

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
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IN THE CIRCUIT COURT OF THE STATE OF OREGON
FOR THE COUNTY OF MULTNOMAH

-----x
:
STATE OF OREGON, :
:
No. 2469270-1,-2,-3
Plaintiff :
:
v. :
:
JOHN BARTLETT, BRIAN WHEELER, :
ADI RAMIC :
:
Defendant :
-----x

GRAND JURY A
PROCEEDINGS
Case No. 42

Conducted by:
Brian Davidson, Deputy District Attorney
DA Case No. 2469270-1, -2, -3
Tuesday, April 30, 2024

Transcribed by: Brianna Jackson

Proceedings recorded on FTR audio recording; transcript provided by legal transcriber.

GENERAL INDEX

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

PAGE

April 30, 2024 Proceedings

Case Called 3

Examination of Kenneth Huntinghouse 4

Grand Juror's Question(s) 18

Examination of Michelle Petty 21

Grand Juror's Question(s) 32

Examination of Sarah Kerwin 34

Grand Juror's Question(s) 48

Examination of Colby Panter 51

Grand Juror's Question(s) 67

Examination of Matthew Manus 77

Grand Juror's Question(s)110

P R O C E E D I N G S

(April 30, 2024)

(9:17 a.m.)

(Whereupon, the following proceedings were held
before Grand Jury A)

MR. DAVIDSON: All right. Looks like we are back
on the record in Grand Jury A, case number 42, DA case
number 2469270-1, -2, and -3. This is, again, day two of
our testimony in this matter. Brian Davidson appearing; my
last name is spelled D-A-V-I-D-S-O-N. Also with me is:

MR. BENSON: Colin Benson, I'm a senior assistant
attorney general for the Department of Justice here in
Oregon.

MR. DAVIDSON: Okay. We are ready to call our
next witness, which will be Sergeant Kenneth Huntinghouse.
Sergeant Huntinghouse, you ready?

SERGEANT HUNTINGHOUSE: Yes.

MR. DAVIDSON: You know the drill.

SERGEANT HUNTINGHOUSE: Good morning.

GRAND JUROR: Good morning.

KENNETH HUNTINGHOUSE

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

THE FOREPERSON: Thank you.

MR. DAVIDSON: Go ahead and have a seat.

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DIRECT EXAMINATION

BY MR. DAVIDSON:

Q. And state and spell your full name for us, please.

A. Kenneth Huntinghouse, K-e-n-n-e-t-h, last name, H-u-n-t-i-n-g-h-o-u-s-e.

Q. Okay. And if you can, tell us how you're employed.

A. I am a sergeant for the Portland Police Bureau.

Q. All right. And what is your current duty assignment?

A. I'm a detective sergeant for the Enhanced Community Safety Team. We investigate shootings, basically.

Q. Okay.

A. And gun violence.

Q. So I think you know we're going to discuss an event that occurred back in, on December 27th of 2023. Did you have a different assignment at that time?

A. I was the sergeant for the Focus Intervention Team, which is basically the patrolled version that deals with gun violence.

Q. Okay. And let's step back a little bit. How long have you been a police officer?

A. Eleven years, almost twelve.

Q. And all of that with the Portland Police Bureau?

A. Yes.

1 Q. And prior to that, did you attend college?

2 A. I did.

3 Q. And where did you go to school?

4 A. I graduated from the University of Utah with a
5 bachelor's degree. And then I went to law school in
6 St. Louis and graduated in 2011.

7 Q. All right. So you have a --

8 A. A JD.

9 Q. A JD? Okay.

10 A. Yep.

11 Q. And so after that, though, you decided you wanted
12 to be a police officer. You came to Portland, or maybe
13 you're from Portland, I don't know. And I imagine you went
14 to the typical police academies then in the State of Oregon.

15 A. Correct.

16 Q. DPSST?

17 A. Yeah. Sixteen weeks of basic, and then an extra
18 twelve weeks of advanced that Portland puts on. And then
19 the FTP, the field training program, which is your first 18
20 months.

21 Q. And since you've been with the Portland Police
22 Bureau, what different assignments have you had other than
23 the ones you just described to us?

24 A. I was a patrol officer for a while. I became a
25 sergeant and was a patrol sergeant. I went to the

1 Neighborhood Response Team; I was a sergeant for that team
2 for a little while. And then I moved onto the Focus
3 Intervention Team, which is a patrol version that deals with
4 gun violence. And then now, I'm on the Enhanced Community
5 Safety Team.

6 Q. And so how long have you been a sergeant?

7 A. Since 2020.

8 Q. And how long have you been with FIT?

9 A. I was with FIT for a little less than a year.

10 Q. Okay.

11 A. I just went to the Enhanced Community Safety Team
12 in January.

13 Q. All right. So everyone we've heard from, Police
14 Officer Wyatt, so far has been a patrol officer if I
15 recollect correctly. You're the first sergeant we've spoken
16 to. Can you tell me about the difference between the
17 responsibilities of a regular patrol officer and a sergeant?

18 A. Yeah. Patrol officers are boots-on-the-ground.
19 They deal with any of the calls, evidence, handling
20 different things like that. As a sergeant, we supervise.
21 We make sure, like, if it's a big deal, we try to supervise
22 the incident. We handle all the administrative stuff. If
23 we have a big incident, we delegate responsibilities.

24 Like with this incident, there's a lot of people
25 that will show up, and I'll have to delegate different

1 responsibilities of what people need to do.

2 Q. Okay. But as a sergeant, you're also in uniform,
3 I guess, right?

4 A. As a FIT sergeant, I was.

5 Q. Yeah, as a FIT sergeant. Maybe as a detective
6 sergeant, you're in plain clothes.

7 A. Yes.

8 Q. But as a FIT sergeant, you would have been kind of
9 dressed and equipped in a similar fashion to the other
10 patrol officers.

11 A. Correct.

12 Q. Right. Are you typically, as a sergeant for FIT,
13 for example, in a car with, kind of, doing the same kind of
14 missions and stuff? Or are you sitting back at the precinct
15 doing other things?

16 A. Yeah. I'm sitting in a car in a uniform out in
17 the same area as the team is. I'm generally not out there,
18 like, stopping wanted people, but I'll help cover. Or if we
19 have to come up with a plan, like, an op plan, I'll make
20 those plans.

21 Q. Okay. So were you -- let's turn to the incident
22 that we're here to discuss that occurred, as I mentioned, on
23 December 27th of last year. Were you in uniform on duty and
24 displaying your badge that day?

25 A. Yes.

1 Q. And were you back at the precinct most of the
2 day? Or were you working a car? Or what were you up to?

3 A. Yeah, we were working a car. I was out driving in
4 Northeast Portland.

5 Q. Okay. And were you in a solo car or a two-person
6 car?

7 A. Two-person car. We had an officer, she -- they
8 have this term called acting sergeant. It's kind of where
9 they make an officer a sergeant, kind of train them on
10 sergeant duties when there's a vacancy. So she was
11 substituting at that time, during that time, and she was
12 riding with me. I was just kind of showing her the
13 sergeant's duties for that day.

14 Q. And who was that person?

15 A. Officer Michelle Petty.

16 Q. And is she assigned to FIT?

17 A. She is.

18 Q. So she's a FIT officer who was acting sergeant
19 that day.

20 A. Yes.

21 Q. Okay. Okay. So you said you were on a mission.
22 Could you tell us a little bit about what you were doing at
23 that time?

24 A. We were patrolling Northeast Portland. There was
25 a shooting out there. We were patrolling the area looking

1 for different people.

2 Q. And we've heard a little about it, but what is the
3 special mission of FIT?

4 A. Basically to reduce gun violence in the city.

5 Q. Got it. Okay. So you're out working this
6 mission. It sounded like there was quite a few FIT
7 officers, units out kind of participating in that mission
8 you just discussed.

9 A. Yep.

10 Q. All right. So what was going on when you first
11 heard about this incident at Mall 205?

12 A. An officer got up on the air and said, hey, check
13 out this call in Target. So we were in North Precinct; this
14 incident happened out in the East Precinct. So we switched
15 over to the East Precinct board and read it. It was a call
16 from Target saying that a person that they had dealt with
17 before, a known person, was back in the store.

18 Q. Okay. And what happened next?

19 A. We started driving that way. The FIT officers
20 asked for permission to go that way. We told them, yep.
21 Absolutely. Go help out. While we were driving there, we
22 heard the person started running from the Target store.

23 Q. Okay. Okay. So you're enroute. And so who's
24 kind of quarterbacking the plan here as far as what's going
25 to happen when all the units get to Mall 205?

1 A. So initially, it was an East Precinct call, so
2 they were sending up Officer Woods, I believe, was one of
3 our units out there assisting. I believe Officer Wyatt,
4 also. And they were all coordinating the plan to take this
5 guy into custody.

6 Q. Okay. And so you're monitoring the radio, I'm
7 guessing --

8 A. Yep.

9 Q. -- in your car while you're enroute. And you said
10 you're driving there, right?

11 A. Correct.

12 Q. Okay. So you didn't -- you were not with the
13 first, like, batch of FIT officers to kind of arrive on
14 scene; is that accurate?

15 A. Correct.

16 Q. Okay. So kind of explain to me, like, what you're
17 hearing and what's going on as you're kind of coming into
18 the area.

19 A. Yeah, so whenever we start to help out with calls,
20 I just try to make sure things are done correctly. They
21 were setting up containment on the store. The person, the
22 crimes that they brought up -- depending on what crimes are
23 brought up, we deal with things differently. So, like, a
24 trespassing subject versus, you know, someone that shot at
25 somebody, not in this case. We'd use different tactics. So

1 if someone's trespassing, we'd go up and ask them to
2 leave. If someone had a gun, we would, you know, wait, set
3 up containment. We wouldn't want to, like, chase somebody
4 inside a store.

5 So they set up containment and are going to wait
6 for the person to come out. I thought that was a great
7 idea, so we just waited. We drove down there to help. But
8 unfortunately, before I got there, the guy started running
9 out of the store.

10 Q. Okay. And how were you aware that that's what
11 happened?

12 A. They broadcast that over the radio.

13 Q. Just one of the units that was there said --

14 A. Yes.

15 Q. -- he's running or whatever somebody said.

16 A. Yeah.

17 Q. Okay. So just walk us through kind of your
18 experiences as you were arriving and what happened.

19 A. So as soon as the guy starts running, we turn our
20 lights and sirens on to get, to try to go to get there a
21 little bit faster. As we're going there, they gave updates
22 on which way the guy's running. And then there's a
23 broadcast that shots were fired.

24 Shortly after, myself and Officer Petty showed up
25 and arrived on scene.

1 Q. Okay. So when you hear that, shots fired, is --
2 and is there a different way it's called out, depending on
3 who's firing? Or when you hear shots fired over the radio,
4 are you assuming that an officer has discharged their
5 firearm?

6 A. Generally speaking, that's what it means. Every
7 once in a while, somebody will mess up and yell that out if
8 someone else is shooting at them or something like that. So
9 generally speaking, yes.

10 Q. Okay. So as a supervisor, as a sergeant, as
11 you're arriving on scene, you hear over the radio that shots
12 have been fired. Kind of, how does that -- I'm assuming
13 that changes the dynamic for you, like, and your lists of
14 responsibilities, essentially --

15 A. Yep.

16 Q. -- starts to change. So kind of tell us about the
17 thought process.

18 A. Yeah. So we heard shots fired. So once we get
19 there, number one goal is safety. Safety of everyone. So
20 we showed up on scene. I saw there was a whole bunch of
21 police cars in the streets with their lights on. There were
22 officers standing behind the cars. There was a person down
23 on the ground in, like, a pile of blood with a gun next to
24 his hand. So at that point, I checked on all the officers
25 to make sure everybody was okay. Everybody was.

1 And then we determined that we needed to try to
2 take the person into custody to render him medical aid. So
3 then I came up with the plan. I delegated Officer Snitily
4 and Officer Petty to come up with a custody team, and
5 Officer Hertzler. So we have a custody team of five people
6 generally, and we have different roles for each person.

7 Q. What are those roles?

8 A. So we'll have a less lethal operator, so someone,
9 like, a taser or a 40-millimeter sponge gun. We'll have
10 someone that will give commands. We try to have one person
11 give commands so it's not confusing, like, five people
12 yelling at someone. So one person will be in charge, like,
13 hey, tell this person, you know, drop the gun or crawl away
14 if you can. And then two people that go hands-on and
15 actually take him into custody.

16 So I had them come up with a custody team. We
17 came up with a plan. I grabbed a, I have a ballistics
18 shield. It's supposed to protect against, like, you know,
19 pistols. We grabbed that, approached from the north side to
20 take this person into custody. There were multiple commands
21 yelled at the person, but the person wasn't responding.

22 Q. Okay. What was going on with medical at that
23 point?

24 A. Medical was staged nearby. Medical won't come
25 into an active scene until things are safe.

1 Q. Okay. All right. So I'm sorry, were you part
2 of the approach team or were you not?

3 A. I was not part of the custody team, but I was
4 behind them --

5 Q. Okay.

6 A. -- a little bit behind them. Yes.

7 Q. All right. Following or behind, taking cover
8 behind one of the vehicles?

9 A. Following.

10 Q. Okay.

11 A. On foot.

12 Q. So walk us through what happened next.

13 A. So we make the approach. They give commands.
14 They go up. I can see the gun next to the guy's hand. We
15 instruct the officers to pull the person away from the gun.
16 As soon as they start pulling him away, I kind of realize
17 that the person's been shot in the face, and he's not
18 moving. So I told them just to leave him there and then
19 call medical in.

20 I told them we attempted to do medical aid, but
21 since he was shot in the face, there's not much we could do
22 on that part.

23 Q. All right. And how quickly -- do you have a sense
24 -- and I know time can be kind of funny in these scenarios,
25 and you kind of arrived after, but do you have a sense of

1 how long it took to kind of secure the scene and have
2 medical come in? And if you don't, that's fine. I wouldn't
3 want you to guess, but.

4 A. Yeah, no. I have no idea.

5 Q. Okay. So once the scene is kind of secure, you
6 realize that the individual was deceased, but you're aware
7 that officers have discharged their firearms.

8 A. Correct.

9 Q. What happens kind of moving forward to preserve
10 the integrity of the investigation of the scene?

11 A. So as a sergeant, you have different
12 responsibilities. I got on scene, I said, I was the IC,
13 which means incident commander, so I'd be in charge of the
14 event. We have different rules that we have to follow once
15 there's an officer involved with a shooting.

16 So one of the rules are we have to separate all
17 the witness officers and all the officers that are involved,
18 so they get completely separated so they don't talk to each
19 other. I delegated that to Sergeant Kerwin, told her, hey,
20 these are the people involved, these are the witnesses, can
21 you separate them? They all get put in different cars alone
22 until a representative or person comes with them.

23 Q. All right.

24 A. But they're not seated with anybody that's
25 actually involved in the shooting.

1 Q. Got it.

2 A. And then we set up the crime scene. We have an
3 inner crime scene and an outer crime scene. The inner crime
4 scene dealt directly with the shooting. The outer crime
5 scene's a lot bigger so we can keep out, you know, other
6 people that aren't involved to keep the crime scene intact.
7 Also, the media will show up, and we'll keep them outside
8 and shut down the road.

9 There's a lot of other responsibilities. We
10 delegate people to go look for witnesses; look for video; to
11 clear the parking lots; and block the road from traffic.
12 Different things like that.

13 Q. Okay. So if I understand correctly, there's, kind
14 of, two categories of officers. There's, I guess, involved
15 officers; officers potentially who fired their weapons,
16 correct?

