NE 82nd Avenue. While the officers were enroute, 911 received a call from a citizen reporting someone had broken into her car in the parking lot of 1816 NE 82nd Avenue. The description of the person who broke into the car was similar to the description of the person involved in the robbery at gunpoint. A short time later, 911 received a call from another citizen reporting an unwanted male in her yard at [REDACTED] NE Tillamook Street, whose description matched the description of the suspect from the previous two calls. This male was contacted by officers in the side yard of the residence, and the suspect fled on foot and jumped a fence. A perimeter was established, and a canine track began. The search team, which included Officer Hearst, eventually arrived at [REDACTED] NE Hancock Street, and subsequently encountered the suspect, later identified as QUANICE HAYES. During that contact, QUANICE HAYES deliberately and quickly reached into his waistband. Officer Hearst fired his rifle three times, striking and fatally wounding QUANICE HAYES. This report documents the countdown of Officer Hearst's weapons at the scene, as well as the subsequent statements by Officer Hearst.

NARRATIVE

On February 9th, 2017, Detective Slater and I responded to NE 82nd Avenue and NE Hancock Street to investigate an Officer Involved Shooting. During the course of our investigation, at approximately 1155 hours, Detective Slater and I met with Officer Hearst and his attorney, Steve Myers. Officer Hearst was photographed by Criminalist Willard. Criminalist Willard was also present to document the weapon countdowns via photographs. Detective Gradwahl was also present to observe the weapon countdowns.

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At my direction, Officer Hearst removed the magazine from the rifle slung across his chest. Officer Hearst then handed the magazine to me and I removed fourteen .223 caliber cartridges from the magazine, rendering it empty. At full capacity, the magazine is capable of holding twenty cartridges. However, I know it is standard in the Portland Police Bureau to load eighteen cartridges into a twenty-round magazine. I verified with Officer Hearst he only loaded eighteen cartridges into his magazine, and he told me he did.

At my direction, Officer Hearst removed the spare magazine for his rifle from the pouch on the buttstock of the rifle. I then removed eighteen .223 caliber cartridges from the magazine, rendering it empty. At full capacity, the magazine is capable of holding twenty cartridges. I verified with Officer Hearst he only loaded eighteen cartridges into his magazine, and he told me he did.

Officer Hearst then unslung his rifle and handed it to me. I pulled the bolt to the rear, ejecting one .223 caliber cartridge from the chamber. This round was retrieved. I then locked the bolt to the rear, and presented an empty rifle to Criminalist Willard. The rifle was a .223 caliber Colt AR15-A2, SN [REDACTED]

At my direction, Officer Hearst removed the two spare magazines from the handgun magazine pouch on his duty belt and handed each to me. I then removed seventeen 9mm cartridges from each magazine, rendering it empty. At full capacity, each magazine is capable of holding seventeen cartridges.

At my direction, Officer Hearst then removed the magazine from the handgun in his holster. Officer Hearst then handed the magazine to me and I removed seventeen 9mm cartridges from the magazine, rendering it empty. At full capacity, the magazine is capable of holding seventeen cartridges.

Officer Hearst then removed his handgun from its holster and handed it to me. I pulled the slide back, ejecting one 9mm cartridge from the chamber. This round was retrieved. I then locked the slide to the rear, and presented an empty handgun to Criminalist Willard. The handgun was a 9mm Glock Model 17, SN # [REDACTED]

I verified Officer Hearst did not carry any other magazines for his rifle or handgun, nor did he carry any other firearms. At the conclusion of the weapon countdowns, based on how Officer Hearst loads his rifle magazines, we determined Officer Hearst had fired his rifle three times, and had not fired his handgun. The rifle, rifle magazines, and .223 caliber cartridges were all collected by Criminalist Willard. The Glock handgun, magazines, and cartridges were all returned to Officer Hearst.

I asked Officer Hearst if he would be willing to conduct an on-scene briefing at this time, and Officer Hearst replied, "No, thank you." I asked Officer Hearst if he would be willing to provide an interview at this time, and he replied, "No, thank you."

Officer Hearst was then issued a Communication Restriction Order by Lieutenant Bacigalupi.

CONFIDENTIAL**FOLLOWUP REPORT #58**

ASSIGNED TO KAMMERER, ERIK W (29988)		RANK DETECTIVE		
ORG UNIT DETECTIVE: HOMICIDE DETAIL		CAPACITY 4-INTERVIEW OTHER		
ASSIGNED ON 03/01/2017	ASSIGNED BY KAMMERER, ERIK W	SUBMITTED ON 03/01/2017	APPROVED ON 03/01/2017	APPROVED BY WHATTAM, KEN N

NARRATIVE

AUTHOR KAMMERER, ERIK W (29988)	DATE/TIME 03/01/2017 1119
SUBJECT NOTIFICATION TO FAMILY	

CONNECT INFORMATIONInvolved Officer:

Officer Andrew HEARST, DPSST #50996

M/W, DOB [REDACTED]

Work Address: 1111 SW 2nd Avenue
Portland, Oregon 97204

Work Phone: 503-823-4800

Deceased Suspect:

HAYES, QUANICE DERRICK

AKA: MARSHALL, QUINTEL

M/B, DOB [REDACTED]

5'8" / 140 Lbs / Black Hair / Brown Eyes

Home Address: Transient

Cell Phone: Unknown

NONCONNECT INFORMATIONPersons Mentioned:

HAYES, VENUS

F/B, DOB [REDACTED]

Home Address: [REDACTED]
Portland, Oregon 97236

Cell Phone: [REDACTED]

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HAYES, DONNA

F/B, DOB [REDACTED]

Home Address:

[REDACTED]
Portland, Oregon 97217

Cell Phone:

ZIMMERMAN, RACHEL

F/B, DOB UNK

Home Address:

Unknown

Cell Phone:

Detectives Mentioned:

Detective Mark SLATER, DPSST #27192

Detective Todd GRADWAHL, DPSST #29981

Officer Mentioned:

Officer Rashida SAUNDERS, DPSST #52676

SUMMARY

Uniform officers responded to report of a robbery at gunpoint at the 1700 block of NE 82nd Avenue. While the officers were enroute, 911 received a call from a citizen reporting someone had broken into her car in the parking lot of 1816 NE 82nd Avenue. The description of the person who broke into the car was similar to the description of the person involved in the robbery at gunpoint. A short time later, 911 received a call from another citizen reporting an unwanted male in her yard at [REDACTED] NE Tillamook Street, whose description matched the description of the suspect from the previous two calls. This male was contacted by officers in the side yard of the residence, and the suspect fled on foot and jumped a fence. A perimeter was established, and a canine track began. The search team, which included Officer Hearst, eventually arrived at [REDACTED] NE Hancock Street, and subsequently encountered the suspect, later identified as QUANICE HAYES. During that contact, QUANICE HAYES deliberately and quickly reached into his waistband. Officer Hearst fired his rifle three times, striking and fatally wounding QUANICE HAYES. This report documents the notification to QUANICE HAYES' family of his death.

CONFIDENTIALNARRATIVE

On February 9th, 2017, at 0724 hours, uniform officers responded to report of a robbery at gunpoint at the 1700 block of NE 82nd Avenue. While the officers were enroute, at 0726 hours 911 received a call from a citizen reporting someone had broken into her car in the parking lot of 1816 NE 82nd Avenue. The description of the person who broke into the car was similar to the description of the person involved in the robbery at gunpoint. At 0736 hours 911 received a call from another citizen reporting an unwanted male in her yard at [REDACTED] NE Tillamook Street, whose description matched the description of the suspect from the previous two calls. This male was contacted by officers in the side yard of the residence, and the suspect fled on foot and jumped a fence. A perimeter was established, and a canine track began. The search team, which included Officer Hearst, eventually arrived at [REDACTED] NE Hancock Street, and discovered a rear basement door window had been broken. The suspect was able to exit the house through a window and concealed himself in an alcove between the house and the garage. Officers discovered the suspect and the search/custody team directed him to come out with his hands up. The suspect was uncooperative, and kept lowering his hands, especially his right one, toward his waistband. The suspect was told by the officers he was believed to be armed and if he kept reaching into his waistband, he would be shot. The suspect deliberately and quickly reached into his waistband. Officer Hearst fired his rifle three times, striking and fatally wounding the suspect. Fingerprints were obtained from the suspect, and he was tentatively identified as QUINTREL MARSHALL via the fingerprints, but he also appeared to have used the name QUANICE HAYES.

On February 10th, 2017, at 1900 hours, I received a phone message from RACHEL ZIMMERMAN asking me to call her about QUANICE HAYES. I returned the call, and RACHEL ZIMMERMAN told me she was trying to verify if QUANICE HAYES was deceased. I told RACHEL ZIMMERMAN I needed to speak to his immediate family, and she then put her phone on speaker phone, and VENUS HAYES and DONNA HAYES both spoke up, identifying themselves as QUANICE HAYES' mother and grandmother respectively. I explained to VENUS HAYES I believed QUANICE HAYES might be the person who had been shot earlier in the day, and offered to come to her location and meet in person. VENUS HAYES said she wanted to come to me and asked where I was located, and I gave her the address for the Detective Division. VENUS HAYES then told me she was on her way, and hung up. I printed out a booking photo on file for QUINTREL MARSHALL, who appeared to be the deceased male, in order to show the picture to VENUS HAYES.

At 1955 hours, Detective Slater, Detective Gradwahl, and I met with VENUS HAYES and DONNA HAYES in a conference room on the 14th floor of the Justice Center. Officer Saunders was also present. I explained to VENUS HAYES there was some confusion of the identity of the person who had been shot by the police earlier in the day. I provided the booking photo of QUINTREL MARSHALL to VENUS HAYES, who looked at it and began to cry. VENUS HAYES said the person in the picture was her son, QUANICE HAYES. VENUS HAYES then asked if she could keep the photo, and I told her she could.

VENUS HAYES told me she blamed herself for QUANICE HAYES living on the street, [REDACTED] [REDACTED]. VENUS HAYES said she last spoke with QUANICE HAYES before Christmas. I explained to VENUS HAYES I was unable to share much information with her regarding the death of her son because of the pending Grand Jury. I answered what questions I could for both VENUS HAYES and DONNA HAYES, and we then escorted VENUS HAYES and DONNA HAYES down to the lobby of the Justice Center where they met with other family members.

This investigation is ongoing.

CONFIDENTIAL**FOLLOWUP REPORT #59**

ASSIGNED TO KAMMERER, ERIK W (29988)		RANK DETECTIVE		
ORG UNIT DETECTIVE: HOMICIDE DETAIL		CAPACITY 4-AUTOPSY		
ASSIGNED ON 03/01/2017	ASSIGNED BY KAMMERER, ERIK W	SUBMITTED ON 03/01/2017	APPROVED ON 03/01/2017	APPROVED BY WHATTAM, KEN N

NARRATIVE

AUTHOR KAMMERER, ERIK W (29988)	DATE/TIME 03/01/2017 1124
SUBJECT OBSERVATIONS AT AUTOPSY	

CONNECT INFORMATIONInvolved Officer:

Officer Andrew HEARST, DPSST #50996

M/W, DOB [REDACTED]

Work Address: 1111 SW 2nd Avenue
Portland, Oregon 97204

Work Phone: 503-823-4800

Deceased Suspect:

HAYES, QUANICE DERRICK

AKA: MARSHALL, QUINTEL

M/B, DOB [REDACTED]

5'8" / 140 Lbs / Black Hair / Brown Eyes

Home Address: Transient

Cell Phone: Unknown

NONCONNECT INFORMATIONDetectives Mentioned:

Detective Todd GRADWAHL, DPSST #29981

CONFIDENTIALForensic Evidence Division Personnel Mentioned:

Criminalist Randy YOSHIMURA, DPSST #24583
Criminalist Shawnda MCMURRAY, DPSST #24747

Officers Mentioned:

Officer Gabe HERTZLER, DPSST #39513

Other Personnel Mentioned:

Dr. Chris Young
Oregon State Medical Examiner's Office

Deputy District Attorney Jeff Auxier
Multnomah County District Attorney's Office

SUMMARY

Uniform officers responded to report of a robbery at gunpoint at the 1700 block of NE 82nd Avenue. While the officers were enroute, 911 received a call from a citizen reporting someone had broken into her car in the parking lot of 1816 NE 82nd Avenue. The description of the person who broke into the car was similar to the description of the person involved in the robbery at gunpoint. A short time later, 911 received a call from another citizen reporting an unwanted male in her yard at [REDACTED] NE Tillamook Street, whose description matched the description of the suspect from the previous two calls. This male was contacted by officers in the side yard of the residence, and the suspect fled on foot and jumped a fence. A perimeter was established, and a canine track began. The search team, which included Officer Hearst, eventually arrived at [REDACTED] NE Hancock Street, and subsequently encountered the suspect, later identified as QUANICE HAYES. During that contact, QUANICE HAYES deliberately and quickly reached into his waistband. Officer Hearst fired his rifle three times, striking and fatally wounding QUANICE HAYES. This report documents my observations at autopsy.

NARRATIVE

On February 9th, 2017, at 0724 hours, uniform officers responded to report of a robbery at gunpoint at the 1700 block of NE 82nd Avenue. While the officers were enroute, at 0726 hours 911 received a call from a citizen reporting someone had broken into her car in the parking lot of 1816 NE 82nd Avenue. The description of the person who broke into the car was similar to the description of the person involved in the robbery at gunpoint. At 0736 hours 911 received a call from another citizen reporting an unwanted male in her yard at [REDACTED] NE Tillamook Street, whose description matched the description of the suspect

CONFIDENTIAL

from the previous two calls. This male was contacted by officers in the side yard of the residence, and the suspect fled on foot and jumped a fence. A perimeter was established, and a canine track began. The search team, which included Officer Hearst, eventually arrived at 8301 NE Hancock Street, and discovered a rear basement door window had been broken. The suspect, later identified as QUANICE HAYES, was able to exit the house through a window and concealed himself in an alcove between the house and the garage. Officers discovered QUANICE HAYES and the search/custody team directed him to come out with his hands up. QUANICE HAYES was uncooperative, and kept lowering his hands, especially his right one, toward his waistband. QUANICE HAYES was told by the officers he was believed to be armed and if he kept reaching into his waistband, he would be shot. QUANICE HAYES deliberately and quickly reached into his waistband. Officer Hearst fired his rifle three times, striking and fatally wounding QUANICE HAYES. QUANICE HAYES' body was transported to the Oregon State Medical Examiner's Office for a post-mortem examination.

On February 10th, 2017, at 0730 hours, Detective Gradwahl and I went to the Oregon State Medical Examiner's Office. The post-mortem examination began at 0747 hours, and was conducted by Dr. Chris Young. The procedure was documented via photographs by Criminalist Yoshimura, and items of evidence were collected by Criminalist McMurray (see Supplemental Reports by Criminalist Yoshimura and Criminalist McMurray for complete details). Deputy District Attorney Auxier and Officer Hertzler were also present.

During his preliminary examination of QUANICE HAYES, Dr. Young noted QUANICE HAYES was clothed as follows: an olive-green jacket with two bullet defects in the abdominal area, containing a black Nike-brand right-hand glove in the right coat pocket, and a broken black screw-top lid in the left coat pocket; a black zippered North Face-brand hooded sweatshirt with two bullet defects in the torso area, and one bullet defect in the top of the hood; a pair of blue jeans, containing the following: an elephant keychain in a plastic baggie, and a miniature padlock and key in the right front pocket, four foreign currency bills, three U.S. currency one-dollar bills, a large amount of mixed coin currency, and small portions of clear square shattered safety glass in the front left pocket, and a penny in the right rear pocket; a white Luis Vuitton-brand belt; a pair of Neff-brand boxer briefs; black and white socks; black Timberland boots with small portions of clear square shattered safety glass; and a white metal and glass jeweled bracelet on the right wrist. Dr. Young also noted four EKG pads on the lower back.

During his external examination, Dr. Young noted the following: an abrasion on the middle finger of the right hand; a mostly healed abrasion on lower left back; a patch of contusion on the forehead; and an abrasion on the left cheek.

During his external and internal examination, Dr. Young also noted the following gunshot wounds: Gunshot Wound (GSW) #1 was a gunshot entrance wound to the top of the head on the right side above the ear which perforated the scalp and skull, causing massive fracturing of the skull and separating the dura, massively disrupted the brain and caused massive sub-arachnoid hemorrhaging, and semi-liquefied the right side of the brain, with a trajectory of front to back, and downward.

Multiple small metal bullet fragments were recovered from the brain; Gunshot Wound (GSW) #2 was a gunshot entrance wound to the abdomen, slightly left of midline, which perforated the rib cage, lacerated the spleen, traveled through the stomach and into the colon, causing contusion to the front of the left lung, disrupted the left kidney, and extended into the left retro perineal area, with a trajectory of right to left, front to back, and downward. A bullet fragment was recovered from the left psoas muscle; Gunshot Wound (GSW) #3 was a gunshot entrance wound to the abdomen, left of the umbilicus, which perforated the small bowel and colon, extended into the psoas muscle and fractured the left pelvic bone, and came to rest in the soft tissue of the left buttock, with a trajectory of right to left, front to back, and downward. A bullet fragment was recovered from the left buttock muscle.

At the conclusion of his examination, Dr. Young concluded the combination of gunshot wounds was fatal, and determined the cause of death to be multiple gunshot wounds. The post-mortem examination was concluded at 1015 hours.

This investigation is ongoing.

CONFIDENTIAL

CONFIDENTIAL**FOLLOWUP REPORT #60**

ASSIGNED TO KAMMERER, ERIK W (29988)		RANK DETECTIVE		
ORG UNIT DETECTIVE: HOMICIDE DETAIL		CAPACITY 4-EVIDENCE COLLECT/PROCESSING		
ASSIGNED ON 03/01/2017	ASSIGNED BY KAMMERER, ERIK W	SUBMITTED ON 03/01/2017	APPROVED ON 03/01/2017	APPROVED BY WHATTAM, KEN N

NARRATIVE

AUTHOR KAMMERER, ERIK W (29988)		DATE/TIME 03/01/2017 1133
SUBJECT SUSPECT GUN INFORMATION		

CONNECT INFORMATIONInvolved Officer:

Officer Andrew HEARST, DPSST #50996

M/W, DOB [REDACTED]

Work Address: 1111 SW 2nd Avenue
Portland, Oregon 97204

Work Phone: 503-823-4800

Deceased Suspect:

HAYES, QUANICE DERRICK

AKA: MARSHALL, QUINTEL

M/B, DOB [REDACTED]

5'8" / 140 Lbs / Black Hair / Brown Eyes

Home Address: Transient

Cell Phone: Unknown

Suspect Firearm:

Action Sports Games (ASG) CZ P-09 6mm Airsoft pistol, modified

NONCONNECT INFORMATIONDetectives Mentioned:

CONFIDENTIAL

Detective Todd GRADWAHL, DPPST #29981

EXHIBITS

1. Printout of web page advertising ASG CZ P-09 airsoft pistol
2. Three photographs of stock ASG CZ P-09 airsoft pistol
3. Two photographs of CZ P-09 9mm pistol

SUMMARY

Uniform officers responded to report of a robbery at gunpoint at the 1700 block of NE 82nd Avenue. While the officers were enroute, 911 received a call from a citizen reporting someone had broken into her car in the parking lot of 1816 NE 82nd Avenue. The description of the person who broke into the car was similar to the description of the person involved in the robbery at gunpoint. A short time later, 911 received a call from another citizen reporting an unwanted male in her yard at [REDACTED] NE Tillamook Street, whose description matched the description of the suspect from the previous two calls. This male was contacted by officers in the side yard of the residence, and the suspect fled on foot and jumped a fence. A perimeter was established, and a canine track began. The search team, which included Officer Hearst, eventually arrived at [REDACTED] NE Hancock Street, and subsequently encountered the suspect, later identified as QUANICE HAYES. During that contact, QUANICE HAYES deliberately and quickly reached into his waistband. Officer Hearst fired his rifle three times, striking and fatally wounding QUANICE HAYES. This report documents background information on the fake firearm possessed by QUANICE HAYES.

