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PORTLAND POLICE BUREAU
OFFICER INVOLVED SHOOTING

Case #10-38353

DETECTIVE ERIK KAMMERER
DETECTIVE MARK SLATER

BOOK 2 OF 2

Medical Examiner records not provided.

PORTLAND POLICE BUREAU

CONFIDENTIAL

SPECIAL REPORT

☐ INFORMATION ☐ CLEARANCE ☐ CONTINUATION ☐ SUPPLEMENTAL

Page/Of 1/5

CASE NO.	REFER CASE NO.	CLASSIFICATION
10-38353	10-38359	OFFICER INVOLVED SHOOTING

☐1. UNFOUNDED ☐2. PENDING ☐3. SUSPENDED ☐4. CLR BY ARREST ☐5. EXCEPTIONAL ☐6. REFERRED

ORIGINAL REPORT DATE/TIME	THIS REPORT DATE/TIME
051210 / 1821	051710 / 1300

LOCATION OF OCCURRENCE
NE 6th AVENUE / NE HALSEY STREET

PERSONS **CO**-Complainant **SB**-Subject **SI**-Sick/Injured/Cared For **PE**-Park Exclusion

CODE	NAME	CRN	SEX	RACE	DOB
SB	OTIS, KEATON DUPREE		M	B	010485

ADDRESS	ZIP	PHONE
3541 N HOUGHTON STREET	97217	

SUBJECT OF THIS REPORT: INTERVIEW OF OFFICER BURLEY

PROPERTY RECEIPT NO.

NARRATIVE/PROPERTY ITEM CODE **S**-STOLEN **L**-LOST **F**-FOUND **D**-DAMAGED **K**-SAFEKEEPING **R**-RECOVERED

COPIES
☐ DET
☐ Central
☐ East
☐ SE
☐ North
☐ NE
☐ Traffic
☐ DVD
☐ ID
☐ Prop Room
☐ Crime Prev
☐ Intell
☐
☐
☐
☐

COMPUTER ENTRY
☐ Person
OPR ☐ Vehicle
OPR ☐ Crime/ Prop
OPR ☐ Book
OPR

CONNECT INFORMATION

Victim in PPB Case #10-38359:

Officer Chris BURLEY, DPSST #45975
M/W, DOB [redacted]
Work Address: 449 NE Emerson Street
Portland, Oregon 97211
Hotspot Enforcement Action Team (HEAT), Unit 1951

NONCONNECT INFORMATION

Detectives Mentioned:

Detective Mark SLATER, DPSST #27192

Officers Mentioned:

Sergeant Don LIVINGSTON, DPSST #32588
Officer James DEFRAIN, DPSST #44436
Officer Andy POLAS, DPSST #43489
Officer Cody BERNE, DPSST #45662
Officer Ryan FOOTE, DPSST #43493
Officer Patrick MURPHY, DPSST #44162
Officer Mike STRADLEY, DPSST #16129
Officer Dave DOBLER, DPSST #19896

REPORTING OFFICERS	DPSST	PREC/DIV	RLF/SHFT	ASSN/DIST	SUPERVISOR
Detective E.W. Kammerer	29988	DET	M	HOM	

CASE NO.	CLASSIFICATION	TYPE:	SEX	RACE	DOB
10-38353	OFFICER INVOLVED SHOOTING	☐ Incident ☐ Traffic Accident ☐ Custody ☐ Special			
SUBJECT'S NAME: OTIS, KEATON DUPREE			M	B	010485

LOCATION OF OCCURENCE: NE 6th AVENUE / NE HALSEY STREET

NARRATIVE: The order of appearance for additional information will be:
ITEM 1: ADDITIONAL PERSON INFO--List additional people (not suspects) and identify their involvement with the appropriate code. Additional person info includes contacts.
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ITEM 8: NARRATIVE--List in chronological order all of the relevant details in the incident and/or elements of the crime or violation.

ITEM | CODE

EXHIBITS

1. Portland Police Bureau Property/Evidence Receipt #1203487:
   - Item 1: Google Earth image used by Officer Burley
   - Item 2: CD-R of interview of Officer Burley
2. Photocopy of Google Earth image used by Officer Burley
3. Transcript of interview of Officer Burley

SUMMARY

During a traffic stop, Officer Burley was shot twice by the driver of the stopped vehicle, KEATON OTIS. Other officers onscene returned fire, fatally wounding the driver. Officer Burley was transported to the hospital and treated for his injuries. This report details the interview of Officer Burley.

NARRATIVE

On May 12th, 2010, a vehicle driven by KEATON OTIS was stopped by Officers Foote and DeFrain, who requested additional cover officers due to the extreme uncooperativeness of KEATON OTIS. One of these cover officers was Officer Burley. While attempting to remove KEATON OTIS from the vehicle and take him into custody, KEATON OTIS was able to retrieve a firearm from the glove box of the vehicle. KEATON OTIS then used that firearm to shoot Officer Burley twice, once in each leg. Officer DeFrain, Officer Berne, and Officer Polas returned fire, fatally wounding KEATON OTIS. Officer Burley was transported to Emanuel Hospital to be treated for his injuries.

On May 13th, 2010, Detective Slater and I went to Emanuel Hospital and contacted Officer Burley in his room. Officer Stradley was also present as Officer Burley's Traumatic Incident Committee (TIC) representative. I asked Officer Burley if he would be willing to conduct an interview, and he replied, "Yes." I asked Officer Burley to describe for me the location of his injuries, and Officer Burley told me he had two gun shot wounds to [redacted]. Officer Burley also had severe scrapes

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OTIS, KEATON DUPREE	M	B	010485

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along the right side of his body, including his hand, arm, and leg. Due to Officer Burley's current medical condition, and his prescribed use of pain medications, I decided not to interview Officer Burley at that time.

On May 14th, 2010, I spoke with Officer Stradley, who told me Officer Burley would be released from the hospital that day, and we arranged to meet Officer Burley the next day for an interview. On May 15th, 2010, Officer Stradley brought Officer Burley to the Detective Division to be interviewed by Detective Slater and me. Officer Stradley was not present during the interview. Also present during the interview was Officer Dobler, in the capacity as Officer Burley's Portland Police Association (PPA) representative. Detective Slater and I escorted Officer Burley and Officer Dobler to the small conference room in the Detective Division. I activated a digital recorder at 1535 hours, and verified Officer Burley understood the conversation was being recorded and he agreed to the recording. The following is a brief summary of the interview and Officer Burley's statements. Please see the attached transcription for a more detailed and verbatim account of Officer Burley's interview.

Officer Burley said he was working in a uniform capacity with his partner, Officer Polas, and was driving northbound on NE Grand Ave at approximately NE Broadway Street when he heard over the Nextel talk group Officer DeFrain or Officer Foote ask Officer Berne about a vehicle. Officer Burley said he next heard the officers say they were going to stop the vehicle. Officer Burley said he continued driving northbound, now on NE Martin Luther King Jr. Boulevard, and Sergeant Livingston and Officer Murphy were driving northbound in front of him. Officer Burley said he next heard Officer DeFrain announce over the radio he was conducting a traffic stop, and Officer Burley heard sirens in the background. Due to his experience working with Officers DeFrain and Foote, Officer Burley knew this was very unusual and immediately believed "there was something the matter."

Officer Burley said both he and Officer Murphy turned around and proceeded toward the area of the traffic stop. Officer Burley said as they were turning around, Officer Foote broadcast over the radio he wanted additional cover to respond and stated the driver was not being compliant. Officer Burley said as they were responding, Officer Foote requested the first vehicle to arrive to "box-in" the stopped vehicle. Officer Burley said he knew a "box-in" was used to prevent a vehicle from fleeing, and believed the situation at the scene of the stop was not normal.

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Officer Burley said when he arrived, he parked his vehicle just off the front of the stopped vehicle at the northeast corner of NE 6th Avenue and NE Halsey Street. Officer Burley said he exited the vehicle, and saw no one was standing on the passenger side of the stopped vehicle. Officer Burley said he walked to the passenger side of the stopped vehicle, and was told by Officer Berne to come over to the driver's side of the vehicle. Officer Burley said he could tell by Officer Berne's tone of voice and statement he did not want Officer Burley on the passenger side of the vehicle to avoid a crossfire situation. Officer Burley said he went over to the driver's side of the vehicle and stood between Officer DeFrain and Officer Foote, who were bracketing the driver's door. Officer Burley said Officer Foote had his Taser out, but not pointed at the driver. Officer Burley said the driver was making statements, but Officer Burley did not recall those statements. Officer Burley said the driver was also looking around at all of the officers as if trying to determine everyone's location in order to come up with a plan.

Officer Burley said Sergeant Livingston then came over to the driver's side of the car, and the decision was made to remove the driver from the car in order to take him into custody. Officer Burley said he took hold of the driver's left arm in order to place a sankajo hold on the driver. Officer Burley said the driver immediately and violently jerked away from Officer Burley, and he was unable to effectively use the sankajo hold. Officer Burley said the driver also yelled, "What the fuck are you doing grabbing onto me!?" Officer Burley said the driver's eyes "got really big" and he stared directly at Officer Burley. Officer Burley said he continued to attempt to apply pressure via the sankajo hold, but to no effect. Officer Burley said he heard someone yell, "Tase him!" and he heard a Taser discharge.

Officer Burley said at this point he realized he was in a bad position, and was no longer able to retain his hold on the driver. Officer Burley said he stepped back and heard a second Taser discharge. Officer Burley said as he stepped back, he looked into the car and saw the driver moving in a manner he described as "tumbling" and "twisting around." Officer Burley said he believed the Taser was having some effect. Officer Burley said he then heard someone yell, "He's going for something!" Officer Burley said he was still backing up at that point and other officers were in front of him. Officer Burley said he saw the driver reaching into the glove box and then reaching into a Crown Royal bag in the glove box. Officer Burley said he heard some yell "Gun!" Officer Burley said he then heard two "pops" and felt a burning pain

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Officer Burley said he fell to the ground, and realized he had been shot by the driver of the car. Officer Burley said while he was on the ground, he heard several more gunshots. Officer Burley said he was unaware who was shooting, or if he was still being shot at, so he began to crawl toward a mound of asphalt on the west side on NE 6th Avenue. Officer Burley said when he reached the mound, he broadcast on the radio shots had been fired and he had been shot. Officer Burley said Officer Foote then grabbed him and began dragging him toward Officer Berne's vehicle. Officer Burley said Sergeant Livingston came over, and he relayed to Sergeant Livingston he had been shot. Officer Burley said Sergeant Livingston then told Officer Foote and Officer Murphy to drive Officer Burley to Emanuel Hospital. Officer Burley said when he arrived at the hospital, he was taken inside and treated for his two gunshot injuries.

The interview was concluded at 1430 hours. At the beginning of the interview, I had provided Officer Burley with a printout of a Google Earth overhead satellite image of the intersection of NE 6th Avenue and NE Halsey Street and the surrounding area. During the interview, Officer Burley referenced this image, and marked various locations on the image. At the conclusion of the interview, Officer Burley signed and dated the image. This image was retained and receipted on Portland Police Bureau Property/Evidence Receipt # 1203487. The audio recording of the interview was later copied to a CD-R and also receipted on Portland Police Bureau Property/Evidence Receipt #1203487. The recording and image were later placed into the Property Room.

Please refer to the attached transcript for a more detailed and verbatim account of Officer Burley's interview.

This investigation is ongoing.

REPORTING OFFICERS	DPSST	PREC/DIV	RLF/SHFT	ASSN/DIST	SUPERVISOR
Detective E.W. Kammerer	29988	DET	M	HOM	

BUREAU OF POLICE
2619 NW INDUSTRIAL WAY, STE. B4
PORTLAND, OREGON 97210

PROPERTY/EVIDENCE RECEIPT

THIS RECEIPT MUST BE ACCOMPANIED BY AN APPROPRIATE REPORT

RECEIPT NUMBER	DATE/TIME	REFER CASE NO.	PPB CASE NO.
No. 1203487	5-15-10/1445 AM PM		10-88353

CHECK ONE ONLY: ☐ EVIDENCE ☐ FOUND PROPERTY ☐ PRISONER'S PROP. ☐ SAFEKEEPING

PROPERTY TAKEN FROM:	LAST NAME	FIRST	M.I.	SEX	DOB
DENIED OWNERSHIP ☐					
HOME ADDRESS	CITY	STATE	ZIP		
OWNER OF PROPERTY	LAST NAME	FIRST	M.I.	SEX	DOB
HOME ADDRESS	CITY	STATE	ZIP	PHONE	

I VOLUNTARILY RELINQUISH THE ITEM(S) LISTED FOR SAFEKEEPING.

SIGNATURE

TYPE OF INCIDENT: Officer Involved Shooting

DELIVERING OFFICER: Ramirez

BRT/ASSIGN: 2 exhibit

LOCATION WHERE SEIZED/FOUND/SURRENDERED: 11th & Sw Ash

INVESTIGATOR (IF DIFFERENT)

BRT/ASSIGN

☐ DEFENDANT ☐ SUSPECT

LAST NAME	FIRST	M.I.	SEX	RACE	DOB

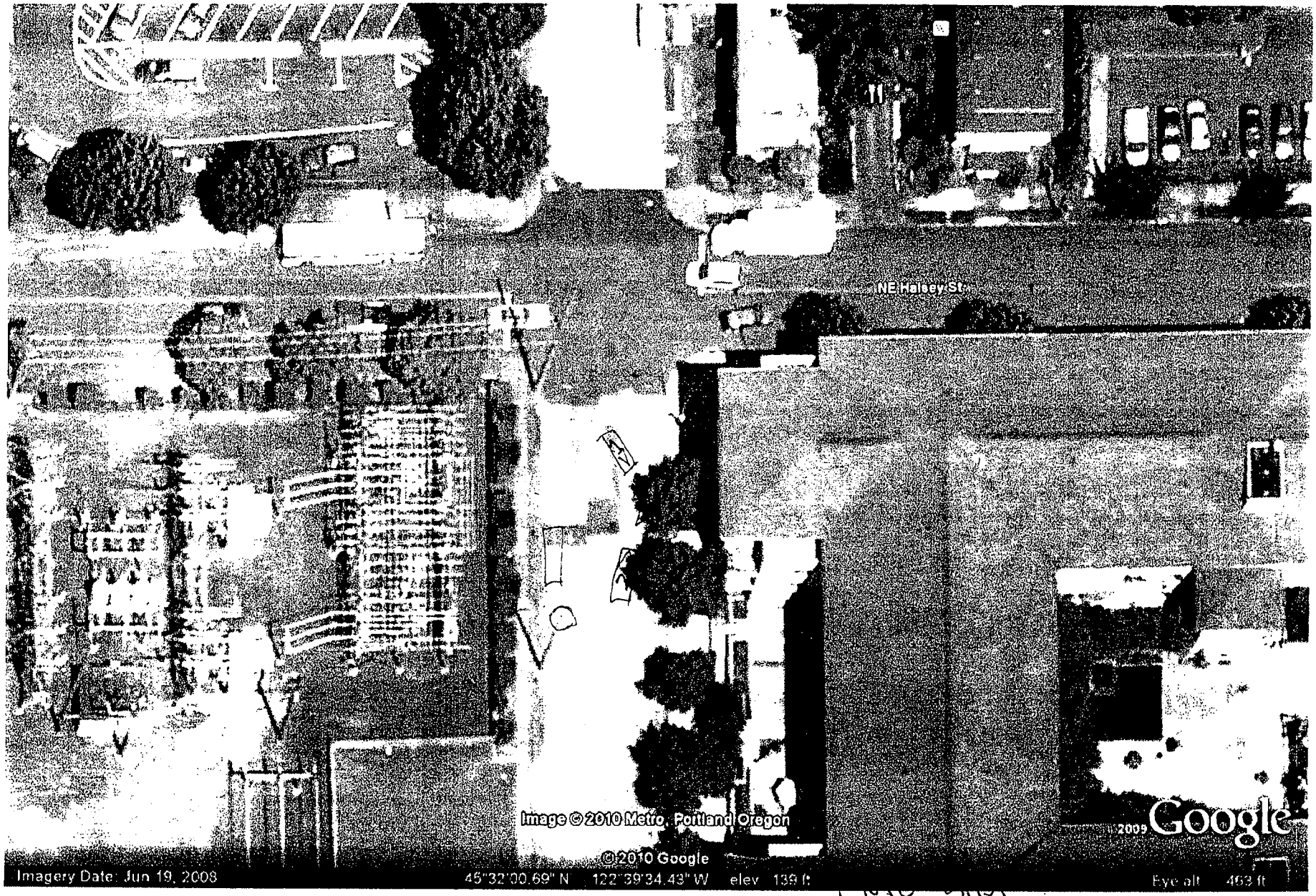
FOR GUNS: LIST MAKE, TYPE, CALIBER, MODEL, SERIAL NUMBER(S), IMPORTER & COUNTRY OF ORIGIN. USE ONLY ONE ITEM PER SELECTION.	STLN	FOR PED USE ONLY
ITEM 1: Google Earth image used by Ofc Burley		
ITEM 2: CD-R containing interview of Ofc Burley		
ITEM 3:		
ITEM 4:		
ITEM 5:		
ITEM 6:		
ITEM 7:		
ITEM 8:		

LOCKER	DATE	RECEIVED BY
C6		

DO NOT WRITE IN SPACE BELOW — FOR PED USE ONLY

INVENTORIED AND ACCEPTED IN PROPERTY EVIDENCE DIVISION DATE: TIME:	BY	WHITE - RECORDS COPY YELOW - CITIZENS RECEIPT PINK - WITH PROPERTY

02-01-10


NE Halsey St
Image © 2010 Metro, Portland Oregon
© 2010 Google
2009
Google
Imagery Date: Jun 19, 2008
45°32'00.69" N 122°39'34.43" W elev 139 ft
Eye alt 463 ft

PORTLAND POLICE BUREAU
CASE NUMBER 10-38353

May 15th, 2010

Officer Chris Burley

TAPED STATEMENT TRANSCRIPTION

CONFIDENTIAL

PORTLAND POLICE BUREAU
DETECTIVE DIVISION
CONFIDENTIAL TAPED STATEMENT TRANSCRIPTION

Kammerer: This is Detective Kammerer with the Portland Police Bureau, today is May 15th, 2010. It's currently uh, 1340 hours, we're here in the small conference room of the Detective Division on the 13th floor of the Justice Center. We're here regarding Portland Police Bureau case #10-38353. An officer involved shooting that occurred on May 12th, 2010. Also present is Detective Mark Slater. We're here to interview Officer CHRIS BURLEY, DPSST #45975 and he's accompanied by union representative uh, Officer Dave Dobler, DPSST #19896. Officer BURLEY you understand this conversation is being recorded?

Burley: Yes, I do.

Kammerer: Alright, and you're okay with that?

Burley: Yes.

Kammerer: Okay, uh, like I said we wanted to talk about the uh, officer involved shooting that occurred the other night. Um, before we do that, if I could just uh, somewhat briefly, um, talk to you about your uh, uh, time here in the Portland Police Bureau, how long you've been a cop, what kind of training you've received, uh, your experience, things like that.

Burley: Uh, I was hired on in August 25th of 2005. Uh, went to the Basic Academy and the Advanced uh, Oregon's Advanced uh, or I'm sorry, Portland Police Bureau's Advanced Academy. And uh, was assigned uh, went through the FTEP Program, uh, and I was – got off of pro- probation a year and a half after August 25th of 2005. Worked uh, at East Precinct, um, on night shift, and uh, then uh, became a member of the Hot Spot Enforcement Action Team, um, I think close to two years ago.

Kammerer: What is the Hot Spot Enforcement Action Team?

Burley: Uh, it's a group of officers assigned to uh, create police presence uh, and con- high volume contact in the areas where uh, there's uh, an increase in criminal activity within the City of Portland. Uh, and uh, a lot of the um, criminal acts that we deal with are acts that are perpetrated by uh, people that are involved with gangs.

Kammerer: And um, how do you uh, how do you go about your day-to-day operations then with uh, with HEAT?

Burley: Uh, we'll uh, start off with a roll-call, pass around information of any um, persons that we may have contact with or may know of, or maybe associates of people that we um, have rou- routine contact with that may have warrants or probable cause for arrest. Um, and uh, go out – go out on the street and start patrol. Um, every other week we also participate in a group meeting with the um, Mayors Office and Youth Violence Prevention and a group of uh, gang outreach workers and contact them, uh, and have a meeting uh, also parole and probation in there, Multnomah County Parole and Probation. Um, about uh, individuals that we think may need additional resources. Um, individuals that um, need to be reminded that they need to go and talk to their PO, uh, or individuals that we think need to um, maybe have uh, contact with the uh, outreach workers.

Kammerer: Okay. Um, and is this um, this role that you have with HEAT is that a uh, undercover assignment or a uniform assignment?

Burley: It's a uniform assignment. Uh, we, at the present time, are assigned unmarked patrol cars, but are in the regular uh, Class B uniform. Um, and uh, all driving Crown Victoria unmarked police cars. So its –

Kammerer: Can you describe those unmarked police cars for me.

Burley: Uh, they're uh, like any of the cars with the overhead lights on them, they're the um, Crown Victoria's, they have the cage in the back with bars in the back windows. They don't have tinted windows, uh, they have uh, the uh, kind of the emergency lighting on the interior of the car that shines out and then uh, um, emergency lighting that's on the um, the side mirrors and uh, front grill.

Kammerer: Okay. And that's standard for all the cars in –

Burley: Yeah.

Kammerer: In HEAT.

Burley: Yeah, except for we have one uh, um, command staff car that has no cage, it's just like your regular…

Kammerer: …Okay…

Burley: …Persons car with the emergency lights on it.

Kammerer: Okay. Um, and have you received any other sort of specialized training in your time at the Police Bureau?

Burley: Uh, we've gone to uh, several, I've gone to a, a gang conference, um, out, think it was off Marine Drive. Talking about uh, gangs, um, we also went to a gang conference put on at a, a high school up in Washington, I can't remember what it's called. Um, detailing uh, gangs and some uh, prison gangs and talked about that. Um, and uh, then some other uh, train- I mean and, and then taking the opportunity to do some additional training with other programs like GREAT, uh – yeah, several other stuff that I'm sure there's some training that I'm leaving out.

Kammerer: Okay.

Burley: That I've received.

Kammerer: So uh, you mentioned GREAT, are you uh, also a GREAT Officer?

Burley: Yeah, I'm a, uh, teach at, right now, at Floyd Light Middle School for the Gang Resistance Education and Training Program. Just got back, uh, a week, a week and a half ago from San Francisco for a, a refresher of GREAT training.

Kammerer: How long have you been doing that?

Burley: Uh, I think either two or three years.

Kammerer: Okay. And uh, any other sort of specialized training outside of uh, the HEAT Team?

Burley: Let's see, um, I'm a member of the Honor Guard, do RRT, Rapid Response Team, so received training in um, situations in which there is high volumes of people on uh, different types of, from violent behavior to just uh, um, situations where people are um, you know, uh, maybe sitting in the street and trying to protest by not being that aggressively. Um –

Kammerer: Like a peaceful assembly?

Burley: Yeah, peaceful assembly, so we go through uh, training like that. Um, but uh, like I said, I'm sure that there may be stuff that…

Kammerer: …Okay…

Burley: …I'm forgetting right now.

Kammerer: Are you certified in any other type of uh, weapon system besides your handgun?

Burley: Uh, shotgun is the um, and then uh, also a, a backup weapon that I keep on me as well.

Kammerer: When you say shotgun is that a uh, like a Remington shotgun or a, a less lethal shotgun or?

Burley: It's a Remington uh, Bureau provided uh, shotgun.

Kammerer: Okay.

Burley: That we keep in the uh, front of the car.

Kammerer: What about the less lethal shotgun?

Burley: No I'm not uh, trained in how to use the less lethal.

Kammerer: Um, AR-15?

Burley: No.

Kammerer: Taser?

Burley: Yes. Taser, um, and then I guess that uh, pepper spray would –

Kammerer: Okay.

Burley: Also.

Kammerer: Okay, um, what, what shift do you normally work?

Burley: Um, uh, HEAT usually works from four in the afternoon till two in the morning, which is, in the Portland Police Bureau, is referred to as the afternoon shift.

Kammerer: Okay, and what days do you normally work?

Burley: Uh, start Wednesday and uh, our last day of work is Saturday so we end at two o'clock on Sunday morning.

Kammerer: Okay. And were you working then on May 12th?

Burley: Yes I was.

Kammerer: And uh, did you start at your normal time?

Burley: Yes, yeah.

