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

GRAND JURY B PROCEEDINGS

Case No. 72

Conducted by:

Amanda Nadell and Nathan Vasquez,  
Deputy District Attorneys;  
Amy Seely and Elija Michalowski,  
Assistant Attorney Generals.

- - -

February 22, 2022

(9:23 a.m. - 4:11 p.m.)

- - -

DA Case No. 2439444

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

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

## Index

1	<u>GENERAL INDEX</u>	
2	<u>VOLUME 1</u>	
3		<u>Page No.</u>
4	February 22, 2022 Proceedings	3
5	Case Called	3
6	Examination of Brian Sims	4
7	Examination of Arthur Nakamura	58
8	Examination of Brian Bidiman	83
9	Examination of Dwight Hussey	108
10	Examination of Zachary Wills	130
11	<b><i>AFTERNOON SESSION</i></b>	145
12	Examination of John Garland	146
13	Examination of Jena Lemke	159
14	Examination of Ryan Whitcanack	187
15	Examination of Jerami McKinlay	193
16	Examination of Kristin Diaz	205
17	Examination of Erin Chambers	213
18	Examination of Kevin Dalsing	251
19	Examination of Matthew Jacobsen	266
20	Examination of Nichole Dreams	280
21	Examination of Brian Sims	291
22	Reporter's Certificate	315
23	* * *	
24		
25		

1 OIS Death Investigation, re: Alexander Tadros  
2 Multnomah DA Case No. 2439444  
3 Grand Jury B Recordation, Case No. 72

4 \* \* \*

5  
6 (Volume 1, Tuesday, February 22, 2022, 9:23 a.m.)

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

8 (Whereupon, the following proceedings were  
9 held before Grand Jury B:)

10 MS. NADELL: We're here in the matter in a  
11 death investigation case. It's DA Case No. 2439444.  
12 This is Grand Jury B, Case No. 72. It is Tuesday,  
13 February 22nd.

14 This will be the first witness in the case,  
15 Detective Brian Sims. Amanda Nadell, N-a-d-e-l-l,  
16 here on behalf of the District Attorney's Office.

17 MS. SEELY: Amy Seely, S-e-e-l-y, here on  
18 behalf of the Oregon Department of Justice.

19 MR. MICHALOWSKI: Elija Michalowski,  
20 M-i-c-h-a-l-o-w-s-k-i, here on behalf of Department  
21 of Justice.

22 MR. VASQUEZ: And good morning. Nathan  
23 Vasquez representing the District Attorney's Office  
24 in the State of Oregon. My last name is spelled V as  
25 in Victor, a-s-q-u-e-z. We are calling our first

## Examination of Brian Sims

1 witness, Detective Brian Sims.

2 If you would be -- please be sworn.

3 A GRAND JUROR: Okay.

4 **BRIAN SIMS**

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

7 A GRAND JUROR: Thank you.

8 MR. VASQUEZ: Would you state and spell  
9 your first name for us, please. Or first and last.

10 THE WITNESS: Sure. My name's Detective  
11 Brian Sims. B-r-i-a-n; Sims, S-i-m-s.

12 **EXAMINATION**

13 BY MR. VASQUEZ:

14 Q And how are you employed and how long have  
15 you been employed in that role?

16 A I'm a detective with the Portland Police  
17 Bureau. I've been on for 23 years and 13 of those as  
18 a detective. And I'm currently assigned to the  
19 homicide detail.

20 Q And as part of your roles and  
21 responsibilities, are you asked to investigate deaths  
22 that are what we call an officer-involved shooting?

23 A Yes. That's part of the homicide detail's  
24 purview, all officer-involved shootings along with  
25 homicides.

## Examination of Brian Sims

1           Q     And when those occur, do you have the  
2           assistance of outside agencies that come in and help  
3           you with the investigation as well as other homicide  
4           detectives?

5           A     Yes. We get detectives from Gresham,  
6           Troutdale to come assist us.

7           Q     Is it fair to say it's a multi-agency  
8           response?

9           A     Yes, metro area.

10          Q     Okay. And -- and when this is done, do you  
11          try to talk to as many officers, civilian witnesses,  
12          all the people involved that you can?

13          A     Yes. So like on a situation like this, we  
14          had numerous detectives that come out from the  
15          homicide detail, other detectives from other details  
16          and then we try to interview everybody that we can  
17          that has information.

18          Q     Okay. And do you review kind of the -- any  
19          type of records such as BOEC, things of -- of that  
20          nature, 9-1-1 calls as well as kind of the  
21          communications that occurred during the course of the  
22          event, things of that nature?

23          A     Yes, of course. The -- all the calls that  
24          come into the -- to a 9-1-1 center, it's called BOEC,  
25          Bureau of Emergency Communications. That's the

## Examination of Brian Sims

1 acronym. So we review all the phone calls that go  
2 into that and then all the radio transmissions are  
3 recorded.

4 So we listen to those. And as the call  
5 taker or the dispatcher types in notes to that call  
6 and so that's all printed out and that's part of the  
7 case file.

8 Q Do you also collect things like video and  
9 -- and other types of evidence from the case?

10 A Yes. Especially in this day and age,  
11 video's become a -- a big part of an investigation.

12 Q Okay. Now, let's -- let's just transition  
13 a little bit into this particular event. What --  
14 what -- what date and time are we going to start off  
15 by talking about?

16 A Can you bring up the -- so it -- this  
17 occurred on August 27th, 2021. And the incident  
18 started at about 6:05 a.m.

19 Q Okay. And when we talk about the  
20 location -- I'm going to pop back up. Can you orient  
21 the grand jurors to the location where this occurred?

22 A Sure. So you see you can see the roof of  
23 the two different apartment buildings. There's an  
24 arrow that kind of shows where the apartments are  
25 that we're going to discuss, their location in that

## Examination of Brian Sims

1 building. So you have North Willis Boulevard just to  
2 the north there.

3 And then on the right side is North  
4 Interstate Place. And then Interstate is just to the  
5 south of the building complex. Interstate Avenue is  
6 a major road. That's where the MAX line is.

7 Q Is it fair to say these are kind of  
8 newer-build apartments that are pretty kind of close  
9 to each other, these two apartment buildings?

10 A Yes. As the picture kind of shows, there's  
11 not a whole lot of room between the two buildings.  
12 And it is new construction, new in-fill construction.

13 Q Okay. And I brought up an additional  
14 picture -- two pictures -- I'm sorry -- that show on  
15 the left side, that 1600. What -- what does that  
16 picture show?

17 A So that's the address of that building.  
18 Where the 1600 is, that's the main entry. And then  
19 Apartments 8 and 5, 8 is on that second picture. 8  
20 is the upper unit.

21 That's the balcony, the back side of  
22 Apartment 8. And Apartment No. 5 is the lower one  
23 with the -- like, the bamboo skirting on the railing.

24 Q Okay. Now, turning back to that August  
25 27th date at around 6:00 a.m., what was occurring?

## Examination of Brian Sims

1       What -- what is your understanding as going through  
2       this investigation?

3           A       Sure.  So the DEA, Drug Enforcement Agency,  
4       was going to serve a search warrant on Apartment 8,  
5       the upper unit that we just looked at.  So what  
6       happened at 6:05, the DEA notified our BOEC, our  
7       dispatch, that they were going to serve this search  
8       warrant.

9                    What they do is they call in, notify the  
10       agency that they're in that they're going to serve  
11       this warrant.  So it helps to notify the officers  
12       that are in that area.

13                   They'll see this on their computers and  
14       their cars.  The sergeants will know.  That way, in  
15       case something happens, we already have the  
16       information of where they're at and what's going on.

17           Q       And -- and --

18           A       So --

19           Q       -- just to be clear, what they -- they were  
20       notifying that they were going to be going in at  
21       6:05, but the notification occurred sometime prior to  
22       that; is that right?

23           A       That's correct.

24           Q       Okay.

25           A       Right.  So they notified BOEC about an hour



## Examination of Brian Sims

1 before that. So we had an --

2 Q Right.

3 A -- hour's notice.

4 Q And 6:05 is the actual time when -- when  
5 they served the warrant?

6 A 6:05 was the time they made entry on the  
7 apartment.

8 Q Got it.

9 A That's correct.

10 Q Okay. Thank you. Now, from your review of  
11 video, witness interviews, were you able to tell kind  
12 of what happened when they went into the -- into that  
13 Apartment No. 8?

14 A Yeah. So Apartment No. 8, the residents  
15 had a camera inside their residence, so it captured  
16 the main living area. So it -- it captured as the  
17 DEA agents made entry. So it captured that. And  
18 then it captured Alexander Tadros fleeing, kind of  
19 running out of the apartment.

20 It also captured Nichole Dreams, the other  
21 occupant in the partner -- of the apartment coming  
22 out and being contacted by the entry team.

23 Q Okay. And then once he -- he fled out, in  
24 the course of your investigation, do you learn where  
25 he went?

## Examination of Brian Sims

1           A     Yeah.  So the apartment's not very big, so  
2     you see him flee from the direction of the agents.  
3     And there's a slider to the apartment, the balcony  
4     that we saw in the earlier pictures.

5           So Mr. Tadros comes out to the back slider  
6     of Apartment No. 8 and is able to scale off the  
7     balcony of 8 and then drops down to Apartment No. 5,  
8     the one just below with the bamboo skirting.  And  
9     then he makes entry into that apartment through an  
10    unlocked slider of Apartment No. 5.

11          Q     And then is there a period of time -- and  
12    approximately how long is it that -- that he is in  
13    that -- that apartment with officers outside?

14          A     So the total time of this incident is about  
15    two hours from beginning to end.

16          Q     And -- and during that time period, are we  
17    going to hear about, was there any communication with  
18    him?

19          A     Sure.  The -- the DEA agents -- and there  
20    was some Salem officers there as well.  They're  
21    trying to communicate to Mr. Tadros, trying to get  
22    him just to come out.  And then they're trying to do  
23    that very quickly.

24                 And then once they determine that Mr.  
25    Tadros is not being cooperative, he's not going to

## Examination of Brian Sims

1       come out, that's when they notify Portland to get  
2       more officers there to help.

3               Q       Okay. In the -- in the course of this,  
4       we're going to be reviewing the individuals involved  
5       in what we call the lethal force. Who are those  
6       individuals?

7               A       That's one of the Special Emergency  
8       Reaction Team, SERT team. It's commonly called SWAT.  
9       We call it SERT here in Portland. So those officers  
10      include Jake Ramsey, Officer Jake Ramsey.

11              He fired two .223 rifle rounds. That's a  
12      common, like, AR, if you've heard of AR rifles,  
13      that's what he was carrying. And then the other one  
14      is SERT Officer Josh Howery. He fired one .762 rifle  
15      round. That's a -- like, a .308-caliber,  
16      heavier-duty rifle round that he carries.

17              Q       And -- and, of course, in the course of  
18      this, we'll also be discussing lots of other  
19      witnesses; is that correct?

20              A       That's correct. We'll hear from the DEA  
21      agents, the Salem guys that were first there. And  
22      then you'll talk to all the officers that responded  
23      that had information.

24              Some -- the Tualatin and Vancouver PD guys  
25      were part of the DEA contingent, so those are all the

## Examination of Brian Sims

1 people that were first there.

2 Q Okay. And were there efforts to use what  
3 we call less-lethal or nonlethal-type uses of force  
4 to get Mr. Tadros out of Apartment No. 5?

5 A Yeah. So when the SERT officers started  
6 arriving, there was a -- and they'll discuss this  
7 process. But there was a gas plan, what's -- what's  
8 called a gas plan.

9 And that's to deploy gas grenades into the  
10 apartment to try to overcome the occupant, that it's  
11 so uncomfortable to be in a room with gas, teargas  
12 inside of it, to get him to surrender and come out.  
13 There was a lot of gas that was deployed in this  
14 incident.

15 Q At the same time, are they also deploying  
16 crisis negotiation officers as well?

17 A Yes. There was attempts to communicate  
18 with him through cell phones that we were able to  
19 talk with him. And then over our loudspeaker devices  
20 as well.

21 Q And are those where they're trying to give  
22 him commands, asking him to surrender, things of that  
23 nature?

24 A Yes. That was the continuous hope, was,  
25 you know, get him to surrender with the gas, just

## Examination of Brian Sims

1 have him come out. There was enough officers that  
2 had containment. There was nowhere for him to go, so  
3 the hope was he just gives up, comes out unarmed.

4 Q Okay. And -- and during this time, are  
5 officers also attempting to evacuate the apartment  
6 building? Buildings, I should say.

7 A Yeah. So there's several apartments in  
8 this building, so officers had lined up in the  
9 hallways to get people evacuated that were near the  
10 apartment. And then also because there was not a lot  
11 of distance between the two buildings, they were  
12 trying to evacuate the other building as well.

13 Q All right. And -- and as the situation is  
14 evolving, is it correct to say that more officers and  
15 resources are arriving at the scene to try to -- to  
16 assist with this?

17 A Yes. So as it first starts, you know, DEA  
18 requests our assistance. Officers are coming Code 3.  
19 But then it starts to escalate once Mr. Tadros starts  
20 firing shots from inside Apartment No. 5.

21 Q Okay.

22 A Once that occurs, the level of response  
23 steps up even more and numerous officers respond to  
24 the scene.

25 Q Okay. And in the course of your

## Examination of Brian Sims

1 investigation, was there an officer that was injured  
2 in this event?

3 A There was. So when the officers were  
4 lining up to evacuate the people that were still in  
5 Apartment 5, because there was two occupants of No. 5  
6 when Mr. Tadros goes into that apartment, so there  
7 was a plan to make what's called a hasty rescue. In  
8 case more shots were fired, they believed that the  
9 hostages might be in danger.

10 There was a plan to quickly go inside the  
11 apartment. So officers were lined up in the hallway  
12 outside of Apartment No. 5. And while they were  
13 lined up, Mr. Tadros fired another shot that went  
14 through the apartment wall into the hallway that  
15 struck Officer Clint Snodgrass. He was shot in the  
16 hip while he was standing outside in this hasty  
17 rescue line.

18 Q And in the course of your investigation,  
19 did you additionally talk with or have your  
20 investigative team speak with various civilian  
21 witnesses?

22 A Yes. So we spoke with Kevin Dalsing and  
23 Erin Chambers. They were both the occupants in No. 5  
24 during this incident. They were the ones that were  
25 taken hostage by Mr. Tadros.

## Examination of Brian Sims

1                   And then Kristin Diaz is a neighbor  
2 directly across from Apartment No. 5. She was in the  
3 area at the time of when Officer Snodgrass is shot.

4                   And then Jesus Mendoza was an out-of-town  
5 visitor, Airbnb rental. There was a few Air and BB  
6 -- Air and B -- Airbnb rentals in this apartment  
7 complex. And then Jesus Mendoza was one of those  
8 people that were staying in the complex.

9                   Q     Now, Detective Sims, is it fair to say  
10 there's a lot more than four people that were present  
11 in that area?

12                  A     There were. These four people had the most  
13 information and had the most contact. And so that's  
14 why they're on the witness list.

15                  Q     Can you tell us, in the course of your  
16 investigation, approximately how many shots were  
17 fired inside of that apartment?

18                  A     Sure. So when we conducted the processing  
19 of the crime scene of Apartment No. 5, we located  
20 eight spent cartridge casings, nine millimeter in --  
21 in caliber.

22                         And then as the apartment was being redone,  
23 fixed up, Kevin Dalsing located one more  
24 nine-millimeter spent cartridge casing, so for a  
25 total of nine that we located.

## Examination of Brian Sims

1 Q And were there firearms located inside that  
2 apartment as well?

3 A There were. There were two Springfield  
4 nine-millimeter handguns that were located.

5 Q And were the shell casings subsequently  
6 compared or matched with those firearms?

7 A Yes. So both firearms were compared to the  
8 shell casings and both handguns fired those casings.

9 Q Now, in the course of your investigation,  
10 were you able to kind of construct a timeline of  
11 events that lays out kind of how this unfolded?

12 A Sure. This is the -- the timeline that we  
13 spoke about. The DEA alerts BOEC, the -- our  
14 dispatch center, at 5:13. And so, like I said, this  
15 is -- this is taken from the call log. As the call  
16 taker and the dispatchers update this call log,  
17 that's where we get these times.

18 So each time something happens, it's  
19 documented in our dispatch log. That's why the times  
20 are so precise like that. So 5:13, DEA alerts us  
21 that they're going to do a search warrant at about  
22 6:00 a.m. The second picture there is a screenshot  
23 from that video surveillance that I talked about  
24 inside Apartment No. 8.

25 So at 6:04, the DEA makes entry into the



## Examination of Brian Sims

1 apartment. And then 6:14 is when PPB starts  
2 arriving. And that picture you see there is one of  
3 the -- a screenshot from the cameras outside  
4 Apartment No. 8.

5 Q And I'm putting my cursor on one of the  
6 vehicles in that screenshot that's above 6:14. Is  
7 that a Portland Police vehicle there?

8 A Yes, that is. That's considered -- it's  
9 called a FIU. That's what the SUVs are called now.  
10 So that's the first unit arriving at 6:14.

11 Q Okay. And then during that time period,  
12 there's negotiations and things going on. And then  
13 you had talked about the officer being shot. Did --  
14 do -- were you able to determine that time based upon  
15 the calls and the radio traffic, things of that  
16 nature?

17 A Yeah. So once -- after 6:14, all -- all  
18 officers are arriving. They're trying to talk to  
19 Tadros. Resources are starting to get there.

20 And it's -- at 7:27, the officers broadcast  
21 that Officer Snodgrass has been hit. So that time  
22 frame is the time frame when all the officers are  
23 arriving. They develop plans to evacuate the  
24 occupants of the buildings and he's shot at 7:27 a.m.

25 Q And is it your understanding, are the

## Examination of Brian Sims

1 occupants of Apartment No. 5 still inside of  
2 Apartment No. 5 when Officer Snodgrass is shot?

3 A Yes, they're still inside the apartment.

4 Q Okay. And then from the external video,  
5 are you able to determine when SERT arrives?

6 A Yes. So there were some on-duty SERT  
7 officers that arrived a little bit faster, but the  
8 SERT arrives at 7:40 with armor. And that's what  
9 they determine -- what they call is the armored  
10 vehicles that arrive.

11 And they arrive at 7:40. And that picture  
12 shows one of the armored vehicles of the SERT  
13 tactical team arriving in view of the apartment.  
14 They parked there so they have a view of Apartment  
15 No. 5.

16 Q And do they also have the Crisis  
17 Negotiation Team in there and are able to loud hail  
18 from that vehicle as well?

19 A Yes. So once SERT is -- once the  
20 determination that SERT is going to be deployed, CNT  
21 comes out automatically along with the Explosive  
22 Disposal Unit. And that's called EDU. So when  
23 there's a full page out of SERT, automatically CNT,  
24 the negotiators, come out along with EDU.

25 Q Okay. And -- and then, ultimately, are you

## Examination of Brian Sims

1 able to determine when that last shot is fired?

2 A Yes. Approximately 7:52 a.m. is the shot  
3 fired by SERT Officer Howery.

4 Q Now, at the end, this is how -- is this a  
5 fair picture of how it looks like at the end of  
6 this -- this event?

7 A Yeah. So once the scene is secure, our  
8 criminalist from the Forensic Evidence Division, they  
9 start photographing everything at the scene. So this  
10 is one of their photographs after the scene is safe,  
11 the incident is ended. This is the same vehicle we  
12 saw from the previous slide from the cameras from  
13 Apartment No. 8.

14 Same position. You'll see the turret.  
15 The -- it -- that -- the turret is the part on top of  
16 the -- this is called a G3. That's what the SERT  
17 guys will call this. And Officer Ramsey was in the  
18 turret. So that's where the shots come from, his  
19 .223 rounds, the two rounds.

20 And then there's other officers that will  
21 testify that they're standing outside of the G3 and  
22 they're using the G3 as cover. So that's armor  
23 plated, so the SERT officers will stand behind  
24 them -- that to protect them from any rounds. Down  
25 on the ground, you'll see a lot of spent gas

## Examination of Brian Sims

1       cartridges.

2                   So once they're launched, the cartridge  
3 comes out like -- kind of like a shotgun. You shoot  
4 a round and that's the spent -- what carried the  
5 projectile. So that's what you see on the ground  
6 there.

7           Q       Okay. And then when looking at this, can  
8 we also -- and I'm putting my cursor pretty close --  
9 is this roughly where the external video camera is  
10 located?

11          A       That's correct.

12          Q       Okay. Now, we did a rough overview of the  
13 timeline. Is there a lot more detail in that when --  
14 when you go through all of the records and  
15 communications and things like that?

16          A       Yeah. So, you know, this call lasted for  
17 two hours, so there's pages and pages of  
18 documentation on what happens every minute and what  
19 the dispatcher is inputting into their computer.

20                   And that's all these updates. The number  
21 on the left, 0513, is the time, military time. So  
22 that's 5:13 a.m. And then that's the chronology of  
23 some of the events, a summary of the events.

24          Q       And so we -- in this -- we'll talk a little  
25 bit more later about how we know that they go in at

## Examination of Brian Sims

1 6:04, 6:05 a.m. But in that chronology, at 6:08, do  
2 you have what occurs then?

3 A Yeah. So at 6:08, DEA, the agents that  
4 made entry, they request two Code 3 PPB units, which  
5 means they wanted two officers, two patrol guys, to  
6 come Code 3, the fastest, lights and sirens, to come  
7 to the incident location.

8 Q And so then we have them arriving at 6:14,  
9 those police officers from Portland?

10 A That's correct.

11 Q And then -- then when is it broadcast that  
12 he is in an apartment that is not his?

13 A So that occurs at 6:27. And the delay for  
14 that is the officers are trying to figure out what  
15 happens. It's very unusual for somebody to jump into  
16 a balcony and then go into somebody else's apartment.

17 So the responding officers are trying to  
18 get information from the DEA to figure out what's --  
19 what's going on here. So once those officers get  
20 that information, they broadcast; that is, that Mr.  
21 Tadros is actually in Apartment No. 5, which was not  
22 the target apartment of the DEA.

23 Q And are they also at that time trying to  
24 determine, are there other occupants in Apartment  
25 No. 5, things of that nature?

## Examination of Brian Sims

1           A     Yes.  So they're trying to get all the  
2 information they can to make a plan.  And where it  
3 says, "6:27, communication team established," that's  
4 an officer that's designated to try to make contact  
5 with Mr. Tadros.  So that officer's sole job is just  
6 to deal with that, to communicate with him and try to  
7 deescalate the situation.

8           Q     And then at -- at 6:29, are there decisions  
9 made to then activate SERT?

10          A     Yes.  So the responding sergeant on the  
11 scene, which would be -- be the supervisor, he got  
12 the information that what is happening, the guy's in  
13 Apartment No. 5, he's not willing to come out.

14                   So they do what's called a consult.  
15 They'll call the on-call SERT sergeant and explain to  
16 that sergeant the situation.  And then the SERT  
17 sergeant then makes a determination that it's going  
18 to be an all callout at that point.

19          Q     Okay.  And then some of those times that  
20 flow after that, like, at 6:47, you have the full  
21 callout with everyone.

22          A     Right.  And then at 6:43, when I said --  
23 earlier, I said the on-duty SERT.  So any SERT member  
24 that's on regular patrol, because SERT is a detached  
25 assignment.  They're not full-time SERT members.  So

## Examination of Brian Sims

1 they could be working, you know, in a patrol car East  
2 Precinct.

3 So when they -- when they call out the  
4 on-duty SERT officers, that means any SERT member  
5 that's currently working is asked to respond to the  
6 team. It -- respond to the scene. So that's why  
7 you'll see at 6:43, those officers start en route and  
8 then a full page comes out at 6:47.

9 And that's for the full SERT team, CNT,  
10 which are the negotiators, and then EDU, the  
11 explosives unit. They all -- they come as a full  
12 package.

13 Q And then on our timeline on the next page,  
14 we have -- there was a period of time where they were  
15 attempting to communicate with a phone and attempts  
16 to call. Did that occur for approximately  
17 20 minutes?

18 A Yes. They're trying to get, you know --  
19 see if -- if Tadros has a phone. At this point,  
20 Nichole Dreams, the other occupant of No. 8, she's in  
21 DEA custody, so they're debriefing her, like, "Does  
22 -- does Tadros have a phone?" all those kind of  
23 things.

24 They're trying to communicate with him that  
25 way rather than yelling, you know, through the

## Examination of Brian Sims

1 balcony and through that way.

2 Q Okay. And are you able to locate kind of  
3 the specific time when the shot is fired with  
4 Officer -- that hits Officer Snodgrass?

5 A Yeah. So they -- the officers that are  
6 standing in the hallway hear the gunshot and then  
7 Officer Snodgrass realizes he's hit and then officers  
8 broadcast that are standing there with him that he's  
9 been shot. And then Officer Snodgrass is then  
10 evacuated out of the scene.

11 Q Okay. And in that course, are there other  
12 shots that are being fired as well?

13 A Yeah. So officers are close at this point.  
14 They're trying to evacuate the -- the other  
15 apartments, so they're fairly close to the apartment.  
16 They're outside the apartment building. And then as  
17 they hear gunshots, they update dispatch. So they'll  
18 get on their radio and say, "I heard another shot."

19 And then the dispatcher will input that on  
20 the time. So when you see those times, that's when  
21 it's broadcast over the air and then the dispatcher  
22 will input that into the computer. So you see a  
23 second shot fired 7:36.

24 And then at 7:39, the hostages are  
25 released. Tadros lets them go and then they run out



## Examination of Brian Sims

1 of that apartment to officers that are waiting  
2 outside.

3 Q And then are there continued gunshots, this  
4 continued hearing of -- of firing from inside the  
5 apartment?

6 A Yes. So from 7:41 to 7:46, three more  
7 shots are fired from Apartment No. 5 at this point  
8 spaced out in that time frame. And then at 7:47,  
9 SERT, like I talked about earlier, starts deploying  
10 gas.

11 And they use -- and they'll testify to  
12 this, but they use a 40-millimeter launcher. It  
13 shoots, like, a rubber foam projectile. And that's  
14 to break the glass.

15 So once they break the glass, then they can  
16 shoot the gas grenades through the glass, through the  
17 window, because it's now broken and it allows the gas  
18 grenades to get inside the apartment. So first is  
19 40-millimeters and then SERT starts deploying gas  
20 into the -- into the apartment.

21 Q Does that stop him from shooting or does he  
22 continue to shoot?

23 A No. Even with all the -- the gas inside  
24 the apartment, he still continues to shoot. 7:47,  
25 there's another shot fired. 7:48, three more shots

## Examination of Brian Sims

1 are heard from inside Apartment No. 5.

2 Q And I want to pause you here. So at 7:48,  
3 we have all these shots. There's -- gas is being  
4 deployed. Are members of either CNT or others still  
5 attempting to loud hail to him, attempting to get him  
6 to come out? You know, are -- are these -- is it  
7 just -- do they ask him one time? Do they ask him  
8 multiple times? How does that work?

9 A No, it's continual. There's a PA system  
10 that's come from the G3, the armored car. And then  
11 they were actually able to get ahold of him through  
12 Mr. Dalsing's phone. He's the renter of Apartment  
13 No. 5. He left it in the apartment.

14 So the negotiators had actually called in  
15 on Mr. Dalsing's phone and Tadros answered the phone.  
16 And they actually had phone contact with him to try  
17 to get him to surrender.

18 Q Okay. And coming back to that 7:48 time  
19 frame, at that point in time, had police or any law  
20 enforcement agencies fired any lethal shots at -- at  
21 or in the direction of that apartment?

22 A No. At this point, it's all nonlethal.  
23 It's gas and 40-millimeter grenades into the  
24 apartment.

25 Q And during this course, are command and

## Examination of Brian Sims

1 other officers, are they having a discussion about  
2 what is the appropriate course of action and the  
3 concern level?

4 A Yes. And you'll have command staff from  
5 the SERT team come in, but, yes, there's a constant  
6 discussion of plans.

7 The sergeants and the SERT officers will  
8 develop a plan, what they think is the best course of  
9 action. And then that plan goes up the command staff  
10 from the sergeant to the lieutenant and then to the  
11 commander that's on scene.

12 Q And then the -- the time -- the timeline  
13 and how it ends, at 7:51, is it your understanding  
14 that there are two shots fired by Officer Ramsey?

15 A Yeah. So at 7:51, Officer Ramsey, who is  
16 in the turret of the G3, in that armored truck that  
17 we've seen, he fires two shots from his .223 rifle at  
18 the suspect, but at the time, they didn't know if Mr.  
19 Tadros had been hit.

20 Q Okay. Does -- does he give up or put his  
21 hands out or is there any indication that he  
22 surrendered at that time?

23 A There's still no action from Tadros that  
24 he's willing to give up.

25 Q Okay. And then approximately a minute or

## Examination of Brian Sims

1 two after that, 7:51, is that when the final shot is  
2 fired?

3 A Yes. So a -- a little bit after that, the  
4 7:51, Officer Howery shoots one shot from his .762  
5 rifle. He was positioned at a different location  
6 that has a view of where Mr. Tadros was at. He fires  
7 one shot, striking Tadros.

8 Q Okay. Let's go back through and some of  
9 the photographs and some of the video still frames to  
10 help orient the grand jury. So in this next slide,  
11 we've talked about it, but does that accurately show  
12 Apartment No. 8 and Apartment No. 5?

13 A It does.

14 Q Okay. And then -- and in that top corner,  
15 we can see the video camera, the external camera  
16 where my mouse is; is that correct?

17 A That is. Same cameras.

18 Q Okay. And then on the next slide, this is  
19 an overhead view, but somewhat looking from a  
20 different angle of the apartments. And I think this  
21 was a -- a Google Earth image. Does that --

22 A It --

23 Q -- accurately depict how the -- kind of the  
24 layout is?

25 A It does. So if you look at the big

## Examination of Brian Sims

1 picture, this is the -- kind of the back corner of  
2 the eastern-most building. And then where that dot  
3 is, the -- the picture, the inset picture is a little  
4 bit more out into the corridor. But where that dot  
5 is is where Officer Howery fires the rifle.

6 Q And then to help, because we're going to be  
7 talking a little more about this, in here, again, in  
8 this inset photo, the top one is Apartment No. 8 and  
9 the bottom one is No. 5.

10 A That's correct.

11 Q And then these windows we see, are these  
12 part of the apartment as well?

13 A Yeah. So that's the bedroom area of  
14 Apartment 8. And then --

15 Q Okay.

16 A -- the lower one is the bedroom unit of  
17 Apartment 5. And you can see in that picture --  
18 we'll see -- I don't know if we'll see a better  
19 picture here, but you can see that the screen -- the  
20 screen to the window is pushed out. There it is.

21 Q And so, again, these are those photos, but,  
22 now, we've added a second photo with kind of a closer  
23 up of that -- that screen being pushed out?

24 A Correct. And then you can see the other  
25 plated glass there is shattered. And that's from the

## Examination of Brian Sims

1 40-millimeter grenades trying to break that glass so  
2 they -- so SERT can deploy gas into the apartment.

3 Q Okay. Now, we've made reference to some  
4 videos that were available. Were these -- the  
5 videos, were they ones that the apartment provides or  
6 is this something that an individual on their own  
7 buys and sets up?

8 A This is a camera system that the occupants  
9 of No. 8 purchased and set up themselves.

10 Q Okay. And there -- with this system, there  
11 are a total of how many cameras?

12 A There's a total of three camera views. One  
13 is of the bedroom, so we didn't need that. So we  
14 just needed these two camera angles, the one in the  
15 living area and then the external one that covers  
16 outside on North Willis.

17 Q Okay. And then with these cameras, what --  
18 what -- what's kind of -- and have you reviewed all  
19 of these cameras and went through the video footage  
20 and stuff?

21 A I have. I was able to get hours of this  
22 video footage, so I've reviewed hours of the kitchen  
23 area and the exterior cameras.

24 Q And -- and some of those key ones are, as  
25 we've already discussed, there's this internal and

## Examination of Brian Sims

1 external. But are we able to determine time with the  
2 cameras as well?

3 A Yeah. So the timestamp on the security  
4 camera is not accurate. It's about three hours fast.  
5 But you can see on the internal camera, there's a  
6 clock on the wall. And that's -- that time is  
7 accurate. So you can see it's just after 6:00 a.m.,  
8 6:04. But then the timestamp on the security camera  
9 says it's 9:00 a.m., so --

10 Q And I paused -- or when I have this  
11 particular frame up, this is a still frame from the  
12 video; is that correct?

13 A That's correct.

14 Q And does this capture the moments just --  
15 just prior to the law enforcement agents coming into  
16 the apartment?

17 A It is. And I think this is after they've  
18 even knocked. So you can see Mr. Tadros. That's  
19 who's sitting on the couch. And then to his right is  
20 the front door.

21 You can kind of see the -- that that's the  
22 refrigerator, but just past the refrigerator is the  
23 front door to the apartment. And you --

24 Q Is that where my --

25 A -- can kind of see him looking towards the

## Examination of Brian Sims

1 direction of the front door.

2 Q Okay. We'll come back to that in just a  
3 moment. But the external one, this is kind of the --  
4 is this a still frame from that and the view that you  
5 are able to see from that camera?

6 A It is. Same picture, that armored vehicle  
7 from SERT, same view that we have the close-up  
8 pictures of.

9 Q Okay. So let's go through here on the  
10 internal camera just -- these are some -- we'll --  
11 we'll certainly watch the video, itself, this  
12 particular clip, but are these next series of still  
13 frames, do they capture kind of the sequence of  
14 events? And let's talk a little bit about some of  
15 the things that you're able to see in the internal  
16 camera.

17 A Sure.

18 Q First, before we get to that, so you've  
19 already talked about the individual in the middle.  
20 That's Mr. Tadros?

21 A That is.

22 Q And we have the clock. Are you able to see  
23 other objects prior to this that are at least of some  
24 interest? In other words, are there -- are there  
25 controlled substances or things that are -- are being



## Examination of Brian Sims

1 dealt with at -- by Mr. Tadros?

2 A Yeah. So as I watched the video, I watch  
3 as Mr. Tadros uses that pipe. And it's kind of by  
4 the -- maybe that Slurpee cup. Yeah, right there.

5 Q So where my cursor is? It's kind of a --

6 A Yeah, where --

7 Q -- green-ish color?

8 A Yep, kind of green-ish on the edge there.

9 And I can see him smoking that all through the --  
10 throughout the night.

11 Q Okay. And -- and he -- is he putting what  
12 appears to be something that is similar to either  
13 fentanyl or methamphetamine in that?

14 A Yeah. So I actually watched him pull out a  
15 Coke bottle that had a false bottom. He pulled it --  
16 he got it out of the fridge, but it had a false  
17 bottom in it. So he unscrewed it.

18 And, obviously, the video is so clear, he  
19 pulls out a baggie of small blue pills that I  
20 believe, based on my training and experience, to be  
21 fentanyl pills. He pulls them out and then proceeds  
22 to smoke them with that pipe.

23 Q Okay. Now, here we are at -- just at -- on  
24 this particular slide, at 6:00 -- roughly 6:04, 6:05.  
25 And then do you, in the video, start to see things

## Examination of Brian Sims

1       happen at that time?

2           A       Yep.  So the DEA will talk about this, but  
3       as they make entry, they knock -- what's called a  
4       knock and announce.  So they'll knock, you know,  
5       announce, "DEA.  We have a warrant."  And then they  
6       use a key to open up the door.

7           Q       And by "key," are we talking about a  
8       battering ram, essentially, like a --

9           A       Yes.  It's called --

10          Q       -- handheld --

11          A       -- a -- yeah.  It's a -- a battering ram.  
12       It's a handheld heavy metal object that opens the --  
13       you can force open the door.  So, now, they have made  
14       that entry and Tadros, you can see, has reacted.

15                   And then Nichole has actually had time to  
16       come out of the bedroom and then she's running out of  
17       the bedroom past the front door as the DEA makes  
18       entry.

19          Q       As you watch the video, are you able to see  
20       Mr. Tadros do anything particular -- of particular  
21       note or interest?

22          A       Yeah.  He -- he reacts and kind of jumps  
23       back.  And then it -- it looks as if he's pulling out  
24       a handgun.

25          Q       Okay.  And are you able to see kind of

## Examination of Brian Sims

1 where they run and what happens?

2 A Yeah. So you'll see Nichole go out of view  
3 past that -- the pendant on the island there. And  
4 then Tadros will follow her in that direction. And  
5 that's the direction of the balcony, the slider and  
6 the balcony to the apartment.

7 Q And in this last still frame, are you able  
8 to see Mr. Tadros running with an object in his hand?

9 A Yeah. So you see in his right hand there  
10 as he's running, it appears to me to be a handgun.

11 Q Okay. And then after they exit to this  
12 kind of area that's behind the curtain, at some  
13 point, does Ms. Dreams come back out and is taken  
14 into custody?

15 A Yes. They call Ms. Dreams back to them and  
16 then they take her into custody right there. And  
17 it's this point that Mr. Tadros has already gone off  
18 the balcony and is now below them in Apartment No. 5.

19 MR. VASQUEZ: Okay. So, at this point,  
20 we're at a good -- if someone wants a break 'cause  
21 I'm going to need to take a moment to get the video  
22 clip that we're going to be watching up. So if you  
23 want to take a break, this is a good time. Want  
24 to take --

25 A GRAND JUROR: Okay.

## Examination of Brian Sims

1 MR. VASQUEZ: -- five minutes, if that's  
2 okay?

3 A GRAND JUROR: That's great.

4 MR. VASQUEZ: Okay.

5 A GRAND JUROR: Thank you.

6 MR. VASQUEZ: All right. And if we could  
7 stop our recording while we're on break, that'd be  
8 great.

9 (Recess taken, 10:03 a.m. - 10:12 a.m.)

10 MR. VASQUEZ: We are back on the record.

11 BY MR. VASQUEZ:

12 Q Detective Sims, this video system, does it  
13 take, essentially, clips? And, you know, you can  
14 certainly thread them together, but are they stored  
15 in kind of almost, you know, roughly 9 to 12-minute  
16 increments?

17 A Yes, that's correct.

18 Q Okay. And -- and I pulled up this  
19 increment, which is, it looks like, according to the  
20 clock on the wall and -- and the timestamp, is it  
21 about 6:02 a.m.

22 A That's correct.

23 Q And is this the moments leading up to and  
24 the internal camera before the entry by the DEA?

25 A It is.

## Examination of Brian Sims

1 Q Okay.

2 A And then also just to add one thing, if  
3 you -- on your -- with your cursor there, where that  
4 pipe is and then if you go just a little bit further  
5 down, you can see that clear baggie and the blue  
6 pills that I talked about earlier. They're actually  
7 right there on the table. You can see it in this  
8 clip.

9 Q Okay. And then things happen fast in the  
10 video, so if there's a time you want to pause or  
11 watch something else, just let me know if you want to  
12 rewind it, all that good stuff, okay?

13 (**TRANSCRIBER'S NOTE:** Video recording  
14 played in grand jury, without sound, 10:13 a.m.)

15 THE WITNESS: That's when they knock and  
16 announce his reaction from that. That's the balcony.  
17 You can see out the balcony.

18 BY MR. VASQUEZ:

19 Q That red cooler on the --

20 A Yeah, the --

21 Q -- bottom --

22 A -- red cooler.

23 Q -- (indiscernible)?

24 A That's the stuff that's out on the balcony.

25 Now, they're trying to address and figure out where

## Examination of Brian Sims

1 Mr. Tadros went.

2 Q Okay. On the time clock, we're at 9:01 and  
3 54:55. And is there any time where we see Mr. Tadros  
4 on this video anymore?

5 A We do not.

6 MR. VASQUEZ: Okay. I'm going to pause the  
7 video here.

8 (**TRANSCRIBER'S NOTE:** Video recording  
9 stopped, 10:16 a.m.)

10 MR. VASQUEZ: 'Cause things happen quickly,  
11 I always like to give the grand jury an opportunity.  
12 Would you like me to play that sequence again, the  
13 entry sequence?

