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P R O C E E D I N G S

June 26, 2025

(9:21 a.m.)

(Whereupon, the following proceedings were held
before Grand Jury No. 58)

MS. FRANKLIN: Okay. We are on the record in
State of Oregon versus Andrew Young. Do I actually have the
DA Case Number?

MR. DAVIDSON: It's not technically speaking State
of Oregon versus Andrew Young. It's basically a death
investigation or use of force investigation.

MS. FRANKLIN: Mm-hmm. Mm-hmm. Okay. DA Case
Number 051-1086330. Devin Franklin on behalf of the state.
Bar number 161179. I'm here with Brian Davidson. I'll let
you put your bar number on the record.

MR. DAVIDSON: My bar number is 025873 and my last
name is spelled D-a-v-i-d-s-o-n.

MS. FRANKLIN: And it is June 23, 2025 at about
9:22 a.m. We are in Grand Jury A. This is Case Number 58.
And we will start with our first witness who is Officer
Andrew Pearce.

MR. DAVIDSON: Officer, I think you know the
drill.

WITNESS: Yeah.

1 (Asides)

2 ANDREW PEARCE

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

5 DIRECT EXAMINATION

6 BY MR. DAVIDSON:

7 Q Go ahead and have a seat and get settled in. Can
8 you state and spell your full name for us, please?

9 A Yes. Andrew Pearce P-e-a-r-c-e.

10 Q And it's probably abundantly clear from the way
11 that you're dressed, but how are you employed?

12 A I'm a police officer with the Portland Police
13 Bureau.

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

16 A A little over four years.

17 Q All right. All of that with Portland?

18 A Yes.

19 Q All right. And do you have -- did you attend a
20 college?

21 A I'm sorry?

22 Q College. Sorry. Did you go to college?

23 A For like a year.

24 Q For like a year. Okay. Great. And I'm assuming
25 you went to the usual police academies.

1 A Yes.

2 Q All right. Can you tell us a little bit about
3 kind of what your assignments have been in the bureau since
4 you joined PPB?

5 A Yeah. So when I joined PPB obviously I started
6 out on probation. I started out of east precinct, and then
7 I went to north, and ended my probation at central precinct.
8 Shortly after ending my probation at central precinct I
9 transferred back to east precinct where I have been for
10 probably the past two and a half years.

11 Q Okay. And do you work a particular shift?

12 A Yeah. I work east nights.

13 Q And what hours are nights?

14 A Nights are 10 p.m. to 8 a.m.

15 Q And do you work up to a district within east?

16 A I kind of float around, but I'm usually the 96A
17 (ph.) car.

18 Q And do you have any specialized training other
19 than just being a patrol officer?

20 A I'm a 40-millimeter operator.

21 Q And what is the 40-milimeter?

22 A It's our less lethal tool.

23 Q All right. Is that like a foam gun?

24 A Yeah, essentially.

25 Q Okay. Got it. All right. What about rifle

1 operator. Are you a rifle operator?

2 A I am not.

3 Q All right. All right. I think you know why we're
4 here. We're here to discuss this incident that occurred
5 back on October 4th of last year.

6 A Yep.

7 Q It's my understanding that you were in uniform,
8 wearing a badge and on patrol that evening.

9 A Yes, sir.

10 Q All right. And you I guess responded along with
11 Officer Andrew Young to a domestic violence call that
12 evening; is that right?

13 A Yes, sir.

14 Q All right. And can you tell us, what were you
15 doing when you -- when the call came out over the radio; do
16 you remember?

17 A Yeah. I was driving around when dispatch
18 broadcasted that there was a disturbance down at 52nd and
19 Lambert. Obviously, when we approached or --

20 Q Well, let me ask you, before you get there --

21 A Oh, yeah.

22 Q -- like what was the nature of the disturbance; do
23 you recall?

24 A It just came out as -- I believe it was a neighbor
25 calling in saying he heard a male versus female arguing, and

1 dispatch thought they heard a child or children inside of
2 the house.

3 Q Okay. So like a domestic disturbance kind of
4 call?

5 A Yeah. A domestic disturbance.

6 Q Okay. Did it seem fairly routine at that point?

7 A Yes.

8 Q Is that the kind of call that (indiscernible)?

9 A I get those calls daily.

10 Q All right. And you and Officer Young were not
11 working a partner car; is that right?

12 A No. We were solo.

13 Q All right. And so who is the primary officer on
14 that call?

15 A Andrew Young was.

16 Q All right. And you were just there as kind of a -
17 -

18 A Just cover.

19 Q Okay. Is that typical for domestic violence
20 calls?

21 A Yep. Every domestic violence call, two officers
22 are sent.

23 Q Now, is that normal for other types of calls or
24 just domestic violence calls?

25 A Not all calls. But for domestic violence, it's,

1 per policy it's mandatory that two officers show up to
2 domestic violence calls.

3 Q And do you know why that is?

4 A Just safety.

5 Q Okay. Is there generally an inherent greater risk
6 level with domestic violence calls?

7 A Yes.

8 Q And do you know why that is, or?

9 A You just don't know what you're walking up to.
10 You don't know what to expect. It's just safer to approach
11 with two officers on scene just in case something does go
12 sideways you have (indiscernible) right there with you.
13 You're not by yourself in a sticky situation.

14 Q Okay. And am I correct in understanding that as
15 opposed to other types of crimes, domestic violence calls,
16 there's something called a mandatory arrest statute; is that
17 right?

18 A Yes.

19 Q And what does that mean?

20 A So domestic violence calls is a mandatory arrest.
21 So if there's like an assault or any crime DV related it's a
22 mandatory arrest in the state of Oregon, which is also why
23 we have two people there as well.

24 Q Okay. Great. All right. So did it take you very
25 long to get from where you were to the location?

1 A No. Maybe five to ten minutes.

2 Q And did you arrive to your call before or after
3 Officer Young?

4 A I believe it was like maybe 30 seconds after
5 Officer Young arrived.

6 Q All right. And this location, can you tell us a
7 little bit about this location?

8 A Yeah. So it's -- I believe it was 5235 Southeast
9 Lambert. The way the apartment complex is set up, it's
10 facing north, south. So when you drive down Lambert, all of
11 the apartment doors are facing eastbound, right towards us.

12 Q Mm-hmm. And do you remember which unit was the
13 unit the call was about?

14 A I believe it was B4. It was on the secondary
15 level.

16 Q Okay. We're going to pull a map up here. Maybe
17 you can like orient us if possible.

18 A Yeah. So, yeah, this is the apartment complex
19 going north and south. B4 was right around where this
20 little pin is now.

21 Q Mm-hmm.

22 A On the exit on the second level.

23 Q Okay. And whereabouts did you park your unit, do
24 you recall?

25 A We were parked -- both of our patrol cars were

1 parked like right here.

2 Q Okay.

3 A Essentially side by side.

4 MR. DAVIDSON: All right. Devin, can you give us
5 a street view? Is that possible?

6 MS. FRANKLIN: Yeah.

7 MR. DAVIDSON: Maybe click up a little farther.
8 There we go. Yeah.

9 BY MR. DAVIDSON:

10 Q All right. So whereabouts -- so is this an
11 accurate depiction of the apartment complex?

12 A Yes.

13 Q Okay.

14 A So like I said, our patrol cars were right in this
15 driveway, kind of facing southeast towards the apartment
16 complex.

17 Q All right. And can you identify B4, Unit B4?

18 A I'm looking at -- it's kind of fuzzy, but I
19 believe that is B4 right there.

20 Q All right. And I may have forgot to ask you, but
21 approximately what time of the evening did this call come
22 out, do you recall?

23 A I want to say around midnight, maybe a little bit
24 before.

25 Q Okay. All right. So you and Officer Young

1 arrive.

2 A Yeah.

3 Q And so, what -- do you like get your -- put your
4 heads together and come up with a plan? Like how does this,
5 how does this go down?

6 A Yeah. So obviously how it normally starts out is
7 obviously we'll approach the door, see if we can hear any
8 like active like verbal argument, or sometimes we can see
9 stuff. So, like I said, so we approached the door. We
10 didn't hear anything. Officer Young knocked on the door.
11 We got no response. He knocked again. Again, we got no
12 response.

13 The window curtains were open. Just to make sure
14 nobody was hurt inside, we just peaked in.

15 Q Can you, can you show me where Officer Young was
16 and where you were stationed (indiscernible) the door?

17 A Yep. So Officer Young was on the left side of the
18 door. I was on the right side of the door. Like I said,
19 when we got no response on the second knock Officer Young
20 peaked through this window. I peeked through this window,
21 again, just to make sure nobody was -- obviously needed any
22 help or anything like that.

23 When Officer Young peaked through that window, he
24 saw Mr. Thorn (ph.) laying kind of like half in a bedroom,
25 half in a hallway, and completely nude.

1 Q Like on the floor?

2 A Yeah.

3 Q Mm-hmm.

4 A So he was just, like I said, he was just laying on
5 the floor in the nude. So obviously that's kind of a
6 concern for us. We don't know if he's injured or anything
7 like that. So Officer Young --

8 Q And he's not, he's not responding. I mean, like
9 he should have heard --

10 A Yeah. So like I said, we knocked on the door
11 twice.

12 Q Yeah.

13 A Officer Young knocked on the window once or twice
14 I believe. We still got no response. I think it was after
15 the third knock on the window is when he finally woke up.
16 At this point Officer Young announced like hey this is the
17 Portland Police. At that point, Mr. Thorn grabbed a rifle
18 and began walking towards the front door.

19 Q Now, how do you know that?

20 A Officer Young told me.

21 Q So you weren't looking into the same window.

22 A No. Like I said, I was looking through the window
23 just to the right of the door.

24 Q Okay.

25 A Officer Young was to the left window. So right

1 when he came to, he verbally told me like hey, he's got a
2 gun, or he's got like a rifle, and he's walking towards the
3 front door.

4 Q Okay. Now, before you go any further --

5 A Yeah.

6 Q -- we need to talk a little bit about
7 (indiscernible). So, for example, you -- were you dressed
8 as you are today?

9 A Yep.

10 Q Okay. And was Officer Young dressed in a similar
11 fashion?

12 A Yep.

13 Q All right. And you've got a variety of equipment
14 on the front of your vest there.

15 A Yes.

16 Q One of the pieces of equipment is a body-worn
17 camera; is that correct?

18 A Yep.

19 Q Can you stand up and point to that for us?

20 A Yeah. Yep. So this is my body-worn camera.
21 Obviously, flashlight, radio.

22 Q Right.

23 A I don't know if you want to go through everything.

24 Q No. No. Mainly just the body-worn camera.

25 A Yeah.

1 Q So can you point to it again? Right there.

2 A Yep. Right here.

3 Q Okay. This is a fairly new piece of equipment for
4 the Portland Police Bureau; is that right?

5 A Yes.

6 Q Like how long has that been deployed?

7 A I think maybe a year.

8 Q Okay.

9 A Something like -- maybe a little bit over. I
10 can't really remember exactly when they came out, but --

11 Q And later we're going to watch with you, we're
12 going to watch your body-worn camera. Can you explain just
13 briefly when it activates, how it works?

14 A Yeah. So there's a --

15 Q Like it's not running right now for example.

16 A No. No.

17 Q Okay.

18 A So the way it works is the button right up here,
19 there's a little power button. It's currently, it's called
20 sleep mode, where like the microphone and the camera itself
21 is off. So it's like if we're going to like the bathroom or
22 inside of the precinct. But when you press this button
23 right here, the power button, it will go into like a ready
24 mode, where this light will start flashing green. Before --
25 there's multiple things that will activate it. If you press

1 this center button twice it'll activate the camera. If --
2 once we turn our lights on for I believe it's eight seconds,
3 it'll automatically turn on.

4 Q So if you turn the lights on in your patrol
5 vehicle, --

6 A Yes. Our overhead lights.

7 Q -- your overhead lights, it'll automatically
8 activate your body-cam?

9 A Yeah.

10 Q Okay.

11 A After eight seconds, for 40-milimeter operators
12 and rifle operators, we have them (indiscernible) our patrol
13 car. There's a specific button that we press. Once we
14 press that, they'll automatically turn on. Once we -- if we
15 have to remove our pistols from our holsters, they'll act --
16 there's a sensor on the backside of the holster. And then
17 when we turn on our tasers, it also automatically turns it
18 on.

19 Q All right.

20 A So there's a lot of ways it turns on.

21 Q You can turn it on manually. It'll turn on
22 automatically.

23 A Yep.

24 Q Okay. All right. And there's also a lag with the
25 audio; is that right?

1 A Yeah.

2 Q Okay.

3 A It's a 30 second lag. So once it's in ready mode,
4 once it is activated there's a 30 second audio lag. So it's
5 still recording, but there's no audio for the first 30
6 seconds.

7 Q All right. So when we're watching your video
8 later, there's not audio in the first 30 seconds?

9 A Yeah. The first 30 seconds there's going to be no
10 audio.

11 Q Okay. All right. So, and basically this is the
12 standard equipment for all patrol officers?

13 A Yes.

14 Q Right. Okay. So getting back to your narrative,
15 you heard Officer Young explain something about him having a
16 gun and walking towards the front door.

17 A Yes.

18 Q Is this concerning to you?

19 A 100 percent.

20 Q Okay. Why is that? It may seem obvious, but can
21 you explain what's concerning?

22 A Yeah. So obviously we're here for a disturbance
23 about a male and female yelling. There's possibly kids
24 involved. We don't know what his mindset is. We don't know
25 if he's intoxicated or if he's on some sort of drug.

1 Obviously we don't know this guy, so we don't know what
2 his intent is.

3 So that's why obviously when he picks up the rifle
4 and starts walking at us, we're on high alert. Which is why
5 he let me know that he is headed towards the front door with
6 the rifle in his hand.

7 Q Okay. Did you take any measures like to equip
8 yourself with anything at that point?

9 A Yeah. So right when he -- right when Officer
10 Young informed me that he's walking towards us with a rifle,
11 he announced himself again. Like hey, this is Portland
12 Police. You need to put the gun down now. At this point,
13 since I couldn't see where he was in the apartment since I
14 was on the opposite side of the window, I didn't know if he
15 was five feet away from me or 50 feet away from me. So at
16 the time I unholstered my pistol. Because like I said, I
17 didn't know if he was going to open the door in two seconds.
18 But I just kept it at a low ready.

19 Q Can you show us what low ready looks like?

20 A Yeah.

21 Q I mean, don't pull your pistol.

22 A I'm not going to.

23 Q But just, yeah, with your hand.

24 A Yeah. So like I said, I'm facing the window. And
25 again, like I said, I don't know if he's five feet away from

1 me or 50 feet away from me. So low ready is when you pull
2 it out. It's just kind of, it's aimed at the ground, but
3 it's just obviously readily accessible. Yeah. It's not
4 pointed at anything or anyone. It's just pointed at the
5 ground.

6 Q That just makes it I guess more available to you.
7 it saves you the time of having to pull it actually out of
8 your holster.

9 A Yeah.

10 Q If you need to use it.

11 A Because there's two, there's retentions in our
12 holster. So it just saves me, like I said, if he were to
13 open the door, it just saves me a little bit of time.

14 Q Mm-hmm.

15 A I don't have to break both of those retentions.

16 Q Okay.

17 GRAND JUROR: Can we clarify one thing?

18 MR. DAVIDSON: Yes.

19 WITNESS: Yeah.

20 GRAND JUROR: Which one of you then said Portland
21 Police, can you please put the gun down?

22 WITNESS: That was Andrew Young.

23 GRAND JUROR: Okay.

24 WITNESS: Because like I said he was the one who
25 had visual on him from the start.

1 GRAND JUROR: Yeah. I just wanted to clarify.

2 WITNESS: Yeah.

3 BY MR. DAVIDSON:

4 Q Did he, did he actually use the word please?

5 A Huh?

6 Q Did he actually use the word please? Andrew
7 Young?

8 A I said Portland Police.

9 Q No, no, no. I -- did you say please?

10 GRAND JUROR: Police.

11 MR. DAVIDSON: Oh, I thought you said please. I
12 thought you said please put the gun down. And I guess -- I
13 don't -- (indiscernible) video. I don't think that -- he
14 uses language. It's not please.

15 GRAND JUROR: (Indiscernible) to know what he
16 said.

17 MR. DAVIDSON: Yes. Yeah. Got it. Okay. Sorry.

18 WITNESS: Like I said -- yeah. Go ahead.

19 GRAND JUROR: I'm trying to clarify the view from
20 the windows.

21 WITNESS: Yeah.

22 GRAND JUROR: You're on two different windows on
23 each side of the door.

24 WITNESS: Yes, ma'am.

25 GRAND JUROR: But your side of the window can't

1 see the deceased, but Andrew Young's side can see. So is
2 there like a wall in between? Is it two separate rooms?

3 WITNESS: I never entered the apartment, so I'm
4 not sure.

5 GRAND JUROR: Oh. So you don't know the layout
6 inside.

7 WITNESS: But from what I saw --

8 GRAND JUROR: Yeah.

9 WITNESS: -- it looked like my point of view was
10 like from me to like a kitchen.

11 GRAND JUROR: Okay.

12 WITNESS: And I'm guessing what his point of view
13 was, was from like a bedroom.

14 GRAND JUROR: Okay.

15 MR. DAVIDSON: Maybe a living room.

16 WITNESS: Living room, bedroom.

17 MR. DAVIDSON: Yeah.

18 WITNESS: So, yeah. We had two different point of
19 views of the house, or apartment. My bad.

20 MR. DAVIDSON: All right. Any other questions?

21 BY MR. DAVIDSON:

22 Q So, all right. So you unholster. I'm assuming
23 Officer Young also unholsters?

24 A Yes.

25 Q All right. And what did you both do at that

1 point?

2 A So at that point, obviously Officer Young was
3 trying to maintain visual on the suspect at all times. Like
4 maybe a couple seconds after I think he -- Andrew Young was
5 unable to keep visual on him, so he made a decision to go
6 back to our patrol cars.

7 Q Mm-hmm.

8 A Or, yeah. Go back down the stairs to our patrol
9 cars where we had cover, in case he did open the front door
10 and decide to start shooting at us, and we could call for
11 more resources.

12 Q Okay.

13 A Aka additional units.

14 Q So is it part of your training when confronted
15 with something like this, that distance --

16 A Yeah.

17 Q -- is your friend?

18 A Absolutely. Yeah.

19 Q And why is that?

20 A It just gives us more time to come up with a safe
21 plan. Because obviously the further away we are, he's also
22 further away from us. So like I said it gives us a lot more
23 time to come up with a safe plan. Yeah.

24 Q And cover?

25 A Yeah. So like I said, our patrol cars were parked

1 right down here. All of our doors are ballistic panel.
2 So that means they're bulletproofed to a degree. So having
3 those kind of in front of us gives us a little bit of cover,
4 like I said, in case he were to open the door and just start
5 firing rounds at us.

6 Q Okay.

7 A So we're not just stuck in the middle of the open.

8 Q Mm-hmm. So once you got back down there, what did
9 you two do and what was the plan?

10 A Yeah. So...

11 Q And what did he do. Did he just stay in his
12 apartment?

13 A Yeah. Well, no. So as we were going down the
14 stairs, like I said, since --

15 Q And did you go down the same set of stairs or
16 separate steps?

17 A No. I was just about to get to that.

18 Q Okay.

19 A So since we were on two sides of the -- on the
20 window, I didn't know exactly where he was compared to the
21 door, so I didn't want to run right in front of the door if
22 he were to open it. So Andrew Young went down the center
23 flight of stairs, these ones. Where I had to run all the
24 way down here. Right when I got to here the subject opened
25 the door and just kind of like looked around. That's when I

1 was like hey dude, like it's Portland Police. I was like
2 let me see your hands, because obviously I don't know if he
3 still has the rifle in his hands, where it's at, and all
4 that.

5 Eventually, he like said some profanity, closed
6 the door, and that's when I was able to reconvene with
7 Officer Young down at the patrol cars, where we requested
8 for additional units.

9 Q Is that upper walkway lit?

10 A I'm sorry?

11 Q Was the upper walkway that you were standing on
12 where the apartment is, was it lit?

13 A I believe it was. Not like as lit as we would
14 like, but there were lights up there. Yeah. From what I
15 remember.

16 Q Such that he'd be able to observe that you're
17 dressed in the Portland police officer's uniform?

18 A Yeah. Yeah. 100 percent.

19 Q Okay. And I didn't ask you this, but when you
20 arrived, did you arrive with lights and siren, or?

21 A No.

22 Q Neither?

23 A No.

24 Q All right. All right. So you retreat back to
25 your vehicles and you call for backup.

1 A Yes.

2 Q And is he still in the apartment at this point?

3 A Yeah. So he comes out, like I said. He goes back
4 inside. And then shortly after he comes back out again and
5 just starts yelling more profanities and --

6 Q He actually exits the apartment?

7 A So the first time he kind of just like peaks out.
8 Like I'd say I could see his waist. I could see his legs,
9 or I believe it was his right arm. That's when he like
10 peaked out, yelled a couple things, went back inside. And
11 then when we got back down to our patrol cars, he came out
12 again. And I believe the second time he came out he came
13 all the way out.

14 Q Okay. And was he -- did he have the rifle in his
15 hand?

16 A Yes.

17 Q Okay. And is it just -- oh, I'm sorry -- is it
18 just the two of you still or are you waiting for additional
19 officers? Are they starting to arrive?

20 A Yes. Just the two of us.

21 Q Okay. And are you trying to talk to him, or is
22 someone trying to talk to him? Is he saying things to
23 y'all?

24 A Yeah. Like I said he was yelling profanities, and
25 just some stuff that I couldn't really understand. So at

1 this time, Officer Young, I believe retrieved his patrol
2 rifle from his car. And we tried to communicate with him as
3 best as we could. Like I said we were trying to wait for
4 other resources because it was just the two of us there.

5 Q Mm-hmm. All right. And what did the rifle look
6 like to you? His rifle. Mr. Thorn's rifle.

7 A It looked just like a, just like a normal hunting
8 rifle. It didn't have a scope, but it was like a wooden
9 handle with a black barrel.

10 Q Mm-hmm. All right. So was it your expectation
11 that it was an actual rifle?

12 A Yeah. It looked just like a real rifle.

13 Q Okay. All right. So what happens next?

14 A So he's still out, yelling at us. Shortly after
15 the girlfriend or wife -- I can't remember exactly what the
16 relationship was -- showed up in like a silver SUV. At
17 first I didn't know who she was just because obviously I'm
18 trying to deal -- or we're trying to figure out a safe way
19 to get him into custody.

20 She eventually like let's me know, like hey,
21 that's my -- I want to say it was her husband. But like I
22 said at this point he was out on the balcony with both of
23 his hands on the rifle, yelling at us. I didn't want -- she
24 let me know that both of the kids were in the car as well.
25 In case he did start firing at us, I didn't want her

1 obviously or any of the kids to get hurt. So I kind of
2 had her drive -- oh, it's a different map now.

3 MR. DAVIDSON: Can you get us the overhead again?

4 MS. FRANKLIN: Yeah.

5 WITNESS: I kind of had her drive kind of like
6 over in this area by the tree. Because like I said, just to
7 kind of get her out of the way. At the same time I tried to
8 get some question -- or like tried to ask her a couple of
9 questions, like hey, what's going on tonight. But at the
10 same time I don't want to leave Officer Young by himself
11 while he's talking to the subject and all that. I want to
12 be able to focus on it with him as well so he's not alone.

13 BY MR. DAVIDSON:

14 Q Other officers are arriving while this is going
15 on; is that right? Are there other officers --

16 A By this time I think it was still just the both of
17 us, so that's why I kind of just had her drive down a couple
18 yards just so we could focus on communicating with him until
19 other resources arrived. And then they arrived shortly
20 after that.

21 Q All right. And so, what information did the
22 wife/partner of Mr. Thorn, what information did she give
23 you?

24 A She said that they had gotten into a verbal
25 argument and that he was, she claimed that he was -- had a

1 couple of drinks. And by that time, that's when I was
2 kind of like hey, would you mind just kind of like just
3 going over here for a minute until other resources arrive,
4 and we can try to safely end this.

5 Q Mm-hmm. Did -- sorry -- did she communicate any
6 information about the nature of the gun to you during the
7 conversation with her?

8 A I believe she stated it was a 22-caliber pellet
9 gun.

10 Q Mm-hmm. And is that confusing to you?

11 A Yeah. Because usually -- a 22 caliber is an
12 actual rifle. Pellet guns are -- it's a .77 is the caliber
13 for a pellet gun. So they're not as powerful as a 22.
14 They're relatively close, but they're not as, like I said,
15 as powerful.

16 Q So when someone says hey, they've got a 22, in
17 your mind --

18 A It's a gun.

19 Q It's a gun.

20 A It's 100 percent a gun.

21 Q But she was also saying it was a pellet gun.

22 A Yeah. So that was the confusing part. And again,
23 I didn't want to like give her all of my attention. I
24 wanted to wait with Andrew Young until additional resources
25 arrived for either I to go back and interview or for someone

1 else to continue the questions.

2 Q Okay. All right. So did you -- I guess you
3 handed her off to another officer I think at that point.

4 A Yeah. I can't remember who it was. But, yeah.
5 Yeah. Another officer spoke to her.

6 Q Okay. And then you returned to where?

7 A I returned to Andrew Young until a couple more
8 officers arrived, and that's when I went back and had the
9 other officers talk to her. And by that point I think I was
10 with Officer Gill, just a little bit further away than where
11 I was parked. I think I ended up like right around here,
12 after I passed the wife along to the other officer to
13 communicate with her.

14 Q Okay. And what kind of -- again, what kind of
15 things is Mr. Thorn saying? What kind of things is he
16 doing?

17 A It was really hard to understand. He yelled a
18 couple of threats towards us.

19 Q Like specifically what is he saying?

20 A At one point when -- I think it was Nola was the
21 prime communicator with him -- he said that I'm going to
22 fucking shoot you, or I'm going to shoot your dumb ass. He
23 kept saying a lot of other vulgar statements along those
24 lines. Saying that he was in the -- I believe he said that
25 he was in the marines and that he's killed people before and

1 that he'll do it again.

2 Q All right. So a lot of threats to kill the
3 officers?

4 A Yeah.

5 Q Okay. Was he trying to encourage the officers to
6 kill him? Do you remember stuff along those lines?

7 A Like I said he was kind of -- it was kind of hard
8 to understand him. I believe there was one -- a couple of
9 statements that he said along the lines of like just shoot
10 me, along with more vulgar threats to kill us.

11 Q Okay. And he's got the rifle in his hand during
12 all of this?

13 A Yeah. He has it in both hands.

14 Q Okay. All right. But is he generally not
15 pointing it at the officers at this point?

16 A Not at this point. He was just kind of like, just
17 kind of moving it around. Like every time he would turn.
18 Not like directly pointing it at us, but like I said it was
19 in both of his hands. So every time like he moved a little
20 bit, obviously the rifle moved.

21 Q But he never -- at this point he didn't shoulder
22 it and point it?

23 A No. It was just that it was kind of in both of
24 his hands, just kind of in the front like waist area.

25 Q Okay. And during the course of this incident was

1 there a change in who was primarily trying to interact
2 with him? Like you mentioned Nola. Who's Nola?

3 A Yeah. So she's ECIT certified.

4 Q This is Nola Watts? Is she an officer?

5 A Yes. Yeah. She also works east nights.

6 Q And you said ECIT certified. What is that?

7 A Yeah. So ECIT -- I can never remember what the
8 acronym stands for, but they specialize in communicating
9 with people in distress. They go to like, I believe it's a
10 week long, like a four day, week long extra class where they
11 do a bunch of scenarios and they learn how to communicate
12 with people in distress.

13 Q All right. So it sounds like initially it was you
14 and Officer Young trying to deal with it. Did Sergeant
15 Shadron kind of take over that for a bit?

16 A Yeah. So when I went back to -- had the other
17 officer talk to the wife, I believe that's when Shadron,
18 Officer -- Sergeant Shadron started giving commands for a
19 couple of minutes until Nola arrived.

20 Q Okay. And then Nola took over and was --

21 A Yeah.

22 Q -- attempting to, you know, kind of talk him down
23 a little bit?

24 A Yep.

25 Q Okay. Did that seem to be working?

1 A No.

2 Q Okay. All right. So just kind of walk us through
3 what he ends up doing, what you observed.

4 A Yeah. So I didn't see it, but at one point
5 someone got over the air and said he fired a round in the
6 air. I -- again, I didn't hear it, but that's because I was
7 talking to a couple of the officers. We were trying to come
8 up with a, like a safety plan, and a plan on how to safely
9 get him in custody without putting any of us at risk and
10 putting him at risk.

11 So he -- again, I didn't see or hear it, but he
12 supposedly fired a round and then kept on going back to
13 yelling vulgar statements towards us. And at one point he -
14 - I believe it was a neighbor kind of down at this end of
15 the apartment complex, came out. I don't know what he said.
16 But they kind of got into a little bit of an argument. He
17 started walking towards the neighbor with the rifle in his
18 hands.

19 Q Is that concerning to you?

20 A Absolutely. Because like again we don't know what
21 his intent is. We don't know what kind of mindset he's in
22 at the moment. And from my angle -- I don't know about any
23 of the officers over here, but when I was posted up here
24 shortly -- because B4 is like right around here. Once he
25 hit about, I'll probably say the next door over, just due to

1 where the tree line is, I -- we weren't able to see, or I
2 wasn't able to see him anymore, which is obviously very
3 concerning because he's got a rifle in his hand and he's
4 talking to a member of the public. And I don't know, like I
5 said I don't know what his mindset is. So, yeah. That's
6 obviously very cause of concern for us.

7 Q All right. So what happened next?

8 A He eventually comes back out, or walks back
9 towards the front of his apartment again, yelling a bunch of
10 vulgar statements, threats. At one point he goes back
11 inside of his apartment for about -- I want to say it was
12 about two minutes. At this point, I can't remember who it
13 was, but someone got on the air and said hey, let's like all
14 put our ballistic helmets on. Which we normally keep it
15 either like in the passenger seat of our patrol car or in
16 the trunk of our patrol car. So obviously I had to -- or I
17 ran back up to my patrol car, opened my trunk where I keep
18 my helmet. And as I was putting my helmet on and coming up
19 with a -- or still communicating a plan with, at this point
20 it was Sergeant Shadron, Andrew Young and Officer Kaneda.
21 As I was putting my helmet on he exited the apartment again
22 and came back on the balcony with again both hands -- or,
23 I'm sorry, with one hand on the rifle, and now he was
24 holding a knife in I believe it was his right hand.

25 GRAND JUROR: The gun is in the left and the knife

1 is in the right?

2 WITNESS: I believe so. I can't really remember.

3 GRAND JUROR: Okay.

4 WITNESS: But either way he had a rifle in one
5 hand, a knife in the other hand. And it's kind of hard to
6 hear on the video. I don't know when the video is playing,
7 but you'll be able to hear -- or there's like a transcript.
8 I don't know if that will show. Okay. But again, it's hard
9 to understand him just because we're so far away, and like
10 our microphones only work so well. But he does say
11 something (indiscernible). I think he was talking to Nola,
12 or Officer Watts, saying like I'm going to slit your throat.

13 And then, kind of -- or I guess let me go back.
14 Once he goes back in the apartment, we don't know if the gun
15 is still loaded or anything like that. We don't know if he
16 put more ammunition in it or anything like that. So when he
17 comes back out, I believe he puts the knife -- he puts the
18 knife in one of his pockets I believe, then has both hands
19 on the rifle. For a couple more minutes is still yelling
20 threats and just screaming at us.

21 Eventually, he shoulders the rifle, lifts the
22 rifle over the railing and points it at all of us, placing
23 us in immediate threat of death or serious physical injury.
24 At that point Officer Young fired one round from his rifle.
25 BY MR. DAVIDSON:

1 Q So is that, is that -- and this -- I guess you
2 were there about a half an hour I think between --

3 A Yes.

4 Q Or a little bit longer between when you arrived
5 and when the shot was fired, correct?

6 A Yes.

7 Q And during all of that previous time, he had not
8 taken that particular action of shouldering the --

9 A No.

10 Q -- rifle and pointing it at the police.

11 A No. Like I said before, he mainly just had it in
12 both of his hands and was just kind of walking around,
13 walking around with it. But once he came out the second
14 time, after a couple minutes, like I said, is when he
15 actually shouldered the rifle, lifted it over the railing
16 and pointed it at all the officers on scene. Like I said,
17 placing us all in immediate threat of death or serious
18 physical injury.

19 Q All right. And you heard Officer Young fire one
20 round?

21 A Yep.

22 Q All right. All right. What happened after that?

23 A So after Officer Young fired one round a custody
24 -- or not custody. But a medical aid team was put together
25 pretty quickly. I want to say we were up there within 30 to

1 45 seconds.

2 Q So why is -- I mean, some -- we'll more about this
3 later. But some measures need to be taken in these
4 scenarios is how you're trained, correct?

5 A Yes.

6 Q You can't just run up there without taking
7 precautions; is that right? And maybe you can explain why.

8 A Yeah. So the reason we don't run up there like
9 immediately is like we don't know again what his condition
10 is. We don't know if the gun is still in his hand, if he's
11 got his finger on the trigger and all that. So the 30
12 second pause was us visualizing him, seeing that he was
13 laying on the ground. I believe the rifle was still within
14 arm's reach, but he wasn't like actively reaching for it or
15 anything like that. So again, that was kind of the pause.
16 We want to make sure it's safe for us, and at the same time
17 safe for him.

18 So once we -- oh, sorry. Once we deemed it safe
19 for us to approach, I believe it was -- I believe there was
20 six of us that went up there. It was me, Officer Gill --

21 Q I don't necessarily need the whole crew.

22 A Okay.

23 Q There was -- you brought what was called a
24 ballistic shield; is that right?

25 A I don't believe we brought that up.

1 Q No ballistic shield?

2 A I don't think so.

3 Q Okay.

4 A Because I was the first one up the stairs. And
5 usually if we're going into a situation like that, the first
6 person would be holding a ballistic shield in case, like I
7 said, he still had the rifle in his hands and he started,
8 decided to start firing rounds at us. It's just a little
9 bit of protection for us to be able to retrieve back to our
10 patrol cars.

11 Q All right. So what happened when you got up
12 there? What did you see?

13 A So we got up there. Like I said I was the first
14 one up there. I still had my pistol out because like I said
15 I don't know if he's still readily -- had the rifle in his
16 hands or anything like that. When I get up there he was
17 laying on the ground, moaning and kind of moving around.
18 But not, like I said not reaching around like trying to
19 actively grab the knife or the rifle.

20 So we go up there. I can't remember who it was.
21 We placed him into handcuffs just to take the knife and the
22 gun out of play to make sure it's safe, again, for all of
23 us. We put him in what's called the recovery position,
24 where you sort of lay him on either side, and you cross
25 whatever leg. Which is what we're trained at basic academy

1 and advanced academy.

2 Q Is that to preserve his airway and make sure --

3 A Yeah. Just to make sure he can breathe properly.
4 And like I said it just gives us a better way to like check
5 him to see where his wounds are at and then allow us to
6 apply medical aid.

7 Q And did you -- were you involved in the medical
8 aid part of it?

9 A Yeah. So I can't remember who it was, but someone
10 using the trauma shears cut his shirt open to see where he
11 was actually hit at, or if he was hit. I looked -- we saw
12 an entry wound. I believe it was on the, his left ribcage.
13 And in wounds like that obviously you can't apply a
14 tourniquet or you can't wound pack, so we have what's called
15 a chest seal, where it's -- there's like adhesive on one
16 side with like kind of like a little gold ball size circle
17 that is non-adhesive with three little strips that allow air
18 to exit the chest cavity without allowing air to enter.