NARRATIVE

On February 9th, 2017, at 0724 hours, uniform officers responded to report of a robbery at gunpoint at the 1700 block of NE 82nd Avenue. While the officers were enroute, at 0726 hours 911 received a call from a citizen reporting someone had broken into her car in the parking lot of 1816 NE 82nd Avenue. The description of the person who broke into the car was similar to the description of the person involved in the robbery at gunpoint. At 0736 hours 911 received a call from another citizen reporting an unwanted male in her yard at [REDACTED] NE Tillamook Street, whose description matched the description of the suspect from the previous two calls. This male was contacted by officers in the side yard of the residence, and the suspect fled on foot and jumped a fence. A perimeter was established, and a canine track began. The search team, which included Officer Hearst, eventually arrived at [REDACTED] NE Hancock Street, and discovered a rear basement door window had been broken. The suspect, later identified as QUANICE HAYES, was able to exit the house through a window and concealed himself in an alcove between the house and the garage. Officers discovered QUANICE HAYES and the search/custody team directed him to come out with his hands up. QUANICE HAYES was uncooperative, and kept lowering his hands, especially his right one, toward his waistband. QUANICE HAYES was told by the officers he was believed to be armed and if he kept reaching into his waistband, he would be shot. QUANICE HAYES deliberately and quickly reached into his waistband. Officer Hearst

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fired his rifle three times, striking and fatally wounding QUANICE HAYES. A realistic looking firearm was recovered next to QUANICE HAYES.

On February 9th, 2017, I had attempted to render the firearm safe for collection, and discovered it was an extremely realistic looking BB or pellet gun. I noted the following realistic components: a polymer plastic frame, and metal slide; the slide is capable of being manipulated in a realistic manner; a realistic muzzle size to accommodate a large caliber bullet; an accessory rail in front of the trigger guard; a functional slide release; a functional safety; a functional magazine release button, which allows the magazine in the handgrip to be removed; and traces of rifling at the end of the barrel. After viewing the detailed photographs of the pellet gun taken by Criminalist Outhaythip at the Forensic Evidence Division, I also noted "ASG," "Cal. 6mm BB," and "MADE IN TAIWAN" were stamped into the right side of the polymer frame in very small letters, and "DESIGNED IN CZECH REPUBLIC" was stamped into the left side of the polymer frame in very small letters. I also saw "CZ P-09" was stamped into the left side of the metal slide in large letters.

I conducted research into the manufacture of the pellet gun and learned it is a licensed copy of an actual firearm, the 9mm CZ P-09, which is a handgun manufactured in the Czech Republic by Cesk Zbrojovka. The CZ P-09 comes in an all-black variant, or a two-tone variant which is also suppressor-ready. The two-tone variant has a light grey frame and a black slide. Both variants are composed of a polymer plastic frame and a metal slide. The pellet gun is manufactured by Action Sports Games (ASG) and is advertised as being realistic looking and feeling. Out of the box, the pellet gun has bright orange markings at the end of the barrel to distinguish it as a replica firearm. The pellet gun recovered next to QUANICE HAYES has had the orange markings removed from the pellet gun. Included with this report are three pictures of an ASG CZ P-09 pellet gun, two pictures of a CZ P-09 9mm pistol, and a printout from a web page advertising the ASG CZ P-09 pellet gun.

This investigation is ongoing.

CONFIDENTIAL**IMAGE ATTACHMENT (1288273) WEB PAGE PRINTOUT**

The attached file(s) cannot be included in this hardcopy.

CONFIDENTIAL**IMAGE ATTACHMENT (1288278) STOCK ASG CZ P-09 PISTOL**

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IMAGE ATTACHMENT (1288280) STOCK ASG CZ P-09 PISTOL



CONFIDENTIAL**IMAGE ATTACHMENT (1288283) STOCK ASG CZ P-09 PISTOL**

CONFIDENTIAL**IMAGE ATTACHMENT (1288289) CZ P-09 9MM PISTOL**

The attached file(s) cannot be included in this hardcopy.

CONFIDENTIAL**IMAGE ATTACHMENT (1288291) CZ P-09 9MM PISTOL**

The attached file(s) cannot be included in this hardcopy.

CONFIDENTIAL**FOLLOWUP REPORT #61**

ASSIGNED TO KAMMERER, ERIK W (29988)		RANK DETECTIVE		
ORG UNIT DETECTIVE: HOMICIDE DETAIL		CAPACITY 4-EVIDENCE COLLECT/PROCESSING		
ASSIGNED ON 03/02/2017	ASSIGNED BY KAMMERER, ERIK W	SUBMITTED ON 03/02/2017	APPROVED ON 03/02/2017	APPROVED BY WHATTAM, KEN N

NARRATIVE

AUTHOR KAMMERER, ERIK W (29988)	DATE/TIME 03/02/2017 1059
SUBJECT EVIDENCE TO OSP LAB	

CONNECT INFORMATIONInvolved Officer:

Officer Andrew HEARST, DPSST #50996

M/W, DOB [REDACTED]

Work Address: 1111 SW 2nd Avenue
Portland, Oregon 97204

Work Phone: 503-823-4800

Deceased Suspect:

HAYES, QUANICE DERRICK

AKA: MARSHALL, QUINTEL

M/B, DOB [REDACTED]

5'8" / 140 Lbs / Black Hair / Brown Eyes

Home Address: Transient

Cell Phone: Unknown

Officer Firearm:

Colt AR15-A2 .223 caliber rifle

SN [REDACTED]

NONCONNECT INFORMATIONDetectives Mentioned:

CONFIDENTIAL

Detective Vince CUI, DPPST #36881

EXHIBITS

1. Oregon State Police Forensic Services Request Form, for Lab Case #17L-1064, page 1 of 2
2. Oregon State Police Forensic Services Request Form, for Lab Case #17L-1064, page 2 of 2

SUMMARY

Uniform officers responded to report of a robbery at gunpoint at the 1700 block of NE 82nd Avenue. While the officers were enroute, 911 received a call from a citizen reporting someone had broken into her car in the parking lot of 1816 NE 82nd Avenue. The description of the person who broke into the car was similar to the description of the person involved in the robbery at gunpoint. A short time later, 911 received a call from another citizen reporting an unwanted male in her yard at [REDACTED] NE Tillamook Street, whose description matched the description of the suspect from the previous two calls. This male was contacted by officers in the side yard of the residence, and the suspect fled on foot and jumped a fence. A perimeter was established, and a canine track began. The search team, which included Officer Hearst, eventually arrived at [REDACTED] NE Hancock Street, and subsequently encountered the suspect, later identified as QUANICE HAYES. During that contact, QUANICE HAYES deliberately and quickly reached into his waistband. Officer Hearst fired his rifle three times, striking and fatally wounding QUANICE HAYES. This report documents transferring the weapon used by the involved officer to the OSP lab for forensics examination.

NARRATIVE

On February 9th, 2017, at 0724 hours, uniform officers responded to report of a robbery at gunpoint at the 1700 block of NE 82nd Avenue. While the officers were enroute, at 0726 hours 911 received a call from a citizen reporting someone had broken into her car in the parking lot of 1816 NE 82nd Avenue. The description of the person who broke into the car was similar to the description of the person involved in the robbery at gunpoint. At 0736 hours 911 received a call from another citizen reporting an unwanted male in her yard at [REDACTED] NE Tillamook Street, whose description matched the description of the suspect from the previous two calls. This male was contacted by officers in the side yard of the residence, and the suspect fled on foot and jumped a fence. A perimeter was established, and a canine track began. The search team, which included Officer Hearst, eventually arrived at [REDACTED] NE Hancock Street, and discovered a rear basement door window had been broken. The suspect, later identified as QUANICE HAYES, was able to exit the house through a window and concealed himself in an alcove between the house and the garage. Officers discovered QUANICE HAYES and the search/custody team directed him to come out with his hands up. QUANICE HAYES was uncooperative, and kept lowering his hands, especially his right one, toward his waistband. QUANICE HAYES was told by the officers he was believed to be armed and if he kept reaching into his waistband, he would be shot. QUANICE HAYES deliberately and quickly reached into his waistband. Officer Hearst fired his rifle three times, striking and fatally wounding QUANICE HAYES.

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Homicide Detectives and Criminalists from the Forensic Evidence Division responded to the scene and began an investigation and processed the scene. During the course of the ensuing investigation, several items of evidence were located and collected.

Among these items was the rifle used by Officer Hearst, and three .223 caliber shell casings. All of these items were collected by Criminalists and placed into a secure location inside the Forensic Evidence Division. On February 10th, 2017, a post-mortem examination was conducted and based on the results of that examination, we determined QUANICE HAYES had been shot three times. Bullet fragments were recovered from each of the gunshot wounds. All of the items were later transferred to the Property Evidence Division, except for Officer Hearst's rifle, which was delivered to the Portland Police Bureau Forensic Evidence Division (see Supplemental Reports from the Forensic Evidence Division for complete details).

On February 24th, 2017, I retrieved all of the above described items, from the Property Evidence Division, as well as Officer Hearst's rifle from the Forensic Evidence Division, and delivered all of the items to the Oregon State Police Forensics Lab to be examined.

Oregon State Police Forensics Lab results are pending.

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IMAGE ATTACHMENT (1290237) OSP LAB REQUEST FORMS

Page 1 of 2

Oregon State Police Forensic Services Request		<input type="checkbox"/> Rush		Lab Use Only		Analyst: _____	
Reason: _____		Date Due: _____		Start Date: _____		Page _____ of _____	
DA Contact: (if known) _____		Additional Suspect Info Only <input type="checkbox"/>		Lab Case #		Sub #	
Previous Evidence Submitted <input type="checkbox"/>		Secondary Agency Case #		Restrict this case to: (Refer to back side of Form 49 for further information)			
Investigating Officer <input type="checkbox"/> Agency <input type="checkbox"/> Lab Staff							
Agency Portland Police Bureau		Offense <input type="checkbox"/> FMVA Murder / Death Investigation		Offense Date (mm/dd/yyyy) 02/09/17		County of Venue Multnomah	
Agency Case # 17-39972		Last (Individual # 1) <input type="checkbox"/> No Suspect AFIS Search		First Quanice		Middle Derrick	
Secondary Agency		Last (Individual # 2)		First		Middle	
Suspect <input type="checkbox"/> Mentioned <input type="checkbox"/> Victim <input checked="" type="checkbox"/> Deceased		Race Black		Sex <input checked="" type="checkbox"/> Male <input type="checkbox"/> Female		DOB (mm/dd/yyyy) [REDACTED]	
SID #		FBI #		Breath Test Given? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		Result	
Last (Individual # 3)		First		Middle			
Suspect <input type="checkbox"/> Mentioned <input type="checkbox"/> Victim <input type="checkbox"/> Deceased		Race		Sex <input type="checkbox"/> Male <input type="checkbox"/> Female		DOB (mm/dd/yyyy)	
SID #		FBI #		Breath Test Given? <input type="checkbox"/> Yes <input type="checkbox"/> No		Result	
Investigating Officer (Please Print) Erik Kammerer		Phone # of Investigating Officer [REDACTED]		E-mail of Investigating Officer erik.kammerer@portlandoregon.gov			
The Oregon State Police Forensic Services Division reserves the right to select appropriate methods of analysis based on the type of evidence and information provided.							
Lab Exhibit	Agency Exhibit	Description of Evidence (Please associate evidence with appropriate individual, if applicable)				Requested service (Refer to back side of Form 49 for types of Services provided)	
	✓	PER #1408302				Att: Leland Samuleson	
	1	Item 1: Colt AR-15 .223 rifle, SN # [REDACTED]				Firearms / Toolmarks Comparison	
	2	Item 2: .223 cartridge				Firearms / Toolmarks Comparison	
	3	Item 3: Magazine, plus fourteen .223 cartridges				Firearms / Toolmarks Comparison	
	4	Item 4: Magazine, plus eighteen .223 cartridges				Firearms / Toolmarks Comparison	
		PER #A051860					
	5	Item 2: .223 shell casing				Firearms / Toolmarks Comparison	
	6	Item 3: .223 shell casing				Firearms / Toolmarks Comparison	
	7	Item 4: .223 shell casing				Firearms / Toolmarks Comparison	
Submitted to Lab By (Please Print) Erik Kammerer		Submitted to Lab By (Signature) [Signature]		Date Submitted 2-24-17			
Submitted via <input type="checkbox"/> UPS <input type="checkbox"/> U.S. Mail <input type="checkbox"/> Certified Mail		LAB USE ONLY					
Other: _____		one (1) secured rifle one (1) to me three (3) t&i bpb three (3) h&i plb by fla					
Date / Time 02-24-17 03:45pm		Lab Staff [Signature]					
Evidence Transfer or Referral Received From:		Via: <input type="checkbox"/> UPS		Date / Time		Lab Staff <input type="checkbox"/> Item(s) <input type="checkbox"/> Submission	

Blue and Yellow Copies - Lab

White Copy - Agency

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FOR 49

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Page 2 of 2

Oregon State Police
Forensic Services Request

Agency Portland Police Bureau		Reason: <input type="checkbox"/> Rush		Lab Use Only		Analyst: _____	
Agency Case # 17-39972		Date Due:		Start Date:		Page _____ of _____	
Secondary Agency		DA Contact: (if known)		Lab Case # 17L-1064		Sub #	
Secondary Agency Case #		<input type="checkbox"/> Additional Suspect Info Only <input type="checkbox"/> Previous Evidence Submitted		Restrict this case to: (Refer to back side of Form 49 for further information) <input type="checkbox"/> Investigating Officer <input type="checkbox"/> Agency <input type="checkbox"/> Lab Staff			
Offense Murder / Death Investigation		<input type="checkbox"/> FMVA		Offense Date (mm/dd/yy) 02/09/17		County of Venue Multnomah	
Last (Individual # 1) <input type="checkbox"/> No Suspect AFIS Search Hayes		First Quanice		Middle Derrick			
<input type="checkbox"/> Suspect <input type="checkbox"/> Mentioned <input type="checkbox"/> Victim <input checked="" type="checkbox"/> Deceased	Race Black	<input checked="" type="checkbox"/> Male <input type="checkbox"/> Female	DOB (mm/dd/yy) [REDACTED]	SID # [REDACTED]	FBI #	Breath Test Given? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No Result	
Last (Individual # 2)		First		Middle			
<input type="checkbox"/> Suspect <input type="checkbox"/> Mentioned <input type="checkbox"/> Victim <input type="checkbox"/> Deceased	Race	<input type="checkbox"/> Male <input type="checkbox"/> Female	DOB (mm/dd/yy)	SID #	FBI #	Breath Test Given? <input type="checkbox"/> Yes <input type="checkbox"/> No Result	
Last (Individual # 3)		First		Middle			
<input type="checkbox"/> Suspect <input type="checkbox"/> Mentioned <input type="checkbox"/> Victim <input type="checkbox"/> Deceased	Race	<input type="checkbox"/> Male <input type="checkbox"/> Female	DOB (mm/dd/yy)	SID #	FBI #	Breath Test Given? <input type="checkbox"/> Yes <input type="checkbox"/> No Result	
Investigating Officer (Please Print) Erik Kammerer		Phone # of Investigating Officer [REDACTED]		E-mail of Investigating Officer erik.kammerer@portlandoregon.gov			
The Oregon State Police Forensic Services Division reserves the right to select appropriate methods of analysis based on the type of evidence and information provided.							
Lab Exhibit	Agency Exhibit	Description of Evidence (Please associate evidence with appropriate individual, if applicable)			Requested service (Refer to back side of Form 49 for types of Services provided)		
		PER #A011695			Att: Leland Samuleson		
	8	Item 5: Bullet fragment s			Firearms / Toolmarks Comparison		
	9	Item 6: Bullet fragment s			Firearms / Toolmarks Comparison		
	10	Item 7: Bullet fragment s			Firearms / Toolmarks Comparison		
Submitted to Lab By (Please Print) Erik Kammerer		Submitted to Lab By (Signature) [Signature]		Date Submitted 2-24-17			
Submitted via <input type="checkbox"/> UPS <input type="checkbox"/> U.S. Mail <input type="checkbox"/> Certified Mail <input type="checkbox"/> Other		LAB USE ONLY					
Date / Time 02-24-17 1:34pm		[REDACTED] <i>see page 1</i>					
Lab Staff [Signature]							
Evidence Transfer or Referral Received From:		Via: <input type="checkbox"/> UPS		Date / Time		Lab Staff <input type="checkbox"/> Item(s) <input type="checkbox"/> Submission	

Blue and Yellow Copies - Lab

White Copy - Agency

Rev 09-2010

FORM 49

CONFIDENTIAL**FOLLOWUP REPORT #62**

ASSIGNED TO KAMMERER, ERIK W (29988)		RANK DETECTIVE		
ORG UNIT DETECTIVE: HOMICIDE DETAIL		CAPACITY 4-INTERVIEW WITNESS		
ASSIGNED ON 03/03/2017	ASSIGNED BY KAMMERER, ERIK W	SUBMITTED ON 03/03/2017	APPROVED ON 03/07/2017	APPROVED BY WHATTAM, KEN N

NARRATIVE

AUTHOR KAMMERER, ERIK W (29988)	DATE/TIME 03/03/2017 1008
SUBJECT INTERVIEW OF MARSHA PITTMAN	

CONNECT INFORMATIONInvolved Officer:

Officer Andrew HEARST, DPSST #50996

M/W, DOB [REDACTED]

Work Address: 1111 SW 2nd Avenue
Portland, Oregon 97204

Work Phone: 503-823-4800

Deceased Suspect:

HAYES, QUANICE DERRICK

AKA: MARSHALL, QUINTEL

M/B, DOB [REDACTED]

5'8" / 140 Lbs / Black Hair / Brown Eyes

Home Address: Transient

Cell Phone: Unknown

NONCONNECT INFORMATIONPerson Interviewed:

PITTMAN, MARSHA

F/B, DOB [REDACTED]

Home Address: [REDACTED]
Portland, Oregon 97220

Cell Phone: [REDACTED]

CONFIDENTIALDetective Mentioned:

Detective Mark SLATER, DPSST #27192

EXHIBITS

1. Portland Police Bureau Property/Evidence #1415516
2. Transcript of interview with MARSHA PITTMAN

SUMMARY

Uniform officers responded to report of a robbery at gunpoint at the 1700 block of NE 82nd Avenue. While the officers were enroute, 911 received a call from a citizen reporting someone had broken into her car in the parking lot of 1816 NE 82nd Avenue. The description of the person who broke into the car was similar to the description of the person involved in the robbery at gunpoint. A short time later, 911 received a call from MARSHA PITTMAN reporting an unwanted male in her yard at [REDACTED] NE Tillamook Street, whose description matched the description of the suspect from the previous two calls.

This male was contacted by officers in the side yard of the residence, and the suspect fled on foot and jumped a fence. A perimeter was established, and a canine track began. The search team, which included Officer Hearst, eventually arrived at [REDACTED] NE Hancock Street, and subsequently encountered the suspect, later identified as QUANICE HAYES. During that contact, QUANICE HAYES deliberately and quickly reached into his waistband. Officer Hearst fired his rifle three times, striking and fatally wounding QUANICE HAYES. This report documents the interview of MARSHA PITTMAN.

NARRATIVE

On February 9th, 2017, at 0724 hours, uniform officers responded to report of a robbery at gunpoint at the 1700 block of NE 82nd Avenue. While the officers were enroute, at 0726 hours 911 received a call from a citizen reporting someone had broken into her car in the parking lot of 1816 NE 82nd Avenue. The description of the person who broke into the car was similar to the description of the person involved in the robbery at gunpoint. At 0736 hours 911 received a call from MARSHA PITTMAN reporting an unwanted male in her yard at 8322 NE Tillamook Street, whose description matched the description of the suspect from the previous two calls. This male was contacted by officers in the side yard of the residence, and the suspect fled on foot and jumped a fence. A perimeter was established, and a canine track began. The search team, which included Officer Hearst, eventually arrived at [REDACTED] NE Hancock Street, and discovered a rear basement door window had been broken.