14 Seeing some heads nod up and down, so I'm  
15 going to do it one more time. If there's anything  
16 else, please let me know what you would like to  
17 see or --

18 A GRAND JUROR: And just a question. The  
19 bedroom would be behind the wall on the right that we  
20 see sort of behind the kitchen? Is that where she's  
21 coming from at the beginning?

22 THE WITNESS: That's correct. If you, with  
23 your cursor there, the guy to the left right there,  
24 that's -- he's looking -- he's in the doorway to the  
25 bedroom.

## Examination of Brian Sims

1           A GRAND JUROR: I see.

2           THE WITNESS: The other doorway you see  
3 straight ahead is a bathroom.

4           A GRAND JUROR: Okay.

5           THE WITNESS: So to the left is the  
6 bedroom.

7           MR. VASQUEZ: And then you have the living  
8 room, kitchen area with the balcony right roughly  
9 where my cursor is now on the bottom left-hand  
10 corner.

11          A GRAND JUROR: I see. Thank you.

12          MR. VASQUEZ: Okay. I'll go back. All  
13 right. I'm going to start it again at -- at 9:00:15.

14          (**TRANSCRIBER'S NOTE:** Video recording  
15 played in grand jury, without sound, 10:17 a.m. -  
16 10:18 a.m.)

17          MR. VASQUEZ: Okay. Okay. So I have --

18          A GRAND JUROR: I have a question.

19          MR. VASQUEZ: Yeah, go right ahead.

20          A GRAND JUROR: Is the apartment below --  
21 and maybe I'm jumping the gun. But because these  
22 guys seem to have cameras, is the layout directly  
23 below the same as this apartment? And, if so, where  
24 was he shooting from, the below balcony or from a  
25 bedroom window?

## Examination of Brian Sims

1 MR. VASQUEZ: Okay. So let's -- let's  
2 answer the first part of that question and the second  
3 part we'll kind of get to as we go through.

4 A GRAND JUROR: Okay.

5 MR. VASQUEZ: But --

6 THE WITNESS: The exact same layout.

7 A GRAND JUROR: That's what I thought.

8 THE WITNESS: Exactly the same.

9 BY MR. VASQUEZ:

10 Q Okay. So Apartment No. 8 and No. 5, what  
11 you're telling the grand jury is they have the same  
12 layout; is that correct?

13 A That is correct.

14 Q Okay.

15 A Yeah.

16 Q And then let's go back. Okay. Now, once  
17 this event concluded, did forensic and your people  
18 with your forensic division come in and take  
19 photographs?

20 A They did. This is part of the crime scene  
21 photos, just like we saw outside. But this is the  
22 photos inside.

23 And then what the Forensics Evidence  
24 Division do, the criminalists, they will label the  
25 bullet strikes. And you'll see there's a little



## Examination of Brian Sims

1 sticker that says A2. That's just to distinguish  
2 that picture.

3 And there's what's called a trajectory rod.  
4 It's an aluminum rod that we put in bullet holes to  
5 try and figure out the path of the bullet as it goes  
6 through objects, through cars, walls, that kind of  
7 thing. It just gives you a visual cue on where the  
8 bullet traveled.

9 Q And this one is entitled "Crime scene  
10 photos" and -- and shows a brown staircase. Where is  
11 this located within the apartment building?

12 A So this is in the front doors up the  
13 stairway. And that wall where the railing is against  
14 is the wall to Apartment No. 5. So when we looked at  
15 the video from Apartment 8, if you just visualize  
16 where the end of that table was at the bottom of the  
17 screen, there's a wall right there.

18 So this is the same wall that goes from --  
19 to down -- all the way down to the stairwell. So on  
20 the other side of this wall is the Apartment No. 5,  
21 the far northern end --

22 Q And --

23 A -- of the apartment.

24 Q And based upon your review of the evidence  
25 that you locate inside of the apartment and the

## Examination of Brian Sims

1 bullet strikes and things of that nature, can you --  
2 do you have a rough idea? And I know you can't give  
3 us an exact, but a rough idea of where Mr. Tadros was  
4 firing from?

5 A Yes. Based on where the -- we located the  
6 spent cartridge casings, the handguns, I believe  
7 Tadros was in the hallway area by the door and kind  
8 of where the bedroom would be. So this is -- this is  
9 a picture of the hallway.

10 Same -- same layout. So this is the  
11 bedroom on the left for Apartment No. 5. Straight  
12 ahead is the bathroom doorway. So I believe he was  
13 shooting this handgun in the hallway facing the other  
14 direction facing that wall.

15 Q Okay. And does he fire it both -- I mean,  
16 at that wall, but then at other -- internally at  
17 other locations within the -- the apartment?

18 A Yes. I believe based on what I've seen and  
19 my experience, it -- it looks to me like he fires  
20 through that wall. And then we'll see later  
21 pictures. He's firing maybe from that same location  
22 to -- through the apartment and out the apartment --

23 Q Okay.

24 A -- in different directions. And -- and why  
25 we think this is where it occurs is because as this

## Examination of Brian Sims

1 handgun, this particular handgun is fired, it ejects  
2 to the right-hand side of the handgun and backwards.  
3 So that's why we have these -- these spent cartridge  
4 casings that are all in the circles.

5 That would be indicative -- if he's  
6 standing in the hallway shooting, they would eject to  
7 the right and to the back.

8 Q And -- and we're going to talk a -- a  
9 little bit more about this. But some of the bullet  
10 strikes that you're observing in the apartment, are  
11 they in things like the couch and -- or parts of the  
12 bed or, you know, the walls or different parts inside  
13 of the apartment?

14 A Yes. You'll -- you'll see if -- if Tadros  
15 is standing where I believe he's standing and firing,  
16 he's striking things in the pathway from where he's  
17 standing to the exterior walls of the apartment.

18 So it goes through the -- some bullets go  
19 through the wall. Some go through couches and hit  
20 other pieces of furniture.

21 Q Okay. And just to stay on this photograph  
22 for a second, we put some circles on the photograph.  
23 Can you kind of go through -- and I'm going to put my  
24 cursor on them starting on the left-hand side, then  
25 going clockwise. What -- what's in this particular

## Examination of Brian Sims

1 circle?

2 A That's a spent 9-millimeter cartridge  
3 casing. So that's a round that's already been fired.  
4 When I say, "spent cartridge casing," that's already  
5 been fired and ejected from the handgun.

6 Q Okay. And the next one in the very top of  
7 the photo?

8 A That's another spent cartridge casing.

9 Q And then the next one in that clockwise  
10 sequence?

11 A That's another spent.

12 Q And then what's this one that's silver in  
13 color?

14 A So that is a handgun magazine. So that's a  
15 magazine that goes into the grip of the handgun that  
16 contains the live rounds, the ammunition for the  
17 handgun.

18 This magazine actually goes to a handgun  
19 that we'll see later that's found in the bedroom with  
20 Tadros. It does not go to the black handgun that we  
21 see here.

22 Q Okay. And then in the bottom right-hand  
23 corner, another circle.

24 A That's another spent cartridge casing.

25 Q And then closer to the center of the

## Examination of Brian Sims

1 photograph below the cigarette, what's that?

2 A That's a Springfield brand nine-millimeter  
3 handgun and the magazine is still in that handgun.

4 Q Okay. So just to be clear, the magazine  
5 that we see in the top right-hand corner, the silver  
6 one, it does not go to this one that is pictured in  
7 the middle?

8 A No. We'll see the handgun later on in a  
9 picture that it goes to.

10 Q And then the very last one in the bottom  
11 left-hand corner, what is in that circle?

12 A That's another spent cartridge casing.

13 Q And --

14 A GRAND JUROR: And, I'm sorry, can we go  
15 back for just a second?

16 MR. VASQUEZ: Yep.

17 A GRAND JUROR: And then the doors, the one  
18 on the lower right, that door is essentially the door  
19 to the hallway?

20 THE WITNESS: No. That door is, like, to  
21 the laundry area. I believe there's, like, a --

22 A GRAND JUROR: Okay.

23 THE WITNESS: -- that's, like, a laundry  
24 door. That is not the main door. The main door is  
25 further at the bottom of the frame of this picture.

## Examination of Brian Sims

1           A GRAND JUROR: Okay. So top door is  
2 bathroom, left door is bedroom?

3           THE WITNESS: That's correct.

4           A GRAND JUROR: Okay. Thank you.

5 BY MR. VASQUEZ:

6           Q All right. And then this is inside the  
7 bedroom; is that correct?

8           A That's correct.

9           Q Okay. And, again, are we seeing those  
10 shell casings?

11          A Yep, those are the cartridge casings.

12          Q And is it fair to say that for some parts  
13 of the -- you know, you talked about one of the shell  
14 casings being found later.

15                 Is it fair to say there was kind of a  
16 clutter of clothing and different items in the  
17 bedroom that -- that certainly made it hard to locate  
18 some of the shell casings?

19          A It -- it was. It was very cluttered. So  
20 it was difficult. That's why we didn't find the  
21 other one until the renters moved all their clothing  
22 and went through all that that the other one was  
23 found.

24          Q But you went through -- the forensic team  
25 went through and they labeled all the different shell

## Examination of Brian Sims

1 casings and searched and found -- found the items.  
2 And then in this particular set of photos, there's  
3 two, one displaying No. 59 and the other one of an  
4 individual holding a firearm. Are -- are those in  
5 the subsequent collection of evidence?

6 A Yeah. So once evidence is located, the  
7 criminalist will put a placard, what's called a  
8 placard. And that's those numbered placards. That  
9 way, when we collect it, when we put the evidence  
10 down on property receipts and document the evidence,  
11 we correspond that with what placard it was.

12 So I know all these placards -- you know, I  
13 know 33 was a spent cartridge casing. I know 34 is a  
14 black handgun with a model and serial number  
15 documented. So that's how we collect the evidence,  
16 by having placards.

17 MR. VASQUEZ: Okay. And I apologize to the  
18 grand jury. These next series of photographs are a  
19 little bit on the graphic side, so I just want to  
20 forewarn you.

21 BY MR. VASQUEZ:

22 Q This photo depicting an individual. Who is  
23 in -- depicted in this particular photograph?

24 A This is Mr. Tadros.

25 Q And where was -- where was he located?

## Examination of Brian Sims

1           A     So this is the bedroom area to Apartment  
2 No. 5. And it's right next to that window that we  
3 saw from the exterior. And so he's between the bed  
4 and a dresser that was along that wall.

5           Q     And are you able to tell from the position  
6 (indiscernible), was he standing, kneeling? Are you  
7 able to tell any of that when he was -- when he was  
8 shot?

9           A     I believe, based on my experience, that he  
10 was standing when he was shot.

11          Q     Okay. And -- and that window here, is this  
12 the one that we saw in other photographs with the  
13 screen kind of hanging down?

14          A     It is.

15          Q     Okay. And then located next to Mr. Tadros,  
16 was there some items of particular note and  
17 significance?

18          A     Yes. So that's another Springfield  
19 nine-millimeter handgun you see to your right. That  
20 is the gun that belongs with that silver magazine  
21 that was in the hallway that we saw. So that  
22 magazine goes to that firearm.

23                   And it's a 9 millimeter as well. And then  
24 the other circle on his pants pocket is a glass pipe  
25 that's commonly used to smoke methamphetamines from



## Examination of Brian Sims

1 that was in his pants pocket.

2 Q And then was -- was that located underneath  
3 his hand as well?

4 A There's a --

5 Q This --

6 A -- needle. There appears to be a needle,  
7 hypodermic needle, under his hand on the dresser  
8 there.

9 Q Okay. And in this particular photograph,  
10 are we able to see his -- I believe it's his left  
11 hand that has a watch on it and a -- what appears to  
12 be a -- a wound to that hand as well?

13 A That's correct. There's what would be  
14 commonly called a graze wound on his left hand.

15 Q And is it your understanding from the  
16 scene, the evidence that, essentially, where he was  
17 located is -- is very close in place to where he was  
18 -- he was shot the last time?

19 A Yes. I believe once he was shot, he fell  
20 to where he's found in these pictures.

21 Q And -- and to be clear, you -- you attended  
22 the autopsy, things of that nature?

23 A I did.

24 Q And we'll -- we'll certainly have the  
25 medical examiner testify and bring in that, but --

## Examination of Brian Sims

1 but it's your understanding it was a -- a head wound  
2 that caused his death?

3 A That's correct.

4 Q And that he was essentially not going to be  
5 moving once he sustained this head wound?

6 A No, it was a traumatic injury.

7 Q Okay. And we talked about kind of this is  
8 a -- a different shot of the apartment, which is  
9 where in the apartment?

10 A So this is in Apartment No. 5 and this is  
11 looking from the kitchen area towards the balcony.  
12 And what's in front of this balcony, you can kind of  
13 see the white shades behind there. That's to the  
14 balcony.

15 But what's in front of the balcony and what  
16 you see there is a ferret cage. The occupants of  
17 this apartment had ferrets. And then there's a  
18 blanket covering up the top half of the ferret cage.

19 Q And -- and we had talked about there were  
20 some of these internal bullet strikes that you saw  
21 that helped you come to the conclusion that he was  
22 firing inside the apartment out. And -- and were  
23 some of those strikes in the places like the couch  
24 and things like that?

25 A Yeah. So if you look at the gray couch

## Examination of Brian Sims

1       there, you can see stuffing coming out of it.  And  
2       those, we believe, are rounds traveling from the  
3       hallway area angled out that strike the couch.  And  
4       there's actually -- we'll -- there's strikes into  
5       this ferret cage out towards the balcony area.

6                So same trajectory, same angle as if Tadros  
7       is on the corner of that hallway there shooting out  
8       towards the exterior of the apartment, striking the  
9       couch, strike -- striking the ferret cage.

10            Q     And -- and were there ferrets, in fact,  
11       inside of this cage?

12            A     There were ferrets inside that cage at  
13       the --

14            Q     And --

15            A     -- time.

16            Q     -- one of -- was one of those ferrets  
17       injured in the process of this?

18            A     There was.  One ferret was injured.  We  
19       don't know if it's -- was just from a bullet fragment  
20       or from a bullet.  But the ferret was injured.

21                And we ended up transporting that ferret to  
22       Dove Lewis once we found it, saw that it was injured.  
23       A police officer drove to Dove Lewis to have it  
24       treated and it lost one of its limbs from the injury  
25       from the bullets.

## Examination of Brian Sims

1 Q Did it survive, though?

2 A It did survive.

3 Q Okay. Okay. As a normal part of this,  
4 we're going to have the medical examiner talk  
5 about -- more about what this means, but was there  
6 toxicology results done for Mr. Tadros as well?

7 A Yes.

8 Q And did you review those results? Did you  
9 see that? And is this a screenshot of those results?

10 A I did. So once the toxicology comes back,  
11 it take -- it takes a little bit to get those  
12 results. I'm given a form that comes from the Oregon  
13 State Police Crime Lab. And then it breaks down the  
14 -- the presence of what chemicals were in his system  
15 at the time of his death.

16 Q All right. And -- and this is the -- a  
17 rough showing -- or not rough. This is the -- the  
18 showing from the analytical report of what was in his  
19 system?

20 A That's correct. This is the form that I  
21 get from the Oregon State Crime Lab.

22 Q Okay.

23 And we'll -- like I said, we'll have the  
24 medical examiner who will be able to answer the  
25 specifics about what it means to have that, okay?

## Examination of Brian Sims

1                   A few final questions and then we'll see if  
2 the grand jurors have some additional questions. But  
3 in the course of your investigation, you -- you're  
4 able to talk to quite a few officers; is that  
5 correct?

6           A     That is correct.

7           Q     But you're -- you're not able to talk to  
8 the officers who fired the shots; is that -- is that  
9 correct?

10          A     No, I do not get to talk to them.

11          Q     Is that a normal part of the procedure and  
12 process that's been worked out?

13          A     That is the procedure for officer-involved  
14 shootings currently in the City of Portland.

15          Q     Okay. And through it all, though, with  
16 your investigation, are you able to piece through the  
17 timeline and information even without that particular  
18 interview?

19          A     Yes. Because we're still able to speak  
20 with the officers that were standing next to the  
21 officers involved, so we're able to put that all  
22 together.

23          Q     Okay. And is it your understanding that  
24 those officers then have the opportunity, if they so  
25 choose, to come in and testify at grand jury?

## Examination of Brian Sims

1           A     Yes.

2           MR. VASQUEZ:   Okay.   Hold on just one  
3 moment.   Okay.   Those are the questions, ladies and  
4 gentlemen, I have for Detective Sims.

5           If there are additional questions, please  
6 let me know and we can go through that now.   We can  
7 also, at a later time, call back Detective Sims if  
8 that's necessary as well, okay?

9           And we certainly sampled photographs and  
10 video, but if there are questions about -- you know,  
11 there's extensive photographs and video.   You're --  
12 we're welcome to go through all of that.   Just let me  
13 know what you would like to see if there's  
14 additional.

15           We tried to pick out some of the most  
16 pertinent information, but, again, I don't want to  
17 get too lost in the minutia of detail, but if there's  
18 something you want to see, I absolutely want you to  
19 have access to it, so please let me know.

20           A GRAND JUROR:   I --

21           MR. VASQUEZ:   Okay?

22           A GRAND JUROR:   I do have a question.

23           MR. VASQUEZ:   Yes.

24           A GRAND JUROR:   So upon firing, is there a  
25 command given to the officer or is that decided upon

## Examination of Brian Sims

1 themselves to fire?

2 MR. VASQUEZ: It's a great question. And  
3 we're going to have somebody -- other command  
4 officers that can kind of describe that --

5 A GRAND JUROR: All right.

6 MR. VASQUEZ: -- very -- 'cause that --  
7 that's a -- an excellent question. It's one that,  
8 you know, it -- we can ask Detective Sims, but I  
9 think he might also refer us to that because that  
10 will be able to give us a fuller description --

11 A GRAND JUROR: All right.

12 MR. VASQUEZ: -- (indiscernible).

13 A GRAND JUROR: All right.

14 BY MR. VASQUEZ:

15 Q Is that -- is that correct?

16 A That's fair, yeah.

17 Q Okay. I mean, my understanding is you have  
18 a general understanding of that; is that -- is that  
19 right, Detective Sims?

20 A Yes. You know, the general understanding  
21 is we have rules of engagement that SERT -- they go  
22 by. But each officer is still able to determine for  
23 themselves the level of threat and the level of  
24 danger they interpret. So we're each able to  
25 determine that on our own.

## Examination of Brian Sims

1           But the command staff will go through the  
2 rules of engagement that SERT was under during this  
3 incident.

4           A GRAND JUROR: Oh, and then I have one  
5 more question regarding the timestamp on the video.

6           MS. NADELL: Yep.

7           A GRAND JUROR: That in no way can be  
8 altered by anyone else, right?

9           THE WITNESS: No.

10          A GRAND JUROR: All right.

11          THE WITNESS: That -- that's how the --  
12 that's how, when we collect the video and then it's  
13 downloaded to, you know, thumb drives from the hard  
14 drive of the system, that's the time that was on that  
15 hard drive.

16          A GRAND JUROR: All right.

17          THE WITNESS: It's pretty common to --

18          A GRAND JUROR: Right.

19          THE WITNESS: -- systems to be off. It's  
20 difficult to change, especially time changes. It's  
21 not uncommon for timestamps to be off.

22          A GRAND JUROR: Okay.

23 BY MR. VASQUEZ:

24           Q     And --

25          A GRAND JUROR: Thank you.



## Examination of Brian Sims

1 BY MR. VASQUEZ:

2 Q -- essentially, to change that, it would  
3 have to be prior to the recording of the video,  
4 someone changes the -- the time calculator inside  
5 the -- the video system; is that right?

6 A Absolutely.

7 MR. VASQUEZ: Okay.

8 A GRAND JUROR: All right.

9 THE WITNESS: Yes.

10 A GRAND JUROR: Thank you.

11 MR. VASQUEZ: Okay. All right. Any  
12 additional questions?

13 All right.

14 THE WITNESS: Okay.

15 MR. VASQUEZ: Thank you, Detective Sims.

16 THE WITNESS: Thank you.

17 (Whispered discussion, off the record,  
18 10:36 a.m.)

19 MULTIPLE GRAND JURORS: Thank you.

20 (Whispered discussion, off the record,  
21 10:37 a.m.)

22 MS. NADELL: Who does the swearing in for  
23 the witness? Oh, okay.

24 A GRAND JUROR: I will.

25 MS. NADELL: Please.

## Examination of Arthur Nakamura

1           A GRAND JUROR: Go ahead and raise your  
2 right hand. Yeah.

3                                   ARTHUR NAKAMURA

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

6           A GRAND JUROR: Thank you.

7           MS. NADELL: Good morning. Could you  
8 please state your full name and spell your first and  
9 last for the record, please.

10           THE WITNESS: Yes. It is Arthur Nakamura,  
11 first name spelled A-r-t-h-u-r; last name spelled N  
12 as in Nancy, a-k-a-m-u-r-a.

13                                   EXAMINATION

14 BY MS. NADELL:

15           Q     And where are you currently employed?

16           A     I'm currently employed with the City of  
17 Portland, Portland Police Bureau as the commander in  
18 the Specialized Resources Division.

19           Q     Okay. And how long have you held that  
20 position?

21           A     As commander -- it was previously known as  
22 the Tactical Operations Division, so same job,  
23 different title --

24           Q     Okay.

25           A     -- since, I believe, May of 2019.

## Examination of Arthur Nakamura

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

3           A     I've been in law enforcement since 1993, so  
4 29 years.

5           Q     All right. And are you a member of the  
6 Special Emergency Reaction Team?

7           A     Yes.

8           Q     And is that commonly known as SERT?

9           A     Yes.

10          Q     Could you tell me a little bit about SERT?

11          A     SERT is -- most agencies refer to it as the  
12 SWAT team. They're currently your special weapons  
13 and tactics. For Portland, it's called the SERT  
14 team.

15                   What it is, it's a group of specially  
16 trained individuals who are trained in special  
17 weapons and tactics, to include the use of armor, the  
18 use of different tools and tactics and which include,  
19 you know, gas, which include, you know, sniper  
20 rifles, armor, robots, the use of special canines and  
21 other tools.

22                   And they work hand in hand with our Crisis  
23 Negotiation Teams. Some other police you'll hear,  
24 they call it hostage negotiation teams. Our word is  
25 called -- it's Crisis Negotiation Team and they come

## Examination of Arthur Nakamura

1 as a package.

2 Q Okay. And you -- you mentioned that you  
3 were a commander. Could you tell us about your role  
4 as it pertains to SERT?

5 A For SERT, it's two functions. One, I had  
6 the commander of the division. I take care of all  
7 the administrative needs and the supervision for  
8 day-to-day operations. Secondly, we have what's  
9 called a critical incident commander. The acronym  
10 is CIC.

11 And what a CIC is, it's specially trained  
12 individuals who usually hold the rank of captain or  
13 above that are appointed by the chief of police  
14 specific to running and managing critical incidents  
15 where SWAT or SERT and CNT are used on high-risk  
16 incidents.

17 So it's two-fold. One is administrative  
18 duties. And also I'm one of four CICs.

19 Q And how many SERT members are there?

20 A I believe -- I'm not sure of the exact  
21 numbers, but there's somewhere as far as what we call  
22 operators. It's the -- the men and women who  
23 actually do the tactical part of it. I believe  
24 there's 27 --

25 Q Mm-hmm.

## Examination of Arthur Nakamura

1           A     -- including sergeants, detectives and  
2 officers.  Then we have what's called intelligence  
3 officers who provide intelligence to the team real  
4 time about the who, what, where and why, what's  
5 happening.  And we also have, I believe, two canines  
6 also assigned to the SERT team.

7           Q     And could you give me an idea of what kind  
8 of callouts or assignments the SERT team works?

9           A     Yeah.  So we have a directive in place.  So  
10 I'm just going to speak in, like, general terms.  So  
11 mandatory activations are, like, a -- a hostage  
12 incident where somebody takes a hostage, high-risk  
13 search warrants where there's a high risk that  
14 violence may occur while serving a search warrant, a  
15 barricaded person who's armed with a firearm.

16                     And we also do area searches for people who  
17 are armed with firearms.  So, basically, anything  
18 that raises the level of, for lack of a better term,  
19 dangerous level of an incident where it's a little  
20 bit outside the reach of normal patrol officers, they  
21 can call us and we can consult with them and see if  
22 it raises to the level of a -- what we call a SERT  
23 callout.

24                     So it -- it ranges from -- again, from  
25 hostage to a sniper to a barricade.  It could also be

## Examination of Arthur Nakamura

1 as low as, you know, a person who runs from their  
2 car, but is armed with a firearm hiding from the  
3 officers in the blocks.

4 Q And about how many SERT calls would you say  
5 you go out on per year or that SERT goes out on --  
6 out on per year?

7 A That's a really good question. I don't  
8 know the exact numbers. Somewhere in the  
9 neighborhood of -- including search warrants,  
10 probably between 30 to 50.

11 Q Okay. I'd like to turn your attention now  
12 to August 27th, 2021. Were you on duty in the  
13 morning hours of that day?

14 A Yes.

15 Q Okay. And I should ask, would the SERT  
16 teams -- do the responding officers, are they people  
17 that are on duty or do they get called at home and  
18 woken up? What -- how do -- how do people end up  
19 responding to calls?

20 A So the SERT team is made up -- it's not a  
21 full-time SERT team other than the two sergeants. So  
22 everyone else has collateral duties, either patrol,  
23 training, detectives. They're spread out through the  
24 entire Police Bureau, so there's no full-time  
25 SERT team.

## Examination of Arthur Nakamura

1           So it's a collaborative duty where you'll  
2           get a page. Some folks still carry pagers. Or you  
3           receive a text on your phone, there's an activation.

4           Q     Okay. And were you activated on  
5           August 27th?

6           A     Yes.

7           Q     Can you tell me how that came about.

8           A     For me, it comes across the phone as the --  
9           a page alert. And I can't remember the exact time,  
10          but something to the effect of DEA was serving a  
11          search warrant, a person that was armed with a  
12          firearm and, now, escaped and was into another  
13          apartment.

14          Q     And what did you do when you got that page  
15          or that notification?

16          A     I obviously gathered all my gear and I  
17          started driving toward that direction.

18          Q     Okay. And about how long did it take you  
19          to get there?

20          A     Quite a bit. And there's some -- there's  
21          some traffic and there's a little -- some logistical  
22          problems getting to the actual scene. So, for me, I  
23          think it took somewhere around half an hour.

24          Q     Okay. And were you operating a -- a marked  
25          vehicle?

## Examination of Arthur Nakamura

1           A     No, I have an unmarked vehicle.

2           Q     Okay.  And while you're going, are you  
3 continue -- continuing to get updates while you're  
4 driving?

5           A     Yeah.  So we have -- basically, I have two  
6 radios.  So one radio is what the SERT and CNT folks  
7 listen to en route.  So we have the dispatcher there  
8 giving us updates.  And we also listen to the  
9 operational net where the patrol officers are  
10 operating.

11                     So you have the two radios and you kind  
12 of -- you want to start building your situational  
13 awareness, which is basically trying to figure out  
14 what's going on while en route.

15           Q     And so who was in charge until you got  
16 there?

17           A     I don't recall who was in charge.  It was  
18 -- it's never clear to me who's in charge until I get  
19 there.

20           Q     Mm-hmm.

21           A     So I -- I don't know who was in charge  
22 prior to me getting there.

23           Q     Okay.  What happened once you got there?

24           A     Once I got there, I met with Lieutenant  
25 Pearce, who's my SERT lieutenant.  And --



## Examination of Arthur Nakamura

1 Q And tell me what that means.

2 A So the SERT lieutenant is also referred to  
3 as the team commander.

4 Q Okay.

5 A He is my direct liaison that works with the  
6 sergeants. So he's a -- my liaison. So the SERT  
7 sergeants filter information to and from the incident  
8 commander, which I'm not yet, but eventually I will  
9 be, to the lieutenant.

10 We have discussions on tactics, you know,  
11 what's our plan moving forward. And then my  
12 direction is given to the lieutenant, which he gives  
13 to the team.

14 Q Okay.

15 A So he's there. And I think I -- it's in my  
16 notes or it's in the call. Sergeant McKinley --  
17 McKinlay, I don't -- I don't know him.

18 Q Okay.

19 A He was there. He gave me a brief as well  
20 as the DEA group supervisor.

21 Q Okay. And what happened next?

22 A They -- so just -- can -- can I go back a  
23 little bit?

24 Q Sure.

25 A So on the radio, I hear the updates that,

## Examination of Arthur Nakamura

1     you know, while they were out there, shots fired and  
2     an officer was shot.  So when I get there, they --  
3     first, the DEA group supervisor tells me why they're  
4     there.  So, basically, I'm trying to figure out the  
5     who, what, where and why.

6                    So why are we here?  What happened?  What  
7     did he do?  Then I go to Sergeant McKinlay and asked  
8     him the same questions, like, "How did we get here?  
9     What did you do so far?  Where are your folks?  
10    What's your -- what -- what is the plan you gave?"

11                   So once they give me the information and I  
12    have an idea of what's happening, then I will  
13    formally take charge of the incident.

14            Q     Okay.  And did you formally take charge?

15            A     Yes.

16            Q     All right.  So what kind of concerns did  
17    you have about the location and the report that  
18    somebody was shooting?

19            A     So part of my thinking, we're looking at --  
20    what's going through my head is first we have to look  
21    at containing the problem.  This one, it was a person  
22    in the apartment who was firing rounds off  
23    indiscriminately.  When I was in the command post, I  
24    heard at least one or two shots coming out.

25                    Again, we don't know where these shots are

## Examination of Arthur Nakamura

1 going, but I know that an officer was shot in the  
2 apartment building, you know, one or two apartments  
3 down, through the drywall. So what I'm -- what I  
4 know now is there's a person in the apartment  
5 shooting indiscriminately through the walls.

6 So I'm looking at, how do we contain this  
7 problem? And they're trying to figure out a plan how  
8 we can isolate the problem and also work on  
9 evacuations 'cause my -- what I'm thinking, my number  
10 one thing that's going through my mind is innocent  
11 civilians because I have no idea if this apartment  
12 building was evacuated.

13 And it's in a -- it's now an urban area.  
14 So, now, you have these tight buildings around them.  
15 So my concern is, you know, with shots being fired  
16 indiscriminately, it's drywall and, you know, if we  
17 haven't done evacuations, no one knows where these  
18 bullets will go.

19 And, again, I didn't know if evacuations  
20 were done. So my number one concern at this time is  
21 innocent civilians who may be hit by this  
22 indiscriminate gunfire.

23 Q And where was the command center?

24 A It was about a block away. I don't know  
25 what direction it is, but a block away.

## Examination of Arthur Nakamura

1           Q     Okay.  And you indicated you could hear  
2  gunfire?

3           A     Yes.

4           Q     Okay.  So what did you do next?

5           A     Next -- so, again, with the training we  
6  have in the special weapons and tactics team, my  
7  first plan was to deploy gas.

8                     The reason for the gas is, one -- to go --  
9  I'm sorry, to go back a step, was to get armor or  
10 armored vehicles.  You see those on TVs.  You know,  
11 you hear people call them tanks.  They're not tanks.

12                    They're basically armored vehicles that has  
13 a level of ballistic protection.  So our first plan  
14 is to move that as close as we can to the apartment.  
15 The reason for that, one, is you want to get the  
16 attention of the person shooting on us instead of  
17 indiscriminately through the buildings.  We -- we  
18 have a level of tolerance.

19                    If this person's shooting at us, we can  
20 stay in armor and we have a level of tolerance.  And  
21 we -- we want that.  Second was to deploy gas as soon  
22 as possible.  By deploying gas, you create an  
23 environment which is very uncomfortable.  Again --  
24 and that's for multiple effects.

25                    One is to cause them burning of the eyes,

## Examination of Arthur Nakamura

1 nose, so it's uncomfortable. You want to get out.  
2 And, secondly, it's to also have that person, again,  
3 focused attention on us. So, now, we're deploying  
4 the gas into the apartment. We want him to respond  
5 to us. And at the same time, our vehicle was also  
6 loud hailing instructions to the person inside to  
7 follow our commands.

8 Q And you mentioned loud hailing. Who was  
9 doing the loud hailing?

10 A I am not sure who was doing the loud  
11 hailing at the time, but the loud hailing comes from  
12 the armored vehicles up front.

13 Q Okay. And would those members be members  
14 of the SERT team or would those be CNT members or  
15 both?

16 A It all depends. But this went -- it was  
17 happening really fast. So SERT has the ability to do  
18 their own loud hail. Preferably, we want CNT  
19 members. On this one, I'm not sure who was there  
20 because it was, I want it now. Let's make it happen.

21 Q And, of course, we're using an acronym.  
22 CNT stands for?

23 A The Crisis Negotiations Team.

24 Q Okay. And you mentioned gas. Would gas be  
25 something that's referred to as a less-than-lethal

## Examination of Arthur Nakamura

1 measure?

2 A Yes.

3 Q Okay. And are there different types of gas  
4 that SERT uses?

5 A Yes. We have -- there's experts in it. I  
6 can just tell you, like, in general terms. We have  
7 a --

8 Q Sure.

9 A -- a cold gas, which is contained in a  
10 smaller deployable load where it goes and just kind  
11 of falls over.

12 Q Mm-hmm.

13 A Then we have what's called warm or  
14 sometimes called hot gas where it goes in and the  
15 element will start burning, so the gas will be  
16 enclosed in smoke.

17 And that is a little more effective. It  
18 gets -- wherever the smoke goes, that's where the gas  
19 goes. So we have multiple different payloads for  
20 different type of operations.

21 Q And, now, you mentioned that by the time  
22 that you got to the scene, officer -- an officer had  
23 already been shot, correct?

24 A Yes.

25 Q At the time you got to the scene, were

## Examination of Arthur Nakamura

1       there still residents that were in that apartment  
2       building with the deceased?

3             A       That -- so what happens -- again, I'll --  
4       again, I -- I try and use terms we all can  
5       understand. So this is kind of the chaos phase.

6             Q       Okay.

7             A       There's so many things happening. There's  
8       so many people coming, going (indiscernible)  
9       evacuations. So at first, I heard there wasn't  
10      people in there, that they may be on vacation.

11            Q       Mm-hmm.

12            A       And then later, I was told that there was  
13      two hostages in there. And -- and through this  
14      point, there's -- there's so many people talking and  
15      there's so many things happening and shots are being  
16      actively fired, I then realized -- somebody told me  
17      that, "Hey, the hostages are out and they're standing  
18      right behind you."

19                    And they're literally, you know, 15 feet  
20      away from me. So at that point -- at one point,  
21      there were. The -- I don't know what happened. The  
22      next thing, they're out of that apartment that the  
23      suspect went into.

24            Q       Okay. And what happened next?

25            A       What happened next? So the gas went in and

## Examination of Arthur Nakamura

1 immediately --

2 Q And -- and which type of gas was it?

3 A I believe -- again, I'm not sure 'cause we  
4 had to debrief. For this type of scenario, we  
5 would -- we would usually use the warm or hot gas --

6 Q Okay.

7 A -- for more immediate effect. Once that  
8 went in, the additional shots were being fired.

9 Q Additional shots from that apartment --

10 A Yes.

11 Q -- building? Okay. So officers were not  
12 shooting at this time?

13 A Correct.

14 Q Okay. About how -- how many shots did you  
15 hear, if you can recall?

16 A Oh, at least five from the time I got there  
17 'til the event ended.

18 Q Mm-hmm.

19 A But, again, on -- also on the radio, I  
20 could hear people giving updates of shots being fired  
21 as well.

22 Q And, now, the gas, was that launched from  
23 one of the armored vehicles?

24 A Yes.

25 Q Okay. And who was -- or how many people



## Examination of Arthur Nakamura

1 would -- would be in that armored vehicle?

2 A It all depends on the situation. Sometimes  
3 they'll be staged in it. Sometimes they'll be staged  
4 out of it.

5 This one, since we're -- we didn't have  
6 time to, you know, come together, then deployed out.  
7 As soon as you got there, you're deployed. So I do  
8 not know how many folks were in or near the armor at  
9 the time.

10 Q Approximately how many SERT members did you  
11 have out on this call that day?

12 A Oh, I -- again, best knowledge I have,  
13 about 20.

14 Q And we mentioned somebody in the armored  
15 vehicle. Where were other SERT members positioned?

16 A So we started working, basically want to  
17 contain and create a perimeter around the problem.  
18 So I know they were taking up positions around the  
19 target apartment.

20 And also we're working on the evacuations  
21 and actually getting into the building, working to  
22 evacuate the Drug Enforcement agents and also our  
23 patrol folks in there.

24 So right now, it's -- it's still chaotic,  
25 so people are, you know, finding a place where they

## Examination of Arthur Nakamura

1 can view it, prevent him from escaping and also  
2 working on evacuating -- I'm sorry --

3 Q That's okay.

4 A -- evacuating people out of the building.

5 Q Okay. Can you tell -- talk to us a little  
6 bit about the rules of engagement and what that  
7 means?

8 A So rules of engagement. So -- so the SERT  
9 team, we don't have any special rules other than  
10 what's called the shot of opportunity. So each  
11 officer, each member of the Portland Police Bureau,  
12 we're -- we're held to standard -- what we call  
13 standard rules of engagement.

14 Basically, that's -- you follow our policy.  
15 You follow state law and federal law on the use of  
16 deadly force. So we can make amendments as the CIC,  
17 the critical incident commander, based off of  
18 information I have.

19 And in certain situations, I have more  
20 information than officers who are on the SERT team  
21 because I'm working directly with our Crisis  
22 Negotiation Team as well. So I'm kind of the  
23 clearinghouse for all information and the decisions  
24 fall upon me.

25 So I can -- I can amend -- only -- only the

## Examination of Arthur Nakamura

1 critical incident commander can amend the rules of  
2 engagement to what's called a shot of opportunity.

3 Q Okay. So what is a shot of opportunity?

4 A So the shot of opportunity is -- again,  
5 only can be made by the CIC. And it's based off of  
6 the information I have, which others may not have,  
7 basically authorizing the use of deadly force to end  
8 a threat based upon positive identification of the  
9 suspect and no other overt actions need to be taken.

10 So, basically, I'm authorizing the use of  
11 deadly force to end this threat at the soonest  
12 possible time once positive ID is made.

13 Q Okay. And was a shot of opportunity  
14 requested by anybody in you command?

15 A Yes.

16 Q Okay. And was that shot of opportunity  
17 granted by you?

18 A No, it was not.

19 Q Okay. Why not?

20 A At that time, I did not have enough  
21 information. Again, my focus is, right now, innocent  
22 civilians. I do not know if the building and the  
23 neighboring buildings were evacuated.

24 I know we were working on that. But at  
25 that time, I did not know if the buildings were

## Examination of Arthur Nakamura

1 evacuated and if there's innocent civilians within  
2 what I call the threat area. So I denied that and  
3 said that we will follow standard rules of  
4 engagement.

5 Q Okay. And so does that mean if you say,  
6 "No shot of opportunity," an officer can't use their  
7 firearm?

8 A No. What it means is the officer who uses  
9 the firearm has to develop his own reasons and  
10 identify basically his own justification to use  
11 deadly force.

12 Q And what would be justification for using  
13 deadly force?

14 A Basically, to protect innocent civilians or  
15 themselves from serious bodily harm or death.

16 Q Going back to the gas, did the gas have the  
17 desired effect on the subject?

18 A No, it did not.

19 Q Okay. What happened next?

20 A So there's a -- not an exchange of gunfire.  
21 There's the gunfire coming out. Then where we're  
22 discussing our next plans, I hear what's called the  
23 term Zulu, which means shots fired by the police.

24 So that differentiates the shots from the  
25 suspect from our shots so we know who's actually

## Examination of Arthur Nakamura

1 shooting. So I hear that come out over the air,  
2 indicating that the police have fired into the  
3 apartment.

4 Q And then what happened?

5 A Oh, I think there was a second -- so  
6 another shot was taken by the officer, then said he  
7 was down. Then from there, we work on a safe plan to  
8 go in and render first aid.

