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

GRAND JURY A PROCEEDINGS

Case No. 63

Conducted by:

Amity Girt, Deputy District Attorney

Kelley Rhoades, Deputy District Attorney

ALSO PRESENT: Samuel C. Kauffman
Attorney at Law

- - -

Volume 1

June 30, 2021

(36:33)

- - -

DA Case No. 2423136

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

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

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1 Death Investigation, re: Officer James Doyle
2 Deceased: Israel Berry
3 Incident Date: May 31, 2020
4 DA Case No. 2423136
5 Grand Jury A, Case No. 63

6 * * *

7
8 (Volume 1, Wednesday, June 30, 2021, 8:59 a.m.)

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

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

12 MS. GIRT: I don't have the DA case number.
13 Let me grab it.

14 Okay. We're on the record, so I'm going to
15 put some identifying information about this case.

16 This is DA Case No. 2423136. This is a death
17 investigation involving James Doyle and Israel Berry.

18 I've been told that the grand jury case
19 number is 63. We're in Grand Jury A. This is
20 Amity Girt. And I'll have the other attorneys
21 identify themselves.

22 MS. RHOADES: Kelley Rhoades.

23 MR. KAUFFMAN: Samuel Kauffman.

24 MS. GIRT: Okay. And we are ready to get
25 started with our first witness in this case. And

Examination of William Winters

1 we -- we are calling Detective William Winters. And
2 we can go ahead and just stay on the record, too.

3 All right. Good morning.

4 THE WITNESS: Good morning.

5 MS. GIRT: All right. Get you sworn in.

6 **WILLIAM WINTERS**

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

9 MS. GIRT: Okay. Good morning. Would you
10 go ahead, Detective Winters, and state and spell your
11 first and last name.

12 THE WITNESS: It's -- first name is William,
13 W-i-l-l-i-a-m; last name is Winters, W-i-n-t-e-r-s.

14 **EXAMINATION**

15 BY MS. GIRT:

16 Q Okay. And are you a police officer with the
17 Portland Police Bureau?

18 A Yes. I am a homicide detective with the
19 City of Portland, Portland Police Bureau.

20 Q All right. How long have you been employed
21 as a peace officer?

22 A Since September 25th of 2000.

23 Q And how long --

24 A So 21 years.

25 Q Okay. And how long have you been

Examination of William Winters

1 a detective?

2 A Since February 2011, so just over 11 -- or
3 over 10 years.

4 Q All right. And you said your current
5 assignment is homicide. How long have you been
6 at homicide?

7 A Two-and-a-half years.

8 Q And can you tell us roughly how many
9 homicide detectives there are.

10 A Currently, there's 16 homicide detectives.

11 Q Okay. And can you explain a little bit on
12 how various detectives or pairs of detectives are
13 assigned as -- as primaries or lead investigators in
14 a case?

15 A So with the homicide detail, there's two
16 sergeants and two teams of eight officers. At the
17 time of is investigation, there was two teams and we
18 only had 12 detectives at that time, so two teams
19 of six.

20 At that current time of this investigation,
21 our team of six detectives and one sergeant was up for
22 the week, so we're up for one week at a time. And we
23 handle any homicide investigations that come in or
24 suspicious death investigations or officer-involved
25 shooting investigations.

Examination of William Winters

1 Q Okay.

2 A So it was my turn for this week -- or for
3 the week of -- in question. I was assigned as the
4 primary investigator.

5 Q All right. And for cases you just mentioned
6 that involves an officer that's been involved in a --
7 a deadly shooting incident, is that always
8 investigated by PPB homicide detail?

9 A Yes.

10 Q Okay. And so when were you notified in
11 relation to this particular case that your presence
12 was required to begin the -- this investigation?

13 A So the incident occurred on May 31st, 2020
14 at 9:00 -- 9:35 and we were notified -- my sergeant
15 notified us, Sergeant Joe Santos, at 10:11 p.m., so
16 about 40 minutes after the incident had taken place.

17 Q Okay. And when you were notified, had other
18 uniformed officers already responded?

19 A Yes. The incident had -- this whole 9-1-1
20 call had come. Officers were dispatched. The
21 officers handled the situation and while they were at
22 the situation, an officer-involved shooting occurred.
23 And so numerous other officers had arrived from
24 Portland Police Bureau and Gresham.