Kammerer: And can you kind of take me through you day, uh, starting uh, when you showed up for work.

Burley: Um, Wednesday, May 12th, I uh, had been helping instruct at the in-services class and I just, I taught the in-service class from about three till four that day at East Precinct. Um, so I showed up um, and I'd informed Sergeant Livingston that I was going to be teaching a class on that day so I showed to uh, the Traffic Division, which is where we report to, uh, probably about five after four and uh, walked down to, to roll-call and uh, we uh, had roll-call. Finished up roll-call and uh, I went up to my locker and changed into my uh, uniform. And then uh, Officer Polas was uh, finishing up some paperwork in the report writing area and um, we went out and um, got our car all loaded up and um, headed uh, to uh, go over to, from Traffic Division over to uh, North, uh Portland area and uh –

Kammerer: Is, is Officer Polas your partner?

Burley: Yeah, Officer Andy Polas is my partner. Um –

Kammerer: Is he uh, is he normally your partner?

Burley: Yeah. He's uh, came over to HEAT, I think, oh gosh, maybe a month ago?

Kammerer: Um-hm.

Burley: Thereabouts. And we've uh, been partnered up since he's come over.

Kammerer: Okay. Uh, do you recall if anything of particular note was discussed during roll-call?

Burley: Uh, I, not that I can – may- exce…

Kammerer: …Nothing out of the ordinary?

Burley: Well, except for the, we briefly discussed the change in the Chief's Office, but uh –

Kammerer: Um-hm.

Burley: Um, we'd, there was I think a couple flyers that were sent around, but I can't remember, at this time, what they were in reference to.

Kammerer: And then uh, it's my understanding that um, HEAT is, is somewhat focused in their uh, patrol?

Burley: Um-hm.

Kammerer: There's usually some sort of specific mission uh, on a day-to-day basis. Do you recall if uh, there was a specific mission assigned that day?

Burley: Um, I recall that when uh, we left the precinct we were gonna go to uh, Holiday Park area.

Kammerer: Um-hm.

Burley: And uh, there's been a, quite a bit of, there's uh, a map that Sergeant Stewart, uh, put out that shows high crime areas in the City of Portland and if you look at that map the uh, Holiday Park area is uh, the significance of the, the crime in a certain area is given by colors and uh, red being a very high crime area and um, the Holiday Park area is um, very, very red. There's a lot of crime that occurs over there and so we tasked usually the first portion of day to go uh, around uh, Holiday Park um, and uh, create a presence, contact people and on that day we had traveled through Holiday Park, we uh, the, there wasn't a lot of people out. We, we drove around Holiday Park for a little bit and then after that um, we headed over to get some uh, coffee.

Kammerer: When you say we, is that you and Officer Polas?

Burley: And uh, the rest of the, the HEAT uh, team.

Kammerer: Do you recall who else was uh, out there that day?

Burley: Uh, I believe Sergeant Livingston, Officer Murphy, Officer Berne, Officer DeFrain and Officer Foote.

Kammerer: Okay. So you guys went to get coffee after that?

Burley: Yes.

Kammerer: And do you recall where that was?

Burley: MLK and Hoyt.

Kammerer: Okay. And uh, what happened after that?

Burley: Uh, after we went, were getting ready to leave coffee, um, Sergeant Livingston uh, asked us to, we, when we patrol what we do is uh, we kinda have perimeters around where we, so that we can make sure we can stay close to one another in case something happens. So that we can be uh, in close proximity so we can get there quickly to assist a, an officer if the officer needs assistance. And uh, so um, Sergeant Livingston had uh, as we were leaving coffee said lets go up into, uh, we'll head towards the core and the core being um, the area um, around uh, MLK and Killingsworth, uh, along Killingsworth and up, just, the MLK corridor and then to the east and west of there probably about 10 or 15 blocks.

Kammerer: Okay.

Burley: A little more than that.

Kammerer: So you guys went to patrol the core.

Burley: Yeah, we were on, enroute to uh, north on MLK to go patrol, yeah.

Kammerer: Okay, so what happened then?

Burley: Um, there was a, we use our radio, the car radios and our paksets which are, talk on the same, the car radios and the paksets we carry on our person, uh, are on the same frequency and then um, we all…

Kammerer: …Do you recall frequency it is?

Burley: It's the North uh, North net.

Kammerer: Okay, that'd be the net that all officers work on?

Burley: Yeah.

Kammerer: That would monitor.

Burley: Yeah.

Kammerer: Okay.

Burley: And um, because a lot of the people that we deal with may be – or are dangerous, um, and we try and um, organize resources so that uh, we can work together. We also use our Nextel talk groups.

Kammerer: Um-hm.

Burley: To uh, disseminate information from uh, one car to the other within the, the HEAT um, detail and we also have a talk group that uh, encompasses HEAT and GET.

Kammerer: Okay.

Burley: Um, and uh, on that day uh, Officer Polas and I were heading north on MLK um, we left the coffee shop and I think we were maybe at Broadway – heading north so I don't know if that, might put us on Grand I guess. And then Grand and uh, Broadway. And I heard uh, something about a uh, a car that uh, that either Officer DeFrain or Officer Foote asked about a car and uh, we cont- Officer Polas and I continued driving uh, north on Grand and then it turned into MLK. And uh, I think uh, over the Nextel talk groups he said that they were gonna stop the car and uh, Officer Berne said that he was in the area and that he would join them. And uh, then when uh, Officer Polas and I, we were following behind uh, Officer Murphy and Sergeant Livingston on MLK and uh, we heard, I, I head Officer, either, I think it was Officer DeFrain go out over the radio that they were gonna do a traffic stop. And uh, he uh, when he came back up on the air again I heard uh, sirens in the background, and I know that um, Officer Foote and Officer DeFrain use really good radio discipline and that it is out of the ordinary for them to um, get on the air if they've got sirens going on in the background.

Kammerer: Um-hm

Burley: That just doesn't happen and it was where the information regarding the car was being broadcast and the siren was continue- continuously going through the whole broadcast and I knew that there was, that that was out of the ordinary. That, that uh, Officer DeFrain and Foote, you know, maybe they whoop the siren once or twice to get somebody's attention, but they're not the type of officer or the type of person that's gonna, you know, keep it going if the person notices that they're being stopped, you know. And – so I knew that there was something the matter. Um, and as, once Officer Polas and I got around a uh, and on MLK there's those uh, tree islands in the middle of the road.

Kammerer: Um-hm.

Burley: And once we got uh, past one of those that we could turn around, we turned around uh, Officer uh, Murphy and Sergeant Livingston turned around in front of us and we went and turned around as well and prior, right prior to turning

around um, Officer uh, Foote, or uh, said that, you know, they needed another car to come to the location and that they guy wasn't being compliant.

Kammerer: Do you recall whether that came over the Nextel or the, the radio?

Burley: I believe it was over the radio because it, there – I believe it came, I know that it came over the radio once, it might've gone over the Nextel um, as well.

Kammerer: Okay.

Burley: But I remember Sergeant Livingston getting on the air and saying um, 3950 and 1951 are enroute to assist 1950.

Kammerer: So 3950 would be Sergeant Livingston and Officer Murphy.

Burley: Yeah.

Kammerer: And then 1950....

Burley: 51 is the call number for Andy Polas and myself.

Kammerer: Okay.

Burley: And so we're enroute there and Officer Foote says that next car in needs to um, we need to do a box-in on this guy, the guy's not being compliant.

Kammerer: What is that, a box-in?

Burley: So a box-in is a um, procedure in which uh, you, you've got maybe somebody in the car that's not being compliant, you've got the vehicle stopped or it's going at a very slow rate of speed where you can safely come in and use your vehicle to stop the um, movement of the vehicle. Uh, whether it's going in the slow rated, rate of speed or if it's already stopped.

Kammerer: Um-hm.

Burley: And so the idea in this case was that he, we would come in um, and put the nose of my car just right at the nose of uh, the, the person that was being stopped.

Kammerer: Okay.

Burley: And so um, Officer Polas and I, I and I was driving that day. We come down MLK, we get to Halsey, we turn west on Halsey, and then I get to Sixth and I

put my car, the, the nose of my car um, within close proximity to the nose of the um, suspects car and uh, put the car in park, apply the emergency brake to the car so that um, if the uh, person, the man that was driving the, the car that was stopped was not being compliant decided that he wanted to get away he couldn't rock back and forth with the different cars to try and move my car out of the way, I knew that that would be, hopefully, would uh, stop him from fleeing the scene. I got out…

Kammerer: …What, what's the advantage of the box in?

Burley: You, you don't have to worry about somebody fleeing the scene. You don't have to, if you can get a really, um, good box in where there's no um, which would allow for little to no movement of the car, it creates a, a safer environments for the officers that are contacting the non-compliant person. So that if they were to decide um, and turn the, the car back on or put it into drive or reverse that um, officers aren't run over by the person. Um, it uh, and in this case um, when I got out of the car I went over to the passenger side of the car and um, 'cause there was nobody over there.

Kammerer: Passenger side of your car?

Burley: Of the, the, the suspect's car.

Kammerer: Okay.

Burley: And I uh, so I went over there 'cause I, I thought well we want to be able to see what his hands are doing, you know, what, and uh, once I got over there, I think it was Officer Berne said, Burley you need to get over to this side. And then I knew…

Kammerer: …This side being?

Burley: This side being the driver's side.

Kammerer: Okay.

Burley: And I, and uh, by the tone of his voice and by the fact that he, that he said that, it automatically made me think, okay, we, we've got something that's a little different here. This, officers are concerned that um, something, that this guy is not wanting to be compliant and we want to make sure that we don't have a crossfire situation so we want to have everybody on the same side of the car.

Kammerer: If I could refer you to um, this uh, Google Earth image here, it's the intersection of uh, NE Sixth and Halsey. North is at the top, um, could you, to the best of your recollection, just drawn in where the suspect vehicle was and then the other calls that were there at the scene in relation to that.

Burley: I think that uh – somewhere –

Kammerer: Is that pen not working? Here, try that one.

Burley: Somewhere right about there, and then I remember my car came pretty close to there. And then there was uh, the stopped car – was right here and, and, so this was, so – I felt like the, my car was pretty close to the front of his car.

Kammerer: Um-hm.

Burley: And I didn't feel as though he would be able to push my car out of the way, he wouldn't be able to get enough momentum out when I initially got out of my car and came to this side.

Kammerer: Um-hm.

Burley: And then I was told that I needed to come over to the driver's side um, by Officer Berne, and when I did that I noticed that there was um, that Officer Foote and DeFrain had parked their car like you would on a traffic stop, where you give yourself a little bit of distance between the car you stopped and the, the uh, your, your own patrol car.

Kammerer: Um-hm.

Burley: And it was my belief that if the man in this car, in, in the car that was stopped, wanted to, he had enough room at that point where he could get the car in motion. And even though my car was close to the front of his car, there was considerable distance between the rear of his car and the front of Officer DeFrain and Foote's car so that he could move the car um, out of the traffic stop and potentially um, uh, you know, if, if we weren't able to get out of the way quick enough, um, possibly run someone over.

Kammerer: Okay, um, so just so I understand then, this car here, that's the, the stopped car, the suspect vehicle?

Burley: This –

Kammerer: Could you uh, mark that with like an "A" for me. And then this is your vehicle?

Burley: Yes.

Kammerer: Could you mark that "1". And then I believe you said that was Officer Foote's vehicle?

Burley: Yes.

Kammerer: Go ahead and mark that with a "2". And were there any other vehicles there then?

Burley: Um, I re- remember that there were other vehicles there, but I don't remember their placement.

Kammerer: Okay, that's fine.

Burley: I remember...

Kammerer: ...So...

Burley: ...I remember that there was a, I believe there was a tractor over here.

Kammerer: Oh, okay.

Burley: Um, and then there was a mound of asphalt or dirt right there.

Kammerer: Okay. Okay, so um, when you get here and Officer Foote –

Burley: Of- Officer Foote...

Kammerer: ...And you don't have to draw it on there, that's fine.

Burley: Okay.

Kammerer: Just so I understand where they are.

Burley: Okay. When I, I came around the corner and I came to this side, Officer – I remember Officer DeFrain being uh, by the, the door post of the driver's side, um, in-between the, the driver's front door and the driver's side back door.

Kammerer: Of the suspect vehicle.

Burley: The suspect vehicle. Officer Foote, um, had his taser out and in his hand and was standing um, up by the front door post and uh, I don't know, a distance, a, a short distance away from the car, of the suspect's car. And um, I came up and uh, stood, si- uh, beside Officer DeFrain and when I got over there, um, I remember Officer Foote saying Don, hurry up and get over here.

Kammerer: Who, who's Don?

Burley: Uh, Sergeant Livingston.

Kammerer: Oh, okay.

Burley: And uh, we uh, I remember there being mention that, that we didn't know who the guy was, he wouldn't tell us who he was and uh, and I, and I asked do we need to get the guy out of the car. And uh –

Kammerer: If I could just uh, ask a couple questions here – um, you've talked about um, you know, you're responding to this and then uh, Officer Foote asks for the vehicle to be boxed in.

Burley: Yes.

Kammerer: And that you talked about the, the professionalism and the, the discipline of Officer's Foote and DeFrain and how this was somehow different now.

Burley: Yeah.

Kammerer: Then what you normally experience with them, and then when you get there Officer Berne says, hey, come around to this side and that's different than what you normally experience.

Burley: Yeah.

Kammerer: And then you also see Officer Foote is holding his taser, um.

Burley: Yeah.

Kammerer: What, in taking all of this into consideration, what does this lead you to believe?

Burley: Well I mean, and, and again, Officer Foote is um, I think that one of the attributes of the people on uh, the HEAT Team is that um, we're people that are uh, much more likely to try to use our words, um, and presence to get a person to do um, what we believe is safe uh, and lawful. And it is um, I think

that I've only, I worked with Officer Foote briefly at SE Precinct when I was going through on rotation there.

Kammerer: Um-hm

Burley: Um, and then with the HEAT Detail. And it's um, I think, I think that the number of times that I've known him to use his taser, I could probably count on one hand. I mean Officer Foote does not take his, the taser out unless it's a situation that's um, move – moving toward um, the necessity to use it.

Kammerer: Okay.

Burley: And um, I think, um, obviously I don't know what uh, Officer uh, Foote was thinking, but um, it, I kind of think that, you know, by our mere presence there was um, once uh, Officer Polas and I arrived um, Sergeant Livingston and Officer Murphy arrived, um, at approximately the same time, um, there were six of us there. Officer Berne was there so there was actually seven of us there.

Kammerer: Um-hm.

Burley: Um, there was mere pres- there was a strong mere presence of officers, Officer Foote had taken the taser out and uh, at times that is something that tells people, okay they, they have their taser out, you know, that's just more uh, presence for the person to see um, that we're, we're performing a traffic stop.

Kammerer: Um-hm.

Burley: We want you to comply with what we're telling you to do. And if you're not willing to comply with what we want you to do then we're gonna take appropriate action.

Kammerer: Is there any conversation that's occurring uh, between any of the officers there including yourself and the person in the vehicle?

Burley: Um, when I, for the brief amount of time that I was there, um, I don't recall what the conversation were, wh- if there was a conversation going on um, 'cause I just remember coming over here. The guy um, when I, I got over to this side of the car, I remember I'm kinda looking around, little bit and lookin' back in the car and looking around – um, at the officers, all of us standing outside the car.

Kammerer: Um-hm. Okay, um, wh- were any words being exchanged?

Burley: I don't recall.

Kammerer: Okay.

Burley: Any words being exchanged while I was...

Kammerer: ...Do you recall where Officer Polas was?

Burley: I don't.

Kammerer: Okay. Alright, so um, you're all standing around the driver's side of the vehicle and uh, I believe you said Officer DeFrain told Officer, or Sergeant Livingston, get over here.

Burley: I, I, yeah I thought, it might've been DeFrain, I thought it was Foote.

Kammerer: Okay. Okay, um, so what happens next?

Burley: Um, it's, I asked does he, it seems like the situation's pretty escalated 'cause the um, the guy is made um, Officer Foote, you know, he has his taser out now, I'm thinking to myself...

Kammerer: ...Um-hm...

Burley: ...Okay this guy is posing a serious threat to us 'cause I, I know how Officer DeFrain and Officer Foote operate.

Kammerer: Okay.

Burley: And they're uh, really even keel, um, they, you know, they like to work with people, they won't, they, they don't want to have to use force. Um, and so I'm thinking to myself there, there's, this guy is posing a threat, there's something going on in this car and he has got the whole car at his disposal right now.

Kammerer: Okay.

Burley: And he's looking around, he's coming up, you know, he's potentially coming up with some type of plan. Is his plan to go ahead and start the car up and you know, get it out of there. Which, you know, if, if that's the case then, that, then there's a potential that as he's trying to get his car out of there, if he swings the car a certain direction is he gonna run us over. Um, and uh, can I uh, ask, do we need to get him out of the car. And uh, I don't know who it was said yeah, we need to get him out of the car. And um, so I, and it, and so

I, his arm was either – it was in the doorframe and the, the window was rolled down.

Kammerer: Um-hm.

Burley: The, the door, and uh, so I see the opportunity to, to hold onto his arm and I put him in a, a, um sankajo and my, my, I don't put a lot of pressure on the sankajo initially, I'm just thinking okay I'm gonna…

Kammerer: …The way you're motioning leads me to believe that his left arm was outside of the…

Burley: …Yeah his left arm. And so my intention was to get him in a control hold.

Kammerer: Um-hm.

Burley: Gain compliance and um, ask him to put his right hand on top of my, of his head. And then we were gonna have him step out of the car. Officer DeFrain was right next to the opening of the door and the door at the time was ajar I, I think it had been opened, and so Officer DeFrain would be able to gain control of his right hand and then we'd be able to work through the doorway. And we uh, I mean at the time he'd uh, it was my understanding we didn't know who he was, he wouldn't give us identification so he was failing to present, um, identification so –

Kammerer: Okay.

Burley: My, my thought is we, I mean we have the, the right to detain him until we can figure out who he was. I mean he, um, he had failed to present identification.

Kammerer: So you um, go ahead and take him into the, the control hold.

Burley: Yeah.

Kammerer: Sankajo I believe you said.

Burley: Yeah, the sankajo.

Kammerer: And what happened then?

Burley: And as soon as I do that it turns – it – it goes just the opposite way. He uh, *what the fuck are you doing holding, grabbin' onto me.* And the look in his eye, his eyes got really big and he went and, he just stared at me. And uh, started to pull away so I started to put more tension on the sankajo and as he

pulled away from me, Officer, I heard Officer DeFrain make a noise like "*whoa*" and he um, then I head the door shut. And I don't know if Officer's DeFrain's hand was in the door, well, I don't know what happened back there, and uh, I'm like, I, I was surprised at how the, 'cause I thought that I had a pretty stable platform when I went to take him into the uh, the control hold. And he's pulling away and pulling away and I'm trying to, to supply more uh pressure on the sankajo to get compliance.

Kammerer: Um-hm.

Burley: And with the more pressure I supply the, he's keeps on pulling away more and more and then I hear somebody uh, say *tase him, tase him, you need to tase him*. And so I hear the taser go off and uh, then I hear he's going for something, he's going for something. And at this time I kind of – I was supplying a, you know, I mean I'm, I don't know, six foot, 215, I mean I'm trying to put as much as I can into this. His hands a little slippery now and I'm kind of moved down in a, I'm kin- getting closer and closer to the ground 'cause I'm trying to put more um, torque into the, the control hold. And he uh, ends up, even while he's being tased, he ends up breaking away from me. And uh –

Kammerer: Could you see the, the taser probes?

Burley: I couldn't, no.

Kammerer: Could you, could you tell if the taser was being effective or not?

Burley: Well so at, at this point when the first, when the taser goes off I'm kind of, I'm really holding onto this hand and as I, I'm, I think that I almost, I, I had my right shoulder up against the door and my head was probably at his shoulder, what would've been his shoulder level if he would've just been sitting I the car.

Kammerer: Oh, um-hm.

Burley: Driving the car. So I drop down quite a bit, trying to supply force. And then when I hear the tasers go off and he's broken free of me, I'm like okay, I need to, to back up and get a, this is a horrible position that I'm in. So I start to, to, to move back and as I move back I hear another taser go off and I get to a position where I can, as I'm re- retreating back I can see that he's in the car and, and it looked like he's tumbling around in the car, he's like twisting around and it looked like the taser was having some type of an effect.

Kammerer: Um-hm.

Burley: I was thinking back to, I don't know if it was our taser training last year or it was in roll-call, of uh, the, the presentation that was talking about how in the prisons um, that guys are practicing getting free of the tasers by getting, rolling around on the ground so that they can break the, the uh, taser wires of the uh, probes so that they're no longer effective.

Kammerer: Right.

Burley: And um, but then I hear, "*he's going for something, he's going for something.*" And I'm still backing up and at this point I've got officers in front of me and I'm in be- well I've got officers between me and the car that's stopped and I'm backing up. And I see him reaching into the glove box and, the way that I, that he, it looked like he was reaching into something like a Crown Royal bag or something, I don't know, it was…

Kammerer: …Okay…

Burley: …In the glove box. And uh, he was still tumbling and tumbling and I'm backing up and then I hear two, I hear pop, pop. And then I feel a burn, I'm like okay, I, I was, you know, fairly confident I'd gotten hit and I'm, by this time I'm on the ground. And –

Kammerer: So you hear a pop, pop – um, what did that sound like to you?

Burley: It, it wasn't horribly loud, it was kind of, nothing like uh, when we're out on the, the range.

Kammerer: Um-hm.

Burley: And it uh, you know if, if you don't have uh, even if, you know if you're not on the, like uh, if you're not on the range and uh, you're out of the shooting um, what'd you call that –

Kammerer: Lanes?

Burley: Lanes, yeah, um, and even out of the shooting area all together and maybe back by the cars, whatever. It's still pretty loud and almost deafening. And uh, it was almost like a, I don't know, uh, uh, maybe a little louder than a cap, like a little uh, kids cap gun.

Kammerer: But it, it did sound like a gunshot to you?

Burley: Yeah, it did. But it was, it was, I don't know, it was hard to describe. But it, it wasn't as loud as I, you know, expected it to be. But I was like it, yeah, I, I'd been shot. I felt it – as soon as I heard the noise it, it started burning [redacted]

Kammerer: Okay. Did you see any um, muzzle flashes or smoke or?

Burley: No and I, I'd heard when there had been, he's going for something, he's going for something, and then shortly thereafter I, I, somebody yelled gun and then I heard the, the pops.

Kammerer: Somebody yelled gun?

Burley: Yeah.

Kammerer: Okay.

Burley: And I hear the, or I feel the, the burning and I, I think 'cause I was backing up and the, it, the, the rounds [redacted], I go down to the ground.

Kammerer: Do you know how far away you were from the car when you heard those pops?

Burley: Maybe, in my recollection or my, I don't know, in going back and –

Kammerer: Um-hm.

Burley: It seemed like I was 10, 10 or so feet. Maybe a little more.

Kammerer: Okay.

Burley: Away from the car, but um, and I, 'cause I could see him in the car and it looked like he was still rolling around or his body was all twisted and contorted. Um –

Kammerer: So you fell to the ground.

Burley: Yeah, I went down to the ground and uh, in the process of doing that I went and scraped up my um, hand and arm.

Kammerer: Your right hand and arm.

Burley: Yeah. And then a little bit on my right ankle. And I uh, got to the ground and I'm hearing more rounds going off. And as I'm hearing more rounds going off

I'm also thinking okay, you've been hit, can you still move your legs? And I'm able to move my legs and it, and I'm like okay, I need to get out of here 'cause it's, I need to move back. And as I uh, um, I'm like okay I, I can't, and I'm thinking to myself I can't crouch 'cause it was too painful so my options are either to stand up or to crawl out. And I knew that there was no – 'cause of all the, the um, firing that was going on I couldn't stand up so I started to kind of push my way back and I make it to this, this mound which, I think that it was almost actually more, almost across the street from the, the car.

Kammerer: Okay, that's fine.

Burley: And uh, I get over to the mound and I think myself, alright, you, you've got to get on the air, you need to get, you need to get us more help 'cause at this point I didn't, I wasn't really, I was more concentrating on getting myself out of, behind cover or away from the car and wasn't really watching what was going on in the car. At the car and I – so I get over to the side of this mound and I think, alright, you've got to get on air, let 'em know that shots are being fired and that you've been hit, but you, you can't scream. You've gotta, you can't scream. And so I had to press the button on the radio and I get on there and I said shots fired and I think, I think I said I'd been hit and uh, I'm, and while I'm doing that I'm thinking to myself you're screaming, I'm sure you're screaming. And uh, and I'm still like, I get off the radio and then the next thing I know is I'm being dragged back to the car. And as I'm being back, dragged back to I believe it was –

Kammerer: Do you know who was dragging you?