9 Q And what did you do in this situation?

10 A In this situation, the officers and the  
11 sergeant were coming up with a plan already to do  
12 that, so there's no need for me to get on the air to  
13 say something that they're already doing. So he  
14 started that plan, started formulating a plan how to  
15 get up there safely.

16 Again, this person was armed. There was  
17 information that he had a -- possibly had a gas mask  
18 and body armor. He was firing indiscriminately, so,  
19 again, we had to come up with this plan of, how do we  
20 get up there safely and ensure that he doesn't pose a  
21 threat to us or to the neighbors?

22 So the -- they came up with a plan to work  
23 on evacuating the immediate area, then breaching the  
24 door 'cause we still need to get into the apartment.  
25 Then walk up to him and we have medics on our team or

## Examination of Arthur Nakamura

1 two trained with our SERT team. So we get our fire  
2 medics up there as soon as possible.

3 Q And could, at that point, even confirm that  
4 he had been shot?

5 A I -- from what I heard on the radio, that  
6 he was shot and he was down.

7 Q Okay. So, therefore, no longer a threat?

8 A Don't know.

9 Q Okay.

10 A Don't know if he's a threat or not. We  
11 have -- in the past, people have been shot and  
12 they're -- still have access to the firearm  
13 (indiscernible), of course, still a threat and not --  
14 what's the term I'm looking for there? They're still  
15 active. They're not -- they're not deceased and  
16 they're not --

17 Q Incapacitated?

18 A Incapacitated. That's the word I'm looking  
19 for. Thank you.

20 Q No problem. Did you ever go into the  
21 apartment yourself?

22 A No, I did not.

23 Q Did you stay at the command center the  
24 entire time?

25 A Yes.

## Examination of Arthur Nakamura

1           Q     Okay.  And once officers are involved in a  
2 shooting, what is the -- what is the operating  
3 procedure?

4           A     So for this one, since it's an ongoing  
5 process, once we can find relief for that person --  
6 these guys have important jobs -- is remove that  
7 person from the scene as soon as we can, move them  
8 back and isolate them with another member and  
9 separate them and prevent them from just being  
10 exposed to all the external noise and chatter that's  
11 going on.

12                     And -- and these things are obviously very  
13 chaotic, so you want -- each want to separate the  
14 officers and kind of isolate them and kind of make  
15 things kind of simmer down.

16           Q     And is that the protocol you followed in  
17 this -- in this instance?

18           A     We gave the order to have them move back  
19 and separated.  And I was told it was done, so it was  
20 delegated and I was informed it was done.  Did I  
21 actually see it?  No.

22           Q     So I just want to go back a little bit  
23 through the -- the chronology.  So you received the  
24 report that Officer Snodgrass had been shot?

25           A     Yes.

## Examination of Arthur Nakamura

1           Q     About how long after you received that  
2 report did you determine that deploying gas would be  
3 the appropriate --

4           A     So --

5           Q     -- avenue to take?

6           A     So as I'm driving, I can't make commands or  
7 give orders until I arrive.

8           Q     Mm-hmm.

9           A     So it's part of my thought process driving  
10 there, knowing a person has left their apartment,  
11 went into somebody else's apartment, was barricaded  
12 and mentions -- and shot the officer and mentions  
13 wanted to shoot it out or something to that effect or  
14 suicide by cop or something was -- there was some  
15 talk about that.

16                     So already knowing that this is a deadly  
17 force incident, in my mind, my thought process as I'm  
18 driving is looking at, you know, gas options, how can  
19 we breach the door, how do we do evacuations.

20                     So it's almost immediately, you know, the  
21 gas process happens. But I couldn't make the order  
22 until I was -- officially took control of the  
23 incident.

24           Q     Okay. So how long after you took control  
25 of the incident did you do that?



## Examination of Arthur Nakamura

1           A     Oh, almost immediately.  I -- it was pretty  
2     fast.

3           Q     And did the rate at which he was shooting  
4     increase or decrease after you made the order to  
5     deploy gas?

6           A     I -- I know right after we deployed the  
7     gas, there was a couple of shots right after it.  But  
8     it was pretty consistent through the incident from  
9     what I can recall.  But I know that once we did shoot  
10    the gas, there were a couple of rounds immediately  
11    after the gas.

12          Q     And to clarify for the timeline, was the  
13    shot of opportunity requested before or after the gas  
14    deployment?

15          A     Oh, I don't recall.  I don't recall.  It --  
16    it's -- yeah.  I'm not sure on the exact timeline.  
17    But it -- it was -- it was immediately before or  
18    immediately after.  I'm not --

19          Q     And you've indicated you heard two calls  
20    for Zulu?

21          A     Yes.

22          Q     Meaning that an officer had fired their  
23    firearm?

24          A     Yes.

25          Q     And were those close in time to the gas or

## Examination of Arthur Nakamura

1 minutes after the gas?

2 A Minutes after.

3 Q And do you know if one officer did -- fired  
4 both shots or if there were multiple officers  
5 involved?

6 A At that time, I didn't know.

7 Q You just knew that -- that at least two  
8 rounds had been shot?

9 A Yes.

10 MS. NADELL: Those are my questions. I  
11 will see if the grand jury has any.

12 And I'm seeing head shakes, so I'm guessing  
13 not.

14 Thank you very much.

15 A GRAND JUROR: Yeah.

16 THE WITNESS: Thank you.

17 (Pause in proceedings, 11:03 a.m. -  
18 11:04 a.m.)

19 (Whispered discussion, off the record,  
20 11:04 a.m.)

21 MS. NADELL: And you can go up to the  
22 witness stand.

23 THE WITNESS: Okay.

24 MS. NADELL: And just have a seat. I'll be  
25 right there.

## Examination of Brian Bidiman

1 THE WITNESS: Perfect.

2 MR. VASQUEZ: While we're waiting, why  
3 don't we go ahead and have you sworn? We'll get that  
4 started just to get that out of the way. Go ahead  
5 and raise your right hand for us.

6 A GRAND JUROR: Okay.

7 **BRIAN BIDIMAN**

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

10 A GRAND JUROR: Thank you.

11 MR. VASQUEZ: Go ahead and have a seat.

12 And state and spell your first and last  
13 name for the record.

14 THE WITNESS: You bet. My name's Brian  
15 Bidiman. It's B-r-i-a-n. And last name is  
16 B-i-d-i-m-a-n.

17 (Whispered discussion, off the record,  
18 11:05 a.m.)

19 **EXAMINATION**

20 BY MS. NADELL:

21 Q All right. Hi, good morning.

22 A Good morning.

23 Q Can you tell the grand jury how you're  
24 employed?

25 A Sure. I am a detective with the City of

## Examination of Brian Bidiman

1 Salem. I work in the Strategic --

2 Q Oh.

3 A -- Investigations Unit.

4 (Whispered discussion, off the record,  
5 11:05 a.m. - 11:06 a.m.)

6 BY MR. VASQUEZ:

7 Q Okay. So you're with the City of Salem?

8 A Yes.

9 Q Okay. And in that capacity -- well, first,  
10 how long have you been employed with the City of  
11 Salem?

12 A Just two days ago, 12 -- 15 years.

13 Q Okay. And in that particular role, I mean,  
14 have you worked as a patrol officer doing -- or a  
15 detective, different roles within the department?

16 A Yes. I've worked as a patrol officer, I've  
17 worked as a school resource officer and I've worked  
18 as a narcotics detective.

19 Q Okay. And back in August of -- of this  
20 past year, were you working as a narcotics detective?

21 A I was, yes.

22 Q And in that capacity, we're not going to  
23 get too far into this, but did you obtain some  
24 information involving Mr. Alex Tadros and Ms. Nichole  
25 Dreams?

## Examination of Brian Bidiman

1           A     Yes.

2           Q     And did that lead to a -- a -- an  
3     investigation that ultimately resulted in a search  
4     warrant?

5           A     Yes.

6           Q     In the course of your investigation, did  
7     you also discover or learn that the -- the DEA was  
8     also investigating Ms. Dreams?

9           A     Yes.

10          Q     And Mr. Tadros as well?

11          A     Yes.

12          Q     And then with that, then did you  
13     essentially partner with them on the ongoing  
14     investigation?

15          A     To a degree, yes.

16          Q     Okay. Was there a -- a search warrant that  
17     was going to be conducted on the residence of Mr.  
18     Tadros and Ms. Dreams?

19          A     Yes.

20          Q     And is that what was planned for, I believe  
21     it was, August 27th?

22          A     Yes, the morning of.

23          Q     Okay. And so -- and that was a -- a  
24     warrant that was obtained by the -- by the DEA. It  
25     was signed by a judge, kind of the standard things we

## Examination of Brian Bidiman

1 would expect with a search warrant?

2 A Yes.

3 Q Okay. And did -- did you and other law  
4 enforcement officers kind of gather up and come up  
5 with a plan for how to enter the -- the apartment?

6 A Yes.

7 Q Okay. And I assume it was more than just  
8 you.

9 A Yes.

10 Q Who else was there with you?

11 A (Indiscernible) the DEA guys, I can't  
12 remember all their names. But --

13 Q That's okay.

14 A -- with me from Salem was Detective John  
15 Garland and then there was a Tualatin officer, Eric  
16 French, I believe was his name.

17 Q Okay.

18 A Plus I think there was four to five DEA  
19 agents.

20 Q Okay. And then, essentially, was the --  
21 the rough plan to execute the warrant about 6:05  
22 a.m., roughly?

23 A Yes, roughly.

24 Q What was your role or responsibility when  
25 -- at the time the warrant was being executed?

## Examination of Brian Bidiman

1           A     My role was I was going to remain outside  
2 with Officer French and maintain the back or eastern  
3 side of the -- the duplex or the -- or the condo  
4 where the warrant was being served --

5           Q     Okay.

6           A     -- as, like, a containment.

7           Q     And then once the warrant started to occur,  
8 what did you hear transpire and what -- what went on?

9           A     I could hear banging upstairs. There was  
10 on the third -- it was a third-story apartment that  
11 they were -- they were executing the warrant on. I  
12 -- once I heard the banging, I moved to the east of  
13 the building to start the coverage on the balcony  
14 area on the third story. And as I came around with  
15 Officer French -- yeah.

16          Q     Okay.

17          A     (Indiscernible).

18          Q     So you started inside the apartment, but --  
19 but then once you heard the -- the banging -- and did  
20 you hear them calling out that it was a search  
21 warrant, things of that nature?

22          A     I -- I couldn't hear what they were saying.  
23 I was -- I was outside in front of the -- on the  
24 sidewalk --

25          Q     Got it.

## Examination of Brian Bidiman

1           A     -- waiting for the -- the execution to  
2 start. Then I moved to do the containment.

3           Q     Okay. And then as soon as you heard that  
4 at least (indiscernible) that it was going --

5           A     Yes.

6           Q     -- you moved out to the sidewalk. And did  
7 you have a view that is on screen now?

8           A     Yes. I had -- basically, I was looking at  
9 No. 5 and 8 right there.

10          Q     Okay.

11          A     It was, yeah, from the sidewalk.

12          Q     And I can put up a -- an overhead view as  
13 well if we can --

14          A     Yeah, I can show you where I was at.

15          Q     And let me go back. That --

16          A     Can you go back to that one?

17          Q     Do you want this one or --

18          A     No, the one before.

19          Q     Okay.

20          A     Right here. So the -- see where the  
21 motorcycles and the back of that car are? There's a  
22 sidewalk between the motorcycles and the back of that  
23 car on the left-hand side of the frame.

24          Q     I'm going to put my cursor -- is that  
25 roughly where we're talking about?



## Examination of Brian Bidiman

1           A     Yep.

2           Q     Okay.

3           A     Right there.  And that was the view of  
4     the -- the balconies I had.

5           Q     Okay.  So you are standing there observing.  
6     Now, are you in, like, a standard police uniform or  
7     wearing something to identify yourself as a --

8           A     I do.

9           Q     -- (indiscernible)?

10          A     I have plain clothes, but I have an outer  
11     vest on that -- that has my badge.  It says "Police"  
12     in the back.  It's got my equipment.

13          Q     Okay.  Now, you moved to that position.  
14     You hear the warrant start.  Then -- then what do you  
15     see happening?

16          A     So as I came around to that position, I  
17     could see the -- the male -- a male standing on the  
18     second-story balcony, but his feet were up on the top  
19     railing.  And there's, like -- if you look closely,  
20     there's a post there.  He had his back against that  
21     post and he was just standing there.

22          Q     So --

23          A     And I was able to identify him as  
24     Mr. Tadros.

25          Q     And if I'm -- is this the area that you're

## Examination of Brian Bidiman

1 talking about?

2 A I can't see your cursor (indiscernible).

3 Q Oh, you can look at the one that's --

4 A Yep.

5 Q You can --

6 A Right there.

7 Q And you can look at the one that's right in  
8 front of you. It'll display the exact same thing.

9 A Oh, okay.

10 Q So --

11 A Yes. That -- the -- the balcony with the  
12 grass skirt on the inside, that -- that pole you're  
13 on right there, he had his back to that facing to the  
14 east.

15 Q Okay. And so you were able to get a good  
16 look at him. You knew who he was.

17 A Mm-hmm.

18 Q It was --

19 A Yes.

20 Q It was Mr. Tadros. And could you tell, was  
21 he -- was he holding anything at that time?

22 A So I had a side view of him and I could see  
23 his -- it would be his left hand. They were in his  
24 -- down by his side. His -- both of his hands were  
25 down by his side, but I could not see the right-hand

## Examination of Brian Bidiman

1 side of his -- his body. And at that point, I  
2 challenged him.

3 I said, "Show me your hands." He asked me  
4 who I was. I told him I was a Salem police officer.  
5 And about that time, he kind of twisted his body and  
6 dropped himself into the balcony area from the top  
7 railing onto -- into the actual second-story balcony.

8 Q Okay.

9 A And as he twisted, I got a glance of his  
10 right hand and I could see a black object in his  
11 right hand. I just couldn't determine what it was.

12 Q Okay. So kind of a quick glance --

13 A Mm-hmm.

14 Q -- you see the black object. And then  
15 what -- what does he do at that point?

16 A He starts yelling -- well, I -- I start  
17 yelling, "Hey, he's on the second balcony." I'm -- I  
18 don't have communications with the DEA guys, so I  
19 think Officer French is running up 'cause I don't  
20 have the radio system. So he runs up to tell them,  
21 "Hey, he's dropped onto the second balcony."

22 One of the DEA agents comes out onto the  
23 third-story balcony and tries to look down, but he  
24 can't see. And then I can't really see him anymore.  
25 All I can see is the top of Mr. Tadros' head because

## Examination of Brian Bidiman

1 of that grass skirting on the balcony.

2 Q Mm-hmm.

3 A All I can see is his head kind of -- it's  
4 almost -- I don't know if he was crouched or if it  
5 was just a deep deck, but all I could see was the top  
6 of his head moving around.

7 Q Okay. Are you trying to talk to him? Are  
8 you trying to --

9 A I am.

10 Q What -- what types of things are you saying  
11 to him?

12 A I'm saying, "Hey, you got to give up." And  
13 then at that time, I think Officer Garland -- or  
14 Detective Garland comes out. And he's one of our  
15 tactical negotiators. And he starts trying to engage  
16 him. He calls him by a name. He says, "Alex," and  
17 starts talking to him.

18 And then Alex starts telling us, "I just  
19 want the pills. Just drop down pills to me and I'll  
20 give up." And the -- I think Detective Garland tells  
21 him, "We can't do that. We're not doctors. We can't  
22 give you the pills that are from your apartment."

23 And then at that time, I believe -- and  
24 this is speculation just based upon the statements he  
25 starts making, but the -- the DEA guys move down to

## Examination of Brian Bidiman

1 the second floor of the interior and he starts  
2 saying, "If they come through that door, I'm going to  
3 shoot."

4 Q Okay. And --

5 A And so I relay that back, I said, "Don't go  
6 through the door. Don't knock on the door. He said  
7 he's going to shoot."

8 Q Okay. So if I understand, at this point,  
9 this is right after the search warrant started.

10 A Mm-hmm.

11 Q He comes down and you and then turns over  
12 to Detective Garland start having conversation.  
13 You're present to hear this?

14 A Yes. I'm standing --

15 Q And --

16 A -- right there, yes.

17 Q And if I also have it correct, information  
18 has been relayed to the DEA officers upstairs, "Hey,  
19 come on down to the second level because he's down  
20 there now"?

21 A Yes.

22 Q And then you hear him saying things like,  
23 "Don't come in or I'm going to shoot"?

24 A Yes.

25 Q Okay. And, again, are you -- you or other

## Examination of Brian Bidiman

1 officers immediately next to you trying to relay all  
2 that information around so that --

3 A Yes.

4 Q -- you'll have it? Okay. So then what  
5 proceeds to happen once you -- you know, you guys are  
6 on the outside. You obviously have some people on  
7 the inside of the apartment kind of, I guess,  
8 blocking his escape there. What -- what -- what goes  
9 on then?

10 A So we started relaying -- Detective Garland  
11 and I 'cause we're basically the ones down with the  
12 eyes on the issue of the balcony at this point. And  
13 I started relaying, "I don't like the position we're  
14 in 'cause we're kind of in the open."

15 I did see the object. I couldn't tell it  
16 was a gun, but he's now making threats he's going to  
17 shoot. He has high ground. And so I started asking  
18 for one of the DEA guys to come out with a rifle to  
19 get longer coverage down and behind the vehicle so I  
20 can get out of the -- the line of -- of his sight  
21 from the balcony from the sidewalk.

22 So once that happens, I kind of step  
23 offline. And then if you look real close to the --  
24 the 9800 -- or is it -- or the 1600 number there --

25 Q Mm-hmm.

## Examination of Brian Bidiman

1           A     -- Detective Garland and I, we kind of  
2 pushed ourselves against that -- that wall. And then  
3 I stand behind Detective Garland while he starts  
4 negotiating with Mr. Tadros from -- from ground  
5 level.

6                     And it goes on. And at that point, we're  
7 also asking somebody to get ahold of the Portland  
8 Police to get some more resources here, to relay  
9 what's going on. So as that's happening, I looked  
10 back to the west -- and I can't give you a time frame  
11 how long it was.

12           Q     Sure.

13           A     But I saw four or five Portland police  
14 officers about, oh, a couple hundred yards down the  
15 sidewalk. And I was motioning for them to come and  
16 they kind of stood there for a second, so I ran to  
17 them. I kind of go -- gave them a brief of what --  
18 what had occurred and what's going on.

19           Q     Mm-hmm.

20           A     And I started giving them assignments,  
21 like, "Hey, we need somebody on the back side of the  
22 apartment. I need somebody with one of our DEA guys  
23 just to try -- and we need somebody upstairs with the  
24 DEA guys to -- to solidify having radio  
25 communications between all of our groups."

## Examination of Brian Bidiman

1 Q Gotcha.

2 A So as that happened, they started coming  
3 in. Some were coming in from the east. And then  
4 Detective Garland continued to try to negotiate with  
5 Mr. Tadros.

6 And it was kind of like this just loop,  
7 like, he wanted the pills, he wanted to talk to  
8 Ms. Dreams. Then he started giving countdowns. He  
9 would go, "Five, four," and then stop and then we'd  
10 go back into a -- another loop.

11 And Detective Garland the whole time was  
12 just asking him about family, asking him, "Hey, we  
13 can get you into the car next to Ms. Dreams. We --  
14 we -- we can help you on some of the stuff, but we  
15 need you to -- this to end peacefully, basically. We  
16 need you to give up."

17 Q Okay.

18 A And then it -- it was getting hard to hear  
19 because it was -- initially, he was very clear, but  
20 then it started getting muffled.

21 And we started speculating maybe he was  
22 going inside the apartment. And then this whole  
23 other concern started to rise. Like, Detective  
24 Garland and I were like, is that an occupied  
25 apartment? Is somebody inside that apartment? We --



## Examination of Brian Bidiman

1 it's just the unknown to us at this point.

2 Q Okay. So if I understand you correctly,  
3 you guys are just kind of positioned outside, but a  
4 little bit around the corner. And you're able to  
5 hear him at times, although sometimes he's going in  
6 and it's muffled, but that he is continually saying  
7 things like, "Just give me pills. I want to talk to  
8 Ms. Dreams." I'm sure -- is he saying Nichole?

9 A Yeah, probably.

10 Q Yeah. So he's saying he wants to talk to  
11 her and -- and Detective Garland is trying very hard  
12 to just try to build rapport, talk to him to try --  
13 is it -- is it -- the term "deescalation," is that a  
14 fair term?

15 A Yes.

16 Q Okay. What is -- what is Mr. Tadros --  
17 what's his demeanor like? I mean, is he calm? Is he  
18 easygoing? What's he like?

19 A No, he's not calm. You could tell he's  
20 very agitated. And at times, he -- he yells and then  
21 at times, he just gives a random countdown.

22 And then at times, he'll say, "I'm just  
23 going to -- don't come through that door or you're  
24 going to be -- you're going to be sorry," or, "I'm  
25 going to shoot," just things like that.

## Examination of Brian Bidiman

1 Q Okay.

2 A And so at that time, we're just waiting for  
3 resources to get there --

4 Q Mm-hmm.

5 A -- so that we can kind of pull back and --  
6 and let Portland Police do -- 'cause, at this point,  
7 we have a -- a barricaded suspect maybe with  
8 hostages. We don't know.

9 And so as Portland resources get there,  
10 Detective Garland probably -- I would say it was at  
11 about an hour and 20 minutes attempted to talk to Mr.  
12 Tadros, if -- if not longer.

13 Maybe a little bit less, but it was over an  
14 hour. And then at some point, one of the female  
15 Portland police officers arrived and I think she was  
16 the negotiator, but she was in uniform. And they  
17 were trying to call Mr. Tadros.

18 And so Detective Garland left for a second  
19 to get his vehicle 'cause he's like, "If -- if the  
20 phone call comes, I'd rather sit in my vehicle and  
21 talk where we don't have as much outside noise." She  
22 started trying to research and get numbers.

23 I think at one point -- so, basically, I  
24 left Detective Garland and was standing just behind  
25 where that -- that yellow truck was. There was

## Examination of Brian Bidiman

1 another car pulled up there.

2 Q Mm-hmm.

3 A And she pulled out her department laptop.  
4 It was on the trunk. So I was with her relaying  
5 information to Detective Garland as they were both  
6 trying to work on negotiations.

7 And, at one point, she did get somebody to  
8 answer or they called, I believe it was, Mr. Tadros.  
9 But there was no conversation but maybe a brief one  
10 and there was a -- she told me, "Hey, Mr. Tadros hung  
11 up on me."

12 So we were about that position when I heard  
13 a gunshot. And then I heard somebody say an  
14 officer's been shot. So I saw another officer, like,  
15 with his arm around another officer bringing him out  
16 to the front of the complex.

17 Q Was he coming out through that --

18 A The front door there.

19 Q Where it says "1600" up on the screen?

20 A Mm-hmm.

21 Q Okay.

22 A And so --

23 Q So --

24 A -- at that point, I'm -- for my department,  
25 I'm an emergency trauma care instructor. So I

## Examination of Brian Bidiman

1 grabbed the Portland officer, put his arm around mine  
2 and then we -- I started moving him off to the west.

3 Once we get off to the west kind of a safe  
4 distance away from the apartment, I -- he tells me he  
5 was shot in the hip. So I cut open his pants to  
6 check his -- his injuries and see that they're fairly  
7 minor, that he doesn't need immediate treatment out  
8 on the scene.

9 So I assisted loading him into a car and  
10 they drove him off to the hospital. And then as I  
11 came back to the scene to help Detective Garland,  
12 there's more shots fired.

13 And then, at that point, armor and other  
14 things from Portland Police have arrived and  
15 Detective Garland and I just kind of backed out of  
16 the way to let them handle whatever they were going  
17 to handle.

18 Q Okay. Couple follow-up questions. So that  
19 gunshot wound, did you -- I mean, were his pants cut  
20 off? Could you see where it was, things --

21 A Yeah.

22 Q -- (indiscernible)?

23 A I -- I cut open his pants. It was in his  
24 -- it entered on his left butt -- buttocks area and  
25 then I cut around to the front 'cause I wanted to see

## Examination of Brian Bidiman

1 if there was an exit wound. And as I got down to his  
2 lower thigh, if I can stand up --

3 Q Yep.

4 A -- right about here, I could see the actual  
5 bullet just under the skin. You could actually see  
6 the outline of it. Like, it -- it -- you could  
7 almost feel like you could take a scalpel and cut and  
8 just pop it out it was --

9 Q Pop it out?

10 A -- so close to the skin.

11 Q Okay. Still, with the location where  
12 you're describing, though, is that still pretty close  
13 to some critical areas on the body?

14 A Oh, absolutely, yes.

15 Q Okay.

16 A Your pelvis is an awful place to get shot.

17 Q And -- and then I want to come back to  
18 that -- you said it was, like, about an hour and --  
19 somewhere between an hour and an hour and a half  
20 that --

21 A Yes.

22 Q -- that there's this discussion going on.  
23 Is -- throughout this time, I mean, is it, like, talk  
24 to him for a second and then stop for ten minutes or  
25 is it kind of a continual attempts to try to, "Hey,

## Examination of Brian Bidiman

1 Alex, come on out," type stuff?

2 A It -- on our part or on -- on Detective  
3 Garland's part, it's almost continuous, but there's  
4 parts where there's no response or Detective Garland  
5 would yell, "I can't hear you. You need to speak  
6 up."

7 And several times Detective Garland was  
8 like, "Here's my phone number. Call me because I'm  
9 having a hard time hearing you."

10 Q Okay.

11 A It -- I'm not a negotiator and I haven't  
12 been around a lot of negotiations in a tactical  
13 sense, but it -- it didn't seem like there was any  
14 headway or rapport being made.

15 It just seemed like it was the same cycle  
16 of -- of the pills, the, "I want to see Nicky. I'm  
17 going to shoot through the door. I'm going to count  
18 down, five, four, three," and then it would stop.

19 And then it would just kind of start over.  
20 And then communications would stop. And the entire  
21 time, Detective Garland was -- was constantly yelling  
22 up to him, "Hey, just talk to me."

23 He would say something, but it would be --  
24 you could not understand what he would say. And he  
25 would ask to repeat, "Hey, can you say it louder?"

## Examination of Brian Bidiman

1 'cause planes were going overhead and there was  
2 people talking right next to us.

3 At one point, I had to clear out a bunch of  
4 people that were amassing right next to us 'cause  
5 they were talking, doing their plans. I was like,  
6 "You guys need to move out of the way 'cause we can't  
7 hear."

8 Q Okay. When -- when you say, "planes going  
9 over," is that just the commercial airport that's  
10 nearby?

11 A Yes.

12 Q Okay. And then in this process, did he  
13 talk about being sick or things like that?

14 A I think so. I can't recall.

15 Q Okay.

16 A I -- I know he was feeling sick from the  
17 not using -- using heroin or pills or whatever he was  
18 -- he was -- he was under -- he was using regularly.

19 Q Okay. So by "sick," I mean he was using  
20 that term, but it was more a reference to being dope  
21 sick?

22 A Yes.

23 Q Okay. And explain what that means.

24 A So people that are addicted to opiates or  
25 any addiction has a -- has a -- has a withdrawal.

## Examination of Brian Bidiman

1 Opiates seem to be a more physical withdrawal where  
2 they actually become physically ill, where they --  
3 it's almost like catching the flu is how I've heard  
4 it described.

5 Opiate users have told me it's like having,  
6 like, one of the worst flus you've ever had until you  
7 can get the opiate back in your system to kind of  
8 level those symptoms out.

9 Q And you mentioned these countdowns. Did he  
10 reference anything, like what he was going to do at  
11 the end of the countdown?

12 A You know, I'm having a hard time  
13 remembering. Like I said, he was hard to hear a lot.  
14 But then you could clearly hear the countdowns on  
15 occasion.

16 But I don't recall him referencing what the  
17 countdown was. Several times he said he was going to  
18 shoot through the door if anybody tried coming in.  
19 Other than that, no. I just hear the countdown.

20 Q At -- at any time -- at any time, did he  
21 suggest, indicate by word, by action, that he was  
22 going to come out peacefully?

23 A No.

24 MR. VASQUEZ: Okay. I don't have any  
25 additional questions. Okay.



## Examination of Brian Bidiman

1 Ladies and gentlemen of the grand jury, any  
2 questions you'd like to ask?

3 A GRAND JUROR: I have a question about --  
4 you arrived at 6:05, essentially. It clearly wasn't  
5 bright, sunny daylight, as these photographs show.  
6 Like, how -- how easy was it to see? How --

7 THE WITNESS: It was not --

8 A GRAND JUROR: -- (indiscernible) --

9 THE WITNESS: -- easy to see. I -- the --  
10 the light I had was the -- the tactical flashlight on  
11 the end of my handgun.

12 A GRAND JUROR: Okay.

13 THE WITNESS: It is a -- when I -- when I  
14 initially challenged him up on the balcony, is what I  
15 had.

16 A GRAND JUROR: So you were shining a light  
17 up on --

18 THE WITNESS: Mm-hmm.

19 A GRAND JUROR: -- to him? I see. Okay.  
20 So it was -- I -- not knowing what time the sun comes  
21 up, it was still dark?

22 THE WITNESS: It was still dark definitely.

23 A GRAND JUROR: Yeah. Okay. Thank you.

24 A GRAND JUROR: How were you -- were you  
25 able to verify there were occupants in the dwelling

## Examination of Brian Bidiman

1 as well?

2 THE WITNESS: Can I address that?

3 MR. VASQUEZ: Yeah.

4 THE WITNESS: There was -- yes. At -- so  
5 at one point -- so after Detective Garland and I  
6 stand down, after I treated the Portland officer and  
7 got him off to the hospital, I'm standing next to a  
8 SWAT medic.

9 We're quite a ways to the -- the west of  
10 the location kind of standing in the middle of the  
11 street just kind of a little bit shocked. We were,  
12 like -- and at -- you hear more gunfire.

13 Then I hear something like a -- an animal  
14 screaming. And -- and I kind of make the comment,  
15 like, "What in the world is that?" And then all the  
16 sudden, I saw two older females and a lady, probably  
17 in their 50s, maybe close to 60, come out of the  
18 apartment.

19 And the lady's in pure panic mode saying,  
20 "He shot my ferret," is what she's yelling as she  
21 runs by us. And so I can only -- at that point,  
22 that's when I learned there was two people inside the  
23 apartment he was -- he was in.

24 MR. VASQUEZ: All right.

25 A GRAND JUROR: And one other question.

## Examination of Brian Bidiman

1 And that is -- oh, shit. I'm sorry. I --

2 MR. VASQUEZ: That's okay.

3 A GRAND JUROR: -- spaced it.

4 THE WITNESS: That's all right.

5 MR. VASQUEZ: You're going to hear from a  
6 lot of other witnesses. They may --

7 A GRAND JUROR: Okay.

8 MR. VASQUEZ: -- answer this very question  
9 you had, so --

10 A GRAND JUROR: Yeah. Thank you.

11 MR. VASQUEZ: -- you'll have that  
12 opportunity.

13 All right. Thank you.

14 THE WITNESS: Thank you.

15 (Whispered discussion, off the record,  
16 11:26 a.m.)

17 MR. VASQUEZ: All right. Come on up.

18 MS. NADELL: Thank you so much. And so you  
19 can go up (indiscernible).

20 MR. VASQUEZ: Right here.

21 (Whispered discussion, off the record,  
22 11:26 a.m.)

23 MS. NADELL: If you could stay standing and  
24 raise your right hand, you'll be sworn in.

25 A GRAND JUROR: Okay.

## Examination of Dwight Hussey

1 DWIGHT HUSSEY

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

4 A GRAND JUROR: Thank you.

5 MS. NADELL: Go ahead and have a seat.

6 THE WITNESS: Thank you.

7 MS. NADELL: Can you state and spell your  
8 first and last name.

9 THE WITNESS: Dwight Hussey, D-w-i-g-h-t,  
10 H-u-s-s-e-y.

11 EXAMINATION

12 BY MS. NADELL:

13 Q All right. Good morning. How are you  
14 employed?

15 A I'm employed with the Drug Enforcement  
16 Administration.

17 Q And what do you do for the Drug Enforcement  
18 Administration?

19 A I am a special agent. And I investigate  
20 major DTOs that are in Mexico and -- and stateside.

21 Q And what does DTO stand for?

22 A I'm sorry. Yeah. Drug-trafficking  
23 organizations.

24 Q All right. And how long have you been an  
25 agent?

## Examination of Dwight Hussey

1           A     Five years.

2           Q     Okay.  Were you and other DEA agents  
3           involved in the service of a search warrant on the  
4           morning of August 27th, 2021 here in Portland?

5           A     Yes.

6           Q     And was that at 1600 North Willis  
7           Boulevard, Apartment No. 8?

8           A     It was.

9           Q     Okay.  And just briefly, were you -- you're  
10          today in a suit.  Is that what you were wearing that  
11          day?

12          A     No, ma'am.

13          Q     What were you wearing that day?

14          A     Typically, my -- my daily dress attire is  
15          blue jeans, a T-shirt or a -- a hoodie, something  
16          like that.

17          Q     Okay.  Were you -- did any of your clothing  
18          mark you as a law enforcement officer or someone with  
19          the DEA?

20          A     I did.  We have vests that have placards  
21          across the front and the back that say "Police."  And  
22          we also -- I had my badge on my -- my hip next to my  
23          firearm.

24          Q     Okay.  And you indicated that you were  
25          there to serve a search warrant; is that correct?

## Examination of Dwight Hussey

1           A     Yes, ma'am, that's correct.

2           Q     Okay.  And was that for specifically the  
3 Apartment No. 8?

4           A     Yes, ma'am.

5           Q     Okay.  And did you know that morning who  
6 the occupants of that apartment were?

7           A     We did.

8           Q     And who were they?

9           A     Alec -- Alexander Tadros and -- it's  
10 Nichole Summer Dreams.

11          Q     Okay.  And approximately how many DEA  
12 agents were involved in the execution of the warrant  
13 that morning?

14          A     I want to say there was -- there was five  
15 agents and three local police officers.

16          Q     Local to Portland or a different  
17 jurisdiction?

18          A     Two were in Salem and we had a canine out  
19 of Tualatin.

20          Q     Okay.  And do you know, prior to arriving  
21 that morning, did you or another agent notify the  
22 Portland Police Bureau or local law enforcement that  
23 you would be serving a warrant that morning?

24          A     Yes, ma'am.

25          Q     And do you know how -- did you do that

## Examination of Dwight Hussey

1 notification?

2 A It was Special Agent Zach Wills.

3 Q Okay. And at the time that notification  
4 was done, was that just to let them know you would be  
5 there or were you requesting assistance at that time?

6 A At that time, it was just to -- to let them  
7 know that we were going to be in the area and what  
8 our intentions were at that time.

9 Q Okay. So I -- the -- on the screen in  
10 front of you, there are a couple of pictures just to  
11 orient. Do you recognize that building on the left  
12 as the location you went to that morning?

13 A That is the location we were at that  
14 morning.

15 Q All right. And where was Apartment 8 in  
16 terms of which floor?

17 A It would be the third floor.

18 Q Okay. Is that the top floor?

19 A The top floor, yes, ma'am.

20 Q And what was your role that morning when  
21 you arrived?

22 A I was going to be the -- the knock and  
23 announce where I would hit the door and just  
24 announce, "Police, search warrant."

25 Q Okay. And did you do that?

## Examination of Dwight Hussey

1           A     I did do that.

2           Q     All right. Can you describe as best you  
3 can how you did that that day in terms of --

4           A     Of course. So --

5           Q     -- tone of voice, what you said?

6           A     I do it the same way every time when I  
7 knock and announce. I will, you know, hit the door  
8 really hard.

9                     That way, if someone's in a back bedroom or  
10 -- or somewhere else, they can -- they can hear a  
11 knock. And then I will say, "DEA, police. Search  
12 warrant. Open the door," as I'm continually  
13 knocking. And I'll say that probably three, four  
14 times.

15          Q     Okay. And was it just after 6 o'clock in  
16 the morning that you did that?

17          A     It was around that time, yes, ma'am.

18          Q     Okay. Did someone open the door for you?

19          A     No one came to the door.

20          Q     Okay. What happened next?

21          A     At that point, after the reasonable amount  
22 of time passed, we have a person -- we call them the  
23 breacher. He was carrying a one-man ram. And he  
24 walked up to the front door and breached the door  
25 with the ram.



## Examination of Dwight Hussey

1           Q     Is that basically pry it open, force it  
2     open?

3           A     Well, he -- he hit the door around the  
4     doorknob, which forces the door open.

5           Q     Okay. You said that after -- that happened  
6     after a reasonable amount of time had passed. How  
7     long are we talking in terms of you knocking and  
8     announcing your presence to that door being  
9     pushed in?

10          A     Again, it was probably three times. I --  
11     through that whole cycle. "DEA, police. Search  
12     warrant. Open the door. DEA, police. Search  
13     warrant. Open the door." And it's obviously a lot  
14     slower. That way, it can be -- be heard audibly.  
15     And the knocks as well.

16          Q     And is it after the third time that the  
17     door is breached or is there a pause?

18          A     So after -- what was your question again?

19          Q     I'm sorry. After you say that the third  
20     time, is the door --

21          A     Okay.

22          Q     -- immediately breached or is there some  
23     sort of pause?

24          A     There's a -- there's a slight pause because  
25     our ram -- or our breacher's in the rear, so he -- he

## Examination of Dwight Hussey

1 has to take his time to come up to the front.

2 Q Okay. Fair to say, though, it's -- it's  
3 within seconds?

4 A Yes, ma'am.

5 Q Okay.

6 A That's there.

7 Q So once the door was forced open, who  
8 entered the apartment first?

9 A The first person in the apartment was  
10 Zach -- Special Agent Zachary Wills.

11 Q Okay. And do you recall what order you  
12 entered in at?

13 A I was the second.

14 Q Okay. And what happened when you entered?  
15 What did you see? What -- what occurred?

16 A When I -- when I entered, I observed Zach  
17 engaging a female he had called runner. He observed,  
18 I guess, someone running out the -- the rear slider  
19 door. And at that point, I went to help Zach take  
20 that female into custody to -- to detain her.

21 Q Okay. And who was that female  
22 identified as?

23 A That was Nichole Summer Dreams.

24 Q Okay. And what area of the apartment was  
25 she taken into custody in?

## Examination of Dwight Hussey

1           A     It was a pretty open layout for the  
2 apartment.  So you had, like, the living room and  
3 then the kitchen, dining area was attached.  It would  
4 have been, I guess, more in the -- the dining area,  
5 but pretty close to the living room.

6           Q     All right.  I have a picture up on the  
7 screen there on the left, a screen grab from a video.  
8 The timestamp is 9:59.  But does -- is that the  
9 apartment that you had entered?

10          A     Yes, ma'am.

11          Q     Okay.  And who is the female there in the  
12 photograph?

13          A     That is -- that is Nichole Summer Dreams.

14          Q     Okay.  Other than -- you mentioned that  
15 Special Agent Wills had -- had announced runner.  
16 Other than that, was Ms. Dreams fairly cooperative in  
17 terms of letting herself be taken into custody?

18          A     She was very cooperative, no issues at all.

19          Q     Okay.  Did you -- when you enter the  
20 apartment, did you see anyone else besides Ms.  
21 Dreams?

22          A     I did not.

23          Q     Okay.  Do you recall looking around the --  
24 the room that's shown there in the photograph and did  
25 anything catch your attention or stand out to you?

## Examination of Dwight Hussey

1           A     I did.  As I entered the living space there  
2     on the -- the glass table, there was a laptop.  And  
3     on top of the laptop was an empty holster.

4           Q     All right.  And just to orient you, should  
5     be able to see my cursor there.  Are we talking about  
6     this area?