The suspect, later identified as QUANICE HAYES, was able to exit the house through a window and concealed himself in an alcove between the house and the garage. Officers discovered QUANICE HAYES and the search/custody team directed him to come out with his hands up. QUANICE HAYES was uncooperative, and kept lowering his hands, especially his right one, toward his waistband. QUANICE HAYES was told by the officers he was believed to be armed and if he kept reaching into his waistband, he would be shot. QUANICE HAYES deliberately and quickly reached into his waistband. Officer Hearst fired his rifle three times, striking and fatally wounding QUANICE HAYES.

CONFIDENTIAL

On March 2nd, 2017, Detective Slater and I met with MARSHA PITTMAN at her place of work at 11826 NE Glisan Street.

MARSHA PITTMAN escorted us to her office, where we conducted the interview. Prior to the interview, I activated a digital recorder. I ensured MARSHA PITTMAN understood the conversation was being recorded, and she consented to the recording. At the beginning of the interview, I mistakenly said the year was 2016, when I should have said 2017. Because the interview was recorded in its entirety, what follows is a brief summary of MARSHA PITTMAN's statements.

MARSHA PITTMAN said she was home getting ready for work when her dog began barking excitedly. MARSHA PITTMAN said her daughter told her someone was in the yard, and MARSHA PITTMAN looked in the backyard and saw a person later identified as QUANICE HAYES standing in her yard. MARSHA PITTMAN said she yelled at QUANICE HAYES to leave her yard, but he would not leave so she called 911. MARSHA PITTMAN said after the officers arrived, she heard them giving QUANICE HAYES directions which he did not appear to be following. MARSHA PITTMAN said an officer contacted her, and explained QUANICE HAYES was claiming MARSHA PITTMAN was his guardian and he lived with her. MARSHA PITTMAN said she told the officer he did not live with her, she did not know him, and she wanted him off her property. MARSHA PITTMAN said she heard the officers continue to give commands to QUANICE HAYES, which he did not appear to be following. MARSHA PITTMAN said QUANICE HAYES then ran into her backyard and jumped over her fence. MARSHA PITTMAN said she then took her children to school and returned home. MARSHA PITTMAN said the officers were doing a canine search, and she was upstairs when she again heard the officers giving commands to QUANICE HAYES. MARSHA PITTMAN said a short time after that, she heard three gunshots.

At the end of the interview, I deactivated the digital recorder. I later copied the recording of the interview onto a CD-R, which was placed into the Property Evidence Division on Portland Police Bureau Property/Evidence #1415516 as evidence. Please refer to the attached transcript for a verbatim account of the interview.

This investigation is ongoing.

CONFIDENTIAL

IMAGE ATTACHMENT (1292281) PER # 1415516

BUREAU OF POLICE
2619 NW INDUSTRIAL WAY, STE. B4
PORTLAND, OREGON 97210
503-823-2179

PROPERTY/EVIDENCE RECEIPT

HOURS OF OPERATION:
9:00 AM TO NOON &
1:00 PM TO 4:00 PM, M-F

THIS RECEIPT MUST BE ACCOMPANIED BY AN APPROPRIATE REPORT

RECEIPT NUMBER No. 1415516	DATE/TIME 3-2-17/1700	AM PM	REFER CASE NO. 17-40386	PPB CASE NO. 17-39972
CHECK ONE TYPE ONLY <input checked="" type="checkbox"/> EVIDENCE <input type="checkbox"/> FOUND PROPERTY <input type="checkbox"/> PRISONER'S PROP.	GAVE COPY? YES <input type="checkbox"/> NO <input type="checkbox"/>			
PROPERTY TAKEN FROM: LAST NAME FIRST M.I. SEX DOB	SAFEKEEPING <input type="checkbox"/>			
DENIED OWNERSHIP <input type="checkbox"/>	I VOLUNTARILY RELINQUISH THE ITEM(S) LISTED FOR SAFEKEEPING			
HOME ADDRESS CITY STATE ZIP	SIGNATURE			
OWNER OF PROPERTY LAST NAME FIRST M.I. SEX DOB	PHONE			
HOME ADDRESS CITY STATE ZIP	TYPE OF INCIDENT Officer Involved Shooting			
DELIVERING OFFICER Kammer		DPSST/ASSIGN 29983/DET		
LOCATION WHERE SEIZED, FOUND, SURRENDERED 11826 NW Glen St		INVESTIGATOR (IF DIFFERENT) DPSST/ASSIGN		
<input type="checkbox"/> DEFENDANT LAST NAME FIRST M.I. SEX RACE DOB	<input checked="" type="checkbox"/> SUSPECT			
FOR GUNS LIST MAKE, TYPE, CALIBER, MODEL, SERIAL NUMBER(S), IMPORTER & COUNTRY OF ORIGIN. LIST ONLY ONE ITEM PER SELECTION.				STLN FOR PED USE ONLY
ITEM 1 CD-R containing interview of Marsha Pittman				
ITEM 2				
ITEM 3				
ITEM 4				
ITEM 5				
ITEM 6				
ITEM 7				
ITEM 8				
DELIVERED TO: <input type="checkbox"/> STATE CRIME LAB <input type="checkbox"/> SATELLITE PROP. ROOM <input type="checkbox"/> PED		PRECINCT & LOCKER#		DATE
CHECK ONE ONLY <input type="checkbox"/> FED <input type="checkbox"/> OTHER		RECEIVED BY		
DO NOT WRITE IN SPACE BELOW — FOR PED USE ONLY				
RECEIVED BY PED		BY		WHITE - RECORDS COPY PINK - WITH PROPERTY YELLOW - CITIZENS RECEIPT
DATE:		TIME:		

07/12

CONFIDENTIAL

IMAGE ATTACHMENT (1292285) TRANSCRIPT OF MARSHA PITTMAN INTERVIEW

**PORTLAND POLICE BUREAU
CASE NUMBER 17-39972**

March 2, 2017

**Interview with
MARSHA PITTMAN**

TAPED STATEMENT TRANSCRIPTION

CONFIDENTIAL

CONFIDENTIAL

**PORTLAND POLICE BUREAU
DETECTIVE DIVISION
CONFIDENTIAL TAPED STATEMENT TRANSCRIPTION**

Case # 17-39972**March 2, 2017****Page 1**

Kammerer: Alright this is Detective Kammerer with the Portland Police. Today is March 2nd, 2016, it's uh, 1610 hours. We are in an office at 11826 NE Glisan Street and we're here with MARSHA PITTMAN to discuss case number 17-39972. Also present is Detective Mark Slater. And Ms. PITTMAN you understand this conversation is being recorded?

Pittman: Yes.

Kammerer: And you're okay with that?

Pittman: Yes.

Kammerer: Okay um, so it's my understanding that back on February 9th, you called 9-1-1 because you found someone in your yard.

Pittman: Yes.

Kammerer: Do you recall that?

Pittman: Yes.

Kammerer: Okay, can you tell me about that?

Pittman: So I was upstairs and I could hear my dog barking and I thought, you know my son was playing with him rough and so I yelled down, hey, you know what's going on? And so then next thing I hear my daughter, she's calling me, she was like kind of whispering and she says mom. So I, then I hear my dog, he was aggressively barking. And so then she goes someone's in our yard and I went to the front, she says no in the backyard. And I'm like well how did the person get over in the backyard? The gate's locked. So my dog, you know turned around looking like open the door 'cause somebody's back here, I'm trying to protect you guys. And so he went back to the window and I looked out the kitchen window and I didn't see nobody and so he went, went, so when the dog went back and he like bite on the window. And I pulled the curtain back and here's this young black guy standing right there holding hi- a suitcase. He looked very innocent and all I just start screaming is like get out of my yard and he's just, so he said, he said, can you help me? I says no, get out of my yard. And so he's standing there and I says, get out of my yard and stuff. And so then he's, I said, I said where is my phone? So my daughter went upstairs, got the phone and I called 9-1-1. And I had talked to the operator then, I says someone, someone's in my yard, he won't

CONFIDENTIAL**Confidential Taped Statement Transcription**
Case # 17-39972**March 2, 2017**
Page 2

leave and he started going around the house, side of the house and I'm like, how is he gonna get out 'cause, you know the gate's locked.

Kammerer: Um-hm.

Pittman: And stuff. He goes to my front door, starts ringing the doorbell. Like a kid playing with your doorbell and take off running. So he start ringing the doorbell, start banging real hard on the door and just kept ringing and so I was like, somebody – and so she told me, you know, she had an officer on the way and stuff. And so he's like ringing the doorbell and I told my kids, I says get upstairs, I said I don't know what's going on. I said I don't if have anything, get away and I told my son, he on going to the window and I'm like get away from the window and stuff. And so then there was no noise and then back ringing the doorbell, banging on the door. And I'm like what is it, and I'm like uh – and so then that's, by that time the officer lady she had called and she told me she was outside of the gate and I had to tell her how to get. I told her, go in the neighbor's yard, get that chair, unless you're over 6'5" to reach over and stuff. And so she asked me, do I know where he's at? I says no he quit ringing the doorbell, I said I don't know if he left or not and stuff. And so I said please, 'cause I said I'm glad somebody's here because I thought, you know if he come in it's not gonna be good.

Kammerer: Um-hm.

Pittman: You know so – you know I'm glad, I'm just like it's not gonna be good and I don't want, you know I don't want my kids to see anything like that and stuff. And so when, so she said her backup was comin' and stuff and then next thing I, you know, I told my kids stay upstairs. I said we all just gonna go upstairs, get the dog upstairs and, and so we, so we sittin' up there and all I hear, you know then that's when I hear the officers out, you know telling him, you know get your hands up, you know get on the ground. They ke-kept on yelling and I'm like – and so I'm like, oh my gosh, I said boy listen, you know I'm just like that. And so then next thing my doorbell rings again and I had went up, and I told 'em, you know we all in my back room and I went upstairs and I was just like what? And then I like uh, then I came down, I said I know the doorbell isn't ringing and so it's like ringing and, you know knock. And so I like, I'm peeking and I said, who is it? 'Cause all I could see is the officers and then I didn't know if he was at the edge of my gar-garage door and so I said, is this boy ringing my door again? So he said it's the police and I was like, oh so I peeked out, open it and he asked me um, does, he said I was his guardian and he lives here. And I said, no I've never seen him in my life, get him out my yard and he asked me how long I've been there, I said about 12 years and so he just looked around to the other police and they kept on telling – and this went on for awhile and so I'm just like, kids go up, he's not listening, I don't know if something's gonna happen and stuff. And so we all went back upstairs in my room. 'Cause my, you know my kids was trying

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to be nosy and I was just like no we're getting' out, 'cause they done gave him chance. I said I don't know what's going on but it don't sound like he's turning around, he's not obeying, everything and next thing you hear, you know they still telling him, get your hands up, turn around, get on the ground, walk towards and he wasn't doing anything.

Kammerer: Um-hm.

Pittman: So then next thing I hear he's on the run and you can tell he ran in the back, back of the yard and you can tell where he got over the fence and, you know you just seen him and stuff and so, so then he was on the run and then, you know by that time I was just like, okay he's, something's gonna happen. I went outside, you know and asked the officer there if I could get my kids to school because I didn't want them, if anything happened I didn't want them to hear, hear about it or see anything.

Kammerer: Sure.

Pittman: And so I took them to school, my husband, I told my husband's on his way and he comes and um, so we was in the house and that's when she said they was gonna send the dog and stuff and, you know check out. And so with the, in the suitcase you could see all the stuff scattered over and I, you know...

Kammerer: ...um-hm...

Pittman: ...I didn't, I didn't even know about him doing anything else and I figured he was on the other side so we were just, you know in the house and stuff and I'm still getting ready for work and I said, and I told my husband, I said I bet he's in that, that house over there that look like cruddy 'cause I could see it from my bedroom window and stuff and there's a whole bunch of trees. And then when, after awhile you hear the, the officers again yelling, get on the ground, you know get on the ground and stuff and next thing (slap noise) you know I, so I didn't know he had the little gun on him or whatever and stuff.

Kammerer: Um-hm.

Pittman: And then you hear the shots and stuff so –

Kammerer: So you did hear gunshots?

Pittman: Yes.

Kammerer: Okay.

Pittman: You hear the three, I heard the three shots.

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Kammerer: Okay, okay. Um, so I just want to go back and clarify some things.

Pittman: Um-hm.

Kammerer: Um, so you're, you initially see him uh, you said you open, your dog is barking at the door, is that the, like a back slider door?

Pittman: It, it's the glass.

Kammerer: Okay.

Pittman: Yeah it's the glass sliding door.

Kammerer: And is that where you initially saw him was in your backyard?

Pittman: Yeah, yeah.

Kammerer: Okay.

Pittman: And he stood, if I did, if I, if I didn't, you know, you know my instance was, you know if I was never told, don't open the door for strangers or anything.

Kammerer: Um-hm.

Pittman: And, and I've taught my kids that and stuff 'cause, you know we can open the door and next thing, you know I don't know if he would've robbed me, held us hostage, I don't know what he, he was up to. But, you know he was just like, he looked so innocent, had the suitcase on his side and just looked like a little innocent child and so when I was just like ah he's probably in his early 20's, probably late teens, I said, you know I don't know.

Kammerer: Um-hm.

Pittman: And stuff and, you know when she asked me if he had dreads, I'm like I don't know he had his hoody on by then and stuff and I was able to go look out my peek hole and see, okay he still have his hoody, I couldn't tell if he had dreads 'cause it was all pushed back and stuff. But it was a scary moment and, you know

Kammerer: Sure, absolutely.

Pittman: I mean, you know it was so scary [REDACTED]

Kammerer: Wow.

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Pittman: And so, you know one of the things, you know aft-after that, you know when the kids got home from school and, you know I got home from work and I told my son, you know they were tw- twins and they're 13, boy and girl, 13.

Kammerer: Um-hm.

Pittman: And I told 'em, I said there's a lesson. I said if you, you guys are raised right, if you ever do anything that, you, I don't care if somebody shot and killed you two. I said because if he would've came in the house it wouldn't have been good.

Slater: Um-hm.

Kammerer: Right, absolutely.

Pittman: And stuff so, and so I said, you know I didn't want to sit up here and hurt the person, I said at least, you know people that, you know 'cause that, it's, I'm still stuck with it, I think about it every day and stuff and, you know. H-he's not innocent little boy, you know he should have been going to school that day.

Kammerer: Sure.

Pittman: So –

Slater: Um-hm.

Pittman: So I tell my kids and I said oh I, I can't feel, I, I be sad, but you know you did something that you shouldn't have been doing.

Kammerer: Right, okay. Um, so then when you see him in the backyard and you said he started moving around um, was he going to the side of the house or?

Pittman: He went, so when, so he, he was standing up there and kept on asking, you know open the, he asked me to open it and stuff and then he act like he couldn't hear me and I know, oh I know you can hear me, it's like the instant like I'm gonna open the door and say, okay you can't hear and stuff.

Kammerer: Right.

Pittman: And then um, I seen him moving after I had got my phone so he just start walking and then you didn't hear anything and so I can't tell if he was like gone. I had to run back upstairs and look out the, my kids win-window and then that's when he start, came around, like started banging.

Kammerer: Um-hm.

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Pittman: Ringing the doorbell, banging and ringing the doorbell and he actually shook the doorknob, rang and ring the doorbell and I'm just like oh please don't come in here.

Kammerer: Okay. Uh, did you ever hear him say anything?

Pittman: The only thing he said to me is he, he talked to me, asked me, he said can uh, would you help me and, you know and then I was yelling at him. And he said, I need some help and I just, no I said get out my yard.

Kammerer: Okay and that was when he was in your backyard still?

Pittman: In the back.

Kammerer: So when he came around and was ringing the doorbell, knocking...

Pittman: ...no he was just ringing it, like, like he lived there and stuff.

Kammerer: Okay.

Pittman: Like, you know I mean just banging and stuff. Like I, I'm gonna get in here.

Kammerer: Okay and then when you open the door and talk to the officer that was there could you see him at all at that point?

Pittman: I couldn't see him.

Kammerer: Okay.

Pittman: I just seen the officer 'cause I just like, this big.

Kammerer: Uh-huh, right.

Pittman: I'm like I don't know what ya'll are gonna do, but hey, let me just barely open this, you know and stuff. But you know I, I didn't see him so I, I didn't know he was at the side. So where the suitcase was um, it was a little bit farther from the garage door so I didn't, I didn't know where he was.

Kammerer: Okay um, and then at that point you never heard him say anything um, do you think he could have heard you talking to the officer?

Pittman: He should.

Kammerer: Okay.

Pittman: He should've heard me talking to the officer and he doesn't live here and stuff.

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Page 7**Kammerer:** Okay.**Pittman:** 'Cause I was like yelling and...**Kammerer:** ...you, you were saying it pretty loud?**Pittman:** Oh yeah, yeah.**Kammerer:** Okay. And how long do you think that conversation went on with the officer?**Pittman:** With me and the officer?**Kammerer:** Um-hm. Yeah just right there at the door.**Pittman:** It was just like, just asked the question, I answered, no he doesn't, you know. Uh, he, he said, he said he's like I'm his guardian and he lives here and all I said, never seen him in, never seen him, get him out my yard and he said, then he asked me how long I've lived here and I said about 12 years.**Kammerer:** Um-hm.**Pittman:** And then he says, okay and he turned around then, you know and they, they started telling him, you know put his hand, keep his hands up, put his hands up and stuff. And, you know I could see the two of- two, two male officers on the driver's side of my car and I seen the female officer right there.**Kammerer:** Okay.**Pittman:** And stuff so it was, I mean they gave him fair warning.**Kammerer:** Okay.**Pittman:** So-so fair that my son even said, I'm surprised they didn't shoot him right there.**Kammerer:** Okay.**Pittman:** So -**Kammerer:** Alright.**Pittman:** He, he had fair warning and I was just like, dude listen.**Kammerer:** Right.**Pittman:** I mean and we, I'm serious in my backroom and we can still hear 'em yelling, you know, you know turn around and then you heard he's on the run.

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Page 8**Kammerer:** Okay. You heard someone say that?**Pittman:** Um-hm.**Kammerer:** Okay. And um, have you ever seen that, that kid before?**Pittman:** I have never seen that kid in my life.**Kammerer:** Okay. And then you thought he made it over the fence to a different house?**Pittman:** You could tell the way the fence go in the back is kind of weird and this wood fence that goes up, down like that and you could see where he pulled, and that's how he pu- 'cause he's not that, he wasn't that tall.**Kammerer:** Um-hm.**Pittman:** So that's the only spot he could really jump over and you could, and then I seen the officer right behind him looking. An-and then you could tell, so the house where he probably went over, you could tell that house had been vacant and stuff and you could see where um, his Jacuzzi, the thing was off so I don't know if he was sittin' over there for awhile or what.**Kammerer:** Oh okay.**Pittman:** So you could, you know the cover of it was off and stuff. But, you know if we wasn't home that's, my house is a good hiding place for anybody.**Kammerer:** Sure.**Pittman:** You know just sit there and, you know it's in the back lot and stuff.**Kammerer:** Right.**Pittman:** Or, you know one of the little scary things is, you know my daughter has been like starting the car in the morning, she would've went out there by herself -**Kammerer:** Mmm-mm...**Pittman:** Man a couple minutes later he would've came, she'd have been, no telling what would've happened, you know.**Kammerer:** Right.**Pittman:** So it, it's just, it wasn't, it wasn't good at all. And so he had to, from, from I believe he came, how he got in, if he didn't get in from or the neighbors in back if he came through the other way he had to have jumped over the fence to get in.

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Kammerer: And your fence, as I recall, in the front yard is quite tall.

Pittman: It's tall now, um-hm.

Kammerer: Okay.

Pittman: 'Cause we're tall (laugh).