17 A. Correct.

18 Q. And were you able to determine who those officers
19 were?

20 A. Yes.

21 Q. Who were -- who was involved in, as far as
22 discharging their firearm?

23 A. I believe it was Officer Ramic, Officer Bartlett,
24 and Officer Wheeler.

25 Q. Okay. And they were segregated from each other

1 and segregated from other officers and placed in cars; is
2 that right?

3 A. Correct.

4 Q. So that they couldn't communicate with each other.

5 A. Correct.

6 Q. Okay. And then I guess the second category I
7 guess you, my colloquial colleague, call witness officers.
8 So officers who may be present but didn't discharge their
9 firearms.

10 A. Correct.

11 Q. So they kind of witnessed what occurred. Are they
12 treated the same way or are they treated differently?

13 A. Yeah. They're also separated.

14 Q. Okay. All right. And they're basically
15 instructed not to communicate with each other.

16 A. Yep.

17 Q. Got it. Okay. And so you have initial
18 responsibility of the crime scene, take care of that. I'm
19 assuming in an incident like this, basically, the homicide
20 detectives come and take over the investigation at some
21 point; is that accurate?

22 A. Yep. As soon as the crime scene is safe and it's
23 all locked down, we do this thing called the officer
24 involved shooting page. So it pages all the people that
25 want to know about it, so that'd be homicide, our bosses,

1 I'm sure it goes all the way up to our chief but there's a
2 lot of people that get the page. Then I individually call
3 my boss and let him know, and he calls his boss, and
4 everybody starts coming.

5 Q. Okay. So basically a bunch of detectives show up.

6 A. Yep.

7 Q. Start interviewing the witnesses to include the
8 witness officers, correct?

9 A. Correct.

10 Q. And is that basically what occurred in this
11 instance?

12 A. I believe so.

13 MR. DAVIDSON: Yeah. Okay. Okay. I think those
14 are all the questions I have for Sergeant.

15 MR. BENSON: No questions from me.

16 MR. DAVIDSON: Anybody else with questions? Yes.

17 GRAND JUROR: The gun that Johnson had on his
18 possession was -- that was taken into evidence, I assume.
19 Do you know who did that?

20 THE WITNESS: Yeah, Homicide's in charge, so we
21 wouldn't -- in an officer involved shooting, we wouldn't
22 investigate it. So Homicide would do all that.

23 GRAND JUROR: Okay.

24 GRAND JUROR: You said you delegated the job of
25 separating out the officers --

1 THE WITNESS: Yes.

2 GRAND JUROR: -- to another?

3 THE WITNESS: Sergeant Kerwin.

4 GRAND JUROR: Kerwin, okay.

5 MR. DAVIDSON: Yes. And she's here. You'll be
6 hearing from her.

7 GRAND JUROR: Okay.

8 GRAND JUROR: How did it go? Was there anything
9 different about this or odd that happened during the
10 exchange other than --

11 THE WITNESS: I've only been a part of two
12 officer-involved shootings and, I mean, everything's a
13 little different. The other one has a different fact
14 pattern where, like, there's an exchange of gun fire, so
15 things are done a little differently. It was a lot more
16 hectic on the other one.

17 This one, the guy did have a gun in his hand, but
18 he wasn't moving --

19 MR. BENSON: I'm sorry, you said he did or didn't?

20 THE WITNESS: He did.

21 MR. BENSON: Did. Got it.

22 THE WITNESS: But he wasn't moving once we decided
23 to go up. So everything's a little different.

24 GRAND JUROR: Thank you.

25 GRAND JUROR: Just to piggyback that, you said

1 there was -- in a different case, there was an exchange of
2 gun fire, so --

3 THE WITNESS: Correct.

4 GRAND JUROR: -- in this situation, there was no
5 --

6 THE WITNESS: I don't know.

7 GRAND JUROR: -- shots?

8 THE WITNESS: I wasn't there for --

9 GRAND JUROR: Okay.

10 THE WITNESS: -- this one.

11 GRAND JUROR: Oh, right.

12 THE WITNESS: Yeah.

13 GRAND JUROR: Of course. Thanks.

14 MR. DAVIDSON: Any additional questions? Nope?
15 Okay. Sergeant, I think you're all done.

16 THE WITNESS: Thank you.

17 MR. DAVIDSON: You can stand up, and I'll grab --

18 MR. BENSON: Thank you, Sergeant. Hang tight.

19 UNIDENTIFIED FEMALE: No worries.

20 MR. BENSON: All right. Yeah.

21 GRAND JUROR: Good morning.

22 GRAND JUROR: Hello.

23 MR. DAVIDSON: Yep, go ahead and raise your right
24 hand and we'll swear you in.

25 MICHELLE PETTY

1 was thereupon called as a witness; and, having been first
2 duly sworn, was examined and testified as follows:

3 FOREPERSON: Thank you.

4 THE WITNESS: Thanks.

5 DIRECT EXAMINATION

6 BY MR. DAVIDSON:

7 Q. If you could state and spell your full name for
8 us, please.

9 A. Yeah. Michelle Petty, M-i-c-h-e-l-l-e, P-e-t-t-y.

10 Q. And how are you employed?

11 A. I am employed as a police officer with the City of
12 Portland.

13 Q. All right. And how many years of law enforcement
14 experience do you have?

15 A. Since 2017, the end of 2017.

16 Q. Okay. Your entire career with Portland Police
17 Bureau?

18 A. Yes.

19 Q. Okay. And prior to becoming a police officer, did
20 you attend college?

21 A. I did.

22 Q. And do you have a degree?

23 A. I do.

24 Q. Where did you go to school?

25 A. Portland State University.

1 Q. And what's your degree in?

2 A. Psychology in women studies.

3 Q. Okay. Great. So tell us a little bit about your
4 police career. I'm assuming you went to the usual
5 academies; is that right?

6 A. I did, yes.

7 Q. So the 16-week DPSST Academy?

8 A. Yes.

9 Q. And then the Portland Advanced Academy?

10 A. Yes.

11 Q. All right. And what kind of assignments have you
12 had with the Portland Police Bureau since you've been with
13 them?

14 A. Initially, I worked as a, just a patrol cop at
15 Central Precinct on the night shift. And then in 2022, I
16 became a member of the Focus Intervention Team.

17 Q. Okay. We've heard a little bit about that. It
18 sounds like the special mission of the FIT team is, I guess,
19 gun violence, right?

20 A. Yes.

21 Q. Okay. So and that's kind of been your assignment
22 since then; is that right?

23 A. Yes.

24 Q. And then are you currently still with FIT?

25 A. Yes.

1 Q. All right. So I think you know what we're here
2 to discuss. We're here to discuss this event that occurred
3 on the 27th of December of 2023. My understanding is that
4 on that particular day, you were, I guess, in a slightly
5 different role. You were in an acting sergeant role.

6 A. Yes.

7 Q. Is that right? Can you just kind of explain to us
8 a little bit what your understanding of that is as opposed
9 to just to kind of your usual patrol role?

10 A. Yeah. So an acting sergeant is, if there's a
11 vacancy with our sergeant role, they will ask a senior
12 member from the team to step into the acting sergeant role.
13 I had been in an acting sergeant approximately a week
14 before, so I was shadowing Sergeant Huntinghouse who you all
15 just spoke with.

16 Q. Okay. Thank you. All right. So it's our
17 understanding also that the FIT team was out, maybe in
18 Northeast Portland, working a mission of some sort --

19 A. That's correct.

20 Q. -- when you first heard about what was going on at
21 Mall 205; is that accurate?

22 A. That's correct.

23 Q. All right. Why don't you just kind of walk us
24 through that, like, what was going on? What did you first
25 hear? My understanding is that perhaps you were in a car

1 with Sergeant Huntinghouse.

2 A. That's correct.

3 Q. And you were on the passenger side.

4 A. That's correct.

5 Q. So kind of walk us through what you first learned
6 about the Mall 205 situation.

7 A. Sure. So due to some of our staffing issues
8 throughout the city, we had heard a call come out at Mall
9 205 at the Target. They had called about a subject who they
10 were familiar with who had been involved with a previous
11 robbery at the same Target. And due to their staffing, they
12 had only a couple officers that were able to -- I think they
13 only had one officer at the time that was available to go to
14 the call.

15 Q. You're talking about -- when you say they, you
16 mean East Precinct?

17 A. East Precinct. Yes.

18 Q. Okay.

19 A. And so some of our officers from the Focus
20 Intervention Team attached to assist just so they could have
21 a couple more officers help with the subject. Target was
22 able to provide us some information on who it was. They
23 gave us subject's name, and I was able to run him and see
24 that he had some warrants for robbery. And --

25 Q. Do you remember what the name was?

1 A. I can't remember his exact name right now.

2 Q. Tyrone Johnson.

3 A. That's correct, yeah.

4 Q. Okay.

5 A. Yeah. I didn't want to mess it up. And so our
6 officers had attached to try to assist as he was actively
7 trying to leave with a cart full of their product without
8 paying.

9 Q. Can I ask you a question we haven't really
10 discussed?

11 A. Sure.

12 Q. Just more general. When you become aware that
13 someone you're going to encounter has -- we've used the term
14 warrants. We're talking about arrest warrants, right, here?

15 A. Yes, sir. Yeah.

16 Q. So what is your, like, what are you required to do
17 as an officer if you encounter someone who you know has an
18 arrest warrant?

19 A. We're required to arrest them and bring them in.
20 It's a judge's order.

21 Q. Okay. And you were able to determine that
22 Mr. Johnson had at least one, maybe more than one, like,
23 order from a judge to be arrested?

24 A. Yes, sir.

25 Q. Okay. All right. I interrupted. Please

1 continue.

2 A. So our officers attached to try to assist with
3 that. At the time, the subject was still inside of the
4 store, and we were receiving updates from their loss
5 prevention officers through our dispatch.

6 So our officers had read a little bit of his
7 history. He had some gun history in the past, and they
8 coordinated a plan to try to safely take him into custody,
9 which involved just getting enough officers in the area,
10 trying to create somewhat of a containment of the store and
11 of the subject.

12 And so we were getting closer. Officer -- or
13 Sergeant Huntinghouse and I were getting closer to try to
14 assist and help supervise the officers there.

15 Q. It sounds like maybe you were a little bit -- I'm
16 going to say a little bit behind. Sounds like the other FIT
17 officers maybe arrived on scene before you all did.

18 A. Yes. And that's pretty normal. Sometimes
19 officers will go and do police work where a sergeant isn't
20 required or needed, and so we will kind of just drift in
21 places versus running code through the city unnecessarily,
22 you know.

23 Q. When you say running code, for those of us who
24 aren't --

25 A. Sure.

1 Q. -- fully up to date in the police lingo, what
2 does that mean?

3 A. Running code is when you drive with your lights
4 and sirens.

5 Q. Okay. Got it.

6 A. So we were just kind of monitoring over the radio,
7 listening to their plan as they set up to try to get the
8 subject into custody. And as we were arriving on the east
9 side of the parking lot, which is the furthest, it's behind
10 the --

11 Q. And I'll let you know, you may have seen it when
12 you walked in here, but --

13 A. Yeah.

14 Q. -- and feel free to use it or not as you'd like,
15 but this, you may recognize this is Mall 205.

16 A. That's right.

17 Q. So if you want to use this as reference --

18 A. Sure.

19 Q. -- feel free to.

20 A. Sure. So we came in through the -- it's the wrong
21 way. If you scroll up just a little --

22 Q. Sure.

23 A. -- you'll be able to see. Yeah. So we came in
24 through -- this is southbound. We came through here and
25 were entering around here when we heard that the subject was

1 running from the Target, which is down below. And he was
2 running westbound initially. So we were still --

3 Q. And you --

4 A. -- moving through --

5 Q. -- knew this because you were hearing it over the
6 radio.

7 A. Yes. So we were still driving through the parking
8 lot which, at the time, it was during the busy -- it was
9 during the middle of the day. Plenty of people were still
10 out and about in the parking lot. I would say the parking
11 lot looks very similar to how it was; filled with cars and a
12 lot of folks around.

13 Q. Okay.

14 A. So as we got closer, I would say we're still
15 working our way through the parking lot, we had heard that
16 the subject was still running. And then soon after that,
17 shots had been fired.

18 Q. Now, do you, did you actually -- did you learn
19 that because you heard it over the radio, or did you
20 actually hear them from where you were at?

21 A. I could hear them through our window a little bit.
22 And it's kind of hard. Sometimes it takes your brain a
23 second to register what you're hearing, but then I had heard
24 over the radio from an officer that shots had been fired.

25 Q. Okay. All right. So what happened next?

1 A. So we continued through. Moved over to about
2 96th here. And I could see that there was a male subject
3 down. About here, there's a little bit of an electrical box
4 and a concrete platform, and I could see that officers had
5 their cars kind of pointed -- the nose of their cars were
6 kind of pointed towards where the subject was.

7 I believe there were about three cars, three
8 officer vehicles there. I could see the Target loss
9 prevention, they wear vests and things, I could see that
10 they were kind of nearby.

11 So from there, our priority, obviously, was making
12 sure the officers were okay, but also making sure that the
13 subject, we could render aid to him. I saw him laying down.
14 He had been still the entire time that I had been on scene;
15 he wasn't moving.

16 Q. Did you see a firearm?

17 A. I could see a firearm laying next to him, and I
18 could see a substantial amount of blood coming from the
19 subject.

20 Q. Okay. So what happened next?

21 A. So Officer Huntinghouse and I coordinated a plan
22 to move up. Our priority is to get the firearm away from
23 the subject or get the subject away from the firearm, and
24 then render a, we had medical staged for him. And
25 generally, medical will not come in if a scene is still

1 unsafe, which is where a firearm is still capable of being
2 used. And so once we were able to get the subject away from
3 the firearm and secure that, we called medical in.

4 Q. I noted from your report, you wrote, "Officers
5 immediately moved him away from the firearm and rolled him
6 into the recovery position."

7 A. Yes.

8 Q. "And began to remove his clothing and render him
9 aid." For those who aren't familiar with it, what is the
10 recovery position?

11 A. The recovery position is when you put somebody on
12 their side. It's an easy breathing position so if somebody
13 is bleeding, it can help drain blood so they can maintain a
14 clear lung, like, so their lungs can still move without
15 being clogged with blood or fluids.

16 Q. Okay. But it kind of appeared that he had
17 suffered a pretty significant injury to the head.

18 A. Yeah. He had been struck in the eye, and it
19 actually blew his eye out of his socket.

20 Q. Okay. And then, I think, after that, AMR came in
21 as you had mentioned.

22 A. They did.

23 Q. Then he was declared deceased thereafter.

24 A. Yes.

25 Q. So at that point, you were aware that officers or

1 multiple officers had discharged their firearm.

2 A. That's correct.

3 Q. So how does that -- and I know you were acting
4 sergeant, so maybe you had not dealt with this before this
5 incident, but kind of how does that change as far as, you
6 know -- as supervisor on scene, how does that change kind of
7 what you do?

8 A. Aside from what would be just a normal situation
9 where somebody has died on scene, it prompts not only our
10 homicide investigation, but also separating officers to not
11 allow them to communicate about the incident so that they
12 can give the detectives a -- I don't know how to say it --
13 but where their testimony to grand jury and to the detective
14 would not be compromised by communicating with other
15 officers.

16 Q. So were you kind of quarterbacking that particular
17 issue; getting officers separated and in cars?

18 A. That's correct. And coordinating bringing our
19 Mobile Precinct, which is where detectives conduct the
20 investigation, and making sure that all the appropriate
21 pages go out to all the required command.

22 Q. And the Mobile Precinct is, you know, for lack of
23 a better word, a giant RV --

24 A. Exactly.

25 Q. -- owned by the Police Bureau.

1 A. Yes.

2 Q. That they bring out for scenes like this.

3 A. Yes.

4 Q. Okay. I also read in your report that you
5 retrieved placards in the back of your vehicle and were, you
6 did some labeling of evidence.