19 So I put, I placed a chest seal over the wound and
20 I continued to search for additional, if there was any
21 additional wounds. We didn't locate any other wounds, so at
22 that point we just continued to apply medical aid. We had
23 AMR that was staged. I don't know where exactly they were
24 staged, but they were --

25 Q AMR being the medical --

1 A Yeah.

2 Q -- ambulance service?

3 A Ambulance. They were I want to say at least a
4 block away. They arrived and ultimately took over the
5 medical portion just because they're obviously a lot more
6 trained than we are in that area. So, yeah, once medical
7 arrived and took over the -- or took over, I'm sorry, the
8 medical portion of it, yeah. That's kind of where our
9 medical portion ended.

10 Q All right. All right. And then at that point
11 obviously because an officer applied deadly force during
12 this encounter --

13 A Yep.

14 Q -- there's a whole protocol that goes into place;
15 is that right?

16 A Yes. So after -- how it usually goes is if an
17 officer has to use deadly force he is kind of essentially
18 taken out of the equation and brought back to like a patrol
19 car that's kind of far away. Because obviously it's a very
20 traumatic and stressful situation that they have to go
21 through. I believe -- I don't know exactly what car, patrol
22 car.

23 Q Not important.

24 A Okay.

25 Q Yeah.

1 A But anyway, it was obviously further, or
2 furthest away from the scene itself.

3 Q All right. So again, Andrew Young was isolated
4 from the rest of the officers.

5 A Yes.

6 Q Nobody spoke to him about what occurred.

7 A Yep.

8 Q All right.

9 A So, yeah, that's kind of our policy.

10 Q All right.

11 A (Indiscernible).

12 Q And, you know, you -- what was your role post
13 shooting, post first aid?

14 A Yeah. So after, because I was right behind
15 Officer Young when he fired the round, which you'll see in
16 the video. It was me and Officer Kaneda were with him.
17 After Mr. Thorn was brought to the ambulance, we started
18 knocking on people's doors to obviously make sure they're
19 okay and then just to see if they witnessed anything.

20 Q Mm-hmm.

21 A I believe I talked to two witnesses.

22 Q Okay. And we don't need to get into their
23 statements.

24 A Yeah.

25 Q But so, you did a little bit of canvassing.

1 A Yep.

2 Q And then you were eventually interviewed by a
3 detective about what you observed?

4 A Yeah. So, yeah, as a witness you're also kind of
5 like isolated. So I went back to my patrol car and waited
6 until, excuse me, detectives came to interview me.

7 MR. DAVIDSON: Okay. So we -- the plan now is to
8 play -- unless you guys need a break or anything, is to play
9 the body-cam, Officer Pearce's body-cam. It's about 30, 40
10 minutes or more. Just obviously at the end you will see
11 obviously video of Mr. Thorn. There's a little bit of
12 blood. It's not particularly goory, but I just wanted to
13 give everyone a heads up just that there is some of that at
14 the end, okay? All right. So we'll go ahead and roll that.
15 And again, there's a 30 second delay as far as the audio
16 kicking in. So we can get it to play.

17 MS. FRANKLIN: Do you want me to close the blinds?

18 GRAND JUROR: Yeah. I think that might be good.

19 MR. DAVIDSON: Yeah.

20 (Crosstalk)

21 MR. DAVIDSON: That's not what you want.

22 WITNESS: Am I in the way of you guys?

23 GRAND JUROR: No.

24 MR. DAVIDSON: I miss the old school light switch
25 where you just flip it up or down, you know?

1 MS. FRANKLIN: There you go. Yeah. All right.
2 You good?

3 MR. DAVIDSON: Yep. That's perfect.
4 (Video plays)

5 BY MR. DAVIDSON:

6 Q So did you manually activate your body-cam or did
7 it activate because of some other automatic --

8 A No. I manually activated it.

9 MR. DAVIDSON: Can you pause it for one second?
10 So, Officer Pearce, I'm assuming you recognize what we're
11 looking at here.

12 WITNESS: Yep.

13 BY MR. DAVIDSON:

14 Q What are we looking at here?

15 A This is me and Officer Young going up the middle
16 staircase up to Apartment 4B.

17 Q Okay.

18 A Or B4. Sorry.

19 Q And you're putting rubber gloves on or latex
20 gloves.

21 A Mm-hmm.

22 Q Is that something you normally do?

23 A Yeah. I'm kind of a germophobe, so I just like to
24 put gloves on.

25 MR. DAVIDSON: I need you to pause it for one more

1 second, please. So I guess it might be obvious, but one
2 of the I guess downsides or short comings of the body-worn
3 camera is that it's mounted, fixed to your chest.

4 WITNESS: Yeah.

5 MR. DAVIDSON: So it's just looking wherever your
6 chest is pointed.

7 WITNESS: Yeah.

8 BY MR. DAVIDSON:

9 Q For example, if your head is looking around, it
10 wouldn't necessarily track with that, right?

11 A Yeah. No.

12 Q So.

13 A It's just going to pick up I want to say like the
14 field of view of the body-camera is like right around there.
15 So, yeah. Like I said it's just wherever my chest goes, the
16 camera shows.

17 Q Okay.

18 (Video continues)

19 MR. DAVIDSON: Can you all hear okay?

20 GRAND JUROR: Mm-hmm.

21 MR. DAVIDSON: More volume maybe.

22 (Asides)

23 MR. DAVIDSON: Does it normally play through this
24 speaker or does it -- do we know? Do you guys know?

25 GRAND JUROR: I think it plays through the

1 speaker.

2 GRAND JUROR: We have only gotten it through that
3 one.

4 MR. DAVIDSON: Okay.

5 GRAND JUROR: Yeah.

6 MS. FRANKLIN: I'll put it a little louder then.

7 (Video continues)

8 MR. DAVIDSON: Can you pause that for a second?
9 Did he just call you the N-word or did he scream the N-word?

10 WITNESS: Yeah, he did. Yeah.

11 MR. DAVIDSON: Okay. I couldn't quite
12 (indiscernible).

13 (Video continues)

14 MR. DAVIDSON: Can you pause for one sec? Did he
15 just say you want me to get a real fucking weapon? Is that
16 what he -- I couldn't quite make out what he said.

17 WITNESS: I've listened to it a couple of times
18 and I still can't make out what it says.

19 MR. DAVIDSON: Okay.

20 WITNESS: Like I said the microphones on our body-
21 cams, they're not the greatest. But...

22 MR. DAVIDSON: Yeah. One other thing I've --

23 GRAND JUROR: They're pretty clear.

24 MR. DAVIDSON: I'm sorry?

25 GRAND JUROR: They're pretty clear.

1 MR. DAVIDSON: Yeah. Well, he's -- Mr. Thorn is
2 being quite loud so it's easy to pick up for the most part.
3 One other thing I'll comment on -- I haven't watched a lot
4 of this video -- is that you guys have trained multiple
5 lights on him.

6 WITNESS: Mm-hmm.

7 MR. DAVIDSON: Including you've got like a take --
8 what do you call it? A take down light on the front,
9 outside of the vehicle.

10 WITNESS: Yeah. So we have our -- we have
11 spotlights on each side of the vehicle, and then on the
12 front light bar there's a button on the inside of our patrol
13 car where the front facing portion is just one solid LED
14 light.

15 MR. DAVIDSON: Okay.

16 WITNESS: So, yeah. We activated our --

17 MR. DAVIDSON: And I will say that in my
18 observations of watching the video, it tends to wash Mr.
19 Thorn out. So it's kind of difficult to actually see him in
20 some of this bodycam because there's so much light on him
21 it's difficult to actually track, actually visualize him
22 because there's so much light on him. You probably saw him
23 fine, but the camera --

24 WITNESS: Yeah.

25 MR. DAVIDSON: -- had some difficulty with it. So

1 I just wanted to warn the grand jurors about that. Okay.

2 (Video continues)

3 MR. DAVIDSON: So at this point you are -- I think
4 you're starting to interact with I guess Mr. Thorn's wife or
5 partner who's arrived on scene; is that right?

6 WITNESS: Yeah. Because like I said when I first
7 interacted with her she was right behind me. She rolled
8 down her window, I think trying to get my attention as well.
9 Like I said I was kind of split between her and Mr. Thorn.

10 MR. DAVIDSON: So that's who you're speaking with
11 here?

12 WITNESS: Yeah. Sorry. That's Mrs. Thorn.

13 MR. DAVIDSON: Okay.

14 (Video continues)

15 MR. DAVIDSON: So that's when she says to you it's
16 a bb gun, but then she also says it's a 22.

17 WITNESS: Yeah.

18 MR. DAVIDSON: That's the part you describe as
19 being contradictory in your mind.

20 WITNESS: Yeah.

21 MR. DAVIDSON: Because a 22 is not a bb gun. It's
22 a rifle.

23 WITNESS: Yeah.

24 MR. DAVIDSON: Okay.

25 (Video continues)

1 MR. DAVIDSON: So, Officer, at this point this
2 is Officer Shadron who is now kind of taking over and trying
3 to speak with him. Is that who we're hearing?

4 WITNESS: Yeah. You'll hear -- yeah, he's the
5 (indiscernible).

6 MR. DAVIDSON: Sorry. Sergeant Shadron.

7 WITNESS: Yeah.

8 (Video continues)

9 GRAND JUROR: What's he saying? Orange barrel?

10 MR. DAVIDSON: He's saying -- I believe he's
11 saying break barrel. Is that what he's saying?

12 WITNESS: I believe so.

13 GRAND JUROR: Grey barrel?

14 GRAND JUROR: I heard Crate and Barrel.

15 GRAND JUROR: I heard French barrel.

16 GRAND JUROR: I'm sorry. What did you say?

17 MR. DAVIDSON: Okay. I believe -- a break barrel
18 is a type of gun that --

19 GRAND JUROR: Oh. Okay.

20 WITNESS: Yeah.

21 MR. DAVIDSON: -- you -- I think. Is that right,
22 Officer?

23 WITNESS: Yeah. So the break barrel, like I said,
24 obviously all rifles are (indiscernible). The way the break
25 barrel works is you essentially break the barrel and you can

1 --

2 MR. DAVIDSON: It doesn't literally break, but --

3 GRAND JUROR: Right.

4 WITNESS: Yeah.

5 MR. DAVIDSON: -- it's on a hinge.

6 WITNESS: So it's still -- there's still

7 (indiscernible) attached down below.

8 GRAND JUROR: Oh.

9 GRAND JUROR: But it's a real --

10 WITNESS: I'm sorry?

11 GRAND JUROR: It's a real gun?

12 WITNESS: Yeah. It's --

13 GRAND JUROR: A hunter gun, or?

14 WITNESS: I'm sorry?

15 GRAND JUROR: Is it like one of those hunting

16 guns.

17 WITNESS: I mean --

18 GRAND JUROR: Break it --

19 WITNESS: Yeah. So it's just a --

20 GRAND JUROR: Oh, okay.

21 WITNESS: -- there's multiple ways --

22 MR. DAVIDSON: Have you ever seen how a shotgun

23 loads?

24 GRAND JUROR: Yes, yes.

25 MR. DAVIDSON: Like an old style shotgun. I think

1 that's what we're talking about.

2 WITNESS: Mm-hmm.

3 GRAND JUROR: Would that apply to a pellet gun as
4 well, or that --

5 WITNESS: I'm sorry?

6 GRAND JUROR: Would that apply to like a bb gun as
7 well, or?

8 WITNESS: I mean, it depends on the brand.

9 GRAND JUROR: Okay.

10 WITNESS: But I know some pellet guns break. Some
11 you just kind of put it into the side.

12 GRAND JUROR: And some real guns too. Okay. So
13 that's not --

14 WITNESS: And then the obviously real --

15 GRAND JUROR: -- determining either way.

16 WITNESS: -- guns as well break.

17 GRAND JUROR: Gotcha.

18 WITNESS: And you can load it through different
19 ways as well.

20 GRAND JUROR: Sorry. Before we start. One more.
21 I do apologize.

22 WITNESS: Yeah.

23 GRAND JUROR: When you guys kept saying put the
24 gun down, was he -- what was he doing? Was he doing it?
25 Was he not?

1 WITNESS: No. So that was where I was kind of
2 talking like he had it in both of his hands.

3 GRAND JUROR: Okay. Thank you.

4 WITNESS: He was kind of just like walking kind of
5 back and forth.

6 GRAND JUROR: I see.

7 WITNESS: Yeah. So he still had it in both of his
8 hands, but he wasn't like directly pointing it at us at this
9 time.

10 GRAND JUROR: Thank you.

11 GRAND JUROR: Okay.

12 (Video continues)

13 MR. DAVIDSON: Can you pause it for a second? Is
14 this where Nola Watts, the ECIT officer, takes over at this
15 point?

16 WITNESS: Yeah.

17 (Video continues)

18 GRAND JUROR: Can we pause for a minute?

19 MR. DAVIDSON: Yeah.

20 GRAND JUROR: What's a 40?

21 MR. DAVIDSON: We talked about that a little bit
22 earlier.

23 WITNESS: Yeah. It's a 40-milimeter -- it's like
24 our less lethal.

25 GRAND JUROR: Oh, yeah.

1 WITNESS: Yeah. (Indiscernible) kind of like a
2 Nerf ball.

3 GRAND JUROR: Gotcha. Okay. Thank you.

4 (Video continues)

5 MR. DAVIDSON: Can you pause that for one second?
6 So has he gone back into the apartment at this point?

7 WITNESS: Yeah.

8 MR. DAVIDSON: Okay. All right.

9 GRAND JUROR: Were those shots? What were those?

10 MR. DAVIDSON: There was a noise. Is that the
11 door slamming maybe?

12 WITNESS: I believe so.

13 MR. DAVIDSON: Okay.

14 WITNESS: Like I said, I can't -- I was talking to
15 someone. I didn't -- like I said (indiscernible).

16 GRAND JUROR: No shots fired at that point?

17 WITNESS: No.

18 GRAND JUROR: Okay.

19 (Video continues)

20 MR. DAVIDSON: Can you pause it real quick? So
21 who are we looking at here?

22 WITNESS: Sergeant Shadron is out of the picture
23 now, but he's to the left. This is Officer Young, and this
24 is Officer Kaneda with the 40.

25 MR. DAVIDSON: Okay.

1 (Video continues)

2 GRAND JUROR: Quick question. For the 40
3 millimeter, so what's the distance that you normally would
4 consider using that?

5 WITNESS: So the, kind of like the threshold where
6 like the furthest away you would use a 40 is about 40 yards.
7 And then it's about -- the closest would be about I believe
8 it's seven yards.

9 GRAND JUROR: Okay.

10 WITNESS: So in that kind of like 35-ish yard
11 range is when it's like optimal distance wise to deploy a 40
12 millimeter.

13 GRAND JUROR: And you said it's less lethal. Why?
14 I have no idea about guns.

15 WITNESS: I'm sorry?

16 GRAND JUROR: I don't know anything about guns.

17 WITNESS: Yeah. So let's see how I could best
18 describe it. So I don't know if you have any photos that
19 might help.

20 MR. DAVIDSON: And just so you know, we'll have
21 Officer Kaneda who is the actual 40 millimeter operator.

22 GRAND JUROR: Okay.

23 MR. DAVIDSON: But it's not, it's not a metal
24 bullet. It's not a metal round, right?

25 WITNESS: No, it's not a bullet.

1 GRAND JUROR: Okay.

2 WITNESS: Like I said the cartridge is about that
3 big. The projectile that comes out, it's kind of like a
4 blue kind of like hard foam.

5 GRAND JUROR: Oh, okay.

6 WITNESS: So it's not -- it doesn't penetrate the
7 skin.

8 GRAND JUROR: Okay.

9 WITNESS: Essentially it's --

10 GRAND JUROR: Just hurt?

11 WITNESS: Yeah. It's like getting hit by like a
12 95 mile an hour fastball. Does that make sense?

13 GRAND JUROR: Okay.

14 GRAND JUROR: Before you put on your helmet I
15 think I heard you mention or somebody near you mentioned
16 that he's pointing the gun at you. Is this where he --

17 WITNESS: That's when he's like moving around.

18 GRAND JUROR: Moving around. Okay.

19 WITNESS: And like, so the entire time he's like
20 walking around, like he's kind of like flailing his arms.
21 So like, it's like he's not -- like the muzzle is in our
22 direction, but at this point he hasn't like directly like,
23 like I said shouldered it and pointed it at us.

24 MR. DAVIDSON: He's sweeping you with the muzzle.

25 WITNESS: Yeah. So like...

1 MR. DAVIDSON: Rather than pointing it
2 intentionally at you.

3 WITNESS: Yeah. So every time he like turns --

4 GRAND JUROR: Is it -- sorry. Is it -- it's
5 difficult to fire -- like is it difficult to fire? Because,
6 yeah. I don't know. Like from -- without shouldering it?

7 WITNESS: Like accurate wise?

8 GRAND JUROR: Yeah.

9 WITNESS: So, I mean, if you're looking for like,
10 I guess (indiscernible) say like an accuracy --

11 GRAND JUROR: I mean, obviously you can pull the
12 trigger. But, okay.

13 WITNESS: Yeah.

14 GRAND JUROR: But shouldering it is --

15 WITNESS: The more accurate would be to shoulder
16 it to be able to look down the iron sights. But you -- it
17 takes maybe a second to -- if you just put your finger on
18 the trigger, even from the side, and again --

19 MR. DAVIDSON: And you can kind of see in the
20 video every time he sweeps the officers in that -- like you
21 bring your gun up. People are reacting.

22 WITNESS: Yeah. And I'm -- yeah. And I'm not
23 pointing my gun directly at him. It's still at that low
24 ready where it's not, like I said it's not at him. It's
25 kind of like -- yeah. It's not at him.

1 GRAND JUROR: I'm sorry if I missed this.

2 WITNESS: No. You're fine.

3 GRAND JUROR: Did you mention at some point he was
4 -- he did try to shoot at someone? Like the neighbor
5 altercation?

6 WITNESS: No. So that's
7 when he walked towards the neighbor with the gun in his
8 hand.

9 GRAND JUROR: Sure.

10 WITNESS: I believe just a couple seconds ago
11 that's when Officer Young said he witnessed him fire it into
12 the air. He never --

13 GRAND JUROR: Yeah. I saw him break the barrel
14 and fire in the air.

15 GRAND JUROR: That's what it was.

16 WITNESS: Yeah. So that was --

17 GRAND JUROR: That was Officer Young?

18 WITNESS: Yeah.

19 GRAND JUROR: Okay.

20 WITNESS: So I'm going to assume Kaneda saw it as
21 well. Maybe he did, maybe he didn't. I don't know.

22 MR. DAVIDSON: But you didn't see it?

23 WITNESS: I didn't see it.

24 MR. DAVIDSON: Okay. All right.

25 WITNESS: But, yeah.

GRAND JUROR: Thank you.

1 MR. DAVIDSON: Any other questions?

2 GRAND JUROR: Thank you.

3 MR. DAVIDSON: All right. Let's go on.

4 (Video continues)

5 MR. DAVIDSON: Pause it for one second. So do you
6 know what he's referring to? Was there information coming
7 over the radio to you all about a prior incident where they
8 determined that Mr. Thorn had fired an actual rifle?

9 WITNESS: Yeah. So I didn't know, I didn't know
10 that at this point.

11 MR. DAVIDSON: Oh. You didn't know that then?

12 WITNESS: No. I learned that further down the
13 road.

14 MR. DAVIDSON: Okay. So you did not hear that
15 information over the radio?

16 WITNESS: No.

17 MR. DAVIDSON: Okay. All right. Well, we'll talk
18 to another officer about that then.

19 (Video continues)

20 MR. DAVIDSON: Pause it. Sorry.

21 GRAND JUROR: I missed the (indiscernible) where
22 your partner shot.

23 WITNESS: Mm-hmm.

24 MR. DAVIDSON: Okay. Yep.

25 MS. FRANKLIN: Do you want me to go back?

1 MR. DAVIDSON: Yeah. Just (indiscernible).

2 (Video continues)

3 GRAND JUROR: One more thing. So the guy where
4 the light is shining, that's him, right? But I can't see
5 him through that glare. Is that him there where the light
6 is shining at the side?

7 GRAND JUROR: That shadow.

8 GRAND JUROR: Yeah.

9 MR. DAVIDSON: Can you point -- Officer, can you
10 point to where he's at?

11 GRAND JUROR: That's him. Okay.

12 WITNESS: I believe it is. Like I said it's going
13 to be hard for me to kind of (indiscernible). I think -- I
14 want to say he's more towards the center of his apartment.

15 GRAND JUROR: Okay. So that --

16 (Crosstalk)

17 WITNESS: If I remember, like when we approached
18 after the incident, he's kind of like in the front door of
19 his apartment, which I want to say (indiscernible).

20 GRAND JUROR: Yeah.

21 WITNESS: Like I want to say it's right around
22 here.

23 GRAND JUROR: Okay.

24 WITNESS: I think this is just like a shadow of
25 something.

1 GRAND JUROR: Okay.

2 GRAND JUROR: So we can't necessarily see him.

3 GRAND JUROR: No.

4 GRAND JUROR: It looks like the gun is pointing to
5 the right (indiscernible).

6 MR. DAVIDSON: Yeah.

7 WITNESS: Yeah.

8 (Video continues)

9 MR. DAVIDSON: Okay. We can stop that there. All
10 right. So does that comport with your recollection of the
11 evening?

12 WITNESS: Yes.

13 MR. DAVIDSON: Okay. All right. I think those
14 are all of the questions I have for Officer Pearce. Anybody
15 with any additional questions for Officer Pearce?

16 GRAND JUROR: One question before you guys go.

17 WITNESS: Yeah.

18 GRAND JUROR: So in the moment when he got shot,
19 that's the point where he -- when he did that action?

20 WITNESS: Yeah. So that's when, obviously when
21 Officer Young fired is when he shouldered.

22 GRAND JUROR: Now, the gun in the footage does
23 look like a .22, but given that red in the back of the gun,
24 it looks like a pellet gun. Was it examined at all for
25 whether it was a .22 or a pellet gun?

1 MR. DAVIDSON: There will be additional
2 testimony about that.

3 GRAND JUROR: Oh, okay.

4 MR. DAVIDSON: This -- Officer Pearce didn't
5 handle --

6 GRAND JUROR: This is just a recollection of that.

7 MR. DAVIDSON: Yeah. This is just -- there's lots
8 of other witnesses who will talk more about that. Yeah.

9 GRAND JUROR: Thank you.

10 GRAND JUROR: Officer Pearce?

11 WITNESS: Yes.

12 GRAND JUROR: Did you recognize what he said just
13 before he was shot?

14 WITNESS: I'm sorry?

15 GRAND JUROR: I think I did. He said something
16 just before the rifle was fired.

17 GRAND JUROR: Was it you know what?

18 GRAND JUROR: That's what I thought I heard.

19 GRAND JUROR: Yeah.

20 GRAND JUROR: Is you know what.

21 WITNESS: I don't recall.

22 GRAND JUROR: And he said bring it on or
23 something.

24 GRAND JUROR: It was the person on the deck I
25 heard saying --

1 MR. DAVIDSON: Yeah.

2 GRAND JUROR: Right. Because she was in the
3 middle of saying I don't, I don't want your neighbors to
4 hear all your business, and then --

5 GRAND JUROR: Okay.

6 MR. DAVIDSON: Yeah. Anybody else for Officer
7 Pearce? No. Okay. Great.

8 Do you want to take a break now or do you want to
9 just power forward?

10 (Crosstalk)

11 MR. DAVIDSON: Yeah. Absolutely. We'll go off
12 the record. And Officer Pearce you are free to go.

13 WITNESS: Awesome. Thank you.

14 GRAND JURORS: Thank you.

15 (Off the record)

16 (On the record)

17 MR. DAVIDSON: Okay. All right. We are back on
18 the record in the grand jury that we were previously
19 considering. And we will call our next witness, and that is
20 Officer Gill.

21 (Asides)

22 MR. DAVIDSON: Go ahead and remain standing and
23 raise your right hand.

24 CHARLES GILL

25 was thereupon called as a witness; and, having been first

1 duly sworn, was examined and testified as follows:

2 BY MR. DAVIDSON:

3 Q Okay. Go ahead and have a seat. I'm going to
4 have you state and spell your full name for us, please.

5 A My name is Charles Gill. C-h-a-r-l-e-s G-i-l-l.

6 Q All right. And how are you employed?

7 A I work for the Portland Police Bureau. I work out
8 of East Precinct on night shift, and I've been in law
9 enforcement for eight years.

10 Q That entire time with Portland?

11 A Split five years with Portland and three years at
12 (indiscernible) Police.

13 Q All right. And I'm assuming you went to the usual
14 academies.

15 A Correct.

16 Q All right. And do you have a college degree?

17 A No, I don't.

18 Q Okay. And your current assignment is what again?

19 A Night shift on East Precinct patrol.

20 Q All right. And do you carry any other special
21 skills? Are you a rifle operator or any kind of other
22 training?

23 A 40-milimeter operator.

24 Q Mm-hmm. All right. All right. And I think you
25 know why we're here. We're here to discuss this incident

1 that occurred last October 4th, 2024. Were you on duty,
2 in uniform and displaying a badge that night?

3 A I was.

4 Q And were you operating a marked police vehicle?

5 A I was.

6 Q The incident I think as you're aware is -- it
7 started out as a, I think a DV call that Officers Pearce and
8 Young were called to. What were you doing when you first
9 heard about what was going on there?

10 A I had just got cleared from an unrelated call and
11 was in the area of (indiscernible) and Powell when I heard
12 Officer Young give some radio transmissions that were
13 concerning. He mentioned there was a guy inside of an
14 apartment walking towards the door with a gun, and then the
15 next update was that the guy was going to be coming out of
16 the apartment with a gun.

17 Q All right. And was he asking for cover?

18 A Yeah. At that point when we hear statements like
19 that, everybody starts (indiscernible) and heading that way.
20 So he had a lot of cover officers going.

21 Q All right. And do you remember approximately how
22 long it took you to get there?

23 A It took me about six minutes to get there.

24 Q Okay. And what did you observe when you arrived
25 there?

1 A When I arrived there was a shirtless male on the
2 second balcony holding a rifle. We had patrol cars that
3 were positioned facing the apartment, and I could hear
4 officers attempting to communicate with the subject.

5 Q All right. What role did you take when you
6 arrived there?

7 A Once I arrived --

8 Q Can you hit the overhead, please? Thank you. Go
9 ahead.

10 A Oh. Once I arrived I knew the other officers were
11 already communicating. Once somebody starts communicating
12 we let them follow through with that so we're not having
13 eight people trying to talk to somebody and confuse them.

14 Q Mm-hmm.

15 A From there I just set up with another officer that
16 was to my left and an officer to my right. From where our
17 car was we just started talking about what our contingency
18 plans were if things were to change. Say he was to come
19 down the stairs or anything like that. And then I also
20 ended up being part of a custody team. so planning for what
21 it would look like in the event we take him into custody,
22 whether he comes down the stairs or we have to go up and
23 approach him.

24 Q And that plan for the custody team was actually in
25 place way before Officer Young fired a shot; is that right?

1 A Correct.

2 Q All right. So that's why. And we saw in the
3 video already, just so you know, it seemed like as soon as
4 the shot was fired, the custody team seemed like it was
5 ready to go and walked up the stairs, because that work had
6 already been done, right?

7 A Correct. Yes.

8 Q Okay. Got it. All right. So if you turn behind
9 you, you'll see an overhead that -- let me know if you
10 recognize what we're looking at here.

11 A Yeah. This is the apartment we responded to.

12 Q Okay. And where exactly did you -- were you
13 static as far as where you posted up, or did you move around
14 the scene?

15 A No. I stayed in one spot the whole time. I
16 believe my car was somewhere either kind of in this general
17 area.

18 Q Mm-hmm.

19 A It was pretty much in line with the road. I just
20 called it my car. It was actually a supervisor's car I
21 ended up behind. My car was over here. But I ended up
22 walking back to a car, here. And then from there I stayed
23 in that position the whole time and was watching towards I
24 guess the northeast.

25 Q Okay. And so, were you taking hard cover then?

1 A Correct. I was standing behind the patrol car.
2 And luckily I'm tall enough and I can see over the top of
3 it, but I was standing behind the car for cover.

4 Q All right. And were you equipped with your 40-
5 milimeter launcher or were you -- did you have your pistol
6 out? What were you equipping yourself with?

7 A I originally got there and immediately got my 40-
8 milimeter out to employ that from the distance there. About
9 halfway through I ended up being (indiscernible) like the
10 maximum effective range of our 40-milimeter. He's also
11 standing on the second story which makes it difficult, and
12 he's standing behind a, I don't know, like a metal railing
13 that has a top bar and then bars every four inches or
14 whatever it is. But it's covering from probably about his
15 naval area down, which is our preferred target area. We're
16 not -- unless it's like lethal force to use, to aim for the
17 head or the upper chest, we aim for chest line or lower. So
18 it only left about maybe a foot of a place for me to target.
19 But with him up there being agitated, moving around,
20 constantly turning and stuff, and then those bars being in
21 the way, I didn't really have a clear shot.

22 At one point I transitioned to my handgun, and
23 then kind of came to the same conclusion that I'm not in the
24 best spot to be doing this. At that point I think is when
25 another officer arrived with the patrol rifle. Those are

1 better for longer distances. So I let him do that, and
2 switched back to my 40, and then just kept my 40 in case
3 there was some sort of change where he comes down or we have
4 to move up and address him with less lethal.

5 Q Okay. So this rifle you saw in his hand, what did
6 it look like to you?

7 A It looked like a hunting rifle. It was a wood
8 stock with a black metal barrel.

9 Q Okay. So to you it looked like a real gun?

10 A Yes.

11 Q All right. Now, what -- how is he presenting?
12 What is he saying? Is he -- what's his demeanor?

13 A The whole time he's yelling about that we're going
14 to have to kill him, he's going to kill us, he's going to
15 kill himself, and that he's killed people before. He's
16 yelling all that kind of stuff. He mentions that he killed
17 the Taliban. Made a statement about PTSD. So at that point
18 we had some building knowledge that he might have been a
19 veteran, which also then kind of kicked into that ECIT
20 mindset where ECIT starts communicating with him.

21 But he's up there yelling all of that the whole
22 time, you know, moving the gun around a bunch.

23 Q Mm-hmm. Okay. Now, there's I guess some
24 conflicting information coming to the officers at the scene
25 that, is this a real firearm, is it not a real firearm.

1 What kind of information were you getting about that?

2 A So at one point he ends up pointing it in the air
3 and pulling the trigger. There's a click. It sounds like
4 an empty chamber fire. At that point certain sergeants I
5 believe got on the radio and said oh, it's just a pellet
6 gun. I'm not a firearm expert. I know a decent amount
7 about many different types of guns, and even air guns.

8 So just because you didn't hear anything, you
9 can't assume that it's not a real gun. I know air rifles
10 can shoot at velocities that are sometimes higher than what
11 probably our handguns fire at. So they're still lethal.
12 They can still cause serious physical injury. So it's still
13 concerning whether it's an air rifle or real rifle.

14 Q All right. At some point did you also receive
15 information from another officer over the air about a prior
16 incident that Mr. Thorn had been involved in that was
17 confirmed to have been a real firearm?

18 A Yeah. At one point there was an update. An
19 officer was doing some intel work on backend, looking
20 through all the reports. And there was an incident in 2024
21 I believe it was that officers responded and located .22
22 caliber casings, and that those were then, I believe through
23 state lab testing, tied back to him.

24 Q Okay. So you had received information over the
25 air that there was a prior call out there to the same

1 location where it was believed that Mr. Thorn had fired an
2 actual .22 caliber rifle?

3 A Correct. Yeah. Casings were recovered, and from
4 what the intel was, it sounded like a very similar incident,
5 aside from police being on scene.

6 Q Okay. So in your mind as you're considering this
7 weapon, does that -- how does that play in?

8 A That just reaffirms that it's more likely than not
9 a real rifle at this point, and that, you know, we're going
10 to treat it as such.

11 Q Okay. All right. So it's our understanding from
12 watching the video and prior testimony that at some point he
13 goes in, back in the apartment, and then shortly thereafter
14 comes out. And can you tell us what you observed him do
15 after he came out of the apartment the second time?

16 A Yeah. So when he goes in the apartment the rifle
17 is broken open. So at that point we assumed it was
18 unloaded, because break actions, you have to manually load
19 it. He goes in the apartment. He is in there for a short
20 period of time. When he comes back out, the rifle is now
21 reclosed and cocked, which makes us believe that he possibly
22 went in there and reloaded it. And you're going to treat it
23 as such. He also walked back out with a knife in his hand
24 and made statements about stabbing and slitting our throats.

25 Q Okay. At some point did he shoulder the rifle?

1 A Yeah. He was up there yelling, and then at one
2 point he shoulders the rifle in a firing position. He kind
3 of started off at an upward angle, and then as I'm standing
4 there watching it, I watched the barrel slowly come down in
5 the direction of where I knew Officer Young and Officer
6 Kaneda were.

7 Q Mm-hmm.

8 A And then that's when Officer Young fired his
9 rifle.

10 MR. DAVIDSON: Okay. Those are all of my
11 questions.

12 MS. FRANKLIN: I don't have any.

13 MR. DAVIDSON: Okay. Those are all of the
14 questions I have for Officer Gill. Anybody else with
15 questions for Officer Gill?

16 No? Okay.

17 GRAND JUROR: Real quick. Did you hear him say
18 anything before he started moving the rifle down? Or could
19 you hear anything?

20 WITNESS: Not that I recall. Most of what I heard
21 was him just in that continuous cycle talking about I guess
22 --

23 GRAND JUROR: Nothing specific.

24 WITNESS: -- just death in general, whether it was
25 us or him.

1 MR. DAVIDSON: Okay. Anybody else?

2 GRAND JUROR: So you had the 40, right?

3 WITNESS: Correct.

4 GRAND JUROR: So you're standing behind one of the
5 cars, and Young was to your left, correct?

6 WITNESS: Want me to point at the map?

7 MR. DAVIDSON: Yeah.

8 (Crosstalk)

9 WITNESS: I can point at the map and kind of -- so
10 I'm in this area. Officer -- and there was -- so there's
11 kind of a couple cars here, a couple cars here, and then
12 Officer Young is over in the car here. So he's kind of off
13 just directly to me east, probably about 15 yards away.

14 GRAND JUROR: Oh, okay.

15 WITNESS: And like I said, I'm watching him, but I
16 knew just from -- there was kind of -- when he went back
17 inside, I went and got my helmet and I saw Officer Kaneda,
18 and I knew he was with Young. And I knew they were on that
19 far side of the car. So that's how I knew where he was and
20 who was involved.

21 GRAND JUROR: So were you standing by Young when
22 he fired?

23 WITNESS: No.

24 GRAND JUROR: That was not you? Okay.

25 WITNESS: So Young was over here, and then I was

1 still over here.

2 GRAND JUROR: Gotcha. Okay. Thank you.

3 MR. DAVIDSON: Anybody with additional questions
4 for Officer Gill? No? Okay.

5 Officer Gill, you are free to go. All right.
6 Thank you very much.

7 GRAND JURORS: Thank you.

8 MR. DAVIDSON: Do you want -- is (indiscernible).

9 MS. FRANKLIN: Yeah.

10 MR. DAVIDSON: Yeah. I'll get him.

11 MS. FRANKLIN: Yeah. Yeah.

12 MR. DAVIDSON: Okay.

13 Thank you Officer Gill.

14 (Asides)

15 MR. DAVIDSON: Do you know the drill?

16 WITNESS: This is my first time doing it in
17 person.

18 MR. DAVIDSON: Of grand jury?

19 WITNESS: Yeah.

20 MR. DAVIDSON: Oh, really? Wow.

21 WITNESS: I work nights. I've worked nights my
22 entire career. So I've always done Webex.

23 MR. DAVIDSON: How about that. All right.

24 WITNESS: So this is a new experience for me.

25 MR. DAVIDSON: Well, thank you for -- just go

1 ahead and remain standing.