7           A     Yes, ma'am.

8           Q     Like, in front of the couch?

9           A     Right -- right -- right about there, yes,  
10    ma'am.

11          Q     Okay.  And I presume you mean a gun  
12    holster?

13          A     It's what it appeared to be.

14          Q     Okay.  And it was empty, you said?

15          A     It was empty.

16          Q     Okay.  Did you remain in Apartment No. 8 or  
17    do something else?

18          A     Once we secured Ms. Dreams, we handed her  
19    back to another agent that was further back in the  
20    stack.  We ended up securing the residence to make  
21    sure no one else was in the residence.  And from that  
22    point, I exited the residence and went down to the  
23    fifth floor.

24          Q     Okay.

25          A     Or not the fifth floor, I'm sorry.

## Examination of Dwight Hussey

1 Apartment No. 5.

2 Q Apartment No. --

3 A That's the second floor.

4 Q Oh, okay.

5 A Sorry.

6 Q So you -- you indicated that no one else  
7 was in the apartment. Did you -- prior to you going  
8 down to Apartment No. 5, did you have any indication  
9 from other agents regarding Mr. Tadros' whereabouts?

10 A We had some -- some of the Salem officers  
11 and the -- the Tualatin canine were on the perimeter,  
12 which was kind of on the -- the outskirts of the  
13 residence in case any of this happened. And I could  
14 hear them engaging Tadros with voice commands.

15 Q Okay. And was it information gained from  
16 the Salem officers that led you down to Apartment  
17 No. 5?

18 A Yes.

19 Q Okay. And what happened when you -- was  
20 that -- I'm sorry, is that apartment directly below  
21 Apartment No. 8?

22 A It is.

23 Q Okay. What happened when you got down  
24 there?

25 A So when I got downstairs -- or to the second

## Examination of Dwight Hussey

1 floor, Special Agent Wills and I knocked on the door.  
2 And then some information was relayed to us that if  
3 we continued to knock, Tadros was going to shoot  
4 through the door, so we backed away. And at that  
5 point, I could hear Tadros, I guess, conversating  
6 [sic] with the perimeter officers that were out  
7 there, trying to -- to talk to him.

8 Q Okay. So are you in the hallway then  
9 still --

10 A I'm in the --

11 Q -- when you can --

12 A -- hallway.

13 Q -- hear a male who you believe was Mr.  
14 Tadros conversing with officers?

15 A Yes, ma'am.

16 Q Okay. Do you recall what -- what you heard  
17 being said?

18 A Yeah. He -- he had talked about having a  
19 gun. There was some people in here. He was going to  
20 shoot the -- the occupants in the residence. And  
21 this is not verbatim. And he'd also said, you know,  
22 "I'm going to blast them. I'm -- I'm going to blast  
23 you. I've got a gun," things like that.

24 Q Okay. Did you hear Mr. Tadros say anything  
25 in relation to how he was feeling or pills or

## Examination of Dwight Hussey

1 anything like that?

2 A So while the perimeter officers were --  
3 were talking to Tadros, they wanted someone with a  
4 long -- a long (indiscernible) rifle, which I had a  
5 rifle, so I went outside to assist, provide cover to  
6 them.

7 Q Okay.

8 A Or, at that point, I could hear dialogue  
9 between the officers and -- and Tadros. And, you  
10 know, I could hear Tadros saying, "I want my pills.  
11 Just bring me some pills." And he also had mentioned  
12 wanting to talk to -- to Ms. Dreams.

13 Q Okay. I'm just going to go back to this  
14 photograph or photographs, I should say. So the  
15 position that you placed yourself in with -- since  
16 you had a rifle, is -- can we see that in one of  
17 these photographs?

18 A The angle is going to be best in the one on  
19 the right with the --

20 Q Okay.

21 A -- up-close view of the balconies. That  
22 would have been a pretty good angle, but I was  
23 further back.

24 Q Okay. All right. I don't know. Does the  
25 aerial shot help you more?

## Examination of Dwight Hussey

1           A     It does.

2           Q     Okay.

3           A     So you can see the -- the red pen mark.  
4     That vehicle that's straight up from it, it's, like,  
5     a little white or silver sedan. I was --

6           Q     Right here?

7           A     Yes, ma'am. That's --

8           Q     Okay.

9           A     -- the one. I was probably on that side  
10    where your cursor was at --

11          Q     Okay.

12          A     -- first. And then I had repositioned  
13    north -- would that -- that be north? That would be  
14    north -- to where that other car is up to the -- the  
15    north. Yes, ma'am, that one.

16          Q     Okay. So just -- and just so the record is  
17    clear, we're looking at the aerial shot. And you  
18    positioned yourself on North Willis Boulevard at the  
19    offset. I think that's the lane -- not 1600, but the  
20    one next to it, correct?

21          A     Yes, ma'am. Correct.

22          Q     Okay.

23          A     I still had a pretty good angle of the --  
24    the balcony.

25          Q     Got it. Okay. And from that location,



## Examination of Dwight Hussey

1 could you continue to hear the man who you believed  
2 to be Mr. Tadros communicating with anyone?

3 A I -- I did.

4 Q Okay. And was it more of the same in terms  
5 of the communication?

6 A It was, yes.

7 Q And can you reiterate what you heard when  
8 -- once you were positioned outside with the rifle?

9 A Yeah. He was still -- he had said, "I have  
10 a gun." He wanted -- he wanted pills and he wanted  
11 to talk to Ms. Dreams.

12 Q Okay. Could you actually see the -- the  
13 man or could you only hear him?

14 A No, I could -- well, I could see what was,  
15 I thought -- it was really dark, so --

16 Q Sure.

17 A -- it was kind of hard to tell, but I could  
18 see someone walking in and out of the -- of the  
19 slider of the Apartment No. 5.

20 Q Okay. On the balcony there?

21 A Yes, ma'am.

22 Q Okay. And were you able to identify him at  
23 all based on what you saw or was it too dark?

24 A It was too dark.

25 Q Okay. Based on the -- the context of the

## Examination of Dwight Hussey

1 conversation, did you believe him -- it to be Mr.  
2 Tadros?

3 A I did.

4 Q Okay. How long did you remain outside in  
5 the area with the rifle positioned toward the  
6 balcony?

7 A So I don't recall the exact time. It might  
8 have been 15, 20 minutes. I know --

9 Q Okay.

10 A -- Special Agent Wills came and replaced  
11 me. And when I was replaced, I went back to the  
12 fifth floor with another special agent named Nick  
13 Cooker (phonetic). And we kind of held the -- the  
14 front door of Apartment 5 at that point.

15 Q Okay. And what does that mean, to hold the  
16 front door?

17 A Yeah. We just -- we positioned ourselves  
18 in -- at an angle where we could see the front door  
19 in case he decided to come out and we could engage.

20 Q Okay. And did you ever see him come out?

21 A Did not. He never came out the front.

22 Q How long were you held -- did you hold in  
23 that position?

24 A Hmm. At least -- at least 30, maybe --  
25 maybe an hour.

## Examination of Dwight Hussey

1           Q     Did you see anyone -- anyone else come and  
2 go other than Mr. Tadros from that location?

3           A     So as we were holding the door -- it  
4 might -- it may have been 30, 45 minutes later -- I  
5 remember seeing someone peek their head around the  
6 corner of the hallway.

7                     And this person was wearing, like, a  
8 tactical helmet, which led me to believe it was part  
9 of the Portland SERT team. And at that point, he had  
10 given me some hand signals saying that they were  
11 going to hold the hall for us to come down.

12          Q     Okay.

13          A     So with this apartment complex, you have  
14 stairwells on each side of the apartment. So they  
15 came up on the north side and -- make sure that's  
16 north. Yes. And I -- we went down the south side  
17 down to the first floor.

18          Q     You and the other agent?

19          A     Yes, ma'am.

20          Q     Okay. And what happened when you got down  
21 to the first floor?

22          A     At that point, someone handed us a shield  
23 to take up to the -- to the SERT guys. So Special  
24 Agent Cooker and I took the shield. We went along  
25 the bottom floor to the south end, went up the south

## Examination of Dwight Hussey

1 end of the stairwell and dropped it off on -- on that  
2 end for the -- the SERT guys.

3 Q Okay. Did you remain up there or go back  
4 down?

5 A No, we came back down.

6 Q Okay. What happened next?

7 A I know while we were down there, we had --  
8 had transitioned to maybe a support role, I guess you  
9 could call it. And --

10 Q Meaning Portland took over?

11 A Portland -- yes, ma'am. Portland --

12 Q Okay.

13 A -- took over. They had all -- a lot of  
14 their members there and they were organizing what  
15 they were going to do as far as the next steps. And  
16 I -- I recall as I was standing downstairs in the  
17 lobby, I -- I heard some rustling, which I thought  
18 that they had made entry to the apartment.

19 And then I -- I saw an officer running down  
20 the stairs being held by another officer, which I  
21 later found out that was the officer that was shot in  
22 the hip area.

23 Q Okay.

24 A And then there was another female coming  
25 right behind that officer with a dog. And that's

## Examination of Dwight Hussey

1 when I was told that he had shot through the wall.

2 Q Okay. So the female coming down that had  
3 an officer, did she appear to be a civilian?

4 A She did.

5 Q Okay. Did you hear anything prior to the  
6 -- seeing the officer come down with what appeared to  
7 be a -- an injury?

8 A Other -- other than the rustling where I  
9 thought they had breached the door and went in -- I  
10 didn't hear -- I didn't hear any, you know, verbal  
11 comments or anything like that. No, just the noise.

12 Q Okay. Did you hear a gunshot at all?

13 A I -- I don't recall.

14 Q Okay. What happened after the officer and  
15 the female came out?

16 A I know that some more officers had went up  
17 to -- on the north stairwell. And I kind of  
18 continued supporting them any way I could.

19 We -- Special Agent Cooker and I eventually  
20 took another shield to the south end of the stairwell  
21 for -- for the SERT officers and put in the same  
22 place we had put the first one and then -- and came  
23 back down. And, at that point, we had stepped  
24 outside and we were -- we were told to walk to the --  
25 to the west.

## Examination of Dwight Hussey

1 Q Okay. So away from the building?

2 A Yes, ma'am.

3 Q Okay. Did you remain -- like, how close  
4 did you remain in the area?

5 A I would say probably for a few minutes. We  
6 were probably -- we were between the target residence  
7 and then North Fenwick. But then we ended up going  
8 pretty far to the west. I think there's a bar there.  
9 We were in a parking lot --

10 Q Okay.

11 A -- of the bar.

12 Q And did you hear or see anything further  
13 once you got to that location?

14 A I heard what I thought was SERT team firing  
15 teargas canisters into the residence.

16 Q Okay.

17 A But I'm not sure if that's what it was.

18 Q Okay. Did you hear anything else?

19 A I heard some -- some other gunshots --

20 Q Okay.

21 A -- or what I believed to be gunshots. But  
22 I -- I wasn't sure what it was.

23 Q Okay. Were you close enough that you could  
24 see what was happening or just hear things?

25 A At that point, when I heard the canisters,

## Examination of Dwight Hussey

1 I could -- I could see.

2 Q Okay.

3 A But when I heard what I thought were  
4 gunshots, it was -- we were -- we were getting  
5 debriefed, I guess --

6 Q Okay.

7 A -- or --

8 Q All right.

9 A -- (indiscernible) I couldn't see anything  
10 there.

11 Q Okay. Did you ever see Mr. Tadros with a  
12 firearm that day?

13 A I did not.

14 Q Okay. Did you ever discharge your firearm  
15 at all?

16 A On duty?

17 Q Yeah. No, that day.

18 A Oh. Oh, no, ma'am.

19 Q Okay. All right. How would you describe  
20 Mr. Tadros' sort of demeanor or tone of voice, things  
21 like that, when you heard him make the -- the  
22 statements you've described?

23 A I would describe it as he sounded very  
24 desperate. He was just desperate and -- and was --  
25 he -- he -- I guess, other than desperate, I'm not

## Examination of Dwight Hussey

1       sure how else I could describe it. He sounded, you  
2       know -- he had an intent of what he was going to do.

3           Q       Okay. Okay. And Agent Hussey, I just want  
4       to make sure I understand. When you've described  
5       kind of coming up and down the stairs and bringing  
6       shields up and, you know, offering assistance, were  
7       you using this kind of front door here labeled 1600?

8           A       Yes, ma'am. This is, like, the main entry  
9       door. Once you enter that little entry door, there's  
10      a little lobby where a --

11          Q       Yeah.

12          A       -- cluster of mailboxes are and things like  
13      that. And you can kind of go -- well, straight ahead  
14      will take you to the -- to the southern stairwell.  
15      There's also a stairwell to the left for the northern  
16      stairwell.

17                 MS. NADELL: All right. All right. I  
18      don't have any other questions. We're just going to  
19      see if the grand jurors have any, okay?

20                 Go ahead, sir.

21                 A GRAND JUROR: So how often do you issue  
22      warrants and -- and act on them like this? Like, in  
23      the course of a year, would this happen ten times  
24      or --

25                 THE WITNESS: Easily, yes.



## Examination of Dwight Hussey

1 A GRAND JUROR: Yeah.

2 THE WITNESS: We -- we do it quite a bit.

3 A GRAND JUROR: Okay.

4 THE WITNESS: I don't have an exact number  
5 to give, but --

6 A GRAND JUROR: That's --

7 THE WITNESS: -- it's -- it's a lot.

8 A GRAND JUROR: That's fine. And how often  
9 do they happen without incident? Like, does that --

10 THE WITNESS: Yeah, it's -- it's most of  
11 the time.

12 A GRAND JUROR: Yeah.

13 THE WITNESS: This is -- this is the -- a  
14 rare occasion.

15 MS. NADELL: There any other questions?

16 Okay. Thank you so much.

17 THE WITNESS: Okay.

18 MS. NADELL: You can --

19 THE WITNESS: Thank y'all --

20 MS. NADELL: -- step down.

21 THE WITNESS: -- for your time.

22 A GRAND JUROR: Thank you.

23 (Whispered discussion, off the record,

24 11:47 a.m. - 11:48 a.m.)

25 MS. NADELL: We're using the witness stand.

## Examination of Zachary Wills

1 You can go up there and stay standing to be sworn in,  
2 okay?

3 ZACHARY WILLS

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

6 A GRAND JUROR: Thank you.

7 MS. NADELL: Please state and spell your  
8 first and last name, please.

9 THE WITNESS: First name Zachary; last name  
10 Wills, Z-a-c-h-a-r-y, W-i-l-l-s.

11 EXAMINATION

12 BY MS. NADELL:

13 Q And how are you employed?

14 A A special agent with the DEA.

15 Q All right. And how long have you been an  
16 agent with the DEA?

17 A Approximately five years.

18 Q Okay. And were you part of a team that  
19 went to 1600 North Willis Boulevard on August 27th,  
20 2021 to execute a search warrant?

21 A Correct.

22 Q And was that in Apartment No. 8?

23 A Correct.

24 Q And who resided in that apartment?

25 A Nichole Summer Dreams and Alexander Tadros.

## Examination of Zachary Wills

1           Q     Okay. Based on -- well, prior to -- to  
2     executing that warrant, had you or other agents  
3     conducted a -- some investigation to orient yourself  
4     in terms of how best to execute the warrant at that  
5     location?

6           A     Correct.

7           Q     Okay. And did you gain information  
8     regarding any sort of potential threat that Mr.  
9     Tadros or that residence may create?

10          A     Yes.

11          Q     Okay. And, specifically, regarding weapons  
12     or possession of weapons?

13          A     Correct.

14          Q     What was that information?

15          A     That Alexander Tadros may be in possession  
16     of body armor and firearms.

17          Q     Okay. And did that information impact how  
18     many agents came to assist in the execution that day?

19          A     We have a standard amount of agents that  
20     accompany us with search warrants based on the size  
21     of the apartment and threat level, yes.

22          Q     Okay. So I guess to ask it a different  
23     way, were you going to have the same number of agents  
24     regardless of that information or was the -- the plan  
25     a little bit different because of that information

## Examination of Zachary Wills

1 about potential weapons?

2 A Based on availability, the agents for that  
3 specific search warrant would not have changed  
4 because that's who we had.

5 Q Okay. It's my understanding the plan was  
6 to execute that warrant just shortly after 6 o'clock  
7 in the morning; is that correct?

8 A Correct.

9 Q Okay. And did you personally notify the  
10 Bureau of Emergency Communications that you and other  
11 law enforcement officers would be executing that  
12 warrant here in Portland?

13 A Correct.

14 Q And was that -- what time -- or when was  
15 that notification given? Do you know?

16 A Approximately 5:12 a.m.

17 Q Okay. Roughly --

18 A The --

19 Q -- an hour before?

20 A Yes.

21 Q Okay. And then walk us through what  
22 happened when you and the team actually went to serve  
23 the warrant.

24 A How far back would you like me to go?

25 Q Just from arrival on scene to getting to

## Examination of Zachary Wills

1 the door.

2 A Okay. As we arrived at the search warrant  
3 location, we parked down the block from the actual  
4 apartment complex. If you're looking at the picture  
5 on the left-hand side of the screen, we would be  
6 marked to the right, which I believe is west.

7 We walked up to the apartment building and  
8 accessed the front door to the right of 1600 and then  
9 walked up the staircase to the second floor, walked  
10 across the hallway of the second story of the  
11 building and then walked up to the third story  
12 through a staircase that was at the back of the  
13 building.

14 I walked up to the front door, which was on  
15 the right-hand side. And I was the first person in  
16 this stack. And additional agents and a Salem police  
17 officer, John Garland, followed.

18 Q Okay. And what happened at the door?

19 A There was a camera at the top right-hand  
20 corner of the door inside the threshold of the door,  
21 so --

22 Q So pointing into the hallway?

23 A Yes.

24 Q Okay.

25 A I removed that camera and then Dwight

## Examination of Zachary Wills

1 "Justin" Hussey proceeded to knock and announce the  
2 presence of law enforcement at the front of the door.

3 Q Okay. And did anyone open the door?

4 A They did not.

5 Q What happened next?

6 A The door was forced open by one of our  
7 agents. And I started to pan the front door or walk  
8 across the threshold of the door to see if I could  
9 see anybody within the apartment.

10 Q And could you see anyone?

11 A Not immediately, no.

12 Q Okay. What happened next?

13 A I made entry into the apartment complex --  
14 or the apartment and I saw a male figure running to  
15 my left from the kitchen, living room area out  
16 towards the back patio.

17 Q And did you recognize that male?

18 A I did not see his face, so I did not  
19 recognize him, no.

20 Q Okay. What about -- do you recall anything  
21 that he was wearing or any descriptors?

22 A Plaid shirt and blue jeans.

23 Q Okay. And then what happened at -- next?

24 A As soon as he got onto the back patio, a  
25 female identified as Nichole Dreams also ran out to

## Examination of Zachary Wills

1 the back patio and she was eventually taken into  
2 custody.

3 Q Okay. Was there any communication between  
4 you or other officers as the male and -- and the  
5 female went to the back patio?

6 A Yes. As soon as I saw the man running from  
7 inside of the apartment to the back patio, I'd yelled  
8 out that we had an individual running.

9 Q Okay. What about any communication  
10 directly to either person to stop or not run,  
11 anything like that?

12 A I did not have an opportunity --

13 Q Okay.

14 A -- to yell to the male. He was already  
15 basically out of the actual apartment by the time  
16 that I had gotten in there. But Nichole was  
17 addressed and told to comply with law enforcement and  
18 she did so.

19 Q Okay. And so she was taken into custody?

20 A Correct.

21 Q Okay. What happened next?

22 A After Nichole was detained, we cleared the  
23 rest of the apartment and I walked downstairs to the  
24 rear perimeter, who was out front, to make sure that  
25 they knew that there was an individual that had ran

## Examination of Zachary Wills

1 out the back patio.

2 Q Okay. And then what happened?

3 A After I had confirmed that they had the  
4 resources that they needed, I walked upstairs,  
5 contacted my supervisor, (indiscernible) Daniel  
6 Tilton (phonetic) and got on the phone with police  
7 dispatch.

8 Q And what was the purpose of calling police  
9 dispatch?

10 A To get additional resources as well as the  
11 fact that the male had jumped from the third story to  
12 the second story to get additional high-risk SERT  
13 members, Portland SWAT members to respond to assist  
14 with a barricaded subject.

15 Q Okay. And then what happened after that?

16 A I walked downstairs and contacted Justin  
17 Hussey, who was out on North Willis. We ended up  
18 going up to the second story to try to contact the  
19 units -- or the individuals inside of Unit No. 5.

20 And during that time frame, I had been told  
21 that if we had made contact with anybody inside of  
22 Apartment No. 5, that we would have been shot.

23 Q Okay. So did -- did you go up to Apartment  
24 No. 5 with Agent Hussey or did you relieve him from  
25 where he was so he could do that?



## Examination of Zachary Wills

1           A     We both went up.

2           Q     Okay.

3           A     And then I had asked him to stay at  
4     Apartment No. 5 so that we ensured that no one came  
5     out of that front door of Apartment No. 5.

6           Q     Okay.

7           A     And then I took his original position.

8           Q     And that was on North Willis; is that  
9     correct?

10          A     Correct.

11          Q     Okay. And what was the purpose of taking  
12     over his position on North Willis? What were you  
13     doing there?

14          A     We had officers trying to contact the  
15     person that had lowered themselves down. And I had a  
16     rifle, so I positioned myself behind a vehicle to  
17     ensure that they were safe during that time frame  
18     while they were trying to deescalate the situation.

19          Q     Okay. And could you see anything from that  
20     vantage point in terms of where Apartment 5 was?

21          A     Do you mean specifically people or --

22          Q     Yeah, people. Sorry.

23          A     Yeah. There was a male figure, bald head,  
24     that popped his head out twice. And during one of  
25     the two occasions, said, "Get that guy with the rifle

## Examination of Zachary Wills

1 away from me."

2 Q Okay. So were you the only guy at that  
3 time with a rifle?

4 A Correct.

5 Q And so was it your understanding the -- the  
6 male was speaking about you?

7 A Correct.

8 Q Okay. And when you say, "pop his head out  
9 a couple times," just help us orient here on the  
10 photo on the right. Are we talking about out of a  
11 window or on the balcony?

12 A So if you're looking at the front of the  
13 actual patio, you see a beam or a pillar that's  
14 coming up. On the right-hand side of that pillar is  
15 a little small object about halfway up just a little  
16 bit above the railing. That is either a camera or  
17 some light fixture.

18 So as soon as you continue past that  
19 camera, it cuts a little bit right just based on how  
20 the other apartment is oriented.

21 Q Mm-hmm.

22 A The male's head popped out both times  
23 approximately eye level of that -- I believe it's a  
24 camera or fixture, if that makes sense.

25 Q Yeah. So hopefully you can see my cursor,

## Examination of Zachary Wills

1 I think, on the screen. Are we talking about in this  
2 area?

3 A Yep.

4 Q Okay. And at the time that you saw the man  
5 sort of pop his head out that way, were agents near  
6 -- nearer to the balcony from where you were?

7 A So where your cursor is --

8 Q Mm-hmm.

9 A -- approximately right there is where, I  
10 believe it was, John Garland and Brian Bidiman, both  
11 officers with Salem --

12 Q Got it.

13 A -- were present and they were talking to --  
14 they kept on calling out Alex and trying to  
15 deescalate the situation.

16 Q Okay.

17 A If you continue back towards the street to  
18 the left where the vehicle is, that would be where I  
19 initially positioned myself to where I could see the  
20 second stroy of the balcony.

21 Q Okay. Is that where you were positioned,  
22 roughly in that area, when the man who they were  
23 calling Alex said, "Get the guy with the rifle away  
24 from me"?

25 A Correct. And --

## Examination of Zachary Wills

1 Q Okay.

2 A -- I had also moved back to a second  
3 vehicle equal --

4 Q Okay.

5 A -- placing, just a little bit further back.  
6 I don't recall when --

7 Q Okay.

8 A -- specifically he popped his head out.

9 Q Could you make out what the man was saying  
10 when he was speaking with the Salem officers?

11 A He had requested oxycodone pills to use  
12 and, I believe, a dollar bill. He had said that he  
13 was going to shoot, asked for Nichole, to speak with  
14 Nichole as well, the, "Get the guy with the rifle  
15 away from me."

16 Q Did he actually use -- say the word  
17 "oxycodone"?

18 A I -- it was some variation of either, "Get  
19 me my pills," or, "My" -- I don't recall the exact  
20 word that he used, but --

21 Q Okay.

22 A -- based on what he was saying, that is  
23 what I believed it to be.

24 Q And how would you describe his demeanor?

25 A Erratic, aggressive, hostile, irrational.

## Examination of Zachary Wills

1           Q     Mm-hmm. How long did you hold that  
2 position on North Willis sort of back away from the  
3 building?

4           A     So I don't have a perspective as time, so  
5 it's a rough guesstimate of about an hour to an hour  
6 and 15 minutes.

7           Q     Okay.

8           A     I was positioned to where my rifle was  
9 pointed at that second-story balcony the entire time  
10 and I tried not to break eye contact from there. So  
11 approximately hour, hour and 15 minutes.

12          Q     Did other officers or law enforcement  
13 personnel arrive during that time?

14          A     Yes.

15          Q     From what agency? Could you tell?

16          A     Portland Police.

17          Q     Okay. And did you continue to maintain  
18 that position through their arrival and their  
19 actions?

20          A     Yes.

21          Q     Okay. At what point did you stop  
22 maintaining that position?

23          A     Once the SERT BearCat had blocked my view.  
24 And basically where this pickup truck -- the tan  
25 pickup truck on the right-hand --

## Examination of Zachary Wills

1 Q Mm-hmm.

2 A -- side, it had continued to pull up to  
3 where it obstructed my view of the second-story  
4 balcony.

5 Q All right. And I pulled up a picture. Is  
6 that the BearCat you were talking about?

7 A Correct.

8 Q Okay. And so did Portland effectively tell  
9 you you could stop at that point or you just lost  
10 your -- your --

11 A Based on my --

12 Q -- position?

13 A Based on my position, it would not have  
14 been safe for me to stay there --

15 Q Got it.

16 A -- 'cause officers would have been in my  
17 crossfire if a threat had presented itself. So I  
18 removed myself once I knew that they were positioned.

19 Q Okay. At any point, did you see the man on  
20 the balcony with a weapon at all?

21 A I -- I did not.

22 Q Okay. What did you do after the BearCat  
23 arrived?

24 A I moved to the left. I believe that's east  
25 on Willis. And I just stayed there for a decent

## Examination of Zachary Wills

1 duration of time frame. I don't recall how long.

2 Q Okay. Did you hear or see anything else?

3 A There was either lethal or less-lethal  
4 munitions being fired in the direction of the balcony  
5 of No. 2. I couldn't distinguish which is which,  
6 though.

7 Q Okay. What -- was it by sound that you  
8 heard that or --

9 A Sound --

10 Q -- saw or --

11 A -- and projectile, the --

12 Q Okay.

13 A -- casings.

14 MS. NADELL: Okay. All right. I don't  
15 have any other questions. We'll see if the grand  
16 jurors do.

17 Go ahead.

18 A GRAND JUROR: I have one question. You  
19 mentioned a camera outside of the door. Was that  
20 something that was -- whose camera was that?

21 THE WITNESS: Based on where it was placed  
22 and it being inside of a threshold, no other  
23 apartment complex or no other apartments having the  
24 same camera, I believe it would be the owners or  
25 occupants of the actual apartment. So Apartment No.

## Examination of Zachary Wills

1 8 would have been a personal camera.

2 A GRAND JUROR: Okay. And, I'm sorry, it  
3 was on the hall side or inside of the apartment?

4 THE WITNESS: So if you're looking at that  
5 door, top right-hand corner where the silver door  
6 mechanism is, affixed on the inside of the threshold.

7 BY MS. NADELL:

8 Q So externally from the apartment, correct?  
9 In other words, was it positioned to suggest that  
10 occupants watching the camera could see who's at the  
11 door?

12 A Correct.

13 Q All right.

14 A GRAND JUROR: Okay. Thank you.

15 BY MS. NADELL:

16 Q And was the purpose of removing it so that  
17 your -- someone couldn't see that you were at the  
18 door?

19 A Correct. To ensure that our position would  
20 not be compromised and put ourselves at risk.

21 Q Okay.

22 A GRAND JUROR: Thank you.

23 MS. NADELL: Did that answer your question?

24 A GRAND JUROR: Yes, thank you.

25 MS. NADELL: Okay. Good. Yeah.



## Examination of Zachary Wills

1 Any other questions?

2 A GRAND JUROR: Just a point of  
3 clarification.

4 MS. NADELL: Go ahead.

5 A GRAND JUROR: Is Garland part of police  
6 -- or Portland Police or is he with DEA for --

7 THE WITNESS: He is with Salem Police  
8 Department.

9 A GRAND JUROR: Salem Police. Thank you.

10 MS. NADELL: Any other questions?

11 All right. Thank you so much, Agent Wills.

12 THE WITNESS: Thank you.

13 (Whispered discussion, off the record,  
14 12:03 p.m.)

15 MS. NADELL: All right. And we can go off  
16 the record. That -- at our break.

17 \* \* \*

18 (Noon Recess taken at 12:03 p.m.)

19

20 **AFTERNOON SESSION**

21 (Whereupon, the following proceedings were  
22 held before the Grand Jury, 1:03 p.m.):)

23 (**TRANSCRIBER'S NOTE:** The audio record  
24 begins midsentence.)

25 MR. VASQUEZ: -- too?

## Examination of John Garland

1 MS. NADELL: Correct.

2 MS. SEELY: Mm-hmm.

3 MR. VASQUEZ: Okay. We are back on the  
4 record on Case No. 72 and State's going to call our  
5 next witness. We'll have our witness sworn.

6 A GRAND JUROR: Okay. Will you raise your  
7 right hand? Thank you.

8 JOHN GARLAND

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

11 A GRAND JUROR: Okay.

12 MR. VASQUEZ: Okay. Sir, if you would  
13 please start by telling your first and last name.

14 THE WITNESS: Yeah, my name is John  
15 Garland. My last name is spelled G-a-r-l-a-n-d.

16 EXAMINATION

17 BY MR. VASQUEZ:

18 Q Okay. And how are you employed, sir?

19 A I'm currently employed as a detective with  
20 the Salem Police Department. I work in the Strategic  
21 Investigations Unit.

22 Q Okay. How -- how long have you been with  
23 the Salem Police Department?

24 A Since November of 2006, so just over  
25 15 years.

## Examination of John Garland

1           Q     Okay.  And in addition to being a  
2     detective, do you have any other kind of specialized  
3     or more specialized training?

4           A     No.

5           Q     What about in negotiation and things of  
6     that nature?

7           A     Oh, sorry, yeah.  I'm one of our  
8     negotiators, yeah.

9           Q     Okay.  Just briefly describe for the grand  
10    jury what that entails and what that means.

11          A     So I've been on the negotiations team now  
12    for, I'm going to have to guess, eight or -- eight or  
13    ten years now.  Basically, we train once a month and  
14    we -- we do a lot of training with speaking with  
15    people in crisis.

16                   I also work with our -- our -- our SWAT  
17    team.  I'm -- typically when -- when I'm deployed, I  
18    ride in an armored vehicle with our SWAT team and I'm  
19    what's called a forward negotiator.  So we -- we  
20    train specifically on doing face-to-face  
21    negotiations, things like that.

22          Q     Okay.  And, now, in this particular matter,  
23    were you initially involved as -- in a drug  
24    investigation that was occurring down in the  
25    Salem area?

## Examination of John Garland

1           A     Yes, that's correct.

2           Q     And as part of that investigation, did  
3 you obtain information on Alexander Tadros and  
4 Nichole Dreams?

5           A     Yes, I did.

6           Q     And we understand from speaking with one of  
7 the other witnesses that that certainly kind of led  
8 to a joint operation with the DEA and that there was  
9 a search warrant to be done.

10          A     That's correct, yeah.

11          Q     Okay. And I have on the screen pictures of  
12 1600 North Willis Boulevard.

13          A     Yeah.

14          Q     And that is the location that you went to  
15 to assist with the search warrant; is that right?

16          A     Yes, that's correct.

17          Q     Okay. Let's start with -- we've heard kind  
18 of quite a bit of testimony about that, but let's  
19 just go to -- what was your role that day at -- at  
20 the search warrant?

21          A     So my role was specifically myself and  
22 Detective Bidiman came up here just to do an  
23 interview with the -- the female half, Ms. Dreams.  
24 And we met up with the -- the folks from Portland  
25 DEA.

## Examination of John Garland

1                   They asked if I would be willing to go  
2                   inside the building with them and basically stand  
3                   down the hall in case there was any extra custodies  
4                   or people that were detained, if I could stand by  
5                   with them.

6                   And I had agreed to do that, so I went  
7                   in -- went inside the building with them and stood  
8                   down the hallway while they were doing their knock  
9                   and announce on their search warrant.

10                  Q       Okay. And -- and so after that transpires,  
11                  they -- they knock, they announce. Do you at some  
12                  point change your positioning?

13                  A       Yeah, I did. It was once the door had been  
14                  opened and -- and agents went inside, I had heard  
15                  that -- something to the effect of, "There's a  
16                  runner. We have a runner. He went out the back."

17                  And so my partner, Detective Bidiman, was  
18                  on the -- the ground level with an officer from  
19                  Tualatin. And so I immediately ran down to Detective  
20                  Bidiman to inform him that the -- Mr. Tadros or  
21                  somebody's come out the back.

22                  Q       Okay. And once you got down there, was  
23                  it clear that they were seeing that and dealing  
24                  with that?

25                  A       Yes, yes.

## Examination of John Garland

1           Q     Okay.  And what -- what did you observe  
2 when you got down to the street level?

3           A     Once I got down to the street level, I,  
4 too, could look up and I could see on that -- that  
5 balcony, that second-level balcony there's a grass  
6 skirting.  But I could see Mr. Tadros.

7                     I could see him peer over the top of it and  
8 I could -- I -- I -- I start -- that's when I started  
9 trying to engage him and -- and basically just tried  
10 to talk to him.

11          Q     Okay.  Now, you -- you've already discussed  
12 kind of your training.  Is that what you were trying  
13 to do, is -- I mean, I don't know if you necessarily  
14 said, "Hi, I'm a negotiator," but --

15          A     No.

16          Q     -- what -- did you just try to engage him  
17 using those skills?

18          A     Yeah.  So, typically, what I do is I --  
19 I -- I like to make it somewhat personable, so I  
20 always introduce myself as John.  I -- you know, not  
21 a -- I mean, he knew we were police.  I identified  
22 myself as a police officer, but I -- I called him by  
23 his first name.

24                     I -- if -- if I'm recalling correctly,  
25 I'm -- and, "My name is John and we -- I -- I know

## Examination of John Garland

1 who Nicky is," and so I was trying to just establish  
2 some sort of rapport. I just wanted him to start  
3 engage --

4 Q Mm-hmm.

5 A -- in some sort of conversation with me.  
6 And he -- he wouldn't. Initially, it was he  
7 wanted -- he wanted pills. He wanted these -- I'm  
8 assuming the -- the blue M30 pills is what he was  
9 asking. He wanted three or four of them and he  
10 repeatedly kept asking for those.

11 And -- and that's kind of how the first, I  
12 would guess, like, 20 minutes went. It was just kind  
13 of going back and forth with this.

14 Q Okay. Were you able to engage him in,  
15 like, discussion or conversation?

16 A No, I tried. I tried to ask about his  
17 family. I tried to ask if he had kids. I -- I -- he  
18 did mention he wanted to talk to -- to Nicky. I  
19 said, "Well, I can -- you know, I'm willing to -- you  
20 know, once -- once you come down, I'll let you guys  
21 talk. I'll give you as much time as you need to talk  
22 once you come down."

23 But, I mean, I was trying everything just  
24 to -- to get him to meet me in the middle, but there  
25 was just -- he wouldn't budge. And the other thought

## Examination of John Garland

1 process I had is, to be honest with you, I was pretty  
2 worried about where he was at because I could hear  
3 his voice -- so if you're looking at these photos --

4 Q Mm-hmm.

5 A -- I -- I'm -- the -- I'm near this gas  
6 meter. So in the photo I'm looking at here -- yeah,  
7 it's the one on your -- your left there.

8 Q Yeah. Here, keep an eye on your screen and  
9 I will put a cursor up and then I'll show you -- so  
10 were you by this gas meter?

11 A Yes, that -- yeah. So I was there and  
12 then, obviously, believing he was armed with a gun, I  
13 couldn't put my head around the corner. I didn't  
14 feel comfortable with that. And so I literally was  
15 yelling and trying to reflect my voice off the  
16 adjacent building.

17 Q Mm-hmm.

18 A And I really wanted just to keep him  
19 outside because during this -- what felt like an  
20 eternity was -- I could hear his voice going --  
21 fluctuating like he was going in and out of the -- of  
22 the residence, which really concerned me because I  
23 don't know who lives there.

24 I didn't know if it was occupied. I didn't  
25 know if this was going to become a hostage situation.



## Examination of John Garland

1 I mean, it was -- yeah, it was pretty -- it was  
2 actually pretty intense.

3 Q And at -- at various times, were -- were  
4 you starting to get some information? Was he making  
5 threats or anything of that nature?

6 A Yeah. I heard -- I mean, at one point, I  
7 remember him doing a countdown. I remember him  
8 saying things like, "If you come in here, you're  
9 going to regret it."

10 I mean, he -- I think he could hear us  
11 talking also, which I think was concerning to him.  
12 I'm -- I can only speculate really. But, yeah.

13 I mean, you start hearing things like a  
14 countdown, as a negotiator, that's when you --  
15 that -- you start to worry. I mean, that's when you  
16 really get to taking these people very serious.

17 Q Was -- was he ever saying, like, what was  
18 going to happen at the end of the countdown or  
19 anything like that?

20 A I don't specifically -- I mean, I remember,  
21 like -- I just -- I -- it led me to believe that  
22 some -- he was going to shoot somebody. I believe --  
23 believed his intent to shoot somebody if we tried to  
24 force entry into that apartment.

25 Q And -- and was he saying things to that

## Examination of John Garland

1 effect at least somewhere in this process, that he  
2 was going to shoot?

3 A From what I recall, yes.

4 Q Okay. And, now, in this process, about how  
5 long are you out there trying to talk to him?

6 A Like I said earlier, it felt like an  
7 eternity. But it -- I think at the end of it, it  
8 was an hour and a half, hour to an hour and a half  
9 or something.

10 Q Okay.

11 A And it was just yelling back and forth.  
12 And then where this location is, it's -- I -- I swear  
13 it must be right in the flight path of PDX 'cause it  
14 was -- every so often, an airplane would come over.

15 So, now, I'm having difficulty hearing him,  
16 again, 'cause he's going -- it -- what sounded like  
17 it was in and out of the -- the apartment. And then  
18 as more officers arrived, there was police radios,  
19 things like that. So it was -- it was challenging.

20 Q Yeah, that's a hard environment. And so in  
21 this, are -- are you continuing to just try to get  
22 him to come out peacefully, to, you know, just  
23 surrender, "Put your hands up," stuff like that?

24 A Absolutely, yeah. I must have told him  
25 at multiple times, you know, I wanted to end this

## Examination of John Garland

1 peacefully. I didn't want anybody to get hurt. We  
2 all want to just walk away from this, you know,  
3 peacefully and no one get hurt.

4           You know, multiple times, I said things  
5 like that and no -- never got that response or never  
6 came out.

7           Q     And -- and was your goal that -- to simply  
8 just have him come out with his hands up?

9           A     Yeah.

10          Q     And did he ever get any indication either  
11 physically, verbally or in any way that he was going  
12 to come out and surrender?

13          A     No.

14          Q     Okay. And during this time, did you --  
15 obviously, you're focused on him up there. Are other  
16 police officers and other kind of assets and things  
17 starting to come into play?

18          A     Yes.

19          Q     And as that's occurring, do you hear any  
20 gunshots or things of that nature?

21          A     Yeah, there was -- yeah. I heard the one  
22 gunshot that -- and then it was -- within a few  
23 moments, that's when I realized that he had shot  
24 through a wall and hit a Portland police officer.

25          Q     Okay. Did you continue to try to talk to

## Examination of John Garland

1 him after that?