Burley: Uh yeah, Officer, or I, I, yeah, I believe it was Officer Foote.

Kammerer: Okay.

Burley: Um, when I'm getting dragged back to the car I'm thinking to myself, there's not a lot of blood, there's no blood trail so I didn't, I don't think I hit a major artery or vein so that's, that's good. And uh, Officer Foote is, keeps on asking me, *did you get hit, did you get hit*, and I'm like, I told him that I believe I'd gotten hit [redacted] or [redacted] and uh, then Sergeant Livingston came over and asked me if I'd been hit. And uh, Officer Foote and Sergeant Livingston uh, decided to get me in the back of the patrol car and uh, Sergeant Livingston had got uh, Officer Murphy to get in the car too and Officer Foote um, drove me, took me to the, to Emmanuel. And as I'm leavin' I, the next time I look at the car, I think is when I'm in the back of the seat of the patrol car and I see uh, Officer Eugenio up by the car and then I kinda just laid back in the car and uh, remember – um, Officer Murphy kept on saying, *talk to me,*

talk to me, um, I uh, remember being angry. Um, and I don't, I don't know, I don't really remember being angry at the driver of the car, I just remember being really upset with the, the decision that he made. And I know that that sounds weird like the differentiation between the two, but anger at that and angry about whatever caused that, caused him to be in that type of mentality. Um, and I remember that, that uh, when, you know, just about the, the fact that, that this had been done just really was upsetting and I ended up, remember uh, punching the screen on the cage of the car and uh, then uh, then, well enroute to the hospital I, you know, there's all different types of things going through my head and I uh, they get me to the hospital and uh, I'm like uh-oh, I, I think for my own sanity I kinda wanted to prove to myself that I could walk into the hospital so I get, like trying to get out of the patrol car and I'm like no, no, no I'll, I'll walk in and uh, Chastain, Officer Chastain's there and he's like *no, you're not walking in.* And, and he uh, he and Officer Foote and Officer Murphy lifted me up and put me on a gurney, um, and then the um, getting pushed into the ER, or into the trauma room and uh, they take me in there and uh, hook me up to all types of stuff and um, take x-rays and then the um, I can't remember what her name, the um, and I should 'cause I've worked with her quite a few times, but um, one of the uh Criminalists from FED come, came in and took pictures.

Kammerer: Oh, okay.

Burley: And –

Kammerer: When you were um, you heard the pop, pop and you felt uh, the stinging [redacted] who did you think had shot you?

Burley: I thought that it was the um, the guy that had been driving the car 'cause he had, it had occurred shortly after he had been kept on grabbing for something in the glove box. And he was rolling around and I couldn't, I know it, it sounds weird, but he was, it seemed like he was rolling around and contorting his body in such a fashion. I couldn't really see if he had taken a – fired at me 'cause he was backing his, you know, he was bowing his back or if he had rolled over and was crouched over in a – fired at me with his left or right hand, but it, just, I don't know, it ap- when I looked into the car it seemed to me as though he, he was like looking my direction and then the, the shots rang out.

Kammerer: Okay. Is there, is there anyway that uh, anybody else at the shee- at the scene could've been responsible for shooting you?

Burley: I, you know, I don't know, I mean all I was focused on was like inside the car I knew that there was, there were officers that were in-between me and the car, um, when I was backpedaling.

Kammerer: Um-hm.

Burley: And that, and so I didn't, you know, return fire. But I didn't, I mean my, I didn't see them face towards me as I was backing away and, you know, my thought is that, you know, the threat is in the car so, you know,they wouldn't have a reason to turn around towards my direction.

Kammerer: Okay.

Burley: And, and I don't know of anybody that was facing my direction when I was...

Kammerer: Okay, um, you, when you said you were on the ground you heard several more shots being fired, do you know who was doing that shooting?

Burley: I didn't, no, I didn't. And that's one of the reasons I was thinking to myself we need to get more help here 'cause, I mean I knew we had, we'd created a, you know, mere presence by just having the seven officers that were there already, but I wasn't sure if I had been the only one that was hit and this guy was continuing to, you know, what his, the capability of his weapon was.

Kammerer: Okay. Um, do you have anything Mark? Is there anything you can think of that you think is important that we didn't ask you?

Burley: Uh, not that I can think of.

Kammerer: Okay.

Burley: I just, I guess the one thing is that I was just, my expectation when I went up to the car or when I went hands on was that, you know, we're gonna get you out of the car, like we, we train, you know, with the sankajo and my roommate and I, he just went through the Advanced Academy.

Kammerer: Um-hm.

Burley: And so he would constantly want to practice the sankajo and stuff on me and then I, you know, I would do it on him and both of us are pretty physically fit guys and it – it just, it doesn't take that much to take somebody down to the, to get them to comply or take 'em down to the ground with the sankajo and it seemed to me like I was supplying so much force on this guy and it was doing

nothing. And it just, I guess it just really – it amazed me. I mean I tried to start off with the, you know, least amount of um, pressure on him.

Kammerer: Um-hm.

Burley: You know, just to, 'cause, you know, I wanted you to, I want you to understand that the, that I'm supplying pressure to your arm and I want you to comply with what I'm doing. And I'm, I'm gonna get you out of the car. I didn't, so then I uh, and then when he started to pull away it was, you know, and, and the amount of force to pull me off my feet and into the car door was, it just, it – it, it, that, I guess at that moment in time I'm like, this guy is bound and determined to not, either get of the car or get something in the car.

Kammerer: Okay. Alright, well if there's nothing else uh, it's close to 1430 hours, I'll go ahead and stop the recording.

Transcribed Verbatim with Punctuation Added / 051710 tb

PORTLAND POLICE BUREAU

CONFIDENTIAL

SPECIAL REPORT

☐ INFORMATION ☐ CLEARANCE ☐ CONTINUATION ☐ SUPPLEMENTAL

Page/Of 1/7

CASE NO.	REFER CASE NO.	CLASSIFICATION
10-38353	10-38359	OFFICER INVOLVED SHOOTING

☐1. UNFOUNDED ☐ 3. SUSPENDED ☐ 5. EXCEPTIONAL
☐ 2. PENDING ☐ 4. CLR BY ARREST ☐ 6. REFERRED

ORIGINAL REPORT DATE/TIME	THIS REPORT DATE/TIME
051210 / 1821	052010 / 1400

LOCATION OF OCCURRENCE
NE 6th AVENUE / NE HALSEY STREET

PERSONS **CO**-Complainant **SB**-Subject **SI**-Sick/Injured/Cared For **PE**-Park Exclusion

CODE	NAME	CRN	SEX	RACE	DOB
SB	OTIS, KEATON DUPREE		M	B	010485

ADDRESS	ZIP	PHONE
3541 N HOUGHTON STREET	97217	

SUBJECT OF THIS REPORT
INTERVIEW OF SERGEANT LIVINGSTON

PROPERTY, RECEIPT NO.

NARRATIVE/PROPERTY ITEM CODE **S**-STOLEN **L**-LOST **F**-FOUND **D**-DAMAGED **K**-SAFEKEEPING **R**-RECOVERED

COPIES
☐ DET
☐ Central
☐ East
☐ SE
☐ North
☐ NE
☐ Traffic
☐ DVD
☐ ID
☐ Prop Room
☐ Crime Prev
Intell
☐
☐
☐
☐

COMPUTER ENTRY
☐ Person

OPR
☐ Vehicle

OPR
☐ Crime/ Prop

OPR
☐ Book

OPR

CONNECT INFORMATION

Victim in PPB Case #10-38359:

Officer Chris BURLEY, DPSST #45975
M/W, DOB [redacted]
Work Address: 449 NE Emerson Street
Portland, Oregon 97211
Hotspot Enforcement Action Team (HEAT), Unit 1951

NONCONNECT INFORMATION

Officer Interviewed:

Sergeant Don LIVINGSTON, DPSST #32588
M/W, DOB [redacted]
Work Address: 449 NE Emerson Street
Portland, Oregon 97211
Hotspot Enforcement Action Team (HEAT), Unit 3950

Detectives Mentioned:

Detective Mark SLATER, DPSST #27192

REPORTING OFFICERS	DPSST	PREC/DIV	RLF/SHFT	ASSN/DIST	SUPERVISOR
Detective E.W. Kammerer	29988	DET	M	HOM	

CASE NO.	CLASSIFICATION	TYPE:		
10-38353	OFFICER INVOLVED SHOOTING	☐ Incident ☐ Custody	☐ Traffic Accident ☐ Special	

SUBJECT'S NAME	SEX	RACE	DOB
OTIS, KEATON DUPREE	M	B	010485

LOCATION OF OCCURENCE

NE 6th AVENUE / NE HALSEY STREET

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ITEM | CODE

Officers Mentioned:

Officer James DEFRAIN, DPSST #44436
Officer Andy POLAS, DPSST #43489
Officer Cody BERNE, DPSST #45662
Officer Ryan FOOTE, DPSST #43493
Officer Patrick MURPHY, DPSST #44162
Officer Aaron DAUCHY, DPSST #30873
Officer Brian DALE, DPSST #23726
Officer Anthony EUGENIO, DPSST #39877
Officer Darrell SHAW, DPSST #28923
Officer Matt DELENIKOS, DPSST #21331
Sergeant Frank GORGONE, DPSST #27542

Person Mentioned:

Michael W. Staropoli, Attorney At Law
Representing Sergeant Livingston
Work Phone: 503-226-2332

EXHIBITS

1. Portland Police Bureau Property/Evidence Receipt #1203488:
   Item 1: Google Earth image used by Sergeant Livingston
   Item 2: CD-R of interview of Sergeant Livingston
2. Photocopy of Google Earth image used by Sergeant Livingston
3. Transcript of interview of Sergeant Livingston

REPORTING OFFICERS	DPSST	PREC/DIV	RLF/SHFT	ASSN/DIST	SUPERVISOR
Detective E.W. Kammerer	29988	DET	M	HOM	

CASE NO.	CLASSIFICATION	TYPE:			
10-38353	OFFICER INVOLVED SHOOTING	☐ Incident ☐ Custody	☐ Traffic Accident ☐ Special		

SUBJECT'S NAME	SEX	RACE	DOB
OTIS, KEATON DUPREE	M	B	010485

LOCATION OF OCCURENCE

NE 6th AVENUE / NE HALSEY STREET

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ITEM | CODE

SUMMARY

Sergeant Livingston was present when Officer Burley was shot twice by KEATON OTIS during a traffic stop. Sergeant Livingston had been attempting to taser KEATON OTIS when Officer Burley was shot. Sergeant Livingston then witnessed Officers DeFrain, Polas, and Berne return fire, which fatally wounded KEATON OTIS. Sergeant Livingston, after consulting with his attorney, declined to be interviewed the night of the incident. An interview was conducted two days later, and this report details the results of that interview.

NARRATIVE

On May 12th, 2010, Officer Burley was involved in a deadly force incident in which he was shot twice by KEATON OTIS during a traffic stop. Officers DeFrain, Berne, and Polas returned fire, fatally wounding KEATON OTIS. Sergeant Livingston directed Officer Dauchy to fire his Less-Lethal shotgun at KEATON OTIS in order to determine if it was safe to approach and take KEATON OTIS into custody. KEATON OTIS was then taken into custody. That evening, the involved officers were provided attorneys to represent them. The involved officers went to the Traffic Division. Sergeant Livingston, after consulting with his attorney, Mike Staropoli, declined to be interviewed that night.

On May 14th, 2010, I spoke with Mr. Staropoli and arranged for Sergeant Livingston to be interviewed later that day. At approximately 1830 hours, Sergeant Livingston came to the Detective Division with Mr. Staropoli for his interview. Detective Slater and I escorted Sergeant Livingston and Mr. Staropoli to the small conference room in the Detective Division. I activated a digital recorder at 1840 hours, and verified Sergeant Livingston understood the conversation was being recorded and he agreed to the recording. The following is a brief summary of the interview and Sergeant Livingston's statements. Please see the attached transcription for a more detailed and verbatim account of Sergeant Livingston's interview.

Sergeant Livingston said he and Officer Murphy, working a partner car, were driving northbound on NE Grand Avenue at NE Broadway Street when he heard Officers Foote, DeFrain, and Berne on the Nextel talkgroup talking about stopping a Toyota. Sergeant Livingston knew Officers Foote, DeFrain, and Berne were somewhere behind him on NE

CASE NO.	CLASSIFICATION	TYPE: ☐ Incident ☐ Traffic Accident ☐ Custody ☐ Special		
10-38353	OFFICER INVOLVED SHOOTING			
SUBJECT'S NAME: OTIS, KEATON DUPREE		SEX: M	RACE: B	DOB: 010485
LOCATION OF OCCURENCE: NE 6th AVENUE / NE HALSEY STREET				

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ITEM | CODE

Grand Avenue, and he knew Officer Berne would cover Officers DeFrain and Foote if they stopped the car.

Sergeant Livingston said he continued to drive northbound, and then heard Officer DeFrain attempting to broadcast the traffic stop on the radio, but his voice was overridden by a police siren, and the radio transmission was intermittent. Sergeant Livingston immediately suspected something was not right because in his experience Officer DeFrain is "always rock solid" on the radio. Sergeant Livingston said the only words he could make out from the radio transmission were "6th and Clackamas." Sergeant Livingston said he and Officer Murphy then turned southbound and headed toward that location. Sergeant Livingston said Officer Berne then broadcast on the radio he was with Officers DeFrain and Foote at NE 6th Avenue and NE Halsey Street on a traffic stop.

Sergeant Livingston said he then spoke with Officer Berne on the Nextel talkgroup, and asked if he needed additional cover cars, and Officer Berne confirmed he did. Sergeant Livingston said he then heard Officer Foote request over the radio for the next car to "box-in" the stopped vehicle. Sergeant Livingston said he answered on the radio and stated he and Officer Murphy would perform that function. Sergeant Livingston said he also knew Officers Burley and Polas, working a partner car, were behind him.

Sergeant Livingston said as they approached NE Halsey Street, he directed Officer Murphy to turn left, but he missed the turn, continuing southbound, and Sergeant Livingston saw Officers Burley and Polas turn left on NE Halsey Street. Sergeant Livingston said Officer Murphy turned eastbound onto NE Clackamas Street, and Sergeant Livingston directed Officer Murphy to drive around the block and approach NE 6th Avenue and NE Halsey Street from the west.

Sergeant Livingston said when he arrived onscene, he could see Officers Burley and Polas had parked their car so as to "box-in" the stopped vehicle. Sergeant Livingston said he also noticed all of the officers onscene were positioned on the driver's side of the stopped vehicle. Sergeant Livingston said as he exited his car, he made eye contact with Officer DeFrain, who nodded once at him. Sergeant Livingston said this meant to him the person in the car was not cooperative and Officer DeFrain was ready to take the person into custody.

CASE NO.	CLASSIFICATION	TYPE:		
10-38353	OFFICER INVOLVED SHOOTING	☐ Incident ☐ Custody	☐ Traffic Accident ☐ Special	

SUBJECT'S NAME	SEX	RACE	DOB
OTIS, KEATON DUPREE	M	B	010485

LOCATION OF OCCURENCE

NE 6th AVENUE / NE HALSEY STREET

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Sergeant Livingston said as he approached the vehicle, he made eye contact with the driver, whom he did not recognize, and saw "panic and desperation" in the driver's eyes. Sergeant Livingston said the driver frantically looking around as if "targeting" the officers and also "looking for an avenue of escape." Sergeant Livingston said he walked up next to Officer Foote at the front of the driver's door, and drew his Taser, holding at the "low ready" position. Sergeant Livingston said at this point, he knew his entire HEAT team was present at the traffic stop and everyone was in position to remove the driver from the vehicle and take him into custody.

Sergeant Livingston said Officer DeFrain and another officer took hold of the driver's left arm, and the driver yelled "something" in an "aggressive" and "argumentative" manner, and violently pulled his arm back into the car. Sergeant Livingston said the driver then reached very quickly toward the center console or glovebox area, and he could no longer see the driver's hands. Sergeant Livingston said he believed the driver was reaching for a weapon, so he yelled "Taser" three times and deployed his Taser. Sergeant Livingston said Officer Foote also fired his Taser. Sergeant Livingston said initially the Tasers seemed to be affecting the driver. Sergeant Livingston said at that point, based on the driver's actions thus far, he determined he would hold the trigger down on the Taser until the driver was taken into custody.

Sergeant Livingston said the driver then sat back up in his seat, and it appeared the Taser was no longer affecting the driver. Sergeant Livingston said he continued to hold down the trigger of the Taser, but did not see any results. Sergeant Livingston said the driver again reached down and when Sergeant Livingston next saw the driver's hands, he was holding a gun pointed out the driver's window toward the officers. Sergeant Livingston said he then heard two gunshots, and saw the driver's wrist breaking backward twice in a manner consistent with experiencing recoil. Sergeant Livingston said he threw down his Taser, and started to back up to get to cover, while simultaneously drawing his firearm. Sergeant Livingston said he saw out of his peripheral vision one of his officers was down on the ground. Sergeant Livingston said he retreated to the driver's side of his vehicle, and at that point realized Officer Burley was the officer down on the ground. Sergeant Livingston said he was aware the other officers at the scene had returned fire, and the driver was longer currently shooting. Sergeant Livingston said he ran over to Officer Burley and learned Officer Burley had been shot [redacted]

CASE NO.	CLASSIFICATION	TYPE:			
10-38353	OFFICER INVOLVED SHOOTING	☐ Incident	☐ Traffic Accident	☐ Custody	☐ Special

SUBJECT'S NAME	SEX	RACE	DOB
OTIS, KEATON DUPREE	M	B	010485

LOCATION OF OCCURENCE

NE 6th AVENUE / NE HALSEY STREET

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Sergeant Livingston said he immediately broadcast on the radio "shots fired, Officer down, stage medical." Sergeant Livingston said he then had a brief conversation with Officer Foote about taking Officer Burley to the hospital, and then decided to have Officer Foote take Officer Burley to the hospital. Sergeant Livingston said he put Officer Burley into the closest vehicle, which was Officer Berne's car. Sergeant Livingston said he told Officer Murphy to go with Officer Foote, and they left to Emanuel Hospital.

Sergeant Livingston said he then turned his attention to the driver of the vehicle, who was half out of the passenger side of the car, with his legs still inside the vehicle, and his hands out of view. Sergeant Livingston said his remaining officers were standing at the back of the stopped vehicle, and other cover officers were arriving. Sergeant Livingston said Officer Dauchy arrived first, and he directed Officer Dauchy to position his vehicle at an angle to allow officers to use Officer Dauchy's vehicle as cover while still allowing them to address the driver. Sergeant Livingston said he then directed his officers to take a position behind Officer Dauchy's car.

Sergeant Livingston said this point the driver was still moving and his body was rigid, with is hands underneath him. Officer Dauchy was shouting commands to the driver to no effect. Sergeant Livingston did not think he or other officers could safely approach the driver to take into custody so he activated SERT. Sergeant Livingston said after he activated SERT, the driver was no longer moving, and he seemed to have "sunk down" into the ground. Sergeant Livingston said he set up a custody team consisting of Officers Delenikos and Shaw, and included lethal and Less-Lethal cover, Officers Dale and Dauchy respectively.

Sergeant Livingston said he wanted to be sure the driver was no longer a threat, so he directed Officer Dauchy to shoot the driver with a Less-Lethal round. Sergeant Livingston said he saw the Less-Lethal round impact the driver in the lower back with no reaction from the driver. Sergeant Livingston said he again directed Officer Dauchy to shoot the driver with a Less-Lethal round. Sergeant Livingston said he again watched the Less-Lethal round impact the driver in the lower back with no reaction from the driver. Sergeant Livingston said he then directed Officer Dauchy to fire a third time. Sergeant Livingston said he again saw the Less-Lethal round impact the driver in the lower back with no reaction from the driver. Sergeant Livingston said he then directed his custody team to move forward and take the driver into custody, and medical was sent in to assess the driver's injuries.

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10-38353	OFFICER INVOLVED SHOOTING	☐ Incident	☐ Traffic Accident	☐ Custody	☐ Special

SUBJECT'S NAME	SEX	RACE	DOB
OTIS, KEATON DUPREE	M	B	010485

LOCATION OF OCCURENCE

NE 6th AVENUE / NE HALSEY STREET

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ITEM	CODE

Sergeant Livingston said he then directed Sergeant Gorgone to set up and maintain a crime scene. Sergeant Livingston said he then located Officers Polas, Berne, and DeFrain, and ensured they were separated and did not discuss the incident. Sergeant Livingston said Officer DeFrain told him he thought he may have been shot, and asked Sergeant Livingston to check him for injuries. Sergeant Livingston said he examined Officer DeFrain and did not notice any bleeding or obvious gun shot injuries.

The interview was concluded at 1955 hours. At the beginning of the interview, I had provided Sergeant Livingston with a printout of a Google Earth overhead satellite image of the intersection of NE 6th Avenue and NE Halsey Street and the surrounding area. During the interview, Sergeant Livingston referenced this image, and marked various locations on the image. At the conclusion of the interview, Sergeant Livingston signed and dated the image. This image was retained and receipted on Portland Police Bureau Property/Evidence Receipt # 1203488. The audio recording of the interview was later copied to a CD-R and also receipted on Portland Police Bureau Property/Evidence Receipt #1203488. The recording and image were later placed into the Property Room.

Please refer to the attached transcript for a more detailed and verbatim account of Sergeant Livingston's interview.

This investigation is ongoing.

REPORTING OFFICERS	DPSST	PREC/DIV	RLF/SHFT	ASSN/DIST	SUPERVISOR
Detective E.W. Kammerer	29988	DET	M	HOM	

BUREAU OF POLICE
2619 NW INDUSTRIAL WAY, STE. B4
PORTLAND, OREGON 97210

PROPERTY EVIDENCE RECEIPT

THIS RECEIPT MUST BE ACCOMPANIED BY AN APPROPRIATE REPORT

RECEIPT NUMBER	DATE/TIME	REFER CASE NO.	PPB CASE NO.
No. 1203488	5-14-10/2000 AM PM		10-78353

CHECK ONLY ☐ EVIDENCE ☐ FOUND PROPERTY ☐ PRISONER'S PROP ☐ SAFEKEEPING

PROPERTY TAKEN FROM:	LAST NAME	FIRST	M.I.	SEX	DOB
DENIED OWNERSHIP ☐	—				
HOME ADDRESS	CITY	STATE	ZIP		
OWNER OF PROPERTY	LAST NAME	FIRST	M.I.	SEX	DOB
HOME ADDRESS	CITY	STATE	ZIP	PHONE	

I VOLUNTARILY RELINQUISH THE ITEM(S) LISTED FOR SAFEKEEPING

SIGNATURE

TYPE OF INCIDENT	DELIVERING OFFICER	P.P.B. ASSIGN #
Officer Involved Shooting	Kovanda	27977
LOCATION WHERE SEIZED/FOUND/SURRENDERED	INVESTIGATOR IF DIFFERENT	P.P.B. ASSIGN #
4111 SE 82nd Ave		

☐ DEFENDANT ☐ SUSPECT

LAST NAME	FIRST	M.I.	SEX	RACE	DOB

ITEM	FOR GUNS LIST MAKE, TYPE, CALIBER, MODEL, SERIAL NUMBER(S), IMPORTER & COUNTRY OF ORGIN — LIST ONLY ONE ITEM PER SELECTION	STLN	FOR PED USE ONLY
ITEM 1	Google Earth image used by Sgt. Livingston		
ITEM 2	CD-R containing interview of Sgt. Livingston		
ITEM 3			
ITEM 4			
ITEM 5			
ITEM 6			
ITEM 7			
ITEM 8			

CHECK IF FIREARM WAS CHECKED FOR STOLEN — RESULTS ENTERED	LOCKER	DATE	RECEIVED BY
	C6		

DO NOT WRITE IN SPACE BELOW — FOR PED USE ONLY

INVENTORIED AND ACCEPTED IN PROPERTY EVIDENCE DIVISION	BY	WHITE - RECORDS COPY YELOW - CITIZENS RECEIPT PINK - WITH PROPERTY
DATE: TIME:		

02-01-10

Jim Lunn #32588

PORTLAND POLICE BUREAU
CASE NUMBER 10-38353

May 14th, 2010

Sergeant Don Livingston

TAPED STATEMENT TRANSCRIPTION

CONFIDENTIAL

PORTLAND POLICE BUREAU
DETECTIVE DIVISION
CONFIDENTIAL
TAPED STATEMENT TRANSCRIPTION

Kammerer: This is Detective Erik Kammerer of the Portland Police Bureau. Today is May 14, 2010. It's 1840 hours. We are here on the 13th floor of the Justice Center in the Detective Division regarding case # 10-38353 which is an officer-involved shooting that occurred on May 12, 2010. Also present Detective Mark Slater and we are here to interview Sergeant Don Livingston, DPSST # 32588 and he is accompanied by his attorney, Mike Staropoli.