25 And notifications are made usually by the

Examination of William Winters

1 sergeant on scene, a patrol sergeant who notifies
2 command, notifies the Forensic Evidence Team, the
3 deputy district attorney, homicide detail to respond
4 and the Oregon State Medical Examiner's Office, if
5 there is a death that occurs from there --

6 Q Okay.

7 A -- and (indiscernible) --

8 Q And does that chain of response and
9 notification happen any -- any time of day, day
10 or night?

11 A Yes. 24 hours a day, we're notified of
12 anything that happens. Nothing is delayed. It's
13 instantaneous.

14 Q All right. And so on this particular
15 evening, I believe -- did -- did you already tell us
16 the date? It was May 31st?

17 A May 31st --

18 Q Okay.

19 A -- 2020.

20 Q Where did you -- where were you asked to
21 respond to?

22 A 124th and Southeast Kelly Street.

23 Q And is that in the City of Portland?

24 A Yeah. City of Portland, County
25 of Multnomah --

Examination of William Winters

1 Q Okay.

2 A -- State of Oregon.

3 Q And were you notified at that time which
4 agency was involved in the shooting?

5 A Yes, I was. And it was City of Gresham that
6 was involved.

7 Q Okay. And if this is -- if this occurred in
8 the City of Portland, can you explain why the City of
9 Gresham was involved that night?

10 A So as -- a year ago, there was active
11 protests going on in the City of Portland and the City
12 of Portland had asked for additional officers to cover
13 for calls in the City of Portland 'cause most
14 everybody was assigned to the details of the protests
15 going on downtown.

16 And so the City of Gresham was assigned to
17 cover and take calls, assist calls that was going on
18 in the City of Portland at that time.

19 Q Okay. Okay. And so when you arrived, give
20 us an overview of the kinds of people who were
21 present.

22 A So when we arrived, this -- the area is a
23 residential area. It's a single dead-end street.
24 When we -- Detective Travis Law, my partner at the
25 time, and I arrived at the same time, we observed

Examination of William Winters

1 numerous police cars facing to the east down to --
2 down Southeast Kelly Street.

3 Numerous civilians were out from their --
4 their houses and the scene had been cordoned off by
5 crime scene tapes to keep people secure, away from the
6 crime scene at that time.

7 Q Okay. And was it just you and your partner,
8 Travis, that were asked to respond or were there other
9 detectives (indiscernible)?

10 A No. So that team of six officer -- or six
11 detectives responded. They're -- they -- how the
12 detail works is the sergeant of the homicide detail is
13 in charge of us. There's Detective Travis Law and I
14 that we're the primary detectives.

15 And there will be two detectives that are
16 assigned to the crime scene. They'll work with the
17 Forensic Evidence Team about locating pieces of
18 evidence and processing the scene. And then the two
19 additional detectives will do canvass interviews or
20 additional officer interviews.

21 With a crime -- with an officer-involved
22 shooting, usually if it's a larger scene, we'll -- the
23 sergeant will make the notification to page or notify
24 additional detectives to come in to assist so we're
25 not overloaded. So it kind of branches out so

Examination of William Winters

1 everybody has a piece of the investigation and brings
2 it to the primary investigator.

3 Q Okay. And so describe some of your
4 additional observations when you showed up other than
5 just the -- the number of people out of their houses,
6 officers on scene, cars that were on scene. What else
7 did you notice?

8 A So when Detective Travis Law and I arrived,
9 we -- the crime scene is set up where yellow crime
10 scene tape keeps everything -- keeps the citizens and
11 other people that do not need to be in the crime scene
12 out.

13 And then there -- where the actual incident
14 occurred, there's an -- crime -- additional crime
15 scene tape that is put up. It's a red tape, so no one
16 can go in. You have to sign into that crime scene and
17 it's documented.

18 Anybody that enters that crime scene has
19 to write a police report or it's documented by the
20 primary detectives who are in there.

21 Q Okay.

22 A Detective Law and I entered the crime scene.
23 When we did, we observed a Gresham police car which
24 you'll see pictures later in this investigation.
25 Behind that is two Portland Police detective -- or

Examination of William Winters

1 Portland Police patrol vehicles.

2 There is a Chrysler Sebring facing westbound
3 approximately -- I don't know -- 10 to 15 feet away
4 from the -- this -- in question, the Chevy Tahoe.
5 This other patrol car is a Gresham police car that is
6 touching the front end of the car in question.

7 As we approached closer behind them, there
8 is a car that's aligned -- it's a single-lane road. I
9 mean, typical city street in a neighborhood. There's
10 no -- there was really no parking unless you're parked
11 on the side of the road or people, how they parked,
12 were halfway in the lane of traffic.