2 WITNESS: Yeah.

3 MR. DAVIDSON: And raise your right hand.

4 SAMBI KANEDA

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

7 BY MR. DAVIDSON:

8 Q Grab a seat, and if you can state and spell your
9 full name for us, please.

10 A Yeah. First is Sambi S-a-m-b-i, last is Kaneda K-
11 a-n-e-d-a.

12 Q All right. And how are you employed?

13 A I am a police officer with the City of Portland,
14 Portland Police Bureau, and I'm assigned to east precinct in
15 a patrol capacity.

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

18 A A little over five years.

19 Q All of that with Portland?

20 A Yes.

21 Q Okay. Did you attend college?

22 A No.

23 Q Okay. Excuse me. And I'm assuming you went to
24 the usual police academies.

25 A I did, yes. Down in Salem.

1 Q All right. And do you have any like special
2 duties in addition to being a patrol officer?

3 A Yes.

4 Q Special training?

5 A I'm a field training officer. I've been a field
6 training officer for about two and a half years.

7 Q And what is that?

8 A I train new recruits that come in when they come
9 into the field and join patrol. I kind of guide them
10 through the process and teach them on how to become a police
11 officer.

12 Q Okay. And anything else?

13 A Yeah. I'm a 40-milimeter less lethal launcher
14 operator, and I'm also certified with an AR-15 rifle.

15 Q All right. And can you tell us just a little bit
16 more about the 40-milimeter launcher?

17 A Yeah. It fires a kinetic impact projectile. What
18 it does, it's a single round launcher that launches a small
19 foam tip. It's about this big. I guess two or three inches
20 wide, I guess. It's a foam tip that launches into -- what
21 it's meant to do is change behavior when we would like to
22 use lethal force to solve a problem subject who might be --

23 Q I'm sorry. Did you say lethal or --

24 A Less lethal.

25 Q Oh, okay.

1 A Less lethal. Yeah. Less lethal option. Yeah.
2 For example, someone wielding a knife or something and we're
3 at a distance, it's an option that we can use to change
4 behavior. Maybe they drop the knife or something and we can
5 go in and take the subject into custody.

6 Q Okay. Generally speaking, when confronted with
7 potential deadly force or range deadly force, subject with a
8 rifle, is it generally considered the right tool?

9 A It is not in the mediacy of that situation.

10 Q Mm-hmm.

11 A But if we have multiple people with different
12 tools, it is something that we will take out in the event
13 that an opportunity arises for us to use it, and use a less
14 lethal option instead of lethal force.

15 Q Okay. And we've heard it described as I think
16 being like hit with a fast ball or something. Is that the
17 -- kind of the effect of it?

18 A Yeah. That would be a pretty good example. Yeah.

19 Q Okay. All right. So were you on duty, in
20 uniform, and displaying a badge October 4th of 2024?

21 A I was, yes.

22 Q All right. And I guess you responded as part of a
23 call for cover from fellow Officer Andrew Young that
24 evening.

25 A Yes.

1 Q What was the nature of the call that you were
2 responding to?

3 A Well, I was on a completely different call at
4 112th and Powell. And I heard over the radio something
5 about a disturbance, and I was kind of aware of where it
6 was. It was towards 52nd Avenue and Southeast Lovell (ph.)
7 Street. Just kind of put it in the back of my head is
8 that's kind of a deep area of our precinct, and not a whole
9 lot of us are down there at any given time. So I just kind
10 of like to be aware of where everyone is. And while I was
11 on the call, a separate call, I heard Officer Young ask for
12 more cars.

13 Officer and I generally work a partner car. That
14 was the one --

15 Q Sorry. You and Officer Young do?

16 A Yes. We do, yes.

17 Q Oh.

18 A We generally work a partner car. That night I was
19 working a solo car just because I had a ride along that
20 night and I had just dropped off my ride along prior to
21 that. But we were in separate cars.

22 With that said, I -- we've worked together for
23 three years now, and I know when his voice sounds different.

24 Q Mm-hmm.

25 A And I heard the inflection of his voice kind of

1 elevated and escalated when he asked for more cars, and at
2 that point I knew that he needed help, so I ran code three
3 down there, which is lights and sirens.

4 Q Okay. Is it true that Officer Young has a
5 reputation at least for being someone who doesn't call for
6 cover?

7 A Yes.

8 Q Very much?

9 A Yes. When we work together if we call for cover
10 the entire precinct generally comes.

11 Q Yeah. He only calls for cover -- I guess there
12 are maybe other officers who call for cover more frequently
13 and --

14 A Sure. Yes.

15 Q Yeah. Okay. So it must have been serious in your
16 mind.

17 A Yes. And we call for cover, but also the
18 inflection in his voice, it was elevated, which told me that
19 he was under some sort of stress, so.

20 Q And what did he put out over the radio?

21 A I believe he said something along he needed more
22 cars and there's a subject with a gun.

23 Q Okay. So what did you observe when you arrived on
24 scene?

25 A When I arrived on scene Officer Young and Officer

1 Pearce were the first two on scene. So I was the third
2 officer on scene. I pulled my car behind the two patrol
3 cars that were already parked there. Can I point to --

4 Q Yes.

5 A So, let's see. Officer Young and Officer Pearce
6 are parked I think around here, and I pulled in behind them.
7 And at that point it was just them there. I didn't see
8 anybody else. So when I popped out of the car -- well, on
9 the way there actually, if I could back up a little bit,
10 Officer Young said over the radio that there was someone
11 with a long rifle, long gun or a rifle. So when I was on
12 scene I already knew like okay, what tools do we need to
13 potentially address this person.

14 So Officer Young and I had a brief conversation if
15 I should get out my rifle. Officer Young already had his
16 rifle, and Officer Pearce was on the other side of the
17 patrol car with his bureau issued handgun.

18 So at that point because we already had two lethal
19 options, we decided that I would take my 40-milimeter
20 launcher out and be a less lethal option in case that
21 opportunity arose.

22 Q Okay. So what did you observe as far as the
23 subject when you got there?

24 A Well, while Officer Young and I were talking, the
25 subject, Mr. Thorn, came out and said something along well,

1 fuck all of y'all. He was very elevated, escalated, and
2 in the short few minutes after I arrived I could already
3 tell he was very agitated and erratic. He had erratic
4 behavior.

5 Q Did he have a rifle at that point?

6 A He did, yes. He came out with a rifle when he
7 first came out after I arrived on scene.

8 Q All right. And when you observed the rifle, I
9 mean, what did you make of it? What did it look like to
10 you?

11 A It looked like a real hunting rifle or something
12 along those lines.

13 Q All right.

14 A Yeah.

15 Q And I'm assuming in your police work, sometimes
16 maybe you're confronted with a toy gun or --

17 A Yeah. Quite -- I don't want to say quite
18 frequently, but enough to know what a toy gun looks like.

19 Q Often it has an orange tip for example.

20 A Orange tip. Yep.

21 Q Or like if you saw a bb gun you'd probably
22 recognize that as a bb gun?

23 A Generally, yes. Up close actually. A lot of the
24 times the bb guns tend to be very realistic, to the point
25 where we don't know until we try to pull the magazine out

1 and there's no magazine, or something along those lines.

2 Q Right. But this particular weapon had a wood
3 stock and --

4 A Yep.

5 Q -- it looked like a hunting rifle.

6 A It did. Yes. And we were at a distance as well.
7 So we couldn't -- we didn't have the luxury of looking up
8 close or, you know, normally how we would determine if a gun
9 is real or not.

10 Q Okay. So Mr. Thorn, later identified as Mr.
11 Thorn, how is his behavior?

12 A He's very erratic. He's not listening to any of
13 our commands to put the gun down, talk to us. He's just
14 yelling at us, swearing at us, telling us he'll shoot us.

15 Q Got it. Okay.

16 A Yeah.

17 Q And you're staged up next to Officer Young, I
18 guess, during most this?

19 A Yeah. So I guess there were two patrol cars. One
20 here and one here. I was using the right side vehicle as
21 cover on the driver's side, and Officer Young was on the
22 left vehicle using the passenger side as cover. So we were
23 next to each other if that makes sense.

24 Q Okay. And during the course of this whole event,
25 were you like I guess assessing the appropriateness of maybe

1 utilizing your 40-milimeter launcher?

2 A Yes. Constantly Officer Young and I were having
3 multiple conversations regarding the opportunity. Do you
4 mind if I go into that a little bit?

5 Q Yeah. Please do.

6 A Yeah. So the maximum range for our 40-milimeter
7 launcher is generally around 40 yards. I estimated at that
8 time we were about that area. The optimum -- the area of
9 impact that we're supposed to aim is the lower extremities,
10 meaning the legs essentially. We aim at the waistline, and
11 depending on the distance, the impact area is usually the
12 thigh or like the -- not calf. Shin. Around there.

13 Now, Mr. Thorn unfortunately was in an elevated
14 level which already kind of messes with our point of impact
15 or point of aim. There was also a guardrail that covered
16 the entirety of his lower extremities. With that said,
17 Officer Young and I were talking about we don't have a shot
18 from where we were. At one point I switched over to the
19 passenger side of the vehicle I was using as cover to see if
20 I could get a different angle. I wonder if I can -- oh,
21 perfect. This is perfect.

22 From the passenger side I was able to get an angle
23 up the stairs, so I stayed there for a few minutes in the
24 event that Mr. Thorn decided to come down the stairs. Then
25 I would have an optimum -- an opportunity to launch my 40-

1 milimeter.

2 Q Mm-hmm. All right. But did that happen?

3 A It never did. No. And it -- when it became clear
4 that even if he did come down the stairs, the distance was
5 too great for us to -- so generally when we launch a 40-
6 milimeter, for example, if someone has a knife, we launch
7 the 40-milimeter, they drop the knife and they're kind of
8 stunned. We usually move in at that point before they have
9 the opportunity to, you know, regain composure and either
10 pick up the knife or something like that. We were still too
11 far to rush in and make -- take Mr. Thorn into custody, so
12 at that point I decided just to come back over to Officer
13 Young.

14 Q Okay. So it did not seem during this entire
15 episode that the 40-milimeter launch was really a good
16 choice as a tool?

17 A It was not. And the only time, the only point
18 that we felt that there could be a possibility was if Mr.
19 Thorn had come down, all the way down the stairs. And we
20 decided that -- let's see. Oh, yeah. So all of the cars
21 were parked here. If Mr. Thorn had come up to the end of
22 the cars, as in like towards us, that was going to be the
23 point where I'd launch my 40-milimeter, and that was the
24 conversation Officer Young and I had like as a plan if that
25 opportunity arose. Obviously, that did not happen.

1 Q Right. And the 40-milimeter launcher, it
2 doesn't -- you know, there are other tools like a taser for
3 example.

4 A Yeah.

5 Q A taser, if I understand correctly, can
6 incapacitate a subject potentially if it functions
7 perfectly.

8 A Exactly. Yes.

9 Q But the 40-milimeter launcher, if I understand
10 correctly, is really more of a pain compliance or discomfort
11 compliance --

12 A It is, yes.

13 Q -- implement. It doesn't -- it's not designed to
14 incapacitate people.

15 A Nope. It's like you said earlier, it's kind of
16 like getting hit with a fastball.

17 Q Mm-hmm.

18 A Sometimes it hurts people. Sometimes it doesn't.
19 depending on the person. Yeah. We've had times where we've
20 launched a 40-milimeter and there's been zero behavior
21 change. We've launched four or five of them at some people.
22 Zero behavior change.

23 Q Does the fact that someone might be intoxicated
24 or, either by alcohol or drugs, I guess effect the way that
25 the 40-milimeter might affect them?

1 A It does, yes.

2 Q Meaning that?

3 A Meaning that like it doesn't affect them as much
4 usually is what I've seen in the past.

5 Q Okay. All right. So you're watching Mr. Thorn.
6 It appears his firearm is a real firearm to you, as far as
7 you know.

8 A Yes.

9 Q Does he fire it at some point?

10 A Yes. At some point he fires it. While it was
11 pointed in the air he pulled the trigger and fired it into
12 the air.

13 Q And what did you make of that?

14 A At that point it was kind of like an airy sound.
15 Airy as in a-i-r-y. Sound. It sounded kind of like a
16 pellet gun to me at that time.

17 Q Mm-hmm.

18 A Do you want me to go into the break barrel
19 portion?

20 Q Yeah.

21 A Or? Okay. Yeah. After he fired the rifle into
22 the air, he broke the rifle into almost like an obtuse
23 angle. So if my hands, or my wrist to wrist was a rifle, he
24 like broke it down like this. I'm not a huge rifle guy.
25 But I was explained on scene that -- Mr. Thorn had also like

1 kind of yelled at us, it's a break barrel, break barrel.
2 And apparently what that means is you break the barrel down
3 so that you can load a single shot into the rifle. So after
4 he had shot it into the air, Mr. Thorn broke the barrel
5 down.

6 Q Mm-hmm. All right. And I guess are you getting
7 conflicting information over the radio and I guess from
8 other officers about whether the exact nature of this rifle.
9 Is it a pellet gun, is it a (indiscernible) caliber rifle.
10 What kind of information are you receiving?

11 A Yeah. So we had a lot of officers there. So
12 there were some officers in their patrol car doing some
13 research on previous incidents. I did hear after Mr. Thorn
14 had fired it into the air, I heard over the radio that there
15 was a similar incident where Mr. Thorn did fire actual .22
16 rounds into the air, and casings were recovered at that time
17 from an actual rifle.

18 Q So that was what would I guess indicate that
19 potentially it was a real rifle?

20 A Yes.

21 Q Okay. So I guess conflicting information?

22 A Conflicting information, yes.

23 Q Okay. But at least some information indicated
24 that it might be an actual rifle.

25 A Yes. Or that at least Mr. Thorn owned an actual

1 rifle.

2 Q Okay. He goes back inside at some point.

3 A Yes, he does. And this is after he had broken the
4 barrel down. He goes inside. Shortly after, he returns
5 back outside onto the -- are we calling this a balcony? A
6 breezeway. And he has a straight rifle again.

7 Q So what does that mean to you?

8 A It means either he had reloaded that firearm with
9 another round and came back outside, or it was a similar .22
10 rifle. At that point we didn't know which one because in
11 the past he did fire off those rounds with the .22 casings.
12 And by .22 I mean .22 caliber casings. Sorry.

13 So at that point when he came out with that
14 straight rifle, we addressed it as such as we didn't know
15 what rifle he had in his hand.

16 Q Okay. And is your training in that regard, you
17 know, I guess you have to kind of assume it's a real gun
18 unless you learn otherwise?

19 A Absolutely. Yes. Even there's been times where,
20 you know, people do have actual bb guns. And until we know,
21 like we do treat it as such. Because by the time we
22 generally -- if they point it and fire it at us, and that's
23 when we know, that's generally too late at that point in the
24 event that it is a real firearm.

25 Q Okay. All right. So he comes back out. I guess

1 he's engaging in this kind of yelling again.

2 A Yes.

3 Q And this goes on for a bit as we've already heard.
4 At some point he does something that he had not done
5 previously during this encounter; is that right?

6 A Yes.

7 Q What did he do?

8 A He pointed the rifle at us.

9 Q Okay. Can you tell what -- did you see this
10 yourself?

11 A I did see this myself. So Officer Young -- and
12 this is at the point where Officer Young and I are kind of
13 side-by-side but taking cover behind two separate patrol
14 vehicles. And at that time I observed Mr. Thorn start to
15 drop his rifle in the direction of Officer Young and I.

16 Do you want me to keep going?

17 Q Please.

18 A Okay, cool. As the rifle came down and pointed at
19 us, I heard a gunshot, and I was hit by some sort of debris.
20 At that point I quickly pulled in behind my patrol vehicle
21 to take cover.

22 Q What was your immediate thought about what had
23 happened?

24 A My immediate thought at that point was that Mr.
25 Thorn had fired at us and he had struck a patrol vehicle.

1 And I was hit by the debris of him shooting at a patrol
2 vehicle.

3 Q Okay.

4 A Yeah.

5 Q Go ahead.

6 A And then I pulled in behind my vehicle, and then
7 when I looked over at Officer Young, I saw smoke coming out
8 of his AR-15 rifle. And when I looked around Mr. Thorn was
9 falling towards the ground. At that point I asked Officer
10 Young, Andrew -- Andrew is his first name -- so I asked him
11 Andrew, was that you, and he confirmed it was. And that was
12 when I had confirmation that it was Officer Young that had
13 shot.

14 Q What do you think you got struck by if it wasn't
15 debris from the vehicle; do you know?

16 A Oh, yeah. I believe I got hit by the casing that
17 was ejected from Officer Young's AR-15. The ejection port,
18 because he's righthanded, it ejects to his right. So in the
19 direction that I was standing at.

20 Q What were your thoughts as you were observing Mr.
21 Thorn lowering the rifle towards you?

22 A I believe that he was going to shoot at us and
23 that he posed an immediate threat of death or serious
24 physical injury to not just Officer Young and I, but there
25 were a lot of officers behind us. So all of the officers on

1 scene.

2 Q Okay. So after that occurred what role did you
3 take post-shooting?

4 A Post-shooting I immediately walked over to the
5 other side of the patrol car to see where the -- if I could
6 assist in the custody team as we needed to provide Mr. Thorn
7 medical aid as soon as possible. We usually have a custody
8 team for this -- and I didn't see the custody, but for
9 example, a custody team in the event that a firearm -- the
10 subject that was involved did have a firearm, we would take
11 up a shield, lethal options in case the subject was still
12 alive and he decided to fire back at us. We'd also have a
13 less lethal option.

14 Q Were you part of the custody team?

15 A I was not. So I walked over to see if I could
16 assist with it because I already had my 40-milimeter
17 launcher out. And I realized that someone else already had
18 their 40-milimeter launcher out. So at that time sometimes
19 more people is inefficient. You just have a role. So I
20 realized my role was not needed as part of that custody
21 team. so I dropped back and went back to Officer Young to
22 assist with him.

23 Q Okay. At that point because an officer used
24 deadly forces, there's a whole process that kicks off.

25 A Yes.

1 Q And that involves I guess Officer Young being
2 sequestered.

3 A Yep.

4 Q So you did not speak with Officer Young about what
5 occurred at that point?

6 A No. No.

7 Q And you yourself at some point were sequestered
8 and spoke to --

9 A I was.

10 Q -- a detective, correct?

11 A Yes.

12 MR. DAVIDSON: Okay. Great. Those are all of my
13 questions.

14 MS. FRANKLIN: I have no questions.

15 MR. DAVIDSON: All right. Grand jurors, do you
16 have any questions?

17 GRAND JUROR: So when you got hit with the
18 (indiscernible) it wasn't because (indiscernible) shot at
19 you guys with the pellet gun, it was the aftermath of the --
20 your partner shooting the rifle?

21 WITNESS: Yeah. So every time a round is shot
22 from a rifle, like the casing that held the bullet in the
23 gunpowder, ejects out. And I believe I was struck by that.

24 GRAND JUROR: Okay.

25 GRAND JUROR: But you initially thought --

1 WITNESS: I initially thought --

2 GRAND JUROR: -- (indiscernible).

3 WITNESS: Exactly. That's -- my immediate thought
4 when I heard it was Mr. Thorn had fired at us and has struck
5 a patrol vehicle. And then I was hit by the debris from
6 that.

7 MR. DAVIDSON: Anybody else with questions for
8 Officer Kaneda? No.

9 Okay. Officer Kaneda, you are free to go. And I
10 can go grab -- who do we need next?

11 MS. FRANKLIN: Lawrence Cronin.

12 MR. DAVIDSON: Okay.

13 GRAND JURORS: Thank you.

14 WITNESS: Thank you. Yep.

15 (Asides)

16 MR. DAVIDSON: Do you know the drill? Okay.

17 MS. FRANKLIN: If you could just remain standing
18 and raise your right hand.

19 LAWRENCE CRONIN

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

22 BY MS. FRANKLIN:

23 Q You can take a seat. I want to start by having
24 you tell us your full name and spell it for the record.

25 A Lawrence Cronin L-a-w-r-e-n-c-e C-r-o-n-i-n.

1 Q And how are you employed?

2 A I am currently employed as a police officer with
3 the Portland Police Bureau.

4 Q And how long have you been in law enforcement for?

5 A I have been in law enforcement for just over five
6 years.

7 Q Okay. And with PPB the whole time?

8 A Yes.

9 Q Okay. What is your current assignment?

10 A I'm currently assigned to east shift, night shift,
11 which is from like 10 to 8 in the morning.

12 Q Okay. And was that your assignment back in
13 October of 2024 as well?

14 A Yes.

15 Q Okay. And do you have any specialized training
16 that pertains to your occupation generally and then this
17 situation as well?

18 A I mean, just the training that they've given me
19 and stuff.

20 Q Okay. Are you a less lethal operator? Are you
21 certified in rifles?

22 A I'm a less lethal operator.

23 Q Okay. Were you working on the night of October
24 4th of 2024?

25 A I was.

1 Q And were you in uniform?

2 A Yes.

3 Q And were you displaying a badge?

4 A Yes.

5 Q Were you in a marked patrol vehicle as well?

6 A Yes.

7 Q Okay. And did you respond to 5235 Southeast
8 Lambert Street in Portland? And we've got a map up here
9 behind you.

10 A Yes.

11 Q Okay. What was the -- I guess what were you doing
12 when you got the call?

13 A So I was doing my regular patrol. At some point I
14 had heard I think it was either Officer Kaneda or Officer
15 Young get on the radio saying that on their call they were
16 currently on there was a man with a rifle making threats.
17 So at that point I had activated my overhead lights and
18 sirens and drove over to that scene.

19 Q And do you remember about how long it took for you
20 to get to this location?

21 A I don't remember how long exactly, but probably
22 around like 10-ish minutes.

23 Q Okay. Do you recall whether you received any
24 updated as you were responding?

25 A Just about people arriving and stuff. I think at

1 that point they were still kind of working on stuff. So I
2 don't recall any updates that happened at the time.

3 Q Okay. What did you observe when you arrived on
4 scene? I guess we'll start with where did you park your
5 patrol vehicle, and if you could point to the map for us.

6 A Yeah. So I parked my patrol vehicle -- I had
7 gotten in somewhat later. I was pretty far away. So I
8 parked kind of at the end of the street. It's like a long,
9 long-ish line of cars here. So I was parked here initially.

10 Q Okay. And what did you do once you parked your
11 vehicle?

12 A So I had seen immediately that there was several
13 cars parked. There was teams of like, there were some
14 people with rifles, stuff like that. So at that point I
15 knew we had lethal cover, but since I'm trained as a less
16 lethal operator, I know that tool is available to me. So I
17 grabbed my less lethal out of my car, and I joined Officer -
18 - I believe it was Ianos, here. He's a rifle operator that
19 was on scene at that point.

20 Q So you described that there were a whole bunch of
21 other patrol vehicles there lined up. You said you arrived
22 a little late so you parked a little further away. Aside
23 from the officers on scene, what did you observe in terms of
24 like activity and other individuals there?

25 A Everyone was like really focused. Kind of getting

1 into groups. But everyone was hiding behind cars or at
2 least taking some sort of hard cover. And then from there I
3 could also observe the -- I could see the subject on the
4 second floor balcony. Yeah.

5 Q Okay.

6 A Like right in this area. He was kind of frantic,
7 walking back and forth, and I could immediately see that he
8 had what appeared to be a long rifle in his arms.

9 Q When you say he was frantic, tell me a little bit
10 more about that. What was he saying if you can recall?

11 A He had sporadic behavior. I don't -- like kind of
12 jittery movements walking back and forth if I recall. I
13 don't remember any like super distinct things. I remember
14 him saying that he was going to blast us quite a few times.
15 Some sort of references to military it seemed. Yeah. Just
16 kind of uncooperative behavior when he was talked to by some
17 officers, as far as like just saying no to like any requests
18 to like put the rifle down and just talk to us.

19 Q Okay. And you said when you first saw him it
20 sounded like it was pretty obvious that he had something in
21 his hands; is that right?

22 A That's correct. Yes.

23 Q Okay. And what did you, from your vantage point,
24 what -- can you describe what you saw in terms of what he
25 was holding?

1 A Yeah. I could see that the object was long
2 enough to go across his body. It appeared to have like a
3 wooden stock, a metal barrel. From my observation it just
4 appeared to be a rifle. I couldn't see it too distinctly
5 but I knew that it was like a long -- it appeared to be a
6 long gun.

7 Q Okay. So what did you do? You got on scene. You
8 see, you know, officers stationed. You said you got by
9 Officer Ianos. You had pointed to us kind of on the map
10 where that was. What did you do after staging there?

11 A Yeah. So after that it was kind of, like as
12 resources were coming in, different plans were being made.
13 I could hear that they had someone trying to talk with him.
14 I was trying to pay attention to that as well. But at some
15 point they determined that we do need a custody team moving
16 forward. If we can get him to put the rifle down we would
17 move up.

18 So they were calling for additional units. Again,
19 I was less lethal, so they called me over. And I actually
20 moved to a patrol vehicle that was more in this area, as a
21 secondary less lethal if that. So we had assigned two
22 people (indiscernible) commands lethal cover, and then two
23 less lethals for that team. and then we were discussing on
24 if we were able to get him to place the rifle down, how we
25 would move up, how we would safely approach the location

1 that he was at.

2 Q And what was this individual with what looked like
3 a rifle to you, what was he doing while you were kind of
4 having these conversations?

5 A Yeah. So he was obviously yelling and saying he
6 was going to blast us. It seemed like he was threatening to
7 us. His communication with our communicator wasn't going
8 great. He kept, I don't know. He just kept saying no, or
9 like he'd argue with that. But he would move back and
10 forth. Every once in a while he'd kind of wave the rifle
11 around if I remember correct. At one point I do recall he
12 -- like a neighbor had come out that was further -- so his
13 apartment I believe is right here. The neighbor was further
14 up that way.

15 At one point he went back and started arguing with
16 that neighbor, with the rifle still in his hand.

17 Q Did that raise any concerns for you?

18 A Absolutely. Yeah.

19 Q And can you describe what those concerns were?

20 A So obviously he's having some sort of like anger
21 towards us and stuff. We're obviously there to deal with
22 him. The neighbor comes out. He seems extremely agitated.
23 I was worried that there was going to be some sort of
24 confrontation between the neighbor back there.
25 Additionally, that's further back from us. It was kind of

1 darker back in that corner, so we can't really see what's
2 going on. So my concerns were how are we going to respond
3 to that if something does happen. Yeah. So, yeah. That
4 was concerning.

5 Q And do you recall if, you know, during this point
6 whether through radio or through other officers, were you
7 getting any other information about the rifle that he had in
8 his hands?

9 A Yeah. At one point someone had said something
10 about a past call, indicating that he did possess like a .22
11 rifle. I don't remember what the reference to that call was
12 or how it was used. But there was some sort of reference to
13 him being involved with a .22 caliber rifle.

14 Q Did this past incident involving a .22 caliber
15 rifle kind of factor into your decision making in terms of
16 what you were going to do next and what your concerns were?

17 A Yeah. I mean, it made me believe that that was
18 probably the rifle that he had in his arms. I don't have
19 any other information as to like what kind of guns he owns,
20 except for obviously there's a chance that he owns a .22
21 rifle, and we can obviously see a rifle in his hands at that
22 time. So I did believe that that was probably a .22
23 caliber.

24 Q Okay. And you had mentioned before that this guy
25 had said he was in the military. Did that factor into your

1 concerns and kind of how you treated the situation?

2 A I mean, a little bit. Obviously if he has
3 military background he has training. He knows how to use a
4 rifle. It's not like you get someone that has never touched
5 one before. So him being able to use it was concerning as
6 well.

7 Q Was there a point where this individual went
8 inside of his apartment after speaking with his neighbor and
9 kind of coming back?

10 A Yes.

11 Q And talk to me about that a little bit. What did
12 you see?

13 A Yeah. So he had come back from the neighbors
14 area. And then at some point, yeah, he did go inside his
15 apartment. At that point it kind of slowed down because
16 obviously he's not an immediate threat to us at that moment
17 while he's inside. So we were kind of trying to work
18 through more plans and stuff like that, as to how to do
19 that, how to (indiscernible) what we -- if we should like
20 shift or anything like that, but...

21 Q And do you remember what the state of the item in
22 his hands, what appeared to be a rifle to you, do you
23 remember what it looked like just prior to him walking in,
24 or kind of the state of what it was in at that point?

25 A I don't.

1 Q Okay. When he came back out of the apartment,
2 did you personally observe him come back out?

3 A Yes.

4 Q And what was he holding at that point?

5 A He had a rifle in his hands.

6 Q And did you observe whether from your vantage
7 point at least if he had anything else in his hands?

8 A I believe at one point he was holding a knife.

9 Q Okay.

10 A But I don't remember if it was at that time.

11 Q And you've kind of described him as erratic and
12 agitated earlier. What was his demeanor at this point?

13 A It was pretty much the same.

14 Q Okay. What happened after that?

15 A After that it kind of continued on for some of the
16 same stuff. Our officer that was communicating to him
17 continued to try and communicate, give him commands to put
18 the rifle down. We just want to talk to you, stuff like
19 that. He continued to say no. And then at one point, like
20 he had been waving it around, but at one point he had
21 actually pulled the rifle up and put the butt stock of it to
22 his shoulder. And at that point is when he had aimed it
23 down towards officers that were -- like I don't know
24 exactly, but it was over in this area where I knew police
25 officers were.

1 Q Okay. And you had said that he was waving
2 around this rifle before. Was this the first time that he
3 shouldered it and put it up to his shoulder in that way?

4 A Yes.

5 Q Okay. And what happened immediately after he did
6 that?

7 A I heard one gunshot.

8 Q Okay. What did you do after that?

9 A After that, I was initially assigned to the
10 custody team. so we began moving up. We reached that
11 staircase. Or I think we reached it on this area. There's
12 that staircase that's in the other picture I believe. We
13 reached that staircase. He was at that point up on the
14 ground at the top of that staircase, or around the top of
15 that. We determined that we weren't going to send all of
16 the custody members up there. So I was left behind here.
17 At that point I started putting up crime scene tape and just
18 kind of securing the area.

19 Q Okay. Did you stick around and get interviewed by
20 detectives after that?

21 A Yes, I did.

22 MS. FRANKLIN: I think that's all of the questions
23 I have. Do you have any?

24 MR. DAVIDSON: I don't.

25 MS. FRANKLIN: Any questions from the grand

1 jurors? Okay. All right. Great.

2 Thank you, Officer.

3 MR. DAVIDSON: All right. I'm going to grab
4 Officer Ford next.

5 WITNESS: Thank you.

6 (Asides)

7 KRISTIN FORD

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

10 BY MR. DAVIDSON:

11 Q Go ahead and have a seat. If you could state and
12 spell your full name for us please?

13 A Thank you. My name is Kristin Ford. First name
14 is K-r-i-s-t-i-n last name F-o-r-d.

15 Q And how are you employed?

16 A I'm a police officer with Portland Police Bureau.

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

19 A A little over seven and a half this year.

20 Q All with Portland?

21 A Yes.

22 Q All right. And did you go to college?

23 A Partially, yes.

24 Q Okay. But no degree?

25 A No degree.

1 Q All right. What roles have you had at the
2 Bureau since you've been there?

3 A With the Bureau I've been a patrol officer for the
4 duration of my career. During this incident I was on night
5 shift and working in the capacity of acting sergeant or
6 acting supervisor.

7 Q Okay. And do you have any specialized training
8 beyond just regular patrol officer training?

9 A Yes, I do. In addition to the basic academy, an
10 advanced academy with Portland Police Bureau, and then our
11 annual updated trainings that everyone is required to
12 attend, I have also done our ECIT training which is an
13 additional 40-hour course. Certified in that in 2019. I've
14 also got a advanced certification and advanced communication
15 as a crisis communication negotiator and I'm also an AR
16 operator with the Bureau as well.

17 Q Okay. I specifically want to -- because this
18 seems to be what your role was primarily during this
19 incident. Can you tell us a little bit, first of all, what
20 does ECIT stand for and what is ECIT?

21 A Mm-hmm. Sure. ECIT is for Enhanced Crisis
22 Communication Team with the Bureau. It's as I said an
23 additional 40 hour training that PPB members or sworn
24 officers can take. It's a volunteer position that you
25 volunteer and you have to complete the requirements for the

1 course. It's essentially just an additional training in
2 responding to calls involving individuals with mental health
3 related, you know, illnesses, or if they're in a mental
4 health crisis.

5 Q Okay. And that second thing you mentioned sounded
6 like it was connected to the first crisis communication or
7 something along those lines.

8 A Mm-hmm.

9 Q What is that?

10 A Yes. That's more of an advanced training that I
11 did. It's 120 hours of nationally recognized crisis
12 communication.

13 Q Mm-hmm.

14 A And that's above and beyond mental health affected
15 individuals. That's for anyone in a crisis state.

16 Q Okay. So on this night you were acting sergeant?

17 A Yes.

18 Q All right. So when did you first hear something
19 was going on?

20 A I did hear the call come out. I did not
21 originally dispatch to go to it. But when I heard it
22 radioed that an individual on the call had a gun or a rifle,
23 that's when I attached to assist. I believe most of us at
24 that point attached to assist, generally --

25 Q Okay.

1 A -- is the way those calls work.

2 Q So by the time you arrived it sounds like there
3 was probably a lot of other officers there, correct?

4 A Yes. I -- there was at least three there at the
5 time.

6 Q Okay.

7 A But then --

8 Q And then more arrived.

9 A Yes. Yeah. We were all arriving.

10 Q So what was your primary role during this
11 incident?

12 A When I first got there I just wanted to assess to
13 see, you know, what my -- what was needed essentially. You
14 know, when there's already a primary on scene and they're
15 asking for more resources, we basically just feel and assess
16 and see what, you know, the next role is that we need to
17 take. In this instance I saw that Sergeant Shadron was on
18 scene already. He's a hard stripe sergeant, so I don't need
19 to take over.

20 Q He's a what?

21 A He's an actual sergeant.

22 Q You said hard stripe.

23 A Hard stripe. Yes.

24 Q Is that -- okay. So that's not -- a fully
25 promoted sergeant versus an acting sergeant.

1 A Yes. Fully promoted. Yes. He's trained, he's
2 tested, and he's been hired on in that position. Whereas I
3 was just temporarily filling in. So in that case it's way
4 more appropriate in my opinion that he continues in that
5 role.

6 Q This is Sergeant Shadron you said?

7 A Yes.

8 Q Okay.

9 A And they already are communicating with him, so
10 the next role that I can take where I'm going to be of
11 service in this call is an operator.

12 Q Okay. So that's your doing?

13 A Yes.

14 Q All right. So at some point my understanding is
15 that another officer named Nola Watts took over as primary
16 communicator with Mr. Thorn; is that right?

17 A Correct. Yes.

18 Q And are you aware of whether Nola Watts is also
19 similarly ECIT certified?

20 A Yes.

21 Q All right.

22 A Yeah. She's an ECIT officer.

23 Q All right. So I want to primarily ask you about
24 one ECIT officer observing another ECIT officer attempting
25 to utilize those skills. What did you observe Officer Watts

1 doing in her attempts to communicate and deescalate with
2 Mr. Thorn?

3 A Mm-hmm. Yes. She was trying to, initially just
4 trying to get his attention on her so that we can create
5 some sort of dialogue. He was in a continually escalated
6 state. Initially she wasn't sure of his name. that's one
7 of the tactics that we try to use to, you know, bring
8 someone's attention to us is using their name. so since she
9 found out his name, she began using that. Calling him by
10 Nick to get his attention. You know, keeping his attention
11 on us, especially when a person is in an escalated state is
12 key. One, you know, the more escalated they are the more
13 emotionally extreme their, you know, thinking is. We want
14 to bring that down so that the rational thinking can then,
15 you know, take over and we can calm the situation.