7 A. That's correct.

8 Q. What exactly did you --

9 A. I labeled the firearm that was found near the
10 subject. And then I labeled casings that were found in the
11 street near the police vehicles.

12 Q. Okay. And does that kind of describe your
13 significant major aspects of your involvement in this
14 incident?

15 A. It does.

16 MR. DAVIDSON: All right. I think those are all
17 the questions that I have for -- is it sergeant or officer?

18 THE WITNESS: Officer --

19 MR. DAVIDSON: Officer Petty.

20 THE WITNESS: -- Petty is fine.

21 MR. DAVIDSON: Colin, do you have any?

22 MR. BENSON: I have none. No questions. Thank
23 you.

24 MR. DAVIDSON: Grand jurors?

25 GRAND JUROR: Just to clarify --

1 THE WITNESS: Yes.

2 GRAND JUROR: -- you labeled the gun that the
3 suspect had as evidence, not --

4 THE WITNESS: That's correct.

5 GRAND JUROR: -- the gun that the police officers
6 shot.

7 THE WITNESS: Yes.

8 GRAND JUROR: Okay.

9 THE WITNESS: Theirs were back in their holsters.

10 GRAND JUROR: Thank you.

11 MR. DAVIDSON: Okay. Anybody else with questions?
12 No? All right. Officer Petty, you are all done. Thanks
13 for coming.

14 THE WITNESS: Yes.

15 MR. DAVIDSON: You are free to go.

16 THE WITNESS: Have a good day.

17 GRAND JUROR: You too.

18 MR. BENSON: Thank you.

19 MR. DAVIDSON: You want me to grab your --

20 MR. BENSON: Sure, yeah. That'd be great.

21 MR. DAVIDSON: Are you ready?

22 MS. KERWIN: Me?

23 MR. DAVIDSON: Yep.

24 MS. KERWIN: All right.

25 MS. PETTY: All right. Can we get out of here,

1 are we good?

2 MR. DAVIDSON: Yes, you're free to go. Thank you
3 very much.

4 You will actually remain standing and raise your
5 right hand? They will swear -- are you actually, left -- I
6 would say right hand, but I guess, that's just for left-
7 handed people. So you can just raise whatever --

8 MS. KERWIN: Wow.

9 MR. DAVIDSON: -- you'd like.

10 FOREPERSON: Raise a hand.

11 MR. DAVIDSON: Yeah.

12 FOREPERSON: Okay.

13 SARAH KERWIN

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

16 FOREPERSON: Thank you.

17 DIRECT EXAMINATION

18 BY MR. BENSON:

19 Q. So if you could state your full name and spell
20 your last name.

21 A. Sarah Kerwin, K-e-r-w-i-n.

22 Q. And what do you do for a living?

23 A. I am a patrol sergeant at East Precinct.

24 Q. Okay. Portland Police, right?

25 A. Yeah, it's in Portland.

1 Q. And I'll address you as Sergeant. Is that okay?

2 A. Yes, that's fine.

3 Q. All right. So real quickly then, let's talk about
4 your training that you received to get to the position where
5 you are. What is the earliest training you received to work
6 for the Portland Police Department?

7 A. I attended the DPSST Basic Academy down in Salem.

8 Q. And then what did you attend after that?

9 A. The Advanced Academy in Portland.

10 Q. Okay. But now you're sergeant. Was there some
11 extra training you received to, for your capacity as
12 sergeant?

13 A. Yes. I went through the sergeant's academy, which
14 is two weeks long. I've also flown to Texas and went to
15 TEEEX to do critical incident management.

16 Q. Okay. Tell us a little bit about -- first of all,
17 what's TEEEX?

18 A. Well, it's, like, Texas A&M's, like, FEMA
19 sponsored training so that we work with the ICS program,
20 which makes it uniform across the board of all agencies. So
21 for example, when you have a large incident like they had in
22 Baltimore -- was it Baltimore that the bridge fell down?

23 Q. Sure.

24 A. That's considered an ICS stand-up which has
25 multiple units underneath a command, single-command

1 structure to avoid issues like they had during the Boston
2 bombing. They did not have a uniform command, unified
3 command, which is why they had so many issues with that
4 investigation and people doing things they weren't supposed
5 to be doing.

6 So the ICS structure is one person in charge of
7 the whole thing, and then branches. So you have, like, an
8 investigation branch; you'll have an operations branch; and
9 then you have commanders underneath that that run everybody
10 else. And it's supposed to be uniform like the military.

11 Q. Okay. Now, those are large-scale events.

12 A. Yes.

13 Q. The ship hitting the bridge or a bombing at a
14 marathon. Would that include things like officer-involved
15 shootings?

16 A. Yes. It's a smaller version of that.

17 Q. Okay. Just because there's fewer people involved?
18 Is that --

19 A. Yes.

20 Q. Okay. So what I'm leading up to then is the
21 incident took place on December 27th of 2023 in the Mall 205
22 area. Were you involved with that?

23 A. I was.

24 Q. Okay. So what were you -- so you were working
25 that day?

1 A. I was actually working overtime.

2 Q. Okay. And in your capacity as a sergeant with the
3 police department, police bureau?

4 A. Yes.

5 Q. Okay. So what were you doing shortly before
6 assisting? I guess I should ask, you ended up going to Mall
7 205, is that right?

8 A. I did.

9 Q. And what were you doing shortly before that?

10 A. So I had logged on at 1500 hours and an officer
11 got rear ended. And so the supervisor, we go and
12 investigate vehicle crashes involving officers. So I was
13 down at, I believe, 78 and Division, and I had proceeded to
14 leave that location. And I heard this incident unfolding of
15 them looking for somebody that had previously robbed a
16 Target at Cascade Station, and there was information that
17 this person was in the Mall 205 Target. So I was like, oh,
18 well, okay. I'm going to head that way. I'll assist them.

19 And I was on Division heading east right at the
20 205 underpass on Division when the shots fired. The call
21 came out.

22 Q. Okay. So you learned about this in, like -- or
23 that part of the incident before you got there, on the
24 radio.

25 A. Yes.

1 Q. Did that change your perception of how you were
2 going to respond in your capacity as sergeant?

3 A. Yes. I was going to assume the role of incident
4 command when I arrived. You don't do that until you get
5 there. You don't have all the information, so you can make
6 wrong decisions on your way there.

7 Q. Okay.

8 A. So you don't make any decisions until you arrive,
9 and you're briefed about what's going on. However, when I
10 arrived, the incident was still unfolding, and Sergeant
11 Huntinghouse was there as well. So my perception of what I
12 needed to do was clear the tactical incident first, render
13 aid, ensure everybody's okay, then assume command of the
14 incident once it slowed down.

15 Q. Okay. There's a little bit in there I want to
16 explore. So you thought you'd end up being, serving as the
17 incident commander, which by the way is abbreviated as IC in
18 reports.

19 A. Yes.

20 Q. Okay. But you -- but Huntinghouse is already
21 there.

22 A. Right.

23 Q. And so Huntinghouse is already the incident
24 commander when you arrived; is that right?

25 A. After I arrived. I arrived, and then he declared

1 himself incident command.

2 Q. Okay. Then how did that change your role?

3 A. I became a support role in a capacity of helping
4 him with the --

5 Q. Okay.

6 A. -- tactical portion. We didn't have enough
7 officers at the time, so we needed a, what we would call a
8 custody team to move up with a shield to render aid to the
9 individual, and attempt to, you know, give life-saving
10 measures to him if necessary.

11 And from there, then I would begin interviewing --
12 well, not interviewing -- separating witness officers and
13 the involved members, and then setting them each with a non-
14 involved member.

15 Q. Okay. Now, just -- I don't know if it's going to
16 be important, but I just want to remind you there is a map
17 behind you. It's a Google Maps image from the air
18 apparently taken, the image you're seeing is in 2024.
19 Anyway, if you need to, feel free to refer to that.

20 So you said something I've heard before, that you
21 said there were not enough officers on scene. What do you
22 mean by that?

23 A. In order to do what we need to do for a large-
24 scale incident is you need to be able to shut down roads and
25 you need to have two officers with the ability to go hands

1 on with the person; somebody to hold the shield, the
2 person holding the shield, that's the only job they do; you
3 need a lethal cover, which is, you know, firearm; and a
4 less-lethal operator; plus a person in charge of that.

5 So that right there takes up, like, five, six
6 officers. And we can do it with less but not in an incident
7 like this. And we were also needing to block traffic. Also
8 needing to remove people from the backdrop of where this was
9 at. And you can only do reverse 911 so much before it
10 inundates the system --

11 Q. What does that mean?

12 A. So we can do a reverse 911 where it calls places,
13 sends out phone notifications that there's a tactical
14 incident that, you know, to stay inside or police activity.
15 And so that's just a type of way to warn the public to lock
16 down --

17 Q. Okay.

18 A. -- like, Target and these businesses that are
19 here. Which I run retail theft missions in this area
20 monthly, so this, I'm very familiar with this location.

21 Q. Okay.

22 A. So like, you need to shut down all these and this
23 because what if, you know, the person's playing possum and
24 then all of a sudden, we have to exchange gunfire again.

25 Q. Okay.

1 A. Then, you know, rounds don't just stop, so
2 you've got to make sure everybody's okay.

3 Q. And you're gesturing at a building where T-Mobile
4 and --

5 A. Yes.

6 Q. -- Gulftech is.

7 A. Yes.

8 Q. And it seems like you're also sort of gesturing
9 towards the Target store.

10 A. Yes.

11 Q. The idea of being on the, sort of, the west side
12 of those buildings, there was this individual and you wanted
13 to make sure that there was no continued violence, I guess.
14 Is that --

15 A. Yeah.

16 Q. -- right? Okay. But you said you didn't have
17 enough officers to do all of those roles. Which roles were
18 you not able to do?

19 A. We weren't able to really get traffic shut down
20 right away. When I arrived, I came from the south, and I
21 positioned my vehicle on 96th Avenue to block traffic, and
22 then I went up and around.

23 Q. Okay. Like, walking up and --

24 A. Yes.

25 Q. -- around?

1 A. Yes.

2 Q. Okay.

3 A. Well, running.

4 Q. Okay. Okay.

5 A. Because the guns were facing my way, so we don't
6 want to be downrange, right?

7 Q. That does make sense.

8 A. So I went up there. I was like, what do we need
9 to do? They were like, we're working on a custody plan.
10 Because you ultimately don't want to, unless you have to,
11 have the involved members doing the custody portion of it.
12 You want to try to remove them from it. They've already
13 been involved in a traumatic event. Obviously, if we have
14 to use them, we do, but if we can avoid that at all
15 possible, we'll do that.

16 But my capacity as a supervisor, taking over,
17 like, part of the incident command, assisting Huntinghouse,
18 you don't necessarily want me to get involved because I
19 can't really do my job as an incident commander.

20 Q. Okay. And it sounds like, though, you were able
21 to do that portion.

22 A. Yes. It just took a little while. We had a
23 couple officers arrive. It took a long time for us to get
24 the parking lot shut down to Mall 205 to keep people from
25 the backdrop.

1 Q. Okay. All right. Now, we've heard a lot of
2 testimony about, sort of, this scene, so I'm going to go
3 through it relatively quickly. It sounds like you ended up
4 doing this procedure where officers approach behind the
5 shield and then encounter the decedent. Where were you when
6 that was taking place?

7 A. I was behind the patrol vehicles watching it
8 happen.

9 Q. Okay. So at that point, you were -- I mean, you
10 were clearly acting as a supervisor; would that be correct?

11 A. Yes.

12 Q. Okay. But the incident commander was still
13 Huntinghouse?

14 A. Yes.

15 Q. Okay. So after that was done, after they
16 approached, the testimony was that they got Mr. Johnson and
17 put him in sort of a, like, a recovery pose on his side.

18 A. Yes.

19 Q. And then at some point, medical arrived, AMR.

20 A. Yes.

21 Q. Do you remember all that?

22 A. Yep.

23 Q. So what happened after medical arrived?

24 A. Once medical determined that he was deceased, we
25 began to set up crime scene tape and initiate the major

1 page, which is getting detectives, the chief, the mayor,
2 the union, basically the world comes to these things, which
3 is part of our policies and procedures after an OIS.

4 And then I have a checklist, which I didn't bring
5 it, but there's an OIS checklist that we have, and we have
6 to go down this checklist and make sure we do all of the
7 things we're supposed to do. And we've created them because
8 there's so much stuff to do.

9 Q. Sure.

10 A. So on this checklist, it's: separate all the
11 involved to include witness officers, admonish them that
12 they're not supposed to speak about the incident. So that
13 was my role. Huntinghouse asked me to do that for him. But
14 I also managed part of the initial shutdown of the crime
15 scene to ensure that no people were coming into that area.

16 And then we needed to get the mobile command
17 center and all that stuff there, so we shut down a large
18 portion of this area. All of 96th Avenue, a large portion
19 of Mall 205, the T-Mobile store, and then across the street,
20 we shut that down too because we didn't want the media to
21 have the view of, you know, the deceased. We try to respect
22 them. And so we ended up shutting down, like, where OnPoint
23 is, all the way, this whole area was shut down.

24 Q. Okay. You said -- oh, OnPoint, the community
25 credit --

1 A. The community --

2 Q. -- union. Okay.

3 A. -- the credit union. We shut that down.

4 Q. Yeah.

5 A. All of this to all traffic, foot traffic,
6 everything. And then to here, all the way up to that next
7 entrance to Target.

8 Q. Okay.

9 A. All of that was shut down.

10 Q. Okay. So now one of the things I think we haven't
11 really gotten a clear image of is we've had a lot of
12 testimony sort of up to the point that medical arrived, and
13 then the involved were sort of removed on their own so they
14 couldn't talk to other people, and then witnesses removed
15 and so forth. But give us a sense of how long you were on
16 scene and this was sort of an operational -- this thing was
17 operational.

18 A. My entire shift.

19 Q. Okay.

20 A. I was --

21 Q. You're already in overtime, though, so how long --

22 A. It's a ten-hour shift. I don't remember if I went
23 any longer than ten hours to be honest with you. That week
24 was absolutely horrible. I worked a lot of overtime.

25 Q. Okay.

1 A. A lot of bad stuff happened that week, so it
2 blurs together.

3 Q. So you were involved in this for ten hours; is
4 that what you testified?

5 A. Yes.

6 Q. Okay. That's, is that typical for how long one of
7 these things last?

8 A. It can last longer than that.

9 Q. Okay.

10 A. So.

11 Q. Let me just check my notes here. I can't remember
12 if -- I feel like there was something else that I wanted to
13 -- oh. Did you also deal with any sort of civilian
14 witnesses?

15 A. I attempted to, yeah.

16 Q. Okay. Tell us about that.

17 A. So I went into the AT&T store, which is on the
18 corner here --

19 Q. Yeah.

20 A. -- to let them know, hey, we're going to be having
21 to shut down your parking lot. You need to, unfortunately,
22 you're going to have to shut your business down for the
23 night because we're going to not allow anybody else into the
24 parking lot. And we're sorry for the inconvenience. When I
25 went in there, an employee approached me and started asking

1 me questions, and I told him, asked him if he would speak
2 to a detective because in my capacity, I shouldn't be
3 interviewing witnesses. And he refused.

4 Q. Okay.

5 A. So.

6 Q. Did he provide a name?

7 A. Nathan (ph.).

8 Q. Okay. And that is in quotes in your report.

9 A. Yes.

10 Q. Any reason why it's in quotes?

11 A. Because I don't know if it's a street name.

12 Q. Okay.

13 A. He --

14 Q. He did not provide identification.

15 A. He refused.

16 Q. Got it.

17 A. Yep.

18 Q. Any other contact with civilian witnesses after
19 Nathan?

20 A. I don't recall having any contact with any other
21 people.

22 Q. Okay. How long have you been with Portland
23 Police?

24 A. I hit 17 years in June.

25 Q. And how long have you been a sergeant?

1 A. I got promoted in 2020, so a little over four
2 years now.

3 Q. Okay. So you have, like, is it fair to say that
4 you have, like, four years of experience in a supervisory
5 capacity for law enforcement --

6 A. Yes.

7 Q. -- right? And you have this background in
8 critical incident management. That, does that play into
9 your work as a supervisor for Portland Police?