13 So it narrowed the road to almost, like, a
14 single-lane traffic as it would appear. When we got
15 closer, Detective Law and I, we observed this Chrysler
16 Sebring had a couple bullet strikes into -- there were
17 a total of three that we observed right away into the
18 hood of the car, this Chrysler Sebring.

19 There was a deceased male laying outside the
20 driver's door that -- where there was medical gear,
21 such as -- we call it an IPAC (phonetic) -- it's like
22 the instant pack that each patrol car carries to
23 render first aid -- glass shards laying on the ground.

24 Q Okay. So I've got my -- I've got this
25 picture up, first picture I put up for you. I have

Examination of William Winters

1 my cursor hovering on this black car. Is this the
2 Sebring that you've been mentioning, the Chrysler?

3 A Yes.

4 Q Black Chrysler car. And is this the car
5 that you learned that the deceased was driving that
6 night?

7 A That is correct.

8 Q Okay. And then you've got -- right in front
9 of that Chrysler, there is a Gresham patrol car that
10 is sort of nosing in that Chrysler. Was that -- what
11 was the involvement of that particular car?

12 A So after the actual incident, the shooting
13 took place, over the radio, they asked for additional
14 cars to come that way, Code 3 response, which is
15 lights and siren. This was the first Gresham car
16 that arrived.

17 Q Okay.

18 A And this case was Officer DeLong and he was
19 the driver. And they drove up and positioned the car
20 'cause they didn't know if the person that -- that was
21 involved in the shooting had that car been put -- put
22 in park, so they wanted to make it safe. And so they
23 rolled their car up and put it nose to nose with that
24 car.

25 Q Okay.

Examination of William Winters

1 A So it was not involved at the time of the
2 incident. It was -- it came after the incident.

3 Q Now, I've got my cursor over this Gresham
4 police car. Was this the involved patrol car driven
5 by Officer Doyle and -- and with Hayes as a partner
6 that night?

7 A That is correct.

8 Q Okay. So -- okay. I'm going to show
9 another picture here. What does this show you up here
10 on the screen?

11 A It shows the driver's side of the Gresham
12 patrol vehicle where Officer Doyle was. He's -- as
13 you can see, this is the street, Southeast Kelly
14 Street.

15 Where it's positioned, it -- it is right on
16 the edge of the paved road, gravel, so it's off to
17 the side of the road at that time. And I observed
18 there was some debris in the street just in front of
19 the --

20 Q Okay.

21 A -- patrol car.

22 Q Okay. And then one last image that I wanted
23 to put up here is a scene diagram. Are you familiar
24 with the person who created the scene diagram?

25 A Yes, Retired Detective Mark Slater. Yes.

Examination of William Winters

1 Q Okay. And were you present out on scene
2 to be able to observe, you know, him creating these
3 measurements and understand what all he is documenting
4 in this diagram?

5 A Yeah. So at the scene --

6 Q Okay.

7 A -- when he -- or takes measurements,
8 Forensic Evidence Division is there also. Placard --
9 and the numbers that you see there are placards or
10 items of evidence that you see. What he is doing is
11 he's taking measurements and this is just for a
12 reference of the overall -- what the crime scene
13 looked like.

14 During the course of the investigation,
15 before we would leave, the forensic evidence detail or
16 the person who's taking the photos and the -- the
17 detective that's assigned to create this will walk
18 through the -- the scene and show us -- point out all
19 the pieces of evidence that there are.

20 And so we get a -- a word picture, almost
21 like. Hey, this is what it looks like and then this
22 is the reference point. So as you'll see in the
23 photos -- and then, now, you have something over the
24 top that you can compare some measurements to.

25 Q Okay. And that little dotted circle in the

Examination of William Winters

1 middle of that diagram with the number of placards
2 that are referenced, do you know what was documented
3 in that circle?

4 A That would be where the -- Mr. Berry, the --
5 the deceased subject, was located at.

6 Q Okay.

7 A And that's everything -- and you'll see the
8 line off to the side where it says Placards 2, 3, 4,
9 5, 6, 8, 9 and 13. Instead of just putting all those
10 numbers in there and -- he just put a circle there and
11 they were all encompassed inside that circle.

12 Q Okay. And when you showed up on screen --
13 on scene, did you see evidence of gunfire?

14 A Yes, I did.

15 Q What was that?

16 A I observed the bullet strikes into the front
17 of the Chrysler in question, bullet strikes into the
18 side of -- the driver's-side window and doorframe of
19 the -- on the driver's side and nine-millimeter
20 casings, cartridge casings that had been fired.

21 Q Okay. So after your initial arrival on
22 scene observing the things that you have described for
23 us, what other actions did you take that evening?