16 So she was trying the tactics that we use. It is
17 difficult in the situation that we have, there was -- just
18 the form of communication. If you're, you know, at a
19 distance with someone, you're having to raise your voice,
20 even over a PA system. It kind of keeps things high. If
21 we're trying to calm someone down, you know, if we could get
22 them on the phone. That was, you know, what our goal was
23 initially. They were just trying to see if we could get him
24 on the phone. And that information was that he had left a
25 phone at a bar or somewhere else, so there was no option for

1 that available.

2 But she was trying to use his name, trying to get
3 his attention to us, trying to ask questions about, you
4 know, what's going on tonight, what started this, you know,
5 to try to work to a place where we could begin to problem
6 solve. But he just wasn't -- she wasn't able to really get
7 ahold of his attention for any meaningful stretch of time.

8 Q Mm-hmm. All right. So again, in assessing her
9 efforts, did it seem like the efforts, manner and method
10 that you would have utilized if you would have been in that
11 role?

12 A She was using the methods that, yeah, we're
13 trained to do. I think she was, you know, doing the best
14 she could with, you know, like I said he was in an escalated
15 state. She was really having difficulty getting or keeping
16 his attention. There was one point where he was talking to
17 someone I believe in maybe the property behind or next to.
18 We couldn't see the other person or hear what was going on.
19 But just trying to draw his attention back to us. She was
20 struggling with that. But she was using the tactics that
21 we're trained on as ECIT. But also ECIT is a trained
22 resource in mental health affected folks. That's not the
23 same as just general person in crisis, or agitation, or
24 someone who's intoxicated from alcohol or drugs.

25 Q So she was utilizing these techniques, they just

1 weren't unfortunately having the desired effect on Mr.
2 Thorn.

3 A Correct. Yep.

4 Q Okay. So where were you positioned when the shot
5 was fired?

6 A I was standing behind her. I was trying to act in
7 a coaching capacity at that point.

8 Q And actually we've got a map right behind us
9 there. Can you tell us where you were as it relates to
10 where Officer Young was for example?

11 A Yeah. So when I initially got there I was parked
12 on the southside of Lovell Drive. I believe the
13 communication car was about here, like mid-driveway on the
14 north side of Lovell Drive. I was initially over here, more
15 on the east side of the parking lot. But I transitioned
16 over to where Nola was to assist with (indiscernible) at
17 that time.

18 Q Where was she at?

19 A She was at the car, like mid-driveway.

20 Q Okay.

21 A Of the entrance to the apartment complex I
22 believe.

23 Q So you were not by Officer Young when the shot was
24 fired?

25 A Correct. No, I was not. It was west.

1 Q And were you observing the suspect when the
2 shot was fired?

3 A At the moment before the shot was fired, no, I was
4 not looking at him. I was, you know, down with Nola trying
5 to problem solve the next, you know, communication tactic
6 that we could use at that time. I was just really trying to
7 own that role while I was in it.

8 MR. DAVIDSON: Got it. Okay. All right. I think
9 those are all of the questions I have for Officer Ford.
10 Anybody else with questions for Officer Ford?

11 GRAND JUROR: Just to be clear, from -- so you
12 were to the left of that group of trees or to the right of
13 it?

14 WITNESS: Oh, I'm sorry.

15 GRAND JUROR: The entrance to the driveway is --

16 WITNESS: The entrance to the driveway is down
17 here more, correct?

18 GRAND JUROR: Yeah.

19 WITNESS: Okay. Sorry. Yes, we were down more
20 towards the entrance to the driveway.

21 GRAND JUROR: Just trying to see if you could see
22 through the trees, but you were --

23 WITNESS: No. I wasn't (indiscernible).

24 GRAND JUROR: Okay.

25 WITNESS: I was down further. I apologize.

1 MS. FRANKLIN: Would it be helpful to have a
2 street view?

3 WITNESS: Yeah. I had another map that we were
4 looking at before when I was talking to them. Yeah. So we
5 were --

6 MR. DAVIDSON: So if you imagine, our
7 understanding is that Officer Young and Officer Pearce were
8 positioned roughly there.

9 WITNESS: Mm-hmm. Mm-hmm.

10 MR. DAVIDSON: You think you were --

11 WITNESS: Yeah. We were to the west of that.

12 MR. DAVIDSON: To the left?

13 WITNESS: Yeah. We were over here.

14 MR. DAVIDSON: Okay.

15 Any other questions for Officer Ford? No. Okay.
16 Officer Ford, you are free to go.

17 WITNESS: Okay.

18 MR. DAVIDSON: We're getting close to -- we have
19 two more witnesses that we're hoping to try and bang
20 through real quick if that's okay. We can maybe at least
21 start on it and see how that works for y'all.

22 GRAND JUROR: Sure.

23 (Asides)

24 MR. DAVIDSON: Okay. Yeah. Well, why don't we
25 take one of your witnesses?

1 MS. FRANKLIN: Yeah. We can do that
2 (indiscernible).

3 MR. DAVIDSON: Okay. Yeah.

4 MS. FRANKLIN: Okay. We'll do Officer Caden
5 Gerlach.

6 MR. DAVIDSON: I'll grab him.

7 MS. FRANKLIN: Okay.

8 MR. DAVIDSON: Oops. Excuse me. Thank you very
9 much.

10 (Asides)

11 MR. DAVIDSON: You know the drill. Right there.

12 MS. FRANKLIN: Okay. You can remain standing
13 actually and raise your right hand to be sworn in.

14 CADEN GERLACH

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

17 BY MS. FRANKLIN:

18 Q All right. We'll start by having you tell us your
19 full name and spell it for the record, please.

20 WITNESS: Can everyone hear me okay?

21 GRAND JUROR: Yes.

22 WITNESS: All right. It's Caden Gerlach C-a-d-e-n
23 G-e-r-l-a-c-h.

24 BY MS. FRANKLIN:

25 Q Last name is Gerlach then; is that right?

1 A Gerlach.

2 Q Okay. How are you currently employed?

3 A I'm a police officer for the City of Portland.

4 Q How long have you been an officer for?

5 A About 20 months.

6 Q And have you been with Portland Police the whole
7 time?

8 A Yes.

9 Q And what is your current assignment?

10 A I'm a police officer at East Precinct on afternoon
11 shift currently.

12 Q What are your -- what was your assignment in
13 October of 2024, so just last October?

14 A I was a trainee at East Precinct. Same afternoon
15 shift.

16 Q Do you have any specialized training in terms of
17 less lethal operator, rifle operator?

18 A I do not.

19 Q Did you -- were you on duty or working on the
20 night of October 4th of 2024?

21 A Yes, I was.

22 Q Were you in uniform and displaying a badge?

23 A Indeed I was.

24 Q Okay. And as a trainee were you in a patrol
25 vehicle? Was it your own patrol vehicle or were you with

1 someone?

2 A I was in a patrol vehicle with my FTO, my field
3 training officer, Johnny Ianos.

4 Q Okay. And was that a marked vehicle?

5 A It was a marked patrol vehicle.

6 Q All right. And that night did you guys respond to
7 5235 Southeast Lambert Street?

8 A Yes.

9 Q Okay. What was the initial information that you
10 guys had?

11 A The information that we had initially -- I was --
12 another officer was taking a call. All of the sudden we
13 hear on the radio, he has a rifle. Something to that
14 effect. Many officers with that information, code 3 over
15 there to that particular address.

16 Q Okay. About how long do you know did it take for
17 you guys to get to this location?

18 A From where we were, my coach was driving. And I
19 think it was like three, four minutes maybe.

20 Q Okay. What did you observe when you arrived?

21 A When we arrived on scene we saw a guy shirtless,
22 yelling at the top of like a stairwell. There's an
23 apartment complex there at the address that you mentioned.
24 No shirt on. He was yelling. He seemed to be intoxicated.
25 And he had a rifle in his hand.

1 Q What was he doing with the rifle?

2 A The rifle, when we got there, he initially kind of
3 had it holding it in one hand, stomping on the ground,
4 yelling at us. Throughout the incident sometimes he would
5 raise it up. I didn't have a great vantage point where I
6 was standing due to the foliage. But I clearly saw him
7 point the rifle at officers at least one time. I couldn't
8 confirm the other times because it was -- my vision was
9 obstructed due to the foliage.

10 Q All right. I've got a map up behind here. Can
11 you tell me, can you point where you were when you saw him
12 raise the rifle up?

13 A That's the apartment here. So I'd be right here.
14 That's the foliage I'm talking about. Our cars -- the other
15 officers that I was with parked here. We parked like right
16 up there, and we were kind of using the cars as cover.

17 Q Okay. And so, we've spoken with a bunch of other
18 witnesses, and we're going to have a lot more as well. So
19 I'm going to kind of just move through this fairly quickly.

20 A Sure.

21 Q But you described at one point this individual
22 raised this rifle up, right?

23 A Yep.

24 Q Was there some -- were you able to kind of see the
25 activity that was going on at the time that you arrived to

1 the moment where he raised the rifle? Did you have a
2 vantage point where you could see?

3 A Yes, I saw him when he raised it.

4 Q Did you see him interacting with any other
5 individuals besides from the communications officer?

6 A Yes. So we were trying to deescalate, talk with
7 this guy. And at one point someone I think came out to see
8 what's going on. Obviously there's a bunch of patrol cars,
9 and they're trying to sleep. So he went and engaged with
10 this individual. We were trying to tell him not to. And it
11 was more of the same. He was just yelling at him. And then
12 eventually he disengaged and we continued.

13 Q Okay. And at one point did you see this
14 individual go back inside his apartment?

15 A Yeah. At one point he said something to the
16 effect of I'm going to go get a real gun, I'm going to get a
17 12 gauge. He goes back inside. We're discussing trying to
18 formulate a plan. He was in there for maybe, it felt like
19 five minutes.

20 Q And during that time did you gear up with any
21 additional gear, or do you recall what you did during that
22 time?

23 A I remember just talking with my FTO and other
24 people there, kind of like what's our plan going forward.

25 Q And do you recall whether during this time you

1 were getting any additional information, whether it was
2 over the radio or from other officers, about this rifle that
3 this guy had in his hands?

4 A We had information prior to him going inside about
5 the rifle being -- his wife had told our commands, or, yeah,
6 our communications team that he had got it at Walmart and it
7 was an air rifle. At one point prior to him going inside,
8 back inside of his apartment when he was outside, he had
9 broken it down, like broken it down, and then it looked like
10 he was putting -- like he had put a shotgun shell in
11 something. But he clearly broke it and was like showing us
12 something.

13 Q So it sounds like you had some information from
14 this individual's wife that it was an air rifle. But based
15 on what you were seeing and kind of the information that you
16 had, did you still have concerns about this item in his
17 hands?

18 A Absolutely.

19 Q Okay. Could you say for sure at that point
20 whether -- what kind of firearm it was or whether it was an
21 air rifle?

22 A There was no way to tell.

23 Q Okay. What happened after this individual came
24 back out of his apartment?

25 A He came out of the apartment. It was more of the

1 same. We were trying to get him to come down and
2 deescalate. At one point I kind of -- I remember I was
3 looking at something else and I hear a shot. At first I
4 thought it was maybe one of our less lethal rounds. And
5 then I thought it was him shooting, Thorn. And then Thorn
6 went down, and I realized that it wasn't him shooting.

7 Q Okay. Where were you standing at the point that
8 you heard the shot go off, and we have the map still up if
9 that's helpful.

10 A The same place.

11 Q Okay.

12 A Right here behind my patrol vehicle.

13 Q Okay. And what did you do after seeing Mr. Thorn
14 go down?

15 A We put a team together and we went and contacted
16 Thorn. Officers put him in handcuffs and rendered air via
17 our chest seals per training.

18 Q Okay. And did you stick around and get
19 interviewed by detectives afterward?

20 A Yes. I was interviewed by two detectives later
21 that morning at like 6.

22 MS. FRANKLIN: Okay. Okay. I think those are all
23 of the questions that I have.

24 MR. DAVIDSON: Nope.

25 MS. FRANKLIN: Any questions from the grand

1 jurors? Okay. Great.

2 Thank you, Officer.

3 WITNESS: Thank you all.

4 GRAND JURORS: Thank you.

5 MR. DAVIDSON: And you all, that's all we'll have
6 for this morning. We can go ahead and go off the record.

7 (Off the record)

8 (On the record)

9 MS. FRANKLIN: Okay. We're back on the record in
10 death investigation under DA Number 051-086330. It's about
11 1:09. And we are starting up again with the next witness
12 who is Sergeant Adam Speer. You can have a seat over there.
13 If you don't mind remain standing and just raise your right
14 hand.

15 ADAM SPEER

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

18 BY MS. FRANKLIN:

19 Q Okay. We'll have you start by telling us your
20 full name and spelling it for the record please.

21 A My name is Adam Speer. First name Adam A-d-a-m
22 Speer S-p-e-e-r.

23 Q And how are you employed?

24 A I'm employed by the Portland Police Bureau, City
25 of Portland.

1 Q And how long have you been in law enforcement
2 for?

3 A 14 years.

4 Q Okay. With PPB the whole time, or?

5 A The whole time.

6 Q Okay.

7 A Yes.

8 Q Okay. What is your current assignment?

9 A I am currently assigned to our enhanced community
10 safety team.

11 Q Okay.

12 A Supervising detectives.

13 Q Okay. What hours do you work or what shift do you
14 work?

15 A Currently 6 a.m. to 4 p.m.

16 Q Okay. And at any particular district?

17 A No.

18 Q All of them?

19 A It's city-wide.

20 Q Okay.

21 A Yeah.

22 Q You said your supervisor. Is that sergeant
23 supervisor?

24 A Correct.

25 Q Okay. What are -- what's different with a

1 supervisor in terms of like your duties when you're
2 responding to an incident as opposed to like patrol?

3 A As like a uniform officer?

4 Q Yeah.

5 A So typically we kind of oversee everything. So,
6 you know, officers are trained. They're given the gun,
7 badge. They can make decisions, right? And they usually
8 take action on things. And the sergeant is kind of
9 overseeing and trying to take control of the whole group,
10 and trying to get it going in a direction as for the goal of
11 the call.

12 Q Is it fair to say you make a lot of decisions
13 about what you're going to do next under the circumstances?

14 A Yes.

15 Q Okay. And how long have you been in this
16 supervisory position?

17 A Five years.

18 Q And you said currently you supervise the enhanced
19 community safety -- I forget what the acronym is.

20 A ECST.

21 Q Okay. We heard a little bit about what that is
22 and kind of what it means. But can you just kind of
23 summarize for us what you do in that role?

24 A We have, you know, approximately 10 detectives, 10
25 officers, and we investigate all non-fatal shootings that

1 are related to a robbery or DV. So a house gets shot up,
2 a person gets shot that's not DV or robbery related, we
3 investigate those shootings.

4 Q Okay. Do you also have training in either or both
5 less lethal operation or operating rifles?

6 A I am qualified and trained in both an AR-15 and
7 our less lethal 40-milimeter impact launcher.

8 Q Okay. Were you working on October 4th of 2024?

9 A I was.

10 Q And were you in this supervisory position?

11 A I was working nightshift patrol supervisor.

12 Q Okay. And so, when you're arriving at a scene as
13 a patrol supervisor, how are your duties different there as
14 opposed to just a uniformed patrol officer?

15 A It really depends on the call and what it needs,
16 you know? If just someone is on a traffic stop and just
17 driving by and go to cover them, just make sure they have
18 another officer there to watch their back, to calls that are
19 -- they have an active threat component to it and then
20 requires a large amount of officers and maybe different
21 specialty units. And so, basically the supervisor kind of
22 quarterbacks that and kind of arranges all of the pieces.

23 Q Did you respond, on the night of October 4th, 2024
24 did you respond to 5235 Southeast Lambert Street in
25 Portland?

1 A I did. Yes.

2 Q And what was the initial -- I guess what were you
3 doing at the time that you got this call?

4 A So I was actually downtown when I heard the call
5 come out. We have to qualify with our firearms three times
6 a year. I was just finishing up when I hear Officer Young
7 saying that the guy has got a rifle, he's coming to the door
8 with a rifle, something to that effect.

9 Q Okay. About how long did it take for you to
10 respond given you were coming from the downtown area?

11 A I believe it was somewhere around 10 or 15
12 minutes.

13 Q Okay. When you arrived were you -- I guess as you
14 were driving and responding were you getting any updates on
15 the way?

16 A I was listening to the radio. You know, initially
17 I don't even know what type of call they're going to. I
18 don't even know if it was cold called, if they were
19 dispatched. I'm focusing on, you know, the shooting or
20 whatnot. But I hear, you know, that update about he's got a
21 rifle coming to the door, and or kind of running out of
22 there. So I'm just kind of monitoring what's going on.
23 There's other -- there's two other supervisors that are
24 working at the time. They'd be heading that way. I'm also
25 heading there as quick as I can with lights and sirens,

1 because it's kind of a deal in the police world.

2 And so, I'm listening, you know. They say that.
3 I, you know, kind of hear them moving back. And, you know,
4 I think on my way I kind of probably give an update of all
5 right, kind of get distance, get your rifles out, those type
6 of things to help with tactics.

7 Q Okay. And were you driving a marked patrol
8 vehicle when you were responding?

9 A I was, yes.

10 Q And were you in uniform displaying a badge?

11 A Yes.

12 Q Okay. When you arrived -- I've got a Google Map
13 up behind you. Can you let us know where you parked your
14 vehicle?

15 A So it was right in this intersection right here.

16 Q Okay.

17 A Somewhere in this area.

18 Q And did you get out and get a kind of closer
19 vantage point after that?

20 A I did. So I kind of made my way. Everyone was
21 like over here. I mean, I think there were 10 to 12 cops
22 there already, and, you know, cop cars over here in this
23 area. And then when I got there we had the gentleman with
24 the rifle standing on kind of that balcony up there. We had
25 spotlights facing that way. So I worked my way this way to

1 not get like up front. Get kind of a, you know, like the
2 10,000 foot view. Stay back here and try to arrange
3 everything that's going on.

4 Q Okay. What was this guy doing? You said -- you
5 called him the gentleman that was kind of up by the
6 apartments. What was he doing when you first saw him?

7 A So I got out of the car and I immediately hear
8 yelling from officers. I distinctly recall the voice,
9 knowing it was Sergeant Shadron, right. So I know it's
10 another supervisor I'm working with. And then I know
11 there's another supervisor. She was acting Sergeant Ford.
12 So she's just in an acting role. Hasn't been trained and
13 hasn't experienced whatnot. But, so I hear acting Sergeant
14 Ford, you know, communicating with the guy. And I remember
15 something to the effect of like who's in charge, and he's
16 talking back to them, and maybe, you know, kind of some F
17 bombs going back and forth. And he's holding a rifle in his
18 hand.

19 Q Okay. Can you describe the rifle?

20 A It was about two feet long. It looked like kind
21 of a standard like hunting rifle. Small hunting rifle.
22 Kind of similar to like a .22 caliber long rifle.

23 Q And so, you said when you arrived, so you see this
24 guy up there with this rifle, and then you also see Shadron
25 talking or communicating with this guy at the same time.

1 A I can hear him. I don't even see Shadron at
2 this point. Yeah. There was a large group of officers in
3 this area. The spotlight is pointing to a guy on the middle
4 kind of landing of the stairs there.

5 Q Do you remember whether the guy with the rifle was
6 saying anything at this point? Anything in particular?

7 A To this point, like I know there was some
8 statements about, you know, blowing people's heads off and
9 those types of things. Right when I got there it just
10 sounded like someone was very escalated.

11 Q Mm-hmm.

12 A Like almost like a crisis situation. And I can't
13 tell you anymore like specifics.

14 Q Yep. Okay. What did you do after that?

15 A So I, you know, like I said the supervisor role is
16 to have that like kind of quarterback kind of feature. The
17 officers and sergeants that were there, they were kind of in
18 a defensive role at that point. Like they -- it was
19 unexpected. It is unexpected to show up to a call while
20 someone is pulling out a rifle. And you're retreating for
21 distance. You're worried about, you know, your own safety,
22 the safety of innocent people, other people in the complex.

23 It's very unique, or at least it doesn't happen
24 often in our world. It really doesn't. and most of the
25 time, you know, we get a call that someone is armed. They

1 shot off rounds at the house. They'll be standing
2 outside of the house. And we approach it totally different.
3 And, you know, we can -- our favorite way and best way of
4 handling calls with weapons is, you know, invisible
5 deployment of a rifle team. So someone with a rifle. They
6 have a spotter. They go up. They go in the shadows. They
7 don't get seen. They get eyes on. They don't even know the
8 cops are there. And then we find a way to communicate with
9 the person, right? And so, they're not feeling the pressure
10 of the police, but we're there and ready to respond. We've
11 got a team coming if innocent people are in danger. Or we
12 also have the rifle team that's there to be able to act
13 immediately. That's how we like to respond.

14 Everyone that was there at the time was, you know,
15 kind of put on the defensive. Everyone was just getting
16 there. They had a guy standing there, yelling that he's
17 going to kill them with a rifle. And so, everyone was
18 getting there, and I just saw this kind of like defensive
19 front right now.

20 And so, when I got out of the car I see not a
21 solid communication team, and all the pieces that we like as
22 a supervisor. We kind of use what we call the four C's how
23 we organize a call. It's a custody team, a communication
24 team, containment and contingencies. So the first thing I
25 started doing was trying to set containment. So trying to

1 get officers around the perimeter, so as to keep people
2 from coming in, stop innocent people from getting hurt. It
3 contains the bad guy. And then next I went to Shadron --
4 or, I think actually first was Shadron communicating. We,
5 you know, as supervisors, we don't want the hands on roles
6 trying (indiscernible) be more leadership roles. And kind
7 of recognizing what's going on with kind of a crisis
8 situation. There was another officer who had just arrived
9 with me. Her name was Officer Watts. She's one of our ECIT
10 officers. Has advanced crisis intervention training. I've
11 worked with her for years now. She's -- literally I've been
12 on calls with her where she's literally talked people off
13 the ledge. So she's one of those like kind of great
14 communicators. I don't know if you guys -- you know, I'm
15 sure you'll probably see some body-cam video. She's just
16 kind of a calmer tone.

17 So I saw her and I was like yep, I need you. Go
18 take over communication. All right? And so, relieve a
19 sergeant out of that hands on role. And she knows what we
20 like to do in a communication role, you know. It was one
21 person talking with the person. Someone gets support. All
22 right. So we started building up communication. We're
23 getting containment. I get Shadron out of there, Sergeant
24 Shadron. And I said hey, get a custody team. Have a
25 custody team built out. Usually, you know, people hands on

1 that can put cuffs on someone. Someone with a 40.
2 Someone with the rifle. Be ready to receive him if he drops
3 the rifle to give up. Be able to move and approach him if
4 we need be. So we're setting up containment. Now we're
5 getting communication. Now we're getting custody. And then
6 I see our acting sergeant, acting Sergeant Ford. She was
7 actually on our CNT team, it's our Crisis Negotiation Team.
8 She has one of the highest levels of training in the Bureau
9 for being able to negotiate with people in crisis.

10 I was like yep, awesome. Come join Officer Watts.
11 So now we're getting all of the pieces in place, and that's
12 kind of how I was approaching it at that point.

13 Q Okay. Throughout this process, whether while you
14 were trying to set up all these little teams, or sometime
15 around there, were you getting additional information about
16 what this rifle might be?

17 A So, yeah. He -- so while I'm billing this all out
18 and getting the, you know, pieces in order to the best I can
19 at that point, he -- there was periods where he was yelling
20 it was a pellet gun. There was other info coming that it
21 was a pellet gun. He, he -- I remember something about like
22 red barrel maybe. Just statements like that. And, you
23 know, I'm -- I can't remember like all of the statements.
24 I'd have to go back to the body camera. But, we're getting
25 info that it was a pellet gun.

1 Q Were you also getting information about a .22
2 caliber?

3 A A little bit later on.

4 Q Okay.

5 A It might have started coming up on the radio.

6 Q Sure.

7 A So while we're sending all these pieces too, you
8 know, we -- our number one goal is to protect innocent
9 people, right? People not involved in this. People in the
10 complex. Everyone else in the community there. And that
11 being our number one goal, it went sideways on us really
12 quick because all of the sudden his focus changed.

13 Have you guys seen body-cam video at all or
14 anything? So you kind of know what I'm talking about. So
15 all the sudden his attention turned and he goes down to the
16 other side of the complex. And so, now we're preparing like
17 he's got a rifle in hand, he's yelling at someone. We
18 thought it was someone at the end of the residence. I
19 learned after the shooting that it was just someone actually
20 on the other side of a fence, an elevated fence, yelling at
21 him.

22 But, so now we're worried about protecting this
23 neighbor. Is he going to go shoot the neighbor. And then
24 for some reason he breaks away from them. We're telling him
25 to drop the gun, as we're telling the neighbor to go inside.

1 You know, we're sending a reverse 911 to everyone in the
2 apartment complex to stay in your place. All the sudden he
3 comes back to us. And then at one point, you know, we're
4 trying to deescalate. (Indiscernible) for my one point.
5 We're trying to deescalate him. I think Officer Watts is
6 stepping in there. Does a good job at times. They kind of
7 go back and forth. And I lost my train of thought. Sorry.

8 Q It's okay. Did you -- so during this time were
9 you talking to anybody else, whether it was other officers
10 over the radio, in person, or family members, anybody else
11 about additional information about the rifle that this guy
12 had?

13 A Yeah. Before that, that's where we're -- okay.
14 So he comes back. They're communicating. And then he
15 shoots into the air, all right? And it was not like the
16 bang or boom of a real gun, or high caliber gun, all right?
17 There's different levels of lethality, all right? If, you
18 know, you've seen the machine guns like on a hum-D, a
19 military hum-D, right? Super lethal, right? .50 cal
20 machine gun would be bad. Don't want to be anywhere near on
21 the barrel end of that, right?

22 And then we hear kind of more silence. He's
23 saying pellet. And so, I'm thinking it's a pellet gun. I'm
24 even asking out over the air if it's a pellet gun. And in
25 the back of my mind, from my own experience, I know that

1 there's .22 caliber subsonic rounds. So if you know like
2 a standard .22 rifle, they have subsonic rounds that are
3 super quiet. You don't need a silencer. And they can shoot
4 off and they're super silent.

5 Q And just to confirm, that's with an actual
6 firearm. You're not talking an air rifle at that point.

7 A Correct.

8 Q Okay.

9 A An actual firearm.

10 Q Got it.

11 A So we're -- so in the back of my mind, that's
12 happening. We have the .22 pellet rifle gun -- or the --
13 he's saying it's a pellet gun. And then he finally goes in,
14 back into his place. So I'm kind of like okay, and take a
15 deep breath. Stay there all night. We'll work on a
16 different plan. Just stay there.

17 And so, at this point I wanted to find out, you
18 know, exactly what we have. I know his wife was right down
19 the hill by where we parked. She was with another officer.
20 And so, I go down and meet with that officer and his wife,
21 and learn that he had been at the bar and needed to be
22 picked up. He didn't have his cellphone, and that there was
23 no physical violence between them. So we didn't have like a
24 mandatory arrest dv going on. We had no other way to
25 communicate with him in the apartment besides loud hailing

1 over speakers or yelling. And that he was super drunk.
2 And that's coming from the wife.

3 And when someone is -- has a high level of
4 intoxication, that makes everything tough. Especially if
5 they're in that crisis mode. A lot of the times it's like,
6 you know, kind of talking to a wall. They're not hearing
7 it. They're just, they're just at the heightened level and
8 it's really hard to get them back down. And then one thing
9 I really needed to know, and I guess getting to your
10 question, was what is this rifle. Is this a real gun? Is
11 it a pellet gun? And not that a pellet gun is not lethal,
12 right? It's -- I'm trying to find and gauge what our
13 tolerance is. So going back to like, you know, a .50 cal
14 machine gun. I don't want to be anywhere near there. But
15 we can tolerate a little bit more from a pellet gun. And
16 like we were, there was times he was holding the rifle, just
17 kind of holding it in one hand and waving it at us. So we
18 tolerated that.

19 And so, I was trying to get definitive answers, so
20 to find what our intensity is of the situation. He said,
21 you know, he doesn't own any firearms. He says it's a .22
22 caliber pellet rifle. (Indiscernible) that is kind of a
23 problem for me because I didn't know there was such thing as
24 a .22 caliber pellet rifle at the time. I thought they were
25 just a bb gun, a pellet gun, and then the .22 long rifle. I

1 guess I never grew up as like a gun guy that much, so I
2 didn't know like there are specific large caliber pellet
3 guns like that. And then while I'm asking that and trying
4 to get the definitive answer on the rifle, people are
5 finding reports that there were casings found in front of
6 that apartment in the past, and that also an officer wrote
7 in a report previously, I think within the, you know,
8 previous couple months to that, that there were -- that he
9 claimed to have a .22 caliber long rifle there.

10 So we're getting reports of casings. There's
11 supposed to be a gun there. He's inside. So I couldn't get
12 anything definitive from the wife, and then having the
13 contradictory, you know, info with the casings and gun in
14 there.

15 Q And so, just to clarify, you had said, you were
16 talking about how depending on what the weapon is, it kind
17 of effects what your tolerance is, and then it kind of
18 effects the decisions thereafter. If you had certain
19 information that this was an air rifle or a pellet gun, it
20 sounds like you still would have been taking measures to do
21 containment, custody. You still would be worried about
22 safety. Is that fair?

23 A Without a doubt. I mean, that's just trying to
24 gauge the lethality.

25 Q Sure.

1 A I mean, I've worked a lot of calls out in East
2 Precinct. I've done over a dozen years on patrol. I've
3 been to many vandalism calls, many, you know, people saying
4 my house got shot up and it ends up being bb guns or pellet
5 guns. I've seen them go through double pains. I know
6 pellet guns are used for small game hunting, all right? So
7 they definitely have lethal or lethality to it.

8 Q Mm-hmm.

9 A Let alone, serious physical injury it can to
10 anyone. So that's why I just wanted a more definitive. If
11 it was like I said, you know, a high lethal thing, like a
12 .50 cal, I'm not going to tolerate being muzzle swept by it.
13 No matter how you're holding it, it's just -- but we can
14 tolerate a little bit more if it's a pellet gun --

15 Q Sure.

16 A -- by distance.

17 Q Okay.

18 A In my mind.

19 Q So it sounds like after speaking with Mr. Thorn's
20 wife and getting this information through the radio about
21 this prior incident, is it fair to say you still didn't have
22 clarity on exactly what kind of weapon it was that you were
23 dealing with?

24 A That is -- yes, that's correct.

25 Q Okay. So what happened after -- and this all

1 happened while Mr. Thorn had gone back into the
2 apartment; is that right?

3 A Correct.

4 Q Okay. Did you observe when he came back out and
5 out into the open again?

6 A I did. So like a couple minutes where he's in
7 there, and really as a supervisor I need to kind of plan our
8 next steps. Make sure, you know, the community is going to
9 be safe, we don't have arrest obligations at this point.
10 You know, how do we handle this situation. And by what I
11 gauged from the wife that she's out, she's with the kids.
12 No one is there. We don't -- she wasn't assaulted. But he
13 is drunk with a rifle. So I start gauging in my mind that
14 it probably would be best to have a, you know, kind of
15 tactical disengage.

16 So I start planning in my mind that we would get
17 to that place where I told you how we like to go to like an
18 active threat or someone with a gun where we have an
19 invisible rifle team. So in my mind we were going to set
20 back up a rifle team in the shadows in the parking lot,
21 different spot, and then work on getting all of these
22 officers out of there with the cars all stuck in the
23 (indiscernible) line in the parking lot.

24 And I walk back up the hill. I don't know.
25 That's a slide hill, but you can't tell from the Google

1 Maps. To back over here where Sergeant Shadron was at.
2 And so, I had this kind of disengage plan in my mind. I
3 went to Shadron and said hey, what would your kind of
4 disengagement plan be, or walkaway plan be. And then he
5 came, he came back outside to the landing at that moment.

6 Q And can you describe what Mr. Thorn looked like?
7 What was holding when he came back out?

8 A He had a rifle in a hand and had a knife in a
9 hand, and I heard yelling. And then I think he dropped a
10 knife, or the knife goes away. And then the next thing I
11 know he shoulders the rifle in a shooting stance and points
12 it right at the direction of where our primary custody team
13 was at.

14 Q Okay. In that moment could you tell for sure
15 whether it was the same rifle? Did you have any clarity on
16 what weapon you were working with?

17 A I did not.

18 Q Okay.

19 A I don't know.

20 Q Okay. Okay. So what happened after Mr. Thorn
21 shouldered the rifle?

22 A That's when I heard the shot being fired, you
23 know. And I knew it was from our custody team. Just heard
24 a single custody team. And with the spotlight coming up
25 towards the apartment, I could see the, you know, the gun

1 powder smoke coming from the direction of the spotlight
2 towards him. and the subject on the balcony with the rifle
3 collapsed to the ground.

4 Q Okay. And what happened after that?

5 A I tell Sergeant Shadron we've got to get him --
6 render aid. He went straight down with the custody team,
7 grabbed officers. Made sure we had IFAK come in. they went
8 up to render aid. And we had medical already come to the
9 stage. And then we moved medical in. so just rendering aid
10 at that point. And then crime scene procedures afterwards.

11 MS. FRANKLIN: Okay. I think that's all of the
12 questions I have.

13 Do you have any?

14 MR. DAVIDSON: Just a couple. Yeah.

15 BY MR. DAVIDSON:

16 Q I'm sorry. What's an IFAK?

17 A It's a first aid kit.

18 Q Okay.

19 A Trauma/ first aid kit.

20 Q And does every patrol vehicle have an IFAK?

21 A Yes. Everyone.

22 Q Okay. And so, you had talked about this tactical
23 disengagement plan that you were putting together. And that
24 I'm assuming when he went inside, you were hoping he'd stay
25 inside, and that would allow you to, you know, I guess

1 implement this tactical disengagement; is that right?

2 A Correct. It was definitely since he was inside we
3 can kind of peel back. And if he stayed in there I think we
4 could have stayed in that kind of invisible rifle team.
5 Monitored him for a while. Make sure maybe he goes to bed
6 and then sobers up, and then we figure out the next
7 (indiscernible) and use our behavior health unit to go check
8 in with him, or our other avenues --

9 Q Okay.

10 A -- of follow-up.

11 Q Am I understanding this correctly? The reason why
12 you weren't able to implement that approach is because he
13 just all of the sudden came back out with the rifle and
14 within minutes lowered it and aimed it at the officers?

15 A Exactly. It takes a little bit of time to enact
16 the plan. And then when he came back out, it was an active
17 threat, and it just seemed like almost -- like he's back
18 out. And then the rifle is pointing at the custody team.

19 MR. DAVIDSON: Okay. Thank you.

20 GRAND JUROR: Did you have a rifle at that time?

21 WITNESS: I have a rifle. It was in my car.

22 GRAND JUROR: It was in the car.

23 WITNESS: Yeah.

24 GRAND JUROR: At -- and you -- at the point it
25 lowered, only one shot, right? So nobody else fired as the

1 rifle was being pointed towards the officers?

2 WITNESS: He definitely pointed toward the
3 direction Officer Young and that custody team was.

4 GRAND JUROR: Yeah.

5 WITNESS: Those cars. I don't know why he pointed
6 it at that direction. I don't know if that's because the
7 spotlight was there.

8 GRAND JUROR: Mm-hmm.

9 WITNESS: And then they were the primary, I guess
10 -- he was the primary lethal force person. The closest
11 person there. He was in communication with Sergeant Shadron
12 for custody team. And we were going back and forth about
13 how we can even utilize less lethal or use one of our
14 launchers. And I believe there was a -- it was probably
15 Officer Kaneda who was next to him or near him in that area,
16 as our 40-mil, our less lethal launcher person. And with
17 the angle and the guardrails, he said he couldn't get any
18 type of good shot at him.