2 A No. At that time, I started to kind of  
3 back out as more and more resources were -- were  
4 arriving. And, quite honest with -- with you, I  
5 didn't have my -- my team that I'm familiar with  
6 work -- working with. I felt best that, now that  
7 Portland is here, that we can hand this over to their  
8 tactical team and their negotiations team.

9 Q Okay. And once -- once they took over kind  
10 of, do you remember hearing anything else, other  
11 things going on? Where were you?

12 A So I -- again, on the left photo, I would  
13 be on the -- the right side -- so that white truck, I  
14 was just to the right of that truck down the street  
15 just a little bit, but I -- I could hear gunshots  
16 going off, what sounded like an exchange.

17 Once armored vehicles got there, it sounded  
18 like there was an exchange between armored vehicles  
19 and the -- Mr. Tadros inside.

20 Q Okay. And were you able to see, like, were  
21 they deploying gas or --

22 A Yeah.

23 Q -- (indiscernible)?

24 A Initially, I believe they -- what -- from  
25 what I -- my experience working with my team, it

## Examination of John Garland

1       sounded like they were deploying gas is what I was --  
2       believe -- believed them to be doing.

3             Q       Okay. And then when you describe an  
4       exchange, could that have been them deploying the  
5       gas, then him shooting out, things of that nature?

6             A       Yeah, potentially. Yes.

7             Q       Okay. And then did the -- did the truck  
8       attempt to make contact with him as well?

9             A       Did the who?

10            Q       The sound truck that came or the --

11            A       Oh, I'm sorry. Yes, yeah. I heard -- yes,  
12       I heard announcements later on. They were calling  
13       out Alex Tadros by name. I remember hearing that.

14                    I don't specifically recall word for word  
15       what those announcements were, but I do know that  
16       the -- I heard announcements as I was down the  
17       street.

18            Q       Okay. And they were same type of stuff,  
19       trying to get him to come out --

20            A       Yep.

21            Q       -- to surrender?

22            A       Yeah. They were clear and audible from  
23       where I was at, yes.

24                    MR. VASQUEZ: Okay. All right. I don't  
25       think I have any additional questions.

## Examination of John Garland

1 Additional questions?

2 All right. Grand -- ladies and gentlemen  
3 of the grand jury, any questions?

4 Okay. All right. Thank you, sir.  
5 Appreciate it.

6 THE WITNESS: Thank you.

7 (Whispered discussion, off the record,  
8 1:15 p.m. - 1:16 p.m.)

9 MS. NADELL: You're going to be up at the  
10 witness (indiscernible).

11 THE WITNESS: Oh, (indiscernible).

12 MS. NADELL: Yeah, (indiscernible).

13 THE WITNESS: Yep.

14 MS. NADELL: If you could stay standing and  
15 raise your right hand.

16 JENA LEMKE

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

19 A GRAND JUROR: Thank you.

20 MS. NADELL: And if you could state and  
21 spell your first and last name, please.

22 THE WITNESS: Yes, it's Officer Jena Lemke.

23 First is Jena, J-e-n-a; and last is Lemke,  
24 L-e-m-k-e.

25 ////

## Examination of Jena Lemke

1 EXAMINATION

2 BY MS. NADELL:

3 Q All right. And how are you employed?

4 A I'm a police officer with the Portland  
5 Police Bureau.6 Q All right. How long have you been employed  
7 as a police officer?

8 A It'll be ten years, actually, in September.

9 Q Okay. In August of 2021, what precinct  
10 were you assigned to?

11 A North Precinct.

12 Q And is that where you're still assigned?

13 A Yes, it is.

14 Q Okay. What shift were you working in  
15 August of 2021?16 A I was working night shift or we call it E  
17 shift now. It's 10:00 p.m. until 8 o'clock in  
18 the morning.19 Q Okay. And were you working on August 27th  
20 of 2021?

21 A Yes, I was.

22 Q Okay. Were you one of the responding  
23 officers to an incident at 1600 North  
24 Willis Boulevard?

25 A Yes, that's correct.

## Examination of Jena Lemke

1           Q     Do you recall how you first learned about  
2 what was going on there?

3           A     The information I remember hearing was that  
4 there was officers that were calling for Code 3 cover  
5 at that location.

6           Q     What is a Code 3 cover?

7           A     Code 3 is lights and sirens.

8           Q     Lights and sirens? Okay.

9           A     Yeah.

10          Q     Did you immediately respond there?

11          A     I actually didn't initially respond. I  
12 wasn't one of the officers that was dispatched, but  
13 I started just hearing more information about the  
14 call, then I did end up responding. And then I kind  
15 of staged just south of that location on North  
16 Interstate Avenue.

17          Q     Okay. When you got there and -- and staged  
18 yourself, what did you do next?

19          A     So we have a couple different data systems  
20 that we use that can kind of help ascertain more  
21 information about a location or an individual. So I  
22 started querying some information related to the  
23 target address and then the individual that we had  
24 had some information about.

25          Q     Okay. And do you recall, was the target



## Examination of Jena Lemke

1 address the residence of the subject or the residence  
2 where he was at the time?

3 A Initially, the residence that the subject  
4 was related to. So I think, if I remember correctly,  
5 Apartment No. 3, I believe.

6 Q Okay. And do you remember the individual's  
7 name that you were querying?

8 A I believe his first name was Alex. I don't  
9 recall the last name.

10 Q Okay. And what was the purpose of you kind  
11 of querying for information?

12 A Just to see if we had any related calls at  
13 that address. So it can give us a lot of  
14 information. So when we write, for instance, a  
15 police report, it -- there's -- any information, you  
16 could, like, basically query that and pull up that  
17 report.

18 So I'm an ECIT officer, which is Enhanced  
19 Crisis Intervention Team. So a lot of times, we'll  
20 try to pull up reports just to see if we have any  
21 information that can help us either communicate with  
22 that person or just have any background when we're  
23 speaking with them.

24 Q Okay.

25 A And then we can also get information, just

## Examination of Jena Lemke

1 other calls that have been related to that address.  
2 So if there's been history of, like, guns in, like, a  
3 particular address, for instance, or, like, that sort  
4 of thing, it just helps us give -- give us a lot more  
5 information for our -- kind of our tactical response  
6 and then also kind of, like, the crisis negotiation  
7 response as well.

8 Q Okay. And so what -- you said you're a  
9 member of the ECIT (indiscernible)?

10 A Yes, that's correct.

11 Q What does that mean? What does that  
12 team do?

13 A Oh, sorry. So Enhanced Crisis Intervention  
14 Team, we have an additional 40 hours of training when  
15 we first become certified as that type of police  
16 officer. And then we respond to crisis calls within  
17 the City of Portland.

18 So, generally, it's mental health aspect,  
19 but it can be, you know, someone that's having, like,  
20 suicidal thoughts or ideations. It can be at the  
21 request of a community member that they ask an ECIT  
22 officer to respond.

23 And a lot of it is, like I said, mental  
24 health related, but there's also -- I mean, a lot of  
25 calls, because it's traumatic experience, have some

## Examination of Jena Lemke

1 aspect of someone being in crisis.

2 So a lot of times, even, for instance, when  
3 I respond to mental health calls, it could be the  
4 person that we're speaking to. But also their family  
5 could be going through a traumatic experience, so we  
6 help assist with those types of calls.

7 Q Okay. Based on your training and  
8 experience as an officer and then as part of that  
9 team, it sounds like you've needed some additional  
10 training. You -- you spoke about mental health and  
11 kind of dealing with people that are suffering or  
12 experiencing mental health symptoms.

13 Based on your training, can people who are  
14 under the influence of narcotics or drugs also appear  
15 or manifest sort of that -- in -- in ways that are  
16 similar to someone experiencing mental health crisis,  
17 like, in terms of behavior or --

18 A Oh, definitely. Sometimes it's kind of  
19 hard to parse those things out, so it could mental  
20 health crisis. It could be drugs or alcohol or it  
21 could be both.

22 Q Okay.

23 A But a lot of times, we're seeing similar  
24 things from an individual and it could be one or both  
25 of those things.

## Examination of Jena Lemke

1           Q     Okay.  So in your experience responding to  
2 those types of situations, would it be fair to say  
3 that sometimes it has been fueled by mental health,  
4 sometimes fueled by drug use or a combination of  
5 the two?

6           A     Yes, that's correct.

7           Q     Okay.  And specifically on this date, did  
8 you respond to the location as an ECIT officer?

9           A     Not specifically, no.  I just -- I --  
10 on bigger calls, I tend to fulfill that role.  So  
11 either as --

12          Q     Okay.

13          A     -- ECIT, but as an ECIT officer, I also  
14 kind of data mine and look for a lot of intelligence  
15 on calls.  And so bigger calls, like, that tends to  
16 be, like, a role that I kind of just step into.  So I  
17 have -- from being an ECIT officer, I have access to  
18 another database that's called TLO.

19                 But that also is a different way of, like,  
20 helping us ascertain information about addresses.  It  
21 can help us find phone numbers for individuals if  
22 that's not a phone number that we have in our data  
23 system.  So that's kind of a role that I generally  
24 fulfill on some of these bigger types of calls.

25          Q     Okay.  Did you use the TLO database to

## Examination of Jena Lemke

1 try to figure out a phone number for the subject  
2 involved here?

3 A I was able to find a phone number for him,  
4 actually, in RMS. So RMS, I believe, if I remember  
5 correctly the acronym, it's for Records Management  
6 System. And so that's part of the City of Portland.  
7 And then also REJIN, which is the Regional Justice  
8 Information Network.

9 So law enforcement agencies in, like, the  
10 Portland metropolitan area that use that system, if,  
11 say, for instance -- I believe Vancouver Police  
12 Department's still a part of that system.

13 If they write a police report, someone's  
14 listed in their police report as an entity, when we  
15 run that person's name and date of birth through our  
16 system, it will pull up the information.

17 So it will show whatever we have as most  
18 current, the police report for their address or phone  
19 number and then reports that are associated with  
20 them. So I was actually able to find his -- a phone  
21 number that was listed for him via RMS.

22 Q Okay. And you said that the man -- the --  
23 the subject was named Alex, correct?

24 A Yes, that's correct.

25 Q Okay. Did you attempt to reach Alex then

## Examination of Jena Lemke

1 by phone?

2 A The -- yes. The phone number that was  
3 listed for him in RMS was not a good phone number.

4 Q Okay. So what steps did you take to reach  
5 him through different means?

6 A So when I found out that we did have a  
7 phone number listed for Alex in RMS, Sergeant Dorn,  
8 who was one of the supervisors that was there on  
9 scene, had requested that I respond to basically the  
10 front of the location off of North Willis Boulevard.

11 And that's where there was one of the  
12 officers or detectives -- I don't know what his rank  
13 was, but -- that was associated with the initial call  
14 with the DEA. He was trying to communicate with the  
15 subject, Alex, with, like, clear voice communication,  
16 so just voice to voice.

17 So sergeant had asked if I could respond  
18 down to their location and let them know that we had  
19 found a phone number for him. And then I believe it  
20 was at that point when we tried to call the phone  
21 number that we realized it wasn't a good phone number  
22 for him anymore.

23 Q Okay. And there's a couple photos on the  
24 screen in front of you. On the -- the left side, do  
25 you recognize that location?

## Examination of Jena Lemke

1           A     Yes.  That's the front of the building that  
2 faces north --

3           Q     Okay.

4           A     -- west.

5           Q     So is that the area that you -- that  
6 Sergeant Dorn asked you to come to to try to kind of  
7 assist (indiscernible)?

8           A     Yeah.  So where you can see the, like,  
9 1600, like, the address --

10          Q     Mm-hmm.

11          A     -- number, I mean, at times, we were kind  
12 of just, like, under that little awning and then kind  
13 of between that awning and then, like, the corner  
14 that's to the left there --

15          Q     Okay.

16          A     -- on the left side of the picture.

17          Q     And did you have information from other  
18 officers on scene about where the subject was in  
19 relation to that awning or the front of the building?

20          A     Yeah.  So it's a little bit hard to tell,  
21 but the -- the window there that's, like, the  
22 bottom-left window that you can see, you can --  
23 it's -- I think that that was --

24          Q     This one?

25          A     I was -- never went inside the building,

## Examination of Jena Lemke

1 but it's like you can kind of, like, see through  
2 that window. And they were pointing out to that  
3 balcony area.

4 Q And just -- I'm sorry. I have a -- can you  
5 see my -- my cursor on --

6 A I do.

7 Q -- your screen?

8 Okay. Is that the area?

9 A Yes.

10 Q Okay. And so if -- if I understand you  
11 correctly, you are kind of in the front of the  
12 building. There's some communication going on  
13 between law enforcement personnel and the subject.

14 You learn that the phone number you found  
15 wasn't good or you couldn't reach the subject. What  
16 was the next step you took?

17 A So sometime around then, I found out that  
18 the -- the person that I was told was the girlfriend  
19 of the subject, of Alex, was in a patrol car. So I  
20 went to that patrol call, so -- or patrol car rather.

21 So we'll say, like, debriefing, like, a --  
22 a witness or a victim, so to just try to go and talk  
23 to her and see if she was able to provide us with any  
24 more information that would help us.

25 I mean, usually, what we're trying to do



## Examination of Jena Lemke

1 is, like, when we're negotiation -- negotiating or  
2 having that conversation with the subject, I mean,  
3 we're trying to find some information that maybe  
4 could help us develop, like, a rapport with him.

5 We look for things that, like, refer to his  
6 hooks, so, like, a lot -- for a lot of people, that  
7 can be, like, their family. And then we also look  
8 for something that -- like, we call triggers.

9 So triggers could be, you know, also  
10 sometimes folks' family and maybe -- I don't know --  
11 like, bringing up, like, their past or, like, their  
12 addictions or something like that.

13 So we just try to talk to those folks that  
14 have some firsthand knowledge and see if there's any  
15 information that they can provide us with for both --  
16 like I said before, like, kind of our tactical  
17 response, but then also, like, our negotiation  
18 response as well.

19 Q So I -- I want to back up, I think, just  
20 to -- to make sure we're -- I'm -- I'm understanding  
21 correctly kind of what -- why you were doing all of  
22 that. So --

23 A Sure.

24 Q -- what did you understand the situation to  
25 be that you were responding to? Like, why is it that

## Examination of Jena Lemke

1 you were trying to get the subject's phone number  
2 and connecting with the girlfriend to get this  
3 information? What was --

4 A Oh, sure.

5 Q -- what was going on?

6 A So -- so the information that we had was  
7 that the DEA had responded to that information and  
8 the individual had jumped from the -- the third story  
9 down to the second story. On the third story, they  
10 found an empty holster.

11 And when he had jumped, they had found --  
12 or they -- sorry. They saw what they believed -- he  
13 had something in his hand. So with an empty holster,  
14 having something in his hand, there was a possibility  
15 that he might be armed.

16 And there was some information that we had  
17 prior to me going down to the front of the building  
18 that the subject had made some type of, like,  
19 suicide-by-cop-type statements.

20 Q Okay. So --

21 A And then -- oh, I'm sorry. And then the --  
22 where he ended up was not his apartment anymore, so  
23 we were concerned about if there was anyone still  
24 home inside that apartment.

25 Q Okay. All right. So how -- were you able

## Examination of Jena Lemke

1 to get any useful information from the girlfriend?

2 A So she did tell me that she believed  
3 that there was a possibility that he had used  
4 methamphetamine and she said oxy prior to the initial  
5 contact with him. And she told me that he had been  
6 prison, that he did not --

7 Q Oh, you know what? We're not going to go  
8 into that. And --

9 A Okay.

10 Q -- and, really, just my -- my --

11 So the grand jurors should disregard that.

12 I guess my question is -- and I'll ask it  
13 in a better way -- were you able to get information  
14 that helped you kind of gauge next steps in terms of  
15 this, you know, crisis negotiation that you were, it  
16 sounds like, trying to do?

17 A Oh, I would say yes, we were able to get  
18 some information --

19 Q Okay.

20 A -- that was helpful.

21 Q To include the possibility that drugs may  
22 be involved?

23 A Yes, that's correct.

24 Q Okay. What about a phone number?

25 A No, so -- no. She -- we did not get a

## Examination of Jena Lemke

1 phone number --

2 Q Okay.

3 A -- from her.

4 Q Did you get a phone number for the subject  
5 from another means?

6 A Yeah. So not for him specifically, but  
7 there's another officer that's going to -- here today  
8 that's going to testify. So -- so similar to what we  
9 did with the initial apartment where he was  
10 associated with, we did something similar with the  
11 apartment that he ended up at.

12 And I believe, if I remember correctly,  
13 that a person at that location had called in to make  
14 a report regarding a stolen vehicle. So that officer  
15 located a phone number for the person that was  
16 associated with that apartment.

17 They had tried to call that phone number a  
18 couple times and it was ringing, someone would answer  
19 and they'd hang up and so weren't sure exactly who  
20 was answering the phone at that time.

21 But via that phone number, who was a  
22 resident of that second apartment where we kind of  
23 ended up being a target apartment, we were able to  
24 get in touch with Alex.

25 Q Okay. And "we" or you?

## Examination of Jena Lemke

1           A     I did speak to him?

2           Q     Okay. How many times did you speak to  
3 Alex?

4           A     I don't recall exactly. So I --

5           Q     Was -- was it one -- more than one time?

6           A     More than one time, yes.

7           Q     Okay. And did he ever identify himself  
8 to you?

9           A     No, he did not.

10          Q     Okay. Did you identify yourself to him?

11          A     I did.

12          Q     Okay. And tell us about the conversation  
13 or conversations you had with him.

14          A     Sure. I -- from what I recall, the  
15 conversations were really brief. Then, I mean, I  
16 remember, like, giving the call log to the detectives  
17 'cause there was quite a few times where we were,  
18 like -- I was trying to call him, make contact  
19 with him.

20                   And it either would be, like, a very short  
21 conversation or, like, someone would pick up the  
22 phone and just hang up. And I remember it was kind  
23 of interspersed with him also still, like, yelling,  
24 you know.

25                   So we were trying to get him to be on the

## Examination of Jena Lemke

1 phone because there was quite a lot of road noise  
2 from, like, North Columbia Boulevard and it was very  
3 difficult just to be yelling from the distance that  
4 we were at for everyone's safety to actually have an  
5 effective conversation with him.

6 But some of the things I do remember him  
7 saying was that, you know, he didn't want us to come  
8 any closer; if we came any closer, he was going to  
9 shoot and statements along those lines.

10 The second or third conversation that I had  
11 with him, he was saying something to the effect of,  
12 "If you come any closer, I'm going to shoot them."  
13 And he started referring to, like, "them" a couple  
14 different times.

15 And so at that point, I was concerned that  
16 there were still people in that apartment with him  
17 and that he wasn't alone. So I relayed that  
18 information to the other officers and a sergeant that  
19 were there on the scene.

20 Q Okay. After -- or while you're having  
21 these conversations with Alex by phone, did you hear  
22 anything concerning happen?

23 A Yeah, I heard a gunshot.

24 Q Okay. Was that before or after you had  
25 spoken with Alex?

## Examination of Jena Lemke

1           A     I had at least one conversation with him by  
2 phone before I heard the first gunshot.

3           Q     Okay. And could you tell where that  
4 gunshot originated from?

5           A     It definitely sounded like it was coming  
6 from inside the apartment building, like, right where  
7 we were at.

8           Q     Okay. As opposed to it being a police fire  
9 or something?

10          A     Well, are you saying -- what -- I could  
11 tell that it was coming from the apartment --

12          Q     Okay.

13          A     -- building, so --

14          Q     Okay.

15          A     -- no, I didn't see who --

16          Q     From out --

17          A     -- was shooting.

18          Q     Versus outside the building  
19 (indiscernible)?

20          A     Sure.

21          Q     Okay.

22          A     Yes, that's correct.

23          Q     Did you know what the result of that  
24 shot was?

25          A     I did. So I was standing pretty close to

## Examination of Jena Lemke

1 that front door, like I said, that's right by the  
2 1600 address label on that building. And there was  
3 an officer that I know that -- he works day shift --  
4 that came out of the building saying that he was  
5 shot.

6 Q And who was that officer?

7 A Officer Snodgrass.

8 Q Okay. Did you render aid or assistance to  
9 Officer Snodgrass?

10 A I did. So, I mean, obviously, it was  
11 pretty disconcerting 'cause the gunshot was, like,  
12 really close to where we were at and we didn't know  
13 if, you know, the person was going to continue  
14 shooting or not.

15 So myself and one of the gentlemen that was  
16 working with the DEA -- DEA, we both kind of, like,  
17 just had one of Officer Snodgrass' arms, like, over  
18 our shoulders just so we could kind of get him out of  
19 there a little more quickly. Then we went westbound  
20 on Willis and then northbound on Fenwick just to kind  
21 of get away from the building.

22 Q Okay. And did you render further aid to  
23 Officer Snodgrass?

24 A Yeah. So our uniforms are really, like,  
25 a dark-blue color, so it's actually difficult to,



## Examination of Jena Lemke

1 like, tell if you're bleeding or where the blood's  
2 coming from. And so we could see -- it -- well, I  
3 thought at the time that he had gotten shot through a  
4 wall because there was -- what's that called -- oh,  
5 like, drywall.

6 So, like, kind of, like, if you can  
7 imagine, like, a bullet going through a wall, it was  
8 kind of, like, the -- like, kind of white, like,  
9 chalky looking material that was kind of, like --  
10 like, splattered, like, on the kind of back of his  
11 pants.

12 I'm sorry. I know you can't see where I'm  
13 pointing at, but just below --

14 Q You can stand up --

15 A Oh, so basically --

16 Q -- if that would be (indiscernible).

17 A -- (indiscernible) -- sorry -- kind of  
18 just, like, in this area.

19 Q So just for the record, you're pointing  
20 kind of to the left buttocks area?

21 A Yes, that's correct. And so once we got  
22 him down, like, where we had some cover and  
23 concealment, one of the DEA -- DEA agents, he ended  
24 up having, like, trauma shears.

25 So he was able to cut kind of, like, the

## Examination of Jena Lemke

1 pocket area and up Officer Snodgrass' pant leg. So  
2 we could see that -- kind of where I was pointing to  
3 earlier, that that's, like, where there was an entry  
4 wound. And then the bullet traveled around towards  
5 the front of his leg and you could actually still  
6 see, like, the bullet, like, underneath his skin on  
7 the front of his leg.

8 Q Okay.

9 A So we're trained to obviously, like, check  
10 'cause, obviously, you know, I imagine when you go  
11 through something like that when you're shot, there's  
12 a possibility that he could have shot other areas.

13 So we're just checking to see if -- if he  
14 was. And then there was an officer that came with a  
15 patrol car and they ended up leaving to take him to  
16 the hospital by patrol car.

17 Q Okay. Do you recall -- so it sounds like,  
18 if I understand you correctly, that gunshot was after  
19 at least one of your conversations with Alex; is  
20 that --

21 A Yes.

22 Q -- is that right?

23 A Yes --

24 Q Okay.

25 A -- that's correct.

## Examination of Jena Lemke

1           Q     And was that -- did that conversation then  
2 include the statement you provided earlier about,  
3 "Come any closer -- don't come any close or I'll  
4 shoot"? Do you recall or --

5           A     Yeah. Initially, he was making statements  
6 to, like, that effect.

7           Q     And then the gunshot you heard was  
8 after that --

9           A     Yes, that's correct.

10          Q     -- is what I'm asking. Okay.

11          A     Yeah.

12          Q     Did you talk to Alex again after -- after  
13 Officer Snodgrass had been shot?

14          A     Yes, I did.

15          Q     And do you know how many times?

16          A     I -- no, I don't recall. I definitely,  
17 like, believe that I spoke to him, like, I guess --  
18 I -- I was going to say at length, but it -- I  
19 don't -- it didn't really seem that we had, like,  
20 very long or productive conversations.

21                 So at length -- I mean, I'm speaking of,  
22 like, minutes 'cause some of the calls were, like,  
23 hang up, disconnect and whatnot. And then, you know,  
24 like I said, like -- like, it was interspersed with  
25 him still trying to, like, kind of yell from, like,

## Examination of Jena Lemke

1 the balcony area or some -- or inside the apartment.

2 Q Okay.

3 A But it was a pretty brief conversation and  
4 I believe it was only once that I had him on the  
5 phone after Officer Snodgrass was shot.

6 Q Okay. And for each of the times that you  
7 communicated with him, were you initiating the call  
8 or did he ever call you back or reach out to you?

9 A I think we only ever called him. I don't  
10 recall him ever trying to make contact with us other  
11 than, like I said, just clear voice, like, yelling  
12 and responding. But I don't believe he ever tried to  
13 call back the phone number that we were calling  
14 from --

15 Q (Indiscernible) --

16 A -- or that I was calling from.

17 Q In that conversation after Officer  
18 Snodgrass had been shot, do you recall what, if  
19 anything, he -- he said to you during that time?

20 A Like I said, I -- I just really, really  
21 clearly remember at -- like, at some point -- and I  
22 think it was the second conversation that we had when  
23 he was referring to, like, the "them." And that's  
24 when I thought that there was somebody in the  
25 apartment with him potentially.

## Examination of Jena Lemke

1           But it was, like -- I just recall him just  
2 making the same kind of statements like, "Don't come  
3 any closer. If you come any closer, I'm going to  
4 shoot." But then, like I said, it was like, "If you  
5 come any closer, I'm going to shoot them," and  
6 referring to a "them."

7           And I do remember the second conversation  
8 that I tried to assure him that we haven't -- you  
9 know, that we hadn't, like, advanced or moved towards  
10 the apartment. And as far as I could tell -- I mean,  
11 that was true. Like, I left, obviously, with Officer  
12 Snodgrass and came back.

13           But from when I returned to, like, my same  
14 location, everybody was in the same places, you know,  
15 and I don't think that anyone, like, moved to get any  
16 closer to him or anything like that.

17           Q     Would you -- in terms of what you were  
18 saying to him, would you describe it as sort of  
19 attempts to deescalate -- deescalate the situation?

20           A     Yes, that's correct.

21           Q     And -- and what other things did -- did you  
22 tell him besides, you know, try to assure him you  
23 hadn't advanced on -- on the apartment or toward him?

24           A     I just remember telling him, you know, that  
25 we wanted to resolve the situation peacefully, you

## Examination of Jena Lemke

1 know, that we didn't want anyone else to get hurt,  
2 that we didn't want to get hurt, that we didn't want  
3 him to get hurt and things like that.

4 Q Okay. And how did he respond to  
5 those statements?

6 A I just -- like I said, I just recall him  
7 kind of saying the same thing about, like, not coming  
8 any closer. And then I remember, during one of our  
9 conversations, he had asked to see his girlfriend. I  
10 believe her first name is Nichole.

11 Q Okay. At any point during the times you  
12 spoke to the man who you identified as Alex, did he  
13 indicate a willingness to surrender or give up or  
14 say, "I'm done. I'll come out" --

15 A No.

16 Q -- anything like that?

17 A No, he did not.

18 Q Okay. What happened after the conversation  
19 that you had after Officer Snodgrass was shot?

20 A I don't -- so after one of the  
21 conversations, I heard another gunshot. And then I  
22 think I heard maybe about five gunshots --

23 Q Okay.

24 A -- like, altogether. And I didn't have --  
25 I didn't speak with him after that point, even though

## Examination of Jena Lemke

1 I did continue to try to call that same phone number  
2 that I was calling earlier.

3 Q Okay. And I'm sorry. Did you say,  
4 "altogether"? Five gunshots altogether?

5 A I think it was, like, the one when Officer  
6 Snodgrass. I recall another one and then I think  
7 another, like, five.

8 Q Okay. Were the five sort of in  
9 quicker succession?

10 A I don't --

11 Q Or do you recall?

12 A I honestly don't remember. I just remember  
13 he -- like, remembering that I thought that that's  
14 how many it was.

15 Q Okay. And did you -- you said that you --  
16 you tried again to speak with him after those, but  
17 never connected again?

18 A Yes, that's correct.

19 Q Okay. All right. Do you recall trying a  
20 third number at any point?

21 A I do. So there were two people that were  
22 in the apartment. When they came out of the  
23 apartment, I spoke to them briefly. So I believe the  
24 gentleman's first name is Kevin.

25 And Kevin's phone was the phone number that

## Examination of Jena Lemke

1 I had had the conversations with Alex on. It -- it  
2 was either him or Erin. And I apologize. It was a  
3 long time ago, but the other gal that lived in the  
4 apartment. She had a cell phone.

5 She said she didn't think that he would be  
6 able to hear the phone ringing if we called it  
7 because it was in her backpack. But we did try to  
8 call that phone number as well and weren't able to  
9 make contact with him.

10 Q Okay. Did you ever see the man that you  
11 were communicating with during this time?

12 A No, I did not.

13 Q Okay. So you had mentioned that sometimes  
14 it sounded like -- or you were under the impression  
15 he was out on the balcony. You were getting that  
16 information from other officers?

17 A Yeah. I mean, like I said, where -- from  
18 where we were standing, I mean, that's what it  
19 sounded like. So, I mean --

20 Q Okay.

21 A -- he would -- I would imagine either he  
22 would have been, like, on the balcony or maybe just  
23 inside the door because we could hear him, but it  
24 was just --

25 Q Got it.



## Examination of Jena Lemke

1           A     -- it was really difficult and, honestly,  
2     like, really frustrating because we wanted to  
3     establish communication with him and it was just so  
4     difficult, like, just trying to, like, yell.

5                     And I actually, you know, was -- it was  
6     really beneficial when we were able to get that phone  
7     number, I believe, of Kevin's and start talking to  
8     him on the phone because it was -- you know, like I  
9     said, we never really had a long conversation, but at  
10    least it was -- felt a little bit more effective  
11    'cause I could actually hear what he was saying and  
12    have a better, you know -- I don't know if "better"  
13    is the right word to say, but I guess more effective  
14    communication with him.

15           Q     Okay. Based on your training and  
16    experience specific to the ECIT training and the  
17    information you had received from -- from the  
18    girlfriend and -- and sort of the -- the situation in  
19    general, how would you describe Alex's demeanor or  
20    tone of voice or just speech pattern? Anything  
21    noteworthy there in terms of your efforts to  
22    deescalate?

23           A     I mean, he definitely seemed upset and, you  
24    know, was more -- I mean, I remember him, like, being  
25    pretty loud, like, you know, "If they come any

## Examination of Jena Lemke

1 closer, I'm going to shoot," and, like, that sort of  
2 thing, but, you know, nothing else besides that.

3 MS. NADELL: Okay. All right.

4 (Whispered discussion, off the record,  
5 1:42 p.m.)

6 MS. NADELL: I don't have any other  
7 questions. We'll see if the grand jurors have any,  
8 okay?

9 THE WITNESS: Mm-hmm.

10 MS. NADELL: Seeing none.

11 Okay. Thank you so much, Officer.

12 THE WITNESS: Okay. Thank you.

13 (Whispered discussion, off the record,  
14 1:42 p.m. - 1:43 p.m.)

15 MS. NADELL: So we're using the witness  
16 stand, so go up --

17 THE WITNESS: (Indiscernible).

18 MS. NADELL: -- (indiscernible) raise your  
19 right hand. (Indiscernible).

20 **RYAN WHITCANACK**

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

23 A GRAND JUROR: Thank you.

24 MS. NADELL: Go ahead and have seat.

25 If you could state and spell your first and

## Examination of Ryan Whitcanack

1 last name.

2 THE WITNESS: Ryan Whitcanack, R-y-a-n,  
3 W-h-i-t-c-a-n-a-c-k.

4 EXAMINATION

5 BY MS. NADELL:

6 Q And how are you employed?

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

9 Q And how long have you been a police  
10 officer?

11 A 23 years, 1 month.

12 Q And were you working on August 27th of  
13 2021?

14 A Yes.

15 Q Did you respond to a -- an incident at 1600  
16 North Willis Boulevard?

17 A Yes.

18 Q And were you one of the kind of initial  
19 Portland police officers to arrive?

20 A Yes.

21 Q All right. And it's my understanding  
22 that Portland Police were dispatched because the  
23 DEA requested cover after trying to execute a  
24 search warrant?

25 A Correct.

## Examination of Ryan Whitcanack

1 Q Okay. What happened when you arrived?

2 A I first got there with my partner, Officer  
3 Meyer (phonetic). We parked to the east of the  
4 location at Interstate Place and Willis. I  
5 eventually had to move a little further west with my  
6 vehicle just for officer safety just so we had cover  
7 ourselves --

8 Q Mm-hmm.

9 A -- using the engine block and such. While  
10 there, I -- I witnessed DEA were in conversation with  
11 somebody for quite some time.

12 I couldn't see him. He was out of my field  
13 of view due to the buildings. Eventually, dispatch  
14 came up with a possible phone number for the  
15 apartment we believed he was at, thinking it was --  
16 belonged to somebody else.

17 Q Okay.

18 A I got tasked with calling that phone number  
19 to see if I could try to contact the occupants.

20 Q All right. And was that Apartment No. 5?

21 A Correct.

22 Q Okay. And were you able to reach someone  
23 with the number dispatch provided?

24 A I -- they -- I did. They said his name was  
25 Kevin, who I was trying to call, so I called.

## Examination of Ryan Whitcanack

1 Q Mm-hmm.

2 A So I get him to exit, you know, the  
3 building 'cause we were concerned that the suspect  
4 may try to break in.

5 Q And I'm sorry. Was Kevin the name dispatch  
6 provided of the -- the residence --

7 A Yeah.

8 Q -- occupant? Okay.

9 A What -- what we believed, yes.

10 Q Got it.

11 A So I called at 06:30 hours. A male  
12 answered. I asked if it was Kevin and I told him  
13 who I was. When I asked if he lived in No. 5, he  
14 immediately hung up the telephone.

15 Q Okay.

16 A I then tried to call back six different  
17 times to regain contact, but there was no answer.

18 Q Okay. So just so I'm -- I'm understanding  
19 correctly, that was at about 6:30 a.m.?

20 A 6:36.

21 Q 6:36 a.m. Okay. Did you later receive,  
22 about 20 minutes later, a phone call from the  
23 same number?

24 A I did.

25 Q All right. And did you answer?

## Examination of Ryan Whitcanack

1           A     I did.

2           Q     And tell us about that conversation.

3           A     So at 06:57, I got that phone call and I  
4 answered just by saying my last name. That's just  
5 how I answer my telephone. The male voice that I  
6 heard on the phone was the exact same person I had  
7 talked to previously.

8                     I asked if he was okay and he replied, "You  
9 better back the fuck up or people are going to get  
10 hurt." I asked him what he needed and if he was  
11 unharmed. He replied, "If you come in here, I'm  
12 going to kill someone." He then stated, "Just toss  
13 me down some pills and back off."

14          Q     Okay.

15          A     With every -- with everything going on, I  
16 finally realized I was actually talking to the -- to  
17 the individual DEA had been speaking with.

18          Q     Okay. Based on the information you had  
19 gotten from DEA and others?

20          A     Well, and his statements.

21          Q     And his statements?

22          A     Yeah.

23          Q     Okay. Did you ask the male if he wanted a  
24 call from someone else?

25          A     I did.

## Examination of Ryan Whitcanack

1 Q Okay.

2 A I did ask him he would rather speak with  
3 somebody who he'd been previously talking to out from  
4 the balcony. He replied, "Yeah, that would be good,"  
5 and hung up the phone.

6 Q Okay. Was that your only conversation --  
7 or only two conversations with the individual?

8 A Yes.

9 MS. NADELL: Okay. All right. I don't  
10 have any other questions for you.

11 Are there grand juror questions?

12 A GRAND JUROR: Did he identify himself  
13 to you?

14 THE WITNESS: No.

15 A GRAND JUROR: Okay.

16 A GRAND JUROR: Were you also with  
17 Officer Lemke during those calls? Like, were you --  
18 the two of you working together or close together?

19 THE WITNESS: No, I was probably about  
20 30 yards away.

21 A GRAND JUROR: Okay.

22 A GRAND JUROR: Did you see the person you  
23 were talking to at all?

24 THE WITNESS: No. He was just around the  
25 corner of the building from my position.

## Examination of Ryan Whitcanack

1 BY MS. NADELL:

2 Q And just to make sure I understand  
3 correctly, when you said -- or asked the person if it  
4 was Kevin, you didn't get a response to that,  
5 correct?

6 A Correct.

7 MS. NADELL: All right. Okay. Any other  
8 questions? Seeing none.

9 All right. Thank you, Officer.

10 THE WITNESS: Thank you, ma'am.

11 (Whispered discussion, off the record,  
12 1:49 p.m. - 1:50 p.m.)

13 MR. VASQUEZ: You're going to go right up  
14 to the witness stand up there and I want you to raise  
15 your right hand when you get up there.

16 A GRAND JUROR: Okay.

17 **JERAMI MCKINLAY**

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

20 A GRAND JUROR: Thank you.

21 MR. VASQUEZ: Okay. If you would start by  
22 telling us your first and last name.

23 THE WITNESS: My name's --

24 MR. VASQUEZ: Go right ahead.

25 THE WITNESS: My name's Jerami McKinlay.



## Examination of Jerami McKinlay

1 MR. VASQUEZ: And would you spell that to  
2 make sure I have it spelled correctly here?

3 THE WITNESS: I'm sorry. Say that again.

4 MR. VASQUEZ: Would you spell it for me to  
5 make sure I have it correct?

6 THE WITNESS: Yeah, my first name is  
7 J-e-r-a-m-i. My last name's M-c-K-i-n-l-a-y.

8 **EXAMINATION**

9 BY MR. VASQUEZ:

10 Q And how are you employed, sir?

11 A The Portland Police Bureau.

12 Q And what's your current role with Portland  
13 Police Bureau?

14 A I'm a patrol sergeant on North day shift.

15 Q Okay. And how long have you been with  
16 Portland Police?

17 A 18 years.

18 Q Okay. And so back on August the 27th of  
19 2021, were you on duty?

20 A Yes, sir.

21 Q And did you respond to the area of 1600  
22 North Willis Boulevard?

23 A Yes, sir.

24 Q And was that based upon kind of calls that  
25 were coming out about search warrant, someone running

## Examination of Jerami McKinlay

1 and things of that nature?

2 A Yes, more or less.

3 Q More or less (indiscernible). So when  
4 you arrived, kind of roughly when did you arrive in  
5 the kind of sequence of events and -- and what did  
6 you do?

7 A Well, I arrived after the DEA had already  
8 been there, had gone up to the apartment that they  
9 were trying to serve the search warrant on. And  
10 they called us when that person had jumped off of  
11 the balcony from that apartment down to the balcony  
12 below it.

13 So they were probably, I'm estimating,  
14 30 minutes into that process when I finally got  
15 there. I had been at our precinct doing other  
16 administrative duties when that came out and they  
17 requested Portland Police.

18 Q All right. So you get there. Obviously,  
19 things are pretty well underway. Do you get a  
20 briefing kind of about -- from someone on scene about  
21 what's going on?

22 A Yeah. First, I went and talked to Sergeant  
23 Dorn, who had been dispatched initially as the  
24 primary sergeant.

25 Q Okay.



## Examination of Jerami McKinlay

1 was saying. At times, the DEA agents that were  
2 talking to him directly would relay stuff that they  
3 heard him say to me.

4 So while I know that I heard some of the  
5 things he said, I'm unclear in my mind which things I  
6 heard directly from him and which were things that  
7 the -- the agents were telling me that he had said.

8 Q Got you. Okay. And -- and my  
9 understanding is that kind of early on, you were kind  
10 of the first to kind of start to gather people and  
11 start to try to make some organization out of the  
12 chaos. Does that sound about right?

13 A Yes, sir. I was considered the incident  
14 commander for the early part of the call.

15 Q Okay. And after you started obtaining  
16 information, did you do things like start to request  
17 that SERT and CNT come into the -- to the area and  
18 things of that nature?

19 A Yes, sir.

20 Q Okay. And -- and what other types of  
21 activities did you start -- start to organize?

22 A We were just making sure that we had  
23 containment on the buildings. We were talking about  
24 starting some evacuations of other neighboring  
25 apartments.