24 A So when -- the typical situation is when we
25 arrive, all detectives that are assigned to assist

Examination of William Winters

1 this case will receive an initial briefing from one
2 of the officers that were at the incident or
3 directly involved.

4 Not the involved shooter, but it could be
5 someone that was a less lethal, someone that arrived
6 or was a witness, can provide us an overall what the
7 call was and what they observed. And they won't go
8 into super detail.

9 It's just a brief so we can have a general
10 idea how to start our investigation and what to look
11 for, what pieces of evidence. And they kind of do
12 a walk through with us at that time to kind of point
13 out pieces of evidence where people were standing at
14 that point.

15 Q Okay.

16 A As soon as that is done, the involved
17 officer, anybody that's fired their weapon or used
18 force, they are photographed and they do what is
19 also -- it's photographed by the -- so what they
20 looked like at the time of the incident.

21 And a round count -- a weapons round count
22 is performed at the scene. And I am present for that.
23 My partner is present for that. A -- a Forensic
24 Evidence Division member, a criminalist, he is there.
25 He is the one that documents everything on property

Examination of William Winters

1 so we know it's the chain of custody that everything
2 is -- and we can determine how many actual --

3 Q Okay.

4 A -- rounds were fired.

5 Q Okay. And so where did that -- all of that
6 documentation take place?

7 A So with this scene, we -- with it happening
8 in the City of Gresham, Officer Doyle was transported
9 with union representation out to -- to the City of
10 Gresham to have that weapons round count done and
11 photographs taken.

12 Q Okay. And so can you describe a -- a
13 little bit more about what the process of a weapons
14 countdown entails?

15 A Yeah. So we arrived with a Forensic
16 Evidence Division member and we have the photographs
17 taken, so all 360 of what they look like, in case
18 there's any injuries, of what the person looked like
19 at the time of the incident.

20 And then at that time, you're directed to
21 ask the officer to remove their firearm from their
22 holster and we take control of that at that time. And
23 we take photographs of what the weapon looked like at
24 the time when we took it from the holster.

25 At that time, we observed Travis Law,

Examination of William Winters

1 Detective Law. He removed the magazine from the
2 weapon, set it to the side and pulled the -- it's a
3 nine millimeter, which is a semiautomatic, so pulled
4 the hammer -- or the slide back, ejecting one round --
5 bullet out of the case -- or out of the gun.

6 And then we download each magazine, so --
7 from there. And so the one from the gun and
8 downloaded that. And then he -- Detective -- or
9 Officer Doyle at that time had three additional
10 magazines that he carries with him.

11 We download each one of those and
12 document -- it's documented by Detective -- myself or
13 either Detective Law with -- on this investigation.
14 And it's also logged on property evidence receipts
15 for that.

16 And then we ask if there's any additional
17 weapons that the officer carries such as a backup
18 firearm. If there is, we'll do a weapons round count
19 of that. And if the -- you use, like, a Taser, we --
20 we document that. We take that as evidence if it's
21 used, any pieces of evidence that is --

22 Q Okay.

23 A -- of weapons that it -- they could have
24 used at that time.

25 Q And the purpose of doing all that is what?

Examination of William Winters

1 A To -- to determine how many rounds were
2 fired because sometimes through the course of
3 investigation, you'll -- people won't recall how
4 many rounds they fired.

5 So this would be an accurate count of what
6 was done at that time. And also we collect pieces
7 of evidence. Those are pieces of evidence we need
8 to collect --

9 Q And --

10 A -- for the situation.

11 Q -- is that because the capacity of a
12 magazine is a known quantity where, when the officer
13 starts his shift, he's got a full magazine?

14 A That is correct.

15 Q Okay. And so from doing that process with
16 Detective Law that night at -- at Gresham Police
17 Department, how many rounds were you able to determine
18 that Officer Doyle had fired?

19 A We determined that there were
20 seven rounds fired.

21 Q Okay. And --

22 A Bullets.

23 Q And was there any -- was a similar process
24 done with Officer Hayes, his partner officer?

25 A That is correct.

Examination of William Winters

1 Q Did he fire any rounds?

2 A He did not.

3 Q Okay. And was that number of rounds fired,
4 was that consistent with the evidence that you saw at
5 the scene and then in addition to later processing of
6 the vehicle that was involved?

7 A That is correct.

8 Q Okay. After you did the weapons countdown
9 at Gresham Police Department, what did you do next?

10 A We -- at that time, we processed both
11 officers. And then, since it's a traumatic incident,
12 we request that they go home so they -- for that
13 night. And then we return back to the scene to finish
14 processing the scene.