19 MR. DAVIDSON: So I guess the question is there
20 was only one shot and it was just Officer Young, correct?

21 WITNESS: Yeah. And he was -- he's the primary
22 lethal person. We try and designate roles. There were more
23 officers back like alongside of the road. But they weren't
24 tasked like up on target like he was tasked to keep everyone
25 else safe and the closest person.

1 GRAND JUROR: Okay. You actually designate a
2 main person who would do -- take that role if it becomes
3 that situation?

4 WITNESS: Exactly. So custody team is usually a
5 rifle, less lethal, two hands on people, a communicator and
6 a team leader or supervisor. So everyone gets these kind of
7 designated roles.

8 GRAND JUROR: Sorry. Could you repeat the roles
9 for the custody team?

10 WITNESS: So lethal. Either handgun or rifle.
11 Less lethal. So the .40-milimeter impact launcher. Two
12 people to go hands on. And then a communicator to give
13 orders. And then the supervisor.

14 GRAND JUROR: Thank you.

15 MR. DAVIDSON: Any additional questions? I'm
16 sorry. Any additional questions for the sergeant?

17 GRAND JUROR: (Indiscernible) you guys. Do you
18 guys have a picture of that .40-milimeter gun?

19 MS. FRANKLIN: The .40-milimeter?

20 GRAND JUROR: Yeah. The, you know, the guy that
21 does the less lethal round.

22 MS. FRANKLIN: The less lethal?

23 GRAND JUROR: Yeah.

24 MS. FRANKLIN: I don't believe so.

25 GRAND JUROR: Just for reference.

1 MS. FRANKLIN: We can get you one if you want.

2 But --

3 GRAND JUROR: (Indiscernible).

4 WITNESS: Can you Google and I can say --

5 GRAND JUROR: (Indiscernible) the body-cam --

6 (Crosstalk)

7 MR. DAVIDSON: Do you know what the brand is?

8 GRAND JUROR: Yeah. At one point in the body-cam
9 I think I saw, but I (indiscernible).

10 (Crosstalk)

11 MS. FRANKLIN: How about this, I will, before
12 tomorrow I will get a still-shot of a less lethal so that we
13 can take a look at it. Does that work?

14 GRAND JUROR: Yeah. That works.

15 MS. FRANKLIN: Okay.

16 GRAND JUROR: I thought maybe you could pull
17 something up on Google.

18 MR. DAVIDSON: Well, we want to make sure we show
19 you the right one.

20 MS. FRANKLIN: Yeah. And not just like any brand.

21 GRAND JUROR: Okay.

22 MS. FRANKLIN: So I'll get you a picture.

23 GRAND JUROR: Okay.

24 MR. DAVIDSON: Okay. All right. All right. All
25 done?

1 WITNESS: I can go to Central and take a
2 picture.

3 MR. DAVIDSON: No. We're good.

4 WITNESS: Okay.

5 MR. DAVIDSON: (Indiscernible).

6 (Crosstalk)

7 MR. DAVIDSON: We're good. Okay. All right. You
8 are free to go. And we're going to have Sergeant Shadron in
9 next.

10 MS. FRANKLIN: Thank you.

11 GRAND JURORS: Thank you.

12 WITNESS: Thank you all for doing this.

13 MR. DAVIDSON: Shadron, are you ready?

14 (Asides)

15 MR. DAVIDSON: I think you know the drill.

16 JOHN SHADRON

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

19 BY MR. DAVIDSON:

20 Q Can you state and spell your full name for us
21 please?

22 A It's John Shadron S-h-a-d-r-o-n.

23 Q And how are you employed?

24 A I'm a police sergeant in the City of Portland.

25 Q And how many years of law enforcement experience

1 do you have?

2 A 30.

3 Q All with Portland?

4 A No. I worked in Hawaii from '94 to '99 and I've
5 been here since 1999.

6 Q Okay. And what's your current assignment?

7 A A nightshift sergeant at East Precinct.

8 Q All right. And how long have you been a sergeant?

9 A Two-and-a-half years.

10 Q And do you have any additional specific special
11 training from the Bureau?

12 A No.

13 Q Are you -- I mean are you a rifle operator?

14 A No.

15 Q A .40-milimeter?

16 A Nothing at all.

17 Q Okay. ECIT?

18 A No.

19 Q Okay. That's fine. All right. So you know why
20 we're here. we're here to discuss this incident that
21 occurred last October 4th, 2024 involving another officer,
22 Officer Andrew Young. Were you on duty in uniform and
23 displaying a badge that evening?

24 A Yes.

25 Q And were you operating a marked patrol vehicle?

1 A Yes.

2 Q So where were you and what were you doing when you
3 heard the call come out?

4 A I think I was in the area of maybe 96th and
5 Division. There's a parking lot there, and I was going
6 through some administrative things. And I heard Officer
7 Young get on the radio and say something that somebody came
8 out of the house with a rifle.

9 Q Mm-hmm.

10 A And normally you don't hear that tone out of his
11 voice. So it immediately --

12 Q Out of Officer Young's voice?

13 A Yeah. He's a little bit even keeled. So to hear
14 the tone of voice when he got on and said something like
15 that, it definitely caught my attention.

16 Q Okay. So what did you do?

17 A I got there as quickly as I could.

18 Q And do you remember how long it took you to get
19 there?

20 A I'd say within five minutes.

21 Q All right. And what did you observe when you
22 arrived?

23 A I saw Officer Young behind the vehicle and he had
24 his rifle out and he was pointing it towards the upstairs --
25 there's a two-story apartment building, maybe eight

1 apartments on each floor. And it was the top of the
2 stairs, there was a man there.

3 Q Okay. If you look behind you there's an overhead
4 map here which I believe represents the apartment complex
5 you're talking about. Do you remember where you parked your
6 unit?

7 A I parked it a little further down here I believe,
8 and then I believe Officer Young was about here.

9 Q Okay.

10 A Would be about right.

11 Q And you walked down to interact with Officer
12 Young; is that what you did?

13 A Yeah.

14 Q All right. And did he brief you on what was
15 happening?

16 A Yeah.

17 Q Mm-hmm. Were you the first supervisor on scene?

18 A I believe so.

19 Q All right.

20 A Or at least when I got there I didn't see any
21 others, so I kind of assumed the duty immediately.

22 Q Okay. All right. So what did you observe? What
23 was going on?

24 A So about right here you can see the concrete
25 stairs and at the top of the stairs. Yeah. All this

1 technology. So at the top of these stairs is where those
2 apartment doors open, and there was a man outside yelling
3 and screaming.

4 Q Okay. When you first observed him did have
5 anything in his hands?

6 A I don't remember seeing anything in his hands at
7 the time.

8 Q When you first got there?

9 A Yeah.

10 Q Okay.

11 A So that's kind of why I went over to Officer Young
12 and kind of asked like why are we here.

13 Q Yeah.

14 A Dumb question. And then our second question was
15 kind of like do we need to still be here.

16 Q Mm-hmm.

17 A This is likely a -- in police work it's kind of a
18 de-escalation and not making things worse.

19 Q Mm-hmm.

20 A So it was kind of like a has he committed any
21 crimes, and if we left, would things get better or would
22 they get worse. And kind of during that conversation the
23 male came back out of his apartment holding a rifle, and I
24 said oh, well, I guess that just answered my question, so.

25 Q Yeah.

1 A We determined that we couldn't leave right
2 about then. Yeah.

3 Q Okay. And what was his demeanor like? What was
4 his -- how was he acting? What was he saying?

5 A He was saying things like he wanted us to kill
6 him, he wanted to kill us, he wanted to -- I've been teased
7 about this so many times. He wanted to talk to who was in
8 charge, and I said unfortunately it's me. I said you're
9 stuck with me.

10 (Asides)

11 A Yeah, see. I told you guys. I've been hearing
12 this non-stop for eight months now. Unfortunately it's --
13 because I was an officer for 27 years before I got promoted,
14 so it's always funny now that like people are like you're in
15 charge. I'm like oh, crap.

16 Q You're looking around for who's in charge and you
17 realize it's you.

18 (Crosstalk)

19 A Yeah. So that was kind of the joke for a while
20 was --

21 Q Yeah.

22 A -- he kept yelling like I want to talk to who's in
23 charge, and I was like okay, unfortunately it's me.

24 Q Right.

25 A So I kind of started the back and forth with him

1 trying to get him to put the rifle down.

2 Q So what kind of things were you saying to him?

3 A Just like we're not here to hurt you. We want to
4 get this over with. And he kept yelling kill me, or I'll
5 kill myself. And it's like, no, we don't want to hurt you.
6 Put the rifle down and we'll figure out some kind of mental
7 health assistance. Whatever we can do to make things better
8 for tonight.

9 Q So can you describe to us what the rifle looked
10 like to you?

11 A Again, this is where I'm going to go bad. I don't
12 -- like you asked about my training. I don't know anything
13 about guns other than the one that I have. And --

14 Q You're referring to your service pistol?

15 A Yeah. And we're, you know, we're 50 yards away.
16 And so, I'm looking at that and I'm seeing what looks like a
17 real rifle to me.

18 Q Mm-hmm.

19 A Everybody I've asked, who are the, you know, super
20 cops, I ask them what does that look like to you, and
21 they're like that looks like a rifle to me. So everybody
22 who was on scene --

23 Q Mm-hmm.

24 A -- again, we weren't right next to him. but
25 everybody who was there was like yeah, that's a rifle.

1 Q Well, and he's also saying things that would
2 consist --

3 A Yeah. He was saying he was going to kill himself,
4 and he's yelling something about break stock or something.
5 I don't even know what he's saying. But he's saying things
6 to me that --

7 GRAND JUROR: Break barrel, break barrel.

8 WITNESS: Yeah. And to me that means like that's
9 a real gun. And I'm thinking well, he's trying to get us to
10 kill him or he wants to shoot at us. So things have just
11 ramped up.

12 BY MR. DAVIDSON:

13 Q Okay. So as far as your initial first impression,
14 you're like this is a real gun. I'm going to treat this
15 like as if it's a real gun.

16 A Yes.

17 Q Okay. At some point, were you receiving kind of
18 updates and kind of sometimes conflicting information about
19 what the nature of this gun was?

20 A Yeah. So at points we were hearing, and I believe
21 it was from family members, that it might have been a
22 airsoft rifle or, you know, other types of non-lethal
23 weapon. But also while I'm hearing that I'm getting
24 information from other officers that we've been to this same
25 house a few months prior and we found shell casings there.

1 So, again, that's -- everything that I've been hearing
2 from everybody involved is like we're going to treat this as
3 a real gun regardless.

4 Q Mm-hmm.

5 A So that's kind of at the point I wanted to make
6 sure that each officer I talked to knew that like we're not
7 taking any chances that it may be fake.

8 Q Mm-hmm.

9 A Because nothing that we're seeing or hearing is
10 thinking that it's anything but.

11 Q Okay. And not that you're an expert on this, but
12 even if it is like an air rifle, that still poses a threat.

13 A Yeah, yeah. It depends where you're hit with one
14 of those. Yeah. It can take out anybody.

15 Q Okay. All right. So you're trying to interact
16 with him. you're trying to deescalate. Do you feel like
17 what you're doing is working?

18 A I thought I was doing a great job. We were kind
19 of at a stalemate, but he was still talking. So we were --
20 we were -- I was taking advantage of that. And so, after a
21 while it seemed that -- we still had the conversation, but
22 then we had other officers showing up. And then I was
23 reminded again that kind of you're the supervisor, you
24 shouldn't be doing stuff like that. So we had an enhanced
25 crisis intervention officer show up. So I kind of let her

1 take over the interacting with him while we tried to
2 arrange everything of what if this happens, what if this
3 happens, and kind of preparing for that. So...

4 Q Was that Nola Watts?

5 A Yes. Officer Watts kind of took over that role,
6 and then I tried to, you know, make sure each officer was
7 kind of on the same plane as me of thoughts about the rifle,
8 and if he were to give up, this is what we're going to do.
9 So we were trying to plan for what would happen if he would
10 give up.

11 Q Mm-hmm. All right. And were you coordinating
12 with Sergeant Speer, I guess?

13 A Yeah, yeah. Later in the, later in that plan I
14 realized he was standing behind me. I didn't know that for
15 the first 10 or 15 minutes. But then once I realized he was
16 there, I took advantage of his observations as well and we
17 tried to plan out what we could do.

18 Q Okay. So at some point did you see him fire the
19 gun in the air?

20 A I did not.

21 Q Or were you back from the --

22 A Yeah, yeah.

23 Q Okay.

24 A And again, I'm talking to each officer and trying
25 to give them rules, if something does happen this is what

1 we're going to do. And then going to check in with these
2 officers. Because, again, like you were saying earlier,
3 that regardless of what kind of a rifle it was, officers
4 were concerned, like what if he starts shooting at us. And
5 then we had our less lethal .40-milimeter rounds, and
6 officers were like why aren't we shooting that at him.

7 Q Mm-hmm.

8 A And again, since I'm not fully trained in all of
9 those, I'm going to check with the guy who is the expert and
10 say like okay, if we do shoot that at him from this
11 distance, is it going to have any -- is it going to make him
12 more upset or is it going to work, and then I'm relaying
13 that back to the officers.

14 Q And who is the .40-mil operator?

15 A Officer Kaneda. Yeah. So I was checking in with
16 him. and then I'm seeing like, there's like a -- you have a
17 picture. You can kind of see there's kind of like a rod
18 iron fence up there, and I'm thinking from our distance if
19 we shot that it's going to have to be a really good shot,
20 and it's going to have to be high. And so, all of those
21 things are going through my brain at the same time, and I'm
22 thinking that's a bad idea, but my officers are concerned
23 about this rifle still. So we're just coming up with
24 different plans for what ifs.

25 Q Okay. Did you observe him reenter his apartment?

1 A Yeah. So actually I was actually talking to
2 Officer Young about like hey, reminder, we're not treating
3 anything as not real because everything can hurt us. Some
4 even more so. And then as I did that he would go into his
5 apartment, come back with a rifle, run back in, come back
6 out with a rifle. And I'm like I can't tell if he's
7 changing those out or if that's the same one. So I'm
8 reminding them of that as well, that like we don't know what
9 he's doing when he's in the apartment. So we're kind of
10 just making sure everybody was on the same page.

11 Q Okay. So he goes in for an extended period at
12 some point, right?

13 A Yes.

14 Q Did you observe that?

15 A Yes.

16 Q Okay. So were you thinking -- we heard a little
17 bit about this from Sergeant Speer that well, what if he
18 just stayed in there, right? What would we do.

19 A Mm-hmm.

20 Q What was your thinking on that?

21 A Based off of his actions for the last 10 or 15
22 minutes it had been like we may need to call out the SWAT
23 team. Because like --

24 Q Okay.

25 A -- we don't know what he's going to do, and I --

1 we have, like I said, eight to 10 apartments in that
2 complex.

3 Q Mm-hmm.

4 A And at some point while Officer Watts was talking
5 to him he actually walked down towards one of the apartments
6 and kind of targeted one of those. So I'm thinking to
7 myself, oh no, he's got it out for somebody else as well.
8 So we're thinking we may just have to contain him in his
9 apartment and call out the experts.

10 Q Okay.

11 A So that's kind of where I was --

12 Q All right. So it was the thought that maybe he
13 just went in there and like passed out or something? You
14 might be able to kind of --

15 A I don't think I ever got to that point.

16 Q Oh, okay.

17 A It didn't seem that he was coming down at all.

18 Q Okay.

19 A At least for me.

20 Q So you were just more projecting it's unlikely
21 he's going to go into his apartment and stay there is what
22 you're thinking?

23 A Yeah. That was kind of my hope when I first got
24 there, and that kind of dissipated after the numerous
25 conversations.

1 Q Okay.

2 A Yeah.

3 Q So at some point he emerged back out of his
4 apartment for the last time.

5 A Mm-hmm.

6 Q Did you observe that?

7 A Yes.

8 Q Okay. And what was he -- was he different? What
9 was he holding in his hands?

10 A Again, he was still yelling at us that he wanted
11 us to kill him, or he was going to kill himself. And again,
12 he had the rifle. And that was when I -- I think that was
13 about the point I reminded Officer Young, like we're not
14 treating this as anything but real because we don't know.
15 And then I started walking back towards Officer Spear, and
16 we were discussing our next plan.

17 Q Okay. Other than the rifle, do you remember him
18 having anything else in his hands?

19 A I think I heard somebody on the radio say he may
20 have had a large knife.

21 Q Okay.

22 A But at that point I didn't see that myself, yeah.

23 Q Okay. So you were walking away?

24 A Yes.

25 Q So did you actually observe when Officer Young

1 fired?

2 A No, I didn't.

3 Q Okay. You just heard it?

4 A Yes.

5 Q Okay. What happened when you heard the shot?

6 What did you think had happened when you heard the shot?

7 Did you know it was an officer that fired or were --

8 A Yeah. Because I looked up and I saw that the male
9 at the top of the stairs was no longer standing.

10 Q Okay.

11 A He was laying down. So then my first thought
12 becomes well, we've got to go up and take him into custody
13 if we can and get him medical assistance as quickly as we
14 can, because I don't know where he might have been hit.

15 Q Mm-hmm.

16 A So once we could determine -- well, I had -- like
17 I said I had a number of officers who knew what their roles
18 were if this were to happen, or if he were to give up. So
19 we immediately moved forward as soon as we could determine
20 that we would be safe, because we could see that his hands
21 were empty. We went up the stairs, took him into custody,
22 and did a check for where his wounds were.

23 Q Were you part of the custody team?

24 A Well, I made it to the bottom of the stairs.

25 Q Okay.

1 A And once we got to that point we had, you know,
2 we had an officer with a gun. We had an officer with a less
3 lethal just to make sure everybody was safe if he did happen
4 to pick it back up.

5 Q Mm-hmm.

6 A And then we had a couple more officers. And, like
7 you can see the stairs aren't that big. So I decided to
8 just stay at the bottom of the stairs where I had a clear
9 view of both of his hands.

10 Q Okay. And you got up there pretty quickly.

11 A Yeah. So it was within a minute we did that.
12 Because like I said, we had already had the plan and that is
13 kind of why we did that. And we wanted to be able to
14 provide medical care as quickly as possible. I was under
15 the impression that the ambulance was waiting right around
16 the corner. So we were going to just leave him in place,
17 escort them up, and get that care for him.

18 Q All right. Let me ask you a question. The
19 custody team had been organized not with the thought that he
20 was going to be shot, right? But with we might have to
21 arrest him.

22 A Yeah. So again, the first 10 minutes I'm talking
23 to him all you hear me saying is put down the rifle, put
24 down the rifle, and, you know, we'll come to you and we'll
25 get you some care. So it was never about us having to shoot

1 him. it was him giving up, which was the easy solution.

2 Q And why was medical staged previously?

3 A Because he was kind of all over the board, and I
4 wanted to make sure that if we did get him into custody that
5 we didn't have to stand there with him for 10 minutes and
6 then he starts like second guessing his decision, and then
7 it turns into a fight or something. So if they're waiting
8 around the corner and as soon as we get there, or we get him
9 into custody, we can walk him right down to the ambulance,
10 get him in the ambulance. And if they need to give him any
11 medication or anything to cool him down, that would be right
12 there and available, so.

13 Q Okay. So it's just as a contingency, I guess?

14 A Sure. Sure.

15 MR. DAVIDSON: Okay. Got it. All right. Okay.
16 I think those are all of the questions I have.

17 Anybody else with questions for Sergeant Shadron?
18 Yes.

19 WITNESS: Yeah.

20 GRAND JUROR: So Sergeant, you mentioned earlier
21 that -- we know that the .40-milimeter --

22 WITNESS: Millimeter. Yeah.

23 GRAND JUROR: Sorry. I (indiscernible). Is less
24 lethal. And I know you mentioned the railing. I heard you
25 -- I thought I heard you say that it's not a good idea. Can

1 you tell me -- us -- why it's not a good idea?

2 WITNESS: Yeah. So the further away you are
3 obviously it loses speed.

4 GRAND JUROR: Oh. .40-milimeter.

5 WITNESS: Yeah. Well, anything. If you shoot a
6 bullet at somebody from here to the bridge, it's not going
7 to hurt as much because it's going to hit -- you know, it's
8 got that distance to lose speed, which is the energy coming
9 behind it, right? So it was that. And then we were so far
10 away. So I don't think those are made to shoot at that far
11 of a distance. And then we also don't want to aim for his
12 head. Like I said, the railing is there, and to get it in
13 between those poles would be a difficult shot. And I said
14 well, I don't want to aim at his head because that's either
15 going to be dangerous for him or it's going to make him more
16 upset. So those are kind of the reasons that I came up
17 with, like that's a bad idea in itself.

18 GRAND JUROR: Okay.

19 WITNESS: So again we were thinking of his safety
20 the whole time. Yeah.

21 MR. DAVIDSON: And is it true, Sergeant, that the
22 .40-milimeter again isn't designed to incapacitate people
23 like a taser would for example?

24 WITNESS: No. It's more of like, if you get hit
25 by it you want to give up. (Laughs). That's the way I

1 think of it. So.

2 GRAND JUROR: So would you compared the pain to
3 the same as one of those -- oh, God -- come (indiscernible)
4 think. You know the bb, the little thing?

5 WITNESS: We used to call them bean bags.

6 GRAND JUROR: Yeah, yeah.

7 WITNESS: Many years ago.

8 GRAND JUROR: Yeah.

9 WITNESS: Yeah. We used to have these little bean
10 bags that -- and that's what I get yelled at for calling it
11 all the time. We used to have bean bags. And, yeah, those
12 things are -- they used to call it pain compliant back in
13 the day.

14 GRAND JUROR: Paint ball. Thank you. Paint ball.

15 WITNESS: Yeah. If you get hit by a paint ball,
16 yeah, those things really hurt. But it makes you like give
17 up your will to fight, and that's kind of what these are.
18 But again from that distance and --

19 GRAND JUROR: (Indiscernible).

20 WITNESS: Yeah. We kind of aim for the legs more
21 often if you can. Because if you get popped in the leg
22 you're like oh, okay, I'll give up. But all of the, all of
23 the circumstances regarding this one, it was like it was a
24 bad idea in every way I could see.

25 GRAND JUROR: And then if it does hit the railing

1 it could bounce back towards another officer, is that --

2 WITNESS: No. We were far enough away where if it
3 didn't hit, if it didn't hit him and it hit the railing, it
4 would probably just -- right there. Because it's like a
5 little blue sponge is basically all it is, and it's about
6 that big. So if it hits a railing it would probably just
7 flop off into the sidewalk.

8 GRAND JUROR: Oh, I see. Okay. So your concern
9 was just the distance and the power.

10 WITNESS: Yeah.

11 GRAND JUROR: And possibly --

12 WITNESS: It probably wouldn't have had any --
13 yeah. It wouldn't have had any --

14 GRAND JUROR: It would agitate him even more.

15 WITNESS: Yeah. I didn't want to upset him even
16 more than he already was, so.

17 GRAND JUROR: Thank you. Okay.

18 MR. DAVIDSON: Any other questions for Sergeant
19 Shadron?

20 WITNESS: It's hard to say, isn't it?

21 GRAND JURORS: (Laughing).

22 MR. DAVIDSON: Say Sergeant Shadron five times
23 fast. Okay. You are done. And we'll have Officer Wilson
24 in next.

25 WITNESS: All right.

1 MR. DAVIDSON: Thank you very much.

2 GRAND JURORS: Thank you.

3 MS. FRANKLIN: Wilson's out here.

4 MR. DAVIDSON: He is.

5 MS. FRANKLIN: (Indiscernible).

6 MR. DAVIDSON: Got it.

7 Wilson?

8 WITNESS: Yep.

9 MR. DAVIDSON: Just right there.

10 AARON WILSON

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

13 BY MR. DAVIDSON:

14 Q Go ahead and state and spell your full name for
15 us.

16 A My first name is Aaron A-a-r-o-n. my last name is
17 Wilson W-i-l-s-o-n.

18 Q All right. And how are you employed?

19 A I'm employed as a patrol officer out of East
20 Precinct with the Portland Police Bureau.

21 Q And how many years of law enforcement experience?

22 A A little over eight years.

23 Q All of that with Portland?

24 A Yes.

25 Q Okay. Did you attend college?

1 A I did not.

2 Q Okay. What's your current duty assignment?

3 A Patrol out of East Precinct.

4 Q All right. And do you have any like specialized
5 training with the Bureau? Like are you a rifle operator,
6 or?

7 A I'm a rifle operator and I'm also detached with
8 the Focus Intervention Team.

9 Q And that's called FIT; is that right?

10 A Yes.

11 Q What is the special mission of FIT?

12 A Just to reduce gun violence in the city of
13 Portland.

14 Q All right. And how long have you been with FIT?

15 A About a year and a half, two years.

16 Q Okay. All right. Were you on duty, in uniform
17 and displaying a badge back on October 4th of last year?

18 A I was.

19 Q And were you on duty, in uniform and displaying a
20 badge? You were doing that?

21 A Yes.

22 Q And you were operating a marked police vehicle?

23 A Yes.

24 Q Where were you at and what were you doing when you
25 heard about this incident with Officer Young?

1 A I was at 100 Southeast, 148th and
2 (indiscernible) when the call was dispatched. So quite
3 always away from the call.

4 Q All right. And what was the nature of the call as
5 far as you knew?

6 A As far as I knew it was some sort of, I believe if
7 I'm not mistaken a domestic disturbance or a disturbance of
8 some sort.

9 Q Mm-hmm.

10 A And then there was just numerous updates given
11 after that call was dispatched when they arrived on scene.

12 Q Okay. And was it your understanding that maybe a
13 firearm was involved?

14 A Yes.

15 Q What did you know about that?

16 A I heard Officer Young come on the radio and say
17 that one of his subjects involved in that dispatch
18 disturbance call had pointed some sort of firearm, like a
19 long gun at them through the apartment window.

20 Q Okay. So it took you a bit of time to get to the
21 scene?

22 A Quite a bit of time, yeah.

23 Q Like, how much do you think?

24 A Probably, like for -- when I say quite a bit of
25 time, like five to eight minutes.

1 Q Oh, okay. Not that much time then.

2 A For us it's a little bit of time. Yeah.

3 Q I can't get out of the parking lot in five to
4 eight minutes.

5 A Yeah.

6 Q So what happened when you arrived? What did you
7 observe?

8 A When I arrived there was that subject that was,
9 you know, described over the radio, standing on I guess you
10 could call it like a landing or a catwalk of that apartment,
11 with some sort of like rifle or long gun in his hand,
12 yelling at the police that were already there.

13 Q All right. And can we hit the overhead? Where
14 did you I guess park your unit, and kind of where did you
15 post up, if any place in particular?

16 A So that Wilco (ph.) business, which is 5227 on
17 Lovell Drive -- are you okay if I just point?

18 Q Yeah.

19 A So my patrol vehicle, I parked hidden, about here.

20 Q Mm-hmm.

21 A To use the shrubs as kind of concealment. These
22 trees. Excuse me. So I can have line of sign to the
23 apartment where the subject was standing on that catwalk
24 that I described.

25 Q All right. Is that kind of where you posted

1 yourself for most of the incident?

2 A Yeah. Throughout the duration of the incident I
3 was pretty much there the whole time.

4 Q All right. So when you observed the individual
5 was he holding anything?

6 A Yeah. He was holding that rifle when he was
7 standing out there.

8 Q All right. And, you know, as far as your
9 observations of it, what did it appear to be?

10 A To me it looked like some sort of break action
11 rifle, you know. It had like a wood grain stock, black
12 barrel. Pretty, you know, generic looking rifle in my
13 opinion.

14 Q So an actual firearm?

15 A Yes.

16 Q And there wasn't anything about it that made you
17 think it was a toy? It didn't have an orange tip or
18 didn't --

19 A No. No orange tip or nothing like that.

20 Q -- didn't look like a bb gun or anything to you?

21 A No.

22 Q Okay. What kind of things was this individual
23 saying?

24 A You know, it was just a lot of random stuff. You
25 know, there was some like threatening things that he was

1 saying, like -- off the top of my head I recall him
2 saying I'm going to shoot you in the head or I'm going to
3 blow all of you away. I'm going to go out in a blaze of
4 glory. Those were the major things that stuck out to me
5 with him holding that firearm.

6 Q All right. Okay. So, and -- what -- are you --
7 you equipped yourself with a weapon, or?

8 A Yeah. So I deployed my rifle since I am a rifle
9 operator.

10 Q Mm-hmm.

11 A So that's the tool that I will use on tactical
12 calls such as this most of the time.

13 Q Okay. You said you were posted up more like
14 towards the trees, right?

15 A Yes.

16 Q Okay. So how did this whole thing kind of unfold?

17 A So the main -- you know, like I guess I would say
18 like the focus or force of the police that were there were
19 down here off (indiscernible) Drive, with a -- I believe an
20 ECIT officer being the main communicator with the subject.
21 And they went back and forth for quite some time trying to
22 get some, you know, compliance out of him, to kind of
23 deescalate him too, and try to, you know, get that ball
24 rolling. And that was pretty much just him pacing back and
25 forth, yelling back at the officers that were trying to

1 contact him. I know at one point, like because I'm just
2 trying to keep, you know, eyes on this individual, and also
3 as like lethal cover as well. Kind of just tracking him.
4 he had gone out of view at one point. Started shouting at
5 neighbors as well that were like outside and inside of their
6 apartments.

7 Q Mm-hmm.

8 A But --

9 Q Yeah. So the -- were you aware of where Officer
10 Young was?

11 A I was not.

12 Q Okay.

13 A I couldn't see him. No.

14 Q All right. Okay. And you were aware there was
15 other lethal cover, I guess?

16 A Yes.

17 Q Deployed?

18 A Yes.

19 Q All right. At some point did you see him shoot
20 the gun I the air, or did you observe that?

21 A No.

22 Q You didn't?

23 A No.

24 Q Okay. And what kind of information were you
25 receiving? Updates about the nature of this firearm, if

1 any, while you were there? Do you recall?

2 A I know there was some conflicting information when
3 we were there. There was a different officer on scene. I
4 don't know where they were located. That said, you know,
5 there was prior reports of this individual having access to
6 a .22 rifle and that casings were recovered. There was, you
7 know, other information that it might not be the .22 rifle.
8 So we had no idea which one it was at the time. Or I cant
9 speak for anyone else. I didn't know. So I was just
10 assuming that it was that .22 rifle when I was on scene.

11 Q Okay. Was there information coming across that it
12 might be a pellet gun?

13 A I believe the subject shouted that, but none of
14 the officers were saying that it was a pellet gun from my
15 recollection.

16 Q All right. So at some point did he go into the
17 apartment?

18 A He did. Yeah.

19 Q All right. And did he stay there?

20 A He stayed there for a very short amount of time.

21 Q Mm-hmm.

22 A Just a couple minutes. Probably one to three
23 minutes.

24 Q All right. And what did -- did you observe him
25 come back out?

1 A Yeah. I watched him reemerge from the
2 apartment. Yeah.

3 Q And what did he have in his hands?

4 A He still had that same rifle, and then also
5 equipped himself with a large kitchen knife as well.

6 Q Okay. So during the course of this, is he -- when
7 he's -- prior to him going in and out for the last time and
8 reemerging, was he -- how was he holding the rifle prior to
9 that?

10 A Yeah. So, you know, not in the safest way. It
11 would be pointed into the air. He would have it pointed out
12 in front of him, kind of turning. So, it's, you know, we
13 call it flagging. It's indirectly getting pointed at us on
14 scene and also other apartments, which is an unsafe way to
15 handle a firearm in general.

16 Q Yeah. But that action you described, it wasn't as
17 if he was intentionally like targeting or aiming at officers
18 with the rifle. It was more like he happened to be holding
19 the rifle and turning his body, so it was just kind of
20 hanging across the officer. Is that how you'd characterize
21 it?

22 A That'd be correct. Yeah.

23 Q Okay. Is that the reason why for example, you
24 didn't decide to use deadly force at that point?

25 A Yes.

1 Q All right. So after you came out of the
2 apartment, back out of the apartments, what did you observe
3 him do?

4 A When he came out of the apartments, he had a
5 pointed -- when I said he had the rifle pointed up in the
6 air. And then, you know, I watched him at that point make a
7 decision to lower it at the officers that were the, like I
8 said, the main force down here on Lovell (ph.) Drive. And
9 it wasn't like we just spoke about. It wasn't the same way
10 of just kind of like accidentally or indiscriminately
11 pointing at people. It was a direct action to, you know,
12 point it at the officers on Lovell Drive.

13 Q So in your mind was it definitely evidence of a
14 different intent?

15 A Yeah. It showed the intent to, you know, like he
16 was going to use it or aim it at officers. And, yeah, there
17 was definitely intent there, as to where there wasn't prior
18 to that.

19 Q Okay. And what happened when he did that?

20 A Officer Young fired his rifle and struck the
21 subject, and I watched the subject fall to the ground.

22 Q Okay. Did you know that it was Officer Young
23 firing his rifle?

24 A No. I did not know it was him.

25 Q So what did you -- how did you experience that

1 then?

2 A I just heard, I just heard a shot ring out.

3 Q Mm-hmm.

4 A And then I'm, at the same time I'm simultaneously,
5 like I said, here providing that distance in lethal
6 coverage.

7 Q Mm-hmm.

8 A So my optics, my sights for the rifle were on the
9 subject. So after I hear the shot, I watch the subject
10 instantly fall to the ground. And I just continue to hold
11 that lethal cover on the subject just in case, you know.
12 Just contingency options if he tried to retrieve the firearm
13 again, or that knife, or whatnot. I could react to it in a
14 timely manner.

15 Q Okay. What happened after that as far as your
16 role? What did you do?

17 A Just I continued to hold that cover until, you
18 know, a team and a (indiscernible) officers were put in
19 place to go render aid. I heard that they didn't have an
20 IFAK, which is like an individual first aid kit that has a
21 lot of trauma first aid gear in it. So I grabbed a first
22 aid kit out of my car, which I was standing next to, and
23 took it up to the officers and helped render aid to the
24 subject.

25 Q Were you part of the approach team?

1 A Yeah.

2 Q All right. And what was your role in the custody
3 team?

4 A So my role just was to maintain that lethal
5 coverage, because I still have that lethal weapon in my
6 hand, the rifle. So I continued to do that. And then I
7 just also had the IFAK and helped talk through some of the
8 people of what they could do to best render aid to the
9 subject.

10 MR. DAVIDSON: Okay. All right. Questions?

11 MS. FRANKLIN: No.

12 MR. DAVIDSON: Any questions from the grand jury?

13 GRAND JUROR: Yeah. So you said you weren't able
14 to figure out where the shot came from at the time that he
15 was shot.

16 WITNESS: Mm-hmm.

17 GRAND JUROR: How did you figure that out?

18 WITNESS: How did I --

19 GRAND JUROR: Yeah. How did you find out who shot
20 the round?

21 WITNESS: I think it --

22 GRAND JUROR: Did it come over the radio or did
23 somebody just mention it to you?

24 WITNESS: You know, I couldn't tell you exactly
25 how I found out. It could have been over the radio or on

1 scene.

2 GRAND JUROR: I guess everything happens fast.

3 WITNESS: Yeah. I think I just had heard at one
4 point who it was.

5 GRAND JUROR: You said that you had eyes on him
6 the whole time, providing cover.

7 WITNESS: Mm-hmm.

8 GRAND JUROR: And then you saw him lower the
9 weapon towards the officers. Why didn't you shoot then?

10 WITNESS: So that's an interesting question. I --
11 he -- Officer Young reacted so fast, because we both have
12 rifles. I think from his point of view, like it's lowered
13 towards him. he instantly reacted to that. As to where I
14 watched it, there was a shot, and he fell so quickly. There
15 was no point in my mind for me to do a follow-up shot on
16 that person since the threat had been neutralized at that
17 point. So I just continued to hold that cover just in case.