Sergeant Livingston, do you understand this conversation is being recorded?

Livingston: Yes, I do.

Kammerer: Okay. And you're okay with that?

Livingston: Yes, I am.

Kammerer: Okay. Like I said, we're here to talk about the officer-involved shooting that occurred on May 12, 2010. Before we get into that, I'd like to talk a little bit about your background. How long have you been with the Bureau, what kind of training you've received and things of that nature.

Livingston: Okay.

Kammerer: Go ahead.

Livingston: Okay. I started my police career in 1996. I was hired by the Newberg Police Department. I attended the Basic Police Academy in January of 1998, I was hired by the Portland Police Bureau. I attended the Advanced Academy. I have received yearly updates at In Service throughout the rest of my career. Additionally, I became a DT Instructor in 1999 in the fall.

Kammerer: What is a DT Instructor?

Livingston: It's a Defensive Tactics Instructor. DT or Defensive Tactics is the hands-on portion of police work. Anything from mere presence all the way up to the use of an impact weapon is covered in our program. Searching, frisking, controls and take downs also. I'm also a Firearms Instructor. I've been through two

Firearms schools; the Portland Police Bureau Firearms School and the F.B.I. Firearms Instructor School. I teach Patrol Tactics for both Basic Recruits and also through the In Service program. I've been involved with the Active Shooter Program. I'm a Taser Instructor and I also teach a program that's called Consims. It's called Confrontational Simulations. CONSIMS for short. It's use of force scenarios involving a person in a protective suit, we call it a Hit Man Suit. It used to be referred to as a Red Man Suit. And basically the scenarios run the gamut from use of just mere presence all the way up to deadly force. After the scenario, the officer is required to articulate their use of force using verbal skills and also we ask for it in written form so we can critique them. Both their verbal articulation and their written articulation. I spent six years as the Lead Defensive Tactics Instructor for the Portland Police Bureau. Part of my duties included teaching In Service, also teaching the Advanced Academy and running that program. I taught Reserve Academies. I taught the Oregon Police Corps academies. And also I've done quite a number of Citizens' Academies. Additionally, my duties as a DT Instructor required me to testify in Federal court and criminal court related to use of force of Bureau members. And also I have done Use of Force Reviews as part of the new format for as a member of the Training Division. And assisted with them because, at the time, they wanted at least somebody of the sergeant level to do it. And they always wanted somebody that had expertise in the training discipline so that was my involvement.

Kammerer: Okay. Now I know here at the Portland Police Bureau we have two types of instructors; what are commonly referred to as a Satellite Instructor and then there are instructors who work directly for the Training Division. Could you talk a little bit about the difference between these?

Livingston: The Lead Instructor actually is assigned to the Training Division and they run or oversee the program. And that was my duty as the Lead Defensive Tactics Instructor. There is also two sides to the Training Division; one side specifically focuses on the Academy and one side specifically focuses on In Service. During my time in the Training Division, I started out as the Lead Defensive Tactics Instructor for In Service and my partner was Paul Dolbey. He got promoted. I moved into the Academy side and ran the academies. But you still teach in both arenas, you're just the Lead in one side but you facilitate instruction in the other side also. As a Satellite Instructor, you are assigned to another unit within the Police Bureau, not the Training Division. You get pulled up to teach classes and most of the time it's a supportive role, you're not the Lead Instructor, you're not providing the lecture or the primary teaching but you're there to assist in a one-on-one basis with the students as they go through the program.

Kammerer: Okay and how long did you stay in the Training Division?

Livingston: I worked in the Training Division for six years.

Kammerer: What caused you to leave the Training Division?

Livingston: I took the sergeant's test and I got promoted in January 24, 2008. I got transferred to Southeast Precinct, Day Shift, and started my new role as a sergeant with the Police Bureau.

Kammerer: And what were your primary duties as a sergeant at Southeast Precinct?

Livingston: I started out, like I said on Day shift, supervising street officers, managing calls on the street and I also was given a lot of the office duties or the administrative part as part of a new sergeant learning how to do that stuff. I did the schedules. I had a lot of details assigned to me specifically the Grand Floral Parade. I ended up having to do the Junior Rose Parade also. Just developing myself in order to write the Incident Action Plans and put together big events and manage them as a supervisor.

Kammerer: And do you currently work at Southeast Precinct?

Livingston: No. After a year, I completed my probation at Southeast Precinct. Six months into it, I got transferred to Night Shift where I continued to serve as a sergeant at Southeast. Approximately 13 months into my time as a sergeant, I transferred to the HEAT Team or The Hotspot Enforcement Action Team as the sergeant.

Kammerer: And what is the role of the HEAT Team?

Livingston: The HEAT Team works hotspots throughout the city. We have weekly meetings with the representative of the Chief's Office where we look at crime statistics provided by Strategic Services and we make plans to address areas that are considered problems within the City of Portland.

Kammerer: What kind of problems occur in these areas that is the focus of the HEAT Team?

Livingston: The majority of the stuff that we've been asked to focus on I'd say 99% of the stuff that we've done since I've been with the team has been youth gang violence.

Kammerer: What kind of things do you do as a member of the HEAT Team when you focus on these areas?

Livingston: Well first of all, we often contact large groups 'cause these individuals that we contact tend to hang out together. We work in areas that are populated with a lot of people due to attractive nuisances or other things that maybe draw them there. For instance, the Lloyd Center and Holladay Park so there's a lot of people there in general. And we work in partner cars and we like to set strict boundaries where we're working closely together for a couple reasons. Number one: safety of the officers involved so we're close and we can provide cover. And number two; people often run from us and it increases the chance that we will catch them. So we flood the area with the officers that are assigned to the team and often we work with the Afternoon Gang Team which consists of another six officers. So it's five officers and one sergeant actually so six total. The HEAT Team has seven officers and one sergeant, eight total so together we're 14 strong and we go and address an area that has traditionally or recently been known to have a high level of gang violence. And we stop people and make contacts. We make contacts both in vehicle and pedestrians on foot.

Kammerer: When you're conducting these missions or operations for lack of a better term, are these done in a uniform role or an undercover role?

Livingston: Our activity has always been uniform. We've never worked undercover at all.

Kammerer: Okay and so you look like police officers then?

Livingston: Correct. We're wearing a uniform, badge displayed and in the beginning, we were driving marked patrol vehicles. We currently have slick top vehicles.

Kammerer: And what is a "slick top vehicle?"

Livingston: Slick top is an unmarked patrol car. There's no overhead lights, the lights are placed in the windshield and the rear windshield and also on the side mirrors. It looks like a police car up close but maybe a little further away, you could think that it's just a Chevy Crown Victoria, not a police car.

Kammerer: Okay. What's the purpose of that?

Livingston: Um, well I look at it two ways for our unit. First of all, we maybe get a little closer to a group of people without them thinking that it's the police.

Kammerer: Um-hm.

Livingston: So it allows us to maybe see activity that we wouldn't if we were in a marked patrol vehicle. And second, it's kind of a respect thing with a lot of the individuals that we deal with. They look at the slick top and they associate it with the Gang Task Force as it's commonly called on the street or Gang Enforcement. And when we show up and if we're driving a marked patrol vehicle, we don't get the same respect from the individuals that we're dealing with. They consider us just a regular officer, you're not Gang Task Force.

Kammerer: Is it because when they see the slick top, they recognize you as being part of this team and because of the relationships you've built in the past, they feel some sort of association with you?

Livingston: Most of the people we contact, are, we have repeat contacts with. I know a lot of these individuals and they do associate us as being part of the HEAT Team or Gang Task Force as it's commonly called on the street.

Kammerer: Okay. And how long have you been the sergeant of HEAT?

Livingston: I transferred in March of 2009 so a year and three months approximately.

Kammerer: And you mentioned that most of your team members work with partners. Do you also work with a partner?

Livingston: Currently I'm working with Officer Patrick Murphy.

Kammerer: Okay. And what shift do you normally work?

Livingston: We work Afternoon Shift. Four o'clock 'til two in the morning or 1600 to 0200.

Kammerer: Okay. To get back to your training a little bit, it sounds like you've had quite a bit of training. Do you have training on any other weapons platforms other than your handgun?

Livingston: I'm Less Lethal certified.

Kammerer: What does that mean?

Livingston: We carry a Less Lethal shotgun here in the Portland Police Bureau. It's a Remington 870, 12 gauge shotgun specifically designed to shoot a beanbag projectile. And you have to go through a two-day class, when I went through to get certified in order to use this tool. And then you're required to carry it on

the street when you work. I'm certified in the carry of the Less Lethal shotgun.

Kammerer: Is there any sort of periodical qualification for that weapon?

Livingston: Yes, there is. Every time I go and qualify with my handgun, in addition to my primary firearm, I qualify with the shotgun and I also qualify with the Less Lethal shotgun in order to continue to carry it on the street, you have to remain certified and up to date.

Kammerer: Okay and then are there any other weapons for lack of a better term, weapons platforms that you are certified on and use in your regular patrol?

Livingston: The only other thing would be the shotgun and you just have to qualify with that when you go through the Advanced Academy. You actually get training and you're allowed to carry it through the Police Bureau.

Kammerer: Okay.

Livingston: Additionally the Taser and I'm a Taser Instructor and I'm also one of the original guys that went through and assisted TOM FORSYTHE with setting up the program for the Police Bureau and I went through the class, certified to teach it. I've taught a lot of the classes that certified the officers through the Police Bureau and the In Service and also during the Advanced Academy.

Kammerer: Okay and is there any kind of regular qualification with that tool as well?

Livingston: There's not a regular qualification with the Taser, however, there is In Service updates that you're required to receive in order to continue to carry the tool.

Kammerer: And do you regularly go to In Service then?

Livingston: Yes, I do.

Kammerer: Okay. What are your normal days that you work?

Livingston: I work Wednesday through Saturday. So I have Sunday, Monday and Tuesday off.

Kammerer: Okay and were you working your normal shift on May 12th?

Livingston: Yes. My normal shift started at four o'clock. I did come in two hours early that day. Typically my day on a Wednesday is the day that I have the meeting with the representative from the Chief's Office usually Lieutenant Walsh and

AC Martinek and the meeting starts at 3:30. In order for me to get there, I have to get to the precinct and I have to prepare a memo which really it's done the week before. I just have to add the statistics to the memo and then drive from the Traffic Division in the old Southeast Precinct to downtown and be ready by 3:30 for the meeting. Additionally my expectation as a sergeant in the HEAT Team is that my time is spent with the officers out in the street and not in the office doing administrative work. So I came in at two o'clock. From 2:00 to 3:00, I did administrative stuff and then I got the HEAT memo ready and then I was set to drive downtown for the meeting.

Kammerer: Okay and you are the only sergeant for the HEAT Team?

Livingston: Correct. I'm the only sergeant.

Kammerer: Prior to coming to work, did you have a regular day?

Livingston: Pretty normal. I actually had the carpets cleaned that day. I typically get up at about 6:30 or 7:00 on Wednesday. [redacted]

Kammerer: Sure.

Livingston: On this day, I woke up at 6:30. [redacted] Once he left, I took the dog for a walk and then I came back home and actually took a nap. After my nap, I woke up, ate a snack and then I went to the gym and exercised. And once I was done with that, I came back home, took a shower, got my stuff ready for work, ate again and then I drove in and started my day at Traffic Division.

Kammerer: Okay and you said you got up at 6:30 that morning.

Livingston: Yes.

Kammerer: Did you receive a normal amount of sleep prior to getting up in the morning?

Livingston: Yeah, I actually went to bed the night before [redacted] about ten o'clock, 10:30 which typically I try to do on a Wednesday or a Tuesday night prior to starting my work week. I'm a pretty scheduled guy, however, and

during the work week, we stay up 'til 2:30 or 3:00 so sometimes it's hard for me to fall asleep at ten o'clock but on this particular night, I was able to.

Kammerer: Okay. So you got what? Roughly eight hours of sleep?

Livingston: Roughly eight hours and in addition to that, I got a little I would say about an hour, hour and a half nap before I went into work.

Kammerer: Okay. So did you attend that meeting at the Chief's Office or with the Chief's Office representatives that day?

Livingston: No. I uh, it was the day that Chief Sizer got replaced and I actually sent a text message to Lieutenant Walsh when I was at home saying is the meeting going to be cancelled today? There's a lot of activity in the Chief's Office. He said no. I'll see you soon. So I came in like I normally would. I got all prepared. I had the memos in my hand, my lunchbox over my shoulder. I was walking out the door and he sent me a text message saying, You were right. Meeting cancelled. So I sat back down at my desk and I continued to work on the administrative stuff that I was working on between two and three.

Kammerer: And how long did you continue to do that?

Livingston: 'Til four o'clock. And at four o'clock, all the officers were ready for work and we went downstairs and we had a roll call.

Kammerer: Did you have at that time a direction for your team on what you were going to do after roll call?

Livingston: Yeah, first I handed out flyers that might be of interest to us. I had a stack of them that I printed off the computer. We talked about what we were gonna do that particular day and my direction was, you know, we're cops. We like to drink coffee but I wanted to start out by rolling through Holladay Park because the hours that it's busy or usually about the time school lets out 'til about seven or eight in the evening so I wanted to get there right away. We left the precinct after roll call. We drove up through Holladay Park and it was relatively empty. I remember making three or four passes through. I got on the Nextel and asked where officers were. They were all in the area. We weren't seeing anything. Nobody had made any stops so I said, Let's go to MLK and Hoyt and have a cup of coffee.

Kammerer: And I believe you said your normal partner is Patrick Murphy?

Livingston: Yes.

Kammerer: Was he working with you that night?

Livingston: Yes.

Kammerer: Okay. So the team met up at MLK and Lloyd?

Livingston: MLK and Hoyt.

Kammerer: I'm sorry.

Livingston: And we, you know, those of us that drank coffee got a cup of coffee and we sat down and we talked a little more about um, there's some little angst over Chief Sizer getting let go. Speculation on the possibility of Martinek getting let go and worry about what would happen to the HEAT Team.

Kammerer: Okay.

Livingston: So we were kind of discussing that. You know, I didn't really have any concrete thing to give them. I didn't want them to worry. I kind of told them that we're well liked. We've done good work and I don't see us going away. I'd be shocked if we went away. And then at that time, I got a call from Lieutenant Walsh so I actually stepped outside and had a conversation with him. And asked him some specific questions about HEAT's future and he couldn't tell me that what was gonna happen but he said there were some things in the works, it's all good things. You guys aren't going anywhere and I was able to step back in after that conversation and give the news to the officers that our job was safe.

Kammerer: Okay. I'm assuming at some point then you guys left to go back to patrol?

Livingston: Yes.

Kammerer: When you guys left, was there some further direction from you on what the mission was going to be for the rest of the night?

Livingston: Yeah, I called Officer Brian Dale of the Afternoon GET Team. Right now Sergeant Passadore is the sergeant of the Afternoon GET Team, however, he's got some personal things going on so he's starting work at eight o'clock instead of four so between the hours of four and eight, they don't have a sergeant and with the budget concerns right now, they're not paying usually Brian Dale is Acting. They're not paying Brian to be Acting so I'm managing both teams. And they start out at North Precinct and we start out at Traffic so it's a little difficult in the beginning. I don't want a group of officers on one

net and us on a different net so I want us all to come together. They were in the precinct finishing up some paperwork stuff. They had gotten coffee. I called Brian to see what they had planned, where they were gonna be. He said they were gonna go check 18th and Dekum to see what the activity looked like there. There had been a recent shooting there within the last couple weeks. And he would let me know what it looked like. And if not, if it wasn't busy, we were gonna all meet up in the core area which is the, we refer to it as the core. It's the area along NE MLK Blvd between about Killingsworth and Fremont, Interstate 'til about 15th Avenue. Those are the boundaries we kind of set up for the officers and we all work together in there as a team.

Kammerer: Okay. So you guys leave MLK and Hoyt and what happens then?

Livingston: Patrick and I get in the car. We're driving northbound on Grand and there's a little bit of Nextel chatter at about Broadway about between Officers DeFrain, Foote and Officer Berne. Officer Berne happened to be riding by himself that night because his partner was coaching a T-ball game. His partner, John Billlard was supposed to get to work at around 8:00 o'clock, 7:30, in that range so he was riding by himself until then. I heard Officer DeFrain ask him if he had seen into the Toyota that was in front of him or next to him, one of the two. I can't remember exactly which and he responded back, Yeah, I ran the plate. He doesn't fit that car. Comes back to a female. There was a little discussion about whether they were going to stop him or not. And Jim said something to the effect of, Well one of us is probably going to stop him, either you or I. And Cody said, It's all yours if you want to stop him.

Kammerer: Okay.

Livingston: So we continue northbound, not knowing exactly where they were but I figured they were somewhere between MLK and Hoyt and Broadway where we were. We left just a little bit before they did. The initiated a traffic stop and right away, I could tell something was different. The siren was going on the car and Jim DeFrain always rides in the passenger seat, always operates the MDT, always talks on the radio and he's always rock solid. And it was like mic clicks and I wasn't getting good um, updates from the radio. So my initial thought was that it's a pursuit. It sounds like it could be a pursuit or at least the start of a pursuit. All I got out of it was 6th and Clackamas. So there's a little bit of silence there afterwards. And then a couple more mic clicks is what I remember. And not really getting any updates or information from it but I couldn't hear the siren in the background. And then Officer Berne got on the radio and said they were actually at 6th and Halsey, out on traffic and at that point, I got on the Nextel 'cause we have a talk group, and I asked Cody if

they were Code 4 or if they needed us to continue 'cause initially when we heard the sirens, Officer Murphy and I did a U turn and we were not going southbound on MLK from about Knott and we're going, like it was a pursuit so we're going code down to cover him. And Officer Berne advised me over the Nextel talk group that we needed to continue.

Kammerer: Is there any particular reason you chose to use the Nextel talk group versus the radio?

Livingston: Radio time um, it sounded to me like it was a little on the tense based on the stuff that I was hearing before

Kammerer: Um-hm.

Livingston: ...and I thought if I asked over the air and they needed to use the air, it wouldn't be good for them at the scene. So I chose to use the Nextel.

Kammerer: Alright. So what happened next?

Livingston: We were driving south on MLK. I knew they were at 6th and Halsey based on what Cody had said and I heard either Jim or Ryan saying next car in, box this vehicle in.

Kammerer: What does that mean? "Box this vehicle in"?

Livingston: Well, I assumed they, when you do a traffic stop, you normally stop behind the vehicle so the vehicle could travel freely by pulling forward. I assume that it meant to come in from the front, preventing that avenue of escape for the vehicle. Not being able to drive forward.

Kammerer: Is that normally something that happens on a traffic stop?

Livingston: No. It's not normal at all. To me, based on my experience, based on my training, I felt it meant they were concerned that the subject was going to try to get away by driving. And also additionally, what I had heard beforehand, the siren in the background and Officer DeFrain's unusual demeanor on the radio, led me to believe that this was not a normal traffic stop.

Kammerer: Okay and why would in your mind, why would that be a good tactic to use on this kind of situation?

Livingston: Well we've had, I can think of high profile cases in the past where people have tried to get away and officers have ended up using force that's been critiqued

or even criticized and preventing the subject from being able to do that in the first place would alleviate that problem. Of either getting drug by a car or getting in the path of a vehicle so now you've taken that problem away. The vehicle has to stay stationary now.

Kammerer: Okay. So you're proceeding to the scene and then you get the update the next vehicle in, box this vehicle...

Livingston: Yes and I actually got on the primary net at that point and said, We're close. We can do that. Something to the effect. I said we were close, we can box that vehicle in. We continued southbound. I knew Officer Burley and Polas were directly behind us and we came up to Halsey and I yelled at Murphy, Left! Left! Left! and he missed Halsey and he went up to Clackamas. And Burley and Polas peeled off on Halsey and went eastbound.

Kammerer: Are Officer Burley and Officer Polas also members of the HEAT Team?

Livingston: They are members of the HEAT Team and they work in a partner car together.

Kammerer: Okay. When you said you got on the primary net, what net is that?

Livingston: It was North Precinct dispatch net.

Kammerer: Okay so that would a radio net then that the regular officers, the normal patrol officers, they would be monitoring that net?

Livingston: Yes.

Kammerer: So you guys aren't on your own tactical channel?

Livingston: No.

Kammerer: Okay. So Murphy went up to Clackamas and Burley and Polas went down Halsey?

Livingston: Went down Halsey, yeah.

Kammerer: What happened next?

Livingston: Well I wasn't 100% sure but I assumed based on the radio transmissions that the vehicle was headed northbound from 6th and Clackamas to 6th and Halsey 'cause Halsey is north of Clackamas so I assumed that the vehicle was pointed northbound so in order to box it in, we had to come in from Halsey to box it in from the front. So we continued to Clackamas. Officer Murphy took a left or

an eastbound turn on Clackamas. Then he took a northbound turn on Grand. Then he took an eastbound turn on Halsey. We arrived at 6th and Halsey. Officers Burley and Polas had already boxed that vehicle in and we pulled up on the driver's side. And kind of near the driver's side door and that's where he parked and I exited the vehicle.

Kammerer: Okay. This is a printout of a Google Earth image of the intersection of 6th and Halsey. North is at the top of the page. If you could, just to the best of your recollection, draw in the location of the vehicle that was stopped and any other vehicles that you saw there.

Livingston: Okay.

Kammerer: And then if you could just label those vehicles like one, two, three and four. And then it looks like you've put S for the vehicle that was stopped.

Livingston: Yes.

Kammerer: Okay. And then do you, so if I understand you right then, the vehicle you've numbered 3 is going to be Officer Burley and Officer Polas' vehicle?

Livingston: That's correct.

Kammerer: and the vehicle you and Officer Murphy were in is labeled 4?

Livingston: Correct.

Kammerer: And then what about the ones labeled #1 and #2?

Livingston: Number 1 is Officer Cody Berne's vehicle. Number 2 is Officers Foote and DeFrain.

Kammerer: Okay so you exited the vehicle. What did you do at that point?

Livingston: As I got out of the car, I noticed two things right away. First of all, not a normal traffic stop, the way the cars were positioned. Officers Foote and DeFrain actually called out the traffic stop, did the initial stop and they were parked off to the side of the vehicle which is unusual. Not normally you'd park actually behind and off centered, half a vehicle and the way the officers were situated, Officer Foote was standing up in front of the driver's door near the side view mirror. He had his Taser out. Officers were also lined up along side of the suspect vehicle. The door, I made eye contact with Officer DeFrain as I stepped out of the car and the demeanor of all the officers on scene

seemed unusual to me. He seemed intense. Um, a little more aware of what was going on than on a normal traffic stop. We made eye contact. He nodded at me. I took that to mean two things: Number one, that this could go south, this guy's not cooperating. And number two, that he was ready to take the subject out of the car. There was plenty of officers along the side of the vehicle to act as, what I would call hands-on or Custody officers.

Kammerer: Um-hm.

Livingston: Officer Foote was standing up next to the front side view mirrors and I took a position right next to him. And I drew my Taser also. Before drawing my Taser though, let me back up for a second, I made eye contact with the individual seated in the driver's seat. I noticed a couple things about him right away. His eyes were huge. I saw the whites of his eyes and what I saw in his eyes was panic, desperation. It wasn't a normal behavior at all. He was, his eyes were darting all around, looking as if, I thought two things: Number one, he's looking at where the officers are, like he's targeting. And Number two, like he's looking for an avenue of escape. So nothing about this stop is normal at this point. So I step up next to Officer Foote and I draw my Taser and I didn't point it at him at first. I held it in what I would call a "low ready" position, pointing at the ground.

Kammerer: Okay. Just to go over a couple of things real quick. At this point, we have Officers Foote and DeFrain who've initiated the traffic stop and they're on-scene.

Livingston: Yes.

Kammerer: Officer Cody Berne's car is there so I'm assuming he's also there.

Livingston: Um-hm.

Kammerer: Officer Burley and Officer Polas are also there and then we have you and Officer Murphy.