15 The other detectives are interviewing
16 witness officers that were possibly at the -- or at
17 the scene when it happened. The -- the crime scene
18 is processed.

19 Other detectives that were there at
20 the scene canvass the neighborhood all the way up and
21 down to see if we can find video surveillance of
22 the incident.

23 We can talk to neighbors if maybe they were
24 outside, they heard something or saw something, get
25 those interviews so we can take it all in. I might

Examination of William Winters

1 not be doing it or my partner might not be doing it
2 because we're the primaries.

3 It's a group effort to -- with all these
4 detectives that are assigned and then they provide us
5 that information so we can start getting an idea of
6 what this investigation entails.

7 What is interesting with this one is the
8 City of Portland does not carry -- or have body
9 cameras, but the City of Gresham does. And so I
10 will back up.

11 When we were at the City of Gresham, both
12 of the officers involved, Doyle -- Officer Doyle and
13 Officer Hayes' bodycam footage were collected at that
14 time as evidence and logged as evidence at that time.

15 Q Okay. And so you just mentioned body-worn
16 camera.

17 A Yes.

18 Q So just want to talk about that a little
19 bit. Did you learn more about body-worn camera in the
20 course of your investigation?

21 A Yes, I did.

22 Q And so you just mentioned that, unlike
23 Portland Police Bureau, the Gresham Police Department
24 did start wearing body-worn cameras last year?

25 A Yes, they did.

Examination of William Winters

1 Q Okay. And relevant to this incident, the --
2 the body-worn camera from Officer Doyle was collected;
3 is that true?

4 A That is correct.

5 Q And then is it also true that Officer Hayes
6 had not turned his camera on that night?

7 A That is correct.

8 Q Okay. Were there other officers from
9 Gresham in their various stages of arrival that also
10 had body-worn-camera footage to offer?

11 A That is correct, yes. There was --

12 Q Okay.

13 A The other officers that arrived from
14 Gresham all had turned their -- turned their bodycam
15 footage on.

16 Q Okay.

17 A And all those were collected as evidence.

18 Q All right. And so is it accurate to say
19 that the only body-worn camera footage of the -- of
20 the actual shooting incident was collected from
21 Officer Doyle, himself?

22 A That is correct.

23 Q Okay. You mentioned the additional tasks of
24 canvassing the neighborhood, not only for witnesses,
25 but for surveillance video.

Examination of William Winters

1 A That is correct.

2 Q Were you made aware of homes that had
3 surveillance footage to offer of this incident?

4 A Yes, there was.

5 Q Okay. In looking at this map that's up here
6 still, can you, just by looking at the location and
7 some of the house numbers, explain kind of who some
8 of the relevant people and locations are on this
9 scene diagram?

10 A So the diagram that -- in question that
11 you're going to first see is 12405 Southeast Kelly
12 Street. That does not have body -- or does not have
13 footage or surveillance videos, but that is where
14 the initial --

15 Q (Indiscernible).

16 A -- 9-1-1 call comes from --

17 Q Okay.

18 A -- is this incident.

19 Q And the name of the people that live there,
20 who are those folks?

21 A Those are the Hilts'.

22 Q Okay.

23 A And you will hear from them later, but
24 they -- they are the initial 9-1-1 callers and also a
25 gentleman by the name of Derrik Brown that also

Examination of William Winters

1 was residing at that residence that is a family
2 member there.

3 Q So that -- I've got my cursor over that.
4 This is this house right here?

5 A That is correct.

6 Q Okay.

7 A And then 12335 Southeast Kelly is the house
8 directly behind where the officers were firing, so
9 that would be their -- that would be their -- that
10 would be the backstop, basically, of where --

11 Q Okay.

12 A -- this occurred.

13 Q Was there surveillance footage from any --
14 kind of anyone along this stretch of Kelly that your
15 partners collected?

16 A Yes. On the south side -- so as you can see
17 the point going east --

18 Q Yeah.

19 A -- on the south side of the street where
20 this incident occurs, two houses to the east of --
21 or basically three houses would be this third house
22 right here.

23 Q Okay.

24 A Just east -- southeast of the incident of --
25 at 12405 Southeast Kelly. It does not capture the

Examination of William Winters

1 actual incident involving Doyle, but it will capture
2 other incidents that is leading up to this situation.