## Examination of Jerami McKinlay

1           I don't know that we had gotten far enough  
2 down the road to get much of that done before this  
3 evolved a little bit. But I was making notifications  
4 to our chain of command.

5           Some of our policy required things that  
6 were -- we were trying to do, making sure we had  
7 communications between our team and the subject as  
8 best as possible.

9           Q     Okay. And -- and you mentioned those  
10 evacuations. So these are kind of three-level  
11 apartment buildings. There's two of them in pretty  
12 close -- close contact there.

13          A     Yes.

14          Q     Were you concerned about people in the  
15 adjacent apartments, both above, below, across the  
16 way, all of that?

17          A     Yes.

18          Q     And this was pretty early morning, so most  
19 people probably were still either asleep or starting  
20 to wake up?

21          A     Yeah. I arrived on scene probably at maybe  
22 6:45 to 7:00 a.m., so presumably --

23          Q     Okay.

24          A     -- there would be people inside.

25          Q     And was -- were you confident or did you

## Examination of Jerami McKinlay

1 know whether all those people had been evacuated or  
2 things of that nature?

3 A No, sir. I -- I had no knowledge of that  
4 and -- and talking to the other people that had been  
5 there before me, there was no indication that  
6 evacuations had started by that time.

7 Q Okay. And were you trying to kind of get  
8 that -- that process going and also gather up  
9 individuals to do -- and -- and I -- I may get the  
10 term wrong. It's, like, a hasty --

11 A A hasty team is what we would call it.

12 Q Okay. A hasty team, yes.

13 A Which is basically an emergency entry team  
14 if we have to make entry to an apartment or residence  
15 to provide emergency aid to somebody for a number  
16 of reasons.

17 Q Okay. And -- and that -- you're doing that  
18 because, from your understanding, he's in this other  
19 apartment where there may be other people that may  
20 need to be rescued, things of that nature?

21 A Correct.

22 Q Okay. And -- and so you help organize  
23 that. And then kind of at what point does it  
24 shift -- in other words, do other incident commanders  
25 come in and do things shift?

## Examination of Jerami McKinlay

1           A     Well, I was still the incident commander at  
2     that point.

3           Q     Mm-hmm.

4           A     When our hasty team went inside the  
5     building, they didn't go inside the apartment unit.  
6     They just went inside the -- the building into  
7     the stairwell to prepare in case they needed to  
8     make entry.

9                     Then after they had been in there for a  
10    short amount of time -- I'm not sure how much time  
11    that was -- Officer Snodgrass got shot. They  
12    evacuated out of the building and that kind of ramped  
13    things up and got that process started.

14                    The SERT team was already on their way at  
15    that point and as soon as they arrived, I handed off  
16    the incident command to Sergeant Wutherich (phonetic)  
17    and then I went to brief the SERT commander.

18           Q     Okay. So you were essentially just trying  
19    to make sure that all the appropriate people had all  
20    the appropriate information. Is that pretty fair  
21    to say?

22           A     Yes, sir.

23                    MR. VASQUEZ: Okay. All right. I don't  
24    think I have any additional questions.

25                    Ladies and gentlemen of the grand jury, any

## Examination of Jerami McKinlay

1 questions for the -- for the sergeant?

2 A GRAND JUROR: I'm sorry. I wasn't quite  
3 clear on the -- so when the SERT team arrived, that's  
4 when you passed off command to someone else?

5 THE WITNESS: Yes. As they arrive, it's  
6 not all at once. They're coming from different  
7 places. So when their lieutenant arrived --

8 A GRAND JUROR: Okay.

9 THE WITNESS: -- he requested that I go to  
10 his location, which was about a half a block away, to  
11 brief him on what we had going on. So that's when I  
12 gave up the incident command.

13 A GRAND JUROR: And that was -- I'm sorry.  
14 The name on that?

15 THE WITNESS: Lieutenant Pearce.

16 A GRAND JUROR: Pearce. Thank you.

17 THE WITNESS: But it was Sergeant Wutherich  
18 who took over the incident command spot from me.  
19 Lieutenant Pearce was the SERT commander.

20 MR. VASQUEZ: Okay. Any additional  
21 questions?

22 All right. Thank you, sir.

23 THE WITNESS: Thank you.

24 (Whispered discussion, off the record,  
25 1:58 p.m. - 1:59 p.m.)



1 MR. VASQUEZ: Okay. Let's see. We're  
2 going to try this one (indiscernible).

3 (Whispered discussion, off the record,  
4 1:59 p.m.)

5 MR. VASQUEZ: All right. Thank you for  
6 being my technical support. Greatly appreciate it.  
7 Okay. So we're back.

8 A GRAND JUROR: And click "Start." It  
9 should say, "Join meeting" (indiscernible).

10 MR. VASQUEZ: All right. That -- that's at  
11 least a good sign. Hey, there's me. Okay.

12 MULTIPLE GRAND JURORS: (Indiscernible).

13 MR. VASQUEZ: Yes, let's do that.  
14 Hopefully we'll see here in a minute -- does it show  
15 us our folks?

16 A GRAND JUROR: If you close that little  
17 window in the bottom right --

18 MR. VASQUEZ: Okay.

19 A GRAND JUROR: -- you can see a  
20 "participants" button. If you click on that, it'll  
21 give you --

22 MR. VASQUEZ: Oh.

23 A GRAND JUROR: -- it'll, you know -- if  
24 anybody joins, you'll see them (indiscernible).

25 MR. VASQUEZ: Okay. I know the officer was

1 going to log in, so --

2 A GRAND JUROR: Is there a second meeting?

3 A GRAND JUROR: It looks like there's the  
4 second meeting as well. I don't know how long you  
5 want to wait before trying the other one.

6 MR. VASQUEZ: Okay. I'm going to wait a  
7 second. We'll see if he responds to my text and if  
8 not, then I will switch over here.

9 A GRAND JUROR: If you click on the  
10 participant, it will show the name, so you can  
11 confirm it's the correct one. But it feels like  
12 there was another meeting.

13 MR. VASQUEZ: Yeah, I know. That's what  
14 I'm -- okay.

15 A GRAND JUROR: Try (indiscernible) the  
16 afternoon one.

17 MR. VASQUEZ: Okay. So I'm going to back  
18 out of this.

19 A GRAND JUROR: End that meeting.

20 A GRAND JUROR: Click back to the list.

21 A GRAND JUROR: And --

22 A GRAND JUROR: Yes.

23 A GRAND JUROR: -- right above "grand  
24 jury."

25 MR. VASQUEZ: Right above -- so here, back

1 to list. Let's do that, sure. Maybe give this one a  
2 shot here. Here, let's join that one.

3 There we go. I see him there.

4 Okay. Let's join that meeting. Okay.

5 Let's let him in. There we go. Look at that. We're  
6 getting somewhere.

7 Okay. Officer Jacobsen, can you hear us?

8 I see some positive signs here maybe.

9 Officer Jacobsen, can you hear us? We  
10 can't see or hear you yet, although you are -- oh, I  
11 think we lost you.

12 (Phone ringing.)

13 THE WITNESS: Hey.

14 MR. VASQUEZ: You -- you were there for a  
15 second. I was just trying to log you in and then  
16 you disappeared.

17 THE WITNESS: Yeah, I -- I (indiscernible).  
18 I don't know if my video -- if it's allowing me to  
19 use my video, so --

20 MR. VASQUEZ: Well -- okay. Well, if  
21 it's not --

22 THE WITNESS: Can you hear me?

23 MR. VASQUEZ: I can hear you. I just can't  
24 see you.

25 THE WITNESS: Well, let me just make sure

1 my camera --

2 A GRAND JUROR: Does he have something  
3 covering (indiscernible)?

4 THE WITNESS: I sure --

5 MR. VASQUEZ: I don't know.

6 THE WITNESS: -- don't know what's going on  
7 (indiscernible) a different laptop or I can see if my  
8 phone will work, so --

9 MR. VASQUEZ: Yeah. Unfortunately, you're  
10 breaking up pretty bad, too, so why don't you try  
11 another one and --

12 THE WITNESS: Your call --

13 MR. VASQUEZ: It's like your connection's  
14 not very good. I'll keep this on and why don't you  
15 see if you can find another laptop to log in with?

16 MS. NADELL: It might even be ongoing  
17 technical difficulties. We can pause the record.

18 MR. VASQUEZ: Yes.

19 A GRAND JUROR: Well, let's --

20 MR. VASQUEZ: Yes, please.

21 (Recess taken, 2:04 p.m. - 2:10 p.m.)

22 MS. NADELL: So we're back on the record.

23 Ms. Diaz, if I -- keep your hand raised and  
24 the foreperson will swear you in.

25 THE WITNESS: Okay.

## Examination of Kristin Diaz

1 KRISTIN DIAZ

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

4 A GRAND JUROR: Thank you.

5 MS. NADELL: Go ahead and have a seat.

6 And can you state and spell your first and  
7 last name, please.

8 THE WITNESS: Sure, it's Kristin Diaz,  
9 K-r-i-s-t-i-n, D-i-a-z.

10 EXAMINATION

11 BY MS. NADELL:

12 Q All right. Ms. Diaz, on August 27th of  
13 2021, were you living at an apartment complex in  
14 north Portland?

15 A I was.

16 Q And what was the address there?

17 A 1600 North Willis Boulevard.

18 Q What unit?

19 A Apartment 4.

20 Q Okay. What floor of the building was  
21 that on?

22 A Second floor.

23 Q Okay. Where in relation to Unit No. 5 was  
24 your Apartment No. 4?

25 A Right across the hall.

## Examination of Kristin Diaz

1 Q Okay. Like, literally across --

2 A Like --

3 Q -- the hall?

4 A -- our doors face each other, but slightly  
5 off center.

6 Q Okay. All right. Do you remember  
7 that morning?

8 A I sure do.

9 Q Okay. Did you -- before we talk about that  
10 morning, I guess I just want to ask you a little bit  
11 about the apartment complex. So it sounds like your  
12 doors are -- No. 4 and No. 5 are pretty in line with  
13 each other, slightly off. How do you move between  
14 floors in that building?

15 A There's two stairs at the front and at the  
16 back of the building.

17 Q Okay. And is the main entrance there on  
18 North Willis --

19 A It is.

20 Q -- Street [sic] then?

21 Okay. And we've seen some photographs  
22 showing at least some of the units have balconies.  
23 Did your --

24 A Mm-hmm.

25 Q -- unit have a balcony and everything?

## Examination of Kristin Diaz

1           A     Yeah.

2           Q     Okay.  And just for the record, you're  
3     nodding your head.

4           A     It did, yes.

5           Q     Okay.

6           A     Thanks.  Mm-hmm.

7           Q     So tell me about the morning of  
8     August 27th.  What do you remember?

9           A     So I woke up kind of in a hurry to get my  
10    dog out for a walk.  I didn't take her out the night  
11    before like I should have, like a good dog mom.  So I  
12    threw on my glasses, a hoodie and shoes and walked  
13    out the front door.  She's a 65-pound pit mix.

14                But as soon as I opened the door, I noticed  
15    that there was officers in full riot gear standing in  
16    my hallway and to the left, which obviously took my  
17    off guard.  It was early, probably, like, 7:00-ish.  
18    Kind of alerted my dog, too, especially with my high  
19    stress at the moment.

20                The lead officer told me, you know, "Ma'am,  
21    you need to get out of here right away."  I said,  
22    "Absolutely.  It looks like something is going on."  
23    So I made a left out of my apartment towards the  
24    front of the building where the staircase is.

25           Q     That would be towards Willis?

## Examination of Kristin Diaz

1           A     Correct.

2           Q     Okay.

3           A     And there wasn't really a clear path for me  
4     to walk out, especially as I was holding my very  
5     excited dog, to try to get outside. So in my  
6     hesitations at the top of the stairs, there was a  
7     loud noise. My dog tried to run back into my  
8     apartment 'cause she was scared of it.

9                     And I noticed the cop from out on the top  
10    step of the stairs -- he was probably on the second  
11    or third step of the stairs maybe not even five feet  
12    from me -- I can't remember exactly what he said. It  
13    was some sort of, like, "Oh, shoot," or whatever.  
14    Turned around and saw -- started hobbling down the  
15    stairs.

16                    At that point, like, I was trying to grab  
17    my dog and the lead SWAT guy grabbed me by my  
18    shoulders and was like, "Ma'am, you need to get out  
19    of here immediately." And I was like, "Got it,  
20    noted."

21                    So I feel like I levitated down the stairs  
22    and ran outside and went to go right and was told,  
23    "No, no, no. No, go left," went under some police  
24    tape and that was my exit out of the building.

25           Q     Okay. So it's about 7:00 in the morning



## Examination of Kristin Diaz

1 or so. Had you heard anything prior to opening  
2 your door --

3 A No, not at all.

4 Q -- and seeing that?

5 Okay. And did you know the -- your  
6 neighbors from Apartment No. 5?

7 A I do.

8 Q Okay. And what about anyone else in the  
9 building at the time?

10 A I knew one neighbor that lived upstairs in  
11 the back apartment, Chris Schneider (phonetic), I  
12 want to say his last name -- it starts with an S.  
13 And I don't know the name of my neighbor below me.  
14 He was a nice gentleman as well.

15 Q Okay. Are there also, like, some  
16 apartments in there that are, like, Airbnb or,  
17 like --

18 A They are.

19 Q Okay.

20 A Yeah. So I was a travel nurse, so it was a  
21 fully furnished apartment. And if they weren't  
22 rented long term, she would rent them for --

23 Q Okay.

24 A -- Airbnb situations.

25 Q Okay. So you -- you come out, you see a

## Examination of Kristin Diaz

1 whole bunch of officers and it sounds like you make  
2 it towards the stairs. Where are you in relation to  
3 the stairs when you hear the loud noise?

4 A Right at the top of the stairs.

5 Q Okay. Had you -- do you feel like you had  
6 made a -- like, talked or been loud at all up to  
7 that point?

8 A I was definitely -- I mean, with the  
9 interaction with the lead officer telling me to -- to  
10 get out -- those walls are paper thin, which is one  
11 of the reasons why I ended up moving and why they  
12 didn't sell them as condos --

13 Q Okay.

14 A -- I'm assuming. You can hear everything  
15 between your top floor down -- under -- you know,  
16 downstairs, people in the hallway. So I'm assuming  
17 you could probably hear --

18 Q Okay.

19 A -- very clearly into a different apartment.

20 Q One of -- yeah. I appreciate, like, the  
21 context and your experience. I don't want you to  
22 assume what anyone could hear --

23 A Right.

24 Q -- but -- but you said some words to the  
25 police, correct?

## Examination of Kristin Diaz

1           A     Right.  I'm just -- I meant -- what I meant  
2     by that was I could hear people in the hallway.

3           Q     Got it.

4           A     Even just a normal conversation, not even  
5     yelling or anything like that --

6           Q     Okay.

7           A     -- from the inside of my apartment.

8           Q     And had your dog made any noise prior to  
9     the loud --

10          A     I don't believe so.

11          Q     -- sound?  Okay.

12          A     I don't believe so.

13          Q     Okay.  And then you hear the -- the loud  
14     noise.  Do you have -- could you make out what it  
15     was?

16          A     It -- it was -- I mean, it sounded like a  
17     muffled discharged gun or --

18          Q     Okay.

19          A     -- some sort of equipment.  I did notice  
20     that the cop that was standing in front of me that  
21     ended up turning around and hobbling down the stairs  
22     had a white patch on his very black pants --

23          Q     Okay.

24          A     -- that was not there before.

25          Q     Okay.

## Examination of Kristin Diaz

1           A     But I didn't -- I didn't see what -- what  
2     it was at the time or --

3           Q     Sure.

4           A     -- where it came from.

5           Q     How far away was that officer from you  
6     when -- when you heard the noise and he made the  
7     comment, like, "Oh, shoot," or whatever?

8           A     Less than five feet.

9           Q     Okay. All right. And you were able to  
10    then safely get out, though, at that point and --

11          A     Yeah.

12          Q     -- away from the scene?

13                 Okay. Okay. All right. I don't have any  
14    other questions. The grand jurors get to ask  
15    questions if they have any, so --

16          A     Okay.

17                 MS. NADELL:  -- (indiscernible), okay?  
18    Seeing none. All right. Thank you so much for  
19    coming in.

20                 THE WITNESS:  Okay. Yeah, of course.

21                 (Whispered discussion, off the record,  
22    2:17 p.m. - 2:18 p.m.)

23                 MS. NADELL:  Go ahead -- so we're going to  
24    go up to that --

25                 THE WITNESS:  (Indiscernible).

## Examination of Erin Chambers

1 MS. NADELL: -- the -- yeah. The chair  
2 that's by itself under the table, that will be your  
3 chair. Go ahead and head up there. Watch your step.  
4 There's a little bit of a ramp.

5 THE WITNESS: Right here?

6 MS. NADELL: Yeah.

7 THE WITNESS: Okay.

8 MS. NADELL: And once you get up there,  
9 feel free to put your stuff down. And then stay  
10 standing and raise your right hand, okay?

11 A GRAND JUROR: Okay.

12 **ERIN CHAMBERS**

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

15 A GRAND JUROR: (Indiscernible).

16 MS. NADELL: Go ahead and have a seat.

17 And can you state and spell your first and  
18 last name, please.

19 THE WITNESS: My name is Erin Chambers,  
20 E-r-i-n, C-h-a-m-b-e-r-s.

21 **EXAMINATION**

22 BY MS. NADELL:

23 Q All right. Thank you so much for being  
24 here today. Can you tell the grand jurors where you  
25 live?

## Examination of Erin Chambers

1           A     I live at 1600 North Willis Boulevard,  
2 Apartment No. 5, Portland, Oregon, 97217.

3           Q     Okay. And how long have you lived at  
4 that location?

5           A     Going on two years, I believe.

6           Q     All right. And can you tell us a little  
7 bit about your apartment? Like --

8           A     It's a -- it's a --

9           Q     -- like, the layout?

10          A     It's an Airbnb. It's a simple kind of, I  
11 want to say, longer type of apartment. There's just  
12 a regular layout.

13          Q     Okay.

14          A     They've got the kitchen, dining room right  
15 here and the living room and then a hallway. There's  
16 a bedroom to the left and a bathroom at the end of  
17 the hall.

18          Q     Okay. And is there just one bedroom and  
19 one bathroom?

20          A     Yes.

21          Q     All right. And is the -- would you  
22 describe the kitchen and living room area as sort of  
23 an open floor plan?

24          A     It's a -- yes -- yes.

25          Q     Okay. And is there any balcony or patio?

## Examination of Erin Chambers

1           A     There is a patio off -- it's right off of  
2     the dining-kitchen area.

3           Q     Okay. All right. And what floor are  
4     you on?

5           A     I'm on the second floor.

6           Q     Second floor. And how many stories are  
7     there (indiscernible)?

8           A     There are three.

9           Q     Three. Okay. And are there elevators in  
10    the building or stairs or --

11          A     Stairs.

12          Q     Stairs. Okay. And do you live there  
13    with anyone?

14          A     Yes.

15          Q     And who is that?

16          A     Kevin Dalsing.

17          Q     Okay. And prior to August 27th of 2021,  
18    did you know any of your neighbors?

19          A     I'd say hi and little chit-chat in the  
20    hallways or, you know, being neighborly, yeah, a  
21    little bit.

22          Q     All right. Being on the second floor, the  
23    second story, did you have any neighbors above you?

24          A     Yes.

25          Q     And did you know them?

## Examination of Erin Chambers

1 A No, other than us -- my boyfriend, Kevin --

2 Q Mm-hmm.

3 A -- talking to them about stolen motorcycles  
4 because they --

5 Q All right. Well -- and I don't really --

6 A -- (indiscernible).

7 Q -- want to get into what --

8 A Yeah. Other --

9 Q So --

10 A -- we never hung out or nothing, no.

11 MS. NADELL: Okay. So --

12 THE WITNESS: Like --

13 MS. NADELL: -- the grand jurors will  
14 disregard that comment and cross that out of  
15 your notes.

16 BY MS. NADELL:

17 Q I just want you to tell us conversations --

18 A Okay.

19 Q -- you've had with people, okay?

20 A Okay.

21 Q So did you -- had you ever even seen either  
22 occupant or --

23 A Yes, yes. I --

24 Q -- was it just (indiscernible)?

25 A -- I'd say hi a -- you know, neighborly.



## Examination of Erin Chambers

1 Q Okay. And were they women, men, one person  
2 (indiscernible)?

3 A There was a female and a male.

4 Q Okay. Did you know their names at all?

5 A I did not know their names. I never --  
6 I -- I'm sure they told me their names --

7 Q Okay.

8 A -- but I didn't remember them.

9 Q All right. So the morning of August 27th  
10 of 2021, were you and Kevin home that morning?

11 A Yes, we were in bed sleeping.

12 Q Okay. In the bedroom?

13 A Yes.

14 Q All right. And did anything happen that  
15 kind of woke you up?

16 A I -- yes. I -- I woke up to pound --  
17 hearing pounding from the upper floor on a door, I  
18 want to say. And then I heard a -- a big crash, boom  
19 on, like, the door being kicked in or opened heavily  
20 and some shouting and male voices.

21 And then right above my bedroom, I heard  
22 male voices kind of angrily just talking and then a  
23 female voice and another voice. And it was all  
24 muffled. I couldn't really understand what they were  
25 saying (indiscernible).

## Examination of Erin Chambers

1 Q Okay. Did it sound animated?

2 A It -- yes. It sounded like it was kind of,  
3 yeah, elevated to a -- a pretty anxious-type --  
4 authoritative --

5 Q Okay.

6 A -- type of sounds.

7 Q Okay. Is that your phone there?

8 A Hmm-mm.

9 Q (Indiscernible).

10 A I turned my phone off.

11 Q It's this random one we use for --

12 A GRAND JUROR: (Indiscernible) grand jury.

13 BY MS. NADELL:

14 Q -- for grand jury. My apologies. That's  
15 not helpful. Sorry about that.

16 A It's fine.

17 Q But -- so you hear the loud noises. That  
18 kind of woke you up. Do you recall, did it wake  
19 Kevin up, too, or --

20 A Kevin didn't wake up until I woke him up  
21 because I felt there was somebody in my apartment.

22 Q Okay. So let's get to that point.

23 So after --

24 A Okay.

25 Q -- you hear the -- the animated

## Examination of Erin Chambers

1 voices upstairs --

2 A Mm-hmm.

3 Q -- what happened next?

4 A I heard crashes. I can't tell you where.  
5 I'm not going to assume where.

6 Q That's (indiscernible).

7 A And then I heard shouting. It sounded  
8 really, really close, like, outside -- it was just  
9 right out in my hallway. I can't tell you where it  
10 was coming from, but it sounded really close. And  
11 then I -- out of the corner of my eye -- 'cause I  
12 have a kitten.

13 And she kept looking in the hallway, you  
14 know. And out of the corner of my eye, I seen  
15 somebody pass kind of by my door into the living  
16 room. And that's when I woke up Kevin and I told  
17 him, "Somebody's in the house."

18 Q Okay.

19 A "There's got to be somebody in the house."  
20 And he says, "No, I locked the door. There's nobody  
21 in the house." I said, "No, there's somebody in the  
22 house." And then we heard a crash and I said, "See?"  
23 And he said, "That's coming from upstairs." I said,  
24 "no, it's not."

25 And so we heard one -- another crash and it

## Examination of Erin Chambers

1 came from the kitchen.

2 Q Okay.

3 A And I said, "See?" That's when he got up  
4 and went into the --

5 Q Okay.

6 A -- front room, so I don't know what  
7 happened out there or what he saw. I'm not going to  
8 assume what he saw.

9 Q Yeah, and we'll hear from him. Can I ask  
10 you a couple more follow-up questions --

11 A Absolutely.

12 Q -- about that?

13 Okay. So you hear the -- the noises  
14 upstairs, the -- the loud talking and then, it -- it  
15 sounds like, another crash. And then you've  
16 described sort of seeing a figure or something move.

17 A Yeah.

18 Q Was that in the hallway?

19 A It definitely wasn't normal in the hallway.

20 Q Okay.

21 A It was definitely somebody passing, looked  
22 like, kind of from the front door 'cause my room is  
23 right here, right? This is the door to my room.  
24 Here's the hallway, right?

25 And my front door is right here and it goes

## Examination of Erin Chambers

1 straight into the living room right here. So the  
2 corner of my door, I saw somebody go across this way,  
3 just, like, a -- just a fluid movement.

4 Q Okay.

5 A And it wasn't normal.

6 Q And let me -- since we're -- we're  
7 recording this, but only audio, let me just make sure  
8 I -- I'm clarifying the record, okay? So it sounds  
9 like what you described is that someone gained entry  
10 into your apartment from the front door. You  
11 wouldn't be able to see that from the bedroom --

12 A Yeah. We would just --

13 Q -- where you were.

14 A -- be able to see that little --

15 Q Got it.

16 A -- tiny -- like, maybe a slit of a --  
17 something. It wouldn't be enough to really say  
18 anybody's there, but --

19 Q Sure. Okay. Do you -- who typically locks  
20 the door?

21 A Kevin does.

22 Q Kevin. Okay. And does the -- you've  
23 described that there's a -- a balcony or a patio --

24 A Mm-hmm.

25 Q -- off the kitchen. Does that have a door

## Examination of Erin Chambers

- 1 to it?
- 2 A Yes, it has a slider door.
- 3 Q Like a glass sliding door?
- 4 A Yes.
- 5 Q Okay. And does that lock?
- 6 A It does lock.
- 7 Q Do you guys --
- 8 A We --
- 9 Q -- regularly keep it locked?
- 10 A We never lock that door 'cause we go
- 11 outside to smoke, so --
- 12 Q Okay. So you finally, it sounds like,
- 13 convince Kevin someone's in the house after there's
- 14 some banging in the kitchen?
- 15 A Mm-hmm.
- 16 Q And -- and he leaves to investigate?
- 17 A Mm-hmm.
- 18 Q Okay. And just for the record, could you
- 19 say, "Yes," or, "No"?
- 20 A Yes. Yes --
- 21 Q Okay.
- 22 A -- I'm sorry.
- 23 Q That's okay. (Indiscernible) --
- 24 A I've never done this before, guys.
- 25 Q You're -- you're doing fine, but we're

## Examination of Erin Chambers

1 recording, so --

2 A Okay.

3 Q -- it -- it's better to use words. What  
4 happens after Kevin leaves? What do you do?

5 A I just sit in there and wait for either him  
6 to start yelling at somebody or for him to come in  
7 and say I was being crazy.

8 Q Okay. So what happens?

9 A So he comes back in and just kind of lays  
10 down. And I looked at him like, "What happened?"  
11 And he didn't say anything, but then I hear the -- my  
12 neighbor upstairs.

13 I didn't know who he was at the time. I  
14 didn't know he came from upstairs, but I heard a male  
15 voice say, "Hey, guys." And then I'm like, what the  
16 heck? And then he showed up at our bedroom door  
17 'cause we were both laying in bed.

18 Q Okay.

19 A And he shows up at our bedroom door and  
20 asked us if we had drugs.

21 Q All right.

22 A And we said, "No." And I said, "Are you  
23 okay? What's going on?" you know, and -- and trying  
24 to be as friendly as possible because he obviously  
25 looked pretty anxious. And -- you know, and I said,

## Examination of Erin Chambers

1 "Are you okay? What's going on? Can we help you in  
2 any way?"

3 And he said -- he said, "Well, what's going  
4 on is I'm getting raided by the DEA upstairs and I  
5 jumped down here onto your balcony and came in."

6 And he says -- I can't remember word for  
7 word, but he said something to the effect like, "I'm  
8 not going back. I'm not going to get out of this  
9 apartment," and kind of weird, you know. So I didn't  
10 know what to think.

11 Q Did you -- when he -- when he came to the  
12 bedroom and -- and started interacting with you, did  
13 you recognize him?

14 A Not at first 'cause I looked at Kevin and I  
15 said, "Who is that?" And Kevin's like --

16 Q Okay.

17 A -- you know, and -- and -- but when he said  
18 he came from upstairs, then I recognized him because  
19 I had just woken up. Like, it was --

20 Q Okay.

21 A -- 6 o'clock in the morning and I'm like --

22 Q Sure.

23 A -- oh, okay. So --

24 Q So -- so he said -- he tells you -- the man  
25 tells you he's not going to make it out of there --



## Examination of Erin Chambers

1           A     Yeah.

2           Q     -- or something to that effect.

3           A     He said, "It's not going to end well."

4           Q     Did you -- did it -- did it seem like he  
5 was addressing, "It's not going to end well," at you  
6 or at the situation? Like, was it a --

7           A     I mean, (indiscernible) --

8           Q     Did you perceive it as a threat?

9           A     He -- he said, "If you -- if you guys" --  
10 he said, "Just don't do anything weird and you'll  
11 be okay."

12          Q     Okay.

13          A     So he -- he did not ever threaten us  
14 personally, like, to -- to us. He -- he threatened  
15 us to the -- the officers that were out -- you know,  
16 out -- outside waiting to come in or something. I  
17 don't know, but --

18          Q     And tell me about that. What -- how did he  
19 say that?

20          A     He -- he -- what -- he was yelling that he  
21 wanted to talk to Nicky -- I assume that's his  
22 girlfriend from upstairs -- and that he wants pills,  
23 that he wanted pills and to pass down some -- or toss  
24 down some pills.

25                   But he really wanted to talk to Nicky and

## Examination of Erin Chambers

1 if they come in -- if they come through that door,  
2 someone's going to get shot. Someone's going  
3 to die --

4 Q Okay.

5 A -- something like that and -- to that  
6 effect. He -- the -- and, "Don't make" -- and what  
7 does he have to do to prove that he's not kidding  
8 around, that he doesn't want to hurt these innocent  
9 people, meaning me and Kevin --

10 Q Okay.

11 A -- so don't make this -- make him shoot  
12 these innocent people. And -- but he never, like, to  
13 us -- or to our face, he never threatened us.

14 Q Okay.

15 A You know, he never did that. He --  
16 actually, he -- he felt -- he tried to calm us down.  
17 Like, he would come in and he goes, "You guys are  
18 fine. You guys are fine." And he -- he had a gun.  
19 I could tell he had a gun, but he would put it behind  
20 his back, like, when he talked to us so that he  
21 didn't scare us.

22 I mean, he was -- he wasn't threatening to  
23 us at all, like, but we knew he was serious about, if  
24 a cop came in, he was going to start shooting.

25 Q Okay. Did you ever see the gun?

## Examination of Erin Chambers

1           A     Yes.  I -- I saw -- I thought I saw two  
2 guns, but I could --

3           Q     Okay.

4           A     -- I can't be sure.

5           Q     And what --

6           A     But I definitely saw one.

7           Q     Okay.  Do you -- are we talking about big  
8 gun, small gun?

9           A     It was a -- it was a -- a pistol -- a --  
10 a handgun.

11          Q     A handgun?  Okay.  So if I understand you  
12 correctly, you're -- you're -- you're saying that he  
13 never threatened you to your face --

14          A     Personally, no.

15          Q     -- but he made -- you heard him make  
16 statements to --

17          A     Yes.

18          Q     -- someone else that --

19          A     Yes.

20          Q     -- about what would happen if --

21          A     Yes.

22          Q     -- things didn't go right?  Okay.

23          A     Mm-hmm.

24          Q     Could you tell who he was talking to when  
25 he was making those statements?

## Examination of Erin Chambers

1           A     No, I really couldn't. I -- I would assume  
2     it was the police because he -- he -- other than,  
3     you know, his -- at -- well, at first, we thought  
4     it was the -- or the cartel, you know, 'cause we  
5     didn't know.

6           But -- and then they -- but they called us  
7     on the phone and then after that, we knew who he was  
8     talking to. Like, I -- we could kind of assume that  
9     it was the cops beforehand.

10          Q     Mm-hmm.

11          A     But --

12          Q     What do you mean, "they" called you on  
13     the phone?

14          A     I -- I -- I guess Mandy (phonetic), our  
15     landlord, had given them our number because she  
16     asked -- she had inquired as to if we were okay,  
17     "Where's Erin and Kevin? 'Cause they live in  
18     that apartment."

19          Q     Mm-hmm.

20          A     And so they -- she gave them our -- his --  
21     Kevin's number. And they called and -- they called  
22     a few times. And then he -- he was listening and  
23     he says, "Well, go ahead and answer it and put it  
24     on speakerphone."

25          Q     Okay. So --

## Examination of Erin Chambers

- 1           A     And so we did.  And --
- 2           Q     I'm sorry.  And just -- so we're using --
- 3           we're using "he" a lot.  I just want to make sure
- 4           we're (indiscernible).
- 5           A     Oh, Alex.
- 6           Q     So -- okay.
- 7           A     Alex --
- 8           Q     And --
- 9           A     -- the suspect.
- 10          Q     And did you know him?  You -- it sounded
- 11          like you didn't know his name at the time.
- 12          A     I didn't know his name at the time --
- 13          Q     Got it.
- 14          A     -- no.  I found out the next day --
- 15          Q     Okay.
- 16          A     -- through the news, actually, what his
- 17          name was --
- 18          Q     Okay.
- 19          A     -- so --
- 20          Q     So the upstairs neighbor --
- 21          A     Mm-hmm.
- 22          Q     -- directs Kevin to --
- 23          A     To go ahead and answer the phone and put it
- 24          on speakerphone.
- 25          Q     Okay.  I just wanted to make sure I

## Examination of Erin Chambers

1 understood that correctly. And was it Kevin's phone  
2 that (indiscernible)?

3 A Yes, it was Kevin's phone.

4 Q Okay. Did you and Kevin -- were you able  
5 to leave the bedroom?

6 A We -- we didn't feel like we were trapped  
7 in the bedroom, but we didn't want to move about the  
8 apartment in case something did happen. We didn't  
9 want to be -- we wanted to stay in one -- one spot,  
10 so -- and we didn't know what we would be allowed  
11 to do.

12 Q All right.

13 A So we just stayed in the bed -- in the  
14 bedroom and that's it.

15 Q Okay. And at some point, did -- were you  
16 able to leave?

17 A Yes.

18 Q And how did --

19 A He did --

20 Q Tell me how that happened.

21 A Well, he -- he fired -- he shot his gun.  
22 He fired his gun right outside our bedroom in our  
23 hallway towards, I want to -- towards the kitchen  
24 area, which went through the wall, of course, and --  
25 and ended up in the stairway area.

## Examination of Erin Chambers

1 Q Did you just hear that or did you see him?

2 A We heard it. It was very loud, very loud.

3 Q But I -- so I just want to make sure,  
4 though, since we're talking about -- you said he --  
5 from the hall.

6 A Mm-hmm.

7 Q Could you see him or not or --

8 A No, we could not see him.

9 Q -- (indiscernible)? Okay.

10 A Yeah. He was -- 'cause our bed faces the  
11 window and he -- the -- the hallway is --

12 Q Okay.

13 A -- behind us, so --

14 Q So what happened after the gunshot?

15 A After the gunshot, it got really -- really  
16 quiet. And we thought he had shot himself. We --  
17 honestly, we thought he shot himself. And -- but  
18 after a couple minutes of our ears ringing and it got  
19 silent, he started yelling again. And --

20 Q What was he yelling after that?

21 A Same thing that he was before, "I want to  
22 talk to Nicky. I'm -- pass me down some pills.  
23 Don't make me hurt these people." Just his anxiety  
24 kind of rose a little bit after that first shot  
25 'cause -- you know, and -- and after the first shot,

## Examination of Erin Chambers

1 he was -- we thought that SWAT was going to come in  
2 and -- but they didn't.

3 Q Okay.

4 A Thank goodness they didn't. And -- and  
5 they were -- he was on the phone with the officers.  
6 When they called, he got Kevin's phone from him and  
7 he would just yell into the phone, "I want to talk to  
8 Nicky." And they were trying to calm him down.

9 Q Okay.

10 A I mean, I could -- you could hear them.  
11 (Indiscernible) "No, no. I'm -- I -- I want to  
12 talk to Nicky and I want some pills," and -- and  
13 everything. And then he'd hang up on them and then  
14 they'd call back --

15 Q Okay.

16 A -- and try to, you know, talk to him and he  
17 wouldn't listen. A couple times, he put it on  
18 speaker and they -- you know, I can't really say what  
19 they said, but --

20 Q Sure. And I -- I'm not --

21 A -- it -- it all happened --

22 Q -- asking you to, so --

23 A -- in a flash, so --

24 Q So I think we -- you were -- you had  
25 brought up the gunshot in relation to my question



## Examination of Erin Chambers

1 about whether you and Kevin were able to leave at  
2 some point. How'd --

3 A Yes, yes. So --

4 Q -- that happen? Okay.

5 A Yes. So the first shot and then -- and  
6 then he did the second shot.

7 Q Okay.

8 A And that's when his demeanor totally  
9 changed. Like, we actually kind of felt in danger  
10 almost and --

11 Q Did -- could you see him when he shot  
12 again?

13 A No, huh-uh.

14 Q Just for (indiscernible)?

15 A I wasn't -- I wasn't trying to see  
16 anything really.

17 Q That's fine. So you could hear it, though?

18 A I could hear it and it was closer than  
19 this -- the other shot, so I'm assuming it was right  
20 outside my door --

21 Q Okay.

22 A -- this time. And --

23 Q And how did his demeanor change after that?

24 A It -- it -- it just -- you could tell that  
25 his -- and from his voice and his stature 'cause I --

## Examination of Erin Chambers

1 after that shot, he went -- he stood outside the  
2 bedroom door and we could see him and his stature.  
3 And he was -- like, clenched his gun harder. And it  
4 just -- you -- I can't describe it. It just --

5 Q Okay.

6 A -- changed, you know.

7 Q Okay.

8 A And the second shot, he had shot my ferret.  
9 My ferret started screaming and -- and I lost it.  
10 I -- I kind of flipped out. And -- I mean, I didn't  
11 "flip out" flip out, but, you know, I was like, "You  
12 shot my ferret, my baby." You know, and Kevin said,  
13 "Man, can we just go?"

14 And that's when he said, "Yeah, yeah. You  
15 guys can go, but watch the door. Watch the door."  
16 You know, and he asked for a cigarette. And he goes,  
17 "Wait, wait, wait. Can I get a cigarette off of  
18 you?" And he's got a gun, so I gave him a cigarette.

19 Q Okay. Okay.

20 A And -- and he said, "Watch the door. Watch  
21 the door." And Kevin yelled out, "It's Kevin Dalsing  
22 and Erin Chambers coming out. We're not armed.  
23 Please don't shoot." And he -- he yelled it, like,  
24 twice or three times. So we opened the door slowly  
25 and that's when we got out. And --

## Examination of Erin Chambers

1 Q Okay. And did police escort you --

2 A They -- they --

3 Q -- out of the building?

4 A Well, the guy -- the one officer in the  
5 hallway had -- with the riot shield, he's like,  
6 "Come. Go, go, go, go," you know, and dragging us  
7 towards the exit --

8 Q Okay.

9 A -- telling us, you know, "Just go fast. Go  
10 fast." So we kind of, like, ran and jogged down the  
11 hall and there was officers on the staircase and --  
12 stairwell and by the front door, so they made sure  
13 that we were safe in coming out the building,  
14 escorted us down -- down the street to safety.

15 Q Okay. And once you were out of the  
16 building, did -- were you moved kind of far away from  
17 the scene?

18 A We -- we went and sat in our vehicle that's  
19 on the next street down right outside of the  
20 police line --

21 Q Okay.

22 A -- or the -- on the next block down. I  
23 don't know what street that is.

24 Q Okay.

25 A But it -- it's not North Willis -- or not

## Examination of Erin Chambers

1 North Interstate Place, but the other one on the  
2 other side by the Dancin' Bear.

3 Q Is it, like -- starts with an F?

4 A I want to say it was, like, Argyle or  
5 something. I don't know. I don't remember.

6 Q Okay. That's okay.

7 A But we could still see the apartments from  
8 where we were.

9 Q Okay. So you're both in one vehicle?

10 A Yes. We were both sitting --

11 Q Okay.

12 A -- in the vehicle and the officers had  
13 asked us if -- if they could enter our residence to  
14 subdue the -- the subject and we -- we immediately  
15 said, "Yes, you can."