10 A. Yes.

11 MR. BENSON: Okay. I think that's all I have.

12 MR. DAVIDSON: I don't have anything. Grand
13 jurors?

14 GRAND JUROR: Briefly. You were involved in
15 separating the involved officers?

16 THE WITNESS: Yes.

17 GRAND JUROR: Did you witness any discussion
18 before they were separated or anything like that?

19 THE WITNESS: No.

20 GRAND JUROR: Okay.

21 MR. DAVIDSON: Anybody else?

22 GRAND JUROR: You mentioned a civilian. The
23 witness that wouldn't come forward or talk to a detective.
24 You said the AT&T store, did you mean the T-Mobile store,
25 or?

1 THE WITNESS: No. AT&T.

2 GRAND JUROR: Okay.

3 THE WITNESS: So across the street, that corner
4 building, that's an AT&T store.

5 GRAND JUROR: Below the OnPoint?

6 THE WITNESS: Yes.

7 GRAND JUROR: Okay.

8 GRAND JUROR: The reverse 911 that you mentioned,
9 is that something you actually deployed on the 27th? Or was
10 that just kind of, like, talking background and stuff? I
11 wasn't clear.

12 THE WITNESS: Oh, I don't think we utilized that.

13 GRAND JUROR: Okay.

14 THE WITNESS: I think all we did was call
15 businesses directly and lock them down.

16 GRAND JUROR: Okay.

17 MR. DAVIDSON: Anybody else? No? Okay.
18 Sergeant, I think you're done.

19 MS. KERWIN: Okay.

20 MR. BENSON: Thank you, Sergeant.

21 MR. DAVIDSON: Do we need to talk to our next
22 witness at all? Or do you, are you ready to --

23 MR. BENSON: I don't think so.

24 MR. DAVIDSON: Okay. All right. You want to just
25 bring them in?

1 MR. BENSON: Unless you and I want to talk at
2 all. Okay.

3 MR. DAVIDSON: Hold on one second. Yeah. Well, I
4 think you can leave the record on.

5 MR. BENSON: All right. Oh, there you are. It's
6 hiding behind --

7 GRAND JUROR: All right. So are we going to wait
8 for one person?

9 MR. BENSON: Oh, okay.

10 MR. DAVIDSON: Yep, sure. Sorry. Yeah, we should
11 probably ask, do you guys want to take your break now or --
12 because usually, we take a break at 10:00. Do you want to
13 take a break now or do you -- it's up to you. You can do it
14 after this witness. You can do it now.

15 MR. BENSON: It's going to be a short witness.

16 GRAND JUROR: Yeah.

17 GRAND JUROR: Yeah, after is fine.

18 MR. DAVIDSON: Sure.

19 GRAND JUROR: You're already in here.

20 MR. BENSON: Whatever you guys want.

21 FOREPERSON: All right.

22 COLBY PANTER

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

25 FOREPERSON: Thank you.

1 MR. BENSON: Have a seat, sir.

2 DIRECT EXAMINATION

3 BY MR. BENSON:

4 Q. Tell us your full name, spell your last name.

5 A. Yeah. It's Colby Panter, P-a-n-t-e-r.

6 Q. And what do you do for a living, sir?

7 A. I'm a police officer with the City of Portland.

8 Q. How long have you been with Portland?

9 A. Twenty-six years. Since October of '97.

10 Q. Wow, okay.

11 A. Yeah.

12 Q. And what'd you do before that?

13 A. I was in college before that.

14 Q. All right. Where did you go to college?

15 A. Linfield.

16 Q. Okay.

17 A. In McMinnville.

18 Q. McMinnville, yeah.

19 A. Yeah.

20 Q. Okay. So we -- what is your role with Portland
21 Police right now?

22 A. So I work for the specialized resources division.
23 I'm on the Enhanced Community Safety Team, which is a team
24 of investigators and detectives that work shooting cases in
25 the city. I'm also a task force officer assigned to the

1 ATF, Bureau of Alcohol, Tobacco, Firearms and Explosives.
2 I'm a task force officer with them, so I work on cases,
3 longer-term investigations with them.

4 And I also am an administrator for our NIBIN
5 program, which is a ballistics identification program
6 through the ATF, but Portland has a machine we transpire all
7 firearms and run casings through the IBIS program to
8 identify any leads that may show up on different firearms.

9 Q. Okay.

10 A. So there's a lot. A lot.

11 Q. There's a lot of questions I'm going to --

12 A. Yeah.

13 Q. -- ask related to that.

14 A. Okay.

15 Q. This IBIS program, what's it stand for?

16 A. So Integrated Ballistics Identification System.

17 It's a computer and digital imaging system that takes
18 expended cartridge casings from crime scenes or test fired
19 cartridges and scans them, identifies its markings, and then
20 runs them in a database across other images all across the
21 nation to identify if a firearm or casings have been used at
22 another scene. So it identifies leads between crime scenes
23 and from guns to scenes, et cetera.

24 So IBIS is the identification system. NIBIN is
25 the network of images. It stands for National Integrated

1 Ballistic Information System -- Network, sorry. NIBIN.
2 That's the network of images. That's the database of images
3 that is, that analyze and then compares the casings and
4 kicks out the leads.

5 Q. Okay. So does it -- you mention casings.

6 A. Yes.

7 Q. Does it analyze the powder or the bullet?

8 A. It analyzes the head of the cartridge casing where
9 the firing pin strikes the primer, breech face marks are
10 impressed upon that head of that cartridge case when it's
11 fired, and they're individual to the firearms that fire
12 them. And it analyzes those markings, and then compares
13 those across the network.

14 Q. So it's not going to be two marks on the bullet
15 itself --

16 A. It's two marks on the head of that cartridge case.

17 Q. Which is referred to as the back of the cartridge
18 --

19 A. Yeah. The term is head. And the head stamp area,
20 the head of that, the mouth is where that bullet comes off
21 and --

22 Q. Sure.

23 A. -- flies out. The head of that's the other end.
24 And that is where the primer is that the firing pin strikes.
25 And then the explosion that causes that cartridge to expand.

1 There's a process that happens right there from the breech
2 face to the firearm and the impact of that firing pin that
3 markings are transferred from the gun onto the head of that
4 cartridge case.

5 Q. Right, the receiver.

6 A. Yes. Yeah, the back of that bulge or that slide
7 or whatever, the breech face --

8 Q. Yeah.

9 A. -- of where the flat area that the bullet sits
10 against, the firing pin comes through that and strikes that.
11 It expends that bullet and those, and the markings that are
12 individually in that firearm are pressed on there from the
13 breech face, from a firing pin, and then from extractor and
14 the injectors.

15 Q. Okay.

16 A. So those are what the, is analyzed.

17 Q. Now, I can imagine that it's sort of a bolt action
18 or some other type of manual cycling firearm. But in a
19 blowback, say a blowback slide-based pistol, is it still
20 going to leave marks like that?

21 A. Oh, that's primarily what we analyze.

22 Q. Okay.

23 A. Semi-auto pistols that are expended at crime
24 scenes. We don't do, like, revolvers. I mean, you can
25 because there's still a firing hammer strike, but we

1 primarily are, you're looking at semi-auto pistols.

2 Q. Okay.

3 A. Semi-auto firearms, rifles, pistols --

4 Q. AR style --

5 A. Yeah.

6 Q. Okay.

7 A. Yeah, whatever's shooting, a semi-auto is kicking
8 casings out at the scene. There's ejectors, there's
9 extractor markings, and then you have breech face markings.

10 Q. Okay.

11 A. And things like that, so.

12 Q. So it's a lot of technical stuff. But -- okay.
13 Refocus. So that's a lot of technical stuff, but
14 effectively what you're doing is you're taking those tool
15 marks and sort of, like, impressions are made into the metal
16 after it's fired, and you're cataloging it into a database.

17 A. Yes.

18 Q. So --

19 A. Exactly.

20 Q. So do you do any forensic work on a firearm
21 itself?

22 A. No. Other than functioning the firearm, test
23 firing it myself, you know, making sure it will fire if it
24 can. And doing two test fires so that I have casings to
25 examine. The test fires are, not only show that the gun

1 functions, but gives me those casings so that I can triage
2 those, I can look at those under a microscope. I look at
3 all -- every casing that comes in is looked at under a
4 microscope, identify the markings that are most clear, and
5 then put that into the system.

6 Q. Okay.

7 A. So.

8 Q. Okay.

9 A. So other than conducting the test fires, I'm not
10 involved with any forensics for the firearm.

11 Q. So, like, you know, people are thinking of, like,
12 CSI or something like that, when they're looking at bullets
13 and trying to compare that to the interior of the barrel and
14 that kind of stuff.

15 A. Yeah.

16 Q. That, you don't do that.

17 A. No. That's the firearm examiner.

18 Q. Okay.

19 A. And looking at those lands and grooves on expended
20 bullets, on the sides of the cartridge case, things like
21 that.

22 Q. Okay.

23 A. I -- that's not what I'm doing.

24 Q. Yeah. I'm going to -- oh, before I forget, you
25 have some training related to that, do you?

1 A. Yes.

2 Q. Okay. Describe that.

3 A. I'm trained with, from the ATF not only in
4 acquisition, triage and acquisition, that's looking at them
5 under a microscope, identifying the markings, entering them
6 into the system, but I'm also a NIBIN authorized trainer.
7 So I train pretty much every agency within the state and
8 some in Washington, officers to do that same process. So
9 I'm certified by ATF to give that training, provide that
10 training, so they can be certified to enter those cartridges
11 into the NIBIN --

12 Q. Okay.

13 A. -- database.

14 Q. Are you aware of an incident that took place
15 involving a firearm at Mall 205 or thereabouts on
16 December 27th of 2023?

17 A. Yes.

18 Q. And how are you aware of that?

19 A. I was aware of the call when it came out, but I
20 also was asked by the Detective Corona (ph.) to process the
21 firearms recovered at that scene.

22 Q. Okay. How many firearms? Just one firearm?

23 A. Yes.

24 Q. Okay. Did -- do you have any, you know, tell us
25 what you do then.

1 A. Yeah. I retrieved it from our Property Evidence
2 Division. Once it had been recovered and processed by
3 forensics, it was sent to Property. Detective Corona asked
4 me to pick it up and test fire it and enter it into IBIS.
5 So I went and retrieved it from property, transported it to
6 where I process firearms. And then proceed to test fire
7 that and get the cartridge casings from test fire.

8 Q. Okay. Did you compare those cartridge casings to
9 other cartridge casings?

10 A. Yeah. I -- well, the database does that.

11 Q. Okay.

12 A. NIBIN does that. I don't physically do the
13 comparison, but I entered that into the system.

14 Q. Okay.

15 A. So I look at my two test fires, compare those, see
16 which one is -- if there's differences or similarities and
17 which one has the most clear markings from the test fire,
18 and place that one into the system and let the system run
19 its course.

20 Those images are sent to Alabama, the NIBIN
21 National Correlation and Training Center in Alabama. They
22 have evaluators that look at those cartridges and perform
23 the actual matching of them across the database. They have
24 multiple levels that look at that and confirm. And then if
25 there's a lead developed, then they'll kick out a lead sheet

1 --

2 Q. Okay.

3 A. -- related to that. But I don't do that process.

4 Q. Okay. So could you identify the firearm for the
5 record that you examined?

6 A. It was a SIG Sauer P365 nine-millimeter pistol.

7 Q. Do you have a serial number or any sort of
8 identifying characters?

9 A. I wrote 66B525989.

10 Q. Okay. And so let's talk about the gun itself,
11 though. Anything of note about the firearm itself?

12 A. It's a, I see a lot of these firearms come
13 through. Nothing super notable about it. It's a smaller,
14 compact firearm. This one specifically, though, I noted
15 that it was quite stiff. It was grimy and dirty. To get it
16 to function, I had to manipulate the slide multiple times to
17 kind of remove debris from it that kind of fell out of it as
18 I tried to manipulate it. The slide was very stiff.

19 When I retrieved it from Property, the trigger
20 mechanism, the trigger that makes it fire was pulled all the
21 way back. And it, and I had to manually, kind of, pull it
22 forward to get it reset. And like I said, I had to
23 manipulate the slide a lot to get some debris to fall out of
24 it. And then I actually had to lubricate the slide to make
25 it so it would cycle, and then I was able to test fire it.

1 Q. Okay. So that's interesting. What about the
2 magazines? Was there a magazine in the firearm?

3 A. I didn't note if there was a magazine. I ask for
4 the magazine when I do these, so I don't know for certain if
5 I had a magazine with this --

6 Q. Okay.

7 A. -- or not.

8 Q. What color was it?

9 A. Black.

10 Q. All right.

11 A. Or blue, whatever you want to call it, but it's a
12 dark color.

13 Q. When you say blue, you mean, like, gun blue?

14 A. Yeah.

15 Q. The color of --

16 A. It's, like, dark blue, gun bluing, whatever.

17 Q. Gun bluing.

18 A. Yeah.

19 Q. Oftentimes looks black.

20 A. Yeah, looks black.

21 Q. Okay. Full size firearm?

22 A. It's small. P365s are pretty small.

23 Q. Okay.

24 A. Subcompact firearms.

25 Q. But what caliber is it?

1 A. Nine-millimeter.

2 Q. Okay. Nine-millimeter (indiscernible) standard
3 for a long time?

4 A. It's the most standard firearm that I shoot. I
5 see mostly nine-millimeters that come through.

6 Q. Just trying to -- I'm just trying to -- so I
7 notice when people say that the firearm is small, but the
8 caliber's a fairly standard caliber.

9 A. The caliber is totally standard, it's just a
10 smaller firearm --

11 Q. Okay.

12 A. -- so, you know?

13 Q. So what -- were you -- I'm going to ask this
14 carefully. What -- did you know anything about sort of the
15 context in which this firearm was seized by the detective?

16 A. In terms of it was seized at a scene where
17 officers were involved in a shooting with the subject that
18 had it.

19 Q. Okay.

20 A. Other than that, I don't know anything.

21 Q. Okay.

22 A. I don't know what the gun is even until I pick it
23 up, so.

24 Q. Okay.

25 A. Yeah.

1 MR. BENSON: I think that's about it. Am I
2 missing anything?

3 MR. DAVIDSON: I have a couple questions.

4 MR. BENSON: Yeah.

5 BY MR. DAVIDSON:

6 Q. So you -- the weapon was -- well, let me ask you
7 this. The SIG Sauer, as far as a brand of firearm, it's a
8 fairly high-quality firearm manufacturer, right?

9 A. Yeah. The manufacturer is very well known.

10 Q. Very well known.

11 A. Yeah.

12 Q. I mean, there are obviously, you see firearms are
13 manufactured and, unfortunately, kind of flood -- you
14 probably know more than anybody -- a flood of guns in our
15 community. And there are kind of cheap manufacturers of
16 firearms, kind of, like, less quality firearm manufacturers.
17 But is it correct to say that SIG Sauer is a fairly high
18 level -- like, for example, the FBI for a long time used SIG
19 Sauer, correct?

20 A. Yeah. A different model, of course, than this
21 one. And they do make very nice firearms, higher end
22 firearms. The P365 is kind of a lower, is a lower end,
23 lower cost version of their, of the firearm that they have,
24 but the SIG Sauer name is well known and it's a good quality
25 firearm.