Livingston: Um-hm.

Kammerer: Were there any other officers there at that time?

Livingston: There were seven total officers there.

Kammerer: Okay. Do you recall approximately where people were standing at that point?

Livingston: I can approximate where people were standing, not exactly.

Kammerer: And you don't have to, draw it on there if you just want to point it out.

Livingston: Okay. Officer Foote was standing in the front of the car.

Kammerer: Okay.

Livingston: I was to his right. To my right was Officer DeFrain. And then I know for sure that Officer Cody Berne, Officer Burley and Officer Polas were also along the side of the car right here. I can't tell you what order they were in.

Kammerer: Everybody was over by the driver's side of the vehicle?

Livingston: Yes, yes. When I got out of the car, every officer on scene was on the driver's side. I don't know where Officer Murphy went.

Kammerer: Okay.

Livingston: But I will say this; later on in the encounter, not too much into this, I'm talking seconds into it, I noticed an officer standing right back here at the back of the car, I never made eye contact with that individual…

Kammerer: So that would be the right rear of the suspect vehicle?

Livingston: Yes. And I never made eye contact with him. I was focused on the interior of the vehicle. But based on where everybody else was, my assumption was it was Officer Murphy unless somebody else moved back to that part of the car.

Kammerer: At this time, had you seen any other vehicles arriving at the scene?

Livingston: No.

Kammerer: Okay so knowing then that the only vehicles there contain all the officers that were there at the scene and you believe it's likely that was Officer Murphy in back of the car?

Livingston: Yes, yeah.

Kammerer: Okay.

Livingston: And like I said, seven officers on scene, all members of the HEAT Team and everybody from HEAT that was actually working that night was there.

Kammerer: Okay. Alright so was the window of the driver's side window of that vehicle, was it up or down? Do you recall?

Livingston: It was down.

Kammerer: Okay.

Livingston: All the way down in my recollection.

Kammerer: Where, could you hear anything going on?

Livingston: You know, when I got there, there wasn't much verbal exchange between officers and the suspect inside the vehicle. After DeFrain kind of made that head nod to me and I took my position, the next thing was I believe it's DeFrain and somebody else reaches in and tries to grab this guy's arm. He does say something. I can't recall what it is exactly and he immediately pulls his arm back into the vehicle.

Kammerer: Do you recall the tone that the guy used?

Livingston: It was um, it was aggressive. It was argumentative and in addition to him using the physical resistance to pull away, after he did it immediately his hands like both of them just dove down and from my...

Kammerer: Dove down where?

Livingston: Well, from my vantage point, I had the dashboard of the vehicle, so I couldn't see like below his waist. I could see like right above what I would say his belly button area was from where I was standing. And it dove down towards like either the center console, the glovebox or the floorboard, in that range right there.

Kammerer: The driver's floorboard or the...

Livingston: I would say um, in the middle. You know, he could have been reaching to the passenger side, over the driver's side. I couldn't really tell but it was immediate. Both hands started diving down and at that point I'm thinking, He's going for a weapon. Based on everything that's happened up to this point, the observations I made, his eyes and darting around, I'm thinking this guy is going for a weapon inside the vehicle. So given the fact that I already have my Taser in my hand and I've assumed the role of a Less Lethal operator for this particular incident, I yelled, Taser! Taser! Taser! And I deploy my Taser. One thing I noticed right away is it seems to be reacting. It seems to be

working. Officer Foote also used the Taser. Um, he kind of tensed up which is a normal reaction when the Taser seems to be working. His body falls into the passenger side of the vehicle and it's rigid. I had decided at that point, based on his actions, reaching down, unknown what's in there, that I was going to hold down on the trigger of the Taser. Normally when you pull the Taser, it cycles for five seconds. My intention was, I was gonna hold the Taser down and this would give us a safe option to remove the subject from the vehicle. Safe for both us and him. My plan was if it continued to work, I was gonna have the officers open the door and I was gonna continue to hold down the trigger. I was gonna have one officer assume the role of lethal cover, which had already happened. I could see out of my periphery that DeFrain's gun was pointed inside the vehicle. I was gonna have at least, if we could fit it, two officers grab the subject's legs and pull him out of the vehicle. The whole time I was gonna continue to hold down the trigger of the Taser. Our instruction from the get go, from the beginning of using the Taser has been, if it's a high risk situation, where there could be potentially a weapon involved, you can manipulate the subject's arms and take him into custody while they're being Tased. They're pliable and you will not get shocked if you don't touch them between the probes themselves or the wires.

Kammerer: Okay.

Livingston: So that was my intent the whole time. It looked like it was working and that was the plan to get him out of the vehicle and had it worked, it would have been safe for him and for all of us that were outside of the vehicle so.

Kammerer: You've talked about that was the plan. How did it work? It seems to indicate to me that's not how things happened.

Livingston: No and that was my plan. I was like moments away from starting to give officers commands to get that moving. And he popped up. He popped back up into the seat and I was still holding down the trigger. I don't know if Ryan was holding down the trigger or not. And I can't tell you why it stopped working.

Kammerer: Ryan Foote?

Livingston: Yes. Ryan Foote was, I don't know if he was still holding down the trigger or if his had cycled and stopped.

Kammerer: Could you see where your Taser probes contacted?

Livingston: I could not. I could tell you that when I deployed the Taser, I was aiming for the center of his chest. When you look inside of a vehicle, you have a limited target really. You've got the open window and you've got where he's seated so and the proximity so the probe spread's not gonna be that big. And I knew Ryan had a Taser but I've seen failures. I've read about failures. One of my duties as a Defensive Tactics Instructor was to read Use of Force reports and low muscle mass hits, you know, you're talking about smaller muscle groups like the abs and the chest. Sometimes people are able to fight through if they're goal oriented. And one way to alleviate that is to potentially use two Tasers for a an individual like that so the use of two Tasers in this instance seemed appropriate to me. And that's why I assumed that role even though I saw Officer Foote already had it out.

Kammerer: Okay. So he sits back up in the driver's seat?

Livingston: He sits back up and I'm continuing to hold it down. I hear it clicking and it's clicking loud and that tells me one thing specifically. A softer click tells me that the circuit's being completed, the electricity is actually flowing through the subject's body. A louder click tells me the cycle's not being completed. And it's louder when he sits up. Now I don't know in my mind, is that mine? Or is that Ryan's making the louder click? I don't know. I continue to hold it down. His hands again dive down and the next thing I see is a gun come up over the window sill and it looks, you know, big a day to me. There's a gun pointed directly in our direction.

Kammerer: Is somebody holding this gun?

Livingston: The individual inside of the vehicle is holding the gun. I don't recognize this guy. I don't know his name. The first time I got his name is today here when I wrote my Use of Force report so I know now it's Mr. OTIS. He's holding the gun. He's pointing it in our direction. From where I'm standing, I can see that it's pointed not at me but it's pointed more towards where Officer DeFrain is standing. And at that point I realized I've got something in my hand that is not adequate for the threat and I throw it down to the ground and...

Kammerer: Your Taser?

Livingston: My Taser, I throw it down onto the ground and I start taking steps back to my vehicle. The thought process in my mind was, I'm gonna use my engine block as cover and I'm gonna draw my gun.

Kammerer: How much time do you think has passed now since the time you contacted him at the car?

Livingston: Since the time I got out of my vehicle and I made initial contact?

Kammerer: correct

Livingston: I would say about 30 seconds.

Kammerer: Okay. So you move back and what happens next?

Livingston: I move back, I draw my gun. Out of my peripheral vision, I see someone laying on the back in the street, laying on their back in the street. And really I only see it from the waist down and there's no movement. Um, I don't know who it is at first. I know it's an officer. I can tell by the clothing and in my mind I know somebody has been shot.

Kammerer: Did you hear any gunshots?

Livingston: I did. I heard, I heard two shots. And then everything else went, I couldn't hear after that. I heard two shots and it was from the suspect's gun. After that, I could tell officers were returning fire but my auditory just went blank. I couldn't hear it.

Kammerer: Okay. Were you able to see any muzzle flashes or ...

Livingston: I didn't see a muzzle flash but I saw his wrist break back after, when I heard the shot, I saw his wrist crack back at the same time, consistent with recoil after you shoot a gun. And that's what I saw twice coming out of the vehicle. At that point, I had thrown my Taser down and I was actually backing up to my vehicle and drawing my gun.

Kammerer: Okay so now you believe other officers are returning fire?

Livingston: Yes.

Kammerer: What do you see, hear, experience at this point?

Livingston: Well like I said, I see from like the waist down, somebody laying on their back and I know it's an officer. I don't know who it is. I can tell you um, at this point I am at the driver's side of my vehicle. I'm thinking I'm going to use the engine block. I know officers are right on the driver's side door of the suspect vehicle and they're firing this way. I decide I'm going to go to the officer that's down. I move to the rear of my vehicle and I start running towards the officer that's down. And I'm still seeing no movement. At this point, I realize it's Burley. And in my mind, I think he's dead. He's not moving. And at that

point, everything slows down. It's like slow motion and it feels like I have to sprint across a football field to get to him.

Kammerer: Um-hm.

Livingston: And as soon as I get over to him, and I can't tell you for sure if he's in the same spot when I saw him from the engine block to when I moved around. When I get to him, he's sitting up now. And I realize he's okay. At least he's alert and conscious. And everything comes back from slow motion to normal speed for me. And I ask him, Have you been hit? He says, Yes. And I ask him where. He says, I think it's my legs. And at that point, I go into we've got to get him out of here. I gotta start making a plan to get him out of here. From my recollection, we are now kind of behind #2 vehicle or Officer Foote and DeFrain's vehicle. So we do have a little bit of a barrier in between us and the suspect vehicle. I decide, I have a short conversation with Officer Foote and I decide that we need to take him to the hospital. And it's my judgment call. We are close to Emanuel Hospital. Give me the same situation out in East Precinct, I would ask that we maybe meet medical somewhere.

Kammerer: Un-hm.

Livingston: I had said, "Shots Fired, Officer Down, Stage medical" and then I had this conversation with Foote about should we take him? Should we not? And I decide we're taking him. I grab him at that point and I throw him in the backseat of the #1 vehicle right here which is Officer Cody Berne's car.

Kammerer: Okay.

Livingston: I have, I tell Brian or Officer Foote that he's gonna drive him. And at that point I wanted two officers to go with him.

Kammerer: Um-hm.

Livingston: I had resources at the scene. And I remembered, it flashed into my mind, when Officer Keith Jones got shot out at St Louis and Lombard, he later said, and I don't know if it was like I heard it in a debrief or what, he later said, The most terrifying part of that experience was not getting shot in the neck, it was driving from St Louis and Lombard to Emanuel Hospital. So you've got an officer who's going to be jacked-up excited and wants to get him to medical attention quickly. I thought two sets of eyes to drive him there, maybe one to even talk to Chris and comfort him would be better. So I yelled at Murphy and I saw Murphy standing at the rear of our vehicle behind the trunk. I yelled at him to come over to us. And he jumped in the passenger seat and they took

off to Emanuel. At that point I got on the radio and said that officers were en route to Emanuel with, I don't know exactly what I said but they were en route to Emanuel with the officer. Please notify him.

Kammerer: Okay. To jump back a little bit, when you saw the gun, you saw the guy come up with a gun in his hand, was the gun, did the gun remain inside the vehicle? Did he extend it out of the vehicle?

Livingston: It appeared to me that it remained inside. It was, it was above the doorframe. I saw the barrel but it looked like it was still inside of the vehicle.

Kammerer: Okay. And he was sitting in the driver's seat still?

Livingston: Yes.

Kammerer: Okay. And then he shoots. Officers return fire. As you're retreating, you see Burley down on the ground. You later determined it was Burley. And I realize this all happened very, very fast. Do you recall what the actions were of the person inside the vehicle after the return fire by the officers?

Livingston: After I saw Burley, I holstered and I ran around the back of the vehicle. I glanced at him as I was running to Burley. And he appeared at that moment, and I can't tell you a timeframe from the first shot...

Kammerer: Sure.

Livingston: ...to the time I ran by. He appeared to be like leaning into the passenger seat of the vehicle.

Kammerer: Okay and you said you had a short conversation with Officer Foote. Was he no longer standing at the front of the suspect's vehicle?

Livingston: No. I didn't see Officer Foote until I reached Burley. And I was having this conversation with Burley and then the next thing I know, I see Foote standing next to me and I say something like, We gotta get him out of here. And he says, Let's take him to the hospital or something. And I'd already staged medical. I said, Yeah, let's take him and I grabbed him and threw him in the backseat of the car.

Kammerer: When you say you'd already staged medical,

Livingston: When I got there, I made a, when I got to Chris, I said something to the effect of, 3950, we have shots fired here. We have an officer down. Stage medical.

Kammerer: So when you say you're saying this, is that being broadcast over the radio?

Livingston: Broadcast over the radio, correct.

Kammerer: Okay. So the medical is staging, and what is your experience with the time it would take for medical to arrive or stage?

Livingston: I would say approximately five minutes. They're gonna stage, we're going to have to take him to a location anyway. They're not going to come into the scene, given the fact that we are at 6th and Halsey, we're very close to the number one Trauma Center in the State of Oregon. I felt that we could get him there faster than it would take to get medical to the scene. So it was my call, my judgment and I made the decision to have officers transport him to the hospital.

Kammerer: And at that time of day which was, do you recall what time it was?

Livingston: Um, approximately six o'clock. In that range.

Kammerer: Okay. Is traffic pretty heavy in the Lloyd Center area?

Livingston: Lately it has been. The streetcar construction you know, sometimes southbound on MLK specifically has been tied up as well as northbound because of the construction of the streetcar so our trip to and from there, it wasn't that bad. Our trip from the coffee, Starbucks at MLK and Hoyt up to about MLK and Knott there was a tremendous amount of traffic. We were able to maneuver through them with lights and siren relatively quick.

Kammerer: Okay. And I don't want to put words in your mouth so please correct me if I'm wrong but is it your thought then that you have an officer who's been shot and it will be quicker for you to get this officer medical treatment by putting him in a police car which is right there and having him driven straight to Emanuel Hospital, versus waiting for medical to arrive and then somehow either escorting them into the scene or removing Officer Burley to their position.

Livingston: That's exactly correct.

Kammerer: Okay.

Livingston: And another thing; Officer Burley was alert, conscious and talking to me so I felt, based on all these factors that you just said in addition to his demeanor

and condition, taking him to the hospital was the best and quickest route for him to get medical attention.

Kammerer: Okay. And just to talk a little bit more about the initial shots, do you recall if Mr. OTIS was holding, how he was holding the gun?

Livingston: I don't. I just recall seeing the gun. I think when that gun came up over the door, that was maybe a brief moment of tunnel vision for me and I just, I just remember the gun. It's like...

Kammerer: And when he fired, you talked about how you saw his wrist breaking in a manner consistent with recoil, do you recall at that time how he was holding the gun?

Livingston: No.

Kammerer: Okay. Did it appear to you that he was aiming the gun at anyone in particular?

Livingston: Well, he wasn't aiming directly at me. I mean I could see where the barrel was pointed. It was off to my right where a group of officers were standing and when I got out of the vehicle, that's where all of the officers were standing. Officer DeFrain right next to me and then I knew three additional officers were standing there; Burley, Berne and Polas were somewhere in that line. I hadn't looked at that moment to see where those guys were standing but it was definitely pointed right in their direction.

Kammerer: Okay. When you saw his actions, Mr. OTIS', with the gun after getting Tased, sitting up, gun coming up, and then shooting, what in your mind did you believe his intent was?

Livingston: I thought he was trying to kill us.

Kammerer: Okay. Once Officer Burley is in the police vehicle and then Officer Foote and Officer Murphy have left the scene, what happened next?

Livingston: As soon as they drive away, I broadcast over the North Precinct dispatch that they're en route and then I looked back towards where the suspect is and I see that the passenger side door is open. The suspect, Mr. OTIS, is halfway leaning out of the vehicle. His upper body or torso is laying on the street or the street and the curb. His legs are still inside of the car. And officers are standing at the rear of his vehicle with guns pointed at him.

Kammerer: And I realize your focus had shifted towards Officer Burley at that point but you said as you ran by, you glanced over and you saw him still in the driver's seat but apparently slumped over towards the passenger seat?

Livingston: Yes.

Kammerer: And when you next looked back, then you see him halfway out of the vehicle from the passenger side. Do you know or do you have some idea of how he reached that position?

Livingston: I could only speculate.

Kammerer: Okay.

Livingston: I mean as I was running by, he looked like his body was leaning towards the passenger seat. You know, I can only speculate that maybe he was trying to get out of the vehicle itself.

Kammerer: So he moved there under his own power then and not by officers approaching him and trying to remove him from that side of the vehicle.

Livingston: Correct.

Kammerer: Okay is that speculation on your part?

Livingston: I never saw an officer go into the vehicle. I would be shocked, absolutely shocked. It would probably be the most shocking thing I've ever heard in my life if an officer actually went in there and grabbed him and moved him. So my belief is that he did it under his own power.

Kammerer: Okay. So you see him in this position and what happens next?

Livingston: I walk up behind the officers and I say, Let's get some distance. Let's back up. We start backing up onto the sidewalk and I look back over my shoulder and I see a police car coming northbound on 6th. He's about at Clackamas and I get on the radio and I say, Next vehicle in coming north on 6th, pull right in front of us and angle your car. So it ended up being Officer Dauchy. He pulls up his vehicle and he angles it initially not far enough. And officers are yelling at him, Further! Further! Further! He actually pulls it up onto the sidewalk so now we have an engine block that we can use as hard cover. Once that happens, officers are set in behind the vehicle. I actually take a step back. In my mind I'm thinking I might activate SERT here. And I want to pick a good staging location so I sprint back to 6th and Clackamas which is about a

half block away from where we are. I look left and right and I pick a staging area and I run right back up to the scene. In that time, a couple other officers had arrived and I take a look at the suspect, Mr. OTIS. He's halfway out of the vehicle, like I said before. His body is rigid. He's still moving. His hands are up underneath him. I don't know where the gun is at this point. And my thought is two things: Number one, I don't think we can safely move forward at this point and take him into custody. Even with the addition of the shield that we recently have. I don't think it's a good idea for us to move forward and take this guy into custody. So I activate SERT.

Kammerer: Was the shield, was that physically there at the scene?

Livingston: The shield was not physically there at the scene. It's something I could've I guess requested but even if the shield was there and set up and ready to go, based on his movements and actions, I would not have felt safe moving forward and taking this guy into custody.

Kammerer: Okay.

Livingston: Based on him still moving and the fact that there is a known gun there. I know that there's a gun there.

Kammerer: Okay so you activate SERT?

Livingston: I activate SERT. I send them to the staging location that we had. And the second part of my thought process there is now we're working towards getting this individual, Mr. OTIS, medical attention. As soon as SERT comes, they have a different set of tools, different set of resources that they can use to move forward and take the subject into custody. And we can then get him some medical attention. So the wheels in motion towards him receiving that needed attention had been started by me activating SERT.

Kammerer: Okay. What happens after this?

Livingston: After this, something changed. Mr. OTIS was no longer rigid. His body seemed to sink down, his torso sink down into the concrete. His body was no longer moving. I had a conversation with Officer Bill Shaw. He said we might want to consider moving forward and taking him into custody. I picked him and Officer Delenikos as Custody Officers. They were going to be the hands on. I had Officer Brian Dale there with a rifle. I said, "You will be my lethal cover but before we move up, I wanted to make sure that this guy was not "playing possum." I wanted to initiate the use of the Less Lethal or beanbag shotgun.

Kammerer: If I could just ask you a quick question here. So Officer Dauchy is the first officer that arrives

Livingston: Yes.

Kammerer: ...He angles his vehicle to provide hard cover. Do additional officers then arrive at the scene?

Livingston: Yeah. Central Precinct Officers Bill Shaw and Matt Delenikos arrived and they did while I took my sprint back to Clackamas to pick my SERT staging location. They arrived and then when I sprinted back up, they were in position. Actually behind the vehicle. So I had a plan to move forward and take this guy into custody. The situation had changed in my mind, based on his body language and but I wanted to make sure that he wasn't playing possum with the use of the less lethal shotgun. So at that point in my direction I had Officer Dauchy, who was yelling commands to show me your hands! Show me your hands! I had him initiate the beanbag shotgun. He fired. I saw it hit him in the lower back. I saw no movement from the subject. I asked him to fire again. He again said, Show me your hands! Beanbag, fired the shotgun and hit him in the lower back and I wanted one more just to make sure. And he fired a third shot. It hit him in the lower back. At this point based on absolutely no reaction from the Less Lethal shots which in my opinion were solid strikes to the lower back, the spine area where it meets the belt line,

Kammerer: Um-hm.

Livingston: absolutely no reaction. The fact that his demeanor had changed from moving around and rigid body, to absolutely no movement and him sinking down into the curb, his whole body just sunk down, I felt tactically he was still a threat, however, I felt with the resources we had available at the scene, that we could safely move forward and take him into custody. And then in turn, get him the medical attention that he needs.

Kammerer: Okay. Did you in fact do that then?

Livingston: Yes. I, one other thing I did, I had threw my Taser down on the ground and I'm taking a Custody Team up with no Less Lethal option which the two officers that are going to be hands-on actually could use the Taser against him but my thought process was maybe a fourth officer with an option of a Less Lethal tool. Now the Taser did not work on him originally but things had changed. I had, like I said before, access to small muscle groups, just his upper torso but his position now actually allowed me access to his legs, his lower back and it was like pants, it was tightly fitted. It wasn't loosely fitted

like his clothing on top so my feeling was the application of the Taser would or could have been effective given the new access to target areas. So I don't know who I took it from but I grabbed a Taser out of one of the officers that were at the scene. Every officer that I used to move forward on this Custody Team, had not been there when the shots were fired. They were not actual shooters. They were not even witnesses to the shooting itself. They all had arrived afterwards. I was the only one that was a witness although I had not used deadly force. But I trailed the team with the Taser as an option for less lethal if needed.

Kammerer: Why did you make the decision to use those officers to go up and do the custody?

Livingston: 'Cause they were not involved with the initial altercation, number one. And number two, I have worked with Officer Bill Shaw before in the past. He's highly capable. I have the utmost confidence in him. Officer Delenikos the same thing and then Officer Brian Dale who's on the rifle is a member of the Afternoon GET Team. We work together on a regular basis. I'd be hard pressed to hand pick a better team to move forward with and take somebody into custody.

Kammerer: Okay.

Livingston: One additional thing, we had also talked about, you know, we don't know where the gun's at, at this point. Officer Shaw and Delenikos were going to grab the subject's arms, pull him out of the vehicle up onto the sidewalk where we had a nice flat platform and enough room to actually place him in handcuffs.

Kammerer: Okay and at the time that you were formulating this plan, and figuring out who was going to go up, were you aware then of who had fired?

Livingston: I had a very good idea. I was not 100%. But I knew for sure Officer DeFrain had and I believe that Officers Polas and Officer Cody Berne had fired also. I did not confirm that but they were also, in my mind, too directly involved to move forward and take somebody into custody that we had just used as a team, used deadly force against.

Kammerer: Um-hm.

Livingston: I wanted to use officers that were not part of it at all, that had showed up later on. And were fresh to the incident.

Kammerer: Okay. So you and your team then move up. What happens then?

Livingston: Officers Delenikos and Shaw grab his arms. They pull him out of the vehicle so his body is all the way out of the vehicle, up onto the sidewalk. They place him in handcuffs. And then I immediately go from, I announce it over the radio, Subject's in custody, somebody right away says, Send in medical. And I don't even know if medical was there yet. It seemed like it took a while for them to actually arrive at the scene after he was in custody. But my mindset immediately goes from tactical to now to crime scene preservation. I walk forward to the intersection of 6th and Halsey and I take a look backwards. And I'm trying to think about what am I going to set up as my Inner Perimeter here for the crime scene. And at that point, Sergeant Gorgone comes running up on the sidewalk and he comes up to me and says, Don, what do you need? I said, Set up the crime scene. And I start walking back towards the HEAT officers. I actually get on the radio I believe and I say, Everybody that was involved from the HEAT Team who was a witness, we need to step back. And there's a gravel area and I will kind of show you on the map right here. It's right in this area right here. It's all gravel along the chain link fence...

Kammerer: Just south of the power transformers.

Livingston: Yeah. And I said we need to step back into the gravel area and my intention wasn't to huddle up and talk. My intention was to get them out of the scene. And remain separated until we got assigned officers that could stay with us. But also was for preservation of all the evidence that was inside here.

Kammerer: Okay.