16 Q Okay.

17 A Gave them a key if they needed the key.  
18 And that's when -- and I -- I wrote a little diagram,  
19 drew a little diagram of the house for them so that  
20 they knew where they were going and stuff. And --

21 Q Okay.

22 A -- that's -- and a few minutes later,  
23 everything just, (demonstrative sound), just --

24 Q What (indiscernible)?

25 A -- just when everything happened.

## Examination of Erin Chambers

1 Q What -- what -- tell me what happened.

2 A We were in the car and we did the -- and I  
3 drew the diagram. And they were, you know, calming  
4 us down trying to get information from us and we --  
5 we gave them all the information that we could  
6 possibly, you know, give them.

7 And we heard some booms, like, bam, bam,  
8 bam, bam. And we were like, "Is that him shooting?"  
9 And they were like, "No, that's the" --

10 Q Well, I -- and I don't want you to tell us  
11 what other people said, but you -- you can tell us  
12 what you heard. So you heard --

13 A Okay. Well, I heard -- I heard bangs,  
14 probably about eight or nine, maybe ten.

15 Q Okay.

16 A It was big bangs, like, loud -- louder  
17 bangs and then silence for a little while, like,  
18 maybe about five minutes, if that. And then I heard,  
19 pop, pop, pop, pop, pop, pop, pop, and then silence  
20 for a little while.

21 And I -- I don't know if that's the right  
22 amount of pops, but -- and then all of a sudden, just  
23 a hail of, (demonstrative sound) --

24 Q Okay.

25 A -- and then silence for, like, a second and

## Examination of Erin Chambers

1 then, pop, pop. And that's it.

2 Q Okay.

3 A And that's --

4 Q All right.

5 A -- pretty much it.

6 Q So I have some more questions for you.

7 A Okay.

8 Q I just want to make sure I understand where  
9 you were. And it may not be on this map, but on the  
10 screen in front of you, there's an aerial shot and  
11 the blue arrow is pointing to what we've heard is  
12 1600 North Willis.

13 A Okay. Yes. We were on North Fenwick,  
14 across the street on North Fenwick facing towards  
15 the apartment. So, yeah, it was just on the corner  
16 right there.

17 Q Okay.

18 A And -- well, across the street from there  
19 on the other -- that -- yeah. So it was on the side  
20 of the street with the buildings on it, but across  
21 the street.

22 Q So on -- you were on Willis, but past --

23 A Willis on Fenwick, yeah.

24 Q -- Fenwick. Okay.

25 A On the corner right there.

## Examination of Erin Chambers

1 Q Okay. Thank you. I think that's helpful  
2 for us to know where you were.

3 A Mm-hmm.

4 Q So I want to get back to a couple  
5 additional questions from inside the apartment, okay?

6 A Okay.

7 Q You doing okay? Do you need a break at  
8 all?

9 A No, I'm fine.

10 Q Okay.

11 A I'm fine.

12 Q So you mentioned your -- your ferret.

13 A Yes.

14 Q Did you have more than one ferret?

15 A I have four ferrets.

16 Q Four? Okay. And do they live in a  
17 cage or --

18 A Yes. When we got back into the building,  
19 the cage was barricaded between -- like, by -- where  
20 the slider door was open.

21 Q Okay.

22 A So it was barricading -- covering the  
23 slider patio door --

24 Q Got it.

25 A -- across it. And -- so, yeah.

## Examination of Erin Chambers

1 Q Is that where it normally is?

2 A No, it's -- here's the slider door. Okay.  
3 The -- it's usually in between the kitchen and the  
4 living room and the -- behind the couch kind of  
5 parallel -- not parallel -- usually -- yeah, it's  
6 usually just right there in between. If you were to  
7 turn it --

8 Q Got it.

9 A -- then it would be covering the  
10 slider doors --

11 Q Okay.

12 A -- if that -- if that paints a good  
13 picture.

14 Q Okay. And --

15 A So --

16 Q -- and you -- I just want to make sure I  
17 understand. Tell me if I'm wrong. You and Kevin  
18 weren't allowed back into the apartment for --

19 A No.

20 Q -- several hours, correct?

21 A Probably about -- not until the next  
22 morning. And we weren't --

23 Q Okay.

24 A They didn't even tell us we could go in.  
25 We just -- we just needed to go in.



## Examination of Erin Chambers

1 Q Okay. So it's -- you don't know who moved  
2 the cage. You just know it wasn't in its normal  
3 spot?

4 A Yeah -- yeah, no.

5 Q Okay.

6 A We -- I don't know who moved the cage.

7 Q Got it.

8 A I'm glad they did 'cause of the teargas --

9 Q Yeah.

10 A -- so --

11 Q Okay. And so you have four ferrets.

12 A Mm-hmm.

13 Q And it sounded like, at the time you heard  
14 the second gunshot, that's when you heard --

15 A One of them scream.

16 Q -- one of them scream.

17 Okay. And I know you mentioned, like,  
18 having a -- a cat. You were pretty certain --

19 A The kitten --

20 Q -- right?

21 A Yeah. The kitten -- they brought out --  
22 they brought us out the kitten a couple hours later.

23 Q Okay. But you were pretty certain it was  
24 a ferret?

25 A It was definitely 'cause I had the kitten

## Examination of Erin Chambers

1 on me --

2 Q Oh, okay.

3 A -- in the room. And when we left the room,  
4 I shut the door --

5 Q Okay.

6 A -- to the room 'cause I didn't know if  
7 he -- I didn't know. I thought maybe he was going to  
8 stay out of the room, but I guess not. So I -- I  
9 had -- I had a choice and I had to leave her there in  
10 the bedroom hoping it should be okay.

11 Q Okay.

12 A So --

13 Q Okay. And she was?

14 A She was.

15 Q Okay.

16 A She was fine.

17 Q Okay.

18 A She had to have a bath, but she was fine.

19 Q How was your -- how was the ferret?

20 A The ferret -- luckily, she just got shot in  
21 the leg and the leg had to be removed.

22 Q Okay.

23 A It shattered her tibia. It ricocheted off  
24 the cage, I guess, and -- and it just barely scraped  
25 the back of her neck.

## Examination of Erin Chambers

1 Q Okay.

2 A But she's fine. She's a --

3 Q She's okay? All right.

4 A She's very resilient, so she's -- she's  
5 happy, healthy.

6 Q And did she -- what's her name?

7 A Her name is Nip.

8 Q I'm sorry?

9 A Nip.

10 Q Nip?

11 A Mm-hmm.

12 Q Like N-i-p?

13 A Yep.

14 Q Okay. And so did the police, like, get her  
15 to the hospital or how did that work?

16 A Ten hours later.

17 Q Okay.

18 A Ten hours later, I told them that he shot  
19 my ferret and I don't care if they're dead or alive  
20 or injured. There -- there was a carrier underneath  
21 the cage, just put them in a cage. Bring it -- or  
22 put them in the carrier, bring them out to me. I  
23 don't care. I just want my babies.

24 Q Okay.

25 A And --

## Examination of Erin Chambers

1 Q Okay.

2 A -- he said they couldn't do it until the --  
3 the -- the crime scene was processed.

4 Q Okay. Well, I'm glad Nip was okay --

5 A Mm-hmm.

6 Q -- overall. I'm sorry to hear about  
7 the leg.

8 A But as soon as they -- as soon as they  
9 found -- like, as soon as they checked on her, as  
10 soon as they could, they noticed she was walking  
11 differently and rushed her to Dove Lewis.

12 Q Okay. Okay. When you were allowed back in  
13 the apartment, it sounds like, the next day --

14 A Mm-hmm.

15 Q -- tell us just briefly kind of --

16 A It was --

17 Q -- how it looked.

18 A It was insane.

19 Q Okay.

20 A Insane. There at the door, there was door  
21 pieces everywhere. There was holes in the walls from  
22 the -- the teargas things or bulletholes in the walls  
23 and the back of the couch and the cage, in the  
24 bedroom, in the ceiling. The -- the windows -- the  
25 window -- the side window by the slider door --

## Examination of Erin Chambers

1 Q (Indiscernible) --

2 A -- was shattered, completely gone. The  
3 window in the bedroom was broken.

4 Q So I just --

5 A Yes.

6 Q This is -- is this the ferret cage?

7 A Yes.

8 Q Okay. And did you -- you mentioned a --  
9 a -- what looked like a bullethole in the couch.

10 A There was -- I -- there was a lot of  
11 bulletholes in the couch --

12 Q Okay. All right.

13 A -- in the back of the couch.

14 Q And -- and I think it goes without saying,  
15 but those were new --

16 A Yes.

17 Q -- right, from this incident? Okay.

18 A Yes.

19 (Whispered discussion, off the record,  
20 2:44 p.m.)

21 BY MS. NADELL:

22 Q All right. And then I -- I think I'm at my  
23 last question, okay, Ms. Chambers? Although --

24 A Okay.

25 Q -- the grand jurors get to ask questions,

## Examination of Erin Chambers

1 too. We can take this down. I don't want you to  
2 have to relive the --

3 A It's okay.

4 Q -- that part of this. Did you post on  
5 social media following the incident?

6 A I did.

7 Q Okay.

8 A I didn't mention any names or anything.

9 Q And, specifically, did you create a video  
10 for TikTok?

11 A Yes, I did.

12 Q And -- and what -- can you just describe  
13 what the video showed?

14 A It just showed just the -- the --  
15 the bulletholes and the grenade holes and the  
16 carpet where --

17 Q Okay.

18 A -- they cut out the carpet right there in  
19 the window.

20 Q Okay.

21 A I mean, I wasn't told not to, but I  
22 didn't -- I didn't mention any names or any addresses  
23 or anything.

24 Q And -- and just so the record's clear,  
25 we're talking about kind of, it sounds like the

## Examination of Erin Chambers

1 damage to the apartment --

2 A Yes.

3 Q -- after the incident --

4 A Yes.

5 Q -- is that fair? Okay. Okay.

6 A Yeah, just the damage. And there was -- I  
7 mean, there was -- 'cause I -- and respects his  
8 family and stuff like that, you know.

9 Q Okay.

10 A I met his sister and -- the next --

11 Q And I don't --

12 A -- the next day, so --

13 Q We're not going to -- I -- I just wanted to  
14 ask about the video and what --

15 A Okay.

16 Q -- what was in that --

17 A Yeah.

18 Q -- okay? So damage to the apartment,  
19 you --

20 A And it was --

21 Q -- just so we're on the same page, you  
22 didn't make, like, a video while this happening,  
23 correct?

24 A No, no, no, no.

25 Q Okay.

## Examination of Erin Chambers

1           A     This was a few days later.  This was,  
2     like --

3           Q     Okay.

4           A     -- when we were starting to clean up the --  
5     the place and get everything back together.  Yeah.

6           Q     Okay.

7           A     This was -- this was --

8           Q     Okay.  Okay.

9           A     Yeah.

10           MS. NADELL:  Thank you so much.  I think  
11     those are my questions.  Hold on a second,  
12     Ms. Chambers.

13           THE WITNESS:  Okay.

14           (Whispered discussion, off the record,  
15     2:46 p.m.)

16     BY MS. NADELL:

17           Q     After you -- and -- and if -- if you don't  
18     know the answer to this, I'll ask Kevin, okay?

19           A     Okay.

20           Q     After kind of the -- the apartment was  
21     processed, you guys were able to get back in,  
22     clean up --

23           A     Mm-hmm.

24           Q     -- did you find anything later that you  
25     contacted the police about?



## Examination of Erin Chambers

1           A     Well, yeah. We found a couple -- a few  
2     bullets. Like, we just found a bullet -- a spent  
3     round under the stove in the kitchen.

4           Q     Okay.

5           A     I swept kind of more than I usually sweep  
6     under there and it popped out. And anything that we  
7     find like that, we immediately call Mandy.

8           Q     Okay.

9           A     So we have found a couple spent bullets  
10    that we did give to Mandy and I believe she did give  
11    them to you guys, so --

12          Q     Okay. Like, a casing, you mean  
13    or something?

14          A     Not a casing, the --

15          Q     Or a bullet?

16          A     -- the lead.

17          Q     Bullet? Okay.

18          A     The lead, yeah.

19          Q     Okay.

20          A     And we didn't find any casings. We just --

21          Q     Okay.

22          A     -- found the --

23          Q     And I wasn't sure if -- if you had been  
24    there or if that was Kevin, so thank you for --

25          A     Yeah, no. I found it --

## Examination of Erin Chambers

1 Q -- clarifying that.

2 A -- and I gave it to --

3 Q Okay.

4 A -- Kevin 'cause he's the one that talks to  
5 Mandy about things, so --

6 Q Fair enough. All right. Thank you.

7 A Yeah.

8 Q Sounds like it was your cleaning that  
9 recovered (indiscernible).

10 A Yes, yes, yes.

11 Q Okay. Fair enough. Thank you so much,  
12 Ms. Chambers. I'm going to see if the grand jurors  
13 have any questions, okay?

14 A Okay.

15 MR. VASQUEZ: All right.

16 MS. NADELL: Seeing none. All right.  
17 Thank you so much.

18 THE WITNESS: Thank you guys. Have a  
19 wonderful day.

20 (Whispered discussion, off the record,  
21 2:47 p.m.)

22 MULTIPLE GRAND JURORS: Thank you.

23 THE WITNESS: Have a great day.

24 A GRAND JUROR: You, too.

25 THE WITNESS: Thank you. Thank you.

## Examination of Kevin Dalsing

1 (Whispered discussion, off the record,  
2 2:47 p.m. - 2:48 p.m.)

3 MR. VASQUEZ: All right.

4 MS. NADELL: All right. So you are going  
5 to go up to that seat up there. So there's a little  
6 ramp around the corner. Watch your step. There's a  
7 little bit of a lift right there.

8 And go ahead and stay standing if you could  
9 and raise your right hand and the foreperson right in  
10 front of you will swear you in, okay?

11 **KEVIN DALSING**

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

14 A GRAND JUROR: Thank you.

15 MS. NADELL: Can you state and spell your  
16 first and last name, please.

17 THE WITNESS: Kevin Dalsing, K-e-v-i-n;  
18 Dalsing, D-a-l-s-i-n-g.

19 **EXAMINATION**

20 BY MS. NADELL:

21 Q All right. Mr. Dalsing, can you tell us  
22 where you live?

23 A 1600 North Willis Boulevard, Apartment 5.

24 Q And who do you live there with?

25 A Erin Chambers.

## Examination of Kevin Dalsing

1           Q     Okay.  And were you home with Ms. Chambers  
2     on the morning of August 27th, 2021?

3           A     I -- I was.

4           Q     Okay.  And tell us about that morning.  
5     What happened?

6           A     Erin woke me up saying there was somebody  
7     in the house.  I said, "No, I locked the door."  And  
8     she goes, "No, there -- there's somebody in the  
9     house."

10           I -- I sat there and -- and I heard  
11     somebody, so I got up and walked out in the front  
12     room and was like, "What the fuck?"  And the guy,  
13     Alex, turned around and said, "It's me, Alex."  I had  
14     a gun pointed at me and he told me go to my room and  
15     don't do anything weird.

16           Q     Okay.  Did you know the man?  You -- you  
17     just called him Alex.

18           A     Yeah.  I didn't -- I mean, I knew -- I knew  
19     him just 'cause his motorcycle was stolen, like,  
20     two weeks before mine was.

21           Q     Okay.

22           A     So we -- we talked about it.  But if I've  
23     known him, no, I didn't know him.  But I knew who it  
24     was when I seen him --

25           Q     Okay.

## Examination of Kevin Dalsing

1           A     -- and, you know, when he turned around and  
2     said his name, that it was him and --

3           Q     So you -- I just want to make sure.  You  
4     didn't know him by name as Alex --

5           A     No.

6           Q     -- that morning?

7           A     No.

8           Q     Did you learn that later?

9           A     I -- I didn't know -- well, he's -- he's  
10    told me his name, but I'm not good with names.

11          Q     Fair enough.

12          A     You know, but once he turned around and --  
13    and -- and I seen him, I -- you know, I knew who  
14    it was.

15          Q     And -- and did you -- was it someone you  
16    had met in the apartment building before?

17          A     Yeah, he lived above us.

18          Q     Got it.  Okay.  So he turns around, says,  
19    "It's -- it's just me," but he has a gun pointed  
20    at you?

21          A     Pointed at me, told me to go back to my  
22    room and don't do anything weird.

23          Q     Okay.  Did you do that?

24          A     Of course.

25          Q     What happened next?

## Examination of Kevin Dalsing

1           A     We sat there and he was yelling at  
2     somebody. I didn't know who he was yelling at. At  
3     first, I thought it was the cartel (indiscernible)  
4     'cause I couldn't hear anything. And he just kept  
5     saying, "What? What?" But I couldn't hear.

6                     Finally, he -- I asked him, I said, "What's  
7     going on?" He said, "They raided my house." And  
8     then I (indiscernible) you know, who -- whatever -- I  
9     could only hear what he was saying, but I couldn't  
10    see -- hear what -- what the police were saying back  
11    to him.

12           Q     Okay. Were you having this conversation  
13    while you were in the bedroom and he was  
14    somewhere else?

15           A     Yeah.

16           Q     Okay.

17           A     He walked back to the bedroom and -- and  
18    poked his head in and said he was sorry and -- and,  
19    you know, just don't do anything weird.

20           Q     Okay.

21           A     So we just sat there and -- and he yelled  
22    back and forth with the police. And that went for  
23    about -- probably about 45 minutes before the  
24    first shot.

25           Q     Okay.

## Examination of Kevin Dalsing

1           A     And he --

2           Q     Tell me a little bit more about what you  
3 heard in that 45 minutes, like, even if it's just --

4           A     It was --

5           Q     -- what he was saying.

6           A     It was mostly, "What? What? Just let me  
7 talk to Nichole. Let me talk to Nicky. Throw down  
8 some pills. Throw them on the deck and let me talk  
9 to Nicky."

10          Q     Okay.

11          A     And then, "What? What?" you know, where --  
12 'cause I couldn't hear what they were saying from the  
13 outside. I could only hear what he was saying.

14          Q     All right. During that 45 minutes, did he  
15 talk to anyone through a different means?

16          A     No.

17          Q     Okay. By phone?

18          A     No.

19          Q     Okay. And then you said at the -- about  
20 the 45-minute mark, that's when you heard a gunshot?

21          A     It was about 45 minutes, maybe an hour --

22          Q     Okay.

23          A     -- or so, maybe an hour and a half. It was  
24 (indiscernible) -- yeah. It was probably about an  
25 hour and a half. But my phone rang. The police

## Examination of Kevin Dalsing

1 called my phone and I answered it. They asked if I  
2 still lived there and he told me to hang it up and I  
3 hung up the phone.

4 Q Was it on speakerphone?

5 A No.

6 Q Okay. So he could just hear or what?

7 A No, he just walked back. He heard --

8 Q Okay.

9 A -- my phone ring.

10 Q Okay.

11 A And I answered it and -- and they asked  
12 if -- if my -- if I was Kevin Dalsing and do I still  
13 reside at this address. And he walked back in the --  
14 coming from the front room and said, "Hang it up," so  
15 I hung up the phone.

16 Q Okay. Then what happened?

17 A Well, the phone rang. They kept -- they  
18 kept calling back, but he wouldn't let me answer it.  
19 Then he went back out in the front room and was  
20 yelling -- yelling back and forth.

21 "I don't want to hurt these innocent  
22 people. Just let me talk to Nicky." And then he  
23 walked back by the bedroom to -- back towards the  
24 bathroom. That's when the first shot went off.

25 Q Okay.



## Examination of Kevin Dalsing

1           A     And I just looked over at Erin and I said,  
2     "When you hear a big bang, hit the fucking floor  
3     'cause they're coming through the door." And -- and  
4     then it paused for, oh, maybe 25 seconds or so.

5                     What I first thought was, did he shoot  
6     himself, you know, 'cause then he -- he didn't come  
7     back by the door. And then he finally came back  
8     by the doorway --

9           Q     Okay.

10          A     -- out towards the front room, yelled some  
11     more, "I don't want to hurt these innocent people.  
12     I'm going to shoot through the -- I'm going to shoot  
13     through the floor and hit one of you guys," you know,  
14     just pointing it (indiscernible) upstairs.

15          Q     Okay.

16          A     And then that was maybe 15 minutes, if  
17     that. The second shot went off and that's when they  
18     shot both of our ferrets.

19          Q     Okay.

20          A     And Erin started freaking out, crying. And  
21     that's when I said, "Dude, man, can we leave?" And  
22     he said, "Yeah, go."

23          Q     Okay.

24          A     We got our clothes on and I yelled my name  
25     three times as loud as I could and said, "Me -- it's

## Examination of Kevin Dalsing

1 me. We're coming out. Don't shoot." And then we  
2 got to the door -- just about opened the door and he  
3 said, "Wait, wait, wait. Can I get a cigarette?"  
4 And so I handed him a couple cigarettes.

5 And he said, "Sorry. It ain't going to end  
6 well." And I yelled my name again and said, "We're  
7 coming out," and we came out and the officers said --  
8 you know, waved us in and outside we went.

9 Q So as you're leaving, he tells you, "Sorry.  
10 It -- it isn't going to end well"?

11 A Yeah.

12 Q Okay. Did you take that to -- did you take  
13 that to be him directing that to you, like it wasn't  
14 going to end well for you, or that --

15 A No, the --

16 Q -- the situation wasn't going to end well?

17 A -- just the whole situation.

18 Q Okay.

19 A When -- when the second shot went off, his  
20 demeanor changed (indiscernible) his demeanor changed  
21 like he didn't give a shit. It was -- it was going  
22 to be, you know, a shootout.

23 Q Okay.

24 A And that's when I asked if we could leave.

25 Q And -- and when you say, "changed," like --

## Examination of Kevin Dalsing

1 A He --

2 Q -- tell me a little bit more, like, what  
3 you saw or heard or --

4 A Just -- just doing (indiscernible) had both  
5 guns in his hand --

6 Q Okay.

7 A -- that he had. He had two guns, one on  
8 his hip and he always had one in his hand. After  
9 that, he had both guns in his hands just -- just --  
10 just looking, you know, just -- his demeanor  
11 changed like --

12 Q Okay.

13 A -- he -- he knew what was coming.

14 Q You seem to be -- just because we're --  
15 we're only audio recording, it seems like you're  
16 doing a little bit more of a fighting or posturing  
17 stance. Was that -- is that intended or am I  
18 mischaracterizing that?

19 A Yeah, he was. He --

20 Q Okay.

21 A You know, he was, like, going to the --

22 Q Like, you're kind of, like --

23 A -- like, (indiscernible) --

24 Q -- like you're forcefully --

25 A No. He'd go out to the front room --

## Examination of Kevin Dalsing

1 Q -- showing (indiscernible).

2 A -- you know, then walk back real fast, you  
3 know, to (indiscernible) you know, look and see what  
4 we were doing and then he'd walk back out and --  
5 and -- 'cause Erin was crying. He shot my ferret --  
6 shot my ferret and -- and he came back and  
7 apologized.

8 Q Okay.

9 A And -- and that's when I asked if we  
10 can leave.

11 Q Sure. Okay. When Erin first woke you up  
12 and said, "Hey, I think someone's in here," and you  
13 testified that you told her, "No, 'cause I locked  
14 the door" --

15 A Yeah. I was like, "What do you mean? I --  
16 I locked the front door."

17 Q So were you able to figure out kind of how  
18 he got into the apartment? Did it look like he  
19 entered through the front door?

20 A No. Well, I told her she was full of  
21 shit 'cause I locked the front door. I didn't  
22 hear nothing --

23 Q Sure.

24 A -- but when she (indiscernible) she said,  
25 "There's somebody in the house." I said, "I locked

## Examination of Kevin Dalsing

1 the front door. No way." She goes, "There's  
2 somebody in the house."

3 And then when I walked out there, he was --  
4 he was in the front room. I knew he didn't come  
5 through the front door.

6 Q Okay.

7 A There was no way he could come through the  
8 front door if it was locked. It -- it was locked, so  
9 we knew he came through the sliding glass door.

10 Q And do you regularly keep that door locked?

11 A No.

12 Q Okay.

13 A We're up on the second floor. You'd have  
14 to have a ladder. No --

15 Q Okay.

16 A So, no. We hardly ever -- never left -- we  
17 do now, but we --

18 Q Okay.

19 A -- we hadn't before.

20 Q Fair enough. Okay. So after you and  
21 Erin are allowed to leave, where do you go? What  
22 happened next?

23 A We went outside and went down a block or  
24 two and then sat in my car.

25 Q Okay. And do you recall hearing or seeing

## Examination of Kevin Dalsing

1 anything else?

2 A Well, yeah. At that time, we were sitting  
3 in the car and I heard a couple of big bangs. And I  
4 asked if those were concussion grenades and they  
5 said -- he -- the -- the officer that was standing  
6 next to the car, he said, "No, that's him shooting  
7 at us."

8 And then you could see bullets ricocheting  
9 off their own vehicle out there and -- and some more  
10 shots went off.

11 Q Okay.

12 A And then one big bang and then -- and then  
13 it was over with.

14 Q Okay. Were you allowed back into your  
15 apartment the next day?

16 A The next day?

17 Q Mm-hmm.

18 A Yeah.

19 Q Okay. And how was the state of it?

20 A It was destroyed.

21 Q Okay. What did -- what's -- what did  
22 you see?

23 A Well, several bulletholes, lots of  
24 bulletholes, three -- or big kind of holes up in the  
25 ceiling where the -- the grenades hit. Everything in

## Examination of Kevin Dalsing

1 the house was disarray and everything in the bedroom  
2 was shoved on the bed.

3 The -- our dresser that was in there was  
4 upside down into the bathroom. Carpet was cut out.  
5 Windows were shattered. Front door, you couldn't  
6 even tell it was a front door. It was in billions  
7 of pieces.

8 Q Okay.

9 A It was horrible.

10 Q Okay. And after the incident, like, in --  
11 in the months since, have you found additional items  
12 that you've turned over to police?

13 A Yeah. I've turned -- we've found a -- a  
14 bullet -- a few days after that, we found a bullet,  
15 gave it to the police (indiscernible) maybe three  
16 weeks ago, we were sweeping in the kitchen under the  
17 stove, found another bullet I gave to the detective  
18 this morning.

19 Q Okay. Okay. Did Mr. -- did the man ever  
20 make direct threats to you --

21 A Not --

22 Q -- other than the initial --

23 A No.

24 Q -- interaction with the gun pointed at you?

25 A Not directly at us, no. Not -- no violence

## Examination of Kevin Dalsing

1 to -- towards us besides when I first walked out  
2 there, you know, he told me to go -- other than that,  
3 he -- he apologized, said, "It isn't going to end  
4 well." And then he -- he was yelling, "We don't want  
5 to hurt these innocent -- I don't want to hurt these  
6 innocent people."

7 Q Okay.

8 A He kept yelling to the cops --

9 Q Okay.

10 A -- that he just wanted to talk to Nicky.  
11 But -- I mean, we -- we were scared, but -- I was  
12 scared, but I wasn't terrified scared, you know,  
13 'cause he wasn't coming aggressive at us, I guess.

14 Q Okay.

15 A He asked for a cigarette. I gave him  
16 a cigarette.

17 Q Sure. And did you and Erin just stay in  
18 the bedroom --

19 A Yeah.

20 Q -- until you were allowed to leave?

21 A Yeah.

22 Q Okay. All right. Okay.

23 A Yeah. I never walked back out there and we  
24 stayed there 'til after the (indiscernible).

25 MS. NADELL: Okay.



## Examination of Kevin Dalsing

1 (Whispered discussion, off the record,  
2 2:59 p.m.)

3 MS. NADELL: All right. Those are my  
4 questions. I'm going to see if the grand jurors have  
5 any, okay?

6 THE WITNESS: Okay.

7 MS. NADELL: Seeing none. Okay. Thank you  
8 so much, Mr. Dalsing. You are --

9 THE WITNESS: Mm-hmm.

10 MR. VASQUEZ: -- free to go.

11 THE WITNESS: Thank you.

12 MR. VASQUEZ: This might be a good  
13 opportunity for a break so that we can connect to  
14 remote testimony. So we'll go off the record.

15 (Recess taken, 3:00 p.m. - 3:07 p.m.)

16 MR. VASQUEZ: Say that one more time.

17 A GRAND JUROR: So the audio in the room,  
18 so anybody on Webex can't hear me from  
19 (indiscernible) --

20 MR. VASQUEZ: Got it.

21 A GRAND JUROR: -- so use that mic.

22 MR. VASQUEZ: Perfect.

23 Okay. We are -- we're ready to start.  
24 State's going to call its next witness. This is  
25 Officer Matthew Jacobsen.

## Examination of Matthew Jacobsen

1           A GRAND JUROR: Okay. Would you raise your  
2 right hand? Okay.

3   **MATTHEW JACOBSEN**

4 Was thereupon called as a witness; and, having been first  
5 duly sworn, was examined and testified (via simultaneous  
6 video transmission) as follows:

7           MR. VASQUEZ: Okay. Great. So if you  
8 would start off by telling us your first and last  
9 name and how you're employed.

10           THE WITNESS: My name is Matthew Jacobson,  
11 M-a-t-t-h-e-w, J-a-c-o-b-s-e-n. I work for the City  
12 of Portland Police Bureau. My day-to-day assignment  
13 is as the sergeant of the Neighborhood Response Team  
14 in Central Precinct.

15           I am also a negotiator on our Crisis  
16 Negotiation Team, which is a -- an additional duty to  
17 my day-to-day job.

18   **EXAMINATION**

19 BY MR. VASQUEZ:

20           Q     Okay. And in -- in particular today, are  
21 you out doing training for that particular  
22 assignment?

23           A     I am. We are running the assessment center  
24 for potential new negotiators to come on our team.  
25 It's about a four -- four-hour assessment and I am

## Examination of Matthew Jacobsen

1       facilitating one of the scenarios, but am -- have --  
2       have relinquished my duties for right now to come  
3       here. So thank you for allowing me to appear via --  
4       via video.

5           Q       Of course. All right. Well -- so just  
6       give us a little bit of background -- you know, we've  
7       heard from quite a few witnesses -- just about what  
8       your job and responsibilities are as -- on the Crisis  
9       Negotiation Team.

10          A       So our members are all trained negotiators  
11       except our -- our tech people, our technicians that  
12       help with various specialized pieces of equipment.

13                  On scene, I may be on the phone as a  
14       negotiator; the coach for the person on the phone;  
15       gathering intelligence or we also handle all of the  
16       loud hail or PA announcements during activations and,  
17       as part of that, are often in armor with our Special  
18       Emergency Reaction Team or deployed to some other  
19       forward location where we would be more on scene or  
20       have direct access to an individual.

21          Q       Okay. And do you do kind of training on  
22       how to talk to individuals, how to deescalate, how to  
23       end things in a peaceful manner?

24          A       We do, specifically when it comes to loud  
25       hailing or using public address announcements to try

## Examination of Matthew Jacobsen

1 to contact somebody. We -- we train on it regularly.  
2 I have been through several crisis negotiation  
3 courses, both internally and externally.

4 And we -- as we mentioned training, our  
5 team trains monthly and then has several blocks of  
6 time each year, usually about three, where we come  
7 together for two or three days to run scenarios and  
8 work with our -- our partners at the Special  
9 Emergency Reaction Team.

10 Q And then how about actual kind of, like, if  
11 you will, on-the-ground experience? How often  
12 does -- do you guys get called out?

13 A I would say we have active callouts.  
14 We're -- we're up -- or on call for four weeks at a  
15 time and then off call for four weeks at a time.

16 So in a given month, I would expect between  
17 two to four activations, whether it be some sort of  
18 emergent situation where we would respond 24/7 or  
19 some sort of planned search warrant or other planned  
20 activity where we would all know we're going to go,  
21 you know, take some sort of action or accomplish  
22 something. So two to four is a -- is a pretty fair  
23 number.

24 Q Okay. And -- and in your time with the  
25 Bureau, have you had the opportunity to be kind of a

## Examination of Matthew Jacobsen

1 lead or front negotiator?

2 A I have. I have been a primary negotiator.  
3 I've also been assigned as the -- the person in  
4 armor or the loud hail or the -- the public address  
5 announcement fairly regularly. In my day-to-day job,  
6 I'm also an Enhanced Crisis Intervention Team  
7 officer.

8 And so I regularly practice deescalation,  
9 negotiation and -- and those various skills just  
10 engaging with people on the street.

11 Q Okay. And then turning your attention to  
12 August 27th of 2021, were you on duty that day?

13 A I wasn't. I was on call and received a  
14 page-out notification at about 6:50 in the morning.

15 Q Okay. And based upon that, did you respond  
16 to the area of 1600 North Willis?

17 A I did.

18 Q Now, you didn't go straight to that  
19 particular address, did you? Did you stop short  
20 of that?

21 A Yeah. We staged about four blocks away  
22 off of North Interstate Avenue, which was where  
23 the designated meeting place would be. We don't go  
24 right to the location for obvious reasons. And so  
25 I arrived. I was one -- the -- one of the first or

## Examination of Matthew Jacobsen

1 second negotiators to arrive on scene.

2 Q And then what became your role or  
3 responsibility when you proceeded to the scene?

4 A So initially upon arrival, I was grabbing  
5 my gear. I was -- I heard over the radio that shots  
6 had been fired and that a -- an officer had been hit.  
7 At that time, I -- I was preparing to gather  
8 information. Our team leader had arrived pretty much  
9 simultaneously to that.

10 And so we had huddled up as a group ready  
11 to receive assignments. I was assigned to go forward  
12 in armor with our SERT officers to provide loud hail  
13 or -- or over the PA.

14 Q Okay. And so then where -- when you got  
15 into the armor, where -- where were you seated?  
16 Where did you go?

17 A So I was in the front passenger seat of our  
18 armor -- it's called the G3. It's the newest and --  
19 and most nimble.

20 It's not the biggest, but it -- it -- it's  
21 generally what we use as the primary piece of armor.  
22 So I was in the -- in the front passenger seat. I  
23 had another CNT member with me that was sitting  
24 behind me.

25 Q Okay. And were there other members of the

## Examination of Matthew Jacobsen

1 SERT team in that vehicle as well?

2 A There were.

3 Q Okay. And then as you proceeded to the  
4 scene, where -- where did you end up?

5 A So we ended up on North Willis facing east,  
6 so my window was directly to -- or the closest to the  
7 involved apartment complex.

8 Q Okay. And -- and so from your vantage  
9 point, where -- where are you looking, I mean,  
10 essentially?

11 A So I'm looking through the window. Think  
12 of, like, a passenger window of a vehicle. And I can  
13 see the side of the building all the way to the  
14 fenceline at the back end of the property as well as  
15 the front of the building that is -- that -- of the  
16 address, 1600 North -- North Willis. So I can -- I  
17 can see both sides of the involved apartments.

18 Q Okay. And, you know, while we can't  
19 necessarily do it on Webex here, but we've seen some  
20 photographs of some balconies, one on top of the  
21 other and the bottom one having kind of a grass or  
22 bamboo skirting. Were you able to see those clearly?

23 A Yes.

24 Q Okay. And, now, throughout this time  
25 period, the lead up to before you get to the

## Examination of Matthew Jacobsen

1 apartment, are you both listening on the radio and  
2 also getting briefings on what's occurring?

3 A I am. Most of the information was coming  
4 over the radio. There was some information that was  
5 relayed, you know, clear voice or person to person as  
6 we were rolling up. But as we were moving towards  
7 the location, the information I received was that  
8 shots were continually being fired out of the  
9 apartment.

10 Q Okay. And when you got to the apartment,  
11 what did you do as far as trying to make contact with  
12 the individual?

13 A So upon giving -- being told to initiate a  
14 loud hail by our SERT team, I provided a -- a fairly  
15 standard admonishment to somebody in a residence,  
16 which I carry on my -- on my work phone as a  
17 screenshot so that I'm able to make sure that, even  
18 under stress, I'm able to provide it consistently and  
19 word for word.

20 Q Okay. And so what -- what were you saying?  
21 What were you doing at that time?

22 A So the admonishment that I gave over the --  
23 the PA system was, quote, "This is the Portland  
24 Police Bureau. Alexander Tadros, come out the front  
25 door now with your hands above your head. If you do



## Examination of Matthew Jacobsen

1 not comply with these instructions, you may be  
2 subject to force, including but not limited to  
3 electric control weapons, police canine, impact  
4 munitions, chemical munitions and/or lethal force.  
5 Come out now," end quote.

6 Q And then once you do that, do you then try  
7 to take more of a -- I don't know if conversational  
8 tone is the right -- but more of a try to talk to  
9 the individual?

10 A Yeah, so -- you know, absolutely. The --  
11 the point of us communicating, which is -- is  
12 essentially a one-way communication, is, you know, to  
13 provide clear guidance of what to do. I provided  
14 that warning in a very authoritative, commanding  
15 voice at least three times.

16 But then at some point, it was clear that  
17 (indiscernible) had changed and I did change my -- my  
18 tone. I began to use Mr. Tadros' first name only and  
19 said things like, "You need to put your hands out of  
20 a window with nothing in them. You need to  
21 surrender. You need to give up. Please do it now.

22 "If you don't want to put your hands out  
23 the window, you need to go out your front door with  
24 your hands with nothing in them," things to the  
25 effect of, "If you're injured, we want to provide you

## Examination of Matthew Jacobsen

1 medical treatment."

2 So there's definitely a -- a -- a pivot and  
3 a change that happens during the course of an event,  
4 but, again, that -- that first kind of iteration was  
5 that very scripted, commanding delivery.

6 Q So, essentially, if I'm hearing you  
7 correct, you're trying to give him directions so that  
8 this is a clear path of how you surrender and what  
9 you need to do; is that -- is that correct?

10 A Correct.

11 Q And then you're -- you're doing your  
12 particular role and then I assume -- are there things  
13 that are happening around you as well while you're  
14 doing this?

15 A There are. The -- the SERT members were --

16 Q I'm afraid we lost your --

17 A -- (indiscernible) --

18 Q -- we lost your audio there for a second.

19 So you were telling us what the SERT members  
20 were doing.

21 A They were delivering gas into the  
22 apartment. There was a cacophony of noise and booms  
23 and -- and things going on. I had my hearing  
24 protection on so I could hear my radio, which was  
25 very important at that time to receive instructions.

## Examination of Matthew Jacobsen

1                   And I was also looking out the window at  
2 the involved apartment, so there was -- suffice to  
3 say there was a lot going on.

4           Q     Yeah. Are you trying to then coordinate  
5 your -- your instructions with what's happening  
6 around you? So, in other words, you have gas going  
7 in the apartment. Are you now trying to give kind of  
8 commands and things that -- that go along with that  
9 as well?

10          A     I -- at -- at that point, we were sticking  
11 pretty closely to those -- those two things I was  
12 saying, you know, "You need to surrender," providing  
13 a force warning, providing guidance of how to  
14 surrender. There was not -- this was not an extended  
15 or truncated time table.

16                   This was a pretty -- pretty quick situation  
17 and so those were the two things that were really  
18 important to get out, so they were repeated  
19 several times.

20          Q     Okay. And then did you see Mr. Tadros try  
21 to -- try to surrender or do anything to indicate  
22 that he was going to come out peacefully?

23          A     You know, I didn't. I did observe him at  
24 least once poke his -- his head and -- and part of  
25 his chest out of a window very quickly. It appeared

## Examination of Matthew Jacobsen

1 to me that -- that he was kind of looking around a  
2 corner, seeing where -- where officers were.

3 The fact that he was doing that and not  
4 surrendering was concerning. And so often we -- we  
5 call that a target seeking or a -- or he was  
6 gathering information where officers were. But at no  
7 point did I see an attempt to surrender or follow the  
8 commands that I was providing.

9 Q Okay. And did you hear -- I -- I know you  
10 said you had your ear protection on. Did you hear  
11 any additional either gunshots or anything else  
12 coming from the apartment, itself?