Kammerer: Yeah, yeah. So uh, is there any way he could have climbed over that fence in the front you think?

Pittman: He would've had, no he wouldn't have got over 'cause our neighbors would've said, hey. Most of our neighbors like – uh, never you seen here so, you know.

Kammerer: Right.

Pittman: They, you know told on one of my brothers that came over the fence. That's when we had a short fence but that fence he would've actually probably hurt himself trying to climb over that one.

Kammerer: Okay. So you think he came in over the side yard?

Pittman: Yeah.

Kammerer: Or the backyard?

Pittman: In the back somewhere.

Kammerer: Okay.

Pittman: Um-hm.

Kammerer: Alright um, and then when he, he runs and you think, you think maybe he's in that yard um, then some time goes by and then you hear the officers yelling again?

Pittman: I could hear, you could hear, you could hear some noise going on because you could, so like the house and the park, so my house sits this way and the park and then you can see, you, 'cause I can see all my neighbor's yards and stuff from upstairs.

Kammerer: Um-hm.

Pittman: You can just see everybody but you can hear the talking and stuff going on and then you can hear 'em yell, get on the ground even from the next street over you can hear the yelling going on.

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Kammerer: Okay and you can...

Pittman: ...and, and, and they said it for awhile again and I, you know I could tell he was not complying.

Kammerer: Okay.

Pittman: And I could just hear...

Kammerer: ...you could hear that pretty clearly?

Pittman: Oh yeah, oh yeah.

Kammerer: Okay. Um, you have anything?

Slater: I do not.

Kammerer: Is there anything I haven't asked you that you think is important that we know?

Pittman: No nothing, I just, you know, you know um, you know al-although, you know he, he died from the incident um, but, you know one of the things, you know I know people is, you know like oh police are so bad and stuff but I, I truly believe if I had to go testify I would.

Kammerer: Okay.

Pittman: Because he wasn't, he wasn't an innocent little kid like his momma tried portray it and stuff, you know so, so -

Kammerer: Okay.

Pittman: Um, because I believe, you know it, it happened and, you know unfortunately he did something that he shouldn't have been doin' and stuff. An-and, you know as my being a black woman and stuff and you know he probably like, I don't know what color the cop was or anything that shot him, but, you know it's, it's just fair. I mean he did his job and stuff because I'd rather that person do it then me to sit up here if something happened.

Kammerer: Right.

Pittman: Just to protect me and my family.

Kammerer: Alright.

Pittman: And stuff so -

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Kammerer: Alright well thank you, if there's nothing else –

Pittman: Yeah.

Kammerer: I'm going to turn the recording off.

Pittman: Okay.

Transcribed Verbatim with Punctuation Added 030317 / 0837 T. Bradshaw 

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CONFIDENTIAL**FOLLOWUP REPORT #63**

ASSIGNED TO HUGHES, MICHELE M (36818)		RANK SERGEANT		
ORG UNIT DETECTIVE: HOMICIDE DETAIL		CAPACITY 4-EVIDENCE COLLECT/PROCESSING		
ASSIGNED ON 03/16/2017	ASSIGNED BY KAMMERER, ERIK W	SUBMITTED ON 03/08/2017	APPROVED ON 03/16/2017	APPROVED BY HUGHES, MICHELE M

NARRATIVE

AUTHOR HUGHES, MICHELE M (36818)	DATE/TIME 03/16/2017 0934
SUBJECT PELLET GUN TO LAB	

On March 8, 2017, I retrieved a blotter DNA sample (PPB property receipt #A011695), from our Portland Police Bureau property room and delivered it to the Oregon State Police Crime Lab for a DNA comparison to the BB gun pistol located at the scene, per request from Chief Deputy District Attorney Don Rees. On March 9, 2017, I had our Portland Police Bureau property room deliver a, green/black, ASG Co2 powered BB pistol, model CZ P-09 (PPB property receipt #A051860), to the Oregon State Police Crime Lab to be printed and swabbed for DNA, to later be compared to the blotter sample.

IMAGE ATTACHMENT (1319231) OSP LAB FORM 49 FIREARM DNA EXAM REQUEST 10F1

FORM 49

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Oregon State Police Forensic Services Request

Page 1 of 1

Agency <i>Portland Police Bureau</i>		<input type="checkbox"/> Restrict This Case		Lab Case #		Sub #	
Agency Case # <i>17-39972</i>		<input checked="" type="checkbox"/> Rush Case - Reason & Date Due <i>ASAP - Grand Jury</i>					
		<input type="checkbox"/> Additional Suspect Info Only					
		<input type="checkbox"/> Previous Evidence Submitted					
Offense <i>Homicide / etc. involved shooting</i>				Offense Date <i>02/09/17</i>		County of Venue <i>Multnomah</i>	
Last <i>Hayes</i>		First <i>Duanice</i>		Middle			
<input type="checkbox"/> Suspect <input type="checkbox"/> Mentioned <input checked="" type="checkbox"/> Male <input type="checkbox"/> Victim <input checked="" type="checkbox"/> Deceased <input type="checkbox"/> Female	DOB [REDACTED]	RACE <i>B</i>	SID #	FBI #	Breath Test Given? <input type="checkbox"/> Yes <input type="checkbox"/> No Result		
Last		First		Middle			
<input type="checkbox"/> Suspect <input type="checkbox"/> Mentioned <input type="checkbox"/> Male <input type="checkbox"/> Victim <input type="checkbox"/> Deceased <input type="checkbox"/> Female	DOB <i>/ /</i>	RACE	SID #	FBI #	Breath Test Given? <input type="checkbox"/> Yes <input type="checkbox"/> No Result		
Last		First		Middle			
<input type="checkbox"/> Suspect <input type="checkbox"/> Mentioned <input type="checkbox"/> Male <input type="checkbox"/> Victim <input type="checkbox"/> Deceased <input type="checkbox"/> Female	DOB <i>/ /</i>	RACE	SID #	FBI #	Breath Test Given? <input type="checkbox"/> Yes <input type="checkbox"/> No Result		
Last		First		Middle			
<input type="checkbox"/> Suspect <input type="checkbox"/> Mentioned <input type="checkbox"/> Male <input type="checkbox"/> Victim <input type="checkbox"/> Deceased <input type="checkbox"/> Female	DOB <i>/ /</i>	RACE	SID #	FBI #	Breath Test Given? <input type="checkbox"/> Yes <input type="checkbox"/> No Result		
Investigating Officer (Please Print)		Phone # of Investigating Officer		Email of Investigating Officer			
Lab Exhibit	Agency Exhibit	Description of Evidence (Please associate evidence with appropriate individual)		Exam Requested (Please include officer report on all physical evidence)			
	<i>1</i>	<i>Green/Black ASB Co2 powered BB pistol Model C7-P-09</i>		<i>DNA Swabs</i>			
				<i>Prints</i>			
Submitted to Lab By (Please Print) <i>Michele Hughes</i>		Submitted to Lab By (Signature) <i>Michele Hughes</i>		Date <i>03/09/17</i>			
Submitted via <input type="checkbox"/> UPS <input type="checkbox"/> U.S. Mail <input type="checkbox"/> Certified Mail <input type="checkbox"/> Other		LAB USE ONLY Evidence Packaging Description – Storage Location					
Date / Time							
Lab Staff							
Evidence Transfer or Referral Received From:		Via: <input type="checkbox"/> UPS	Date/Time	Lab Staff	<input type="checkbox"/> Items	<input type="checkbox"/> Submission	

Blue and Yellow Copies - Lab

White Copy – Agency

Rev 05-06

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PROPERTY REPORT - EVIDENCE									
PROPERTY REPORT # 373164		SUBMITTED ON 02/10/2017			SUBMITTED BY EUGENIO, ANTHONY M				
RELATED EVENTS GO 42 2017-39972									RELATED ITEMS 3
ARTICLES	STATUS EVIDENCE		TAG # 42373164-1		ARTICLE RCDISC - Radio, TV, and sound entertainment devices				
	MAKE			MODEL			COLOR	VALUE 1.00	
	# PIECES	SERIAL NUMBER(S) UNKNOWN			OAN		DESCRIPTION DVD OF VIDEO EVIDENCE PER A049655 ITEM 1		
	RECOVERED DATE		RECOVERED VALUE 0.00		RECOVERED LOCATION				
ARTICLES	STATUS EVIDENCE		TAG # 42373164-2		ARTICLE RCDISC - Radio, TV, and sound entertainment devices				
	MAKE			MODEL			COLOR	VALUE 1.00	
	# PIECES	SERIAL NUMBER(S) UNKNOWN			OAN		DESCRIPTION DVD OF VIDEO EVIDENCE PER A049656 ITEM 1		
	RECOVERED DATE		RECOVERED VALUE 0.00		RECOVERED LOCATION				
ARTICLES	STATUS EVIDENCE		TAG # 42373164-3		ARTICLE RCDISC - Radio, TV, and sound entertainment devices				
	MAKE			MODEL			COLOR	VALUE 1.00	
	# PIECES	SERIAL NUMBER(S) UNKNOWN			OAN		DESCRIPTION DVD OF VIDEO EVIDENCE PER A049657 ITEM 1		
	RECOVERED DATE		RECOVERED VALUE 0.00		RECOVERED LOCATION				
PROPERTY REPORT - EVIDENCE									
PROPERTY REPORT # 375861		SUBMITTED ON 02/10/2017			SUBMITTED BY OUTHAYTHIP, NAVARATH				
RELATED EVENTS GO 42 2017-39972									RELATED ITEMS 9
ARTICLES	STATUS EVIDENCE		TAG # 42375861-1		ARTICLE SBBGUN - Sporting and recreational equipment				
	MAKE ASG			MODEL CZ P-09			COLOR DGR/BLK	VALUE 100.00	
	# PIECES 1	SERIAL NUMBER(S) UNKNOWN			OAN		DESCRIPTION CO2 POWERED BB PISTOL		
	RECOVERED DATE		RECOVERED VALUE 0.00		RECOVERED LOCATION				
ARTICLES	STATUS EVIDENCE		TAG # 42375861-2		ARTICLE YCASING - Items listed under Y or not listed in Article Name Dictionary				
	MAKE REMINGTON			MODEL 223			COLOR	VALUE 0.00	
	# PIECES	SERIAL NUMBER(S) UNKNOWN			OAN		DESCRIPTION 223 SHELL CASING FROM DRIVEWAY, PLACARD 2		
	RECOVERED DATE		RECOVERED VALUE 0.00		RECOVERED LOCATION				

Portland Police Bureau

CASE NUMBER
GO 42 2017-39972

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ARTICLES	STATUS EVIDENCE		TAG # 42375861-3		ARTICLE YCASING - Items listed under Y or not listed in Article Name Dictionary				
	MAKE REMINGTON				MODEL 223			COLOR	VALUE 0.00
	# PIECES	SERIAL NUMBER(S) UNKNOWN			OAN		DESCRIPTION 223 SHELL CASING FROM DRIVEWAY, PLACARD 3		
	RECOVERED DATE		RECOVERED VALUE 0.00		RECOVERED LOCATION				
ARTICLES	STATUS EVIDENCE		TAG # 42375861-4		ARTICLE YCASING - Items listed under Y or not listed in Article Name Dictionary				
	MAKE REMINGTON				MODEL 223			COLOR	VALUE 0.00
	# PIECES	SERIAL NUMBER(S) UNKNOWN			OAN		DESCRIPTION 223 SHELL CASING FROM DRIVEWAY, PLACARD 4		
	RECOVERED DATE		RECOVERED VALUE 0.00		RECOVERED LOCATION				
ARTICLES	STATUS EVIDENCE		TAG # 42375861-9		ARTICLE IFSCARD - Items of identification				
	MAKE OREGON TRAIL				MODEL			COLOR	VALUE 0.00
	# PIECES 1	SERIAL NUMBER(S) [REDACTED]			OAN		DESCRIPTION OREGON TRAIL CARD WITH SIGNATURE ON BACK		
	RECOVERED DATE		RECOVERED VALUE 0.00		RECOVERED LOCATION				
MISCELLANEOUS	STATUS EVIDENCE		TAG # 42375861-5		DESCRIPTION LANCER DAY BAG WITH STUFF IN IT, PLACARD 5				
	RECOVERED DATE		RECOVERED LOCATION						
	ITEM #	ITEM				QUANTITY	VALUE	RECOVERED?	
	1	TRAIL BLAZER JACKET				1	50.00		
	ITEM #	ITEM				QUANTITY	VALUE	RECOVERED?	
	2	ONE PAIR OF SOCKS				1	4.00		
	ITEM #	ITEM				QUANTITY	VALUE	RECOVERED?	
	3	THREE PAIRS OF NIKE SHOES				3	290.00		
ITEM #	ITEM				QUANTITY	VALUE	RECOVERED?		
4	LEATHER BELT				1	5.00			
ITEM #	ITEM				QUANTITY	VALUE	RECOVERED?		
5	HAIRSPRAY BOTTLE				1	7.00			
ITEM #	ITEM				QUANTITY	VALUE	RECOVERED?		
6	PORTABLE ORGANIZER				1	1.00			
MISCELLANEOUS	STATUS EVIDENCE		TAG # 42375861-6		DESCRIPTION ONE DAMAGED WINDOW SCREEN AND WINDOW SCREEN FRAME				
	RECOVERED DATE		RECOVERED LOCATION						
	ITEM #	ITEM				QUANTITY	VALUE	RECOVERED?	
MISCELLANEOUS	STATUS EVIDENCE		TAG # 42375861-7		DESCRIPTION ONE PIECE OF CANDY OR BEVERAGE PACKAGING				
	RECOVERED DATE		RECOVERED LOCATION						
	ITEM #	ITEM				QUANTITY	VALUE	RECOVERED?	

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MISCELLANEOUS	STATUS EVIDENCE		TAG # 42375861-8		DESCRIPTION ONE PAIR OF PEERLESS HANDCUFFS SERIAL # [REDACTED]				
	RECOVERED DATE		RECOVERED LOCATION						
	ITEM #	ITEM				QUANTITY	VALUE	RECOVERED?	

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IMAGE ATTACHMENT (1291364) A004736

BUREAU OF POLICE
2619 NW INDUSTRIAL ST., STE. B4
PORTLAND, OREGON 97210
503-823-2179

PROPERTY/EVIDENCE RECEIPT

HOURS OF OPERATION:
9:00 AM TO NOON &
1:00 PM TO 4:00 PM, M-F

THIS RECEIPT MUST BE ACCOMPANIED BY AN APPROPRIATE REPORT

RECEIPT NUMBER No. A004736	DATE/TIME 03-02-17 / 06:39	AM <input checked="" type="checkbox"/> PM <input type="checkbox"/>	REFER CASE NO.	PPB CASE NO. 17-39972
CHECK ONE TYPE ONLY <input checked="" type="checkbox"/> EVIDENCE <input type="checkbox"/> FOUND PROPERTY <input type="checkbox"/> PRISONER'S PROP. <input type="checkbox"/>	GAVE COPY? YES <input type="checkbox"/> NO <input type="checkbox"/>			<input type="checkbox"/> SAFEKEEPING
PROPERTY TAKEN FROM: LAST NAME FIRST M.I. SEX DOB	DENIED OWNERSHIP <input type="checkbox"/>			I VOLUNTARILY RELINQUISH THE ITEM(S) LISTED FOR SAFEKEEPING
HOME ADDRESS CITY STATE ZIP	OWNER OF PROPERTY LAST NAME FIRST M.I. SEX DOB			
HOME ADDRESS CITY STATE ZIP				SIGNATURE
TYPE OF INCIDENT Shooting - OIS		DELIVERING OFFICER Hagan		DPSST/ASSIGN 36239/1065
LOCATION WHERE SEIZED, FOUND, SURRENDERED East Portland		INVESTIGATOR (IF DIFFERENT) Kammerer		DPSST/ASSIGN 11265
<input type="checkbox"/> DEFENDANT	LAST NAME FIRST M.I. SEX RACE DOB			
<input type="checkbox"/> SUSPECT				
FOR GUNS LIST MAKE, TYPE, CALIBER, MODEL, SERIAL NUMBER(S), IMPORTER & COUNTRY OF ORIGIN. LIST ONLY ONE ITEM PER SELECTION.				STLN FOR PED USE ONLY
ITEM 1	4 overview maps used in interviews			
ITEM 2				
ITEM 3				
ITEM 4				
ITEM 5				
ITEM 6				
ITEM 7				
ITEM 8				
DELIVERED TO: <input type="checkbox"/> STATE CRIME LAB <input checked="" type="checkbox"/> SATELLITE PROP. ROOM <input type="checkbox"/> PED	PRECINCT & LOCKER# CE-16	DATE 03-02-17	RECEIVED BY	
CHECK ONE ONLY <input type="checkbox"/> FED <input type="checkbox"/> OTHER				
DO NOT WRITE IN SPACE BELOW — FOR PED USE ONLY				
RECEIVED BY PED	BY	WHITE - RECORDS COPY PINK - WITH PROPERTY YELLOW - CITIZENS RECEIPT		
DATE:	TIME:			

07/12

CONFIDENTIAL

IMAGE ATTACHMENT (1252216) A036197

BUREAU OF POLICE
2619 NW INDUSTRIAL ST., STE. B4
PORTLAND, OREGON 97210
503-823-2179

PROPERTY/EVIDENCE RECEIPT

HOURS OF OPERATION:
9:00 AM TO NOON &
1:00 PM TO 4:00 PM, M-F

THIS RECEIPT MUST BE ACCOMPANIED BY AN APPROPRIATE REPORT

RECEIPT NUMBER No. A036197	DATE/TIME 2/7/17 1700	AM	REFER CASE NO.	PPB CASE NO. 17-39972
CHECK ONE TYPE <input checked="" type="checkbox"/> ONLY <input checked="" type="checkbox"/> EVIDENCE	<input type="checkbox"/> FOUND PROPERTY	<input type="checkbox"/> PRISONER'S PROP.	<input type="checkbox"/> SAFEKEEPING	
PROPERTY TAKEN FROM: LAST NAME FIRST M.I. SEX DOB			GAVE COPY? YES <input type="checkbox"/> NO <input type="checkbox"/>	
DENIED OWNERSHIP <input type="checkbox"/>			I VOLUNTARILY RELINQUISH THE ITEM(S) LISTED FOR SAFEKEEPING	
HOME ADDRESS CITY STATE ZIP			SIGNATURE	
OWNER OF PROPERTY LAST NAME FIRST M.I. SEX DOB			PHONE	
HOME ADDRESS CITY STATE ZIP				
TYPE OF INCIDENT Officer Involved Shooting		DELIVERING OFFICER BRAD CLIFTON #37152/HOM		
LOCATED, FOUND, SURRENDERED NE Hancock St.		INVESTIGATOR (IF DIFFERENT) Erik Kammerer #29988/HOM		
<input type="checkbox"/> DEFENDANT	LAST NAME FIRST M.I. SEX RACE DOB			
<input checked="" type="checkbox"/> SUSPECT				
FOR GUNS LIST MAKE, TYPE, CALIBER, MODEL, SERIAL NUMBER(S), IMPORTER & COUNTRY OF ORIGIN. LIST ONLY ONE ITEM PER SELECTION.				STLN FOR PED USE ONLY
ITEM 1	(1) CD containing interview w/ Pauline Colby			
ITEM 2				
ITEM 3				
ITEM 4				
ITEM 5				
ITEM 6				
ITEM 7				
ITEM 8				
DELIVERED TO: <input type="checkbox"/> STATE CRIME LAB <input checked="" type="checkbox"/> SATELLITE PROP. ROOM <input type="checkbox"/> PED	PRECINCT & LOCKER# C-016	DATE 2/7/17	RECEIVED BY	
CHECK ONE ONLY <input type="checkbox"/> FED <input type="checkbox"/> OTHER				
DO NOT WRITE IN SPACE BELOW - FOR PED USE ONLY				
RECEIVED BY PED	BY	WHITE - RECORDS COPY PINK - WITH PROPERTY YELLOW - CITIZENS RECEIPT		
DATE:	TIME:			