1 Q. Okay. You had some difficulty getting it to
2 function when you first retrieved it, correct?

3 A. Yes.

4 Q. You had to do some work with it.

5 A. Mm-hmm.

6 Q. But you were able to actually get it to fire
7 rounds once you cleaned it up a little bit.

8 A. Yes.

9 Q. Okay. When you first observed it, would there
10 have been anything about what you saw before you began to
11 manipulate it that would have indicated to you clearly that
12 it was going to be nonfunctional without some additional
13 help?

14 A. No. And I noted in here, visually, it appeared
15 clean. It did not appear dirty until I started working with
16 it that it was somewhat grimy.

17 Q. Okay.

18 A. You know.

19 Q. So just on visual inspection, even at close range,
20 there was nothing about what you saw that would have
21 indicated to you that it was, you know, nonfunctional.

22 A. No.

23 Q. Okay. It was only when you began manipulating it
24 that you discovered it was, had some issues.

25 A. Yes.

1 Q. Okay. As far as references and -- so you are on
2 duty right now, correct?

3 A. Yes.

4 Q. Are you carrying a firearm?

5 A. Yes.

6 Q. What kind of firearm are you carrying?

7 A. I carry a Glock 19.

8 Q. Okay.

9 A. It's a nine-millimeter as well.

10 Q. Okay. Is the -- we've heard this term kind of
11 bandied about, there's a full frame or compact frame
12 firearm. The SIG Sauer at issue, was it a full frame or a
13 compact frame?

14 A. It would be a compact frame.

15 Q. Okay. And the firearm you carry right now, is it
16 a full frame or compact frame?

17 A. The full frame would be a 17. I have that to
18 carry as well. I carry a 19, it's just a slightly smaller
19 version, but not --

20 Q. Okay.

21 A. -- subcompact like that 365.

22 Q. Okay. So would -- I don't know if you mind
23 showing us, are you -- is it, you explained, in an exterior
24 holster?

25 A. I have an exterior holster.

1 Q. Can you show us your firearm?

2 A. I can --

3 Q. You don't need to draw it, but --

4 A. Yeah. I'm not going to pull it out.

5 Q. -- so is that, size wise, comparison wise, how
6 would that compare to the SIG Sauer that you were examining?

7 A. Yeah, I would say the 365 is going to be smaller
8 than this one because you can see this is all the way down
9 to the bottom of my holster. A P365 is going to be probably
10 here and here. Smaller handle, smaller barrel and slide on
11 that.

12 Q. Okay. But it would be, in appearance, it would be
13 similar looking; black, semi-automatic pistol.

14 A. And square. I mean, Glocks are square, those are
15 kind of a squared-off firearm as well. Yeah, it's not tiny
16 in any way. It may not be as big as this, but it's not a
17 tiny little palm firearm or anything like that.

18 Q. Got it. Okay.

19 A. Yeah.

20 Q. I think those were all the questions I have. Oh,
21 one other question. I'm sorry. You indicated the trigger
22 was all the way back?

23 A. Yes. So it was, we call it depressed. It was
24 pulled all the way back, and then pulled all the way back.
25 So I had to -- and it wouldn't reset initially. Like, when

1 you slide the slide in and rack it, it should reset the
2 trigger. It wouldn't do that initially. I had to
3 physically pull it forward and have that spring kind of
4 reset.

5 Again, I manipulated that slide and kind of grime
6 was falling out of the firearm, so I think it was just
7 dirty. Once I was able to get it a little bit more
8 lubrication on there, it functioned and I was able to fire
9 it twice, so.

10 Q. Yeah. And I imagine to fire it, you used, I
11 guess, ammunition that you had in your workspace?

12 A. Yeah. We used this, I used, it's Federal American
13 Eagle ammunition. There's nothing different, really, than
14 any other ammunition. It marks the best, so Oregon State
15 Police and if we're doing test fires and things like that,
16 we like to use ammo that's going to mark with the markings
17 we're looking for, breech faced markings, the best. So
18 American Eagle is what I utilize for that. I could use any
19 test fire ammo --

20 Q. Yeah.

21 A. -- but I prefer, and it's recommended, to use the
22 American Eagle.

23 Q. Okay. But and, for example, if the firearm was
24 loaded when it was recovered, you wouldn't have necessarily
25 used ammunition that was in the magazine when it was

1 recovered for your test fires.

2 A. No. I remove ammo if it's in there and --

3 Q. All right.

4 A. -- to package it differently. I want to -- I use
5 our test fire ammo for it.

6 MR. DAVIDSON: Got it. Okay. Questions from the
7 grand jury?

8 GRAND JUROR: When you got the firearm, do you
9 remember if there was any ammo in the chamber?

10 THE WITNESS: I don't believe there was. I
11 usually don't receive it with ammunition. However, I didn't
12 know note that. We make those safe when we put them in
13 Property. Property will make sure they're safe as well. I
14 have received unsafe firearms because they were unable to
15 remove ammunition, but in this case, I didn't note that. I
16 don't believe I received it that way. It's rare to have it
17 stored that way.

18 GRAND JUROR: Okay.

19 THE WITNESS: It's not safe, so.

20 GRAND JUROR: So I'm not entirely familiar with
21 the P365. What safety devices are on that handgun?

22 THE WITNESS: It's got a trigger safety.

23 GRAND JUROR: A trigger safety.

24 THE WITNESS: Not much else.

25 MR. DAVIDSON: Can you explain what a trigger

1 safety is?

2 THE WITNESS: So there's a small button on the
3 trigger, and as you start to depress the trigger, it
4 depresses the safety. I believe on the 365, it has that.
5 And then it will fire. So you have to actually physically
6 pull the trigger and release that safety to make it fire.
7 Otherwise, it won't shoot.

8 MR. DAVIDSON: So --

9 GRAND JUROR: There's no --

10 THE WITNESS: There's no thumb safety --

11 GRAND JUROR: Okay.

12 THE WITNESS: -- I don't believe.

13 GRAND JUROR: Or safety, nothing like that?

14 THE WITNESS: I test fire thousands of guns, so
15 I'm not a hundred percent on that one. The ones I shot this
16 morning weren't that way. But I don't believe it has any
17 kind of a thumb safety on it.

18 GRAND JUROR: Nothing --

19 MR. DAVIDSON: Officer, I just made sense to me
20 that we've --

21 THE WITNESS: Okay.

22 MR. DAVIDSON: -- used this resource a couple
23 times.

24 THE WITNESS: Yeah.

25 MR. DAVIDSON: I don't know, we've got --

1 THE WITNESS: Maybe it does. I don't know.

2 MR. DAVIDSON: I don't know, yeah. I'm just -- is
3 this, I guess, consistent with the firearm? I mean, we
4 could pick an image here.

5 THE WITNESS: Yeah. I mean, if you see the --
6 this one, the California compliant, that one has a thumb
7 safety. The SIG Sauer 365 in the Wikipedia picture here
8 does not.

9 MR. DAVIDSON: Which? I'm sorry, do you --

10 THE WITNESS: Right here, does not have a thumb
11 safety.

12 MR. DAVIDSON: This guy?

13 THE WITNESS: I'm sorry. This one doesn't have a
14 thumb safety. This one does. That one doesn't.

15 MR. DAVIDSON: Where? I'm sorry. You're going
16 too fast. Where? Which one does?

17 THE WITNESS: This one does.

18 MR. DAVIDSON: This guy?

19 THE WITNESS: That's a safety there. But this one
20 does not.

21 MR. DAVIDSON: Okay. Oh, so the thumb safety is,
22 I guess, is that what we're looking at right here?

23 GRAND JUROR: On the back.

24 THE WITNESS: So this would be the thumb safety
25 here.

1 GRAND JUROR: On the back.

2 MR. DAVIDSON: Okay. I can't see.

3 THE WITNESS: If it has a trigger safety, it would
4 be a small --

5 GRAND JUROR: He said that one did not.

6 THE WITNESS: -- area in here.

7 MR. DAVIDSON: Oh, okay. Got you.

8 THE WITNESS: Like I said, I don't remember for
9 certain. This one shows a thumb safety. This one shows no
10 thumb safety. Unless I have the gun in front of me, I can't
11 tell you which it had.

12 MR. DAVIDSON: Okay.

13 THE WITNESS: I didn't note that. I just shoot
14 it.

15 MR. DAVIDSON: Okay. But that image, we're
16 looking at these various images --

17 THE WITNESS: These are all 365s, yeah. As you
18 can see, P365. They're all P365. This is an XL. This is
19 an XMACRO, no thumb safety. Unless I had the gun here --

20 MR. DAVIDSON: Sure.

21 THE WITNESS: -- I'm sorry, guys. I can't tell
22 you.

23 MR. DAVIDSON: Yeah. No worries. That triangular
24 button kind of next to the trigger guard, that's, I would
25 guess, probably the mag release then?

1 THE WITNESS: So there -- yeah. I'm sorry.
2 Magazine release on all of these is similar. So slide lock.
3 So you can pull the slide back and push this up and it locks
4 it into place in the rear. You can manually pull this down
5 and it will bring this slide forward. When the safety's up
6 on the -- you can't pull the slide if there's a safety, but
7 in this case, all you have here is your slide lock and then
8 your magazine release.

9 So I wish I had the gun, I could show you, tell
10 you. I just don't remember which model of the 365, if it
11 has safety or not.

12 MR. DAVIDSON: Okay. But in general, this is the
13 gun we're talking about?

14 THE WITNESS: Yep.

15 GRAND JUROR: And --

16 THE WITNESS: You can see it's squared, like I was
17 talking about, kind of black and squared off around it.
18 These are just grips on here to manipulate the slide back.

19 GRAND JUROR: And when you say that the trigger
20 was pulled back, can you tell -- show us what --

21 THE WITNESS: So this is --

22 GRAND JUROR: -- that part is?

23 THE WITNESS: This is reset. This is ready to
24 shoot.

25 GRAND JUROR: Okay.

1 THE WITNESS: If this was pulled back -- I'll
2 see if there's a better side one. If you pull this back and
3 shoot it, if there's one round, and you held it, it would
4 stay in the back position. When that slide cycles and moves
5 forward, it will reset that trigger to the position here.

6 What -- when it came to me, that trigger was back
7 as if it had been pulled. And I had to reach in, if I had
8 this in my right hand, and pull with my left hand, pull it
9 forward. You can hear it kind of reset and it clicks back
10 into place. So I had to physically do that to get that to
11 reset.

12 GRAND JUROR: And --

13 THE WITNESS: Then I worked the slide. Stuff kind
14 of was falling out of it, and was able to lubricate it
15 slightly, get that slide going. And then the trigger would
16 reset, and I was able to shoot it.

17 GRAND JUROR: If the trigger was pulled back,
18 would that be visible to anyone witnessing, if it was held?

19 THE WITNESS: I mean, somebody at the -- it had to
20 be physically pulled back. I don't know, you know, if
21 somebody can tell -- I don't know what they can tell.

22 GRAND JUROR: Yeah.

23 THE WITNESS: I'm sorry.

24 GRAND JUROR: I guess would it -- it seems to me
25 that that would be blocked by a hand; is that accurate?

1 THE WITNESS: Your hand's going to be on there

2 --

3 GRAND JUROR: Yeah.

4 THE WITNESS: -- and your finger would be in the
5 trigger guard pulling that back and either trying to pull it
6 or trying to manipulate it. The gun didn't fire. If the
7 slide is what's called out of battery, and I'm going to give
8 you a little more, but if the slide is just slightly back,
9 it won't fire. So you can try and pull that trigger and it
10 won't fire.

11 So if it was grimy and dirty and it was slightly
12 back and you pull that trigger, it's not going to fire.
13 Also, if it's very dirty, grimy, you try and pull that
14 trigger and it moves, but it won't fire too. You got -- it
15 needs to be in working condition, and it wasn't great when I
16 got it. It fired, but I had to do some work on it.

17 And, again, I apologize. I mean, you can see
18 there's different versions that have a safety and don't, and
19 I don't remember which one it was.

20 GRAND JUROR: So that trigger, would it -- in
21 order to get it into the position where it's pulled back all
22 the way, one would have to pull the trigger.

23 THE WITNESS: Yes.

24 GRAND JUROR: Right?

25 THE WITNESS: Yeah. Yep. Yeah. There's a

1 trigger guard here, it doesn't move, guards from just
2 inadvertently hitting it. So someone had to have pulled
3 that back to get that, you know, trying to shoot it or
4 whatever to get that trigger back. And it was not reset, so
5 it was back.

6 GRAND JUROR: And is there any --

7 THE WITNESS: Pulled all the way back, I should
8 say.

9 GRAND JUROR: Sorry. Is there any other way to
10 pull that back without shooting it?

11 THE WITNESS: I mean, not really. You're going to
12 have to pull that trigger to shoot it. Even on our Glocks,
13 if I'm going to clean it, unload it, take it apart, I have
14 to pull that trigger back to make it so I can take it apart.
15 So, yeah.

16 GRAND JUROR: Yeah, not being familiar with this
17 one, if you dry fired it without a round in the chamber,
18 would the trigger stay back, or would it reset?

19 THE WITNESS: If you dry fired it, like, no ammo
20 in there, you pull the trigger, click, you would have to
21 cycle that slide to make it reset.

22 MR. BENSON: But the trigger would go forward?

23 THE WITNESS: Yeah.

24 MR. BENSON: Yeah.

25 THE WITNESS: Trigger would go forward if you

1 cycle that slide. So I had difficulty cycling the slide
2 to get that to reset. That's why I manually kind of pulled
3 it forward to get it to reset and started working on the
4 slide to get it to work. And then I was able to shoot it.
5 Yeah.

6 GRAND JUROR: In the hands of somebody who was, or
7 I should say was not super familiar with, like, firearm
8 maintenance, how much work or how difficult would it be for
9 them to get it in good working condition?

10 THE WITNESS: I mean, this firearm is, like, point
11 and shoot. There's nothing, you don't have to do anything
12 special to make it work, but if it's dirty and you try and
13 shoot it, it's not going to shoot sometimes.

14 GRAND JUROR: Yeah.

15 MR. BENSON: I think the question is how, like,
16 how complex would it be to clean it to make it operable and
17 --

18 GRAND JUROR: Yeah.

19 THE WITNESS: Not very complex. I mean, you could
20 put water on it. It's not great, it's probably going to get
21 worse later on, but if you put water on it and clean it off,
22 it would most likely function. Like I said, I put some
23 lubricant on there, but.

24 MR. DAVIDSON: Yeah. Is it fair to say that a
25 firearm is a machine, like any other machine?

1 GRAND JUROR: Yeah.

2 THE WITNESS: It's a tool, yeah.

3 MR. DAVIDSON: And you've got to do the
4 appropriate maintenance to it, like putting the oil in your
5 car or whatever to have it functioning --

6 THE WITNESS: Yeah. If it's out in --

7 MR. DAVIDSON: -- the way it's supposed to.

8 THE WITNESS: -- moisture and stuff like that can
9 make it worse. You can initially make it work, but it will
10 make it worse. You've got to have lubricant on there, some
11 sort of oil to those parts, it's just metal rubbing on metal
12 and springs, and they get gummy if they're not, there's no
13 upkeep on it.

14 So that's how I would kind of describe it as kind
15 of gummy, grimy. Not greasy grimy but, like, kind of dirty
16 grimy, kind of gummed up. You know, there's no better way
17 for me to describe it better than that.

18 MR. DAVIDSON: Any additional questions from
19 anybody? No? Okay. All right.

20 THE WITNESS: Okay.

21 MR. DAVIDSON: So we're off the record, we'll take
22 our break. Our ten-minute break now.

23 (Whereupon, a break was taken.)

24 MR. DAVIDSON: We are back on the record in Grand
25 Jury A on case, Grand Jury case number 42. We are

1 commencing our next witness. If you'll raise your right
2 hand, you'll be sworn.