3 Q Okay. So you're referring to -- if I have
4 my cursor over this little kind of half house that's
5 on this little lot -- this lot right here --

6 A That is correct.

7 Q -- what kind of surveillance footage
8 was that?

9 A I believe it is a -- like an Arlo -- kind of
10 almost like a -- almost -- I believe it is Arlo. And
11 it's just plugged into the front windows. And he has
12 multiple -- but there's a camera that's at his main,
13 big window -- bay window that points right out onto
14 the street --

15 Q Okay.

16 A -- that captures all -- the whole street.

17 Q All right. And was there any other
18 locations maybe shown or not shown on the scene
19 diagram that offered surveillance of, you know,
20 some piece of the evening, if -- if not the
21 actual shooting?

22 A No.

23 Q Okay. All righty. Then after returning
24 to the scene and getting some of that additional
25 debriefing from other detectives that had been doing

Examination of William Winters

1 their canvassing and interviews, what -- what did you
2 do during the daytime hours of June 1st related to
3 this investigation?

4 A During June 1st, I attended a post-mortem
5 examination at the Oregon State Medical
6 Examiner's Office.

7 Q Okay. Is that an autopsy?

8 A Yes, it is.

9 Q Okay. And was that of Mr. Berry?

10 A That was.

11 Q Okay. And the ME that day, was it
12 Dr. Cliff Nelson?

13 A Yes, it was.

14 Q Okay. And in your presence, was it
15 determined how many times he was hit by how -- how
16 many times he was struck by the shooting that
17 occurred?

18 A I'll have to refer, but he was struck by
19 gunfire and --

20 Q Mm-hmm.

21 A -- it -- the cause of death was through
22 the -- it was noted that it was a gunshot to
23 the chest.

24 Q Okay. And we'll cover that with the -- with
25 the ME, but you and Travis Law attended that autopsy?

Examination of William Winters

1 A That is correct.

2 Q Okay. That same day, did you obtain for
3 evidentiary purposes the -- the actual body-worn
4 camera footage through Gresham Police Department?

5 A Yeah, so I'll back up.

6 So this incident happened at -- on the 31st
7 at 21:35 hours. We responded at 22:11. I arrived at
8 22:45, which is 10:45 p.m. And on the 1st, we were
9 still working the scene at 3 o'clock in the morning,
10 so approximately five hours after Officer Adam Wright
11 of the Gresham Police Department provided me with the
12 bodycam footage.

13 It's a secure login that was downloaded at
14 the Gresham Police Department. It's in their vault,
15 their evidence vault. And then he gave me a copy of
16 that to provide for my evidence.

17 Q Okay. And was that also true for the rest
18 of the officers that had body-worn camera from
19 that evening?

20 A That is correct, yes.

21 Q Okay. All right. And at some -- after the
22 post-mortem examination, did you -- were you able to
23 notify any of Mr. Berry's family?

24 A Yes. We had learned Detective -- or from
25 learning his name, we did a research through computer

Examination of William Winters

1 systems and police databases and learned that he had
2 an adoptive mother. And the vehicle that was in
3 question at the scene was registered to the same
4 person, a Betty Lou Young (phonetic).

5 Q Okay.

6 A We made contact with her on that day, the --
7 June 1st in the afternoon, notified her of the death
8 of Mr. Berry.

9 Q Okay.

10 A And at that same time, we learned that was
11 her vehicle that she had given permission for
12 Mr. Berry to drive. And we obtained written consent
13 to process and -- process the vehicle, which includes
14 photographs, fingerprints, collect any evidence that
15 was located in the vehicle.

16 Q All right. And did she -- she provided that
17 consent to you?

18 A Yes, she did.

19 Q And did you then process the car after that?

20 A Yes, we did.

21 Q And where did that take place?

22 A It's a police -- secure police storage
23 facility. We call that Rivergate. It's in the
24 City of Portland. With me was Detective Travis Law
25 when we processed that and Forensic Evidence Team,

Examination of William Winters

1 two criminalists arrive with us to help process.
2 They're the ones that collect all the evidence.

3 We'll search. They'll placard any evidence
4 that we find, diagram any bullet -- bullet strikes
5 that we have. And at the same time, we also did what
6 is called Leica scanner trajectory.

7 It shows the rounds -- the bullets -- where
8 the bullet strikes were, what the angles and -- or
9 where the bullet strikes were at that time of the
10 incident. And you'll see that later, where they were
11 in correlation of -- at the time of the shooting.

12 Q Okay. All right. You'd mentioned that the
13 partner to Officer Doyle that evening was an officer
14 named Officer Hayes; is that correct?