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IMAGE ATTACHMENT (1252217) A049655, A049656, A049657

BUREAU OF POLICE
2619 NW INDUSTRIAL ST., STE. B4
PORTLAND, OREGON 97210
503-823-2179

PROPERTY/EVIDENCE RECEIPT

THIS RECEIPT MUST BE ACCOMPANIED BY AN APPROPRIATE REPORT

RECEIPT NUMBER No. A049655	DATE/TIME 020917/1305	AM <input checked="" type="radio"/> PM	REFER CASE NO.	PPB CASE NO. 17-39972
CHECK ONE TYPE ONLY <input checked="" type="checkbox"/> EVIDENCE <input type="checkbox"/> FOUND PROPERTY <input type="checkbox"/> PRISONER'S PROP.	GAVE COPY? YES <input type="checkbox"/> NO <input type="checkbox"/>		<input type="checkbox"/> SAFEKEEPING	
PROPERTY TAKEN FROM: LAST NAME FIRST M.I. SEX DOB	DENIED OWNERSHIP <input type="checkbox"/>		I VOLUNTARILY RELINQUISH THE ITEM(S) LISTED FOR SAFEKEEPING	
HOME ADDRESS CITY STATE ZIP	OWNER OF PROPERTY LAST NAME FIRST M.I. SEX DOB		SIGNATURE	
HOME ADDRESS 1707 NE BZND AVE., (PORTLAND SEASIDE VAWG INN) (503)		PHONE [REDACTED]		
TYPE OF INCIDENT OFFICER INVOLVED SHOOTING		DELIVERING OFFICER EUGENIO # 39877		
LOCATION WHERE SEIZED, FOUND, SURRENDERED PORTLAND VAWG INN		INVESTIGATOR (IF DIFFERENT) DPSST/ASSIGN		
<input type="checkbox"/> DEFENDANT LAST NAME FIRST M.I. SEX RACE DOB	<input type="checkbox"/> SUSPECT			
FOR GUNS LIST MAKE, TYPE, CALIBER, MODEL, SERIAL NUMBER(S), IMPORTER & COUNTRY OF ORIGIN. LIST ONLY ONE ITEM PER SELECTION.				STLN FOR PED USE ONLY
ITEM 1	VIDEO SURVEILLANCE FROM 020917			
	CAM 1-8			
ITEM 2	VIEWS			
	1 LOBBY			
ITEM 3	2 FRONT DESK			
	3 ENTRANCE			
ITEM 4	4 N. PARKING			
	5 N. PARKING			
ITEM 5	6 OFFICE PARKING			
	7 S. PARKING			
ITEM 6	8 S. PARKING			
ITEM 7	OPEN EYE AIR			
	SYSTEM: 1308			
	ACTUAL: 1308			
ITEM 8				
DELIVERED TO: <input type="checkbox"/> STATE CRIME LAB <input checked="" type="checkbox"/> SATELLITE PROP. ROOM <input type="checkbox"/> PED		PRECINCT & LOCKER# N-33		DATE 020917
CHECK ONE ONLY <input type="checkbox"/> FED <input type="checkbox"/> OTHER		RECEIVED BY		
DO NOT WRITE IN SPACE BELOW — FOR PED USE ONLY				
RECEIVED BY PED		BY		WHITE - RECORDS COPY PINK - WITH PROPERTY YELLOW - CITIZENS RECEIPT
DATE:	TIME:			

07/12

*ON SITE MANAGER
0631 INCIDENT

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BUREAU OF POLICE
2619 NW INDUSTRIAL ST., STE. B4
PORTLAND, OREGON 97210
503-823-2179

PROPERTY/EVIDENCE RECEIPT

THIS RECEIPT MUST BE ACCOMPANIED BY AN APPROPRIATE REPORT

CC: PED

17-39972
HOURS OF OPERATION:
9:00 AM TO NOON &
1:00 PM TO 4:00 PM, M-F

RECEIPT NUMBER No. A049656	DATE/TIME 020917 / 1430	AM <input type="radio"/>	PM <input checked="" type="radio"/>	REFER CASE NO.	PPB CASE NO. 17-39626
CHECK ONE TYPE ONLY <input checked="" type="checkbox"/> EVIDENCE <input type="checkbox"/> FOUND PROPERTY		<input type="checkbox"/> PRISONER'S PROP. GAVE COPY? YES <input type="checkbox"/> NO <input type="checkbox"/>		<input type="checkbox"/> SAFEKEEPING	
PROPERTY TAKEN FROM: LAST NAME FIRST M.I. SEX DOB		I VOLUNTARILY RELINQUISH THE ITEM(S) LISTED FOR SAFEKEEPING			
DENIED OWNERSHIP <input type="checkbox"/>					
HOME ADDRESS CITY STATE ZIP		SIGNATURE			
OWNER OF PROPERTY LAST NAME FIRST M.I. SEX DOB					
HOME ADDRESS CITY STATE ZIP		PHONE			
TYPE OF INCIDENT OFFICER INVOLVED SHOOTING		DELIVERING OFFICER EUGENIO # 39877		DPSST/ASSIGN	
LOCATION WHERE SEIZED, FOUND, SURRENDERED LES SCHWAB 2010 NE 82ND AVE.		INVESTIGATOR (IF DIFFERENT)		DPSST/ASSIGN	
<input type="checkbox"/> DEFENDANT LAST NAME FIRST M.I. SEX RACE DOB					
<input type="checkbox"/> SUSPECT					
FOR GUNS LIST MAKE, TYPE, CALIBER, MODEL, SERIAL NUMBER(S), IMPORTER & COUNTRY OF ORIGIN. LIST ONLY ONE ITEM PER SELECTION.					STLN FOR PED USE ONLY
ITEM 1	VIDEO SURVEILLANCE FROM 020917				
	CAM 11, 12, 13, 14, 15, 16, 17, 18, 19				
ITEM 2					
ITEM 3					
ITEM 4					
ITEM 5					
ITEM 6					
ITEM 7	ARIEL VIDEO SYSTEMS				
	ACTUAL 1441				
	SYSTEM 1442				
ITEM 8					
DELIVERED TO: <input type="checkbox"/> STATE CRIME LAB <input checked="" type="checkbox"/> SATELLITE PROP. ROOM <input type="checkbox"/> PED		PRECINCT & LOCKER# N-33		DATE 020917	RECEIVED BY
CHECK ONE ONLY <input type="checkbox"/> FED <input type="checkbox"/> OTHER					
DO NOT WRITE IN SPACE BELOW — FOR PED USE ONLY					
RECEIVED BY PED		BY		WHITE - RECORDS COPY PINK - WITH PROPERTY YELLOW - CITIZENS RECEIPT	
DATE		TIME			

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CC: PED

17-39972

BUREAU OF POLICE
2619 NW INDUSTRIAL ST., STE. B4
PORTLAND, OREGON 97210
503-823-2179

PROPERTY/EVIDENCE RECEIPT

HOURS OF OPERATION:
9:00 AM TO NOON &
1:00 PM TO 4:00 PM, M-F

THIS RECEIPT MUST BE ACCOMPANIED BY AN APPROPRIATE REPORT

RECEIPT NUMBER	No. A049657	DATE/TIME	020917 / 1600	AM PM	REFER CASE NO.	PPB CASE NO.	17-39626	
CHECK ONE TYPE	<input checked="" type="checkbox"/> ONLY <input checked="" type="checkbox"/> EVIDENCE	<input type="checkbox"/> FOUND PROPERTY	<input type="checkbox"/> PRISONER'S PROP.	GAVE COPY? YES <input type="checkbox"/> NO <input type="checkbox"/>		<input type="checkbox"/> SAFEKEEPING		
PROPERTY TAKEN FROM:		LAST NAME	FIRST	M.I.	SEX	DOB	I VOLUNTARILY RELINQUISH THE ITEM(S) LISTED FOR SAFEKEEPING	
DENIED OWNERSHIP <input type="checkbox"/>								
HOME ADDRESS		CITY	STATE	ZIP				
OWNER OF PROPERTY		LAST NAME	FIRST	M.I.	SEX	DOB	SIGNATURE	
HOME ADDRESS		CITY	STATE	ZIP			PHONE	
TYPE OF INCIDENT		OFFICER INVOLVED SHOOTING				DELIVERING OFFICER	DPSST/ASSIGN	
LOCATION WHERE SEIZED, FOUND, SURRENDERED		2116 NE 82ND AVE. (PLATO PANTRY)				INVESTIGATOR (IF DIFFERENT)	DPSST/ASSIGN	
<input type="checkbox"/> DEFENDANT	LAST NAME	FIRST	M.I.	SEX	RACE	DOB		
<input type="checkbox"/> SUSPECT								
FOR GUNS LIST MAKE, TYPE, CALIBER, MODEL, SERIAL NUMBER(S), IMPORTER & COUNTRY OF ORIGIN. LIST ONLY ONE ITEM PER SELECTION.						STLN	FOR PED USE ONLY	
ITEM 1	VIDEO SURVEILLANCE FROM 020917							
	CAM 1-8							
ITEM 2								
ITEM 3								
ITEM 4								
ITEM 5								
ITEM 6								
ITEM 7	GEOVISION DVR							
	SYSTEM: 5:59							
	ACTUAL: 5:59							
ITEM 8								
DELIVERED TO:		<input type="checkbox"/> STATE CRIME LAB		<input checked="" type="checkbox"/> SATELLITE PROP. ROOM		<input type="checkbox"/> PED		
CHECK ONE ONLY		<input type="checkbox"/> FED		<input type="checkbox"/> OTHER		PRECINCT & LOCKER#	DATE	
						N 33	020917	
RECEIVED BY								
DO NOT WRITE IN SPACE BELOW — FOR PED USE ONLY								
RECEIVED BY PED		TIME:		BY		WHITE - RECORDS COPY PINK - WITH PROPERTY YELLOW - CITIZENS RECEIPT		
DATE:								

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IMAGE ATTACHMENT (1252218) A011693, A011694, A011695

BUREAU OF POLICE
2619 NW INDUSTRIAL ST., STE. B4
PORTLAND, OREGON 97210
503-823-2179

PROPERTY/EVIDENCE RECEIPT

HOURS OF OPERATION:
9:00 AM TO NOON &
1:00 PM TO 4:00 PM, M-F

THIS RECEIPT MUST BE ACCOMPANIED BY AN APPROPRIATE REPORT

RECEIPT NUMBER	No. A011693		DATE/TIME	02/10/17 0730 PM		REFER CASE NO.	PPB CASE NO.		17-39972		
CHECK ONE TYPE	<input checked="" type="checkbox"/> ONLY <input checked="" type="checkbox"/> EVIDENCE		<input type="checkbox"/> FOUND PROPERTY		<input type="checkbox"/> PRISONER'S PROP.		<input type="checkbox"/> SAFEKEEPING				
PROPERTY TAKEN FROM:		LAST NAME		FIRST	M.I.	SEX	DOB	I VOLUNTARILY RELINQUISH THE ITEM(S) LISTED FOR ING			
DENIED OWNERSHIP <input type="checkbox"/>		Marshall, Quintel M B									
HOME ADDRESS		POSSIBLE		CITY	STATE	ZIP	M/B				
OWNER OF PROPERTY		LAST NAME		FIRST	M.I.	SEX	DOB	SIGNATURE			
HOME ADDRESS		CITY		STATE		ZIP		PHONE			
TYPE OF INCIDENT.		Homicide - Autopsy		DELIVERING OFFICER		McMurray		DPSST/ASSIGN			
LOCATION WHERE SEIZED, FOUND, SURRENDERED		Medical Examiner's Office		INVESTIGATOR (IF DIFFERENT)		Kammerer		DPSST/ASSIGN			
<input type="checkbox"/> DEFENDANT		LAST NAME		FIRST	M.I.	SEX	RACE	DOB			
<input type="checkbox"/> SUSPECT											
FOR GUNS LIST MAKE, TYPE, CALIBER, MODEL, SERIAL NUMBER(S), IMPORTER & COUNTRY OF ORIGIN. LIST ONLY ONE ITEM PER SELECTION.								STLN		FOR PED USE ONLY	
ITEM 1	Rt leather shoe w/white sock (boot)										
ITEM 2	left leather shoe w/white sock (boot)										
ITEM 3	blue jeans w/white "K" belt (Louie Vitar)										
ITEM 4	army green puffy jacket										
ITEM 5	black hooded sweatshirt (from under puffy jacket)										
ITEM 6	blk "Nike" glove (Rt front jacket pocket)										
ITEM 7	Small "Lancel" lock and skeleton key										
ITEM 8	blk elephant rhinestone key chain w/No keys										
ITEM 9	clear stone elastic bracelet (Rt wrist)										
ITEM 10	"Neff" astronaut/Cat underwear										
DELIVERED TO:		<input type="checkbox"/> STATE CRIME LAB		<input type="checkbox"/> SATELLITE PROP. ROOM		<input checked="" type="checkbox"/> PED		PRECINCT & LOCKER#		DATE	
CHECK ONE ONLY		<input type="checkbox"/> FED		<input type="checkbox"/> OTHER				RECEIVED BY		lit 91847	
DO NOT WRITE IN SPACE BELOW — FOR PED USE ONLY											
RECEIVED BY PED		DATE: 2/10/17		TIME: 11:40		BY		ht 91847		WHITE - RECORDS COPY PINK - WITH PROPERTY YELLOW - CITIZENS RECEIPT	

07/12

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BUREAU OF POLICE
2619 NW INDUSTRIAL ST., STE. B4
PORTLAND, OREGON 97210
503-823-2179

PROPERTY/EVIDENCE RECEIPT

HOURS OF OPERATION:
9:00 AM TO NOON &
1:00 PM TO 4:00 PM, M-F

THIS RECEIPT MUST BE ACCOMPANIED BY AN APPROPRIATE REPORT

RECEIPT NUMBER	No. A011694		DATE/TIME	02/10/17 0730 PM		REFER CASE NO.	PPB CASE NO.		1739972	
CHECK ONE TYPE	<input checked="" type="checkbox"/> ONLY <input checked="" type="checkbox"/> EVIDENCE		<input type="checkbox"/> FOUND PROPERTY		<input type="checkbox"/> PRISONER'S PROP.		<input type="checkbox"/> SAFEKEEPING			
PROPERTY TAKEN FROM:			LAST NAME	FIRST	M.I.	SEX	DOB	VOLUNTARILY RELINQUISH ITEM(S) LISTED FOR SAFEKEEPING		
DENIED OWNERSHIP <input type="checkbox"/>			Marshall, Quintel		M/B					
HOME ADDRESS			CITY	STATE	ZIP					
possible Hayes, Quance			MB							
OWNER OF PROPERTY			LAST NAME	FIRST	M.I.	SEX	DOB	SIGNATURE		
HOME ADDRESS			CITY	STATE	ZIP	PHONE				
TYPE OF INCIDENT						DELIVERING OFFICER		DPSST/ASSIGN		
Homicide - Autopsy						M. Murray		2/10/17		
LOCATION WHERE SEIZED, FOUND, SURRENDERED						INVESTIGATOR (IF DIFFERENT)		DPSST/ASSIGN		
Medical Examiner's Office						Kammerer				
<input type="checkbox"/> DEFENDANT			LAST NAME	FIRST	M.I.	SEX	RACE	DOB		
<input type="checkbox"/> SUSPECT										
FOR GUNS LIST MAKE, TYPE, CALIBER, MODEL, SERIAL NUMBER(S), IMPORTER & COUNTRY OF ORIGIN. LIST ONLY ONE ITEM PER SELECTION.								STLN		FOR PED USE ONLY
ITEM 1	3-1.00 bills									
ITEM 2	(1) Foreign Currency "60000" bill									
ITEM 3	(1) Foreign Currency "20" bill									
ITEM 4	(1) "Bank of Negara Malaysia" bill "1"									
ITEM 5	(1) Singapore foreign bill "2"									
ITEM 6	36 Foreign Coins									
ITEM 7	205 pennies									
ITEM 8	21 quarters, 30 nickels, 3-1/2 dollars, 38 dimes									
DELIVERED TO:			<input type="checkbox"/> STATE CRIME LAB		<input type="checkbox"/> SATELLITE PROP. ROOM		<input checked="" type="checkbox"/> PED		PRECINCT & LOCKER#	
CHECK ONE ONLY			<input type="checkbox"/> FED		<input type="checkbox"/> OTHER		DATE		RECEIVED BY	
							2/10/17		ht91847	
DO NOT WRITE IN SPACE BELOW — FOR PED USE ONLY										
RECEIVED BY PED			DATE		TIME		BY		WHITE - RECORDS COPY PINK - WITH PROPERTY YELLOW - CITIZENS RECEIPT	
			2/10/17		11:40		ht91847			

07/12

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BUREAU OF POLICE
2619 NW INDUSTRIAL ST., STE. B4
PORTLAND, OREGON 97210
503-823-2179

PROPERTY/EVIDENCE RECEIPT

THIS RECEIPT MUST BE ACCOMPANIED BY AN APPROPRIATE REPORT

HOURS OF OPERATION:
9:00 AM TO NOON &
1:00 PM TO 4:00 PM, M-F

RECEIPT NUMBER No. A011695	DATE/TIME 02/10/17 0730 PM	AM	REFER CASE NO.	PPB CASE NO. 17-39972
CHECK ONE TYPE <input checked="" type="checkbox"/> ONLY EVIDENCE	<input type="checkbox"/> FOUND PROPERTY	<input type="checkbox"/> PRISONER'S PROP.	<input type="checkbox"/> SAFEKEEPING	
PROPERTY TAKEN FROM: LAST NAME FIRST M.I. Marshall Quintel M.B.		GAVE COPY? YES <input type="checkbox"/> NO <input type="checkbox"/>		I VOLUNTARILY RELINQUISH THE ITEM(S) LISTED FOR SAFEKEEPING
DENIED OWNERSHIP <input type="checkbox"/> HOME ADDRESS Possible * Hayes, Quance Derrick				
OWNER OF PROPERTY LAST NAME FIRST M.I. SEX DOB		SIGNATURE		
HOME ADDRESS CITY STATE ZIP		PHONE		
TYPE OF INCIDENT Homicide - Autopsy		DELIVERING OFFICER McMurray		DPSST/ASSIGN 2747
LOCATION WHERE SEIZED, FOUND, SURRENDERED Medical Examiner's Office		INVESTIGATOR (IF DIFFERENT) Kammerer		DPSST/ASSIGN
<input type="checkbox"/> DEFENDANT	LAST NAME FIRST M.I.	SEX	RACE	DOB
<input type="checkbox"/> SUSPECT				
FOR GUNS LIST MAKE, TYPE, CALIBER, MODEL, SERIAL NUMBER(S), IMPORTER & COUNTRY OF ORIGIN. LIST ONLY ONE ITEM PER SELECTION.			STLN	FOR PED USE ONLY
ITEM 1	Clear stone elastic bracelet (lt. wrist)			
ITEM 2	DNA blotter			
ITEM 3	broken blk lid w/ tobacco type residue (left coat pocket)			
ITEM 4	Small pieces of glass (left pants pocket)			
ITEM 5	bullet fragments (from soft tissue lower back)			
ITEM 6	bullet fragments (from buttocks)			
ITEM 7	bullet fragments (from head)			
ITEM 8				
DELIVERED TO: <input type="checkbox"/> STATE CRIME LAB <input type="checkbox"/> SATELLITE PROP. ROOM <input checked="" type="checkbox"/> PED		PRECINCT & LOCKER#		DATE
CHECK ONE ONLY <input type="checkbox"/> FED <input type="checkbox"/> OTHER				RECEIVED BY ht91847
DO NOT WRITE IN SPACE BELOW — FOR PED USE ONLY				
RECEIVED BY PED DATE: 2/10/17 TIME: 11:40		BY ht91847		WHITE - RECORDS COPY PINK - WITH PROPERTY YELLOW - CITIZENS RECEIPT