18 MR. DAVIDSON: So I guess are you saying that I
19 guess Officer Young had the gun pointed at him, as far as
20 your understanding?

21 WITNESS: Mm-hmm.

22 MR. DAVIDSON: And so he took a shot first?

23 WITNESS: Yeah.

24 MR. DAVIDSON: And at that point the threat had
25 been neutralized at that point?

1 WITNESS: Yes.

2 MR. DAVIDSON: Okay.

3 WITNESS: It just happened so quick that, yeah, I
4 didn't, I didn't shoot.

5 MR. DAVIDSON: Okay.

6 GRAND JUROR: Can you just clarify one thing?
7 When he came out with the rifle and the knife, did you
8 actually observe him get rid of the knife in some way before
9 this next --

10 WITNESS: Get rid of it?

11 GRAND JUROR: Did he drop it? Did he put it in
12 his pocket?

13 WITNESS: Like prior to him --

14 GRAND JUROR: Prior to lowering the rifle to his
15 shoulder.

16 WITNESS: No. I believe he still had it in his
17 hand. Like he was -- he had a knife in one hand and then
18 the firearm in one hand.

19 GRAND JUROR: But when he brought the rifle
20 down...

21 WITNESS: Yeah. You know, I can't recall if he
22 still had it in his hand. I'm trying to think about it.

23 GRAND JUROR: (Indiscernible).

24 WITNESS: He either retained it or put it -- I
25 don't know. I couldn't tell you to be honest.

1 MR. DAVIDSON: Additional questions for the
2 officer? No? Okay.

3 Officer, you're all done.

4 WITNESS: Okay. Thank you.

5 MR. DAVIDSON: Thank you so much.

6 GRAND JURORS: Thank you.

7 MR. DAVIDSON: (Indiscernible).

8 (Asides)

9 MS. FRANKLIN: Okay. Break? Yeah. We can go off
10 the record then.

11 (Off the record)

12 (On the record)

13 MR. DAVIDSON: Okay. It sounds like we're back on
14 the record. We're going to call Officer Wilson back for one
15 quick question. Officer, obviously you're still under oath.

16 AARON WILSON

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

19 BY MR. DAVIDSON:

20 Q I think it was inferred, but let's just make it
21 explicit. You were asked about why you did not take a shot,
22 and your answer I think was because Officer Young did so,
23 right?

24 A Yep.

25 Q And that made you doing it irrelevant. What if

1 Officer Young had not taken the shot. What would you
2 have done?

3 A Yeah. I would have definitely taken the shot on
4 the subject just through the pure nature of him just posing,
5 you know, a risk of death or serious physical injury to the
6 other officers on scene that were off Lovell Drive.

7 Q Okay. All right. So it's just -- you reached the
8 same conclusion it sounds like that Officer Young did. It's
9 just Officer Young actually managed to act on it near
10 seconds before you did.

11 A Yeah.

12 Q Which rendered you doing something not necessary
13 at that point.

14 A Yes.

15 Q But if he had not fired, you would have?

16 A Yes.

17 MR. DAVIDSON: Okay. Anybody with additional
18 questions for Officer Wilson? No? Okay.

19 That's it, Officer Wilson. And now we'll move on
20 to Officer Cavalli. You are free to go. Thank you, sir.

21 WITNESS: Thank you.

22 (Asides)

23 MS. FRANKLIN: Remain standing and raise your
24 right hand to be sworn in.

25 MINA CAVALLI-SINGER

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

3 BY MS. FRANKLIN:

4 Q Okay. We'll have you tell us your full name and
5 spell it for the record, please.

6 A M-i-n-a C-a-v-a-l-l-i-S-i-n-g-e-r.

7 Q And how are you employed?

8 A I'm employed as an officer with the Portland
9 Police Bureau.

10 Q And how long have you been in law enforcement for?

11 A Almost seven years.

12 Q With PPB that whole time?

13 A Yes.

14 Q Okay. What is your current assignment?

15 A I'm assigned to East Precinct afternoon shift
16 patrol.

17 Q Okay. And was that your assignment back in
18 October of 2024 as well?

19 A Yes.

20 Q Okay. Do you have any specialized training
21 outside of the typical patrol duties?

22 A Not like outside of. I have like a less lethal.
23 I'm a less lethal operator. And I am currently a field
24 training officer.

25 Q Okay. Were you on duty on October 4th of 2024?

1 A Yes.

2 Q And were you in uniform and displaying a badge?

3 A Yes.

4 Q And did you have a patrol vehicle?

5 A Yes.

6 Q Was it a marked vehicle?

7 A Yeah.

8 Q Okay. Did you respond to 5235 Southeast Lambert
9 Street in Portland that night?

10 A I did.

11 Q And what was the initial -- I guess where were you
12 when you got that call?

13 A So when that came out I was actually at North
14 Precinct delivering shell casings from a completely
15 unrelated shooting. They have to go to a specific locker
16 there.

17 Q Okay.

18 A So I was way far away.

19 Q Okay. So when you got the call did you start to
20 respond at that point?

21 A Yes. Yes.

22 Q Okay. And what was the initial information that
23 you had?

24 A So it just came over the radio that -- it was
25 Officer Young's voice, and it was like a little garbled.

1 You could tell they were like running, maybe like down
2 the stairs or something. And it was like he's either coming
3 to the window with a rifle or he's got a rifle. And so, I
4 knew at this point like something was really serious.

5 Q Okay. And so, how long did it take for you to
6 drive from North Precinct to this location?

7 A It was probably ten minutes at least.

8 Q Okay.

9 A (Indiscernible).

10 Q Were you getting updates along the way as you were
11 driving?

12 A Yes. And it was just things like, you know, like
13 kind of what -- you know, I was like what call are they on
14 (indiscernible) that this guy come to the window with a
15 rifle when they went to knock on the door.

16 Q Okay. When you arrived at the location -- I've
17 got a map behind us. Can you show us where you parked your
18 patrol vehicle?

19 A So it's kind of a little --

20 Q I can zoom out if you need --

21 A -- awkward. I was on this like curve. I was
22 blocking traffic so that way no one could get to the
23 apartment complex.

24 MR. DAVIDSON: You can stand up if you want.

25 WITNESS: Okay. Sorry.

1 BY MS. FRANKLIN:

2 Q And to confirm, you were purposely blocking
3 traffic, right? That was like a role that you took on; is
4 that right?

5 A Yes. So I was basically the last person there,
6 just where I was. And I had come in off a side street so
7 that way I was not going to be like downrange from their
8 firearms that were getting pointed. And, yeah, like we need
9 traffic blocked because you don't want just pedestrians
10 wondering through, and, you know, they're really laser
11 focused on what's going on. So I blocked traffic. Is this
12 our target address here?

13 Q Yes.

14 A So I blocked traffic like here. No. Here. it
15 was like far away. It seemed far away around a corner.
16 Like I couldn't see anything, but I could hear like the PA,
17 people trying to talk to the deceased.

18 Q Okay. So did you stay in your vehicle blocking
19 traffic then?

20 A Yes. With my lights on.

21 Q Is that kind of where you stay for the duration of
22 this? You didn't go any closer and see what was going on
23 with the subject?

24 A Correct. Yes.

25 Q Okay. What did you do while you were sitting in

1 your vehicle?

2 A So I realized that like people were asking
3 questions like to confirm this gentleman's name and all
4 those things, and I was like oh, my gosh, these people are
5 not able to get to a computer. So I took on the role of I'm
6 going to do intel and figure out and give them as much
7 information as humanly possible so that they can be prepared
8 in trying to communicate with him and resolve the situation.

9 Q Okay. And so how do you -- kind of what's the
10 process for gathering intel?

11 A So, at first, like when you look at a call that
12 you're going to on the computer, the address is actually a
13 hyperlink and you can click on it and see what history is
14 there. There was history there. And so, typically if
15 there's reports written, there's names attached to those
16 reports. And there was kind of a vague name that I think
17 they had thrown around, like Nick. And so, I was like okay,
18 it's this guy. And then I just started reading previous
19 reports and looking at all of the domestic violence history
20 that had been there.

21 Q And so, were you relaying information then as you
22 were seeing it, to, like over the radio to the individuals
23 and the officers at the location?

24 A Yes.

25 Q And so, how do you -- what kind of information

1 were you finding and how do you know what to provide to
2 the other officers?

3 A Well since this was a gun call and a, originally I
4 think like a disturbance, potentially a domestic violence
5 thing, I was looking at who the suspect was and what kind of
6 firearms history there was, if he owned any firearms. And I
7 was locating reports from June. It was June 30th of 2023,
8 and there was a report that officers had collected six .22
9 caliber casings from the intersection. And further reading
10 of that report.

11 And so, I immediately put that out, and then I
12 further read that report of okay -- because I heard
13 something over the radio saying oh he's yelling this is my
14 .22. and I was like oh, well, okay, this is going to be a
15 very real gun. He's got a .22.

16 The firearm was never collected. They didn't
17 contact him that night. They just collected the shell
18 casings. And --

19 Q So you're talking this previous incident, the
20 firearm had not been collected?

21 A Correct. It had never been corrected. They
22 hadn't contacted him about this shooting.

23 Q Mm-hmm.

24 A And I was reading that the reporting party of that
25 previous incident had actually like kind of gone out, and

1 there was like -- I think he had heard an argument, so he
2 was like listening. And he had exited his apartment
3 complex. Kind of like if you imagine like a motel. It's
4 not like an internal one. It's got like balconies. It's an
5 external one. So you're like looking at this intersection.
6 And he had actually kind of been fired at, and it missed him
7 and hit the walls. And he wasn't hurt or anything like
8 that. It just kind of -- you know, we were waiting on the
9 evidence to come back for who does all the shell casing
10 stuff.

11 Q Okay. So did you relay any other information
12 aside from this previous incident that you had found?

13 A I relayed that he had a military career and that
14 he had PTSD from that military career. Sometimes that
15 really helps when you're trying to communicate to folks.

16 Q So is this -- the information on the military
17 career, was that just information that was in this prior
18 report? Like was there any way for you to verify that that
19 was true, or was it just there was a note in there about
20 military career?

21 A It was just, it was just a note in there. And
22 there was a couple of reports that said oh, he potentially
23 has some undiagnosed stuff. Some of them said oh, he does
24 have PTSD, and that had come from his -- I don't know if it
25 was his wife or his girlfriend. His partner at the time.

1 It was the same gal. and but, like the military stuff,
2 there wasn't any way for me to look at military records.

3 Q Sure.

4 A But it was just like notes in the report.

5 MR. DAVIDSON: Can I ask a question?

6 MS. FRANKLIN: Sure.

7 BY MR. DAVIDSON:

8 Q So just (indiscernible) a little deeper on that.
9 Do you know if -- is there any -- do you know what the
10 source of that information was? Was it him? I mean, was it
11 potentially Mr. Thorn?

12 A No. No. It was his -- is it his wife? Like the
13 girlfriend. The gal that he lived with that he was
14 chronically in domestic violence situations with. I think
15 the mother of his children.

16 Q Was the source of that information that he was in
17 the military?

18 A Yeah. That he -- in like one of the reports, it
19 kind of bounced. And it just depended on kind of what the
20 report -- how much detail was in there. That it was, that
21 he was in the military. And then some of them were like
22 yes, he has PTSD. And then other ones were well, he has
23 undiagnosed mental health, we think.

24 BY MS. FRANKLIN:

25 Q Okay. Do you have to be selective about what

1 kinds of information you're passing over the radio
2 airways? Like is that at all something you're considering,
3 or are you just firing off anything and everything that
4 you're seeing?

5 A I'm -- not like super -- but there were certain
6 things that were very consistent, with the potential for
7 mental health, the PTSD. The firearms thing is super
8 important in general for officer safety. And you can fire
9 off pretty much any -- I was trying to be careful about
10 taking up too much radio time because I could not see. I
11 was not there technically. And so, I didn't want to take up
12 the air. I could hear -- because he didn't have a cell
13 phone, they were trying to communicate with him over a PA
14 system. And he was yelling. So it's very loud. I got a
15 phone call at one point from a sergeant and was like we
16 can't hear you. And I was like well, I'm trying not to take
17 the air. And so, I just relayed hey, this is a weapons
18 thing. I try to keep it pretty concise so they have like
19 instant information to go off of. And if they need more
20 than I can try to locate more.

21 Q Okay. Aside from doing this, you know, intel and
22 relaying information that you were discovering, what else
23 did you do at this location?

24 A So I blocked traffic and just kind of sat around
25 until the incident concluded.

1 Q And once it concluded what did you do?

2 A So once it concluded I went over and just blocked
3 closer to the location. And since I was quite literally the
4 only not visual witness, and I have experience in the
5 process, I went over to the involved party. And it's
6 something that we do as an agency is they immediately get
7 separated out so that way, you know, you're not talking.

8 Q You're talking about the officer?

9 A Yes. Yes.

10 Q Okay.

11 A Sorry.

12 Q It's okay.

13 A The involved officer. Officer Young. And he was
14 sitting in a car, and I just checked on him to see what he
15 needed, you know. He needed a bottle of water, so I went
16 and found that. And just kind of -- and he honestly said
17 what's the next steps. He had been through this. So I kind
18 of laid that out. And at that point I -- he was asking some
19 personal questions and family stuff, so I just muted my
20 body-cam so we could talk about that, and what's kind of,
21 what next.

22 Q Fair to say you were kind of just there as a
23 support at that point?

24 A Yes. Yes.

25 MS. FRANKLIN: Okay. I don't think I have any

1 other questions. Any questions?

2 GRAND JUROR: I have a couple of questions.

3 WITNESS: Sure.

4 GRAND JUROR: First, when you start identifying
5 and trying to do the intel research, you mentioned that you
6 heard Nick. That was someone mentioned.

7 WITNESS: Mm-hmm.

8 GRAND JUROR: How did you tie the nick to this
9 particular person?

10 WITNESS: So the address has Nicholas Thorn
11 attached to it, and reading the like call notes.

12 GRAND JUROR: To the apartment?

13 WITNESS: Correct. Yes.

14 GRAND JUROR: Okay. And then my second question
15 is you mentioned that one of the reports said that the .22
16 caliber casings were found at the intersection. Are you
17 talking about the intersection of 52nd and Lovell ? Or at
18 the apartment?

19 WITNESS: So it's like just outside the -- it's
20 just outside of the apartment complex. It sounds like it's
21 like Lovell and Lambert here. it wasn't -- I'd have to go
22 back and refresh my memory from that report. But it was the
23 street, and they had recognized him, that he lives there.

24 GRAND JUROR: So someone was reporting that he was
25 standing in the intersection shooting at someone?

1 WITNESS: Correct.

2 GRAND JUROR: Got it.

3 GRAND JUROR: And did you say that you found six
4 casings?

5 WITNESS: So an officer -- it wasn't me
6 specifically.

7 GRAND JUROR: Sorry.

8 WITNESS: No. You're okay. I just want to make
9 sure. A different officer, they located six .22-caliber
10 casings. Yeah.

11 GRAND JUROR: Six. Okay.

12 MS. FRANKLIN: Any other questions? Okay.

13 Officer Cavalli, thank you.

14 WITNESS: Thank you, guys.

15 GRAND JURORS: Thank you.

16 MR. DAVIDSON: I'll call Officer Wolfe.

17 MS. FRANKLIN: Okay.

18 MR. DAVIDSON: One second.

19 MS. FRANKLIN: Got it.

20 MR. DAVIDSON: Okay. Great. Thank you.

21 MS. FRANKLIN: Officer Wolfe?

22 (Asides)

23 MS. FRANKLIN: All right. You can take a seat
24 over there. Or actually stay standing initially, please.

25 GAVIN WOLFE

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

3 BY MR. DAVIDSON:

4 Q Go ahead and have a seat. If you'd state and
5 spell your full name for us, please.

6 A Gavin Wolfe G-a-v-i-n W-o-l-f-e.

7 Q And how are you employed?

8 A I am employed in the City of Portland as a police
9 officer.

10 Q And how many years of law enforcement experience
11 do you have?

12 A About three.

13 Q All with Portland?

14 A Yes.

15 Q All right. What's your current duty assignment?

16 A I work afternoon shift at East Precinct patrol.

17 Q And in addition to being a patrol officer, do you
18 have any additional like qualifications or certifications?

19 A Various certifications they give us, such as like
20 crisis intervention training.

21 Q Are you for example a rifle operator?

22 A No.

23 Q How about a .40-mil?

24 A No.

25 Q All right. Were you on duty, in uniform and

1 displaying a badge on October 4th of last year, 2024?

2 A Yes.

3 Q And at some point do you become aware of this
4 incident going on involving Officer Young?

5 A Yes, I did.

6 Q Where were you at when you heard about that?

7 A Northeast Portland. I heard the call over the
8 radio while I was with my partner, Officer Helzer (ph.),
9 where Officer Young was asking for cover.

10 Q All right. Now, you were pretty far away; is that
11 right?

12 A Yes.

13 Q All right. But did you head that direction?

14 A Yes.

15 Q Do you remember approximately how long it took you
16 to get there?

17 A I'd guess maybe ten minutes.

18 Q Okay.

19 A It's just a guess.

20 Q Al right. Were you going what they call code 3?

21 A Yes.

22 Q And what's that mean?

23 A Lights and sirens continuously activated.

24 Q All right. So you were trying to get there as
25 fast as possible.

1 A Yes.

2 Q All right. What did you observe when you arrived
3 on scene?

4 A When I arrived on scene there were several other
5 patrol cars that had already parked up there.

6 MR. DAVIDSON: And Officer, if you'll turn around
7 you'll see like an overhead. It's a little bit -- can you
8 zoom in a little bit more?

9 MS. FRANKLIN: Yeah.

10 MR. DAVIDSON: And you might notice the apartment
11 complex there that's at issue here.

12 BY MR. DAVIDSON:

13 Q Do you remember where you parked your unit? And
14 maybe it was a little further out, because it might have
15 been kind of crowded at that point.

16 A Yeah. I parked over here, closer to 52nd and
17 Lovell Drive.

18 Q All right. Is that because there were so many
19 units there?

20 A Yeah.

21 Q All right. So what did you do when you arrived?

22 A When I showed up, initially we saw Thron up on the
23 balcony of this unit, here.

24 Q Mm-hmm.

25 A Yep. So up there. Kind of pacing back and forth.

1 Officers trying to speak with him. I heard a lot of
2 profanities coming from Thorn. He was in distress. I went
3 and grabbed my binoculars to get a better view of what was
4 going on.

5 Q And did you stay near your unit, or where were you
6 posted up at?

7 A I posted up in this Wilco --

8 Q If you want to stand up, maybe you can point to
9 it.

10 A Sure.

11 Q Yeah.

12 A This Wilco parking lot. There was a sort of
13 utility vehicle parked here, which I took cover behind.

14 Q Okay. And you were just trying to put eyes on
15 with binoculars?

16 A Yep.

17 Q All right. And so, what did you observe through
18 the binoculars?

19 A So eventually, when I first showed up there was no
20 gun in Thorn's hand, but eventually he did pick it up, and
21 was again doing the same thing, pacing back and forth.

22 Q And as far as your perception or observations
23 about this gun, what did you see? What did it look like to
24 you?

25 A It looked like a real gun. I looked at it for

1 several minutes straight through my binoculars. So I got
2 a real nice, up close view of it. And there was nothing
3 identifiable about it that would say oh, yes, this is an
4 airsoft gun or a pellet gun, or a real gun. It just looked
5 like a -- to me it looked like a real gun. It was -- had
6 wood grips and a black barrel. There was no like bright
7 orange tip or anything like that.

8 Q All right. And you were using the, I guess using
9 the advantage of the binoculars to get a real close in look
10 on it?

11 A Yes.

12 Q All right. And so, even with that closer look,
13 there was nothing about it that would lead you to believe to
14 believe it was anything other than an actual firearm?

15 A Mm-hmm. No.

16 Q All right. Did you put that over the air, or?

17 A I did. Yes.

18 Q Okay. All right. All right. What happened next?

19 A After looking at him through the binoculars, gave
20 that update over the air. Sergeant Shadron, who was just in
21 here, formulated a custody team to take Thorn safely into
22 custody if that time were to come. After that, Thorn began
23 engaging with a neighbor with the gun still in his hand,
24 again yelling profanities and screaming. We were
25 contemplating having to get in the middle of that too

1 because we didn't know if he was going to hurt that
2 neighbor, because he sounded very angry. And then
3 eventually he goes into his apartment.

4 Q Okay. And were you thinking maybe it was over at
5 that point, or I guess you didn't know?

6 A You never know. I mean, if the incident commander
7 on scene wants to disengage with the plan, that's possible.
8 I'm not sure if that was discussed or not. However, I do
9 know that he came back out relatively soon after going back
10 in.

11 Q Like how quickly?

12 A A couple minutes I think.

13 Q So there wasn't an opportunity to do anything
14 else?

15 A No. No.

16 Q Okay. So what happened? What did you observe
17 when he came out? Was he holding stuff in his hands again?

18 A Yes. Thorn came out this time with the gun still
19 in hand. It appeared to be the same gun. There's no way to
20 really know. And then he also had a knife in the other
21 hand, and he was now wearing a shirt.

22 Q Okay. And did his demeanor seem to be kind of the
23 same it had been before he'd entered?

24 A Yes. He was still very agitated, unwilling to
25 have a dialogue with our Enhanced Crisis negotiator on the

1 scene, Officer Watts. She was trying to start a dialogue
2 with him and get his side of the story to see what was going
3 on. And he just, he wouldn't engage with her, and kept
4 yelling profanities.

5 Q All right. So what happened next?

6 A There was just continuation back and forth between
7 Officer Watts and Thorn. I was looking through my binoculars
8 for this again, just to kind of see if I could get any more
9 information. I aired out over the radio where the knife
10 went because there was questions about that. It went into
11 his pocket. And then eventually he again yells profanities
12 and does a pretty aggressive shouldering motion with the,
13 with the gun, with the rifle, pointing it directly towards
14 officers that were to the east of me, over here.

15 Q Mm-hmm.

16 A And then I heard a loud boom.

17 Q Okay. So that motion -- would you mind standing
18 up and actually just replicating that for me?

19 A Yeah.

20 Q What did you see him do?

21 A It looked like he had it down here maybe in one
22 hand or two, and he went like a very -- like pulled it back
23 into his shoulder and aimed it towards officers kind of in a
24 downward trajectory, which is where officers would have been
25 on the ground floor.

1 Q And you had very good vantage of this because
2 you're still observing him through the binoculars?

3 A Yes.

4 Q Okay. Had you -- is that the first time he'd
5 engaged in that particular motion and move?

6 A Yes. I think maybe the gun had swiped relatively
7 towards officers before with like one hand, but nothing that
8 seemed like he was intentionally going to shoot at officers.
9 But this was very like he wanted to shoot somebody.

10 Q Okay. So you heard a shot. I guess you maybe
11 didn't know exactly who had fired at that point, or did you?

12 A Correct. Myself and officers standing next to me,
13 I think we kind of were confused and we thought that Thorn
14 had shot. We obviously figured out that that wasn't true
15 after we saw him laying on the ground.

16 Q Okay. And what action or role did you take post
17 shooting?

18 A Post shooting I was part of the custody team
19 designated for hands, which is who handcuffs subjects. We
20 went up, handcuffed him. Opened up his shirt to look for
21 wounds. Found a gunshot wound. And another officer applied
22 a chest seal.

23 Q All right. It sounds like you actually got up
24 there pretty quickly to administer aid, yeah?

25 A Yes.

1 Q All right. And then medical had already staged
2 prior to this?

3 A Yes.

4 Q And they came in pretty quickly?

5 A Yep.

6 Q All right. Okay. All right. I think those are
7 all of the questions I have.

8 MS. FRANKLIN: No questions.

9 MR. DAVIDSON: Any additional questions for
10 Officer Wolfe?

11 GRAND JUROR: Did you ever see him fire in the
12 air?

13 WITNESS: I did not see this.

14 GRAND JUROR: Okay.

15 WITNESS: I heard something about this, but I
16 didn't ever see it. No.

17 GRAND JUROR: Okay. (Indiscernible) you had the
18 binoculars on, that didn't happen?

19 WITNESS: No. Nothing like that. No.

20 GRAND JUROR: Okay.

21 MR. DAVIDSON: Okay. Any additional questions?

22 GRAND JUROR: Thank you.

23 WITNESS: Mm-hmm.

24 MR. DAVIDSON: No? Okay.

25 Officer Wolfe, you are free to go. I'll grab

1 Officer Pena for you.

2 MS. FRANKLIN: Okay.

3 GRAND JURORS: Thank you.

4 WITNESS: Thank you.

5 MR. DAVIDSON: Officer Pena?

6 MS. FRANKLIN: Okay. You can remain standing and
7 raise your right hand.

8 CAMILO PENA

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

11 BY MS. FRANKLIN:

12 Q All right. Take a seat. And can you tell us your
13 full name and spell it for the record, please?

14 A Camilo Pena C-a-m-i-l-o Pena P-e-n-a.

15 Q First name is one L?

16 A One L, yes.

17 Q Okay. Got it. How are you employed?

18 A I'm a Portland police officer.

19 Q And how long have you been an officer for?

20 A Four years.

21 Q With PPB the whole time?

22 A Yes.

23 Q Okay. And what is your current assignment?

24 A I'm assigned to patrol working the 920's district
25 in Southeast Portland.

1 Q What's 920's?

2 A It's going to be the park in Southeast between
3 39th and 82nd and Lovell -- well, excuse me -- Foster and
4 Classip (ph.).

5 Q Okay. And what hours do you work?

6 A Right now I work afternoon shift, which is 4 p.m.
7 to 2 a.m.

8 Q And back in October of 2024 did you have the same
9 assignment, same area that you were taking care of?

10 A Same area but different hours.

11 Q Okay. What were your hours at that time?

12 A 10 p.m. to 8 a.m.

13 Q Okay. Were you on duty on October 4th, 2024?

14 A Yes, I was.

15 Q And were you in uniform and displaying a badge?

16 A Yes, I was.

17 Q And were you in a marked patrol vehicle?

18 A Yes, I was.

19 Q Okay. Did you respond to 5235 Southeast Lambert
20 Street in Portland?

21 A Yes, I did.

22 Q All right. Where were you when you got that
23 initial call?

24 A I was downtown here, a few -- a block away at the
25 firing range.

1 Q Okay.

2 A When that initial call came out.

3 Q And what was the initial information that you
4 remember hearing?

5 A I remember hearing that a subject was pointing a
6 rifle at police officers.

7 Q Okay. About how long did it take for you to
8 respond from the downtown area to this location, if you can
9 remember?

10 A Probably like, a little bit right under 10
11 minutes.

12 Q Okay.

13 A And that's with no traffic.

14 Q Okay. And do you recall if you were getting
15 updates along the way about what was going on?

16 A Yes. I recall that the radio was going off when I
17 was responding to the scene, yes.

18 Q Okay. Do you remember any specific updates?

19 A I remember that we were trying to figure out his
20 name, and then we were trying to figure out -- there was an
21 update on the radio that said the subject has fired shots in
22 the past, and that casings were found.

23 Q Okay. Where did you -- I'm going to pull up a map
24 behind you. Can you tell us, when you arrived on scene,
25 where you parked your patrol vehicle?

1 A Yes. I parked -- can I just point?

2 Q You can stand up too if it's easier.

3 A Okay. Yeah.

4 Q Whatever is --

5 A I parked right here.

6 Q Okay.

7 A To the east side of 52nd, facing southbound.

8 Q Okay. And then did you get out of your vehicle
9 and approach the scene a little closer?

10 A Yeah. I got out of my vehicle right over here
11 where I parked. I saw officers with helmets on. I put my
12 helmet on.

13 Q Okay. And did you see the subject at this point
14 when you first arrived?

15 A No. No.

16 Q Okay. What did you do after arriving and kind of
17 seeing all of the officers?

18 A I walked over, approximately right over here, this
19 area. There was a police car right here, and that's where
20 the communication team was at. And that's where my initial
21 reaction was to go to the communication team to assist in
22 whatever they needed.

23 Q Okay. And did you see the subject at that point?

24 A No.

25 Q Okay. What did you do after making it to the

1 communication team?

2 A As soon as I got to the communication team I spoke
3 to the acting sergeant that was there, Sergeant Ford, and I
4 can -- I remember asking her, you know, hey, what holes need
5 to be filled. What can I do. You know, like where can I
6 assist in all of this. And then she just asked me, kind of
7 like a holding pattern right now, and to give just live
8 updates over the radio. So just take, you know, control of
9 letting everybody know with the radio and dispatch know what
10 we have going on, what we're looking at.

11 Q At some point did you see the subject?

12 A Yes. At some point I did see the subject.

13 Q And do you recall about when it was in terms of
14 when you were speaking to Sergeant Ford? Like was it right
15 around then, or?

16 A Yeah. It was maybe a minute maybe.

17 Q Okay.

18 A Like it was quick.

19 Q Okay. And where did you see this individual? And
20 I'll pull up another picture here.

21 A I saw the subject between these two doors right
22 here.

23 Q What was he doing?

24 A He was up -- he came outside I believe this
25 apartment right here. And he had a knife in his right hand

1 and a rifle in his left hand. So he was -- he had two
2 weapons in his hands. He was yelling. He was erratic. He
3 was, you know -- I couldn't really understand what he was
4 saying. Like there was not really a dialogue of what he was
5 saying. It was more of that he was just -- like his
6 behavior was kind of unpredictable, right? He had a rifle
7 and a knife. He -- I remember him waving the knife around,
8 pointing it at us. And then I remember that the
9 communication team, Officer Watts was attempting dialogue
10 with him through a PA system.

11 Q What would you -- what was your impression of the
12 rifle that he was holding? Did you have any thoughts about
13 what it was based on your experience?

14 A So as soon as I saw the rifle, in my mind I'm
15 thinking okay, you know, like what's he going to do with
16 that, right? I understand he has a knife in his hand. He
17 has a rifle, right? And then I understand that we -- he's
18 on the second floor, and we are -- yes, we are behind like,
19 around police vehicles, right? But he's looking down at us,
20 right? He can see our heads. He can see where we're at.
21 My initial reaction is that's bad. Like we're in a bad
22 spot.

23 Q Did you -- is it fair to say, did you believe this
24 was a real rifle? Did you have any --

25 A Yes. Yes. From the second that he came out of

1 that apartment with that firearm, it looked like a real
2 rifle to me, and my belief is that it is a real rifle, and
3 I'm going to treat it as such.

4 Q And did you -- do you recall whether it was from
5 the officers around you or over the radio? Was there any
6 information coming in about this rifle?

7 A So my initial response, I heard that those casings
8 had been found, and it was .22-caliber casings that were
9 found in the past. And I see this rifle. That rifle looks
10 like a long barrel rifle that a .22-caliber can fit inside.
11 So my initial reaction is yes, that's a rifle. And we have
12 prior reports. We have prior knowledge that, you know --
13 we've been here in the past, and there had been casings in
14 the past found.

15 Q Did you recall hearing any information about it
16 maybe being an air rifle, or do you have any recollection to
17 that?

18 A No. I don't have any recollection of that.

19 Q So based on what you were personally observing and
20 hearing at this point, it sounds like you had -- in no
21 uncertain terms, you believe this was a real rifle.

22 A Yes.

23 Q Okay. Did you at any point see this individual
24 fire off the rifle?

25 A No, I did not see him fire off the rifle.

1 Q Okay. So he comes out. You said that he's got
2 a knife. He's waving it around. He's got this rifle in the
3 other hand. What happened after that?

4 A So he's -- like I said earlier, he's pointing the
5 knife at us. Has a rifle down to his side. He's holding it
6 with his left hand. It's kind of like, just, you know,
7 (indiscernible) down to his leg, like leg level. And he's
8 saying things to us. He's kind of grabbing his genitals.
9 And, you know, and just the words that were coming out of
10 his mouth, you know, I couldn't comprehend, but we were -- I
11 was trying to ask -- the communication team was trying to
12 build some dialogue with him, asking him hey, you know,
13 let's put the stuff down, let's talk about this, what's
14 going on. They wanted to at least, you know, not have, you
15 know, our megaphone on. The whole neighborhood is hearing
16 what's going on, right?

17 And we're trying to kind of deescalate, right?
18 Like I can sense and hear the communication team, Officer
19 Watts trying to deescalate him that way we can speak to him
20 on more of a one on one level. At the same time, I can see
21 apartments that are all -- all of these apartments are
22 occupied. I can see people in the apartments, right? So
23 I'm thinking to myself like okay, like there's people around
24 him too, right? Like either way, like, you know -- whatever
25 way this ends, like, you know, there is a chance that

1 somebody else might get, somebody else might get hurt.

2 And then at one point he's kind of just like
3 yelling at us, and I see him, like kind of like that last
4 final, you know, like -- excuse my language -- like fuck
5 this, and brings the rifle up, down to eye level. Like when
6 he's bringing that rifle up to his head, to his eyes, to
7 kind of get that shot. And then at that moment I see him
8 making the gesture of going up, and I kind of like -- my
9 body movement is -- my natural reaction is to kind of like,
10 you know, duck, right? Because I don't want to -- even
11 though I have a helmet on, I don't want to get hit by this
12 shot, right?

13 He initially -- when I saw him raise it up, he's
14 raising it in this direction. There's a police vehicle
15 right here. He's raising it in this direction. I'm more
16 this way. But, I mean, you can, you can move a rifle like
17 in a millisecond before I can react. I mean, the police are
18 reactive. So, I'm kind of like trying to react to what he's
19 going to do.

20 He brings it up. I duck a little bit, and my eyes
21 go like right under the police hood, and then I hear the
22 bang, the bang. I look up just with my eyes (indiscernible)
23 the police roof, and his body is on the ground.

24 At that point it turns into like now medical --
25 you know, medical savings efforts, you know? Like that's --

1 that transitioned into that.

2 Q Was this the first time -- so you described him
3 kind of pulling it up and sort of that, I think you
4 described like that final movement. Was that the first time
5 and only time that you saw this individual hold the gun in
6 that way?

7 A That I saw? Yes.

8 Q Yeah. Okay.

9 A That was the only time that I saw him do that.

10 Q And you described that he was pointing off in this
11 direction, and then you described where you were standing.
12 So he wasn't, he wasn't necessarily pointing it in your
13 direction. However, you also described that your immediate
14 reaction was to duck.

15 A Correct.

16 Q Fair to say you had a concern at that point that
17 he was going to use the rifle that he had in his hands?

18 A Yes.

19 Q Okay. Once the fire, the shot was fired, did you
20 know in that moment initially where -- who fired it and
21 where it came from?

22 A No, I did not. Initially, I mean, I know that
23 there was a police vehicle here. I know there's officers
24 there. I don't know what officers are there.

25 Q Mm-hmm.

1 A By the time when I got there it was dark, one.
2 Everybody is kind of like spread out and covered, right? So
3 I know there's a car there and I know there's police
4 officers there. I know no one is communicating from him on
5 that side, because the communication team is Officer Watts.
6 But I know there's cops there. So when he brings the rifle
7 up, I know that he's pointing it in the direction of those -
8 - there's police officers right there.

9 Q Okay. So it sounds like you didn't necessarily
10 know who fired the shot.

11 A No.

12 Q But you knew that he had pointed the firearm in
13 the direction where there were officers?

14 A Correct. Yes.

15 Q What happened after the shot was fired? What did
16 you do?

17 A So after the shot was fired we -- obviously I went
18 on the radio and said, you know, shots fired, and then it
19 came into a now we're going to make a custody team and we're
20 going to go up there, right? So I can see that he's laying
21 on the floor, and he's limp. Like he's not moving, right?
22 So we make a quick hasty custody team. we have two people
23 with -- we have a person with a less lethal, we have a
24 person with lethal cover still, myself and another officer
25 that go up there. And there's some officers behind us that

1 were kind of trickling down, but that was initial were
2 all the four of us.