13 A You know, I -- I was not able to tell. I  
14 was hearing booms and crashes. I -- I wasn't able to  
15 tell where they were coming from, whether they were  
16 incoming or outgoing from my -- from where -- where  
17 I was.

18 Q Okay. And is -- is that in part because  
19 you're inside an armored vehicle with ear protection  
20 on and people firing from behind you the  
21 less-lethal-type munitions and things of that nature?

22 A Yep. And there's yelling and talking and  
23 there's just -- there's a lot and to be able to  
24 filter all through that, to decipher exactly where --  
25 where those loud noises are coming from is pretty

## Examination of Matthew Jacobsen

1 difficult.

2 Q Okay. And then did you see kind of the  
3 last part of this when -- when he was -- when he was  
4 actually shot?

5 A I didn't. I had heard, again, a -- a  
6 number of different booms. I did hear over my radio  
7 a notification that shots had been fired away by the  
8 police and then shortly after, that the suspect was  
9 down. But I did not personally witness that use  
10 of force.

11 MR. VASQUEZ: Okay. All right. Additional  
12 questions?

13 Go right ahead, sir.

14 A GRAND JUROR: Thank you. And you'll  
15 probably have to relay this, but --

16 MR. VASQUEZ: I -- I will, yes.

17 A GRAND JUROR: -- the amount of time of  
18 the sort of more conversational guidance, like, how  
19 long did that -- how long did he deliver that  
20 message?

21 MR. VASQUEZ: Sure.

22 BY MR. VASQUEZ:

23 Q How long did you kind of give more of the  
24 conversational guidance of, you know, "Put your hands  
25 up. Come on out," that type of -- of directive?

## Examination of Matthew Jacobsen

1           A     Probably about half of the time. I  
2     couldn't tell you exactly what the time frame in  
3     minutes was. It -- it -- it all moved pretty quickly  
4     at that point. The shots had been fired towards  
5     Mr. Tadros. Another person arrived with one of our  
6     loud hailing devices.

7           Q     Wait, you're -- oh, you're pausing there  
8     just for a minute. So -- so is it fair to say -- I  
9     mean, would you say it was minutes? Was it half an  
10    hour? Was it ten minutes, something --

11          A     Oh, probably five -- five minutes on -- on  
12    each. Three to five minutes for -- for -- for each  
13    was -- was the total.

14           MR. VASQUEZ: Okay. All right. Did  
15    that -- did I get close to your question there, sir?

16           A GRAND JUROR: Yes, thank you.

17           MR. VASQUEZ: Perfect.

18           Okay. Additional questions? All right.

19           All right. Thank you, sir. I think those  
20    are the questions we have for you. And we're going  
21    to go ahead and have you log off at this time, okay?

22           THE WITNESS: Wonderful. Thank you. Have  
23    a -- have a great afternoon.

24           MR. VASQUEZ: Thank you.

25           (Whispered discussion, off the record,

1 3:24 p.m.)

2 MR. VASQUEZ: All right. I'm going to just  
3 slide on out of your way.

4 A GRAND JUROR: (Indiscernible).

5 MR. VASQUEZ: This one, not the mouse.

6 A GRAND JUROR: That's not the --

7 MR. VASQUEZ: That's the mouse.

8 A GRAND JUROR: (Indiscernible).

9 MR. VASQUEZ: Yeah, I know. I've got  
10 everyone fooled with that. Sorry.

11 A GRAND JUROR: That's okay.

12 (Whispered discussion, off the record,

13 3:25 p.m.)

14 MS. SEELY: Ms. Dreams, can you hear me?

15 THE WITNESS: Yes, can you hear me?

16 MS. SEELY: I can hear you, but I can't see  
17 you. Could you turn your camera on, please? There  
18 we go.

19 THE WITNESS: Better?

20 MS. SEELY: Perfect. I can see you now.  
21 My name is Amy Seely. I'm with the Oregon Department  
22 of Justice. And in just a moment, you're going to be  
23 sworn in. Before we do that, could I just confirm  
24 that you are in room by yourself?

25 THE WITNESS: Yes, I am.

## Examination of Nichole Dreams

1 MS. SEELY: Okay. Would you please -- it's  
2 kind of funny, but would you stand and raise your  
3 right hand so you can be sworn?

4 A GRAND JUROR: Okay. Great.

5 **NICHOLE DREAMS**

6 Was thereupon called as a witness; and, having been first  
7 duly sworn, was examined and testified (via simultaneous  
8 video transmission) as follows:

9 MS. SEELY: Okay. You can put your hand  
10 down and take a seat.

11 Now, Ms. Dreams, could you state your full  
12 name for the record and please spell your first and  
13 last name.

14 THE WITNESS: Nichole Dreams,  
15 N-i-c-h-o-l-e, last name D-r-e-a-m-s.

16 **EXAMINATION**

17 BY MS. SEELY:

18 Q Okay. And I wanted to just quickly lay out  
19 some parameters for our conversation. You currently  
20 have some charges pending in federal court, correct?

21 A Yes.

22 Q And is -- is it your understanding that you  
23 are appearing today voluntarily?

24 A Yes.

25 Q And is it your understanding that I will



## Examination of Nichole Dreams

1 not be asking you any questions about your federal  
2 case?

3 A Yes.

4 Q Okay. So I just wanted to establish those  
5 limits in what I will be asking you. I want to talk  
6 to you a little bit about Alexander Tadros. Could  
7 you tell the grand jury what the nature of your  
8 relationship was with him?

9 A He was my boyfriend.

10 Q And how long had he been your boyfriend?

11 A About six months.

12 Q Okay. Would you consider the relationship  
13 serious?

14 A Yes.

15 Q And you loved him?

16 A Yes, I did.

17 Q Okay. At the time of August 2021, were  
18 you living together or were you maintaining  
19 separate apartments?

20 A We were living together and had separate --  
21 separate apartments.

22 Q Okay. And did you live at 1600 North  
23 Willis Boulevard?

24 A Yes.

25 Q What apartment number did you live in?

## Examination of Nichole Dreams

1           A     8.

2           Q     Okay.  And so would that be on the  
3     third story?

4           A     Yes.

5           Q     All right.  I would like to talk to you a  
6     little bit about the early morning of August 27th,  
7     2021.

8           A     Okay.

9           Q     And about the events that unfolded.

10          A     Okay.

11          Q     So let me just ask this:  At 6 o'clock in  
12     the morning, were you asleep or were you awake?

13          A     I was asleep.

14          Q     And where were you sleeping?

15          A     In my bedroom.

16          Q     Okay.  And was Mr. Tadros with you?

17          A     No, he wasn't in bed.

18          Q     Okay.  Do you know if he'd gone to bed that  
19     evening before?

20          A     No, he didn't.

21          Q     So he stayed up all night?

22          A     Yes.

23          Q     I want to ask you some questions of a  
24     sensitive nature.

25          A     Okay.

## Examination of Nichole Dreams

1 Q First, I want to ask, have you ever seen  
2 someone who is under the influence of a drug like  
3 fentanyl or methamphetamine?

4 A Yes.

5 Q Okay. Do you know whether or not  
6 Mr. Tadros used either of those substances?

7 A I'm not sure if he did that night or not.

8 Q Okay. Had you seen him use it before?

9 A Yes.

10 Q Had you seen him use it the day prior?

11 A Yes.

12 Q And when he would consume either fentanyl  
13 or methamphetamine or Oxycontin, how would he use it?

14 A Smoke it.

15 Q Okay. And so when you say, "Smoke it,"  
16 what do you mean by that? How would he smoke it?

17 A In a bong.

18 Q In a bong. And is that something that was  
19 present at your apartment?

20 A Yes.

21 Q Let's see. When Mr. Tadros would use  
22 methamphetamine or other controlled substances, how  
23 would that affect him?

24 A It would vary. He was just a busybody. He  
25 was constantly busy doing something. Depending on

## Examination of Nichole Dreams

1 the situation, sometimes he was happy. Sometimes he  
2 was aggressive, but just -- it's hard to say.  
3 Depending on the situation, I guess, is how he  
4 would -- how he would act.

5 Q Okay. And you mentioned that you weren't  
6 sure if he'd used any -- any substances the day  
7 before. Do you know if he'd used any substances that  
8 morning before law enforcement arrived?

9 A I'm not sure.

10 Q Okay. When did you first realize law  
11 enforcement was at your residence?

12 A Basically when they were coming through  
13 the door.

14 Q Okay. And what did you do?

15 A Well, I was in bed, so when that happened,  
16 it was like fight or flight. I ran -- I ran towards  
17 the kitchen.

18 Q And why did you run toward the kitchen?

19 A Probably because that's where Alex was.

20 Q Okay. And what, if anything, did you see  
21 Alex doing when you ran toward the kitchen?

22 A It happened so fast. In all honesty, it's  
23 like I just got out of bed, then went towards the  
24 kitchen. And next thing you know, he's going -- he's  
25 running outside.

## Examination of Nichole Dreams

1 Q And when he ran outside, what did he do?

2 A He went over the balcony.

3 Q Did he tell you he was going to go over  
4 the balcony?

5 A No.

6 Q Did he suggest you should come with him?

7 A No.

8 Q I want to ask you some questions about  
9 Mr. Tadros and guns. Do you know if he owned  
10 any guns?

11 A Yes.

12 Q What kind of guns did you observe him  
13 having -- have in his possession?

14 A I'm not sure -- I don't know what they're  
15 called. I don't really know much about guns at all,  
16 but all I know is they were black. Some were little,  
17 some were big.

18 Q And when you're saying, "Some were little,  
19 some were big," were they the kind of gun that you  
20 could hold one handed or would it take multiple  
21 hands?

22 A Both.

23 Q Okay. And when you -- when Mr. Tadros had  
24 guns around, would they usually be on him or would  
25 they be somewhere else, like secured away in a safe?

## Examination of Nichole Dreams

1           A     Both.

2           Q     Okay. How would he carry them on his  
3 person if he was wearing them, so to speak?

4           A     Usually in his waistband.

5           Q     Okay. And when we're talking waistband,  
6 you know, you can tuck it on the side. You can tuck  
7 it in the front. You can tuck it in the back of your  
8 waistband. How would you see him use it?

9           A     Both.

10          Q     Okay. Did he have any holsters or any kind  
11 of professional equipment for carrying firearms?

12          A     Not that I'm aware of.

13          Q     When he left that morning, did you know  
14 whether or not he was armed?

15          A     I wasn't sure until I heard shots going  
16 off. And then that's how I -- how I knew.

17          Q     Okay. Had you ever discussed with  
18 Mr. Tadros what he would do if law enforcement came  
19 to the apartment?

20          A     No.

21          Q     Did he ever say anything really about  
22 police officers, good, bad or indifferent?

23          A     He had stated in the past that he didn't  
24 like cops.

25          Q     Did his actions surprise you when he left

## Examination of Nichole Dreams

1 that morning?

2 A What's that?

3 Q Did his actions surprise you when he ran  
4 out and jumped out of the window that morning?

5 A Yes.

6 Q Why did it surprise you?

7 A I just didn't know him to be that kind of  
8 person. I didn't think that he would do something  
9 like that.

10 Q And by "something like that," what do  
11 you mean?

12 A Shooting at the cops, holding the  
13 neighbors hostage.

14 Q After the DEA agents came into your  
15 residence, where did they take you? I'm assuming you  
16 didn't stay in the apartment.

17 A No. They took me out to the hallway at  
18 first. And then when they thought that he had a gun  
19 or he was threatening, you know, to shoot cops, they  
20 took me out of the building.

21 Q And when they took you out of the building,  
22 where did you go?

23 A They took me down the street to an SUV.

24 Q Okay. Could you see the apartment complex  
25 from where you were?

## Examination of Nichole Dreams

1           A     I could see the complex, yes, the side of  
2 the building.

3           Q     Could you hear what was going on outside of  
4 the car?

5           A     Yes.

6           Q     Okay. Can you tell me about what you saw  
7 and what you heard?

8           A     I couldn't see much other than, after  
9 things progressed, I saw a tank go to the middle of  
10 the road and I could see it shooting -- shooting  
11 something out of the tank.

12                   I could hear him yelling. I couldn't -- I  
13 couldn't tell what was being said. I could just hear  
14 yelling. I could hear him yelling. I could hear  
15 officers yelling, but I don't know what was  
16 being said.

17           Q     And how long would you say the yelling went  
18 on, if you can give an estimate of time?

19           A     Probably two to three hours, it felt like.

20           Q     And that whole time, you were seated in the  
21 back of the SUV?

22           A     Yeah.

23           Q     What happened next?

24           A     I was there in the SUV. It seemed like  
25 forever. I didn't know what time it was, you know,



## Examination of Nichole Dreams

1 so all I know is I was there for a while and a couple  
2 different officers came and talked to me. And then  
3 they were like, "Okay. We're -- we're going --  
4 we're going downtown. You're going to come talk to  
5 us downtown."

6 Q And did you --

7 A And at that -- at that time, I didn't know,  
8 you know, what had happened. Nobody told me until  
9 after I got downtown.

10 Q I'm just going to check my notes to see if  
11 there was anything else I wanted to ask you.

12 A Okay.

13 (Whispered discussion, off the record,  
14 3:35 p.m. - 3:36 p.m.)

15 BY MS. SEELY:

16 Q Just a couple more questions, okay?

17 A Okay.

18 Q Okay. Just going back to that particular  
19 morning, is your testimony that you and Mr. Tadros  
20 didn't have any discussion prior to law enforcement  
21 coming to your home?

22 A No.

23 Q Had Mr. Tadros ever expressed concerns  
24 about going into police custody to you?

25 A He had said at one point that he was never

## Examination of Nichole Dreams

1 going back to prison.

2 Q And I don't want to talk about the prison  
3 issue specifically, but what did you -- what did you  
4 interpret that to mean?

5 A In all honesty, I didn't know how to take  
6 that. I -- I mean, I wasn't quite sure. I don't  
7 know how -- I didn't really know what he meant by  
8 that 'cause sometimes he would say things and, you  
9 know, it was just -- you didn't know if he was  
10 serious or not. All I know is he just -- he said he  
11 didn't want to go back to jail.

12 MS. SEELY: I believe those are my  
13 questions. I am going to see if the grand jury has  
14 any questions for you. And if they are --

15 THE WITNESS: Okay.

16 MS. SEELY: -- appropriate for me to ask  
17 for them, then I will ask you those questions as  
18 well.

19 THE WITNESS: Okay.

20 MS. SEELY: All right. Any questions,  
21 folks?

22 All right. I believe you are free to go.  
23 You can go ahead and disconnect.

24 THE WITNESS: Okay. Thank you.

25 (Whispered discussion, off the record,

## Examination of Brian Sims

1 3:37 p.m. - 3:38 p.m.)

2 MR. VASQUEZ: Okay. So where we're at  
3 now is --

4 A GRAND JUROR: Oh, (indiscernible).

5 MR. VASQUEZ: Yes. Let's go off the record  
6 briefly for or a little bit.

7 (Recess taken, 3:38 p.m. - 3:42 p.m.)

8 (**TRANSCRIBER'S NOTE:** The audio record  
9 begins midsentence.)

10 MR. VASQUEZ: -- record. All right. We  
11 are back on the record and we have recalled Detective  
12 Brian Sims to the stand.

13 You're still under oath.

14 **BRIAN SIMS**

15 Was thereupon recalled as a witness; and, having been  
16 previously duly sworn, was examined and testified as  
17 follows:

18 **EXAMINATION**

19 BY MR. VASQUEZ:

20 Q And so I wanted to ask you a couple  
21 questions about the video that, you know, is the  
22 internal video kind of leading up to the time before  
23 the search warrant. Have you reviewed that, the  
24 hours preceding?

25 A Yes, I have.

## Examination of Brian Sims

1           Q     Okay.  And on that, do you observe -- and I  
2     think you -- you sort of testified to this a little  
3     bit, but observe Mr. Tadros using, like, what you  
4     believed to be controlled substances?

5           A     Yes, so I watched hours before.  Nichole  
6     had given me a timeline of their events that night,  
7     so I then backtracked to see if those events  
8     corresponded with what I saw in the video.  So once  
9     they get back home, I watched them, you know, through  
10    the rest of the night.

11                  And then I see Tadros.  He stays up and  
12    then his drug use is continual through the night.  I  
13    see him with that pipe.  It looks like -- almost like  
14    a marijuana bong, but I -- apparently you can smoke  
15    drugs through it more than just marijuana.

16                  And he is using that pipe continuously from  
17    even before when they left and then when they came  
18    back.  And then he's up the whole time, that whole  
19    night, until DEA hits the door.

20           Q     And then do you have kind of a rough idea  
21    of, like, how long before DEA goes through the door  
22    that he's -- he has been using it?

23           A     It's continual.  I don't know if I'd hazard  
24    a guess the last time I see him use it.  Gosh.  Like  
25    I said, it's -- it's continual.  I was surprised by

## Examination of Brian Sims

1 it. I -- I'd never seen -- you know, seen somebody  
2 use in that -- in that way. But it was, I would say,  
3 maybe -- gosh -- half an hour --

4 Q Okay.

5 A -- would be the last time he used. But,  
6 you know, it's hard to say. I'd have to watch all  
7 that video to --

8 Q And -- and is he sleeping at any point  
9 during this?

10 A No. You see him working on the -- the  
11 laptop sitting there. There's two laptops that are  
12 kind of where the kitchen sink is. He's working  
13 on that and then he's always doing something on  
14 that countertop.

15 Q Okay. But no sleeping, continue --

16 A No sleeping.

17 Q -- continually using?

18 A He was usually standing on that countertop.  
19 And as he's working on the laptops, you see him use  
20 that -- that pipe.

21 MR. VASQUEZ: Okay. All right. Additional  
22 questions that you'd like to ask the detective?

23 A GRAND JUROR: One other. And that was --  
24 there was a mention of a security camera as well that  
25 was outside of the door that was pointed into the

## Examination of Brian Sims

1 hallway. Was there any footage from that  
2 (indiscernible)?

3 THE WITNESS: So that was a different  
4 system and it wasn't operating.

5 A GRAND JUROR: Okay.

6 THE WITNESS: So the only system that was  
7 operating was the one that we captured.

8 A GRAND JUROR: Okay.

9 THE WITNESS: And those were the cameras  
10 that covered the inside and then that one camera view  
11 that you see outside. Those were the only cameras  
12 that were operating.

13 A GRAND JUROR: So it was a different  
14 system that was --

15 THE WITNESS: Completely different system.

16 A GRAND JUROR: -- not the people that  
17 lived there or was it --

18 THE WITNESS: No. I think it's -- it was  
19 their cameras, but they didn't work. So that's why  
20 they had installed the new system that was up  
21 and running --

22 A GRAND JUROR: I see.

23 THE WITNESS: -- which, from my  
24 understanding, was -- was new within the last couple  
25 days even.

## Examination of Brian Sims

1           A GRAND JUROR: The camera that's seen on  
2 the third-floor balcony, like, on the post, was that  
3 theirs or is that something that belongs to the  
4 apartment complex?

5           THE WITNESS: No, that's theirs.

6           A GRAND JUROR: Okay.

7           THE WITNESS: Yeah, the apartment complex  
8 didn't have video.

9           A GRAND JUROR: Mm-hmm.

10          A GRAND JUROR: And I was going to say --

11          A GRAND JUROR: Go ahead. Go ahead.

12          Finish.

13          A GRAND JUROR: Does that outdoor video  
14 capture any of the -- the scene with the -- the  
15 armored truck or anything like that?

16          THE WITNESS: Yes. So that view you see,  
17 that's the fixed view that it captures.

18          A GRAND JUROR: Right.

19          THE WITNESS: And so what you can see if  
20 the SERT officers around the truck. You can see  
21 officers in the -- you'll hear some SERT officers  
22 tomorrow talk about deploying gas. And those --  
23 Officer Faris will -- you'll be able to see him --  
24 and he'll talk about this.

25          He's behind that truck and that's where

## Examination of Brian Sims

1 he's deploying gas from. And then SERT Officer  
2 Ramsey, he's in that turret. But you -- you can't  
3 see him really in the video and you can't see the  
4 shots being fired from there either in the video.

5 A GRAND JUROR: So does the video  
6 have sound?

7 THE WITNESS: It does not have sound.

8 A GRAND JUROR: There's no (indiscernible).

9 THE WITNESS: There's no audio for  
10 either --

11 A GRAND JUROR: Okay.

12 THE WITNESS: -- view.

13 A GRAND JUROR: And will we be watching  
14 that one tomorrow?

15 MR. VASQUEZ: We can watch it right now if  
16 you'd like. We can find it.

17 A GRAND JUROR: Is anyone else interested?

18 MULTIPLE GRAND JURORS: Yeah.

19 A GRAND JUROR: Sure.

20 MR. VASQUEZ: Okay. Let me see what  
21 I can --

22 A GRAND JUROR: Okay.

23 MR. VASQUEZ: -- bring up.

24 And if -- Detective, if you happen to know  
25 any kind of number time frame -- 'cause I know it's



## Examination of Brian Sims

1 Channel 1. And I know that this -- it should be --  
2 let's -- we're going to start at 1770 -- this is the  
3 coding number, 1770. We're going to check that one  
4 and -- and see where it's at.

5 So this one is going to be after 'cause you  
6 can see the doors are open on this. So the video is  
7 running. It's just -- this is clearly going to be  
8 after, so let me go back in time a little bit. We're  
9 going to go to -- we'll go to 1760 and start to  
10 bracket our way in and see how that gets us.

11 So this one, as you can see, there's the  
12 Portland Police car -- vehicle and you can see these  
13 two individuals up behind the car.

14 A GRAND JUROR: Mm-hmm.

15 MR. VASQUEZ: So this is not, obviously,  
16 when the truck has arrived. And so we can watch  
17 this -- it's approximately 20 minutes long -- or we  
18 can fast forward and get to the point where the truck  
19 arrives. I just want to make sure I capture what you  
20 guys want to look at.

21 A GRAND JUROR: Is there -- can you watch  
22 it double speed or --

23 MR. VASQUEZ: I don't know if this  
24 particular player --

25 A GRAND JUROR: -- or scrub through it?

## Examination of Brian Sims

1 MR. VASQUEZ: I mean, I can certainly try  
2 to scrub through.

3 A GRAND JUROR: Yeah, that's -- that's  
4 cool.

5 MR. VASQUEZ: So, like, you can -- we can  
6 just kind of sample it and see. I mean, I -- I -- I  
7 believe, as you've heard the testimony, there's a  
8 couple hours, so --

9 A GRAND JUROR: Yeah.

10 A GRAND JUROR: Mm-hmm.

11 A GRAND JUROR: Is that a --

12 THE WITNESS: That's the -- that's the  
13 EDU's (phonetic) robot there.

14 A GRAND JUROR: Hmm.

15 THE WITNESS: They use that to -- if they  
16 need to, you know, have a speaker on that or it  
17 sometimes will have a phone on that and then brought  
18 up. So that's why that was deployed and ready.

19 BY MR. VASQUEZ:

20 Q Were they able to actually get that up the  
21 staircase to where the apartment was?

22 A No, the issue was the stairs. It was  
23 too -- apparently too steep for the robot to get up  
24 there.

25 A GRAND JUROR: So does it have video?

## Examination of Brian Sims

1 Does it have a view towards --

2 THE WITNESS: No. The --

3 A GRAND JUROR: -- the balcony at all?

4 THE WITNESS: -- it -- it has a live-view  
5 camera on it, but it does not record.

6 A GRAND JUROR: It does not record.

7 THE WITNESS: So they're able to put that  
8 in positions where, you know, it's in -- it's in  
9 danger and then not somebody else with a camera.

10 A GRAND JUROR: Thank you.

11 MR. VASQUEZ: Okay. I'll continue to kind  
12 of scrub forward a little bit here.

13 A GRAND JUROR: Will anyone speak to -- was  
14 anybody monitoring the live video of this or --

15 MR. VASQUEZ: I'm not --

16 THE WITNESS: There is -- so there's EDU --  
17 there's EDU officers that are at the command post and  
18 they're watching the live view.

19 A GRAND JUROR: I see.

20 THE WITNESS: Their role is to relay to the  
21 SERT team and the hostage negotiators what they're  
22 seeing. So it's a -- you know, just a tactical tool  
23 they use.

24 A GRAND JUROR: Okay. Here we are.

25 MR. VASQUEZ: Here we are. Let me back up

## Examination of Brian Sims

1 a bit. We'll probably see it come into view. This  
2 one is the video that ends in 1761. We are on the  
3 timestamp currently at 10:45 on the timestamp,  
4 remembering that it needs to be adjusted for  
5 actual time.

6 But we'll -- I'm going to scrub forward  
7 'til we get to the arrival. Okay. It's there.  
8 There we go. We're at 10:45:30 and we're seeing it.

9 THE WITNESS: So there's Ramsey in the  
10 turret, but, like I said, you could barely see that  
11 somebody's even in there.

12 A GRAND JUROR: Okay.

13 A GRAND JUROR: And the flashing lights  
14 that were on -- oh, now, they're back on.

15 BY MR. VASQUEZ:

16 Q And just for -- to help orient us,  
17 Detective Sims, are -- the people behind that, are --  
18 those are SERT members behind there?

19 A Yes.

20 Q Okay. And, typically, does Portland SERT,  
21 do they wear that -- kind of the greenish uniform?

22 A Yeah. They're in the green -- either solid  
23 green or some have camo depending on their role.

24 Q Okay. And then Officer Jacobsen, the  
25 crisis negotiator that we -- we heard from already,

## Examination of Brian Sims

1 he would have been in the passenger seat kind of -- I  
2 think we just can see someone moving right there.

3 A Right.

4 Q Okay.

5 A He's broadcasting over the PA system off  
6 the -- the G3.

7 A GRAND JUROR: Do we know who the person  
8 in blue was (indiscernible)?

9 THE WITNESS: Yeah, those are some of  
10 the tenants.

11 A GRAND JUROR: Okay.

12 THE WITNESS: They're trying to evacuate  
13 out of the building. There --

14 A GRAND JUROR: (Indiscernible).

15 THE WITNESS: There's the 40-millimeter  
16 rounds that are trying to break the glass. And then  
17 here's Officer Faris with that rifle, the long rifle  
18 part. That's the gas grenade.

19 'Cause of the angle, it's -- it's difficult  
20 for them to get an angle to get -- to break the  
21 glass. They're shooting a couple more to break the  
22 glass. And then there's a gas round.

23 A GRAND JUROR: Okay.

24 THE WITNESS: And it looks to me -- we'll  
25 have Officer Faris discuss this, but it looks to me

## Examination of Brian Sims

1 maybe that the gas rifle was malfunctioning. He had  
2 to try it a couple times to get that rifle to work.  
3 Those are more of the --

4 A GRAND JUROR: Hmm.

5 THE WITNESS: That's another type of gas  
6 round. It's a different weapon that fires it, but  
7 that was a gas round. And you can see kind of the  
8 haze is the gas coming out of the apartment.

9 A GRAND JUROR: Do all the gas canisters  
10 make it into the apartment or do any, like, you know,  
11 bounce off the building or --

12 THE WITNESS: Some of the 40-millimeter --  
13 the rubber rounds --

14 A GRAND JUROR: Uh-huh.

15 THE WITNESS: -- didn't make it in, but the  
16 gas rounds, I believe, all made it inside.

17 Did you -- did you show that picture of the  
18 inside where the gas rounds hit?

19 MR. VASQUEZ: I'm not sure.

20 THE WITNESS: There's a -- there's a  
21 picture of the inside wall kind of where the TV was  
22 in Apartment No. 8. In -- well, in Apartment 5, that  
23 whole upper wall had several holes where the gas  
24 rounds had struck.

25 A GRAND JUROR: Mm-hmm.

## Examination of Brian Sims

1 BY MR. VASQUEZ:

2 Q Were you -- were you or members of the  
3 investigative team able to recover those gas rounds  
4 and things from inside of the apartment?

5 A Yes, we collected all those.

6 MR. VASQUEZ: Okay.

7 A GRAND JUROR: This is gas as well?

8 THE WITNESS: That's all gas. That's how  
9 much gas was in that apartment.

10 A GRAND JUROR: Hmm.

11 THE WITNESS: Enough that it's, you know,  
12 streaming out.

13 A GRAND JUROR: Would he -- would this  
14 likely have been when he opened the door or, like,  
15 would it just come out naturally like that?

16 THE WITNESS: Well, there's holes now in  
17 the windows.

18 A GRAND JUROR: Right. Okay.

19 THE WITNESS: So my -- my guess is this is  
20 just what's escaping through those broken windows.

21 A GRAND JUROR: And after this, did he  
22 continue to shoot?

23 THE WITNESS: The timeline is pretty  
24 simultaneous. While he's -- while they're deploying  
25 this gas, shots are still going off. That's why

## Examination of Brian Sims

1 they were kind of urgent putting this gas in there.  
2 They'll be able to go step by step with their thought  
3 process in the gas deployment with you, though.

4 A GRAND JUROR: So we will hear from  
5 (indiscernible)?

6 THE WITNESS: Yeah. You'll hear from --

7 A GRAND JUROR: Okay.

8 THE WITNESS: -- the -- Faris, the -- the  
9 guys that are deploying the gas.

10 (Pause in proceedings while video plays,  
11 3:57 p.m. - 4:02 p.m.)

12 A GRAND JUROR: By this time --

13 THE WITNESS: Yeah.

14 A GRAND JUROR: -- he's been shot.

15 THE WITNESS: Yep.

16 A GRAND JUROR: Hmm.

17 A GRAND JUROR: And the shot came from  
18 the G3?

19 A GRAND JUROR: Yeah, where was -- where --

20 THE WITNESS: Two shots came from that  
21 prior to the fatal shot. And then the -- the fatal  
22 shot came from the back of the apartments from that  
23 one view that we looked at.

24 A GRAND JUROR: Yeah.

25 A GRAND JUROR: From opposite end of this



## Examination of Brian Sims

1 (indiscernible)?

2 THE WITNESS: Opposite end of the  
3 easternmost building on the south end of  
4 that building.

5 BY MR. VASQUEZ:

6 Q So I'm going to put my cursor. Is this  
7 roughly where Officer Ramsey would be?

8 A Yes.

9 Q Okay. Let me just -- I'll bring that back  
10 up just so we can -- for reference. So Officer  
11 Ramsey's here.

12 A Correct.

13 Q And you've watched the video and you're  
14 not -- are you able to see the rifle shots from here?

15 A I cannot see anything from that view. I  
16 did not see when that occurs from there.

17 MR. VASQUEZ: Okay.

18 A GRAND JUROR: Hmm.

19 MR. VASQUEZ: All right. So additional --  
20 do you want to watch any additional video, things of  
21 that nature?

22 A GRAND JUROR: No, I -- that was helpful,  
23 though. Thank you.

24 MR. VASQUEZ: Okay.

25 A GRAND JUROR: Yeah, that was -- thank

## Examination of Brian Sims

1       you.

2                   MR. VASQUEZ:  Any other photographs, any  
3       other videos, just let me know and I'm happy to bring  
4       them up.  We have the detective here.  He can  
5       reference them and for the record --

6                   THE WITNESS:  If you want to bring up that  
7       interior picture.

8       BY MR. VASQUEZ:

9           Q       Okay.  Interior picture.  Hold on just  
10       one moment.

11          A       I don't know if it's on your slide.

12          Q       Is this the picture you're referring to?

13          A       Let's go to the 17.

14          Q       Okay.

15          A       So that's the -- this is the picture where  
16       Howery is standing.  He's at that corner of that  
17       apartment looking, like, in the direction of where  
18       the -- we just saw all those SERT officers.  He's  
19       looking that direction and that's his view at the  
20       window where the screen's pushed out.

21          Q       So I think it's this.

22          A       Yeah, that would be his view.  And, like I  
23       said, it'd be a little bit better view because he's  
24       tucked in closer to that building, not out in the  
25       middle of the -- the walkway.

## Examination of Brian Sims

1 A GRAND JUROR: But still pretty oblique.

2 THE WITNESS: Yes, very sharp angle. Yeah.

3 A GRAND JUROR: They're cute.

4 A GRAND JUROR: Yeah.

5 MR. VASQUEZ: Okay.

6 THE WITNESS: Right.

7 MR. VASQUEZ: All right. Any additional  
8 questions for Detective Sims?

9 Thank you.

10 THE WITNESS: Okay.

11 MR. VASQUEZ: We can go ahead and go off --

12 A GRAND JUROR: Oh, I'm sorry. The --

13 MR. VASQUEZ: Yeah.

14 A GRAND JUROR: You said there was a  
15 photograph of the inside of the apartment?

16 THE WITNESS: Yeah, do you have it on  
17 your slide?

18 BY MR. VASQUEZ:

19 Q What -- tell me which photograph you'd  
20 like.

21 A It's the inside and it shows all the holes  
22 on the wall from --

23 Q I do. Give me one moment. I will bring  
24 that up.

25 A GRAND JUROR: (Indiscernible).

## Examination of Brian Sims

1 MR. VASQUEZ: Is it?

2 A GRAND JUROR: Yeah, (indiscernible).

3 Here are the crime scene photos.

4 (Whispered discussion, off the record,  
5 4:05 p.m.)

6 THE WITNESS: So you want to click on --  
7 click on 57 for me.

8 MR. VASQUEZ: Okay.

9 THE WITNESS: Yeah. So 57 is a  
10 40-millimeter round. That's the rubber round I'm  
11 talking about that they use to shoot the glass out.  
12 It's like a hard foam tip.

13 So those are what we found inside the  
14 apartment. So that's what they use first to shoot  
15 out the glass and then the gas canisters are -- are  
16 next.

17 A GRAND JUROR: And the little scale  
18 that's on there, is that inches or millimeters  
19 or centimeters?

20 THE WITNESS: Hmm.

21 A GRAND JUROR: The little black -- black  
22 tick-mark scale, sort of the --

23 THE WITNESS: (Indiscernible) --

24 A GRAND JUROR: -- cut-out corner of the  
25 evidence (indiscernible)?

## Examination of Brian Sims

1 THE WITNESS: That's a good question.

2 MR. VASQUEZ: Click on it.

3 THE WITNESS: It's in inches.

4 A GRAND JUROR: Oh.

5 MR. VASQUEZ: Hold on just a second. I'll  
6 get one that we can look at closer. It's metric,  
7 so --

8 THE WITNESS: Oh --

9 A GRAND JUROR: It is metric?

10 THE WITNESS: -- it's all metric.

11 MR. VASQUEZ: Mm-hmm.

12 A GRAND JUROR: Okay.

13 A GRAND JUROR: So five centimeters,  
14 four-and-a-half centimeters is the cutout?

15 THE WITNESS: Yeah.

16 A GRAND JUROR: So two inches, a little  
17 less than two inches.

18 THE WITNESS: Yep.

19 A GRAND JUROR: Okay.

20 BY MR. VASQUEZ:

21 Q Okay. Where is it?

22 A There. So, like, 329.

23 Q There we go. Thank you.

24 A So those are the -- the holes up at the  
25 top. That's mostly from the gas rounds. You can see

## Examination of Brian Sims

1 the -- kind of the yellow powder. So that's from all  
2 the gas rounds that was deployed inside this,  
3 numerous strikes. So they broke the glass there and  
4 then launched them through that same window.

5 And then it hits there and then the gas  
6 dissipates throughout the apartment. So there were  
7 several gas rounds.

8 A GRAND JUROR: Do you know if, at this  
9 point, the deceased was in this room or in  
10 the bedroom?

11 THE WITNESS: I think once -- I mean, this  
12 is just my assumption from what I've seen, is once  
13 this gas gets so heavy, he's in the bedroom. But he  
14 might have been in there the whole time because we  
15 have the handgun in the hallway that we find and then  
16 he's in the bedroom with a handgun, too.

17 So he might have retreated into the bedroom  
18 early on in this. We don't know. And then that's  
19 the -- the one window that's broken was the window  
20 that the SERT team used to deploy the gas through.  
21 That was the one window that they had really good  
22 ability to break it and then get the gas through.

23 A GRAND JUROR: Gotcha. That makes  
24 more sense.

25 A GRAND JUROR: 'Cause it was straight.

## Examination of Brian Sims

1 THE WITNESS: So --

2 MULTIPLE GRAND JURORS: (Indiscernible).

3 THE WITNESS: Yea, they faced it.

4 A GRAND JUROR: So that corner that's cut  
5 out, that -- that full shape is the balcony on  
6 the outside?

7 THE WITNESS: Correct.

8 A GRAND JUROR: I see.

9 THE WITNESS: Yep. And then there's a  
10 better view of the ferret cages.

11 A GRAND JUROR: Mm-hmm, mm-hmm. So when  
12 they -- when they agents went in the room and found  
13 the deceased, was there any bullets left in the mag  
14 at all, any of the mags, or was it empty?

15 THE WITNESS: If I recollect from the crime  
16 scene photos, there was in both guns.

17 A GRAND JUROR: There was?

18 THE WITNESS: Yeah. The magazine was out  
19 of the silver gun, but I want to say there was one  
20 round in the chamber of the silver -- the one on the  
21 bed as well.

22 A GRAND JUROR: Okay.

23 A GRAND JUROR: So around, like, one or two  
24 bullets in each mag?

25 THE WITNESS: Yeah. I want to say it was

## Examination of Brian Sims

1 close to that, yeah.

2 A GRAND JUROR: Hmm.

3 THE WITNESS: And then I don't -- did  
4 the -- to get into that apartment, once they thought  
5 Tadros was down, they do what's called a shaped  
6 charge. It's a water charge that they put around the  
7 door to get in the door.

8 So the SERT guys blew that shaped charge  
9 and it's designed to just blow the door out, not to  
10 cause, you know, tons of damage. But some of that  
11 debris is from that shaped charge.

12 And then they go in there. And then a --  
13 there's a medic on the SERT team and then the medic  
14 went in once they -- once they cleared the apartment  
15 and found -- determined him deceased.

16 A GRAND JUROR: The shaped charge is, like,  
17 a detonation plastic explosive?

18 THE WITNESS: Yeah. It's like a -- it  
19 almost looks like a piece of Velcro. It's about  
20 two inches wide and it has water in there to direct  
21 the charge. So kind of some of that debris is part  
22 of that -- from that door.

23 BY MR. VASQUEZ:

24 Q (Indiscernible).

25 A Oh, there's a picture of the door. There



## Examination of Brian Sims

1 we go.

2 Q So let's see if we can find the photos of  
3 the guns that they -- they're somewhere in here  
4 'cause they pull out the magazine or --

5 A Yeah. The magazine was already out of the  
6 silver-and-black one, though, so they don't --

7 Q There we go.

8 A Yeah, there it is.

9 Q So this one, for example, in the  
10 PowerPoint --

11 A GRAND JUROR: Mm-hmm.

12 MR. VASQUEZ: See, he still has a round.

13 A GRAND JUROR: Okay. And that's the one  
14 that was on the floor in the hallway?

15 THE WITNESS: Yes.

16 MR. VASQUEZ: That is located in Slide 33,  
17 which --

18 BY MR. VASQUEZ:

19 Q Detective Sims, is that Placard 34 that is  
20 where the black firearm is?

21 A Yes. 34 is a placard for the black  
22 handgun.

23 MR. VASQUEZ: Okay.

24 A GRAND JUROR: All right.

25 MR. VASQUEZ: All right. Any other

1 questions for our detective, photos, videos,  
2 otherwise? Okay.

3 A GRAND JUROR: Thank you.

4 THE WITNESS: Okay.

5 A GRAND JUROR: All right.

6 A GRAND JUROR: Thank you very much.

7 THE WITNESS: You bet.

8 A GRAND JUROR: (Indiscernible). That's  
9 great. Okay.

10 MR. VASQUEZ: Okay. We're going to end  
11 a little early today. And -- and we have  
12 (indiscernible) --

13 A GRAND JUROR: Can we go off the record?

14 MR. VASQUEZ: Yes, please.

15 \* \* \*

16 (Conclusion of Grand Jury B Proceedings,  
17 Volume 1, 2-22-22 at 4:11 p.m.)

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REPORTER'S CERTIFICATE

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



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