07/12

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IMAGE ATTACHMENT (1256269) A036288

BUREAU OF POLICE
2619 NW INDUSTRIAL ST., STE. B4
PORTLAND, OREGON 97210
503-823-2179

PROPERTY/EVIDENCE RECEIPT

HOURS OF OPERATION:
9:00 AM TO NOON &
1:00 PM TO 4:00 PM, M-F

THIS RECEIPT MUST BE ACCOMPANIED BY AN APPROPRIATE REPORT

RECEIPT NUMBER No. A036288	DATE/TIME 2/9/17	AM PM	REFER CASE NO.	PPB CASE NO. 17-39972
CHECK ONE TYPE ONLY <input checked="" type="checkbox"/> EVIDENCE <input type="checkbox"/> FOUND PROPERTY <input type="checkbox"/> PRISONER'S PROP. <input type="checkbox"/>	GAVE COPY? YES <input type="checkbox"/> NO <input type="checkbox"/>		<input type="checkbox"/> SAFEKEEPING	
PROPERTY TAKEN FROM: LAST NAME FIRST M.I. SEX DOB				I VOLUNTARILY RELINQUISH THE ITEM(S) LISTED FOR SAFEKEEPING SIGNATURE
DENIED OWNERSHIP <input type="checkbox"/>				
HOME ADDRESS CITY STATE ZIP				
OWNER OF PROPERTY LAST NAME FIRST M.I. SEX DOB				PHONE
HOME ADDRESS CITY STATE ZIP				
TYPE OF INCIDENT Officer involved shooting		DELIVERING OFFICER Michael		DPSST/ASSIGN 4040/20
LOCATION WHERE SEIZED, FOUND, SURRENDERED		INVESTIGATOR (IF DIFFERENT)		DPSST/ASSIGN
<input type="checkbox"/> DEFENDANT	LAST NAME FIRST M.I.		SEX	RACE DOB
<input type="checkbox"/> SUSPECT				
FOR GUNS LIST MAKE, TYPE, CALIBER, MODEL, SERIAL NUMBER(S), IMPORTER & COUNTRY OF ORIGIN. LIST ONLY ONE ITEM PER SELECTION.				STLN FOR PED USE ONLY
ITEM 1	CD with Audio Recording of interview with Armando Suarez on 2/9/17			
ITEM 2				
ITEM 3				
ITEM 4				
ITEM 5				
ITEM 6				
ITEM 7				
ITEM 8				
DELIVERED TO: <input type="checkbox"/> STATE CRIME LAB <input checked="" type="checkbox"/> SATELLITE PROP. ROOM <input type="checkbox"/> PED		PRECINCT & LOCKER# C-12		DATE 2/10/17
CHECK ONE ONLY <input type="checkbox"/> FED <input type="checkbox"/> OTHER		RECEIVED BY		
DO NOT WRITE IN SPACE BELOW — FOR PED USE ONLY				
RECEIVED BY PED		BY		WHITE - RECORDS COPY PINK - WITH PROPERTY YELLOW - CITIZENS RECEIPT
DATE:		TIME:		

07/12

CONFIDENTIAL

IMAGE ATTACHMENT (1280183) 1408302,A036616,A036660,A048130,A048131,A048132

BUREAU OF POLICE
2619 NW INDUSTRIAL WAY, STE. B4
PORTLAND, OREGON 97210
503-823-2179

PROPERTY/EVIDENCE RECEIPT

HOURS OF OPERATION:
9:00 AM TO NOON &
1:00 PM TO 4:00 PM, M-F

THIS RECEIPT MUST BE ACCOMPANIED BY AN APPROPRIATE REPORT

RECEIPT NUMBER No. 1408302	DATE/TIME 020917 / 1200 PM	AM	REFER CASE NO.	PPB CASE NO. 17-39972
CHECK ONE TYPE ONLY <input checked="" type="checkbox"/> EVIDENCE <input type="checkbox"/> FOUND PROPERTY <input type="checkbox"/> PRISONER'S PROP.	GAVE COPY? YES <input type="checkbox"/> NO <input type="checkbox"/> SAFEKEEPING <input type="checkbox"/>			
PROPERTY TAKEN FROM: LAST NAME FIRST M.I. SEX DOB	I VOLUNTARILY RELINQUISH THE ITEM(S) LISTED FOR SAFEKEEPING			
DENIED OWNERSHIP <input type="checkbox"/>	SIGNATURE			
HOME ADDRESS CITY STATE ZIP	PHONE			
OWNER OF PROPERTY PPB East Precinct LAST NAME FIRST M.I. SEX DOB	SIGNATURE			
HOME ADDRESS CITY STATE ZIP	PHONE			
TYPE OF INCIDENT OFFICER INVOLVED SHOOTING	DELIVERING OFFICER T. Willard	DPSST/ASSIGN 22518 / FED		
LOCATION WHERE SEIZED, FOUND, SURRENDERED Mobile Precinct / NE 8200 blk / NE Hancock E. Kammerer	INVESTIGATOR (IF DIFFERENT) E. Kammerer	DPSST/ASSIGN 29988 / DET		
<input type="checkbox"/> DEFENDANT LAST NAME FIRST M.I. SEX RACE DOB	<input checked="" type="checkbox"/> SUSPECT Marshall, Quintel M B			
FOR GUNS LIST MAKE, TYPE, CALIBER, MODEL, SERIAL NUMBER(S), IMPORTER & COUNTRY OF ORIGIN. LIST ONLY ONE ITEM PER SELECTION.				STLN FOR PED USE ONLY
ITEM 1	(1) AR-15 A2, Cal. 223 S/N: [REDACTED] Colt Mfg. Co. Inc., Hartford Conn. USA "SE 24"			
ITEM 2	(1) "FC .223 REM" ROUND - FROM CHAMBER OF AR-15			
ITEM 3	(1) MAGAZINE FROM RIFLE, PLUS PLUS 14 ROUNDS "FC .223 REM"			
ITEM 4	(1) MAGAZINE FROM POUCH ON RIFLE, PLUS PLUS 18 ROUNDS "FC .223 REM"			
ITEM 5	*NOTE: All items collected from OFC. Hearst #50996			
ITEM 6	NO MORE			
ITEM 7	TELETYPE DPSST/DATE Queried 022517 YAKS Entered Cleared N/E			
ITEM 8				
DELIVERED TO: <input type="checkbox"/> STATE CRIME LAB <input type="checkbox"/> SATELLITE PROP. ROOM <input type="checkbox"/> PED	PRECINCT & LOCKER#	DATE	RECEIVED BY	
CHECK ONE ONLY <input checked="" type="checkbox"/> FED VAULT <input type="checkbox"/> OTHER				
DO NOT WRITE IN SPACE BELOW — FOR PED USE ONLY				
RECEIVED BY PED	BY	WHITE - RECORDS COPY PINK - WITH PROPERTY YELLOW - CITIZENS RECEIPT		
DATE:	TIME:			

07/12

Portland Police Bureau

CASE NUMBER
GO 42 2017-39972

CONFIDENTIAL

BUREAU OF POLICE
2619 NW INDUSTRIAL ST., STE. B4
PORTLAND, OREGON 97210
503-823-2179

PROPERTY/EVIDENCE RECEIPT

THIS RECEIPT MUST BE ACCOMPANIED BY AN APPROPRIATE REPORT

HOURS OF OPERATION:
9:00 AM TO NOON &
1:00 PM TO 4:00 PM, M-F

RECEIPT NUMBER	No. A036616		DATE/TIME	2/17/17	AM PM	REFER CASE NO.	17 - 39626	PPB CASE NO.	17 - 39972
CHECK ONE TYPE	ONLY <input checked="" type="checkbox"/> EVIDENCE		<input type="checkbox"/> FOUND PROPERTY		<input type="checkbox"/> PRISONER'S PROP.		<input type="checkbox"/> SAFEKEEPING		
PROPERTY TAKEN FROM:		LAST NAME	FIRST	M.I.	SEX	DOB	I VOLUNTARILY RELINQUISH THE ITEM(S) LISTED FOR SAFEKEEPING		
DENIED OWNERSHIP <input type="checkbox"/>									
HOME ADDRESS		CITY	STATE		ZIP		SIGNATURE		
OWNER OF PROPERTY		LAST NAME	FIRST	M.I.	SEX	DOB			
HOME ADDRESS		CITY	STATE		ZIP		PHONE		
TYPE OF INCIDENT					DELIVERING OFFICER		DPSST/ASSIGN		
OFFICER INVOLVED SHOOTING					T. GRADWALT		29981		
LOCATION WHERE SEIZED, FOUND, SURRENDERED					INVESTIGATOR (IF DIFFERENT)		DPSST/ASSIGN		
DETECTIVE DIVISION									
<input type="checkbox"/> DEFENDANT		LAST NAME	FIRST	M.I.	SEX	RACE	DOB		
<input type="checkbox"/> SUSPECT									
FOR GUNS LIST MAKE, TYPE, CALIBER, MODEL, SERIAL NUMBER(S), IMPORTER & COUNTRY OF ORIGIN. LIST ONLY ONE ITEM PER SELECTION.							STLN	FOR PED USE ONLY	
ITEM 1	SANDISK CRUZER GLIDE 8GB USB DRIVE w/ BANFIELD PET HOSPITAL VIDEO RECORDED ON 020917								
ITEM 2									
ITEM 3									
ITEM 4									
ITEM 5									
ITEM 6									
ITEM 7									
ITEM 8									
DELIVERED TO:		<input type="checkbox"/> STATE CRIME LAB		<input type="checkbox"/> SATELLITE PROP. ROOM		<input type="checkbox"/> PED		PRECINCT & LOCKER#	
CHECK ONE ONLY		<input type="checkbox"/> FED		<input type="checkbox"/> OTHER				DATE	
								RECEIVED BY	
DO NOT WRITE IN SPACE BELOW — FOR PED USE ONLY									
RECEIVED BY PED		DATE:		TIME:		BY		WHITE - RECORDS COPY PINK - WITH PROPERTY YELLOW - CITIZENS RECEIPT	

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CONFIDENTIAL

BUREAU OF POLICE
2619 NW INDUSTRIAL ST., STE. B4
PORTLAND, OREGON 97210
503-823-2179

PROPERTY/EVIDENCE RECEIPT

THIS RECEIPT MUST BE ACCOMPANIED BY AN APPROPRIATE REPORT

HOURS OF OPERATION:
9:00 AM TO NOON &
1:00 PM TO 4:00 PM, M-F

RECEIPT NUMBER	No. A036660		DATE/TIME	2/15/17		AM PM	REFER CASE NO.	PPB CASE NO.		17-39972	
CHECK ONE TYPE	<input checked="" type="checkbox"/> ONLY <input type="checkbox"/> EVIDENCE		<input type="checkbox"/> FOUND PROPERTY		<input type="checkbox"/> PRISONER'S PROP.		<input type="checkbox"/> SAFEKEEPING				
PROPERTY TAKEN FROM:		LAST NAME		FIRST		M.I.		SEX		DOB	
DENIED OWNERSHIP <input type="checkbox"/>		HOME ADDRESS		CITY		STATE		ZIP		I VOLUNTARILY RELINQUISH THE ITEM(S) LISTED FOR SAFEKEEPING	
OWNER OF PROPERTY		LAST NAME		FIRST		M.I.		SEX		DOB	
HOME ADDRESS		CITY		STATE		ZIP		PHONE		SIGNATURE	
TYPE OF INCIDENT		OFFICER INVOLVED		SHOOTING		DELIVERING OFFICER		DPSST/ASSIGN		29981	
LOCATION WHERE SEIZED, FOUND, SURRENDERED		2116 NE 82nd AVE / PLATO PANTRY		INVESTIGATOR (IF DIFFERENT)		DPSST/ASSIGN					
<input type="checkbox"/> DEFENDANT		LAST NAME		FIRST		M.I.		SEX		RACE	
<input type="checkbox"/> SUSPECT										DOB	
FOR GUNS LIST MAKE, TYPE, CALIBER, MODEL, SERIAL NUMBER(S), IMPORTER & COUNTRY OF ORIGIN. LIST ONLY ONE ITEM PER SELECTION.										STLN	
ITEM 1										FOR PED USE ONLY	
SURVEILLANCE CAMERA DVD FROM PLATO PANTRY											
ITEM 2											
ITEM 3											
ITEM 4											
ITEM 5											
ITEM 6											
ITEM 7											
ITEM 8											
DELIVERED TO:		<input type="checkbox"/> STATE CRIME LAB		<input checked="" type="checkbox"/> SATELLITE PROP. ROOM		<input type="checkbox"/> PED		PRECINCT & LOCKER#		DATE	
CHECK ONE ONLY		<input type="checkbox"/> FED		<input type="checkbox"/> OTHER						RECEIVED BY	
DO NOT WRITE IN SPACE BELOW — FOR PED USE ONLY											
RECEIVED BY PED		DATE:		TIME:		BY				WHITE - RECORDS COPY PINK - WITH PROPERTY YELLOW - CITIZENS RECEIPT	

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BUREAU OF POLICE
2619 NW INDUSTRIAL ST., STE. B4
PORTLAND, OREGON 97210
503-823-2179

PROPERTY/EVIDENCE RECEIPT

HOURS OF OPERATION:
9:00 AM TO NOON &
1:00 PM TO 4:00 PM, M-F

THIS RECEIPT MUST BE ACCOMPANIED BY AN APPROPRIATE REPORT

RECEIPT NUMBER	No. A048130		DATE/TIME	2/9/17 1313 PM		AM	PM	REFER CASE NO.	PPB CASE NO.		17-39972			
CHECK ONE TYPE	ONLY <input checked="" type="checkbox"/> EVIDENCE		<input type="checkbox"/> FOUND PROPERTY		<input type="checkbox"/> PRISONER'S PROP.		<input type="checkbox"/> SAFEKEEPING		GAVE COPY? YES <input type="checkbox"/> NO <input checked="" type="checkbox"/>					
PROPERTY TAKEN FROM:			LAST NAME		FIRST		M.I.		SEX		DOB			
DENIED OWNERSHIP <input type="checkbox"/>			HOME ADDRESS		CITY		STATE		ZIP		I VOLUNTARILY RELINQUISH THE ITEM(S) LISTED FOR SAFEKEEPING			
OWNER OF PROPERTY			LAST NAME		FIRST		M.I.		SEX		DOB			
HOME ADDRESS			CITY		STATE		ZIP		PHONE		SIGNATURE			
TYPE OF INCIDENT			OIS		DELIVERING OFFICER		EBC MCDANIEL		DPSST/ASSIGN		41372/CCW			
LOCATION WHERE SEIZED, FOUND, SURRENDERED			EAST PRECINCT		INVESTIGATOR (IF DIFFERENT)				DPSST/ASSIGN					
<input type="checkbox"/> DEFENDANT			LAST NAME		FIRST		M.I.		SEX		RACE			
<input type="checkbox"/> SUSPECT											DOB			
FOR GUNS LIST MAKE, TYPE, CALIBER, MODEL, SERIAL NUMBER(S), IMPORTER & COUNTRY OF ORIGIN. LIST ONLY ONE ITEM PER SELECTION.										STLN		FOR PED USE ONLY		
ITEM 1	(1) DVD - CONTAINING (AUDIO) INTERVIEW w/ OFFICER WULLBRANDT													
ITEM 2	(2) GOOGLE MAPS SHOWN TO OFFICER WULLBRANDT DURING THE INTERVIEW													
ITEM 3														
ITEM 4														
ITEM 5														
ITEM 6														
ITEM 7														
ITEM 8														
DELIVERED TO:			<input type="checkbox"/> STATE CRIME LAB		<input checked="" type="checkbox"/> SATELLITE PROP. ROOM		<input type="checkbox"/> PED		PRECINCT & LOCKER#		DATE			
CHECK ONE ONLY			<input type="checkbox"/> FED		<input type="checkbox"/> OTHER		C-16		2/15/17		RECEIVED BY			
DO NOT WRITE IN SPACE BELOW — FOR PED USE ONLY														
RECEIVED BY PED			DATE:		TIME:		BY		WHITE - RECORDS COPY PINK - WITH PROPERTY YELLOW - CITIZENS RECEIPT					

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BUREAU OF POLICE
2619 NW INDUSTRIAL ST., STE. B4
PORTLAND, OREGON 97210
503-823-2179

PROPERTY/EVIDENCE RECEIPT

HOURS OF OPERATION:
9:00 AM TO NOON &
1:00 PM TO 4:00 PM, M-F

THIS RECEIPT MUST BE ACCOMPANIED BY AN APPROPRIATE REPORT

RECEIPT NUMBER	No. A048131		DATE/TIME	2/9/17, 1433 PM		REFER CASE NO.	PPB CASE NO.		17-39972			
CHECK ONE TYPE	<input checked="" type="checkbox"/> ONLY <input checked="" type="checkbox"/> EVIDENCE		<input type="checkbox"/> FOUND PROPERTY		<input type="checkbox"/> PRISONER'S PROP.		<input type="checkbox"/> SAFEKEEPING					
PROPERTY TAKEN FROM:						GAVE COPY? YES <input type="checkbox"/> NO <input checked="" type="checkbox"/>						
LAST NAME		FIRST		M.I.		SEX		DOB		I VOLUNTARILY RELINQUISH THE ITEM(S) LISTED FOR SAFEKEEPING		
HOME ADDRESS		CITY		STATE		ZIP		SIGNATURE				
OWNER OF PROPERTY		LAST NAME		FIRST		M.I.		SEX			DOB	
HOME ADDRESS		CITY		STATE		ZIP		PHONE				
TYPE OF INCIDENT						DELIVERING OFFICER		DPSST/ASSIGN				
LOCATION WHERE SEIZED, FOUND, SURRENDERED						INVESTIGATOR (IF DIFFERENT)		DPSST/ASSIGN				
<input type="checkbox"/> DEFENDANT		LAST NAME		FIRST		M.I.		SEX		RACE		
<input type="checkbox"/> SUSPECT										DOB		
FOR GUNS LIST MAKE, TYPE, CALIBER, MODEL, SERIAL NUMBER(S), IMPORTER & COUNTRY OF ORIGIN. LIST ONLY ONE ITEM PER SELECTION.								STLN		FOR PED USE ONLY		
ITEM 1	(1) DVD - CONTAINING (AUDIO) INTERVIEW w/ OFFICER HIGGINBOTHAM											
ITEM 2	(2) GOOGLE MAPS SHOWN TO OFFICER HIGGINBOTHAM DURING THE INTERVIEW											
ITEM 3												
ITEM 4												
ITEM 5												
ITEM 6												
ITEM 7												
ITEM 8												
DELIVERED TO:		<input type="checkbox"/> STATE CRIME LAB		<input checked="" type="checkbox"/> SATELLITE PROP. ROOM		<input type="checkbox"/> PED		PRECINCT & LOCKER#		DATE		
CHECK ONE ONLY		<input type="checkbox"/> FED		<input type="checkbox"/> OTHER		C-16		2/15/17		RECEIVED BY		
DO NOT WRITE IN SPACE BELOW — FOR PED USE ONLY												
RECEIVED BY PED				BY				WHITE - RECORDS COPY PINK - WITH PROPERTY YELLOW - CITIZENS RECEIPT				
DATE:				TIME:								

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BUREAU OF POLICE
2619 NW INDUSTRIAL ST., STE. B4
PORTLAND, OREGON 97210
503-823-2179