3 MATTHEW MANUS

4 was thereupon called as a witness; and, having been first
5 duly sworn, was examined and testified as follows:

6 FOREPERSON: Thank you.

7 MR. DAVIDSON: Okay. Have a seat.

8 DIRECT EXAMINATION

9 BY MR. DAVIDSON:

10 Q. And if you could state and spell your full name
11 for me.

12 A. Officer Matthew Manus, M-a-t-t-h-e-w, last name,
13 M-a-n-u-s.

14 Q. Okay. And how are you employed?

15 A. I'm a police officer in the City of Portland,
16 currently assigned to the training division.

17 Q. And how many years of law enforcement experience
18 do you have?

19 A. I have 22 years.

20 Q. All of that with Portland?

21 A. All of it with Portland, yes.

22 Q. All right. Prior to your career in law
23 enforcement, did you attend college?

24 A. Yes, from 1993 to 1997, I was in the military.
25 Served overseas. And then I went to Washington State

1 University when I got out, and --

2 Q. Go Cougs.

3 A. Yes, go Cougs. Graduated with a bachelor's degree
4 in public administration.

5 Q. Okay. And what branch of the military were you
6 in, if I could ask?

7 A. I was in the Army.

8 Q. In the Army. And you were deployed overseas.

9 A. Yes.

10 Q. Okay. Thank you for your service. So you -- I
11 imagine you attended -- remind me, did you attend the
12 regular DPSST Academy before joining the Portland --

13 A. I did not.

14 Q. -- Bureau?

15 A. I was actually one of the few, it's part of the
16 Oregon Police Corps as a federal grant program that would
17 have officers basically apply for it, and they got stipends
18 from the government. It was a program that they don't do
19 anymore, but I attended 20 weeks, essentially, it's a basic
20 academy, through that. All of it was, met the standards of
21 DPSST. I just was not down at Monmouth at the time.

22 Q. Okay. I've heard it described as kind of a police
23 version of ROTC, basically.

24 A. Yes.

25 Q. Okay.

1 A. Yeah.

2 Q. So you completed that. Did you -- once you were
3 hired by the Portland Police Bureau, did you go to their
4 advanced academy?

5 A. I did. I believe, at the time, advanced academy
6 was about 14 weeks.

7 Q. All right. Since you've been with the Bureau, can
8 you just kind of walk us through your career and your
9 different assignments?

10 A. Sure. So I got hired in 2001. I worked patrol
11 until 2011. In 2011 -- and I had worked on patrol mainly in
12 Central Precinct on night shift. Then I went to training
13 division for about a year, worked as an academy coordinator.
14 So all the new officers coming through, I was in charge of
15 the academy for that.

16 In 2012, I returned to the street. I went back to
17 Central Precinct until 2015 when I went to North Precinct.
18 Back still on night shift. And then in 2017, I went to the
19 training division where I started as a patrol procedures
20 instructor. And then in 2018, I took over full time as the,
21 one of the lead firearms instructors.

22 Q. Okay.

23 A. And I've been in that position ever since.

24 Q. All right. It sounds like about seven years then
25 with the training division?

1 A. Yes.

2 Q. All right.

3 A. Yeah. In June, it will be seven.

4 Q. Got it. And specifically firearms training, how
5 long?

6 A. Since 2012, I became certified as an instructor.

7 Q. Oh, okay.

8 A. Yeah.

9 Q. So you were doing it before you were doing it even
10 before you went to the training division.

11 A. Yes.

12 Q. Got it. Okay. So quite a bit of experience
13 there. Can you tell us a little bit just generally about
14 the training division? Kind of what's the special mission
15 of the training division in the Portland Police Bureau.

16 A. Sure. We are charged with the ongoing training
17 and the initial training for all sworn members in the Police
18 Bureau. We try to get 20 to 40 hours a year of annual in-
19 service. So whether broken up in one or two training
20 sessions, we'll have them come in for 20 hours or 40 hours
21 to maintain the state mandated training hours. Or if we
22 have -- we've got body worn cameras coming soon, so that's
23 an additional responsibility that we're going to provide for
24 them.

25 We also have an advanced academy which right now

1 is currently 13 weeks. We'll be trying to run three this
2 year. They want four next year. So if you can do the math,
3 it's, we're going to have to -- they may shorten that just a
4 little bit to allow for that.

5 So particularly from my job, we do the firearms.
6 So the new hired officers will get 30 hours of time learning
7 how to operate a gun safely. Then we'll go to the state
8 academy where they'll have about another 50 hours. Then
9 they'll come back to us, and we'll get them another 25 when
10 they get back. They'll hit the street. And then they'll
11 come back for an advanced academy, and we'll get them for
12 probably another 40 or 50 hours.

13 And so during that advanced academy, they are
14 getting all sorts of training as far as how to operate on
15 patrol, they're getting extra law, some driving instruction.
16 So when they graduate the academy, they should be able to go
17 out and work towards being a solo officer after they work
18 through the field training program with the coaches.

19 Q. Okay. We've heard a little bit about, I think it
20 was FTO, I guess the field training officers. So you got a
21 new recruit who's on the street, they're not just kind of,
22 like, sent out there on their own; is that right?

23 A. No. They will have five essential phases during
24 their eighteen-month probation. So if, I think it's six
25 weeks per phase, right? And if they're not meeting the

1 standard, the coach can retain them in a phase to make
2 sure. So they really won't start working independently of a
3 coach until they've been in through phase four, like, the
4 last two weeks of that. And then when they're phase five,
5 they're a solo officer in charge of their own cars.

6 So it's, it can be quite a long time with a coach
7 and a car. The goal is to get them working in dayshift,
8 afternoon shift, night shift, getting a wide variety of
9 calls so they can be a much more well-rounded officer when
10 they're out there. And we try to get them in all parts of
11 the city because each part of the city is unique in and of
12 itself.

13 Q. Okay. Sounds like a pretty comprehensive program.

14 A. Yes.

15 Q. All right. So it sounds like one of your primary
16 responsibilities, among many, is firearms training.

17 A. Yes.

18 Q. And I guess there are various aspects of firearm
19 training. I guess just one is how to properly, I guess,
20 carry a firearm. Marksmanship, I imagine, is --

21 A. Yes.

22 Q. -- important. Right. You want, when your
23 officers do need to utilize their firearms, you want them to
24 hit what they're aiming at.

25 A. Absolutely.

1 Q. So range work, I would imagine, is a part of
2 that.

3 A. Yes.

4 Q. Okay. But I imagine another part, and this is the
5 part I think primarily why we've asked you to come here
6 today, it relates to what has been referred to in the past
7 as deadly force encounters.

8 A. Yes.

9 Q. Are you familiar with that term?

10 A. Yes.

11 Q. All right. What's -- when I say deadly force
12 encounters, what does that mean to you as a firearms
13 trainer?

14 A. Really, any kind of a deadly force encounter would
15 be an officer on the street that, based on someone, an
16 individual's actions, forces them to where they may have to
17 use deadly force themselves. So it's not always a gun; it
18 could be a knife; it could be a baseball bat; any manner in
19 which that weapon is being used could cause serious physical
20 injury or death.

21 Q. Okay. So maybe -- and you could probably sit here
22 and talk to us all --

23 A. Right.

24 Q -- week about this, but because I know it's
25 expansive, but can you give us kind of a synopsis of the

1 Bureau's deadly force policy and how officers are trained
2 to appropriately implement that.

3 A. Okay. So we do have a very large force policy.
4 We have specifics for the use of deadly force. And
5 essentially, we are authorized to use deadly force to
6 protect ourselves or a third-party defense, which those
7 types of shootings happen frequently in law enforcement. If
8 there is an immediate threat of death or serious physical
9 injury.

10 So the State runs on an imminent standard, and I
11 can kind of go into that if you want. The, we have a more
12 strict standard of that we have to have an immediate threat
13 of death or serious physical injury before we can use deadly
14 force.

15 Q. Okay. And officers are trained to that policy; is
16 that right?

17 A. Yes.

18 Q. Okay.

19 A. Yes.

20 Q. And we're not just talking about new officers
21 coming in. We're talking about the officers who, let's say,
22 have been on the street for 20 years are also trained to
23 that same policy.

24 A. Yes. Every time they come to an in-service
25 training, we will review and discuss that force policy

1 before we even do any life training.

2 Q. Okay.

3 A. So.

4 Q. And are there scenarios when you, let's say if
5 you're running someone new through the advanced academy and
6 also maybe through DPSST, are there, like, scenarios that
7 officers are presented with? Or training scenarios where
8 they learn to kind of correctly assess and implement these
9 policies?

10 A. Yes, there are.

11 Q. Can you tell us a little bit about that?

12 A. Sure. They'll have, you know, scenarios when,
13 where they'll be faced with -- potentially have to make a
14 decision. So it could be somebody who is armed but maybe
15 not accessing a weapon, and so that changes things. Just
16 because somebody may be armed is something, until they make
17 a decision to use that against you or a third person, then
18 you know, it doesn't meet that standard of immediate threat.

19 Or there is other scenarios where we have force on
20 force, where those officers will be faced with someone who
21 will shoot paint rounds at them. And so it's, you know,
22 they get under some stress and they're going to feel what
23 that is like, and then we can evaluate. Did you get hit?
24 Were you able to get to a place of cover? Or whatever the
25 design of that scenario would be.

1 So they do have decision making. They are faced
2 with things that may look like it's going to be a deadly
3 force encounter and it changes, maybe based on what they do
4 if they're able to deescalate or get to a place of cover and
5 maybe things change.

6 Q. Okay. I've also, I was hoping you could discuss a
7 little bit this concept that's called the action reaction
8 principle that I understand is an important part of deadly
9 force encounter training.

10 A. One hundred percent. And it's really focused
11 around human performance particularly under stress. So pure
12 action will always beat somebody's ability to have a
13 reaction time. And a lot of it, what it really is is what's
14 perceptual lag. So it's mental processing of information or
15 the stimulus of what they see.

16 So I if I were to reach into my pocket right now
17 and throw you a set of keys, right? You would have to start
18 watching what I'm doing. You'd have to process what's going
19 on. And then you'd have to attempt to catch them. And
20 chances are, they're going to hit you in the chest, right?
21 Because your brain cannot necessarily process that
22 information that quickly.

23 So I've been to Force Science Institute Training.
24 It's a week-long course with a force analyst essentially to
25 help us better understand human performance. And one of the

1 things that they talk about is the 300 milliseconds or the
2 three-tenths of a second for our brain to process what is
3 happening. So you, sir, if you were to decide to make an
4 action against me, I may be three-tenths of a second to even
5 process what this is. And then I have to decide, is this
6 something that's going to hurt me or potentially somebody
7 else?

8 When it comes to drawing our weapons, we have a
9 standard generally of one and a half seconds to draw our
10 guns, right? And then that's the three-tenths of a second
11 to process this, a second and a half to maybe even get it
12 out of the holster, and then we have to make a
13 determination, do we need to use deadly force, right? This
14 process. And then you think about getting to that decision
15 to press the trigger. And the average officer can press
16 about once every quarter second.

17 So if somebody's going to do a pure action at me
18 or point a gun at me or one of my officers, from the time
19 that they make that action, it could be upwards of two
20 seconds for me to even get my gun out on target and make a
21 decision to shoot. I mean, if we look at this quarter-
22 second speed which someone can press a trigger, you're
23 looking at about eight rounds potentially that they could
24 get on that officer before they even get a round off.

25 Now, there's different skill sets where some of

1 them that can be changed or what -- emotional things the
2 officers may be going through, what stimulants they see.
3 But it's pretty consistent. So that perceptual lag of our
4 ability as humans, right, and it doesn't have to be police
5 officers, it could be anybody, to make that decision to
6 potentially change the behavior of that suspect. It's very
7 difficult.

8 Q. Okay. So and kind of keeping those principles in
9 mind, you know, if an officer is confronted with someone who
10 appears to be brandishing a gun at them --

11 A. Yes.

12 Q. -- as far as the Bureau policy and, I guess -- I
13 guess imagine Bureau policy is fashioned with, like, Oregon
14 law on deadly force in mind, I would --

15 A. Yes.

16 Q. -- think, correct?

17 A. Mm-hmm.

18 Q. They are, I guess they would have to be --

19 A. Yes.

20 Q. -- you know, in accordance with each other, I
21 would think.

22 As far as Bureau policy goes and how the officers
23 are trained, if an officer is confronted with a situation
24 where they're being, I guess, someone is brandishing a
25 firearm at them, pointing a firearm at them, would Bureau

1 policy and the training that you provide them with require
2 them to wait to be shot at before, kind of, responding with
3 deadly force?

4 A. Absolutely not.

5 Q. Okay.

6 A. There's no expectation that we would expect our
7 officers to put themselves at any more risk than they
8 already are and to be shot at first or have to wait to see,
9 is that a real gun or not, based on true instincts and what
10 our brain is going to do in that mental shortcut to get to
11 what that is. They're going to react to what they perceive
12 to be an immediate threat to them or a third party.

13 Q. Okay. You had mentioned in your remarks that the
14 standard is basically if you have more or less a reasonable
15 belief that a deadly force is about to be used against
16 yourself --

17 A. Right.

18 Q. -- or anybody else --

19 A. Correct.

20 Q. -- you are, per policy, you're allowed to use
21 deadly force in those scenarios, right?

22 A. That is correct.

23 Q. So for an officer, for example, it could be a
24 firearm pointed at them; it could be a firearm pointed at a
25 fellow officer; or it could be a firearm potentially pointed

1 at or endangering a civilian, not an officer, correct?

2 A. Correct.

3 Q. Okay. So I want to talk a little bit about what
4 an officer might be confronted with and how they might
5 change their assessments of what an appropriate level of
6 force would be. This -- you remember this concept of hard
7 cover?

8 A. Yes.

9 Q. Can you tell the grand jury what hard cover means?

10 A. So cover in general, in the way that we think
11 about it is any medium that will stop ballistic rounds from
12 being able to penetrate. So big, large trees; engine block
13 of a vehicle; concrete wall, thick concrete wall. All those
14 things would be good examples of what hard cover is. And
15 quite honestly, if we could prescribe every officer involved
16 shooting that involves a pistol or a rifle, if we could have
17 our members behind hard cover, that would be ideal. Yeah.

18 Q. So when officers are confronted with potential
19 deadly force being used against them in the form of firearm,
20 is hard cover something that they are trained to seek for
21 themselves?

22 A. Yeah, if it's available, yes.

23 Q. Okay.

24 A. Oftentimes, it's not available, and we have to
25 deal with that threat as is.

1 Q. Okay. So was it unusual, for example, like, for
2 a patrol vehicle, for an officer to use a patrol vehicle as
3 hard cover?

4 A. No, it's not, would not be unusual.

5 Q. Okay. What about the reverse idea; the idea that
6 someone the officers might be confronted with who is
7 pointing a gun at them, that that person is seeking or has
8 hard cover? For the officer assessing the situation, how
9 would that, as far as your training goes, how would that
10 affect their assessment of the threat?

11 A. I would think particularly, it would make me think
12 that person's probably trained and they're intentional and
13 deliberate of probably getting good aim and getting shots in
14 what they want with the understanding that they're
15 consciously going into something where they're expected
16 maybe to be shot at themselves or to protect themselves as
17 much as possible.

18 Q. And someone who might be, you know, threatening
19 the officer with a gun who is behind hard cover, does that
20 make it, I guess, more difficult for the officers to
21 effectively utilize their firearms against that threat?

22 A. It would because it significantly decreases the
23 exposure, whatever that subject is. So we always train with
24 our firearms training to shoot the center of the available
25 mass, mainly because it's a larger target area. It

1 decreases the likelihood that we may miss. But then if
2 you have someone who is now behind cover, the area that's
3 available, now we just now have to -- it's even smaller.
4 And so it makes it much harder to get good hits. And so
5 it's going to take a lot more mental focus in a very short
6 amount of time.