3 Q Okay. So you were on the custody team?

4 A Yes.

5 Q Okay. Did you help take this person into custody
6 then?

7 A Yes.

8 Q Okay. Was that sort of the end of your
9 involvement in this?

10 A Yeah. So we took him into custody, and then after
11 that it was kind of (indiscernible) got there and they did
12 what medics do.

13 Q Okay. And did you stick around to get interviewed
14 by detectives?

15 A Yes, I did.

16 MS. FRANKLIN: Okay. That's all of the questions
17 I have. Do you have any? Any questions from the grand
18 jurors?

19 Okay. Great. Thank you, Officer.

20 MR. DAVIDSON: Sounds good. And actually we're
21 going to go off the record momentarily for our next witness.
22 I just need to chat with them briefly, so we'll just -- you
23 guys can just hang for a bit and we'll be back momentarily,
24 okay?

25 GRAND JUROR: Okay.

1 (Off the record)

2 (On the record)

3 MR. DAVIDSON: All right. We're back on the
4 record in the same grand jury that we had previously
5 discussed. We are ready to call our next witness, and that
6 is Detective Jeff Sharp.

7 Jeff Sharp, can you stand and raise your right
8 hand?

9 JEFF SHARP

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

12 BY MR. DAVIDSON:

13 Q If you'd state and spell your full name, please.

14 A Sure. My name is Jeff Sharp, that's J-e-f-f last
15 name Sharp S-h-a-r-p.

16 Q And how are you employed?

17 A I am currently a detective with the City of
18 Portland and currently assigned to the Major Crimes Unit.
19 Although prior to that I was a homicide detective, and the
20 only reason I changed details is because I am in my last
21 year, getting ready to retire, and I'm trying to phase out
22 of my homicide cases so I can not go to court when I'm
23 retired.

24 Q That was a lot of information.

25 (Grand jurors laughing)

1 WITNESS: But the easier stuff. I've been a
2 police officer since 1997. I got promoted as a detective in
3 approximately 2004, and I've worked in a variety of
4 assignments as a detective from working in the sex crimes
5 detail to robbery assault, and then obviously homicide, and
6 our general assignment detail even prior to that. So I've
7 been doing this for many, many years.

8 MR. DAVIDSON: Can you guys pick up that this is
9 not his first time testifying in grand jury?

10 GRAND JUROR: Yeah.

11 BY MR. DAVIDSON:

12 Q Detective, your entire career, has that been spent
13 with the Portland Police Bureau?

14 A That is correct.

15 Q And how long were you with the homicide detail?

16 A Approximately five years.

17 Q Five years.

18 A Well, yes. And some carry over on of the years.
19 So if I want to be technically I could say about seven or
20 eight.

21 Q All right. And obviously the primary mission of
22 the homicide detail is?

23 A To solve homicides, and in addition to homicides,
24 as this case comes forward, the Portland Police Bureau
25 homicide division detail is also responsible for

1 investigation officer involved shootings of any sort,
2 lethal and/or non-lethal uses of force. So that's another
3 one of the important characteristics of the homicide detail.
4 So the team, not just one of us, our entire team, along with
5 other assets from outside agencies, in this specific case,
6 Multnomah County, also came and assisted as part of
7 transparency in these kinds of cases.

8 So, long winded. We do homicides and officer
9 involved shootings.

10 Q All right. So basically whenever there's a
11 officer involved use of deadly force in Multnomah County, be
12 it the Portland Police Bureau or the sheriff's department or
13 whoever.

14 A Mm-hmm.

15 Q Well, whenever it's in Portland -- sorry. Not
16 Multnomah County. The homicide detail in the Portland
17 Police Bureau is detached to go and handle the investigation
18 of that.

19 A That is correct.

20 Q Okay. So it's my understanding that you were
21 assigned lead detective responsibility for the instance that
22 we're here on, which occurred last October 4th, 2024
23 involving PPB Officer Andrew Young; is that right?

24 A That is correct.

25 Q All right. And so tell me how you became aware of

1 this incident and what your response was.

2 A Sure. As common with any case, it starts out as a
3 page out. You know, it used to be pagers. Now it's cell
4 phones. But we get a cell phone alert with the date, time
5 and location of where to go and the type of crime with a
6 short summary. And I already knew I was the primary on this
7 as I was predesignated as being the lead detective for what
8 the next case was, and this happened to be it.

9 So when I arrived I already knew I was going to
10 have that role. So I showed up with the, I guess the
11 expectation and obviously I knew I was going to be the lead
12 investigator for this case.

13 Q All right. So you mentioned outside agency I
14 guess involvement as a piece of oversight.

15 A Correct.

16 Q Tell me specifically what that looks like. So
17 when PPB goes to investigate or to look into an officer
18 involved use of deadly force with another PPB officer, you
19 involve an outside police agency to assist you in that for
20 oversight purposes; is that right?

21 A That's correct.

22 Q Okay. And what was the -- again, what was the
23 outside law enforcement agency that assisted in this?

24 A Yep. It's sad. I'm getting older. But, it was
25 Multnomah County I believe, and it was two of their

1 detectives. I'd have to look specifically for their
2 names because I've had a couple -- don't ask why I'm drawing
3 a blank on their names right now.

4 Q So when you say Multnomah County, you're referring
5 to the Multnomah County Sherriff's Office?

6 A Sherriff's Office and detectives with it.

7 Q All right. So they come out and they just
8 (indiscernible) the investigation?

9 A That's correct.

10 Q All right. So you got on scene, and, you know,
11 obviously there is a significant protocol the Bureau has in
12 place whenever there's an officer use of deadly force. Is
13 that right?

14 A That is correct.

15 Q Can you tell us a little bit about that?

16 A Most of the protocol is, it's PPB policies to
17 where, you know, in short, when an officer is involved in a
18 shooting there is -- to ensure the security of the scene and
19 ensure the integrity of the scene, officers are separated
20 kind of initially at the scene. So there's -- a lot of
21 resources are sent. There's also peer support involved
22 because that's also an aspect of these cases. There's the
23 obvious stress of going through this from the law
24 enforcement side as well as other sides. So there's a lot
25 of people coming into these scenes, as well as you can

1 imagine there's going to be upper management. The
2 chief's office will send liaisons, the PIO, meaning our
3 information officers for the (indiscernible). They're
4 there.

5 And then, and with the homicide page out
6 (indiscernible), we have specific -- a specific detail that
7 just does our, kind of like you -- what people would say
8 CSI, or, you know, the crime scene investigation stuff. So
9 then that detail will send out. In this case we had several
10 of those criminalists show up to help photograph the scene,
11 video the scene. And then it goes along with then our union
12 is involved because there's legal rights with forcing
13 interviews or not forcing interviews. So there's that
14 aspect of it.

15 And then for the lead investigators role its just
16 to ensure that all of that -- the scene is secured, it's
17 properly handled by the criminalists and the detectives on
18 scene, and that all of the witnesses are identified. And if
19 it is a very complicated scene, and it is our entire team,
20 which is great, along with the other assistance from other
21 agencies. But between that, it's -- again, it's a massive
22 resource pull from a lot of agencies. And then, as you can
23 expect as these things go on, there's other agencies that
24 are involved, meaning the Oregon State Crime Lab and their
25 doctors that perform autopsies down the road, and additional

1 resources there. That's a summary of it.

2 Q So as the lead detective, as the lead detective,
3 you're kind of the air traffic controller of all of that?

4 A That's a great analogy actually.

5 Q Okay.

6 A Yes. Because I'm not the one doing the interviews
7 of the -- as you know in this there was numerous witness
8 officers. I wouldn't possibly have the time to go to each
9 officer myself and do it. So it was broken up with other
10 teams of other detectives. And then they do those
11 interviews. And then, you know, I don't want to say quite
12 simply, but then it's a briefing after that where they'll
13 shared what they learned from these interviews, with me, and
14 then it's all documented and kept in files, and, you know,
15 reviewed and examined.

16 Q So the involved officer here, Officer Young, per
17 Bureau protocol, what becomes of the involved officer? I
18 mean, do they continue -- after the use of force do they
19 continue on as they're in their role as a police officer
20 investigating the scene, doing things of that nature?
21 What's done?

22 A No. They're for the most part isolated. They're
23 separated from other Bureau members so there's no
24 communication. As you can imagine, we don't want, you know,
25 an officer involved in this speaking with other officers

1 without, you know -- you know, spreading things that we
2 don't want at this point. So they're for the most part
3 isolated.

4 They are afforded the opportunity to the right to
5 have an attorney. And then attorneys come and are also
6 present with him during this incident. And then the process
7 that is a part of our policy is we will do a countdown -- I
8 guess we'll probably explain that in better detail later --
9 of the officer's weapon. So that's one thing that we'll do
10 at the scene before, you know, before allowing anybody to
11 leave or anything else, just to, obviously to match up, you
12 know, if there's -- if you've learned terms like casings
13 yet. Or I don't want to -- let me know if I have to go
14 backwards to go forward here.

15 Q No. We've talked about that.

16 A So, yeah. So if there's -- obviously for the ease
17 of this example, if there's one casing there, we're
18 verifying that his magazine that he had into his weapon had
19 the appropriate amount of live ammunition in there. Not
20 more. Not obviously less. So in that case that's why they
21 do officer count downs for the weapons that they have.

22 Q All right.

23 A That's why they're there.

24 Q So in this incident Officer Young was sequestered
25 by himself.

1 A Correct. And --

2 (Crosstalk)

3 Q I guess he was provided a peer support person.

4 A Yeah.

5 Q But that peer support person does not have a
6 conversation with the involved officer about the actual
7 underlying occurrence.

8 A No. No. The -- there is no -- the guidelines are
9 to -- it's literally to be there to make sure that they have
10 food, water and a conversation. With everything exempt of
11 that incident.

12 Q Okay. We can go ahead and talk about the weapons
13 countdown.

14 A Sure.

15 Q Was a weapons countdown done on Officer Young's
16 weapon?

17 A It was. Correct. Yeah. Detective Simms (ph.)
18 and Detective Baniga (ph.) assisted with the countdown. And
19 again, the weapon used in this case was an AR-15. It's a
20 .223 caliber rifle. They're assigned by the Bureau. And
21 his -- the magazines -- I'm going to say this so it doesn't
22 sound complicated. We have 20 round magazines, but with our
23 PPB policy, they're -- we've always been trained -- I am one
24 of the AR certified officers. We are trained to put 18
25 rounds in it so we don't overdo the spring, if that makes

1 any sense. If you put 20 in it, it can potentially cause
2 a jam.

3 So Officer Young was appropriate with how he did
4 it. He had 18 rounds in it. And when it was counted down
5 there was 16 -- or 17 live rounds, and the one empty casing
6 was recovered.

7 Q Okay. So it's your understanding from being at
8 the scene and being briefed was that all of the witness
9 officers said that Officer Young fired one round from his
10 AR-15.

11 A That is correct.

12 Q You recovered one shell casing at the scene.

13 A Also correct.

14 Q And you had -- he had 17 unfired rounds in his
15 weapon.

16 A That is correct.

17 Q So it all corroborates that he in fact only fired
18 one round out of his weapon.

19 A Absolutely correct. Yes.

20 Q And at the conclusion of doing that with Officer
21 Young, it's also my understanding of your policy that they
22 are given a communication restriction order.

23 A Yeah. A CRO for short. But yes. They're given
24 communication restrictions which in basic terms says you're
25 not allowed to talk about this with any other Bureau members

1 or members other than -- obviously the exceptions of
2 clergy and your wife.

3 Q Okay. All right. So that was all taken care of
4 in regards to Officer Young, right?

5 A All taken. Along with, along with all of the
6 officers that were involved in this case.

7 Q But they were not treated the same as Officer
8 Young?

9 A Not -- yeah, no. Given communication restriction
10 orders.

11 Q Okay. All right. But as far as interviewing the
12 other witness officers, how is that handled?

13 A In this particular case it was decided to have the
14 witness officers go back to a larger area, meaning East
15 Precinct, where we had community rooms and space to do the
16 interviews. So all of the officers were directed to return
17 with their peer support and union assigned, you know, person
18 assisting them. And then that's why they were in essence,
19 all of the interviews were divided up by our supervisors,
20 and kind of handed out who was to interview who, and they
21 were all handled at East Precinct.

22 Q All right. So all of the officers -- for example,
23 the officers we've heard in grand jury in this process, they
24 were all interviewed by detectives, correct?

25 A Correct.

1 Q And those were audio recorded interviews?

2 A Audio recorded.

3 Q Okay. And obviously we are aware as well that it
4 is a fairly new PPB Bureau policy that all uniformed
5 officers and detectives in some instances wear body-worn
6 cameras; is that right?

7 A That is correct.

8 Q All right. So I'm assuming that as part of your
9 investigation you downloaded all of the body-worn camera
10 footage from all of the officers involved in this?

11 A That is correct. All that was -- in fact, Officer
12 Young's body-worn camera was actually taken from the scene
13 by a detective, at our direction, and transported directly
14 back to a precinct where -- that's where the docking
15 stations are at. That's where it can -- if it's through wi-
16 fi it would take way too much time. So it has to be one of
17 the docking stations so we could get the immediate results.

18 Q All right. So you're able to review all of the
19 body-worn camera that was --

20 A Yeah.

21 Q -- from the scene. So speaking of the scene, if
22 you turn around here you'll see like a -- this is not an
23 actual photo taken at the scene, but this is obviously just
24 kind of your standard issue Google Earth image from above.
25 Can you tell me if you recognizes what we're looking at

1 here?

2 A Yeah. That is where it occurred, 5235 Southeast
3 Lambert. In fact, the pin is fairly close to where the unit
4 would be.

5 Q Okay. And actually, if we can go back to the
6 other image that would be great.

7 All right. So you arrived on scene. Obviously
8 you were physically present.

9 A Mm-hmm.

10 Q We mentioned this .223 shell casing that was
11 seized.

12 A Correct.

13 Q Do you recall where that was actually located at?

14 A Yeah. Well, so, the officers had parked their
15 cars kind of at an angle in this particular area. So they
16 had two cars kind of between them. So one police car was
17 literally to the left, one to the right, and then Officer
18 Young was on the passenger side of the inside car, and
19 Officer Kaneda was on the inside car. It was back and forth
20 I guess to some extent. But when Officer Young fired his
21 shot, he was firing from kind of within the door opening
22 panel of the passenger door of the police vehicle that was
23 parked at an angle to the, I guess it would be unit B4, when
24 we -- if you haven't seen closeups of the upper portion of
25 the apartment complex yet.

1 Q So where was the actual shell casing located?

2 A It was located right between the cars.

3 Q Okay.

4 A Which would be consistent with an ejection of a
5 .223.

6 Q I think we have a photograph of that.

7 A Yeah. And sometimes those -- if anybody has ever
8 shot a rifle, or especially a .223, they have a buffer tube
9 in them, so they -- when it shoots they can just kind of
10 kick and bounce off the thing. So between the cars where it
11 landed, it actually made -- it seemed to be appropriate and
12 consistent with where he shot.

13 MR. DAVIDSON: Can we zoom or do we have a closer
14 photograph?

15 MS. FRANKLIN: I think I can probably zoom.

16 MR. DAVIDSON: There we go. Oops. So that's the
17 .22 shell casing, correct?

18 WITNESS: Correct.

19 BY MR. DAVIDSON:

20 Q Okay. And that was seized and put in evidence?

21 A That is correct.

22 Q Okay. Great. So what other things of evidentiary
23 interest did you locate at the scene? Like there's some
24 images that were captured from --

25 MS. FRANKLIN: I can just walk through.

1 MR. DAVIDSON: Yeah.

2 BY MR. DAVIDSON:

3 Q So what are we looking at here?

4 A So that's the upper -- and as you can see, you can
5 actually see the license plate of the police cars in the top
6 right portion of that. But the two items of note that were
7 taken at the scene here were the rifle, and then there -- if
8 you -- and again, I'm assuming you guys have heard a lot of
9 the stories already. But, he also had a filet knife in his
10 hand toward the end. So a filet knife and a rifle were
11 collected. The other items of -- that you're just noticing
12 on the bottom, those are PPB issued IFAK kits. It's our
13 tactical combat kind of medical training kits that we come
14 out that have all sorts of blood, you know, stopping agents,
15 and gauze pads and stuff. So they --

16 Q Chest seal.

17 A Chest seals and you name it. It's all full in
18 there. And obviously they ran up, and some of the initial
19 officers on the custody team were using --

20 Q Can you identify sort of what it does?

21 A Sure.

22 (Crosstalk)

23 Q And is that in fact, is that in fact the door to
24 Mr. Thorn's apartment?

25 A It is.

1 Q Okay.

2 A The door is number B4.

3 Q And do we see where the knife is located here?

4 A It's right behind -- it's hard to see. But, I
5 mean, but right -- you're pointing at it there. It is kind
6 of hard to see. But, yes, it is just a filet knife.

7 Q We have another --

8 A There you go. Much better.

9 Q So that's the gun?

10 A Correct.

11 Q Okay. And I don't know if we have a picture of
12 the knife.

13 A Much better.

14 Q Okay.

15 A Yes. That's the filet knife.

16 Q And where was that in relation to the gun?

17 A It was further, I guess it would be called south.

18 Q Oh. Yeah. I see. So further down.

19 A Yes. Right there. That's the handle. It's just,
20 again, kind of hard to see on the further image.

21 Q Okay.

22 GRAND JUROR: We saw, we saw that (indiscernible)
23 by one of the officers.

24 WITNESS: Yes.

25 GRAND JUROR: (Indiscernible) out of the way,

1 right?

2 WITNESS: Yeah.

3 MR. DAVIDSON: Okay. Is there anything else we
4 have from the scene?

5 MS. FRANKLIN: No.

6 BY MR. DAVIDSON:

7 Q Okay. So those items were all collected and put
8 into evidence, I guess.

9 A That knife. Those are the items that were
10 collected. Yes.

11 Q Okay. All right. You collected the gun.

12 A Correct.

13 Q All right. And I think you brought it with you,
14 correct?

15 A I did. I brought it here, and have not
16 technically all the way opened it up yet.

17 Q Okay. Why don't you go ahead and do that so we
18 can have a look at that?

19 GRAND JUROR: Has it been determined that it's a
20 real gun?

21 WITNESS: When you mean a real gun -- yes, it is
22 an operable air rifle.

23 GRAND JUROR: Okay.

24 WITNESS: The -- it hasn't been test fired, if
25 that's what you mean, other than what the officers saw that

1 night. So, I guess, to backtrack on that, we have not --
2 I have not had the -- I have not test fired it
3 (indiscernible).

4 GRAND JUROR: Did you say operable air rifle?

5 WITNESS: Yes. Air rifle. Pellet rifle.

6 GRAND JUROR: Okay.

7 WITNESS: People kind of use those terms.
8 Depending on what Google site you're looking, if you're
9 looking up -- like even if you just look up how to buy a
10 pellet rifle or (indiscernible), they use the term sometimes
11 now interchangeably. I guess my experience with pellet
12 rifles -- I actually have one. Not similar to this, but --
13 or, similar to this, but not this brand. But it's a -- they
14 are powerful weapons.

15 GRAND JUROR: They are.

16 WITNESS: What's that?

17 GRAND JUROR: I said yes, they are.

18 WITNESS: Yeah. Yeah. The one I have, which is
19 not even as big as this one, it's -- mine is a 177, which
20 means it shoots a smaller round. This one is a .22 capacity
21 pellet rifle. Mine shoots about 1200 feet per second, which
22 is -- that's faster than actual -- some handguns. Not an
23 AR-15. Those (indiscernible). But they are very dangerous
24 weapons.

25 GRAND JUROR: When was that sealed?

1 WITNESS: When was it what?

2 GRAND JUROR: When was the seal that you just
3 broke --

4 WITNESS: This was sealed that night.

5 GRAND JUROR: That night.

6 WITNESS: Yeah.

7 GRAND JUROR: Okay. So it has not --

8 WITNESS: This is the first time anybody has
9 looked at it.

10 MR. DAVIDSON: Can we make sure we're not --
11 Detective, not pointing that at anybody.

12 WITNESS: It is absolutely in a safe position
13 because the barrel is broken.

14 MR. DAVIDSON: Okay.

15 WITNESS: So at this point obviously it's not
16 operable. But, I will keep the barrel pointed this
17 direction.

18 MR. DAVIDSON: Mm-hmm.

19 WITNESS: And I'm not going to open it unless you
20 guys are okay with that. But --

21 MR. DAVIDSON: You mean lock it into position?

22 WITNESS: I mean, I can. All it is, is -- it's a
23 very compressed. These newer style air rifles, it -- what I
24 mean by break barrel is when you break it the one time,
25 that's when all the air compresses. And when you snap it

1 back up, that's the load that causes, you know, how you
2 would think a normal gun would fire. You know, it shoots
3 the firing pin. It hits the, you know, the bullet and it
4 causes that reaction that makes the bullet go out. This
5 one, it's the air that will force that pellet. Most of
6 these -- we actually have pictures of the pellets later as
7 we go, because I later went and collected them. But, you'll
8 see the actual ammo that was used in this.

9 MR. DAVIDSON: Would you mind holding that up so
10 we can kind of get a good look at it?

11 BY MR. DAVIDSON:

12 Q So, I mean, you obviously during the course of
13 your lengthy career have dealt with a variety of firearms,
14 I'm imagining.

15 A Sorry. Can you say it one more time?

16 Q Yeah. Sorry. During the course of your lengthy
17 police, law enforcement career, you've dealt with a variety
18 of firearms; is that right?

19 A That is correct.

20 Q To you, I mean, you obviously know now that this
21 is an air rifle.

22 A Correct.

23 Q If you had seen it at any distance, or even close
24 up, without closely examining it, to you, does it appear as
25 if it is just a, like a .22 caliber conventional rifle?

1 A I actually have a .22 caliber Ruger rifle, and
2 it almost looks identical.

3 Q Okay.

4 A Other than, in short, this little -- the tip. My
5 .22 rifle just has a normal barrel.

6 Q Mm-hmm.

7 A (Indiscernible). So that's going to be the only -

8 -

9 GRAND JUROR: That last bit.

10 WITNESS: That little weird --

11 GRAND JUROR: That.

12 WITNESS: And that's just an addition of a sight.

13 GRAND JUROR: Oh.

14 (Crosstalk)

15 MR. DAVIDSON: So that flared bit at the end
16 there...

17 WITNESS: You wouldn't be able to see that.

18 MR. DAVIDSON: The flared bit there at the end.

19 It almost seems like it's trying to replicate like a flash
20 suppressor or silencer.

21 WITNESS: Or -- yes. Some people would call it a
22 silencer. And, you know, that's, and I think in theory I
23 think that's actually what these are for is to suppress the
24 sound. The one that I have is actually -- the brand of it
25 is actually called the silent cat.

1 Q Mm-hmm.

2 A It's a (indiscernible). But it's similar to this.
3 And the whole concept of having that extra context on the
4 top of the barrel is to suppress the sound so they don't
5 sound as loud as a .22. And I can tell you when I shoot
6 mine, it is, it is loud. It's something you couldn't shoot
7 like -- like growing up with a bb gun, you could shoot it in
8 your backyard, you know? (Indiscernible) you could pop it
9 once or twice and shoot it against -- you know, knock a can
10 down with it, and it just kind of goes (muffled gun noise).
11 When I shoot a gun which is very similar to this, it -- the
12 neighbors would call the police on me if I shot this in my
13 backyard, because it cracks. It makes a (pop noise), and it
14 is a very distinct sound.

15 MR. DAVIDSON: I think we actually had a question
16 over here.

17 GRAND JUROR: I apologize. I'm not familiar.
18 Could you -- because this is a pellet gun. So you put
19 pellets in there. Is that correct?

20 WITNESS: So I will do this actually if you guys
21 are comfortable with it. I'll keep the barrel pointed
22 towards the tv the entire time. What you do with this is,
23 that hole right there is what the bullet is. So --

24 GRAND JUROR: So can you put bullets in there?

25 WITNESS: It's --

1 GRAND JUROR: The pellet.

2 WITNESS: -- a pellet, but yes. And we have a
3 picture of the actual ammunition used (indiscernible). I
4 was able to go back and get that.

5 (Crosstalk)

6 GRAND JUROR: Interesting.

7 GRAND JUROR: Awesome.

8 WITNESS: From the house later. But that opening
9 there is all you would do. You would just, yep, you would
10 stick it in there. You'd slap it forward and
11 (indiscernible).

12 (Crosstalk)

13 WITNESS: And in fact, doing a lot of Google
14 research (indiscernible).

15 (Crosstalk)

16 WITNESS: A lot of people use these for
17 (indiscernible).

18 (Crosstalk)

19 WITNESS: They'll kill birds. They'll kill rats.
20 They'll kill squirrels. They'll even kill -- and that's
21 what people -- there's actually videos of a guy using this
22 exact weapon, on YouTube, shooting rabbits. And that's --
23 he was very surprised as he was taking like 50 yard shots.
24 And (indiscernible) as hunting.

25 BY MR. DAVIDSON:

1 Q So Detective, this weapon is branded Ruger.

2 A Correct. That is the brand.

3 Q And are you familiar with the brand Ruger?

4 A I am.

5 Q And what is the brand Ruger?

6 A Well, Ruger is a well-known weapons manufacturer.

7 They usually make --

8 (Crosstalk)

9 WITNESS: They don't usually just focus on --

10 GRAND JUROR: They make quality guns.

11 MR. DAVIDSON: Yeah.

12 WITNESS: Yeah. Anything from revolvers to
13 hunting rifles is (indiscernible). And a lot of people --

14 (Crosstalk)

15 MR. DAVIDSON: Right. So this doesn't say like
16 Daisy or like --

17 WITNESS: No. This says Ruger. In fact, it says
18 Ruger Max Elite. I'm actually checking to see if there's
19 any warnings to specifics. But it even says it right here
20 on the barrel, a .22 caliber. And I can't read it much more
21 than that. But it does say -- it is indicating this is a
22 .22 caliber weapon.

23 MR. DAVIDSON: Yes?

24 GRAND JUROR: So this thing doesn't necessarily
25 (indiscernible) a .22.

1 MR. DAVIDSON: Well, it doesn't -- we've
2 actually got a photograph. We'll --

3 (Crosstalk)

4 MR. DAVIDSON: It's not a cartridge that has
5 gunpowder in it.

6 GRAND JUROR: Okay. (Indiscernible)

7 GRAND JUROR: Oh.

8 MR. DAVIDSON: Yeah.

9 GRAND JUROR: Okay.

10 MR. DAVIDSON: It's a .22 caliber pellet that's in
11 some ways -- and we're going to have another witness on
12 later talking a little bit more about this. But I think
13 what you'll hear is that it is slightly smaller than the
14 round that would have been fired out of a .22 caliber long
15 rifle, but not (indiscernible) in size.

16 GRAND JUROR: But the actual round is a .22
17 pellet?

18 MR. DAVIDSON: Yes. Correct.

19 WITNESS: Yes. Correct.

20 GRAND JUROR: Because there's different sizes.

21 WITNESS: Yeah. You're absolutely right.

22 GRAND JUROR: And did you find a used one from
23 when they heard -- some people heard him fire in the air?

24 WITNESS: No. No. No used ones were found. And
25 that would be --

1 GRAND JUROR: Okay.

2 WITNESS: (Indiscernible).

3 (Crosstalk)

4 GRAND JUROR: Because there were different views
5 on whether he ever fired in the air.

6 WITNESS: Yeah. Because those things, you've got
7 to remember, if you fire that off at one degree at 1,200
8 feet per second, that (indiscernible) could travel --

9 (Crosstalk)

10 GRAND JUROR: Where did that one come from?

11 WITNESS: That came from right there.

12 MR. DAVIDSON: Is that one actually --

13 (Crosstalk)

14 WITNESS: Oh, never mind. Well, I don't -- I
15 believe it was loaded when the, when the forensic team took
16 it. So there's pictures of that on one of the --

17 GRAND JUROR: But it was made for this?

18 WITNESS: That is, that is one of the ones for
19 this. That might have been one of the ones that I collected
20 from the tin.

21 MR. DAVIDSON: I think it was maybe from the
22 autopsy.

23 WITNESS: Or, yeah. He had four in his pocket in
24 the autopsy. We're kind of jumping around. But, yes.

25 GRAND JUROR: Okay.

1 WITNESS: That's one of the same ones. So it
2 was one -- again, there was one that was collected that was
3 in the --

4 MR. DAVIDSON: So it was loaded?

5 WITNESS: It was loaded.

6 MR. DAVIDSON: Okay.

7 WITNESS: According to our criminalists when they
8 took it to the -- to photograph it and to package it, and
9 then it was -- he had four in his right rear pocket during
10 the autopsy. And then when I went back top the house I
11 found the, the tin that were collected. Those little
12 pellets, bullets are held in a tin, and I collected the tin.
13 And I would have to look at my notes to see exactly, but
14 there was maybe like 20 left in it.

15 GRAND JUROR: So what's different -- I'm sorry
16 again. What is the difference between a pellet and a
17 bullet? It seems like they're doing the same thing.

18 WITNESS: So a bullet -- kind of. They still come
19 out of a barrel and they go --

20 GRAND JUROR: Sure.

21 WITNESS: -- a significant, you know, feet per
22 second. A bullet would be a little more traditional and a
23 little bit more power to it because there's a combustion to
24 it. There's a firing pin that will hit a bullet that causes
25 -- you know, you hear the term gunpowder. So it creates

1 that explosion, and then that's what forces the bullet to
2 leave the casing. So the casing will get ejected. And then
3 the bullet is what travels through the barrel. You know,
4 they have grooves in it. And it starts that spinning
5 mechanism in the bullet, and then the bullet takes off.
6 Where this, when you shoot it, it shoots that entire piece,
7 because it's the air forcing that entire piece to go
8 forward. So there is no casing. So it's kind of like
9 there's no casing attached to that. So that's the
10 difference. These -- you know, they're -- in theory they
11 don't go -- like my rifle, my .22 rifle will go a lot
12 further, faster, than this, because it's not carrying all
13 that weight and there's more power behind the explosion than
14 just the air.

15 MR. DAVIDSON: And our next witness is going to
16 talk a little bit more in detail about some of this.

17 GRAND JUROR: Okay. Sorry.

18 (Crosstalk)

19 MR. DAVIDSON: Okay. So anybody else?

20 WITNESS: I'm going to put this down.

21 MR. DAVIDSON: Any questions about the gun? No?

22 Okay. All right.

23 BY MR. DAVIDSON:

24 Q So Detective, let's talk a little bit about the --
25 excuse me -- the original call. My understanding is this

1 was precipitated by some calls from neighbors --

2 A Correct.

3 Q -- with concerns about domestic violence. And
4 those 911 calls were actually captured and recorded, and
5 you've reviewed those; is that right?

6 A Correct. Yeah. They were captured by our Bureau
7 of Emergency Communications, and I requested all of the
8 records that was related to this entire case, and a portion
9 of those records were the calls that came in that night that
10 started the police call.

11 Q Okay. So I think we have two of those. And these
12 are the actual calls that precipitated Officer Young and
13 Officer Pearce responding in the first place.

14 A Correct.

15 Q Okay.

16 (911 call is played)

17 BY MR. DAVIDSON:

18 Q So that was obviously the second time call.

19 A Yes.

20 Q Okay.

21 A That would be the second one they received
22 obviously because she says we already had one more call.

23 (911 call is played)

24 BY MR. DAVIDSON:

25 Q Those are the two calls?

1 A Those are the two calls.

2 Q Okay. And I think those individuals were
3 eventually interviewed as well.

4 A I believe so.

5 Q All right. Going back to the crime --

6 A In addition to others.

7 Q I'm sorry. What was that?

8 A In addition to others.

9 Q Okay.

10 A Yeah.

11 Q Let me go back to the crime scene for a second.
12 My understanding is kind of a standard operating procedure
13 in a call like this is you have technology that allows like
14 a laser scan of the scene; is that right?

15 A Correct. Our internal term that we call it is
16 Leica. But in essence, yes. It's a system that gives 3D
17 capability scanning, capability distance measuring
18 capability.

19 Q Okay.

20 A And it was used in this case.

21 Q Okay. So as a result of the use of that tool,
22 were you able to determine what the distance was between
23 Officer Young and Mr. Thorn at the time the shot was fired?

24 A Yes. And it's an approximate of course, because I
25 was going off of where the casing was at and where I was,

1 you know -- obviously we kind of had a general idea of
2 where we knew Officer Young had been when he fired, and we
3 also had a general idea about where Mr. Thorn was when he
4 was shot. And it was -- that distance was measured and it
5 was approximately 93.5 feet.

6 Q So about 30 yards?

7 A Correct.

8 Q All right. And you had also mentioned that you
9 had attended an autopsy.

10 A That is correct.

11 Q Was that like later that day?

12 A It was all the same day. I believe it was Doctor
13 Stanley (ph.) at about 1 o'clock is when that started.

14 Q And is that at the Oregon Medical Examiner's
15 Office?

16 A At the Oregon Medical Examiner's Office.

17 Q Okay. And what was the -- what were the injuries
18 that were noted in the cause of death?

19 A He had the one injury that was the cause of the --
20 it was a gunshot wound. It was in his left chest. As the
21 autopsy progressed and they -- Doctor Stanley's notes and
22 what we saw was that the damage appeared to be going in an
23 upward trajectory from left to right, which would be
24 consistent with shooting from a lower portion to an upper
25 portion.

1 Q Okay. And was a blood toxicology performed on
2 Mr. Thorn as well?

3 A It was indeed.

4 Q And what were the results of that of note?

5 A Through the blood analysis it was a .15 I think
6 there's one more decimal. I'd have to look in my notes.
7 Like .153 or .151. But like twice the, almost twice the
8 legal limit.

9 Q For driving.

10 A For driving.

11 Q So...

12 A So, yeah. Driving is an 08.

13 Q So his BAC was .15

14 A Correct.

15 Q And like for example, my understanding of the
16 current Oregon law is that anything .08 or higher is
17 considered too intoxicated to drive.

18 A That is correct.

19 Q Okay. We had kind of referenced this earlier, but
20 there were some things found on his person of relevance.

21 A Yes. And that was during the autopsy. Like I
22 said, I've mentioned it as we were discussing the pellets in
23 that, part of that discussion. But, during the autopsy we
24 also go through all their clothing, everybody's clothing
25 items. And in this case he had in his right rear pocket,

1 four of those pellets, just like we were talking about.

2 So, yeah. He did have ammunition on him during this event.

3 Q Okay. So there's follow-up that was done. I
4 think you've referenced to it a little --

5 A Yeah. I alluded to that. Yes.

6 Q -- earlier. You did -- you contacted his wife.

7 A Correct.

8 Q And searched his car, for example.

9 WITNESS: Well, it actually started with she
10 contacted us and asked Detective (indiscernible) and I if we
11 wanted to come collect the pellets. This was at
12 approximately 5 o'clock that same day. So the autopsy was
13 at 1. Got done with that. Got home. Because I remember I
14 was just trying to get ready to fall asleep. And then this
15 call came in and I woke right back up because it was of
16 pretty great importance that she was willing to have us come
17 over.

18 So we came over there at her request, and we met
19 with her. And I remember noting that when I -- and there is
20 photographs, if you care, or I could describe it. When I
21 went up to the front door I even noticed the front door was
22 damaged, freshly damaged. So during this event or prior to
23 this event he had already damaged his front door, kicking it
24 in or doing something to break it.