PROPERTY/EVIDENCE RECEIPT

THIS RECEIPT MUST BE ACCOMPANIED BY AN APPROPRIATE REPORT

HOURS OF OPERATION:
9:00 AM TO NOON &
1:00 PM TO 4:00 PM, M-F

RECEIPT NUMBER	No. A048132		DATE/TIME	2/15/17, 0900 AM PM		REFER CASE NO.	PPB CASE NO.		17-39972		
CHECK ONE TYPE	<input checked="" type="checkbox"/> ONLY <input checked="" type="checkbox"/> EVIDENCE		<input type="checkbox"/> FOUND PROPERTY		<input type="checkbox"/> PRISONER'S PROP.		<input type="checkbox"/> SAFEKEEPING				
PROPERTY TAKEN FROM:						GAVE COPY? YES <input type="checkbox"/> NO <input checked="" type="checkbox"/>					
DENIED OWNERSHIP <input type="checkbox"/>						LAST NAME		FIRST		M.I.	
HOME ADDRESS						CITY		STATE		ZIP	
OWNER OF PROPERTY						LAST NAME		FIRST		M.I.	
						SEX		DOB		SIGNATURE	
HOME ADDRESS						CITY		STATE		ZIP	
TYPE OF INCIDENT						DELIVERING OFFICER		DPSST/ASSIGN			
OIS						E. MC DANIEL		41372/CCU			
LOCATION WHERE SEIZED, FOUND, SURRENDERED						INVESTIGATOR (IF DIFFERENT)		DPSST/ASSIGN			
EAST PRECINCT											
<input type="checkbox"/> DEFENDANT						LAST NAME		FIRST		M.I.	
<input type="checkbox"/> SUSPECT						SEX		RACE		DOB	
FOR GUNS LIST MAKE, TYPE, CALIBER, MODEL, SERIAL NUMBER(S), IMPORTER & COUNTRY OF ORIGIN. LIST ONLY ONE ITEM PER SELECTION.								STLN		FOR PED USE ONLY	
ITEM 1 (1) DVD - CONTAINING VIDEO & PHOTO IMAGES OF THE CRIME SCENE TAKEN FROM EVIDENCE ROOM 100											
ITEM 2											
ITEM 3											
ITEM 4											
ITEM 5											
ITEM 6											
ITEM 7											
ITEM 8											
DELIVERED TO:						PRECINCT & LOCKER#		DATE		RECEIVED BY	
<input type="checkbox"/> STATE CRIME LAB <input checked="" type="checkbox"/> SATELLITE PROP. ROOM <input type="checkbox"/> PED						C-16		2/15/17			
CHECK ONE ONLY <input type="checkbox"/> FED <input type="checkbox"/> OTHER											
DO NOT WRITE IN SPACE BELOW — FOR PED USE ONLY											
RECEIVED BY PED				BY				WHITE - RECORDS COPY PINK - WITH PROPERTY YELLOW - CITIZENS RECEIPT			
DATE:				TIME:							

07/12

CONFIDENTIAL

IMAGE ATTACHMENT (1298347) 1415516 - CD WITH PITTMAN INTERVIEW

BUREAU OF POLICE
2619 NW INDUSTRIAL WAY, STE. B4
PORTLAND, OREGON 97210
503-823-2179

PROPERTY/EVIDENCE RECEIPT

THIS RECEIPT MUST BE ACCOMPANIED BY AN APPROPRIATE REPORT

HOURS OF OPERATION:
9:00 AM TO NOON &
1:00 PM TO 4:00 PM, M-F

RECEIPT NUMBER No. 1415516	DATE/TIME 3-2-17/1700 PM	AM	REFER CASE NO. 17-40386	PPB CASE NO. 17-39972
CHECK ONE TYPE ONLY <input checked="" type="checkbox"/> EVIDENCE <input type="checkbox"/> FOUND PROPERTY <input type="checkbox"/> PRISONER'S PROP.		GAVE COPY? YES <input type="checkbox"/> NO <input type="checkbox"/>		<input type="checkbox"/> SAFEKEEPING
PROPERTY TAKEN FROM: LAST NAME FIRST M.I. SEX DOB		I VOLUNTARILY RELINQUISH THE ITEM(S) LISTED FOR SAFEKEEPING		
DENIED OWNERSHIP <input type="checkbox"/>		SIGNATURE		
HOME ADDRESS CITY STATE ZIP		PHONE		
OWNER OF PROPERTY LAST NAME FIRST M.I. SEX DOB				
HOME ADDRESS CITY STATE ZIP				
TYPE OF INCIDENT Officer Involved Shooting		DELIVERING OFFICER Kammer		DPSST/ASSIGN 29983/06T
LOCATION WHERE SEIZED, FOUND, SURRENDERED [REDACTED]		INVESTIGATOR (IF DIFFERENT)		DPSST/ASSIGN
<input type="checkbox"/> DEFENDANT LAST NAME FIRST M.I. SEX RACE DOB				
<input checked="" type="checkbox"/> SUSPECT				
FOR GUNS LIST MAKE, TYPE, CALIBER, MODEL, SERIAL NUMBER(S), IMPORTER & COUNTRY OF ORIGIN. LIST ONLY ONE ITEM PER SELECTION.				STLN FOR PED USE ONLY
ITEM 1	CD-R containing interview of Marsha Pittman			
ITEM 2				
ITEM 3				
ITEM 4				
ITEM 5				
ITEM 6				
ITEM 7				
ITEM 8				
DELIVERED TO: <input type="checkbox"/> STATE CRIME LAB <input type="checkbox"/> SATELLITE PROP. ROOM <input type="checkbox"/> PED		PRECINCT & LOCKER#		DATE
CHECK ONE ONLY <input type="checkbox"/> FED <input type="checkbox"/> OTHER				RECEIVED BY
DO NOT WRITE IN SPACE BELOW — FOR PED USE ONLY				
RECEIVED BY PED		BY		WHITE - RECORDS COPY PINK - WITH PROPERTY YELLOW - CITIZENS RECEIPT
DATE:		TIME:		

07/12

CONFIDENTIAL

IMAGE ATTACHMENT (1298352) A047982 - CD OF OFFICER TATRO INTERVIEW

BUREAU OF POLICE
2619 NW INDUSTRIAL ST., STE. B4
PORTLAND, OREGON 97210
503-823-2179

PROPERTY/EVIDENCE RECEIPT

HOURS OF OPERATION:
9:00 AM TO NOON &
1:00 PM TO 4:00 PM, M-F

THIS RECEIPT MUST BE ACCOMPANIED BY AN APPROPRIATE REPORT

RECEIPT NUMBER	No. A047982		DATE/TIME	2/9/17 1800 (PM)	AM	REFER CASE NO.	PPB CASE NO.	17-39972
CHECK ONE TYPE	<input checked="" type="checkbox"/> ONLY <input checked="" type="checkbox"/> EVIDENCE		<input type="checkbox"/> FOUND PROPERTY		<input type="checkbox"/> PRISONER'S PROP.		<input type="checkbox"/> SAFEKEEPING	
PROPERTY TAKEN FROM:		LAST NAME		FIRST	M.I.	SEX	DOB	I VOLUNTARILY RELINQUISH THE ITEM(S) LISTED FOR SAFEKEEPING
DENIED OWNERSHIP <input type="checkbox"/>		HOME ADDRESS		CITY	STATE	ZIP		
OWNER OF PROPERTY		LAST NAME		FIRST	M.I.	SEX	DOB	
HOME ADDRESS		CITY		STATE	ZIP	PHONE		SIGNATURE
TYPE OF INCIDENT		OFFICER INVOLVED SHOOTING		DELIVERING OFFICER		DPSST/ASSIGN		
LOCATION WHERE SEIZED, FOUND, SURRENDERED		Detective Division		INVESTIGATOR (IF DIFFERENT)		DPSST/ASSIGN		
<input type="checkbox"/> DEFENDANT		LAST NAME		FIRST	M.I.	SEX	RACE	DOB
<input type="checkbox"/> SUSPECT								
FOR GUNS LIST MAKE, TYPE, CALIBER, MODEL, SERIAL NUMBER(S), IMPORTER & COUNTRY OF ORIGIN. LIST ONLY ONE ITEM PER SELECTION.							STLN	FOR PED USE ONLY
ITEM 1	CD/R of interview of officer D. Tatro #48330							
ITEM 2	Signed Goggle wap of [REDACTED] NE Tillamook By officer Tatro							
ITEM 3								
ITEM 4								
ITEM 5								
ITEM 6								
ITEM 7								
ITEM 8								
DELIVERED TO:		<input type="checkbox"/> STATE CRIME LAB		<input checked="" type="checkbox"/> SATELLITE PROP. ROOM		<input type="checkbox"/> PED		PRECINCT & LOCKER#
CHECK ONE ONLY		<input type="checkbox"/> FED		<input type="checkbox"/> OTHER		C-016		DATE
						2/13/17		RECEIVED BY
DO NOT WRITE IN SPACE BELOW — FOR PED USE ONLY								
RECEIVED BY PED		DATE:		TIME:		BY		WHITE - RECORDS COPY PINK - WITH PROPERTY YELLOW - CITIZENS RECEIPT

07/12

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IMAGE ATTACHMENT (1298369) A047983 - A047984 - A047985 & A047986 - OFCR INTRV

BUREAU OF POLICE
2619 NW INDUSTRIAL ST., STE. B4
PORTLAND, OREGON 97210
503-823-2179

PROPERTY/EVIDENCE RECEIPT

HOURS OF OPERATION:
9:00 AM TO NOON &
1:00 PM TO 4:00 PM, M-F

THIS RECEIPT MUST BE ACCOMPANIED BY AN APPROPRIATE REPORT

RECEIPT NUMBER	No. A047983		DATE/TIME	2/9/17 1800 PM		REFER CASE NO.	PPB CASE NO. 17-39972	
CHECK ONE TYPE	<input checked="" type="checkbox"/> EVIDENCE		<input type="checkbox"/> FOUND PROPERTY		<input type="checkbox"/> PRISONER'S PROP.		<input type="checkbox"/> SAFEKEEPING	
PROPERTY TAKEN FROM:		LAST NAME		FIRST	M.I.	SEX	DOB	I VOLUNTARILY RELINQUISH THE ITEM(S) LISTED FOR SAFEKEEPING SIGNATURE
DENIED OWNERSHIP <input type="checkbox"/>		HOME ADDRESS		CITY	STATE	ZIP		
OWNER OF PROPERTY		LAST NAME		FIRST	M.I.	SEX	DOB	
HOME ADDRESS		CITY		STATE	ZIP	PHONE		
TYPE OF INCIDENT Officer Involved Shooting					DELIVERING OFFICER		DPSST/ASSIGN	
LOCATION WHERE SEIZED, FOUND, SURRENDERED Detective Division					INVESTIGATOR (IF DIFFERENT)		DPSST/ASSIGN	
<input type="checkbox"/> DEFENDANT		LAST NAME		FIRST	M.I.	SEX	RACE	DOB
<input type="checkbox"/> SUSPECT								
FOR GUNS LIST MAKE, TYPE, CALIBER, MODEL, SERIAL NUMBER(S), IMPORTER & COUNTRY OF ORIGIN. LIST ONLY ONE ITEM PER SELECTION.							STLN	FOR PED USE ONLY
ITEM 1	CD / R of interview with officer Ed Lock # 18363							
ITEM 2	Signed Google map of [REDACTED] NE HANCOCK ST by officer Ed Lock							
ITEM 3								
ITEM 4								
ITEM 5								
ITEM 6								
ITEM 7								
ITEM 8								
DELIVERED TO:		<input type="checkbox"/> STATE CRIME LAB		<input checked="" type="checkbox"/> SATELLITE PROP. ROOM		<input type="checkbox"/> PED		PRECINCT & LOCKER#
CHECK ONE ONLY		<input type="checkbox"/> FED		<input type="checkbox"/> OTHER		C-016		DATE
						2/13/17		RECEIVED BY
DO NOT WRITE IN SPACE BELOW — FOR PED USE ONLY								
RECEIVED BY PED		DATE:		TIME:		BY		WHITE - RECORDS COPY PINK - WITH PROPERTY YELLOW - CITIZENS RECEIPT

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BUREAU OF POLICE
2619 NW INDUSTRIAL ST., STE. B4
PORTLAND, OREGON 97210
503-823-2179

PROPERTY/EVIDENCE RECEIPT

HOURS OF OPERATION:
9:00 AM TO NOON &
1:00 PM TO 4:00 PM, M-F

THIS RECEIPT MUST BE ACCOMPANIED BY AN APPROPRIATE REPORT

RECEIPT NUMBER	No. A047984		DATE/TIME	2/9/17 1500 PM		REFER CASE NO.	PPB CASE NO. 17-39972	
CHECK ONE TYPE	<input checked="" type="checkbox"/> ONLY <input type="checkbox"/> EVIDENCE		<input type="checkbox"/> FOUND PROPERTY		<input type="checkbox"/> PRISONER'S PROP. GAVE COPY? YES <input type="checkbox"/> NO <input type="checkbox"/>		<input type="checkbox"/> SAFEKEEPING	
PROPERTY TAKEN FROM:	LAST NAME	FIRST	M.I.	SEX	DOB	I VOLUNTARILY RELINQUISH THE ITEM(S) LISTED FOR SAFEKEEPING SIGNATURE		
DENIED OWNERSHIP <input type="checkbox"/>								
HOME ADDRESS	CITY	STATE	ZIP					
OWNER OF PROPERTY	LAST NAME	FIRST	M.I.	SEX	DOB			
HOME ADDRESS	CITY	STATE	ZIP	PHONE				
TYPE OF INCIDENT				DELIVERING OFFICER		DPSST/ASSIGN		
Officer Involved Shooting				Winters		24381/208		
LOCATION WHERE SEIZED, FOUND, SURRENDERED				INVESTIGATOR (IF DIFFERENT)		DPSST/ASSIGN		
Detective Division				KAMMERER		Hom		
<input type="checkbox"/> DEFENDANT	LAST NAME	FIRST	M.I.	SEX	RACE	DOB		
<input type="checkbox"/> SUSPECT								
FOR GUNS LIST MAKE, TYPE, CALIBER, MODEL, SERIAL NUMBER(S), IMPORTER & COUNTRY OF ORIGIN. LIST ONLY ONE ITEM PER SELECTION.						STLN	FOR PED USE ONLY	
ITEM 1	LD/2 interview of officer G. Adrian #28173							
ITEM 2	Signed google map of shooting location by officer G. Adrian #28173							
ITEM 3								
ITEM 4								
ITEM 5								
ITEM 6								
ITEM 7								
ITEM 8								
DELIVERED TO:	<input type="checkbox"/> STATE CRIME LAB	<input checked="" type="checkbox"/> SATELLITE PROP. ROOM	<input type="checkbox"/> PED	PRECINCT & LOCKER#	DATE	RECEIVED BY		
CHECK ONE ONLY	<input type="checkbox"/> FED	<input type="checkbox"/> OTHER		C-016	2/13/17			
DO NOT WRITE IN SPACE BELOW — FOR PED USE ONLY								
RECEIVED BY PED	BY			WHITE - RECORDS COPY PINK - WITH PROPERTY YELLOW - CITIZENS RECEIPT				
DATE:	TIME:							

07/12

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BUREAU OF POLICE
2619 NW INDUSTRIAL ST., STE. B4
PORTLAND, OREGON 97210
503-823-2179

PROPERTY/EVIDENCE RECEIPT

HOURS OF OPERATION:
9:00 AM TO NOON &
1:00 PM TO 4:00 PM, M-F

THIS RECEIPT MUST BE ACCOMPANIED BY AN APPROPRIATE REPORT

RECEIPT NUMBER	No. A047985		DATE/TIME	2/9/17 1800 PM		AM	REFER CASE NO.	PPB CASE NO. 17-39972		
CHECK ONE TYPE	<input checked="" type="checkbox"/> ONLY <input checked="" type="checkbox"/> EVIDENCE		<input type="checkbox"/> FOUND PROPERTY		<input type="checkbox"/> PRISONER'S PROP.		<input type="checkbox"/> SAFEKEEPING			
PROPERTY TAKEN FROM:		LAST NAME		FIRST	M.I.	SEX	DOB			
DENIED OWNERSHIP <input type="checkbox"/>		CITY		STATE		ZIP		I VOLUNTARILY RELINQUISH THE ITEM(S) LISTED FOR SAFEKEEPING SIGNATURE		
HOME ADDRESS		CITY		STATE		ZIP				
OWNER OF PROPERTY		LAST NAME		FIRST	M.I.	SEX	DOB			
HOME ADDRESS		CITY		STATE		ZIP		PHONE		
TYPE OF INCIDENT				DELIVERING OFFICER				DPSST/ASSIGN		
Officer Involved Shooting				Winters				34381/ROB		
LOCATION WHERE SEIZED, FOUND, SURRENDERED				INVESTIGATOR (IF DIFFERENT)				DPSST/ASSIGN		
Detective Division				Kammerer				How		
<input type="checkbox"/> DEFENDANT		LAST NAME		FIRST	M.I.	SEX	RACE	DOB		
<input type="checkbox"/> SUSPECT										
FOR GUNS LIST MAKE, TYPE, CALIBER, MODEL, SERIAL NUMBER(S), IMPORTER & COUNTRY OF ORIGIN. LIST ONLY ONE ITEM PER SELECTION.							STLN	FOR PED USE ONLY		
ITEM 1	CD/R of interview of officer D. Dick # 28646									
ITEM 2										
ITEM 3										
ITEM 4										
ITEM 5										
ITEM 6										
ITEM 7										
ITEM 8										
DELIVERED TO:		<input type="checkbox"/> STATE CRIME LAB		<input checked="" type="checkbox"/> SATELLITE PROP. ROOM		<input type="checkbox"/> PED		PRECINCT & LOCKER#	DATE	RECEIVED BY
CHECK ONE ONLY		<input type="checkbox"/> FED		<input checked="" type="checkbox"/> OTHER		2-016		2/13/17		
DO NOT WRITE IN SPACE BELOW — FOR PED USE ONLY										
RECEIVED BY PED		DATE:		TIME:		BY		WHITE - RECORDS COPY PINK - WITH PROPERTY YELLOW - CITIZENS RECEIPT		

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BUREAU OF POLICE
2619 NW INDUSTRIAL ST., STE. B4
PORTLAND, OREGON 97210
503-823-2179

PROPERTY/EVIDENCE RECEIPT

HOURS OF OPERATION:
9:00 AM TO NOON &
1:00 PM TO 4:00 PM, M-F

THIS RECEIPT MUST BE ACCOMPANIED BY AN APPROPRIATE REPORT

RECEIPT NUMBER	No. A047986		DATE/TIME	2/9/17 1800 <input checked="" type="radio"/> AM <input checked="" type="radio"/> PM		REFER CASE NO.	PPB CASE NO.		17-39972			
CHECK ONE TYPE	<input checked="" type="checkbox"/> ONLY <input checked="" type="checkbox"/> EVIDENCE		<input type="checkbox"/> FOUND PROPERTY		<input type="checkbox"/> PRISONER'S PROP.		<input type="checkbox"/> SAFEKEEPING					
PROPERTY TAKEN FROM:		LAST NAME		FIRST		M.I.		SEX		DOB		
DENIED OWNERSHIP <input type="checkbox"/>		CITY		STATE		ZIP		I VOLUNTARILY RELINQUISH THE ITEM(S) LISTED FOR SAFEKEEPING				
HOME ADDRESS		CITY		STATE		ZIP		SIGNATURE				
OWNER OF PROPERTY		LAST NAME		FIRST		M.I.		SEX		DOB		
HOME ADDRESS		CITY		STATE		ZIP		PHONE				
TYPE OF INCIDENT						DELIVERING OFFICER		DPSST/ASSIGN				
Officer involved Shooting						Winters		34381/ROB				
LOCATION WHERE SEIZED, FOUND, SURRENDERED						INVESTIGATOR (IF DIFFERENT)		DPSST/ASSIGN				
Detective Division						RAMMERER		Haw				
<input type="checkbox"/> DEFENDANT		LAST NAME		FIRST		M.I.		SEX		DOB		
<input type="checkbox"/> SUSPECT												
FOR GUNS LIST MAKE, TYPE, CALIBER, MODEL, SERIAL NUMBER(S), IMPORTER & COUNTRY OF ORIGIN. LIST ONLY ONE ITEM PER SELECTION.								STLN		FOR PED USE ONLY		
ITEM 1	CD/R of Interview of Sgt. K Nice #28653											
ITEM 2	Signed Google Map of Shooting Scene by Sgt K Nice #28653											
ITEM 3												
ITEM 4												
ITEM 5												
ITEM 6												
ITEM 7												
ITEM 8												
DELIVERED TO:		<input type="checkbox"/> STATE CRIME LAB		<input checked="" type="checkbox"/> SATELLITE PROP. ROOM		<input type="checkbox"/> PED		PRECINCT & LOCKER#		DATE		
CHECK ONE ONLY		<input type="checkbox"/> FED		<input type="checkbox"/> OTHER		C-016		2/13/17		RECEIVED BY		
DO NOT WRITE IN SPACE BELOW — FOR PED USE ONLY												
RECEIVED BY PED				BY				WHITE - RECORDS COPY PINK - WITH PROPERTY YELLOW - CITIZENS RECEIPT				
DATE:				TIME:								

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IMAGE ATTACHMENT (1298373) CRIME SCENE LOGS



PORTLAND POLICE BUREAU

outer CRIME SCENE SIGN-IN



17-39625 39972

ALL PERSONS ENTERING THE CRIME SCENE MUST SIGN IN ON THIS FORM.
TURN IN COMPLETED FORM TO THE DETECTIVE IN CHARGE OF THE INVESTIGATION.