Livingston: I could see shell casings on the street here. I actually yelled at Officer Chuck Lavell and I said, Chuck, there is casings all over the place. There's evidence out there in the street. I want you to stand here and just make sure nobody steps on it.

Kammerer: Okay. Earlier you said that you knew Officer DeFrain had fired and that you believed Officer Byrne and Officer Polas had fired. What led you to believe that they had fired and how did you know that Officer DeFrain had fired?

Livingston: DeFrain was right next to me when this whole thing started. Like I said, my auditory went but I don't know if it was shell casings hitting the ground or what but I knew, I just knew shots were going back. Shots were going back and I knew it was DeFrain. DeFrain was shooting and it went on for a long time it seemed like and that's why it was my belief that other officers had been involved in shooting also. When I, after I got Burley in the car and I looked

back, the three of them were all standing together in the rear of this vehicle with guns pointed at the suspect. So in my mind, those were the officers who had used force.

Kammerer: Okay. When you removed the remaining people from the scene to that gravel area there, did you specifically ask anybody, Did you shoot?

Livingston: No. I, actually Jim and I, Jim asked me to check him at some point

Kammerer: Jim?

Livingston: DeFrain.

Kammerer: Okay.

Livingston: I checked him physically. What I did do, and this is just for me human nature, I walked up and I gave everybody a hug and I said, I'm proud of you. You did a good job. Jim seemed really upset. And he asked me, he asked me, "Was I the only shooter?" And I said something to the effect of, No, buddy, don't worry about it. That was the end of it right there.

Kammerer: Okay.

Livingston: We didn't discuss anything but he was visibly upset. You know, he's my friend and I wanted to make sure that he was comforted so that's why I walked forward and gave him a hug and told him he did a great job and I was proud of him.

Kammerer: Okay and you said he asked you to check him?

Livingston: Check him. He was worried he got shot. You know, I looked over his body and looked over his uniform and I didn't see any evidence of him being shot.

Kammerer: Okay. What happened next?

Livingston: As I was standing on the gravel back there, I remember Lieutenant Rodriguez saying over the radio that he was on-scene which meant to me that he was now effectively in charge of the scene. I was assigned Officer Elias as my partner to keep me from talking to other people, keep me sequestered and you know, keep me company and we stood together and waited for members of the TIC Team to show up and the union and attorneys and all that stuff. And I was there at the scene for quite a while after the fact. Later on, Officer Jeff Bell or Sergeant Jeff Bell, excuse me, showed up and he was my TIC Team member.

Kammerer: Okay. I just want to briefly touch on this again. We may have already discussed it and when before you go up to take him into custody, and Officer Dauchy has got his car parked across here and you direct Officer Dauchy to fire the beanbag rounds, what was your thought process, what was your intent with the beanbag rounds?

Livingston: Ultimately my goal is to get Mr. OTIS medical attention. And I can't do that unless we can safely move forward and take him into custody. So my thought process is if he gets hit with these beanbag rounds and they're solid hits, and he shows no reaction, to me it leads me to believe that it's much safer for us to approach him and take him into custody. And that's what I got; absolutely no reaction out of him. It was the use of the beanbag, coupled with his change in demeanor and body language, that actually forced my decision or made my decision for the team to move forward and take him into custody.

Kammerer: And why the three shots? Instead of just one?

Livingston: Well, I've seen people actually get shot with the beanbag before and have absolutely no reaction and fight through it so one shot to me is not telling. It's not absolute and even too, you know, I wanted to make sure that this subject was not playing possum and we were able to move forward and take him into custody. So that's why I chose three.

Kammerer: Okay. Mark, do you have anything?

Slater: I just have a question. When you first came out and observed Mr. OTIS in the vehicle, is he someone you recognized? Have you ever seen him before?

Livingston: No. I have not. Never seen him before. And you know, I would say most of the stops that we do, I'm saying like maybe 51% of the stops that we do, it's people we recognize or know from the past and I had no recollection of this guy. Never met him before to my knowledge.

Slater: Or the car? Did you recognize or have you heard any broadcasts or learn anything about similar cars creating similar problems during that day?

Livingston: Not to my knowledge.

Slater: Okay. Thank you.

Kammerer: I just have a couple more questions for you. Is there anything we haven't asked you that you think is important?

Livingston: Nothing I can think of at this time.

Kammerer: Okay. In hindsight, do you think this incident could have been approached in a way that presented less risk to yourself or others?

Livingston: No, I don't.

Kammerer: Okay. And do you have any suggestions for improving relevant Portland Police Bureau training?

Livingston: Not at this time.

Kammerer: And has anyone discussed the details of this case with you or have you learned information about the incident from sources other than your own observations?

Livingston: Um, one thing did and this is strictly because I am the only sergeant on the team. We were supposed to go to a Gang conference next week and it's in Spokane, Washington. We had all arranged to go. Actually Officer Burley had paid his own way. I was going to pay my own way. We haven't received much training outside of the Bureau as a unit and when we go into court sometimes, we're paraded with these questions about our gang training which, you know, we haven't had much.

Kammerer: Um-hm.

Livingston: It's mostly on the job so we got this conference. Everybody was excited about going and with the Gag Order and stuff, it's next Tuesday, it's just not gonna happen so I actually called Lieutenant Walsh who said to me, You guys are now transferred to North Precinct which we were assigned to the Chief's Office, and you need to call Captain Hamann and ask him about it. And I said well okay. I called Captain Hamann and (said) in my opinion, we shouldn't go to this conference but somebody needs to call up there and cancel it and get the money back and he takes care of that. But I have to notify the officers. So I do it by text messasge. I sent a text message to everybody saying that we're not going to the Gang conference and we're now transferred to North Precinct.

Kammerer: Okay but nobody has discussed with you or told you things about what happened out there at the scene that are beyond your own scope of knowledge?

Livingston: In response to one of my text messages, DeFrain says, I took a round in the duty belt yesterday.

Kammerer: Okay.

Livingston: And that's it.

Kammerer: Okay.

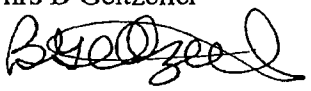
Livingston: And I took the, you know, like I said we're friends, I took that, I was concerned. It actually brought back some I got an upset stomach immediately right away and my response was, I hope you're okay. Or something like that but I didn't know he'd been hit and you know, I was glad to know so I could comfort him a little bit but I didn't know at the scene so I learned it from the text message later on.

Kammerer: Okay. Okay. Mr. Staropoli?

Staropoli: Nothing to add at this time.

Kammerer: Okay. Alright. Don, unless you have something more to add, it's 1955 hours and we'll conclude the interview.

Transcribed Verbatim With Punctuation Added 051910 at 1315 hrs B Geltzeiler



PORTLAND POLICE BUREAU

CONFIDENTIAL

SPECIAL REPORT

☐ INFORMATION ☐ CLEARANCE
☐ CONTINUATION ☐ SUPPLEMENTAL

Page/Of 1/8

CASE NO.	REFER CASE NO.	CLASSIFICATION
10-38353	10-38359	OFFICER INVOLVED SHOOTING

☐1. UNFOUNDED ☐2. PENDING ☐3. SUSPENDED ☐4. CLR BY ARREST ☐5. EXCEPTIONAL ☐6. REFERRED

ORIGINAL REPORT DATE/TIME	THIS REPORT DATE/TIME
051210 / 1821	052010 / 1400

LOCATION OF OCCURRENCE
NE 6th AVENUE / NE HALSEY STREET

PERSONS CO-Complainant SB-Subject SI-Sick/Injured/Cared For PE-Park Exclusion

CODE	NAME	CRN	SEX	RACE	DOB
SB	OTIS, KEATON DUPREE		M	B	010485

ADDRESS	ZIP	PHONE
3541 N HOUGHTON STREET	97217	

SUBJECT OF THIS REPORT	PROPERTY RECEIPT NO.
INTERVIEW OF OFFICER DEFRAIN	

NARRATIVE/PROPERTY ITEM CODE S-STOLEN L-LOST F-FOUND D-DAMAGED K-SAFEKEEPING R-RECOVERED

COPIES
☐ DET
☐ Central
☐ East
☐ SE
☐ North
☐ NE
☐ Traffic
☐ DVD
☐ ID
☐ Prop Room
☐ Crime Prev
☐ Intell
☐
☐
☐
☐

COMPUTER ENTRY
☐ Person
OPR ☐ Vehicle
OPR ☐ Crime/Prop
OPR ☐ Book
OPR

CONNECT INFORMATION

Victim in PPB Case #10-38359:

Officer Chris BURLEY, DPSST #45975
M/W, DOB [redacted]
Work Address: 449 NE Emerson Street
Portland, Oregon 97211
Hotspot Enforcement Action Team (HEAT), Unit 1951

NONCONNECT INFORMATION

Officer Interviewed:

Officer James DEFRAIN, DPSST #44436
M/W, DOB [redacted]
Work Address: 449 NE Emerson Street
Portland, Oregon 97211
Hotspot Enforcement Action Team (HEAT), Unit 1950

Detectives Mentioned:

Detective Mark SLATER, DPSST #27192

REPORTING OFFICERS	DPSST	PREC/DIV	RLF/SHFT	ASSN/DIST	SUPERVISOR
Detective E.W. Kammerer	29988	DET	M	HOM	

CASE NO.	CLASSIFICATION	TYPE:			
10-38353	OFFICER INVOLVED SHOOTING	☐ Incident	☐ Traffic Accident	☐ Custody	☐ Special

SUBJECT'S NAME	SEX	RACE	DOB
OTIS, KEATON DUPREE	M	B	010485

LOCATION OF OCCURENCE

NE 6th AVENUE / NE HALSEY STREET

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ITEM | CODE

Officers Mentioned:

Sergeant Don LIVINGSTON, DPSST #32588
Officer Andy POLAS, DPSST #43489
Officer Cody BERNE, DPSST #45662
Officer Ryan FOOTE, DPSST #43493
Officer Patrick MURPHY, DPSST #44162
Officer Aaron DAUCHY, DPSST #30873
Officer Brian DALE, DPSST #23726
Officer Anthony EUGENIO, DPSST #39877
Officer Darrell SHAW, DPSST #28923
Officer Matt DELENIKOS, DPSST #21331

Person Mentioned:

Michael A. Greenlick, Attorney At Law
Representing Officer DeFrain
Work Phone: 503-224-2595

EXHIBITS

1. Portland Police Bureau Property/Evidence Receipt #1203492:
   - Item 1: Google Earth image used by Officer DeFrain
   - Item 2: CD-R of interview of Officer DeFrain
2. Photocopy of Google Earth image used by Officer DeFrain
3. Transcript of interview of Officer DeFrain

REPORTING OFFICERS	DPSST	PREC/DIV	RLF/SHFT	ASSN/DIST	SUPERVISOR
Detective E.W. Kammerer	29988	DET	M	HOM	

CASE NO.	CLASSIFICATION	TYPE:	SEX	RACE	DOB
10-38353	OFFICER INVOLVED SHOOTING	☐ Incident ☐ Traffic Accident ☐ Custody ☐ Special			
SUBJECT'S NAME: OTIS, KEATON DUPREE			M	B	010485

LOCATION OF OCCURENCE
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SUMMARY

Officer DeFrain was present when Officer Burley was shot twice by KEATON OTIS during a traffic stop. Officer DeFrain, along with Officers Polas and Berne, returned fire, fatally wounding KEATON OTIS. Officer DeFrain, after consulting with his attorney, declined to be interviewed the night of the incident. An interview was conducted three days later, and this report details the results of that interview.

NARRATIVE

On May 12th, 2010, Officer Burley was involved in a deadly force incident in which he was shot twice by KEATON OTIS during a traffic stop. Officers DeFrain, Berne, and Polas returned fire, fatally wounding KEATON OTIS. Sergeant Livingston directed Officer Dauchy to fire his Less-Lethal shotgun at KEATON OTIS in order to determine if it was safe to approach and take KEATON OTIS into custody. KEATON OTIS was then taken into custody. That evening, the involved officers were provided attorneys to represent them. The involved officers went to the Traffic Division. Officer DeFrain, after consulting with his attorney, Mike Greenlick, declined to be interviewed that night.

On May 14th, 2010, I spoke with Mr. Greenlick and arranged for Officer DeFrain to be interviewed the next day. At approximately 1430 hours on May 15th, 2010, Officer DeFrain came to the Detective Division with Mr. Greenlick for his interview. At 1450 hours, Detective Slater and I escorted Officer DeFrain and Mr. Greenlick to the small conference room in the Detective Division. I activated a digital recorder at 1455 hours, and verified Officer DeFrain understood the conversation was being recorded and he agreed to the recording. The following is a brief summary of the interview and Officer DeFrain's statements. Please see the attached transcription for a more detailed and verbatim account of Officer DeFrain's interview.

Officer DeFrain said he was working a partner car with Officer Foote, who was driving. Officer DeFrain said they were driving northbound on NE Grand Avenue, and he was checking his voicemail on his cell phone. Officer DeFrain said Officer Foote typed a license plate into the computer in order to run the license plate, and Officer DeFrain said it was unusual for Officer Foote to use the computer while driving. Officer DeFrain said he hung up his phone and began to pay attention to what was going on. Officer DeFrain

CASE NO.	CLASSIFICATION	TYPE:	SEX	RACE	DOB
10-38353	OFFICER INVOLVED SHOOTING	☐ Incident ☐ Traffic Accident ☐ Custody ☐ Special			
SUBJECT'S NAME: OTIS, KEATON DUPREE			M	B	010485
LOCATION OF OCCURENCE: NE 6th AVENUE / NE HALSEY STREET					

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ITEM | CODE

said he noticed the plate entered by Officer Foote corresponded to a silver Toyota driving in front of them. Officer DeFrain said he reviewed the DMV registration when it came back, and learned the vehicle was registered to a middle-aged woman. Officer DeFrain said, at Officer Foote's request, he contacted Officer Berne, who was driving next to the Toyota, on the Nextel talkgroup and asked him to look at the person driving the car, and determine if the driver looked the like the registered owner. Officer DeFrain said Officer Berne replied to him something that indicated to Officer DeFrain he wanted to pay attention to the car. Officer DeFrain said he could see the driver from behind, and could see he was wearing a hooded sweatshirt with the hood up, and was slouched back in his seat further than normal, as if trying to avoid being seen.

Officer DeFrain said as he and Officer Foote followed the car, the driver failed to signal a lane change for one-hundred feet prior to changing lanes, as is required by law. Officer DeFrain said as they continued to follow the car, the driver crossed over two lanes of traffic without signaling, and Officer Foote activated the police lights to stop the car. Officer DeFrain said the driver then turned eastbound onto a street south of NE Clackamas Street. Officer DeFrain said Officer Foote followed and used his airhorn to get the attention of the driver. Officer DeFrain said the vehicle then began to accelerate away from them. Officer DeFrain said Officer Foote then activated the siren. Officer DeFrain said at this point he knew whatever Officer Foote had sensed about the car and its driver, he had been right.

Officer DeFrain said the vehicle continued eastbound and it was apparent to him the driver was doing something inside the vehicle which was distracting him from driving, causing the car to swerve. Officer DeFrain said based on his experience, the driver was delaying the stop in order to conceal something inside the car. Officer DeFrain said he activated the police radio microphone to broadcast his location and intent while the siren was activated so other units would understand this was not a normal traffic stop.

Officer DeFrain said the driver then turned northbound on NE 6th Avenue and almost immediately pulled to the curb, but a second later, the driver drove northbound again. Officer DeFrain said the driver then pulled over again just south of NE Halsey Street. Officer DeFrain said instead of stopping behind the car, Officer Foote pulled slightly alongside so he would be in a position to stop the vehicle if the driver tried to leave. Officer DeFrain said he and Officer Foote approached the vehicle, both on the driver's side, with Officer Foote at the driver's window, and Officer DeFrain slightly back from

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10-38353	OFFICER INVOLVED SHOOTING	☐ Incident	☐ Traffic Accident	☐ Custody	☐ Special

SUBJECT'S NAME	SEX	RACE	DOB
OTIS, KEATON DUPREE	M	B	010485

LOCATION OF OCCURENCE

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Officer Foote. Officer DeFrain said they were both thinking the driver was going to be arrested for eluding. Officer DeFrain said Officer Foote told the driver to put his hands up, and the driver responded, "Fuck you!"

Officer DeFrain said the driver, whom he did not recognize, was "super angry." Officer DeFrain said Officer Foote again told the driver to put his hands up, and the driver replied, "Fuck you! Fuck you! Fuck the police!" Officer DeFrain said because he could not see the driver's hands, and because of the driver's actions, he drew his handgun, holding it at the "low-ready" position. Officer DeFrain said the driver noticed this, and told Officer DeFrain, "Put your fuckin' gun away!" Officer DeFrain said he asked the driver to put his hands where they could be seen, and the driver replied, "Fuck you, put your gun away!", and repeated this several times. Officer DeFrain said both he and Officer Foote continued to give the driver commands, which were ignored. Officer DeFrain said the driver then reached down with his hand, and Officer DeFrain pointed his handgun at the driver. Officer DeFrain was aware his backstop was the brick wall of a building next to the stopped car.

Officer DeFrain said when this happened, Officer Berne walked up to the passenger side of the vehicle, and Officer DeFrain noticed Officer Berne was now between him and his backstop. Officer DeFrain said he told Officer Berne to move to the driver's side of the car, which he did. Officer DeFrain said the driver then put his hands on the steering wheel, and gripped the wheel so hard his forearms were shaking. Officer DeFrain said he thought the driver had "said his piece" and was now going to comply, so he holstered his handgun. Officer DeFrain said he kept his hand on his gun, and the driver, who was continuously looking around, repeatedly told him, "Get your hand off your gun!" Officer DeFrain said the driver was "fighting mad" and "crazy angry" and "hateful."

Officer DeFrain said he heard Officer Foote broadcast on the radio a request for more cover cars, and asked the next car to arrive to "box-in" the Toyota. Officer DeFrain said Officer Foote again told the driver to put his hands on his head, and the driver let go of the steering wheel and put his hands down. Officer DeFrain said Officer Foote then broadcast the driver was not being compliant. Officer DeFrain said at this point Officers Burley and Polas arrived and positioned their car to "box-in" the Toyota. Officer DeFrain said when Officers Burley and Polas exited their vehicle they started to go to the passenger side of the Toyota; and Officer DeFrain told them to stay on the driver's side.

CASE NO.	CLASSIFICATION	TYPE:			
10-38353	OFFICER INVOLVED SHOOTING	☐ Incident	☐ Traffic Accident	☐ Custody	☐ Special

SUBJECT'S NAME	SEX	RACE	DOB
OTIS, KEATON DUPREE	M	B	010485

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NE 6th AVENUE / NE HALSEY STREET

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Officer DeFrain said Sergeant Livingston and Officer Murphy arrived, and he heard Officer Berne tell them to stay on the driver's side of the Toyota.

Officer DeFrain said the driver was still yelling and screaming at Officer Foote. Officer DeFrain said Officer Burley asked if they wanted to remove the driver from the car, and Officer DeFrain said he did. Officer DeFrain said he thought the driver heard this because the driver started to move away from the driver's window. Officer DeFrain said Officer Burley took hold of the driver's arm as Officer DeFrain started to open the driver's door. Officer DeFrain said the driver pulled away from Officer Burley "really hard" just as Officer DeFrain was reaching in through the partially opened car door. Officer DeFrain said Officer Burley was pulled into the door, causing it to close on Officer DeFrain's arm. Officer DeFrain said he was able to reach in through the window with his left hand take hold of the driver's left arm, but described his grip as "tenuous."

Officer DeFrain said he was able to free his right arm, and the driver was still "actively pulling" against Officer Burley. Officer DeFrain said the driver was "going crazy" inside the car, "twisting, turning, moving his hips" and he and Officer Burley were unable to hold onto the driver. Officer DeFrain said he heard Sergeant Livingston say, "Tase him, tase him!" Officer DeFrain said he stepped back to the rear of the driver's window, and he heard two Tasers discharge. Officer DeFrain said the driver arched his back and started to yell. Officer DeFrain said despite this reaction, he could tell the Taser was not affecting the driver to the degree necessary to incapacitate him.

Officer DeFrain said the driver was now "really mad" and the driver yelled, "Fuck this!" and began to reach toward the glovebox. Officer DeFrain said he stepped back, drew his handgun, and yelled "He's going for something!" Officer DeFrain believed at that moment the driver was attempting to retrieve a gun. Officer DeFrain said he was now standing at the driver's side back door and saw the driver open the glove box and remove a Crown Royal bag which appeared to have something heavy inside of it. Officer DeFrain said the driver was very deliberate about retrieving the Crown Royal bag.

Officer DeFrain said at this point it appeared as if the driver was seated in the passenger seat, but his torso was facing the driver's window, leaning forward, with his hands clenched together in front of his chest, holding the Crown Royal bag. Officer DeFrain said he then heard two or three gunshots and saw powder and smoke erupt from the area of the Crown Royal bag, and he knew the driver was shooting through the open driver's

CASE NO.	CLASSIFICATION	TYPE:	SEX	RACE	DOB
10-38353	OFFICER INVOLVED SHOOTING	☐ Incident ☐ Custody ☐ Traffic Accident ☐ Special			
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window. Officer DeFrain said he also felt the concussion wave from the shots. Officer DeFrain said the back window then "exploded," and he simultaneously saw Officer Burley fall to the ground, and Officer DeFrain knew Officer Burley had been shot. Officer DeFrain said he also felt something strike him on the left side of his groin and felt pain, and thought he had been shot as well.

Officer DeFrain said by the time he hard the second shot, he was pointing his handgun at the driver and firing unsighted through the window of the back door. Officer DeFrain said he was firing at a downward angle, using the car, the ground, and the brick building as his backstop. Officer DeFrain said he believed he fired three times, and the car windows exploded, and then he was no longer shooting through glass. Officer DeFrain said after firing a few more times, he stopped to assess. Officer DeFrain said he could see the driver was lying down across the front seats, facing toward the passenger door. Officer DeFrain said he then swung out so he could look through the driver's window, and saw the driver was trying to exit the car through the passenger door. Officer DeFrain said he did not see any injuries on the driver, nor could he see the driver's hands. Officer DeFrain said he again pointed his handgun at the driver and fired unsighted until the driver stopped moving.

Officer DeFrain said at this point the driver was halfway out of the vehicle, and did not appear to have the ability to get up and start shooting again. Officer DeFrain said he then yelled "Stop, stop, stop!" because he did not want any other officers to continue to shoot. Officer DeFrain said he could now see what appeared to be two gunshot wounds to the driver's back. Officer DeFrain said he moved around to the rear passenger side of the car, and could see the driver was still moving and heard him "groaning." Officer DeFrain said he heard someone announce on the radio "Officer down" and was aware of cover officers arriving. Officer DeFrain said Officer Dauchy arrived, and Officer DeFrain had Officer Dauchy position his car so it could be used as hard cover while still maintaining a visual of the driver. Officer DeFrain said he heard Sergeant Livingston behind him talking on the radio, and he told Sergeant Livingston he thought he had been shot. Officer DeFrain said Sergeant Livingston removed him from his position and checked him for any gunshot injuries, but did not see any. Officer DeFrain said he was then removed from the scene.

REPORTING OFFICERS	DPSST	PREC/DIV	RLF/SHFT	ASSN/DIST	SUPERVISOR
Detective E.W. Kammerer	29988	DET	M	HOM	

CASE NO.	CLASSIFICATION	TYPE:		
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Officer DeFrain said the next morning he took a shower and noticed a perfectly round hole in the skin near his groin where he had felt the pain during the shooting. This injury was documented by Criminalist Stanton with the Forensic Evidence Division.

The interview was concluded at 1615 hours. At the beginning of the interview, I had provided Officer DeFrain with a printout of a Google Earth overhead satellite image of the intersection of NE 6th Avenue and NE Halsey Street and the surrounding area. During the interview, Officer DeFrain referenced this image, and marked various locations on the image. At the conclusion of the interview, Officer DeFrain signed and dated the image. This image was retained and receipted on Portland Police Bureau Property/Evidence Receipt # 1203492. The audio recording of the interview was later copied to a CD-R and also receipted on Portland Police Bureau Property/Evidence Receipt #1203492. The recording and image were later placed into the Property Room.

Please refer to the attached transcript for a more detailed and verbatim account of Officer DeFrain's interview.

This investigation is ongoing.