15 A That is correct.

16 Q Okay. And did Officer Hayes offer a
17 statement of the events that night from his --

18 A Yes, sir.

19 Q -- standpoint? Okay. What -- when did
20 that -- I'm sorry. Not of that night, but when did
21 the interview occur?

22 A Stand by one quick second, please. On
23 June 3rd, so approximately three or -- three days
24 after the incident.

25 Q Okay. And then you also mentioned that

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1 some of the other witness officers or officers who
2 played kind of a close-in-time role of response that
3 evening were interviewed, not necessarily by you,
4 though, correct?

5 A That is correct. Portland Police Officer
6 Whitney Anderson, who was present at the time of the
7 incident; Officer Josh Nyone, who was present at the
8 time of the incident; and also Officer Mark DeLong of
9 the Gresham Police Department and Joel -- Officer Joel
10 Walden, who was present at the time -- came after the
11 incident.

12 The -- and earlier on, you saw a photo of
13 the car that was -- the Gresham police car that was
14 touching the front of the Chrysler. That was the car
15 that Officer Mark DeLong and Joel Walden were in, so
16 they arrived after the incident.

17 Q Okay.

18 A The other two officers, Whitney Anderson
19 and Josh Nyone, were present at the time of the
20 officer-involved shooting.

21 Q Okay. So based on your collection of
22 information from those on scene, were you able to
23 determine how many officers and who they were, their
24 identities for who actually witnessed the shooting
25 incident or was involved in that?

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1 A Yes, I was.

2 Q And who -- who were those people?

3 A Brandon Hayes, who is the partner of Officer
4 Doyle; Officer Whitney Anderson and Officer
5 Josh Nyone.

6 Q Okay. And you said that Officer Anderson
7 and Yoni (phonetic) are from Portland Police Bureau?

8 A Yes.

9 Q Okay.

10 A And they were interviewed that -- the night
11 of the incident by -- and that was an audio and
12 video -- or audio recorded and those were performed by
13 other detectives assigned to the -- the incident.

14 Q Okay. And then at some point much later
15 into your investigation, did Officer James Doyle agree
16 to sit down for an interview with detectives?

17 A Yes. And that was in October of --
18 October 29, 2020.

19 Q Okay. And so was this something that he was
20 compelled to do as part of the investigation?

21 A He was offered and -- yes.

22 Q Okay. And he agreed?

23 A Yes.

24 Q All right. And by the time that he sat and
25 interviewed with police, did he indicate whether or

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1 not he had seen, at any point, his body-worn-camera
2 footage from that night?

3 A Yes. During the course of the interview, we
4 asked him if he had observed his bodycam footage. He
5 said, yes, he had.

6 Q Okay. So with knowledge that there is
7 body-worn-camera footage, what is the -- I mean, what
8 is the -- sort of the directed purpose of interviewing
9 the officer anyway to discuss the events?

10 A So with the bodycam footage, it shows one
11 thing. Obviously, that's perspective coming from the
12 camera. This is his perspective, what was going
13 through his mind at the time of this incident going
14 on, what was his observations, what his mindset was,
15 what was going on and what he did during that
16 incident.

17 Q All right. And did you conduct that
18 interview?

19 A Yes, I did.

20 Q All right. And -- and at some point --
21 backing up -- prior to that, but after the initial
22 canvass, did you and your partner, Officer Law, did
23 you go out -- back out to Kelly Street to re-canvass
24 the neighborhood?

25 A Yes, we did.

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1 Q Okay. And what was the purpose of
2 doing that?

3 A Just to determine if there was anybody
4 else -- and we didn't do it that morning. It was a
5 couple -- a couple days after and -- because sometimes
6 people aren't home. People don't observe things at
7 that time.

8 So we just wanted to hit every single house
9 all the way up and down the street just to make sure
10 we did not miss anybody. We had also received some
11 phone calls from people saying, "Hey, I might have
12 witnessed this," or, "I heard something about it."

13 So we went and followed up with those
14 people -- it might not have been in person. It could
15 have been over the phone -- to get their perspective.

16 Q Okay. And one of those messages that you
17 responded to, was that from a person that you
18 interviewed later named Julie Goss?

19 A Yes, it was.

20 Q Okay. And what was the date of that
21 interview with Ms. Goss?

22 A I'll have to refer. Hold on one sec,
23 please.

24 (Pause in proceedings, 9:30 a.m. -
25 9:31 a.m.)

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1 BY MS. GIRT:

2 Q If I offer a date, just tell me if it sounds
3 accurate or not. June 14th --

4 A That is correct.

5 Q -- does that sound about right? Okay.

6 A That was a telephone call that I had taken
7 from my desk --

8 Q Okay.

9 A -- phone.

10 Q All right. And during the course of this
11 investigation, did you offer -- did you also receive
12 some investigative assistance from Portland Police
13 Traffic Division?