7 Q. Okay. What about the idea of a stable platform
8 for firearm use? Can you tell me -- are you familiar with
9 that concept?

10 A. Yes, yes.

11 Q. Can you talk to us a little bit about that?

12 A. So a handgun in particular is one of the more
13 difficult firearms to consistently get a good, I guess,
14 presentation when there's movement that's involved. Whereas
15 a rifle, you can have three points of contact, so you're
16 used to bringing it up into your shoulder. You have a cheek
17 well where you can have, really, pretty good stability in a
18 lot of situations, whereas a pistol, you really don't. So
19 if you have a braced position, if you are behind cover,
20 you're able to have a, the most stable platform you could
21 with a handgun, that's ideal.

22 And that would, again, rise to, you know, if we
23 could have every officer behind cover and shooting from a
24 stable platform, that would be great. We just don't have
25 that luxury, particularly in startle flinch gun fights.

1 Q. All right. So an encounter, generally speaking,
2 with an individual involved who had a stable platform be at
3 an advantage against someone who did not?

4 A. Oh, one hundred percent they would.

5 Q. Okay.

6 A. Yeah.

7 Q. As far as the officers' training, the idea of --
8 is there, like, strict guidelines? Or what is the guidance
9 as far as what the goal is? You know, you've heard, you
10 know, somebody will say, you know, shoot to kill, or shoot
11 to stop the threat. Can you talk a little bit about that?

12 And specifically, you know, like, where you're
13 aiming, what is the objective of deployment of deadly force.
14 And especially as it relates to the number of rounds an
15 officer might choose to fire and where exactly they might
16 target the individual they're using force against.

17 A. Sure.

18 Q. Could you talk about that?

19 A. So years and years and years ago, you would hear
20 a, shoot, you know, to stop the threat. We have more of a
21 methodology in the message. And what we train daily is to
22 shoot to change the behavior of the suspect.

23 If you look at it as that person could still be a
24 threat, maybe they had a knife, they're rushing at you, you
25 end up using deadly force. You know you hit them, they

1 throw the knife down on the ground and then continue to
2 come at you, that person is still a threat, but we're not
3 authorized to use deadly force at that moment, right? They
4 changed their behavior, right? They're no longer a deadly
5 threat, so the officer must make that decision. Holster,
6 maybe go to something else, but it is changed. The person
7 could still be a threat.

8 We want to make officers be able to observe and
9 assess what their subject, what is going on and if there is
10 a change. As far as numbers of rounds fired, there's no
11 prescribed number. Each officer is responsible for every
12 round that they fire, and they're going to make the decision
13 based on that. So if one only shot one round, maybe they
14 didn't have a good sight picture after they fired that
15 round. There are a lot of different factors.

16 But ideally, we want them, as long as they have
17 that authority to still use deadly force, they want to aim
18 center mass. They want to be able to increase likely we're
19 not going to miss, we're not going to have rounds go over
20 that person potentially into the public.

21 But once that behavior has changed, then ideally
22 have them make that decision to stop, which still is going
23 to have some perceptual lag, which could be maybe two rounds
24 extra fired because that decision to stop now takes a little
25 bit of lag time to, you know. So maybe three rounds did it,

1 but maybe four or five rounds were fired. That's human
2 performance can explain that.

3 Q. Okay. Can you also explain a little bit about
4 this concept of how time and distance affects an officer's,
5 I guess, assessment of appropriate action taken when
6 presented with a threat like this?

7 A. Sure. If the perfect world had it, we'd always
8 have time and distance for our officers, right, that allows
9 for some de-escalation, allows some things. With firearms,
10 you can have someone who's skilled with a pistol and still
11 get, from a long ways away, be able to get hit.

12 We have what's called a startle flinch response.
13 Ideally, we would have the officer know when exactly what a
14 suspect's going to do. It would make our jobs a lot easier,
15 make it a lot safer for the public. But when we're rapidly
16 faced with a decision that someone else has made that we now
17 have to respond to with this perceptual lag, that
18 oftentimes, they have to do what they're trained, right?
19 Draw, present, find a target area and, if you have to use
20 deadly force, be able to use that.

21 Did that answer your question?

22 Q. Well, let me ask you more specifically. Let's say
23 that, you know, an officer is confronted with someone, you
24 know, brandishing a firearm at them and it's from you to me.

25 A. Oh, my expectation is that they're going to draw

1 their firearm and use deadly force.

2 Q. Right. And so the officer, for example, given the
3 lack of distance between the two of us and nothing
4 interceding between the two of us has limited choices.

5 A. Yes.

6 Q. And that is probably just limited to --

7 A. Using --

8 Q. -- deadly force.

9 A. Using deadly force.

10 Q. But so imagine the same scenario but, like, I'm,
11 let's say we're across, like, apart from each other and
12 there's trees and hard cover. But the same scenario, you
13 brandish your pistol. Would I potentially have other
14 choices I could make other than going immediately to deadly
15 force in that scenario?

16 A. Yes.

17 Q. And why is that?

18 A. Time and distance.

19 Q. Yeah.

20 A. You have a little bit of time, and trying to hit a
21 moving target with a pistol at a distance is difficult,
22 right? It'd be real hard to justify that with a big amount
23 of distance with things like physical barriers, which we
24 train. It's all part of our de-escalation that if you can
25 place a barrier between yourself and somebody else, great.

1 Right? That's one more thing in between that can help us
2 and prevent using deadly force if we have to.

3 So in a long distance with lots of available
4 cover, I'd have a real issue if someone just immediately
5 started shooting their gun at that person without some
6 cover, right? And distances matter, right? It depends what
7 that scenario is but, yeah. The difference of no, nothing
8 in between and something with greater distance and loss of
9 cover, yes. There is a significant difference there.

10 Q. So is it fair to say, I guess, as the distance
11 between the officer and the threat shrinks --

12 A. Choices are --

13 Q. -- the options --

14 A. -- limited.

15 Q. -- start to shrink as well.

16 A. Options are extremely limited at that point.

17 Q. Okay. Talking a little bit about other options, I
18 think most people are aware that patrol officers have a
19 variety of tools at their disposal, you know, other than
20 their guns.

21 A. Yes.

22 Q. Right. We're obviously aware. We've heard a lot
23 about tasers, we've heard pepper spray, there might be other
24 options. Can you talk a little bit about the, kind of, the
25 systems that the officers generally carry? And whether or

1 not those are appropriate choices in a scenario where an
2 officer is being confronted with potentially use of deadly
3 force by another individual.

4 A. Okay. Sure. So we mandated we have to carry
5 pepper spray, right? That has some very limited uses in
6 distance and, quite often, officers will get cross
7 contaminated, right? It would not be appropriate in a
8 deadly force situation particularly with a firearm.

9 We have tasers that often, based on the time of
10 year, you know, they've got two probes that have to be able
11 to hit to kind of incapacitate somebody. If you only get
12 one, you're not going to be able to get that. It has to
13 have two points with the electrical current going through.
14 So it has to be a pretty miraculous shot.

15 And then if someone's back behind cover, it'd be
16 very, very difficult to do that. But if they're armed with
17 a deadly weapon, that would be an inappropriate tool to use
18 in that situation.

19 Q. Now, you mentioned time of year. Why is that
20 relevant?

21 A. Thank you. So the time of year, right? Maybe in
22 the summertime probably people aren't going to be wearing
23 multiple layers of clothes. These barbs that are on these
24 tasers are pretty, you know, not real long, and they have to
25 be able to get through and get skin contact. So if you're

1 in colder weather and you're wearing layers, maybe extra
2 pants or coats, it's not going to be very effective.

3 And as officers in the street, we also recognize
4 this. If someone's wearing a big puffy coat, if we're going
5 to, you know, use a taser on them, more likely than not it's
6 not going to work. And so we'll end up having to go to
7 another option for us.

8 ASP baton is another optional tool that can be
9 carried, but that's, would not be appropriate either.
10 That's a collapsible baton that often fails, and it's not a
11 good tool in this day and age.

12 Q. Could we talk a little bit about -- you mentioned
13 earlier that the officer's responsible for every round they
14 fire.

15 A. Yes.

16 Q. Can you kind of talk about what that means? Kind
17 of expand on that and talk about it in the concept of the
18 backdrop?

19 A. Sure.

20 Q. Yeah.

21 A. Well, they are accountable. Each forced decision
22 an officer makes, every time they press the trigger is a
23 forced decision that is made essentially. They're
24 responsible for, kind of, where that round goes.

25 Oftentimes, other people in the community will get

1 in, will shoot guns. Technically, they're not really
2 held accountable unless they get caught for it, where those
3 rounds go. Well, we are held accountable. So we have to
4 make individual decisions.

5 An example I use with some of my students in
6 Portland is known for protests, right? We have protests.
7 You may have somebody who presents themselves as a deadly
8 force threat at a protest, which has happened here several
9 years ago, Molotov cocktails, for example. That would be
10 real terrible if an officer got his with a Molotov cocktail,
11 but if they try to use deadly force in that moment with all
12 these other people behind them, you can't be doing that in
13 policy, right? What if they miss, right? Under stress,
14 they have that and now they're hitting people they don't
15 intend to arrest or detain or anything.

16 So backdrop is really important. I've been on
17 shootings when I worked downtown where suspects are shooting
18 at 14th and Burnside and there's round strikes, six in
19 Burnside. And so all those things would be, it's always on
20 the forefront.

21 We've got officers who have not shot because they
22 don't have good backdrop. So where potentially that round
23 will go will influence the decision that they may not use
24 deadly force because of that. And so, ideally any time
25 deadly forced is used, we want to have real good confidence

1 that that's not going to go over, you know, go beyond
2 that.

3 Q. Great. Thank you. Can you talk a little bit
4 about -- we kind of touched on it a little bit -- but talk a
5 little bit about hard cover. You talked about this concept.
6 As we know, officers wear ballistic vests or what, I think,
7 a misnomer of bulletproof vests, right?

8 A. Sure, right.

9 Q. Can you talk to me a little bit about the
10 realities and limitations of the protection that officers in
11 the field wear?

12 A. Sure. We wear soft body armor. It's just to
13 cover this section here. It's exposed underneath the arms.
14 It does not go down beyond your waist, so some of those real
15 dangerous areas such as pelvic girdle regions and the
16 others, femoral arteries are not protected. It is not going
17 to cover or protect from rifle rounds unless you're wearing
18 actual big, thick, heavy rifle plates, which not everybody
19 wears.

20 And it's, you're going to be hit, if you can be
21 hit with these, it's going to cause some damage still. If
22 you're hit with rifle round -- or I'm sorry, pistol rounds,
23 you can get some serious bruising, you can be incapacitated
24 yourself. It's going to hurt. It's going to feel like
25 probably hit with a baseball bat real hard in your chest

1 without any kind of protection.

2 But there's still a lot of areas, like the face,
3 that are going to be exposed. If you're returning fire and
4 you get shot in the arms, you can still have bullets travel
5 up. So it provides some protection, the mid vital organs
6 that we want, but there's still a lot of ourself exposed.

7 Q. And the car, you talked about hard cover in
8 relation to the cars.

9 A. Mm-hmm.

10 Q. Now, we heard a little bit about this from some of
11 the earlier witnesses, but are the cars that the officers
12 are operating, are they, I guess, bulletproof?

13 A. No. I mean, they have ballistic protection in the
14 driver doors, in the passenger door on the front, both
15 sides. It's, like, a 50-pound big steel thing that will
16 protect them, but not underneath, but it doesn't go down to
17 the ground. We still have that glass.

18 So it provides some ballistic protection if an
19 officer was driving in there, but we also don't advocate
20 that they get out of their cars and stand right behind that.
21 We prefer them to be on the other side of the vehicle where
22 you have the big engine block in between.

23 But there's nothing that's -- it's got to be
24 perfect but, yeah, they're not bullet proof, that's for
25 sure.

1 Q. Okay. I want to talk a little bit about a
2 slightly different topic. You know, in a situation where
3 you've had, you know, the officers have used deadly force
4 and have potentially struck the subject that they were
5 firing at, and let's say, you know, the subject goes to the
6 ground or appears to be at least somewhat incapacitated or
7 at least somewhat affected by the use of deadly force. What
8 is the -- how does the Bureau teach -- what's the policy as
9 far as what do the officers do then? I mean, do they just,
10 you know, rush right in? What's, how is it taught?

11 A. Ideally, we want to have, if we have downed
12 subjects, you know, we have a medical aid in policy. Part
13 of this policy is, you know, we shall render aid when it's
14 safe to do so, right? And one of those parts of that is the
15 scene is going to be safe. The suspect (indiscernible) is
16 neutralized. But it is, it's changed behavior for all
17 intents and purposes as we're talking about today.

18 But ideally, we want to have a team, a custody
19 team essentially. If we can have a shield, that would be
20 ideal. Somebody with some less lethal options, so whether
21 it's a 40-millimeter launcher, which is essentially a sponge
22 round. Have you guys covered 40-millimeter --

23 Q. Well, so actually, well, you hit the second
24 meaning because that's -- when we talked about less lethal
25 options --

1 A. Yes.

2 Q. -- we didn't discuss that one.

3 A. We did not discuss that.

4 Q. So can you tell us a little bit about that system
5 and whether it would have been appropriate to use it as your
6 main option if confronted by someone using deadly force
7 potentially?

8 A. Okay. So a 40-millimeter round is a sponge round
9 essentially. It comes out of a single-shot launcher. It
10 provides us some distance, if you're going to use a less
11 lethal back tool on somebody that maybe they weren't at the
12 deadly force level. When we have that tool used, we always
13 want to make sure we have a, someone for lethal cover for us
14 because if that situation escalates, an officer would not
15 have that time to transition to a deadly force tool, right,
16 weapon.

17 So if they were only by themselves, I would not
18 ever advocate for them using a 40-millimeter launcher on
19 somebody that was a deadly force, right? If it got to that
20 point, it's only a lethal option force at that point. So
21 they should have a lethal cover with them. But if they were
22 presented with that and they had a lethal cover and that's
23 all they had in their hands then, yeah, use your 40-
24 millimeter until you can get to something better.

25 But it is not, would not be an ideal tool for

1 that. It's going to be like a baseball hitting you. And
2 we use that, you know, in crowd control stuff or if we have
3 maybe somebody armed with a knife, we can have some distance
4 where we can maybe, if we can hit them in those extremities,
5 the lower legs, and get them to kind of change what their
6 plan is to prevent us from using deadly force.

7 Q. Right. But hypothetically if not, let's say an
8 officer was confronted with someone brandishing a firearm at
9 them --

10 A. Yes.

11 Q. -- at a fairly short distance, the training is not
12 to go to the foam gun.

13 A. Absolutely, no.

14 Q. Okay.

15 A. It would be use deadly force option for that --

16 Q. Okay.

17 A. -- which it is not a deadly force option.

18 Q. Thank you for clarifying that.

19 A. Yeah.

20 Q. We were discussing, I think --

21 A. Custody team.

22 Q. Yes, correct.

23 A. Yeah. So custody team generally will be, have
24 multiple officers. If we have a less lethal, right, whether
25 it be a taser as an option or a 40-millimeter. And then we

1 have what's called a hands team. So you may see up to
2 five people going up to address a subject.

3 Now, if we don't have an idea, if we can't get
4 eyes on that person or we can't see what's going on, we may
5 wait until later, particularly if that weapon is still
6 there. And we may wait for the CERT team to show up and
7 they can have a different, a more measured response at the
8 time.

9 But if we can get up there, we will generally pull
10 that person away from -- we're not going to mess really with
11 the weapons, but if we can get that person out so we can
12 start rendering aid, we can do that. If we can separate
13 them from the weapon that they had had, great. Pull them
14 off to the side and start, you know, providing medical care
15 if we need to at that point.