25 The house was in --

1 MR. DAVIDSON: Do you have one for the pellets?

2 WITNESS: -- disarray.

3 MS. FRANKLIN: I've got to see.

4 WITNESS: But the pellets were -- so when you
5 first walked in, there's a general entry way, and the
6 kitchen would be to the right as if you're walking in. and
7 then there's a counter with kind of a bar height counter.
8 And that's where the pellets were. And she said there's
9 where she had found them. So they were right -- in essence,
10 right by the doorway. So if you were to go in, they were
11 right there. They weren't in a bedroom is I guess the
12 significance I'm trying to say. They weren't put away in
13 the kitchen or somewhere else, or like put away in a
14 cupboard. They were out and ready to go.

15 MR. DAVIDSON: I know we -- yeah, there we go.

16 WITNESS: And again, basically it's just a little
17 -- if anybody has ever bought the pellets for a gun like
18 this, they just come in like a tin, and that's all it was.
19 So it's just a little -- I think it was Cross Bow brand.
20 The little red, white and blue.

21 MR. DAVIDSON: I think we've located those
22 photographs.

23 WITNESS: I'm hoping my description was better
24 than the pictures.

25 GRAND JUROR: Nice.

1 WITNESS: Yeah. Oh, Cross Man. I said Cross
2 Bow. I apologize.

3 BY MR. DAVIDSON:

4 Q And these are I guess noted as hollow points.

5 A Correct.

6 Q I don't know what that means in the pellet world.
7 But what does that mean in the regular ammunition world?

8 A In regular ammunition it means instead of just
9 having a rounded front to the bullet, it has that concave,
10 meaning a hollow point, which some people would say it makes
11 it a little bit more, you know, effective in stopping power.
12 Because it means the round will mushroom out more instead of
13 go through. So some people will call it stopping power
14 (indiscernible) by a hollow point weapon, or a round, so
15 when they use their gun it'll -- it expands when the bullet
16 hits things.

17 Q Okay. So those were seized and put into evidence?

18 A That is correct. And if you notice, 500 -- it's a
19 500 pellet canister, and if there is more in there -- I
20 believe it was fairly empty. Maybe I should
21 (indiscernible).

22 Q That's fine.

23 A Yeah.

24 Q So in addition to that, you also alluded to, but
25 you had taken a look at Mr. Thorn's automobile, right?

1 A Yeah. So part of that same interaction with
2 Kaitlin (ph.) Thorn, his wife -- sorry, I should get closer
3 to the microphone. She asked if we were willing to follow
4 her to where he had parked his car, where she had met him
5 prior to this incident. And it was at roughly 53rd and
6 Francis, which is also, if anybody knows that area, it's
7 where everything curves on Foster Road. So it's pretty,
8 also really close to 53rd and Foster, which is where there's
9 some restaurants and places right there. Where he had
10 parked was in a residential area. And when I found his car,
11 she obviously had the keys to it, and she wanted to drive
12 back home, which is what she wanted to do. But when she --
13 when we opened it up we could see there was like a six pack
14 of beer missing several beers. I'd have to look at the
15 pictures to see exactly how many was missing. I believe it
16 was like three left. But it was like a drop top, you know,
17 beer. And then he also had, of note, a bottle of sake that
18 he had drank. There was just a little bit of that left.

19 Q Okay. There's been some conflicting information.
20 Obviously, you've reviewed the body-worn camera. But, Mr.
21 Thorn makes a variety of claims to have been a military
22 veteran. Specifically, to have been a marine and have
23 fought in the Middle East. Were you able to verify whether
24 or not that was true?

25 A I was able to speak -- personally, I was able to

1 speak with Mr. Thorn's parents and determined that was
2 not to be true. He had only made it to a bootcamp, and
3 several weeks after that was sent home.

4 Q Okay. So assertions of being a military vet and
5 all of that is not true.

6 A Not true.

7 Q Okay.

8 A Yeah.

9 Q Never was in combat?

10 A Never made it --

11 Q Past first --

12 A Technically, never made it into the military.

13 Q Okay.

14 A Did not make it through the training.

15 Q Got it. I meant to ask you and I had forgotten to
16 do so, on the topic of this, of air rifles, pellet guns, did
17 you -- have you had an opportunity to do a little research
18 yourself on kind of --

19 A I did.

20 Q -- their actual essential lethality or ability to
21 injure human beings versus --

22 A Yes. And I'm sure you all have the same
23 capability of using Google and everything else as I did.
24 But, I was actually somewhat taken aback at the amount of
25 headlines that detailed with the Google search of air rifle

1 and pellet rifle, deaths and sentences and criminal
2 cases. It did not take me long to find several cases out of
3 -- one out of Buffalo, New York, one out of New Jersey in
4 2020, 2023, where it was a -- the headline to the case was
5 man indicted on homicide involving pellet rifle. One to the
6 head. One was to the chest, where the bullet -- the pellet
7 penetrated and got into the organs. And then there's
8 numerous ones of kids killed. In fact, I saw the Consumer
9 Protection Safety Counsel, the CPSC, on their headline to
10 their post is approximately four people a year are killed by
11 quote pellet or air rifles. And so, they're trying to put a
12 lot of cautions to those. Because again, the -- as you'll
13 hear from Dan, these are made now -- the feet per second is
14 a term you're going to hear. These weapons are now just
15 what I would say -- they're weapons. They're not --

16 Q It's not the Daisy One Copper (ph.) that we had.

17 A No.

18 GRAND JUROR: It's a toy. The Daisy One Popper
19 (ph.).

20 WITNESS: And I could make, I could make -- I was
21 told not to make this joke, but I'm going to do it. It's
22 not the (indiscernible) you're going to shoot your eye out
23 gun. These are --

24 GRAND JUROR: Right. Your eye out.

25 WITNESS: These are legit weapons, and very

1 dangerous. And anybody that knows these and sees these,
2 I think knows that these are dangerous weapons.

3 BY MR. DAVIDSON:

4 Q So Detective, as obviously you know and we've
5 seen, there's a lot of body-cam video of this incident
6 because there were so many officers there. One thing we
7 observed I think and discussed is that -- and of course the
8 Bureau is learning about the strengths and weaknesses and
9 capabilities of the body-cams. But it appears to us, and
10 think you have observed this yourself, that because of all
11 of the light being shined on Mr. Thorn during this incident
12 for officer's safety and tactical reasons, it's almost
13 impossible to actually see what he's doing in this body-cam
14 footage.

15 A Correct.

16 Q Is that your experience?

17 A Yes. And, yes, the body-cameras are great for
18 what they are. But, they're -- obviously where they're
19 mounted there are limitations to that, and the -- what they
20 can and cannot focus on. You know, obviously with our eyes,
21 we can see the broad spectrum of everything and we can pick
22 out things. But with all of that light, it -- in this
23 particular case, we noticed that it -- everything was I
24 guess maybe diffused, or whatever term that you can use.
25 But we could not focus on him. That is correct.

1 Q Okay. So at some point you became aware of
2 things that independent journalist -- I think he refers to
3 himself as Mr. Stringer (ph.), I guess.

4 A Yes. I believe his real name is Chazz Briggs
5 (ph.), but he goes by Chazz Stringer, the Night Stringer.

6 Q The Night Stringer.

7 A Is his (indiscernible).

8 Q And what is his MO? What's his -- is he someone
9 who shows up to these scenes on a regular basis?

10 A He is. He's actually a -- police officers are
11 very familiar with him. he shows up to a lot of scenes.
12 That is what he does for his career. He monitors police
13 radio traffic and shows up to these types of calls, and he
14 quickly pulls out his camera, which is not -- having issues
15 or diffused lighting and (indiscernible). So he did show
16 up, and he provided a snippet, an edited snippet of his
17 video to our PIO, Kevin Allan (ph.) specifically, and as --
18 I might as well just say it now. We request -- we -- me
19 specifically requested the full un-edited version and was
20 denied. And he -- per a claim of quite simply what I was
21 told was he didn't want the family to ever see the shooting.

22 So we were only -- we, the Police Bureau, even
23 though we were hoping to get everything, meaning the
24 entirety of the video, we were only given what he provided,
25 and it was -- unfortunately it would be very difficult, if

1 not hard to force him to -- unless he deleted it -- to
2 find a deleted file without going through various
3 substantial and -- you know, writing the warrants and stuff
4 to see that. It was very -- it would have been very
5 difficult (indiscernible)

6 Q So you made multiple requests of him to provide
7 the unedited video.

8 A Correct.

9 Q He's refused.

10 A Refused, denied.

11 Q So...

12 A And he just said this is what you get.

13 Q But he did provide you some video --

14 A Correct.

15 Q -- with, like immediately before and immediately
16 after the shooting. Is that right?

17 A That is correct.

18 Q Okay. I think we're going to see that right now.

19 A Yeah. I'll get out of the way.

20 Q And there's some audio, but it's almost impossible
21 to hear; is that right?

22 A If you turn it up all the way, it -- you can hear
23 it, but it is faint.

24 (Video plays)

25 A. There you go. Yeah.

1 MS. FRANKLIN: Oops. Sorry. It paused. Here, let
2 me -- I don't know why it's going super fast right now.
3 Give me a second.

4 (Video plays)

5 MR. DAVIDSON: And that's --

6 WITNESS: That would be the entirety of the actual
7 scene, and then the rest is just him being loaded into the
8 ambulance.

9 GRAND JUROR: So that right there is after he was
10 shot?

11 WITNESS: That's well after. That's well after
12 being shot. Yeah.

13 GRAND JUROR: He (indiscernible)? Yeah. Okay.

14 WITNESS: Yeah. And you can tell even as you
15 watch this, there's --

16 MR. DAVIDSON: Yeah. (Indiscernible).

17 WITNESS: There is -- you can tell where he's
18 clipped.

19 GRAND JUROR: Yeah.

20 WITNESS: (Indiscernible).

21 MR. DAVIDSON: Okay.

22 GRAND JUROR: So anyone off the streets allowed to
23 come to a police scene like that and just start videoing?

24 GRAND JUROR: Yeah.

25 GRAND JUROR: And then if they didn't want to show

1 all of it? Or, what -- that's -- I'm a little confused
2 about that.

3 GRAND JUROR: That was my second part.

4 WITNESS: The short answer is the press have a lot
5 of rights in the United States, and they can --

6 GRAND JUROR: They have what?

7 WITNESS: The press have a lot of rights. Anybody
8 who is the press. Just like as if you've seen in the recent
9 riots and/or demonstrations and protests that we've had in
10 the City of Portland, you'll notice that there's people that
11 will wear a simple press pass that are in areas that you
12 see, and you're like why are they there. It's because they
13 have the right to be there. They kind of have some rules
14 that have been granted to the press. And quite simply, yes,
15 they can take photographs and pictures --

16 MR. DAVIDSON: But just to be clear -- just one
17 second.

18 WITNESS: Yeah.

19 MR. DAVIDSON: Just to be clear. This person was
20 not inside of the scene?

21 WITNESS: Nope. Not in the scene. He's using a
22 high powered video camera from the exterior of the scene.

23 GRAND JUROR: Oh.

24 WITNESS: Yes.

25 MR. DAVIDSON: Yeah.

1 WITNESS: Maybe that would (indiscernible). I
2 apologize.

3 MR. DAVIDSON: Yeah.

4 GRAND JUROR: Okay. No. I thought he was like --

5 WITNESS: But, yes, they are allowed to --

6 GRAND JUROR: -- standing right there with you
7 guys.

8 WITNESS: No, no, no, no.

9 GRAND JUROR: Okay.

10 WITNESS: He was --

11 MR. DAVIDSON: The press do have a lot of rights.
12 They don't have quite that many rights. Yeah. They can't
13 -- yeah.

14 WITNESS: Yeah. And not in the scene. Yes.

15 MR. DAVIDSON: Yeah.

16 WITNESS: But, no. he was on the perimeter, but
17 with technology, I -- I mean, not to be a smart Alick, he
18 could -- they have the technology to zoom in on that Amazon
19 Prime truck from here and probably see the face of the
20 driver.

21 GRAND JUROR: Jeez.

22 WITNESS: That is -- and I'm not even exaggerating
23 that. I've seen them, I have seen them do that. It is very
24 impressive.

25 GRAND JUROR: Did he give an explanation of why it

1 was incomplete?

2 WITNESS: No. He never, he never gave me direct
3 communication.

4 GRAND JUROR: Okay.

5 WITNESS: It was all through our PIO, and then I
6 was seeing emails that were --

7 GRAND JUROR: Well, he said he didn't want the
8 family to see --

9 WITNESS: No.

10 GRAND JUROR: -- the victim get shot.

11 WITNESS: Yeah.

12 GRAND JUROR: So why can't he just give it to
13 the --

14 GRAND JUROR: It's public records.

15 WITNESS: I asked. Yeah.

16 MR. DAVIDSON: He could if he wanted to.

17 GRAND JUROR: He could.

18 MR. DAVIDSON: He does not want to.

19 GRAND JUROR: Yeah.

20 MR. DAVIDSON: Yeah.

21 WITNESS: I think he was whatever -- I mean, I'm
22 only making an assumption, but his, whatever morality reason
23 he had, he felt like he was doing what was right.

24 MR. DAVIDSON: But we made -- you've made multiple
25 efforts to attempt to get it.

1 WITNESS: Yes. Yes, I tried.

2 MR. DAVIDSON: You wanted it. He just won't give
3 it to you.

4 WITNESS: Yeah. True.

5 MR. DAVIDSON: Sure. Okay. Any other questions
6 on this point?

7 GRAND JUROR: No.

8 MR. DAVIDSON: I think that's all I've got for the
9 detective. Do you have anything further?

10 MS. FRANKLIN: No. I don't have anything.

11 MR. DAVIDSON: Any additional questions for
12 Detective Sharp?

13 GRAND JUROR: Thank you.

14 MR. DAVIDSON: No? Okay. All right. Thanks.

15 WITNESS: (Indiscernible).

16 MR. DAVIDSON: Do you need a minute to talk to
17 Dan? No?

18 GRAND JUROR: If we think of questions like that
19 come to us tomorrow or whatever, --

20 MS. FRANKLIN: You can call me.

21 MR. DAVIDSON: Are you available tomorrow?

22 WITNESS: I will be available tomorrow, yeah.

23 MR. DAVIDSON: Okay. Yeah. Other witnesses,
24 probably not. But this witness, yes. He's basically at our
25 beck and call. Yes. Are we on the record? Do you want to

1 go off the record, or?

2 (Asides)

3 MR. DAVIDSON: Why don't we go ahead and go off
4 the record for a second?

5 (Off the record)

6 (On the record)

7 MS. FRANKLIN: All right. We are back on the
8 record with our next witness. We have Dan Alessio.

9 Dan, would you mind raising your right hand to get
10 sworn in?

11 DAN ALESSIO

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

14 BY MS. FRANKLIN:

15 Q Okay. You can take a seat. And can you tell us
16 your full name and spell it for the record?

17 A Dan Alessio D-a-n A-l-e-s-s-i-o.

18 Q And how are you currently employed?

19 A I'm employed with the Oregon State Police Crime
20 Lab here in the Portland area.

21 Q And what is your assignment, or like what is your
22 role there?

23 A I'm a firearms examiner. So I examine firearms
24 and firearms related events.

25 Q And can you talk a little bit about your education

1 to get to where you are today?

2 A Yeah. The Oregon State Police requires a degree
3 in science of some kind in order to -- for employment there
4 as a forensic scientist. And I have a degree in biology and
5 a minor in physical education.

6 Q And do you have any other relevant training or
7 experience in terms of firearms examinations?

8 A I do. The majority of my training was given to me
9 through the Oregon State Police when I first started 25
10 years ago. And then I've gained additional training through
11 different entities, the Federal Bureau of Investigation, the
12 Bureau of Alcohol, Tobacco, Firearms and Explosives. And
13 organization, I'm a member of the Association of Firearm and
14 Toolmark Examiners that puts on yearly training conferences.
15 So I attend training. I also give training at those
16 conferences. I've been an instructor for the Bureau of
17 Alcohol, Tobacco, Firearms and Explosives National Firearm
18 Examiner Academy for 14 years, where I instruct modern
19 development of firearms and operating systems. And then I'm
20 also an inspector, a safety inspector for the Shooting and
21 Hunting Outdoor trade show which is an industry trade show
22 for the firearms industry that they put on once a year so
23 buyers can come and look at all the new firearms and firearm
24 related products, outdoor products. And one of the rules of
25 the show is firearms can't have a firing pin. There can't

1 be live ammunition. So we inspect every gun on the show
2 floor.

3 In some of the booths there are air rifle booths,
4 and so we inspect those as well to make sure that there --
5 they can't hold air, because compressed air can be dangerous
6 in itself. And so, we inspect many firearms during that
7 show, and I've done that for six years.

8 Q When you say you're a firearms examiner, what are
9 you examining firearms for? Is there like one thing? One
10 type of examination you do, or is it kind of more broad than
11 that?

12 A No. It's more broad than that. The main thing we
13 do is look at fired bullets or fired cartridge cases from
14 scenes, and then microscopically compare them to firearms
15 that may be related to that to see if we can determine if a
16 fired bullet or fired cartridge case came from a particular
17 firearm. And that examination also includes air guns,
18 pellet guns, because some of those firearms -- not firearms
19 -- some of those air guns have a rifling in them, and that
20 rifling will spin the projectile, which will make it fly
21 more accurately and -- just like a firearm will. And when
22 that pellet contacts the rifling in the barrel, it might
23 pick up marks that we can identify that pellet back to that
24 particular air rifle.

25 Q So in your capacity as a firearms examiner is it

1 fair to say you understand how firearms operate
2 generally?

3 A I do. And to go back to your first question.

4 Q Sure.

5 A Or the last question. We do other things than
6 just examine bullets and cartridge cases. We do serial
7 number restorations if somebody has removed one from a
8 firearm, because that's illegal. And we'll try and recover
9 that serial number. We do what we call distance
10 determination. When a firearm is fired, is fired, the
11 bullet comes out, but then there's burnt gunpowder that
12 comes out behind the bullet, and that can leave a pattern of
13 residue on a target, usually a person. And if we can
14 reproduce that pattern at different distances we can
15 determine if somebody was close enough to leave a certain
16 pattern on that person.

17 So we do more than just examine bullets and
18 cartridge cases and firearms.

19 Q So kind of then going back to the last question I
20 asked, given the different types of things that you can
21 examine a firearm for, it sounds like that requires
22 understanding how different firearms operate; is that right?

23 A That's correct.

24 Q And are you familiar with things like different
25 manufacturers and different materials and different parts of

1 a given firearm?

2 A Yes, I am.

3 Q Okay. Does that also include an understanding of,
4 you know, different ammunition that might be used, and parts
5 like magazines that might be inserted into a firearm, and
6 that sort of thing?

7 A Yes. And those are things I really kind of deal
8 with on a day to day basis as evidence gets submitted to the
9 lab and we examine it. It all -- you know, most semi-
10 automatic firearms have magazines that come with them that
11 hold the ammunition. And so, it's all related. And the
12 ammunition itself, the different ammunition manufacturers,
13 we try and stay current on what's -- what we're seeing
14 that's out there on the streets.

15 That's another thing that ties in with my
16 (indiscernible) employment is we see the ammunition
17 manufacturers. We see what their products are, as well as
18 the firearms manufacturers.

19 Q And in your capacity as a firearms examiner, do
20 you have an understanding of the dangerousness or the
21 capabilities of a given firearm that you're examining
22 generally, I guess?

23 A Generally I do, and mainly because most of the
24 time when something evidence is submitted to a crime lab
25 it's because somebody has been shot and either injured or

1 killed.

2 Q And have you seen all different types of -- cases
3 that involve all different kinds of injuries and different
4 circumstances like that?

5 A Yes, I have.

6 Q Okay. How -- if you're going to be assigned to
7 examine a particular firearm for a certain reason, how does
8 that kind of -- how does that process start? How do you
9 receive items to examine?

10 A Sure. The Oregon State Police Crime Lab will do
11 work for any law enforcement agency in the state. So it
12 starts with a crime or suspected crime happening. And then
13 that agency will bring the pieces of evidence they want us
14 to examine to the crime lab and submit it to the crime lab.
15 We -- our front office creates a file. That evidence is
16 stored securely. And then when my section is ready, if it's
17 firearms related, we'll take that file and go get the
18 evidence from the evidence locker, and then do our
19 examination. We have procedures and protocols that we use
20 depending on what it is we're examining that we follow.
21 Minimum documentation requirements is part of our national
22 accreditation as we do that examination. And at the end we
23 write a report with our conclusions and findings. And then
24 we will return that evidence back to the submitting agency.

25 Q Okay. In your capacity as a firearms examiner

1 have you examined rifles?

2 A Yes, I have.

3 Q And how often would you say you've examined
4 rifles?

5 A I don't see rifles as often as we do handguns.
6 That's kind of what we see the most of. But, I would say in
7 25 years, it's in the hundreds of rifles. And again, my
8 time at the shot show, I would -- that would put me well
9 over a thousand rifles just as far as handling them and
10 looking at them.

11 Q Okay. And you mentioned that you've also examined
12 air rifles or pellet guns. Are those -- I guess for
13 starters, are those two terms interchangeable? Do they mean
14 the same thing?

15 A Yes. It's typically -- you know, it shoots a
16 pellet, but it's air that propels the pellet, so they can
17 kind of be used interchangeably.

18 Q And how is in an air rifle different than a rifle?

19 A Sure. A firearm basically is defined as -- the
20 Oregon definition is it fires a projectile by action of
21 powder, which means there's burning gun powder that provides
22 the pressure that launches that projectile. The federal
23 definition is a little bit different. It's the same thing.
24 It expels a projectile, but it's by action of explosive. So
25 kind of the same. So typically an air rifle wouldn't need

1 that definition because there's no burning gun powder.
2 It's just compressed air or compressed gas of some kind that
3 propels the projectile.

4 Q And whether it's from your training and
5 experience, or your education, or your personal examination
6 of an air rifle, what is your understanding of the
7 capability of an air rifle for causing injury?

8 A Sure. There's -- just like firearms, there's lots
9 of different levels of air rifles. Anywhere from your basic
10 bb gun. If you're familiar with the Christmas Story, and
11 the Daisy Red Rider, is a very basic entry level type bb
12 gun. All the way up to very powerful air type guns. I
13 guess a little historical information is even the Lewis and
14 Clark Expedition had an air rifle with them. So they've
15 been around a long time.

16 Q Okay. So in the case that we're dealing with
17 here, we've got a Ruger brand .22 caliber Impact Max Elite
18 air rifle, and we've actually got that here.

19 A Okay.

20 Q So I'm hoping you can pull that out. I see you've
21 got some gloves on.

22 A Yep.

23 Q And can you just talk to us about based on your
24 training and experience, and your examinations of these
25 types of weapons, just tell us about it and kind of what you

1 know from just looking at it, if you could.

2 A All right. This is -- currently it's in the
3 position you would cock it, so you would move this piece
4 down, which would compress the air. There's a cylinder
5 here. and it would compress the gas that's in the cylinder.
6 And then it also exposes the breach end, the rear end of the
7 barrel, so you can put a pellet into here. and then you
8 would close that back up, and it would look like your
9 typical rifle. And at that point it would be ready to fire.

10 And so, this is -- again, it has the Ruger
11 branding on it, but this is not made by Ruger, which is a
12 firearms company. Ruger has sold the license and the rights
13 to use this to a company called Umarex, which is a German
14 company. But they have a USA subsidiary in Arkansas that
15 they sell these through. But these are made in China.

16 So Ruger just basically -- Umarex pays Ruger a
17 licensing fee to use their symbol and emblem.

18 Q So you mentioned that when that barrel is in the
19 straight position that it would look just like a rifle. So
20 based on your training and experience and your examination
21 of rifles, is there anything distinct that would -- about
22 this weapon that would stand out to you to say this is an
23 air rifle rather than a rifle, a firearm?

24 A If this barrel was in the fully cocked position
25 with the barrel straight, it would look very much like a

1 modern day rifle, especially from a distance. Without
2 being able to examine it closer.

3 Q Sure.

4 A And there are a couple different types of firearms
5 that will hinge like this, with the barrel. Most common are
6 some shotguns. They're either a single shot or what they'll
7 call a double barrel shotgun. So you'll shoot it one time
8 and then break it open, hinge it open to unload and reload
9 it. and there's also some black powder type firearms that
10 are -- typically, we know them as muzzle loaders, that you
11 load from the end, the muzzle end, where you put your powder
12 and your (indiscernible) down that end. But there are some
13 more modern type of black powder firearms that are reach
14 loaders that will also break open like this so that you can
15 put the propellant and the projectile in the back end.

16 So even if I saw it in this position, I wouldn't
17 rule out the fact that it could be a firearm as opposed to
18 an air rifle.

19 Q And we heard some testimony and watched some body-
20 worn camera video, and we kept hearing the term break
21 barrel. Can you just -- it might be obvious at this point,
22 but can you just describer what that means?

23 A Sure. That's just an action of what you do when
24 the firearm -- action is the term we use for how the
25 ammunition moves through the firearm. And so, break action

1 means that it hinges open like this. It just breaks open
2 in order to load and unload the firearm, or in this case an
3 air rifle.

4 Q And we also heard some testimony that this was a
5 single shot. What does that mean?

6 A Yes. Again, it's a -- when we think about
7 firearms, there are the semi-automatic firearms where you
8 load multiple cartridges into a magazine, it goes into the
9 firearm, and then with every pull of the trigger, it fires
10 one time until that magazine is empty or until the shooter
11 decides to stop pulling the trigger. So that's semi-
12 automatic. Like every time you pull the trigger it fires
13 something.

14 In this case you would break it open. You'd put
15 one projectile in. you'd close it. You'd shoot it once.
16 And that's it. You're done until you break it back open and
17 reload it. So it's a single shot. You just get one shot
18 per cycle of this cocking action.

19 Q And based on your testimony, you're obviously
20 pretty familiar with this type of weapon, are you able to
21 testify to some of the specs including the velocity and some
22 of the other capabilities of this item?

23 A Sure. I went onto the company website. And so,
24 there advertised velocity with a standard lead type pellet,
25 which is pretty common, is about 800 feet per second, and

1 that's usually how they measure projectile speed. And
2 then the website says with some other non-traditional kind
3 of pellets that are made out of an alloy, maybe tin or
4 bismuth. They're making those because they're non-toxic.
5 Because lead has a lot of toxicity to it. Those are
6 lighter, because lead is a heavier metal. And so, with a
7 lighter projectile they're saying 900 feet per second with
8 the lighter projectile pellet.

9 Q So it sounds like the way and I guess maybe the
10 risk associated with this type of weapon could be effected
11 by the type of pellet that's loaded into it. Is that fair?

12 A Yeah. That's true.

13 Q Okay.

14 A There's, again, people that are into this kind of
15 thing, there's pellet manufacturers out there that make all
16 sorts of different styles and weights of pellet depending on
17 if you're just going to shoot cans in the backyard or if you
18 were going to try and shoot a rodent in your garden, or, you
19 know, a bigger animal. There's different -- all sorts of
20 the whole realm of different sizes and shapes of
21 projectiles. And even compositions. Some of them will have
22 lead with plastic, and/or plastic with tin. There's just a
23 lot of different types of projectiles for what -- these are
24 like firearms. It's a tool. You use a tool for what you --
25 you have a certain purpose. And you would use a projectile

1 for that purpose as well.

2 Q Okay. I've got two photographs up on the screen
3 behind you. We heard testimony that the photograph on the
4 left was recovered from the individual who had this weapon.
5 It was from his apartment. And then the photograph on the
6 right is an item recovered from this individual's back
7 pocket during the postmortem examination. Can you talk to
8 us about, based on your training and experience, if that
9 weapon that you have in your hands was loaded with this type
10 of projectile, can you speak to kind of the risk associated
11 with it, or the damage that it might cause, or the injury
12 that it might cause?

13 A Sure. That's kind of a standard shape of
14 projectile. They call it a diabolo shape, which is --
15 diabolo is a Chinese toy that's kind of shaped like a top.
16 They roll back and forth on a string, and that's where it
17 gets its name. and it's basically these projectiles are --
18 all of the weight is in the front. This one's got a little
19 bit of a hollow point. And then it's got this skirt that's
20 hollow in the base. And so, it'll catch the air and propel
21 that. And then usually at the top and the bottom of that
22 projectile is what will engage the rifling in the barrel and
23 put a spin on the projectile. And so, it's -- that's a
24 pretty common shape. That weight, 14.3 grains is a little
25 bit on the heavier side from what the manufacturers website

1 said, the 800 feet per second they said was with a 12
2 grain, which is just slightly less. I mean, a grain is a
3 very, very small unit of weight. It takes 7,000 grains to
4 make a pound just to give you an idea. And that's kind of
5 what we measure bullet weights in is grains.

6 And so, as far as grains go, if you compare that
7 to a bullet, a firearm bullet, it's a really light
8 projectile. A typical 9 millimeter bullet is going to be
9 115 grains just to give you an idea, so.

10 Q And so, you said it's a light projectile. Does
11 that mean no injury? It's not going to cause injury, or it
12 is -- based on your training and experience is it still
13 possible for this to cause injury?

14 A Yeah. Sure. Based on my training and experience,
15 the literature kind of talks about feet per second. You
16 need about 328 feet per second to break skin. And so,
17 again, if these are going at 800 feet per second, that's
18 well over that velocity for a pellet to break skin. And
19 then it just depends on what it hits, you know. If it's an
20 eye, it's going to penetrate that much easier.

21 The difference between a pellet like this and a
22 firearm's bullet is that the weight is so light that at that
23 800 feet per second muzzle velocity, it's going to lose,
24 it's going to lose that velocity a lot quicker. It's going
25 to slow down a lot quicker just because it's so light. But

1 it's still definitely dangerous and enough to break skin
2 or more depending on what it hits.

3 Q And so, earlier on when you were saying there's
4 sort of a range of air rifles. You said there's everything
5 from the basic bb gun to a much more dangerous, the other
6 end of the spectrum, right? One that could cause much more
7 damage. Could you say where this one falls in that
8 spectrum?

9 A Sure. This is -- I would say it's on the mid-to-
10 high range spectrum for injuries. Again, they advertise
11 this capable of hunting small game. So at short distances,
12 you know, anything, it would be lethal. You know, racoons,
13 coyotes. What we see in the crime lab is typically if
14 somebody shoots a neighbors pet dog or cat with one. So
15 it's lethal for that, and could definitely cause serious
16 injury to a human. And again, children tend to be softer.
17 Their bones aren't as developed. So a pellet is going to
18 penetrate more on a child than an adult. And it depends on
19 the clothing and everything else.

20 But, you know, and the manufacturer even puts a
21 warning on the side of the barrel here, which is hard to see
22 when it's cocked. But, they say, you know, careless use can
23 cause injury. Serious injury or death. So, it's in the,
24 it's like I said medium to high range as far as being
25 dangerous. They make air guns that are much bigger caliber

1 that people actually hunt larger game with. So, this is
2 not as dangerous. I wouldn't classify as those. But,
3 definitely more dangerous than your Daisy Red Rider bb gun.

4 MS. FRANKLIN: Okay. That's all of the questions
5 I have. Do you have any?

6 MR. DAVIDSON: I just have one question. You
7 talked about, Mr. Alessio, the range of feet per second of
8 this particular weapon being kind of from 800 to 900 feet
9 per second; is that about right? Depending on the
10 ammunition that's used.

11 WITNESS: Yeah. According to the manufacturer's
12 website, yeah.

13 BY MR. DAVIDSON:

14 Q: Okay. And is feet per second, in combination with
15 maybe bullet weight, the two kind of variables that kind of
16 effect the dangerousness of the weapon?

17 A That's correct. It's -- they consider mass and
18 velocity. So kinetic energy is half mass times velocity
19 squared. So those are the two factors. And just to give
20 you an idea, so they advertise this at 8 to 900 feet per
21 second. A .22 long rifle, so a cartridge firearm, those
22 will travel between 1,000 and 1,200 feet per second. A
23 9-milimeter Luger is in about that same range. So it's
24 slightly faster. Again, the projectiles have more mass to
25 them, so they're going to have more wounding potential. And

1 then a .45 auto, a much bigger bullet. Those travel at
2 about 8 to 900 feet per second. So about the same velocity
3 as this would. But again, a much bigger projectile that's
4 going to have more wounding potential because it just has
5 much more mass and it's not going to slow down like a light
6 pellet.

7 Q So the two variables that influence how dangerous
8 they are, the feet per second velocity from the muzzle.
9 This weapon is comparable, basically very close, comparable
10 to a real, an actual firearm in most of your specs.
11 Slightly lower, but about the same.

12 A Correct.

13 Q Okay.

14 A Velocity-wise, yes.

15 Q Okay. So, and I also wanted to ask you, you said
16 this is 14.3 grains here, this example pellet weight, which
17 is the other variable. And you talked about I think the
18 average grain weight of a 9-milimeter round. Is that what
19 your reference was?

20 A Yeah. Those run in the 115, 124, 147 grain.
21 Those are the three weights we see 9-militer in.

22 Q Okay. But this seemed in a lot of ways
23 comparable, more comparable to a .22 caliber rifle or a .22
24 caliber pistol potentially.

25 A That's correct. The .22 long rifle bullet weight

1 is anywhere from -- well, the long is 29 grains, to the
2 long rifle is about 39 grains again for a firearm.

3 Q So much closer actually than like for example
4 let's compare it to a 9-milimeter, which is a much larger
5 bullet. When we compare this to a -- I'm sorry -- if we
6 were to compare this to a .22 caliber rifle, the muzzle
7 velocity is very close, and then grain weight is like much
8 closer than it would be as compared to like a 9-milimeter,
9 right?

10 A That's correct. The 9-milimeter in diameter is
11 much larger. It's a .355 inch projectile. Where, yes, this
12 a .22 caliber air rifle. So it's .22 inches in diameter.
13 And then a .22 long rifle firearm is also .22 inches in
14 diameter. Or you can see there it's a 5.5 millimeter
15 (indiscernible) metric.

16 MR. DAVIDSON: Okay. All right. I think that's
17 all I had.

18 MS. FRANKLIN: Any questions from the grand
19 jurors? Yeah.

20 GRAND JUROR: So with your experience and
21 background, if you saw that from about 50 to 70 feet away
22 from you, would you question whether that was a firearm or a
23 pellet gun?

24 WITNESS: No. I think it would be difficult to
25 determine, especially I don't know what the light conditions

1 were.

2 GRAND JUROR: Sure.

3 WITNESS: And if it's being moved around it would
4 be really difficult. You know, it's a lot easier to look at
5 it when I'm holding it. If somebody else is holding it and
6 there's movement, I wouldn't want to take a chance.

7 GRAND JUROR: Thank you.

8 WITNESS: Yeah.

9 GRAND JUROR: At the beginning you talked about
10 the term rifling.

11 WITNESS: Yes.

12 GRAND JUROR: And I don't know what that means
13 (indiscernible).

14 WITNESS: Okay. Yeah. Sure. I'm sorry. That's
15 a good question. So rifling is spiral grooves that they cut
16 onto the interior of a barrel. And so, when a projectile
17 passes through it, it spins the projectile.

18 GRAND JUROR: Okay.

19 WITNESS: So this is like a quarterback throwing a
20 football, right? It's going to have a nice spiral and it's
21 going to fly further and be more accurate. In a football
22 game if somebody gets a hand on that spiral and it starts
23 tumbling, then it doesn't fly as accurately and as far.

24 GRAND JUROR: Got it. Thank you.

25 MS. FRANKLIN: Any other questions? Okay. Thank

1 you.

2 WITNESS: Do you want this back?

3 MS. FRANKLIN: Yeah.

4 MR. DAVIDSON: Yeah. And that is our last witness
5 for the day, so we can go ahead and go off the record.

6 (Whereupon, the proceedings ended at 4:22 p.m. on
7 June 26, 2025.)

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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 276 pages constitute a full, true and accurate transcript of the proceedings as noted herein.

August 12, 2025
Date

Synthia Barksdale
SYNTHIA BARKSDALE
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.