14 A Yes, I did. Traffic Investigation Unit, I
15 asked for Investigator Derrick -- or Garrett Dow to
16 come out and do some -- look at the bodycam footage,
17 look at some measurements that were taken at the scene
18 and give me a speed estimate --

19 Q Okay.

20 A -- possibly of what --

21 Q Okay. And we'll have him cover that --

22 A Yeah.

23 Q -- when he testifies.

24 A Yeah.

25 Q Was that the extent of Traffic's

Examination of William Winters

1 involvement?

2 A Yes, it was.

3 Q Okay. And then related to your
4 investigation, did you seek any agency materials
5 regarding training or policies and procedures?

6 A Yes. We spoke to the Department of Public
7 Safety and Standards, DPSST. That's our state --
8 state testing -- or state academy for the Police
9 Bureau -- for all agencies to learn what their use
10 of force was.

11 And we also spoke with the City of Gresham
12 to ask for their policies and procedures about use of
13 force and their whole policy and procedure manual.

14 Q Okay. And, specifically, was that to
15 pinpoint the actual training that this officer,
16 Officer James Doyle, had received?

17 A Yes, all the --

18 Q (Indiscernible)?

19 A Yes.

20 Q Okay.

21 A All -- all training from the state academy
22 and all internal house training for the City of
23 Gresham.

24 Q Okay. All right. So having covered a --
25 a number of different areas of your involvement with

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1 this case investigating it, is there anything that
2 I have not covered as far as specific points of
3 investigation or followup that you and Officer Law
4 completed?

5 A Not at this time, no.

6 MS. GIRT: Okay. Do you guys have anything
7 else to add?

8 BY MS. GIRT:

9 Q All right. Related to Ms. Goss when she
10 called, was there -- what was her vantage point or
11 place of residence relative to this diagram, if it's
12 even shown on this diagram?

13 A So as you can tell, north, south, east and
14 west, her location, she was staying at a residential
15 care facility, which is just off the screen where this
16 diagram is --

17 Q So west of this --

18 A Yes.

19 Q -- depiction here?

20 A Yes. And probably --

21 Q Okay.

22 A -- close to, estimate, 90 to 100 feet away.
23 You'll see photos of it from way -- a distance of how
24 many cars were in the street, not patrol cars, but
25 civilian cars at the time and her -- where a vantage

Examination of William Winters

1 point was for her.

2 Q Okay. So having talked to her and having
3 been out in the scene then, were you able to document
4 what her vantage point was.

5 A Yes. And it was --

6 Q Okay.

7 A -- obscured and very far away.

8 Q Okay. Did -- did the facility that she
9 lived at, Kellyville, did it also have surveillance,
10 although not of the -- the critical incident, itself?

11 A That is correct.

12 Q Okay. So in that surveillance, what was
13 depicted? What could you see from that evening?

14 A It just -- nothing really. I mean, it was
15 dark. You really couldn't see much of anything.

16 Q You didn't see any of the cars that were
17 involved entering the street at all?

18 A No.

19 Q Okay. So she's off this way, off to the
20 west. Then is 122 also off to the west here?

21 A Yes, it is.

22 Q Okay.

23 A I would say six more -- five more houses
24 down, including that care facility, you would be out
25 to 122nd.

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1 MS. GIRT: Okay. All right.

2 (Whispered discussion, off the record,

3 9:34 a.m.)

4 MS. GIRT: Okay. Any other questions?

5 A GRAND JUROR: No.

6 MS. GIRT: All right. I think that's all
7 the questions I have for you. So do you guys have
8 questions for Detective Winters at this point?
9 Understanding this is an overview; and, you know,
10 specific to his involvement and that a lot of the
11 things that you heard about, you're obviously going
12 to -- you're going to hear a lot more detail about.

13 Is there anything you can think of that you
14 want to ask him about the investigation points that he
15 covered?

16 A GRAND JUROR: I just missed what Garrett
17 Dow's involvement was in the investigation.

18 THE WITNESS: So Garrett Dow works for the
19 Traffic Division.

20 A GRAND JUROR: Okay.

21 THE WITNESS: He's a fatal investigator
22 for -- and they have skills. They go to different
23 trainings for estimating speeds of accidents, so
24 looking at skids, looking at -- and he can go into
25 whole -- all his training on that.

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REPORTER'S CERTIFICATE

I certify, by signing below, that the foregoing is a correct transcript, of the audio record in the above-entitled cause, as recorded on CD and transcribed to the best of my ability and in accordance to the quality of the audio CD.



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