REPORTING OFFICERS	DPSST	PREC/DIV	RLF/SHFT	ASSN/DIST	SUPERVISOR
Detective E.W. Kammerer	29988	DET	M	HOM	

BUREAU OF POLICE
619 NW INDUSTRIAL WAY, STE. B4
PORTLAND, OREGON 97210

PROPERTY/EVIDENCE RECEIPT

THIS RECEIPT MUST BE ACCOMPANIED BY AN APPROPRIATE REPORT

RECEIPT NUMBER	DATE/TIME	REFER CASE NO.	PPB CASE NO.
No. 1203492	5-15-10/1630 AM (PM)		10-38353

CHECK ONLY ☐ EVIDENCE ☐ FOUND PROPERTY ☐ PRISONER'S PROP. ☐ SAFEKEEPING

PROPERTY TAKEN FROM: LAST NAME — FIRST — M.I. — SEX — DOB

DENIED OWNERSHIP ☐

HOME ADDRESS — CITY — STATE — ZIP

OWNER OF PROPERTY LAST NAME — FIRST — M.I. — SEX — DOB

HOME ADDRESS — CITY — STATE — ZIP — PHONE

I VOLUNTARILY RELINQUISH THE ITEM(S) LISTED FOR SAFEKEEPING

SIGNATURE

TYPE OF INCIDENT: Photos from Google Earth

DELIVERING OFFICER: Ofc DeFrain

BEAT/ASSIGN: Detective

LOCATION WHERE RECEIVED (IF FOUND, SUPPLEMENTAL, OR INVESTIGATED BY DIFFERENT): 1111 SW 2nd Ave

INVESTIGATOR ASSIGNED: Ofc DeFrain

TEST/ASSIGN:

☐ DEFENDANT ☐ SUSPECT — LAST NAME — FIRST — M.I. — SEX — RACE — DOB

ITEM	FOR GUNS: LIST MAKE, TYPE, CALIBER, MODEL, SERIAL NUMBER(S), IMPORTER & COUNTRY OF ORIGIN. FOR ALL OTHER ITEMS: LIST QUANTITY, DESCRIPTION, COLOR, SIZE, MAKE, MODEL, SERIAL NUMBER, AND ANY OTHER IDENTIFYING MARKINGS	STLN	FOR PED USE ONLY
ITEM 1	Google Earth image used by Ofc DeFrain		
ITEM 2	CD-R containing interview of Ofc DeFrain		
ITEM 3			
ITEM 4			
ITEM 5			
ITEM 6			
ITEM 7			
ITEM 8			

RELEASED TO: (NAME, ADDRESS, PHONE, AGENCY, ETC.) — LOCKER: C6 — DATE — RECEIVED BY

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INVENTORIED AND ACCEPTED IN PROPERTY EVIDENCE DIVISION — BY

DATE: — TIME:

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02-01-10

NE Halsey St
Image © 2010 Metro, Portland Oregon
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Imagery Date: Jun 19, 2008
45°32'00.69" N 122°39'34.43" W elev 139 ft
Eye alt 463 ft
Google

90 AM 44436

PORTLAND POLICE BUREAU
CASE NUMBER 10-38353

May 15th, 2010

Officer James DeFrain

TAPED STATEMENT TRANSCRIPTION

CONFIDENTIAL

PORTLAND POLICE BUREAU
DETECTIVE DIVISION
CONFIDENTIAL TAPED STATEMENT TRANSCRIPTION

Kammerer: This is Detective Erik Kammerer with the Portland Police Bureau. Today is May 15th, 2010, it's 1455 hours. We are in the small conference room in the Detective Division in the 13th floor of the Justice Center. We are here to discuss case #10-38353, an officer involved shooting which occurred on May 12th, 2010. Also present is Detective Mark Slater. We are here to interview Officer JIM DeFRAIN, DPSST #44436 and he is accompanied by his attorney, Mike Greenlick. And Officer DeFrain you understand this conversation is being recorded?

DeFrain: I do.

Kammerer: And you're okay with that?

DeFrain: Yes.

Kammerer: Okay, um, like I mentioned we're here to talk about the officer involved shooting. Before we get into that though, I'd like to talk a little bit about uh, your, your background, your training and experience in your time here at the Portland Police Bureau.

DeFrain: Okay.

Kammerer: Go ahead.

DeFrain: Go ahead. Um, I'm 39 years old, I have been with the Bureau for almost six years, uh, six years on July 8th. Prior than that, prior to that I was a [redacted]y. Um, it was a [redacted] um, in Portland for several years before that uh, I, before that I graduated from [redacted] with a [redacted]. Um, I moved to Oregon in 1997, prior to that I lived in [redacted]

Kammerer: And what year did you get hired by the Bureau?

DeFrain: 2004, July 8th, I think.

Kammerer: And can you tell me about some of the training you've received uh, since then.

DeFrain: Um, I had my original 10 weeks of basic academy. I had however many weeks advanced academy was at the time, which I think was another 14 weeks. Um, in-service every year, uh, and then, you know there's on going training that happens, you know, on, on a regular basis that I can't recall right now.

Kammerer: Okay. Um, have you received any uh, specialized training in anything?

DeFrain: Um – uh, CIT, um, you know like I'm NIK certified.

Kammerer: And what does NIK certified mean?

DeFrain: Uh, the Narcotics Identification Kit.

Kammerer: Um-hm.

DeFrain: Um, so I can use the, the uh, I can use the identification kits so I can figure out what kind of narcotic or verify that something is a certain narcotic.

Kammerer: Okay.

DeFrain: Um, I've got to the uh, Oregon Narcotics Investigators Association, I'm a member. Um, been to their training twice. Um, I've had some undercover experience. I've taken the undercover class taught by the Bureau and I've worked um, as an undercover officer making drug buys, uh, soliciting prostitutes um, or as a spotter or um, doing follows on suspects. Um, I'm sorry, I wouldn't, I can't think of the rest of it right now.

Kammerer: Have you received any uh, any weapons training other than in your handguns?

DeFrain: Uh, shotgun. The regular bureau training and certification and the regular, uh, the regular qualifications. So I'm also certified in taser, obviously. Um – I, I believe those to be just fairly standard for any officer stuff.

Kammerer: Okay, um, are you certified in the use of a less lethal shotgun?

DeFrain: I'm not.

Kammerer: How about an AR-15 rifle?

DeFrain: I'm not.

Kammerer: Okay. And where are you currently assigned?

DeFrain: Uh, the Chief's Office and the unit is called HEAT.

Kammerer: And what is HEAT?

DeFrain: HEAT was created by the Chief a couple of years ago. Um, the original intent was basically to, to take a couple officers recommended by their commanders from each precinct, back when we had five, um, and each one of those commanders chose a couple of people that they thought would be good for it and it was gonna be a, a citywide street crimes unit.

Kammerer: Um-hm.

DeFrain: Um, that primarily was focused on dealing with youth gang violence. Uh, even when we started we were basically what afternoon GET was before afternoon GET went away. But we were under the Operations Division at the time. When we first started we were out of North Precinct and our chain of command was whoever the lieutenant was at the beginning, it was William Walker and then Ferraris. Commander Ferraris. Uh, about a month or so ago we were transferred directly to the Chief's Office, uh, under Chief Martinek, um, with Pat Walsh as our lieutenant and Sergeant Livingston as our sergeant and we worked out of the Traffic Division. Um, I've been with that unit since the beginning.

Kammerer: And um, what, how would you describe your day-to-day role as a member of HEAT?

DeFrain: We don't have to take regular radio calls. We go around the city and try to uh, through a combination or outreach and enforcement um, talk to kids, for the most part kids, not always, but the vast majority of the people that we talk to are, are juveniles.

Kammerer: Um-hm.

DeFrain: Um, and we either can help them by, we have a, a close relationship with the gang outreach component uh, through the city. So a big part of our job is to refer kids that we see that are affected without being quite in a gang yet. If they're a juvenile. We refer them to counselors who then uh, through the Office of Youth Violence Prevention go out and see the kids and try to help 'em. We do a lot of that, uh, we gather a lot of intelligence and information for uh, GET. Uh, and then we also do enforcement with basically uh, the intent that we have is to get guns off the street. Over the course of less than two years, uh, myself and you know, the small unit I'm in have taken almost 150 guns off the street, um, all during traffic stops or um, you know, subject

contacts, all of our guns are always from an intimate interaction with somebody, not, we don't do search warrants, we don't do investigations, uh, everyday we get into a uniform and get out and hit the street and make fresh contacts everyday.

Kammerer: And when you say you get into a uniform is that, are, are you guys an undercover unit or?

DeFrain: No we're a, a, we're supposed to be a high visibility uniformed unit. We wear the, the standard uh, Class B uniform.

Kammerer: And what kind of vehicles do you drive?

DeFrain: We drive slick top uh, Crown Victoria police cars with light packages and cages.

Kammerer: With, what is the purpose of that?

DeFrain: Uh, a lot of times we see things that are going on, like on street corners or, you know, in front of a house or whatever and we need to be, while not, it, it's not unclear to somebody if you look at that car...

Kammerer: ...Um-hm...

DeFrain: ...that it's, I, I mean guys always say here comes task force when they see that we roll up in those cars. They know what our cars are.

Kammerer: Okay.

DeFrain: Um, but it makes it, without the high profile light and the white car with the rose on the side, we're able to kind of sneak into the shadows and watch people without being super uh, obnoxious. People sense those police cars. Uh, from a long way away. Having watched people from, you know, areas of concealment, I see when the police cars come by, just doing whatever they're doing and it's like a float in a parade.

Kammerer: Um-hm.

DeFrain: Uh, that gives uh, those cars give us the ability to hide if we need to, but still be obviously a police car.

Kammerer: And I believe you said that they have lights and sirens and cage and...

DeFrain: ...They have lights and sirens and a cage and a computer. Uh, they're regular police cars except they are not white and they don't have the light on top.

Kammerer: Okay. Um, what shift do you normally work?

DeFrain: Afternoons, four to two.

Kammerer: And what are your days off?

DeFrain: Sunday, Monday, Tuesday.

Kammerer: Okay. And were you working on May 12th?

DeFrain: Was that Wednesday?

Kammerer: Yes sir.

DeFrain: Yeah.

Kammerer: And did you work at your normal time that day?

DeFrain: Yes.

Kammerer: Okay, um, to the best of your ability if you can take me through your day, uh, starting from when you got up that morning.

DeFrain: Um-hm. Um, I set my alarm for a little bit before 11. [redacted]

Kammerer: Um-hm.

DeFrain: At 10. Uh, I, I don't remember 100 percent, but I think that she had to get up a little bit before me. [redacted] I was clean- trying to clean the deck. Um, we had a bunch of sap that had fallen down on the deck and so I was, you know, trying to get that off. Um, just before I got ready to go to work I did some stretches which is kinda what I normally do.

Kammerer: Um-hm.

DeFrain: Um, got a shower and; and headed over to, to traffic. I got there pretty early. Traffic wasn't bad so I sat in my car and uh, listened to the radio for a little while. It was like the first nice day, I think that we had had in awhile so I just

kinda stood outside (laugh). And uh, went in and got dressed. Um, I believe Don, my sergeant, I think that he was supposed to have a meeting with the Chief that day, like normal.

Kammerer: Um-hm.

DeFrain: But a whole bunch of other stuff had happened during the day, like we had a new Chief and, uh, oh I did, I watched, I think I watched that on the news if that was that day.

Kammerer: Um-hm.

DeFrain: I'm sure I did watch it on the news. Uh, and so Don had told me earlier in the day that he had a meeting still. So uh, he went to his meeting, we got to the office and got dressed. Uh, Don came back before four o'clock because his meeting got cancelled. Uh, we went downstairs and um, had our regular roll-call, everybody was there except for John Billard, one of the new guys.

Kammerer: Okay.

DeFrain: Uh, and he had a softball something.

Kammerer: Okay, um, when you uh, so you got up about 11 that morning?

DeFrain: Yeah.

Kammerer: And then how much sleep did you get that night then?

DeFrain: I got a lot of sleep. Um, I think I went to bed like, you know, uh, that night I got a lot. I hadn't um, like probably eight hours. All of eight hours I think.

Kammerer: Is that a normal amount of sleep for you?

DeFrain: Uhhh - you know I'll get anywhere between six and eight hours of sleep usually.

Kammerer: Okay. And then uh, uh, once you got up prior to going into work uh, did you consume any alcoholic beverages?

DeFrain: No, no.

Kammerer: Use any narcotics or other illicit drugs?

DeFrain: No.

Kammerer: Okay. Uh, on your, you said you drove to work, is that correct?

DeFrain: Yes.

Kammerer: On your drive in any conflicts, any problems?

DeFrain: No, it was very light traffic, I got to work real early, I was, you know, I listened to music, I was pretty happy.

Kammerer: Okay. Um, so you went to roll-call and then do you recall anything of note that was discussed at roll call?

DeFrain: Well I, I couldn't say exactly what the words were, but I'm sure that we talked about what was going on with the Chief and everything and uh, how that would affect us.

Kammerer: Okay.

DeFrain: But I, you know, roll-call might've been a little longer than usual 'cause after the weekend, uh, like I said we don't have to take calls so we might shoot the breeze a little bit and figure out what our plan is and stuff.

Kammerer: Okay, um, do you recall if a a, a plan was come up with?

DeFrain: Yeah, it was. We always have an idea because we stay real close to each other. Um, we were gonna go to Holladay Park.

Kammerer: Okay, and what was gonna happen at Holiday Park?

DeFrain: Same thing that we always do. Patrol. You know, look, it's, it's directed patrol.

Kammerer: Okay.

DeFrain: Um, you know, we get out and make contacts with people. We walk the platforms, walk the park, um, just let people know that we're there.

Kammerer: And when you say we, who's we?

DeFrain: Well Ryan Foote is my partner.

Kammerer: Okay.

DeFrain: Uh, he's, was, has been my partner since the beginning of HEAT and then we were together on a um, street crimes unit at SE for like a year before that so we – we're married (laugh).

Kammerer: Okay. Um, so was it just you and Officer Foote that were doing Holiday?

DeFrain: No, the whole team goes. Wherever we go the whole team goes.

Kammerer: Okay. Did you guys in fact go to Holiday Park?

DeFrain: Um-hm. Yeah we did, we uh, I, it was like dead. So I think we did a couple of circles around the park, at least Ryan and I did.

Kammerer: Um-hm. What happened after that?

DeFrain: We went to coffee.

Kammerer: And when you say we?

DeFrain: Everybody.

Kammerer: Everybody, okay. And uh, do you recall where that was?

DeFrain: Yeah, it's at Hoyt and MLK.

Kammerer: Okay, what happened after that?

DeFrain: Um, we were there for quite awhile, Dauchy was there,he showed up either he was there before us or came while we were, there was a couple girls from Wiley 26 there that we didn't talk to, but they were there. Um, so, you know that's the Hooper Detox van. Uh, they were there and I think they were talking to Dauchy. Um, everybody decided we were gonna get up and work the core, which is, you know, northeast around the precinct area.

Kammerer: Um-hm.

DeFrain: Like MLK and, or I'm sorry, uh, like Kill and Haight to like 16th and Kill. And then, I don't know, north and south around there just so we're close.

Kammerer: Okay.

DeFrain: Um, I don't want to go into too much detail but I, you know, I got up and I had to use the bathroom, the door was locked, uh, so I told Ryan we have to go directly to, to North. So I can go to the bathroom.

Kammerer: Okay.

DeFrain: Do you want me to continue?

Kammerer: Please.

DeFrain: Okay, um, we got into our car uh, and uh, I think we started going northbound um, on MLK.

Kammerer: On Grand or on MLK?

DeFrain: Grand, whatever uh, the northbound one is.

Kammerer: Right.

DeFrain: Sorry, I'm not –

Kammerer: It's okay.

DeFrain: Uh, Ryan was driving, I was passenger, uh, that's always the, the way that we do it. Uh, Ryan prefers to drive and, you know, I'm a little better on the computer and uh, so that, we just do it that way.

Kammerer: Okay.

DeFrain: It's just always that way. Uh, I had gotten a phone call from a citizen on my Nextel, um, like during, either during roll-call or like on my way into work or something so I had a message.

Kammerer: Hm.

DeFrain: Um, and so I, I picked up the phone to check the message, uh – so I was, it, it was either on my Nextel or on my personal phone. I, whatever it was I was out of the picture for that time.

Kammerer: Okay.

DeFrain: We weren't talking. Uh, computer is always on my side. And uh, Ryan reached over and st- and started typing in a uh, car.

Kammerer: Um-hm.

DeFrain: And it's unusual for him to ever reach over unless somebody sends him like a message directly.

Kammerer: Okay.

DeFrain: And then he'll respond directly. You know, he'll pull the computer over there and type. So – it was, you know, it, it's weird for me to have him do that so I immediately started paying attention. And God knows why, but I can still picture, he put in the Z-D-T and uh, the uh, screen.

Kammerer: Um-hm.

DeFrain: And I hung up my phone because obviously I mean, like I said, we've been together a long time. If he cares enough to reach over and start typing it in I should pay attention 'cause we might be doing something. Uh-

Kammerer: Okay.

DeFrain: There was, I think we were either at a red light or close to a red light by that time. Uh, there was a Toyota Corolla in front of us. Silver. And we were rolling up behind it and Cody was alone.

Kammerer: I'm sorry, who's Cody?

DeFrain: Cody Berne.

Kammerer: Okay.

DeFrain: And he drove up alongside of us on the right. So it was Corolla, Cody, us.

Kammerer: Okay.

DeFrain: Um, and I made a joke to Foote, 'cause it's the only car that I saw and it was, you know, I think it was like Z-D-T or something like that. And I'm like are you serious, you're gonna run that Corolla. Uh, and uh, he said yeah he was gonna run it. So I knew that something, you know, had sparked his interest.

Kammerer: Why, uh, why were you thinking, are you serious you're gonna run the Corolla?

DeFrain: 'Cause it was like a clean, nice Corolla. It was uh, just a, a regular stock like, and it wasn't filthy or anything. It was just kinda nice, it was a nice car.

Kammerer: Okay.

DeFrain: I mean not nice, nice, but – it was just a standard car, you know, nothing would've drawn my attention from the back like that. Uh –

Kammerer: So Officer Foote says yeah he's gonna run it.

DeFrain: Yeah, he says I gotta run a plate. Um, and so he, I think he finished putting it in and hit the enter button and then I got the computer toward me and started (tapping on the table) going through it.

Kammerer: Um-hm.

DeFrain: And he said to me, uh, Nextel Cody and see what you think of that guy. Or see what he thinks of that guy in the car. Or have him look at the guy in the car.

Kammerer: Okay.

DeFrain: Um, 'cause Cody was um, next to him.

Kammerer: Um-hm.

DeFrain: Uh, so I Nextelled Cody and um, asked him and Cody said something that indicated, you know, um, yeah, you know, it, whatever, something that indicated to me that, yeah, we want to pay attention to this car.

Kammerer: Okay.

DeFrain: Um, I was still working on the plate, uh, I started scrolling through the info and I said it's registered to like a middle-aged woman or something.

Kammerer: Um-hm.

DeFrain: Uh, I said it's the, you know it's not, and somehow or another I got the impression it was a guy. Like I could see, I think that he had like a hoody on. Like a gray hoody and it was all bunched up and he was tucked down in the seat. So I couldn't tell 100 percent, but I got the impression like, 'cause he seemed broad, that it was a guy. And so I said, the car's registered to like a middle-aged woman or something like that, that didn't' – the name didn't ring a bell or anything.

Kammerer: Okay.

DeFrain: Um, and so I uh, continued to scroll through and PPDS came up, which we usually for to see if anybody that we know is associated with the car.

Kammerer: Um-hm.

DeFrain: Uh, and the car had a PPDS entry, but there was no names in it.

Kammerer: Okay.

DeFrain: There was one entry and it either said like, larceny unspecified or uh, vandalism unspecified or something like that. I mean it was very vague.

Kammerer: Okay.

DeFrain: With no people. So – almost immediately at the stop sign the car kind of goes faster than a car usually would when the police are behind 'em.

Kammerer: Um-hm.

DeFrain: Uh, and Cody accelerated too, and I said on the Nextel, uh, something I, I was making, I made a joke to Cody about how he was gonna try and take our stop or something.

Kammerer: Okay.

DeFrain: Uh, and Cody slowed down and all of a sudden the car like, it, it turned on it's blinker for second, but it cut over in front of Cody. Like not the way even I would drive, if I was in front of a cop. You know, it, it's like grrr – to get over pretty quick.

Kammerer: Um-hm.

DeFrain: And I'm like, you know, why would he do that? And uh, Cody kinda slowed down and I think we started to move, we were gonna get into that lane too.

Kammerer: Um-hm.

DeFrain: Um, the guy already, so he makes that traffic violation, it was not 100 foot signal. That's kinda chippy, but it was quick, you know, so I started paying attention to it. And then all of a sudden he goes like bam, bam, two more lanes. Uh, over to the right.

Kammerer: And you guys are still traveling northbound on Grand?

DeFrain: We're still northbound on Grand or MLK. Uh, and it's not, you know, you just don't drive like that, uh, in front of the cops. Um, so now I'm really paying attention, I'm thinkin' this guys gonna turn off. You know? And I can see, still I can see like a big dude, and the hoodys up and I'm thinking, he

doesn't want us, you know, to follow him. He doesn't want us to see him or, or whatever. This maybe is a stolen.

Kammerer: When you say um, you just don't drive like that in front of the cops. Is that a, you know, how dare you do that or is that a, it just doesn't make sense for someone who knows we're behind him to drive like that.

DeFrain: It makes – why would you want to draw my attention?

Kammerer: Okay.

DeFrain: Um, because clearly what he was doing would draw my attention. If, if nothing else had happened, if Ryan and I were just having a conversation, and somebody did that, I would immediately say follow that car.

Kammerer: Right.

DeFrain: Um, and again the car's so nice, I'm like maybe it's stolen, you know, maybe somebody just took it or this person, whatever it is, uh, they don't want us to, to get 'em.

Kammerer: Okay.

DeFrain: Uh, and then I, I don't know what street it was, but he takes this big sweeping right turn, like almost a last second turn uh, onto an eastbound street. I don't think it's Clackamas, I think it's south of Clackamas, but I don't know, I, I wouldn't say for sure what it was.

Kammerer: Okay.

DeFrain: So he takes this big sweeping right and uh, we've got our lights on, like before he turns, we've got our lights on.

Kammerer: What, what'd you mean your lights are on?

DeFrain: Our uh, we have light, the light package.

Kammerer: Um-hm.

DeFrain: He activates all of that.

Kammerer: Oh so not like the headlights, but the…

DeFrain: …No, no, no, the uh, hey, the police are behind us stop lights (laughs).

Kammerer: Okay, okay.

DeFrain: Um, so he takes the big sweeping right turn. And Foote starts hittin' the airhorn. Um, and I, I said something to Foote like oh, turn off, he's gonna go or something like that. And when people are gettin' pulled over and they're looking for a spot, or, you, you know, no matter, people usually like go a certain speed.

Kammerer: Um-hm.

DeFrain: Like slow, so at least we know or they'll turn on their signal or something. Well he goes – like fast. Not fast, not like 50, but faster than us. Like he pulls away from us.

Kammerer: Okay.

DeFrain: And that, you know, that's unusual, that doesn't really happen. Um, when people know when they're gonna stop, they don't want to, to alarm the cops –

Kammerer: Right.

DeFrain: So they just kinda go the same speed and then we both kinda coast to the side. Uh, but he doesn't, he goes. Um, and you know I'm sure I'm talking to Foote at this time, like oh man, we're gonna be in a car chase or something like that. And I knew whatever Foote had seen, he was right. You know, this guy was not gonna go with the program.

Kammerer: Okay.

DeFrain: Um – so we're going eastbound and he's all over the road, like not right. And he's doing something inside the car. And he -

Kammerer: What'd you mean by that?

DeFrain: He's moving around, um, I know what I think is going on, just from experience, is he's hiding something.

Kammerer: Okay.

DeFrain: Um, I mean I've seen it a million times. Guys want to delay the stop so they can put stuff away. Uh, you know, it could be dope, it, it's a gun, it's whatever.

Kammerer: Okay.

DeFrain: But they need to get it put away before we, they get stopped. Um, so he's doing that while we're eastbound, he's, I, I just don't know. It, it's sketchy, whatever he's doing. Um, and he's still, because he's so focused on either behind us or putting his thing away, he's like side to side. And then uh, at, at some point I got on the radio and um, usually the, the, the, the way that it goes is like I'll say 1950 traffic.

Kammerer: Um-hm

DeFrain: And they'll respond and then I'll give out the plate and the location.

Kammerer: Okay.

DeFrain: Uh, this time he was, I thought we were gonna be in a car chase, um, but I wanted to get out our location.