16 Q. Okay. And can you talk a little bit about, and
17 I'm assuming this has changed with a lot of things over the
18 course of your career, but as far as how the officers are
19 trained and the kind of medical training that they receive
20 to administer aid in scenarios like this, can you talk a
21 little bit about how they're trained? And I'm assuming it's
22 more training than they probably used to get.

23 A. Yes.

24 Q. Talk about that a little bit.

25 A. So we all -- everyone in operations carries

1 tourniquets for the extremities. You get people shot in
2 the arm. There was actually a businessperson that was run
3 over by a garbage truck years ago downtown. Officers were
4 able to put tourniquets on that person and it saved his life
5 from bleeding out. So everyone has tourniquets.

6 There are chest seals that we have. We have
7 bandages you can do wound packing with. But we're not to be
8 doing any kind of medical treatment that we're not trained
9 to. So it's pretty basic. It's pretty limited to some of
10 those applications as far as a tourniquet goes, some wound
11 packing, or chest seals we can put over if someone has
12 wounds to the chest.

13 Q. We heard the reference to something called an
14 IFAK.

15 A. That's an individual first-aid kit. All of our
16 cars have them. A lot of our officers, a lot of our rifle
17 operators will actually have that in their bags that they'll
18 take with them. And so yeah, individual first-aid kit, it's
19 got trauma shears. It's got Israeli bandages. It's got
20 basically everything we could need potentially that we're
21 trained to actually help people with.

22 Q. And has the amount of, like, medical first-aid
23 type training that the officers get increased quite a bit
24 over the years?

25 A. For this type, it has. Generally in advanced

1 academy, they'll get three or four training blocks on it,
2 for sure. Everyone -- and I know DPSST is training on
3 tourniquets now. They're getting some more of that
4 information. And then we have to do our first-aid training,
5 I think it's every two years, we have to get recertified in
6 some of that.

7 But for the more on-scene trauma care, our
8 officers, you know, get that training. And occasionally, in
9 service, we'll touch on it again.

10 Q. And although the officers receive quite a bit of
11 first-aid training, they're not, I mean, they're not medical
12 professionals.

13 A. No, they're not.

14 Q. There's only so much they can do, correct?

15 A. Right. And our policy says we will not do more
16 than what we're trained on.

17 Q. Okay. What about the concept of, like, bringing
18 the actual medical professionals into a scene like this? So
19 what is the guidance and training on that?

20 A. They're not going to come in until the scene is
21 safe and secure. We're not going to ever expect them to
22 come in.

23 Q. And when you say making a scene safe and secure,
24 what would that in your mind --

25 A. Making sure there was no more additional threats.

1 Maybe you had multiple people, maybe only one person who
2 was involved in a deadly force encounter. But if you have
3 maybe other people in a car, we would have to wait until we
4 got all those people extracted from that car and made sure
5 that there was no more potential threats before we continue
6 in or provide aid or get other people in there to help.

7 So it's essentially making that scene secure. It
8 may take time. We're not going to put ourselves at further
9 risk or anyone else until we know if it's safe and secure.

10 Q. Okay. And at that point, you can -- and I guess
11 we've heard this concept of staging. What is -- can you
12 talk to us about what is staging medical?

13 A. Yes. So ideally, and oftentimes, if we're going
14 to particular calls where there may be somebody injured but
15 there's still a threat to some danger, we'll have medical
16 staged. And so it may be two blocks away where once we know
17 that that scene is safe, we can medical quickly in there,
18 get them the help as efficient and quickly as possible
19 rather than us getting there and having this whole incident
20 occur and then call for medical, and now we have again this
21 lag. If they can provide some emergency care, it's just
22 going to decrease that.

23 So a situation where we didn't know and we ended
24 up giving them this, immediately what we're going to want to
25 do is get medical started, right? So get them as close to

1 the scene as possible until it was made safe, and then
2 they can come in.

3 Does that answer your question?

4 Q. Yes, thank you.

5 A. Okay.

6 MR. DAVIDSON: Appreciate it. Yeah. I'll just
7 check with Colin. Colin, do you have any questions?

8 MR. BENSON: I don't. I have no questions. Thank
9 you.

10 THE WITNESS: Okay.

11 MR. DAVIDSON: Okay. I guess I'll open it up to
12 the grand jurors. Do you have any questions for Officer
13 Manus?

14 GRAND JUROR: Is there a reason that the less
15 lethal sponge rounds would not be used in -- I mean, I
16 understand when somebody has lethal weapons, you know, in a
17 dangerous situation, but wouldn't sponge rounds also change
18 their behavior?

19 THE WITNESS: Potentially, but not at the level --
20 like, I'm not going to expect any of my officers to use a
21 less lethal tool if somebody is shooting at them. Now, if
22 it was maybe they had a gun on their hip in a holster,
23 right, and that person -- it's imminent that that person may
24 reach for a gun, right?

25 And ideally, we wouldn't want to shoot a less

1 lethal round and have them now, oh, my gosh, go to their
2 hip and escalate something. But maybe it's a knife, right?
3 Then a less lethal tool might be, a 40-millimeter might be
4 used, but not immediacy, which would be going to a gun. Or
5 if they grabbed a knife and charged, a less lethal would not
6 be appropriate for that either, 40-millimeter.

7 GRAND JUROR: You use the term shooting, but would
8 that also be the case if somebody was pointing a firearm at
9 a police officer?

10 THE WITNESS: We would not do that, no. We would
11 not use a 40-millimeter if someone's pointing -- that's
12 immediate, as far as our training goes.

13 GRAND JUROR: Okay.

14 THE WITNESS: Yeah.

15 GRAND JUROR: Does a sponge gun look like a
16 regular gun?

17 THE WITNESS: It's got a big tube, like this.
18 It's about that long. Do we have a picture of one at all by
19 chance?

20 MR. DAVIDSON: I can probably pull one up, yeah.

21 THE WITNESS: And it's single shot.

22 MR. DAVIDSON: It's single shot?

23 THE WITNESS: Yeah.

24 MR. DAVIDSON: So you can't, you have to reload --

25 THE WITNESS: You have to reload --

1 MR. DAVIDSON: -- every time?

2 THE WITNESS: -- each and every time. And it's
3 got a blue sponge, kind of circular in nature. The whole
4 round itself is about that long, but the part that comes out
5 is just on plastic.

6 MR. DAVIDSON: Is that -- just as far as the
7 single-shot capability of it without being reloaded, is that
8 another reason why it would potentially be an inappropriate
9 tool to use?

10 THE WITNESS: For the model we carry, yes.
11 There's some agencies that have six-shot capable, but we
12 don't have those.

13 MR. DAVIDSON: Officer, did you give me -- oh. I
14 just --

15 GRAND JUROR: I was just going to ask is there a
16 reason why you don't have the six?

17 THE WITNESS: I don't know.

18 GRAND JUROR: Yeah.

19 THE WITNESS: I wasn't part of that process.

20 GRAND JUROR: Just curious.

21 THE WITNESS: Yeah.

22 MR. DAVIDSON: What would I type in here to get
23 the right --

24 THE WITNESS: Forty-millimeter launcher, probably.

25 MR. DAVIDSON: Is there a particular brand, or?

1 THE WITNESS: I don't know which one we use,
2 actually. So there we go. That one right there?

3 MR. DAVIDSON: It's this guy?

4 THE WITNESS: Essentially, that's what we carry.
5 I don't know if it's that, but it's breech, it's got a
6 little breech here. So you can press this lever, it's going
7 to open up, and it's a single shot. You can see over there.

8 You might be able to just search for the sponge
9 round as well, 40-millimeter sponge round. There we go.
10 This one right here is the one that we use. And so when it
11 comes out, it looks just like this here. It's a soft
12 sponge.

13 MR. DAVIDSON: Okay. And what is -- I don't know
14 if part of your training, you're required to take a round
15 from one of these guys or not.

16 THE WITNESS: No.

17 MR. DAVIDSON: Or if you've ever been hit.

18 THE WITNESS: No.

19 MR. DAVIDSON: Okay.

20 THE WITNESS: No.

21 MR. DAVIDSON: Are you aware of what, I guess, the
22 experience is? Or what you've heard described as being hit
23 with one of these rounds?

24 THE WITNESS: I've heard the, like, an 80-mile-an-
25 hour fastball, baseball, it hitting you. But I don't know,

1 and I don't care to get hit with one.

2 MR. DAVIDSON: Yeah. That's fair.

3 THE WITNESS: Yeah.

4 MR. DAVIDSON: Okay. Anybody else with questions
5 for Officer Manus?

6 GRAND JUROR: You mentioned the time that it takes
7 to draw the gun and, you know, you're authorized to use the
8 deadly force to protect yourself or a third party.

9 THE WITNESS: Yes.

10 GRAND JUROR: At what time should a police officer
11 have their gun out in any kind of, like, a pursuit or
12 something like that?

13 THE WITNESS: Well, it depends. You know, that's
14 one of the great things; it always depends, right? We do
15 things based on what an individual's behavior is towards us.
16 So we're often reactionary in nature. You may drive down
17 the street and see a high-risk traffic stop. Well, have you
18 guys all seen kind of these, maybe in Portland or other
19 places? Officers may have guns out, pointed in a direction
20 based on whatever information that they have. That is
21 something that's a little bit different, right?

22 They have time, they have distance, they have
23 planning, as opposed to a, what we call a startle flinch
24 where they may be going up to somebody, all of a sudden,
25 that person produces a deadly force weapon against them,

1 that perceptual lag action, reaction, now we're already
2 behind the second our brain can now process this. And so I
3 want that gun out immediately if they have a deadly force
4 threat.

5 So the answer depends. I don't know if that helps
6 at all. Based on whatever the subject individual does is,
7 kind of impacts what decisions the officers make.

8 GRAND JUROR: Is there training and discussion
9 about whether having a police officer have a gun out already
10 makes any suspect with a weapon want to bring theirs out as
11 well?

12 THE WITNESS: Not that I'm aware of, and we
13 wouldn't ever prescribe to just point a gun at people
14 without a reason. It violates a lot of things. So we can't
15 just walk around and have somebody with a gun ready, right?
16 If we have prior knowledge and information this person is
17 armed, then we can now have, you know, if we have this
18 information, we're going to get plenty of officers there.

19 We're going to get all the tools we need before we
20 even go and make contact with these people. So that all
21 goes into the planning and time where we can do that, but
22 oftentimes it is if we are just, our officers are faced with
23 this, then I need that out as soon as possible if they need
24 to use it.

25 Does that answer your question, sir?

1 GRAND JUROR: It does.

2 THE WITNESS: Okay.

3 GRAND JUROR: Yeah, just to clarify. You said
4 hard cover.

5 THE WITNESS: Yes.

6 GRAND JUROR: Was that -- I know you mentioned a
7 tree, but, like, a cop car, I know necessarily with the door
8 but, like, if the --

9 THE WITNESS: Sure.

10 GRAND JUROR: -- vehicle itself is --

11 THE WITNESS: And it really --

12 GRAND JUROR: -- considered cover?

13 THE WITNESS: -- cover's cover, right?

14 GRAND JUROR: Yeah.

15 THE WITNESS: If it's going to provide ballistic
16 protection, and it could be, you know, engine blocks, again,
17 it could be concrete, it could be jersey barriers. Any of
18 these things that are going to protect us reasonably, right?
19 And, yeah.

20 GRAND JUROR: Okay.

21 THE WITNESS: So if it will be a median that will
22 protect, ballistic protection, provide that, then that'd
23 just be considered cover. Whereas concealment might be a
24 cedar fence, right? Where a bullet could go through but a
25 person couldn't see you.

1 GRAND JUROR: Thank you.

2 MR. DAVIDSON: Officer, I just noted on this page
3 we pulled up, there's a picture of what proports to be the
4 results of a --

5 THE WITNESS: Sure.

6 MR. DAVIDSON: Is that kind of in your experience
7 what would be typical of the result?

8 THE WITNESS: Pretty consistent, yes.

9 MR. DAVIDSON: Yeah. Okay.

10 THE WITNESS: Mm-hmm.

11 MR. BENSON: It's got this bruising, maybe even a
12 little bit of --

13 THE WITNESS: Contusion, yep.

14 MR. DAVIDSON: Yeah.

15 THE WITNESS: Just a little bit.

16 MR. BENSON: -- a contusion.

17 MR. DAVIDSON: Yeah. Another question I had for
18 you, I mean, what is, you know, in general, what is the goal
19 from the Police Bureau's perspective, the training policy of
20 any kind of interaction like this? I mean, what is the --
21 for example, in a scenario where officers are trying to
22 apprehend a suspect they know has warrants for example.
23 What is the goal?

24 THE WITNESS: Being able to do so with no force
25 used, ideally. Like, I think that's a goal of every

1 interaction that we have. We train a lot on de-
2 escalation. We have a lot of, we take a lot of time to plan
3 these things. And it depends on severity of the crime that
4 we may walk away from an incident, right? Depending on the
5 severity of the crime, but not a deadly force incident or
6 somebody who's at risk to somebody else.

7 We're there for a reason. We have to continue
8 with that. So, yeah, if we can do so without using force,
9 it'd be ideal. Any one of them are. If we can get them
10 safely into custody, then that is our goal each and every
11 time.

12 MR. DAVIDSON: Okay. Additional questions for
13 Officer Manus?

14 GRAND JUROR: I just have one kind of piggybacking
15 off of yours. Would it be, like, fairly routine for
16 officers to draw their weapons on an individual who was
17 evading them and then appeared to take cover?

18 THE WITNESS: Yeah. I mean, for me, it would be.

19 GRAND JUROR: Yeah.

20 THE WITNESS: Absolutely. Because those are all,
21 you know, true instincts. Like, mental shortcuts; if
22 someone is doing this or if someone is just diving a hand
23 into a pocket, for me, my processing speed right then is
24 going to be kicked into overdrive. That's not -- one,
25 that's not normal to do, right? Not normal to do when

1 you're faced by the police. It's going to make me think
2 that person's probably trying to access something that's
3 going to hurt me or potentially somebody else, right?

4 GRAND JUROR: Yeah.

5 THE WITNESS: So, yeah.

6 MR. DAVIDSON: Fair to say it's kind of a totality
7 of the circumstances --

8 THE WITNESS: Absolutely.

9 MR. DAVIDSON: -- in an assessment of any
10 particular scenario.

11 THE WITNESS: Yeah.

12 MR. DAVIDSON: You have all kinds of, all the
13 things you've been discussing kind of, but it's all
14 condensed down into a very short period of time --

15 THE WITNESS: Right.

16 MR. DAVIDSON: -- where the officer has to --

17 THE WITNESS: So essentially, federal law and the
18 way that we use our force is a balancing of the individual's
19 Fourth Amendment rights with government interest, and then
20 the use of a force essentially is the totality of the
21 circumstances of the events at that time. It guides what
22 we, how we use force.

23 MR. DAVIDSON: Okay. Anybody else? Not seeing
24 anybody. Okay. All right. Well, I think that we are all
25 done with Officer Manus. And actually, we're all done for

1 this morning.

2 It's 11:30. We'll go ahead and go off the record.

3 (Whereupon, the proceedings ended at 11:30 a.m. on
4 April 30, 2024.)

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I hereby certify that the proceedings set forth in the above-entitled matter were reported by audio recording; that thereafter I caused the said audio recorded notes to be transcribed into the foregoing transcript and the foregoing 120 pages constitute a full, true and accurate transcript of the proceedings as noted herein.

May 28, 2024

Brianna Jackson

Date

BRIANNA JACKSON
Official Transcriber

Within this transcript of proceedings, some of the names and/or technical terms are spelled phonetically, inasmuch as exhibits, files and support documentation were not made available to us for reference.