	NAME	DATE/TIME	AGENCY/ASSIGN.
1.	Ryan Mele 50232		PPB / East
2.	Lt Deland 24581		PPB / East
3.	Cmdr Parman 28328		PPB / East
4.	Ed Lock 18363		PPB / East
5.	Melissa Bishop 18974		PPB / East
6.	Gene Gillock 32016		PPB / East
7.	Joe Young 33646		PPB / East
8.	David Staab 28011		PPB / East
9.	Rob Brown 42549		PPB / East
10.	Chaplain Chadwick		PPB
11.	Sgt Holbrook 32026		PPB / East
12.	Sgt Nice 26853		PPB / East
13.	Daryl Turner 25221		Union President
14.	Chris Kulp 40730		PPB / School
15.	Shaun Sahli 41051		PPB / Central
16.	Ryan Engweller 37133		PPB / Central
17.	Jason Walters 33522		PPB / Central
18.	Cpt Day 23474		PPB / Training
19.	Dustin Barth 51204		PPB / Central
20.	Sgt Price 41048		PPB / Central

CASE NUMBER: _____

LOCATION: _____

OFFICER ASSIGNED: Staab #28011

(SCENE ACCESS CONTROL OFFICER)

CONFIDENTIAL**PORTLAND POLICE BUREAU**
Outer
PRIMARY CRIME SCENE LOG

CASE NUMBER: 17-39972 ~~39625~~ LOCATION: _____

ALL PERSONS ENTERING THE CRIME SCENE MUST BE SIGNED IN
(NO Entry without Scene Supervisor approval)

NAME	DATE / TIME	AGENCY/ ASSIGNMENT	CRIME SCENE LOG OFFICER / #	DATE / TIME
1. Cmdr Sheffer	19192	PPB / Central		
2. Cpt Jones	23649	PPB / Strategic Services		
3. Jim Ferner	24817	PPB / East		
4. Sgt Christensen	24131	PPB / North		
5. Lt Leasure	38992	PPB / Chief's Office		
6. Cmdr King	21075	PPB / North		
7. Tom Nancarrow	37308	PPB / East		
8. Maurice Henderson		Mayor's Office / Chief of Staff		
9. Chief Marshman	25056	PPB		
10. Sgt Teig	21689	PPB / East		
11. Lt Bacigalupi	30878	PPB / Detective		
12. Det Kammerer	29988	PPB / Detective		
13. Sgt Whittam	24582	PPB / Detective		
14. Asst Chief Davis	36611	PPB / Chief's Office		
15. Steve Myers		Union Attorney		
16. Mike Gallagher	23941	PPB / East		
17. Cpt Krantz	28269	PPB / Strategic Services		
18. Sgt Preston	29200	PPB / K-9		
19. Lt Lee	39878	PPB / Traffic		
20. Scott Robertson	31290	PPB / East		

SUBMIT COMPLETED FORM WITH SPECIAL REPORT TO THE LEAD INVESTIGATOR

Stab # 28011

Pg. _____ of _____

N/Homicide/Sgt Admin/Crime Scene Log

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PORTLAND POLICE BUREAU

Outer CRIME SCENE SIGN-IN



17-39972

ALL PERSONS ENTERING THE CRIME SCENE MUST SIGN IN ON THIS FORM.
TURN IN COMPLETED FORM TO THE DETECTIVE IN CHARGE OF THE INVESTIGATION.

	NAME	DATE/TIME	AGENCY/ASSIGN.
1.	Cpt Crebs 25926		PPB / Traffic
2.	Ney Photivongsa 32938		PPB / Central
3.	Det McDaniel 41372		PPB / Detectives
4.	Cpt Bell 38996		PPB / IA
5.	Lt Font 26379		PPB / Prof. Standards
6.	Lt Hager 22213		PPB / Central
7.	Det Chamberlain 28372		PPB / Family Services
8.	Det Myers 39608		PPB / Detective
9.	Lt McGlothery 26894		PPB / Training
10.	Det Gradwohl 29981		PPB / Detective
11.	Det Clifton 37152		PPB / Detective
12.	Sgt Burley 45975		PPB / BHL
13.	Cmdr Hendrie 28637		PPB / Detectives
14.	Dan Outhayhip 24990		PPB / FED
15.	Randy Yoshimura 24583		PPB / FED
16.	Turnege 51413		MCSO
17.	Det Zwick 43805		
18.	Don Rees		DA's Office
19.	Anil Karig		Union Attorney
20.	Cpt Wyatt 24137		PPB / FED

CASE NUMBER: _____

LOCATION: _____

OFFICER ASSIGNED: Starb #28011
(SCENE ACCESS CONTROL OFFICER)

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PORTLAND POLICE BUREAU



Outer

CRIME SCENE SIGN-IN

17-39972

ALL PERSONS ENTERING THE CRIME SCENE MUST SIGN IN ON THIS FORM.
TURN IN COMPLETED FORM TO THE DETECTIVE IN CHARGE OF THE INVESTIGATION.

	NAME	DATE/TIME	AGENCY/ASSIGN.
1.	Gerardo Pena		Tri-met / Bus Driver
2.	Carmi Frustaci		Tri-met / Mechanic
3.	Det McGuire 31951		PPB / Detective
4.	Trevor Caldwell		Union Attorney
5.	Sgt Engen 29983		PPB / Tri-met
6.	Jane Willard 22518		PPB / FED
7.	Det Sharp 34582		PPB / Detective
8.	Det Bledsoe 41701		PPB / Detective
9.	Evelyn Morales 48015		PPB / Egt
10.	Det DeClerque 37939		PPB / TOD
11.	Det Steed 19008		PPB / Detective
12.	Det Michaels 40400		PPB / Detective
13.	Paul Ware 37137		PPB / FED
14.	Anthony Eugenio 39877		PPB / CCR
15.	Damon O'Brien		ME
16.	Det Nguyen 28979		PPB / Detective
17.	Sgt Hughes 30818		PPB / Detective
18.			
19.			
20.			

CASE NUMBER: _____

LOCATION: _____

OFFICER ASSIGNED: Staab 28011
(SCENE ACCESS CONTROL OFFICER)

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PORTLAND POLICE BUREAU CRIME SCENE SIGN-IN



17-39625

ALL PERSONS ENTERING THE CRIME SCENE MUST SIGN IN ON THIS FORM.
TURN IN COMPLETED FORM TO THE DETECTIVE IN CHARGE OF THE INVESTIGATION.

	NAME	DATE/TIME	AGENCY/ASSIGN.
1.	medic 309 Trimmed	2-9-16 0724	AMR
* 2.	Bishop	11	East
* 3.	Lock	11	
* 4.	Higginbotham	11	
* 5.	Mete	11	
* 6.	Brown	11	
* 7.	Wearst	11	
* 8.	Ch. Black	11	
* 9.	Nice	11	
10.	Parman	11	
11.	Staub	11	
* 12.	Young	11	
13.	Deland	11	
14.	Dick	11	
* 15.	Wollbrant	11	
16.	Ballew	11	
17.	Nelfrich	11	
18.	Kulp	0944	
19.	Teig	0955	
20.	Engweiler		

CASE NUMBER:

17-39625

LOCATION:

[REDACTED] NE Hancock

OFFICER ASSIGNED:

O Dick

(SCENE ACCESS CONTROL OFFICER)

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PORTLAND POLICE BUREAU CRIME SCENE SIGN-IN



ALL PERSONS ENTERING THE CRIME SCENE MUST SIGN IN ON THIS FORM.
TURN IN COMPLETED FORM TO THE DETECTIVE IN CHARGE OF THE INVESTIGATION.

	NAME	DATE/TIME	AGENCY/ASSIGN.
1.	Bartle	2-9-16 1000	
2.	Mill	1000	
3.	Holbrook	1000	
4.	McHugh		
*5.	Adrian		
6.	Schaff	1009	
7.	marshman	1009	
8.	Heasure	1009	
9.	Price	1009	
10.	Bscignolopi		
11.	Nugher		
12.	steele		
13.	Wharton		
14.	Kammer		
15.	Michael		
16.	Sala		
*17.	Winters		
18.	Bradwahl	1227	
19.	Clifton		
20.	Mendie		
	Glaser	1227	

CASE NUMBER:

17-39625

LOCATION:

[REDACTED] NE Hancock

OFFICER ASSIGNED:

D.D. OLC
(SCENE ACCESS CONTROL OFFICER)

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Turnage mct 1009

winter 1009

** Yoshimura 1100

*oythaythip 1100

Wyatt 1100

Jeff Guxier PA office 1100

Tatro 1201

Grineland, Katie 1100 [REDACTED] NE Hancock

Nguyen, Thien 1140 [REDACTED] NE Hancock

Decker 1143

Abrahamson

Thacker, David [REDACTED] Hancock 1218

Pham, Luccie [REDACTED] NE Hancock 1248

Pamela Obrien ME 1316

McMurry, Shanda 1100

* Staab 0916

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IMAGE ATTACHMENT (1304308) A051860, A051861, A051862

BUREAU OF POLICE
2619 NW INDUSTRIAL ST., STE. B4
PORTLAND, OREGON 97210
503-823-2179

PROPERTY/EVIDENCE RECEIPT

HOURS OF OPERATION:
9:00 AM TO NOON &
1:00 PM TO 4:00 PM, M-F

THIS RECEIPT MUST BE ACCOMPANIED BY AN APPROPRIATE REPORT

RECEIPT NUMBER	No. A051860			DATE/TIME	02/09/17 1230 ^M		AM	REFER CASE NO.	PPB CASE NO. 17-39972			
CHECK ONE TYPE	<input checked="" type="checkbox"/> EVIDENCE			<input type="checkbox"/> FOUND PROPERTY			<input type="checkbox"/> PRISONER'S PROP.			<input type="checkbox"/> SAFEKEEPING		
PROPERTY TAKEN FROM:				LAST NAME	FIRST	M.I.	SEX	DOB	I VOLUNTARILY RELINQUISH THE ITEM(S) LISTED FOR SAFEKEEPING			
DENIED OWNERSHIP <input type="checkbox"/>												
HOME ADDRESS				CITY		STATE		ZIP				
OWNER OF PROPERTY				LAST NAME	FIRST	M.I.	SEX	DOB	SIGNATURE			
HOME ADDRESS				CITY		STATE		ZIP		PHONE		
TYPE OF INCIDENT							DELIVERING OFFICER			DPSST/ASSIGN		
SHOOTING / OFFICER INVOLVED							OUTPATIENT			24990/FED		
LOCATION WHERE SEIZED, FOUND, SURRENDERED							INVESTIGATOR (IF DIFFERENT)			DPSST/ASSIGN		
NE HANCOCK ST.							KAMMERER			29988/ADM		
<input type="checkbox"/> DEFENDANT				LAST NAME	FIRST	M.I.	SEX	RACE	DOB			
<input type="checkbox"/> SUSPECT												
FOR GUNS LIST MAKE, TYPE, CALIBER, MODEL, SERIAL NUMBER(S), IMPORTER & COUNTRY OF ORIGIN. LIST ONLY ONE ITEM PER SELECTION.									STLN	FOR PED USE ONLY		
ITEM 1	ONE GRN ^{W/O} CAMO/BLK ASG CO2 POWERED BB PISTOL CALIBER 6mm MODEL # CZ P-09 NO SERIAL #											
ITEM 2	ONE REMINGTON 223 SHELL CASING, PLACARD #2											
ITEM 3	ONE REMINGTON 223 SHELL CASING, PLACARD #3											
ITEM 4	ONE REMINGTON 223 SHELL CASING, PLACARD #4											
ITEM 5	ONE LANCEL DAY BAG WITH; (1) TRAIL BLAZER JACKET, (1) PA. SOCKS, (3) PR. NIKE SHOES, (1) BELT, (1) HAIRSPRAY, AND (1) PORTABLE ORGANIZER WITH TOOL.											
ITEM 6	ONE DAMAGED WINDOW SCREEN AND DAMAGED WINDOW SCREEN FRAME, PLACARD #6											
ITEM 7	ONE PIECE OF CANDY OR BEVERAGE PACKAGING, PLACARD #7											
ITEM 8	NO MORE											
DELIVERED TO:				<input type="checkbox"/> STATE CRIME LAB		<input type="checkbox"/> SATELLITE PROP. ROOM		<input checked="" type="checkbox"/> PED		PRECINCT & LOCKER#	DATE	RECEIVED BY
CHECK ONE ONLY				<input type="checkbox"/> FED		<input type="checkbox"/> OTHER						
DO NOT WRITE IN SPACE BELOW — FOR PED USE ONLY												
RECEIVED BY PED				DATE: 02.10.17		TIME: 14:12		BY: RS91720		WHITE - RECORDS COPY PINK - WITH PROPERTY YELLOW - CITIZENS RECEIPT		

07/12

Portland Police Bureau

CASE NUMBER
GO 42 2017-39972

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BUREAU OF POLICE
2619 NW INDUSTRIAL ST., STE. B4
PORTLAND, OREGON 97210
503-823-2179

PROPERTY/EVIDENCE RECEIPT

THIS RECEIPT MUST BE ACCOMPANIED BY AN APPROPRIATE REPORT

HOURS OF OPERATION:
9:00 AM TO NOON &
1:00 PM TO 4:00 PM, M-F

RECEIPT NUMBER No. A051861	DATE/TIME 02/09/17 1330^M	AM	REFER CASE NO.	PPB CASE NO. 17-39972
CHECK ONE TYPE ONLY <input checked="" type="checkbox"/> EVIDENCE <input type="checkbox"/> FOUND PROPERTY	<input type="checkbox"/> PRISONER'S PROP.		<input type="checkbox"/> SAFEKEEPING	
PROPERTY TAKEN FROM: LAST NAME FIRST M.I. SEX DOB			I VOLUNTARILY RELINQUISH THE ITEM(S) LISTED FOR SAFEKEEPING	
DENIED OWNERSHIP <input type="checkbox"/>			SIGNATURE	
HOME ADDRESS CITY STATE ZIP				
OWNER OF PROPERTY LAST NAME FIRST M.I. SEX DOB				
HOME ADDRESS CITY STATE ZIP			PHONE	
TYPE OF INCIDENT SHOOTING / OFFICER INVOLVED		DELIVERING OFFICER OUTRAYTHIP		DPSST/ASSIGN 24990/FED
LOCATION WHERE SEIZED, FOUND, SURRENDERED NE HANCOCK ST.		INVESTIGATOR (IF DIFFERENT) KAMMERER		DPSST/ASSIGN 29988/DET
<input type="checkbox"/> DEFENDANT	LAST NAME FIRST M.I. SEX RACE DOB			
<input type="checkbox"/> SUSPECT				
FOR GUNS LIST MAKE, TYPE, CALIBER, MODEL, SERIAL NUMBER(S), IMPORTER & COUNTRY OF ORIGIN. LIST ONLY ONE ITEM PER SELECTION.				STLN FOR PED USE ONLY
ITEM 1	ONE PAIR POLICE HANDCUFFS			
ITEM 2	PEERLESS MODEL 700 SERIAL # [REDACTED]			
ITEM 3				
ITEM 4				
ITEM 5				
ITEM 6				
ITEM 7				
ITEM 8				
NO MORE				
TELETYPE DPSST/DATE Queried 030817 45785 Entered Cleared NE - OTHERS PROPERTY				
DELIVERED TO: <input type="checkbox"/> STATE CRIME LAB <input type="checkbox"/> SATELLITE PROP. ROOM <input type="checkbox"/> PED		PRECINCT & LOCKER#		DATE
CHECK ONE ONLY <input type="checkbox"/> FED <input type="checkbox"/> OTHER		RECEIVED BY		
DO NOT WRITE IN SPACE BELOW — FOR PED USE ONLY				
RECEIVED BY PED		BY		WHITE - RECORDS COPY PINK - WITH PROPERTY YELLOW - CITIZENS RECEIPT
DATE:		TIME:		

07/12



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BUREAU OF POLICE
2619 NW INDUSTRIAL ST., STE. B4
PORTLAND, OREGON 97210
503-823-2179

PROPERTY/EVIDENCE RECEIPT

THIS RECEIPT MUST BE ACCOMPANIED BY AN APPROPRIATE REPORT

HOURS OF OPERATION:
9:00 AM TO NOON &
1:00 PM TO 4:00 PM, M-F

RECEIPT NUMBER No. A051862	DATE/TIME 02/09/17 1330 PM	AM	REFER CASE NO.	PPB CASE NO. 17-39972
CHECK ONE TYPE ONLY <input checked="" type="checkbox"/> EVIDENCE <input type="checkbox"/> FOUND PROPERTY	<input type="checkbox"/> PRISONER'S PROP.		<input type="checkbox"/> SAFEKEEPING	
PROPERTY TAKEN FROM: LAST NAME FIRST M.I. SEX DOB			I VOLUNTARILY RELINQUISH THE ITEM(S) LISTED FOR SAFEKEEPING	
DENIED OWNERSHIP <input type="checkbox"/>			SIGNATURE	
HOME ADDRESS CITY STATE ZIP			PHONE	
OWNER OF PROPERTY LAST NAME FIRST M.I. SEX DOB				
TYPE OF INCIDENT SHOOTING / OFFICER INVOLVED			DELIVERING OFFICER OUTRAY THIP	
WHERE SEIZED, FOUND, SURRENDERED NE HANCOCK ST.			DPSST/ASSIGN 24990 / FED	
INVESTIGATOR (IF DIFFERENT) KAMMERER			DPSST/ASSIGN 29988 / HOM	
<input type="checkbox"/> DEFENDANT	LAST NAME FIRST M.I. SEX RACE DOB			
<input type="checkbox"/> SUSPECT				
FOR GUNS LIST MAKE, TYPE, CALIBER, MODEL, SERIAL NUMBER(S), IMPORTER & COUNTRY OF ORIGIN. LIST ONLY ONE ITEM PER SELECTION.				STLN FOR PED USE ONLY
ITEM 1	one OREGON TRAIL CARD [REDACTED]			
ITEM 2	from Decedent's LEFT REAR PANTS POCKET			
ITEM 3				
ITEM 4				
ITEM 5				
ITEM 6				
ITEM 7				
ITEM 8				
DELIVERED TO: <input type="checkbox"/> STATE CRIME LAB <input type="checkbox"/> SATELLITE PROP. ROOM <input checked="" type="checkbox"/> PED <input type="checkbox"/> OTHER CHECK ONE ONLY <input type="checkbox"/> FED <input type="checkbox"/> OTHER DO NOT WRITE IN SPACE BELOW — FOR PED USE ONLY RECEIVED BY PED DATE: 2-10-17 TIME: 14:12 BY: AS91730 WHITE - RECORDS COPY PINK - WITH PROPERTY YELLOW - CITIZENS RECEIPT				

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*** END OF HARDCOPY ***