Kammerer: Okay.

DeFrain: So the guys would know, that they needed to come. And you could hear the sirens and stuff and that ma- we had turned on our sirens a while before this.

Kammerer: Okay.

DeFrain: Uh, and so you'd be able to hear the sirens and when you hear the sirens when somebody's doing traffic you come and especially my guys who I knew were close would all come.

Kammerer: Okay.

DeFrain: Uh – so I get on the radio and, you know, my recollection is that like I stumbled a couple of times because I was, I wanted to say we got a guy not stopping for us.

Kammerer: Um-hm.

DeFrain: Um, but I didn't want to cause a bunch of alarm, you know, in, in case he pulled over. Because sometimes guys do go and then they stop once they put their stuff away.

Kammerer: Right.

DeFrain: And I didn't want people to come, you know, Code 3 and get themselves killed. Uh, Foote and I are, we're pretty low key about stuff. We're not, you know, we're not thugs, we're not rough, um, and when things happen most of

the time he and I can handle. Just mostly because we know each other so well and we kind of know and…

Kammerer: …Um-hm…

DeFrain: …And I knew that my guys would come no matter what so I didn't want the whole precinct to come there, you know.

Kammerer: Okay.

DeFrain: Uh, and, and so I held the radio down which is really unusual. Um, I never tried to get a response back from dispatch. And I think I stumbled a couple of times, uh, 'cause the guy pulled over to the curb, I think we had turned onto Sixth, is that, is that this road? This is Sixth right?

Kammerer: Yeah, that…

DeFrain: …Next to the power station?

Kammerer: The Google image uh, you're referring to is uh, intersection of NE Sixth and Halsey and Sixth does run north and south.

DeFrain: Okay, so at some point he gets himself north on Sixth and like almost immediately pulls to the curb, like he's gonna stop. And then he (sigh) you know, we call it uh, like, like he's trying to sucker us.

Kammerer: Um-hm.

DeFrain: Like he's trying to trick us. He – 'cause sometimes we'll try and stop somebody and they wait for us to get out of the car and then they take off. Um –

Kammerer: Okay.

DeFrain: So he pulls up to the curb but I don't see the, the um, I use the reverse lights as a guide of whether or not he's gonna take off on me or not.

Kammerer: Okay.

DeFrain: Because he, that means he's flipping back up into park.

Kammerer: Sure.

DeFrain: And that didn't happen. And he just settled himself there for a second and then went again. And so now we're after him again and I had decided that if he, I think there's a stop sign or something right there on Sixth at Halsey.

Kammerer: Okay.

DeFrain: And I decided that if he blew the stop sign then I was gonna say that we're chasing a car.

Kammerer: Okay.

DeFrain: Um, he doesn't blow the stop sign; he actually pulls over to the right side of the road on Sixth. Um – and stops.

Kammerer: Okay.

DeFrain: And I don't remember if I saw lights or anything. Um, excuse me for just a second.

Kammerer: When you said uh, you don't remember if you saw lights, are you talking about the reverse lights?

DeFrain: The reverse lights that I usually look for.

Kammerer: Okay.

DeFrain: Uh, 'cause I try not to get out of a car, out of my car until I see the reverse lights when I think somebody might go.

Kammerer: Sure.

DeFrain: Um, Ryan gets out of the car. A- Actually it, it's unusual because of the way we stopped. Um –

Kammerer: Tell me about that.

DeFrain: Normal procedure when we stop a car is we'll stop behind the car, uh, and then we'll try to be canted just a little bit out so no cars can hit us when we're up at the, talking to the driver.

Kammerer: Okay.

DeFrain: Ryan didn't do that. He pulled up, like so the front end of the car is just set back from like the driver's side door a little bit.

Kammerer: Okay.

DeFrain: Uh, I can't speak to why he did that, I, I think I know why he did it, just because I know him.

Kammerer: Why is that?

DeFrain: Um, he wanted to be able to get him if he took off again. He wanted to be in a good spot, like if it was a sucker stop he wanted to be able to get the guy when he took off. Like either, either bump his rear end – also, it, it's a little bit more, like guys know we're serious when we can get out of the car quick. And it put me in a good spot. Uh, so I could get out of the car and then I almost was immediately at a spot I like to stand when I do a traffic stop which is uh, right behind that pillar between the front seat and the back seat.

Kammerer: Okay.

DeFrain: So I'm right like instead of the guy seeing me, I see him and I can look down upon him and to get me he's gotta make a very obvious move.

Kammerer: Okay.

DeFrain: Uh, as I'm gettin' out of the car, uh, you know my, this guy had eluded us. Like he knew for a long time that we were behind him.

Kammerer: Sure.

DeFrain: Uh, he was coming out of the car and getting put in handcuffs. Uh, as I got out of the car Ry- I heard Ryan um, say get your hands up. And the guy immediately goes, "*fuck you!*" Like real loud and mean.

Kammerer: Um-hm.

DeFrain: Uh, there was like super angry, um, we do a million traffic stops and sometimes a guy is angry, but compliant. Like I, if I go a day without getting told, fuck you, it's a strange day.

Kammerer: Okay.

DeFrain: Um, but this was, he was like <u>super</u> angry. And sometimes guys are angry and they'll comply, so maybe he's, you know, he wants to get his piece in and say fuck you, but he's gonna do what he's told.

Kammerer: Okay.

DeFrain: But he doesn't. And Ryan says, "*put your hand up, put your hands up, put your hands up, show me your hands,*" and the guy won't. He keeps going, "*Fuck you, fuck you, fuck the police!*" And so I draw my gun. Um, 'cause I don't see his hands and he's not doing what he's told. And he did something, he put something away. I mean I've done this so many times. He, he hid something.

Kammerer: Okay.

DeFrain: Um, and he's, he's not doing anything that he's told. Uh – and then he looks back and me and sees that I'm standing there with my gun, it's at low ready, it's not aimed at him, but it's out.

Kammerer: Okay.

DeFrain: Uh – and I, I don't know if it's relevant, I can just see he's got a, a thing in his eye. Like a black dot in his left eye. And so I'm really focused on that, uh, I don't know why. But he looks at me and he goes, "*Put your fuckin' gun away.*" And I said, "*Put your hands up, keep your hands where we can see 'em.*" And he goes, "*Fuck you, put your gun away.*" And he says it, he gets himself into like this loop where he keeps, he won't stop. "*Put your fucking gun away mother fucker, put your gun away, put your gun away.*" And Ryan is talking to him then, going, "*Hey, do what your told, you've gotta do what you're told.*" And it's not, like sometimes there's this crazy screaming stuff that goes on. That was not, like he's screaming and Ryan is talking in a loud voice, but not like one of those where you're going off the handle type loud voices. He's giving conscience commands.

Kammerer: Okay.

DeFrain: What he wants this guy to do. Very easy to understand. And Ryan starts going, "*Put your hands behind your head and interlace your fingers, put your hands behind your head and interlace your fingers.*" And this guys like, "*Fuck you, fuck the police.*" And he puts his hand down, like I can see the one hand and when Ryan says put your hands up he makes this big like exaggerated motion with his right hand and his hand disappears. And I point my gun, I bring it up because I'm like this guy is going for something. This was – if I said I did 5,000 traffic stops, I might be conservative. And we do traffic stops on bad dudes all the time. This guy was <u>bad</u>. I'm like this guy just killed somebody or something. Or this guy is one of those guys that has an attempted murder warrant and he's trying to take us out of our thing.

Kammerer: Um.

DeFrain: Like guys will try to take over your stop. And I think they have success sometimes, not with us, but I think often they, they have, they've learned somehow or another that if they, they try to intimidate you um, they will be able to get on top of ya in the stop.

Kammerer: Okay.

DeFrain: But he's not doing that really, he's screaming, but then he makes this big exaggerated reach and I can't see his hand and I'm like I'm gonna have to kill this guy. He's gonna pull up a gun. And at the same time Cody walks over, uh, Cody, I don't know how long he was there, but Co-, I see Cody out of the corner of my eye. And he's at the passenger side. And I also see that there's this nice brick wall, on the other side. And it's high. Um, there's windows, but they're like high, higher than the car it seems like to me at least. And there's a big wide piece of sidewalk. Um – and I'm thinking Cody can't stand there 'cause if this guy comes up with a gun I'm gonna have to shoot there.

Kammerer: Okay.

DeFrain: And I say, "*Cody get over on this side of the car.*" It's real normal for us to each be on a side of the car, but this was not normal anymore. And I said Cody get over on this side of the car. Uh, so Cody immediately comes over to my side of the car. And this guy is doing this thing and I was like – we've been in some deals and this was a deal.

Kammerer: Okay.

DeFrain: Uh – and finally he puts his hand up and he grabs the steering wheel, but now his forearms are shaking, like his, he, I think he had his things, 'cause I remember I could see his forearms.

Kammerer: Um-hm.

DeFrain: I think he had pulled his sleeves up or something.

Kammerer: Okay.

DeFrain: And he grabs the steering wheel really hard and he's like starts shaking the steering wheel, 'cause he's so mad. And uh, he was clearly mad at Foote, like he started, he was yellin' at Foote. And um, but he keeps his hands on the steering wheel for a little bit. Like seconds. So I think, well maybe he's gonna start going with the program. Uh – so I, I holster my gun.

Kammerer: Okay.

DeFrain: And sometimes, like a bad guy will get himself all twisted up at somebody.

Kammerer: Um-hm.

DeFrain: A particular cop. And he was twisted up at Foote. Uh, and sometimes I can 'cause I'm a little older, like people don't look at me necessarily as, as uh, a challenge to their manhood or something.

Kammerer: Okay.

DeFrain: Um, because I try to talk to 'em like they're my kid, you know?

Kammerer: Um-hm.

DeFrain: And so I put my gun away because he put his hands up and he seemed overly concerned about my gun. But I keep my hand on my gun and I'm, I'm, I'm turned away from him a little bit, like bladed.

Kammerer: Um-hm.

DeFrain: With my hand on my gun and I'm still behind him, behind that post. So he really has to look over his shoulder to see me.

Kammerer: Okay.

DeFrain: And I said *hey*, and, and I said it like in a voice that maybe only he and I could hear. Uh, "*you need to do what we say. And then you can be on your way. You've gotta go with the program.*" And he looks at me over his shoulder again and he, he goes, "*Get your hand off your gun, get your hand off your gun, get off your hand off your gun, get your hand off your gun.*" And I'm, I try to interrupt him, to break his loop.

Kammerer: Um-hm.

DeFrain: "*Hey, listen to me, you have to do what, what we say, listen to us, we don't want anybody to get hurt.*" Uh, and he just keeps going, "*Take your hand off your gun, take your hand off your gun.*" And I start thinking this guy is, wants me to get off my game so he can do something. Like he's fighting mad. Now. He's so mad. Like I have no doubt that he's gonna fight. He's crazy angry. Um, even when he talked in his low voice he was so hateful. Um, and I heard Foote say, um, send some more cars. He said it on the radio.

Kammerer: Okay.

DeFrain: And I was glad. And he was like, he might be my size, this guy. I couldn't really tell, but he wasn't a guy who I thought that I could just like yank out of the car. Sometimes guys who are, need to be taken out of a car, like you can just scoop 'em and drag 'em out of the car and it wasn't going like this, this guy was gonna fight.

Kammerer: Okay.

DeFrain: Um, so I'd made that decision, uh, we're gonna let everybody get here. So all I'm gonna do is try to talk to him and keep him from doing something insane, until the rest of my guys get here 'cause I know that they're close.

Kammerer: Okay.

DeFrain: And I hear Foote say, "*Send some more cars,*" and then a little bit later he said something like, the next car in I need you to box this guy in so he can't go.

Kammerer: What does that mean?

DeFrain: Uh, he wanted the next car to come in and go nose to nose with him. So he couldn't get away. Like so he couldn't put the car into drive and take off on us.

Kammerer: And what's the advantage of that?

DeFrain: Uh, you don't want a, a guy like this taking off in a car. You know, he, he's gonna blow lights, he'll kill somebody in the street.

Kammerer: Okay.

DeFrain: 'Cause he's gonna try and get away from us. So now we control the movements of his car.

Kammerer: Okay.

DeFrain: And the curb is kinda high I think there. So like I didn't, I wasn't of the impression he could just crank the wheel and go up the curb. So if he had a car behind him and a car in front of him he should be good.

Kammerer: Okay.

DeFrain: Um (sigh).

Kammerer: So uh, Officer Foote asks for the next car in to, to box him in.

DeFrain: To box him in. And I may, I may have to go back and forth in time here a little bit if I remember something and, I'm sorry, this is really, I haven't done this a bunch. Um, so I'm trying to talk to him. And uh, he's, he, I said we're gonna get you out of the car in a minute so you need to put your hands behind your head. And he puts his hands down again, like he wants – you, you know these are videos that you see, of a guy who's doing something before he kills a cop.

Kammerer: Um-hm.

DeFrain: He, he like will do the opposite of what you tell him to. And uh, at some point Foote goes he's non-compliant. On the radio.

Kammerer: Okay.

DeFrain: Uh, and all of sudden Burley and Polas tear around the corner from the west and come to a screeching halt, like right in front of him. So he's boxed in. And uh, the guy says something to 'em, or says something to, to me like, I can't remember his exact words, but it was like, yeah, more cops or fuck you, more cops.

Kammerer: Um-hm.

DeFrain: And so they come in and box him in and they get out of the car. An- and I said don't go to the passenger side 'cause I think whoever was driving, I don't know if was Andy or, or Burley. Andy Polas or Burley. They got out of their side and started going to the other side. And I said, *"Don't go to the passenger side."* I wanted everybody at me or behind.

Kammerer: Okay.

DeFrain: Um, because I'm the guy right now. I think Foote might've had his taser out by now.

Kammerer: Okay.

DeFrain: I don't know how I sensed that, but I had a feeling that I was the only gun. Um, so don't go over there. And then Don and Murphy, also come in from the same place, but they parked their car uh, on the right of Burley and Polas' car.

Kammerer: I'm gonna refer you to this diagram here that we previously looked at today. To the best of your ability could you draw in, um, the location of the, the vehicle that was stopped and then all the police cars that are there.

DeFrain: So I think this is the Corolla and I think this is us. And then Burley and Polas' car is kinda like that.

Kammerer: Okay.

DeFrain: And then Don comes in and he's kinda like this. And then Cody was here, but I don't know where, 'cause I don't think I ever looked back at his car.

Kammerer: Okay. Um, so, I'm sorry, this is your car here?

DeFrain: This is my car here.

Kammerer: Okay, could you label that "1".

DeFrain: Yup.

Kammerer: And then uh, you think this is uh, Don, Don – is that Sergeant Livingston?

DeFrain: Yes.

Kammerer: Okay, and uh, Officer Murphy?

DeFrain: Uh, yeah.

Kammerer: Okay, could you label that "2".

DeFrain: Um-hm.

Kammerer: And then this one here would be Officer Burley and Officer Polas' car?

DeFrain: Yup.

Kammerer: Okay, go ahead and label that "3". And then this the, the Corolla?

DeFrain: Yeah.

Kammerer: Okay. Could you label that "A". And then Officer Berne's car was somewhere, but your not sure where.

DeFrain: It was behind me someplace, but I don't know where.

Kammerer: Okay.

DeFrain: If, I, I'm only gonna assume that if we were boxing it in then Cody's car must've been behind this guys car.

Kammerer: Okay.

DeFrain: So he'd be boxed from behind, but that's an assumption, I didn't see it.

Kammerer: Okay, okay. So now you've got uh, uh, you're standing back by that door pillar and Officer Foote's standing by the window.

DeFrain: Yup.

Kammerer: And...

DeFrain: ...Foote's back though, like he's not in the window. Like I'm close, like almost right up on the car.

Kammerer: Okay.

DeFrain: And he's back, like because I'm so focused on this guy I don't think I see Ryan.

Kammerer: Okay.

DeFrain: Um, Polas and Burley come in. We tell 'em to get on our side. And then there's, I don't know, maybe 15 seconds or something where I sa- we're not gonna do anything until Don gets here.

Kammerer: Okay.

DeFrain: 'Cause something's gonna happen and I want Don there.

Kammerer: Okay.

DeFrain: For it. Um, I, you know, I want the people that I trust.

Kammerer: Sure.

DeFrain: To be there and, and I wanted a sergeant there.

Kammerer: Okay.

DeFrain: 'Cause there was gonna be a use of force here. Um –

Kammerer: So then Sergeant Livingston and Officer Murphy arrive.

DeFrain: They arrive and at some point I hear Cody behind me say, "*Don't go on the passenger side, stay on this side.*"

Kammerer: Okay.

DeFrain: Uh, and I think he probably knows what I know, is that I'm looking for a place in case I gotta shoot.

Kammerer: Okay.

DeFrain: Uh, and he gave me a look of, like I remember when I looked over the car at first and said you need to be over here, he gave me a look like he understood why, or understood what I was trying to do. He didn't, there was no question or no like, I don't know what you're doing, he hustled over to my side of the car.

Kammerer: Okay.

DeFrain: Um, and the guy is still, he's going off, he's going off, his hands are all over the place, uh, and Burley walks up, or, you know, I sense Burley walk up, and everybody's here now.

Kammerer: Okay.

DeFrain: And I know that there's guys with tasers out. And I know that I'm the guy with the gun. Bu- 'cause I had taken my gun out again 'cause he took his hands off the steering wheel and started…

Kammerer: …Okay…

DeFrain: …Dorking around again. So now I'm back to gun, but it's low ready, it's not pointed at him. And uh, I know there's at least a couple of dudes with tasers back there. Uh, and Burley walks up and Burley says do you want to – excuse me – he said, "*Do you want to take him out of the car?*" And I said, "*Yes, lets get him out of the car.*"

Kammerer: Okay.

DeFrain: 'Cause Don was there and we were good. Now whatever happens we we're good.

Kammerer: Okay.

DeFrain: Um (sigh) And uh, I, I put my gun away and um, the guy knew. Like he heard Burley.

Kammerer: Okay.

DeFrain: And, so he starts to move away and at the sa- I start to open up the door 'cause my thought was that Burley would control him and I would maybe yard him out of the car, grab one of his arms and bring him out of the car so we could get him splayed out on the ground next to the car.

Kammerer: Okay.

DeFrain: Um, Burley reaches in through the window and I think he grabs the guy's right arm, at the same time I'm opening up the door.

Kammerer: Um-hm.

DeFrain: And the guy yanks back on Burley really hard, like Burley's the strongest guy that I know. And I'm 230 pounds, you know, it's between the two of us usually we're okay.

Kammerer: Right.

DeFrain: Uh, but the guy pulls back really hard on Burley and he traps my arm, my right arm in the door. For just a second, and I reach inside through the other and grab his left arm. Try to, at least to try to grab him on his forearm.

Kammerer: Um-hm.

DeFrain: And I've got it, but tenuous. And he's pulling actively on Burley. And I, I, somehow I'm able to get my right arm out, it, it was like two seconds and I thought shit, uh, he's, he's fightin', um, we're gonna have to drag him out through the window. And like Burley and, Burley and I could probably drag this guy out through the window, but he's going crazy in the car. Fighting – twisting, turning, moving his hips and even Burley can't hold onto him, and Burley's got a good two hand grip and I had a two hand grip that was not as good as his – and he pulls his arms apart and uh, gets away. And I hear Don say, "*Tase him, tase him.*" Uh, and now we're back, but I, I, my sense is that Burley was still next to me, but he moved out of the way, maybe he stepped back or something so they could tase.

Kammerer: Okay.

DeFrain: Because out of the corner of my eye I see somebody's taser. And uh, I step from, now I'm kinda in the window.

Kammerer: Um-hm.

DeFrain: So I step, I think back, to the back window. So I'm behind that pillar still, but the back window is closed and the front window is open.

Kammerer: Okay.

DeFrain: So I can't see quite as good, but I see at least one taser, uh, stickin' in there and Don says tase him. And um, I hear, you know, two tasers go off. Uh, and I see the wires, um –

Kammerer: Could you tell, could you see the probes? Could you tell if they made good tip contact or not?

DeFrain: It, it seemed right and he did something that made me thought that he got tased.

Kammerer: Okay.

DeFrain: He arched his back, uh, and started like yelling.

Kammerer: Um-hm.

DeFrain: But it wasn't doing what, and, you know, I'll be honest, I hate tasers. I, I think that they're, they're a crutch sometimes for people. There's a use for them, but sometimes they don't work.

Kammerer: Um-hm.

DeFrain: I mean I understand that they need to be used at certain times, and this was the time. Um, if he would've seized up we would've been able to pull him out of the car. Uh, but he, he gets bam, bam, two tasers and I could hear the arcing going on, like dit, dit, dit, dit, dit.

Kammerer: Um-hm.

DeFrain: And um, it doesn't do what it sho- like he doesn't freeze. He doesn't comply. And now I, I can't believe it because I can tell that he's hit, but he's still not, like guys will yell and then they'll go okay, alright, that's enough (laugh).

Kammerer: Right.

DeFrain: He didn't. It was like he didn't even care that he was getting tased. And somehow or another, I don't know if the taser stop or the tasers continue, but he starts moving toward the, the pass- the passenger side. Like it was weird how he did it. And uh –

Kammerer: What'd you mean by that?

DeFrain: I, I, I've dreamt about this for days. And it was, he was going, but like his whole butt was going too. Like he was going across almost. Um, like his whole body was going over there, but he was leaning forward at the waist.

Kammerer: Okay.

DeFrain: And uh, he said, right before he did it, he says, "*Fuck this.*" And he's being tased. And he says, "*Fuck this,*" <u>really</u> mad. And starts going over. And everybody starts like, holy shit thing. And I, I'm doing the, do the best that I can of what I recall. But I think I stepped back and I had my gun out now and I'm pointing my gun at him and I'm bent over at the waist.

Kammerer: Um-hm.

DeFrain: And I start screaming, he's getting something, he's, you know, he's, he's going for something. And I don't know how many times, but I'm screaming at the guys, because I know he's going for a gun.

Kammerer: Okay.

DeFrain: Uh, what else? You know, what else do you go for when the cops are in this kind of thing with you. He's not trying to throw dope out the window. But (sigh) I, I, I just, I don't understand what, why. And he keeps going over there and I'm screaming, "*Look out, look out, look out, look out!*" And the guy's, except for Burley, I sense Burley is there, but then everybody's gone. Uh, and so I'm there at the back window and I think that I moved myself in so I could see, I needed to be down because…

Kammerer: …When you say the back window are you talking the rear window or the…

DeFrain: …The rear driver's side window.

Kammerer: Oh, okay.

DeFrain: The back door window.

Kammerer: Okay.

DeFrain: And so I'm kinda moving myself around so I can see what he's doing, because he reaches across and he opens up the glove box and there's in the glove box except a Crown Royal bag that's got something in it. Like something fairly big.

Kammerer: Okay.

DeFrain: And in my experience dudes keep dope in Crown Royal bags. I've never seen a, a gun in a Crown Royal bag.

Kammerer: Okay.

DeFrain: So the first idiotic thought that comes to me is oh, he's got crack in a Crown Royal bag. But I, then the second idiotic thought is he's got a, a fuckin' gun in the Crown Royal bag. And he grabs this Crown Royal bag just like no big deal. But real, you know shaky and mad, and he was committed to getting this thing. This was, like he did something in his mind and tasers weren't gonna bother him and cops with guns weren't gonna bother him, he was going to get that thing. And he reaches in there and in my mind, the only thing in there is this Crown Royal bag. And he uh – the guys go – and I'm still there, uh, because, I don't know, I need to, to do something if he was gonna shoot.

Kammerer: Okay.

DeFrain: Um, he pulls the Crown Royal bag out, and I don't know how he did this, but at least in my mind, he, it was like his butt, it was like his butt was in the passenger seat kinda, but he was kinda turned toward me and his legs were, I didn't see his legs, and he leans forward at the waist with the Crown Royal bag and all of a sudden I see gunfire coming out from where he is.

Kammerer: Okay.

DeFrain: And it's clearly, I mean, like the poof! The powder and the, the smoke and I can hear it. Uh, and I feel impact – of – the best way I can explain it is uh, if you've ever had somebody with real big hands, like walk up to you and smack their hands together like right in front of your nose.

Kammerer: Um-hm.

DeFrain: It's like you can feel it through your face and it disorients you for a second. And I can see like, bam, bam, bam! At least two and I think three times it

comes out. And Burley makes some sort of noise and then Burley is gone. And I think holy shit, Burleys got shot. And I'm, he was kinda aiming up and I thought oh God, I hope he got shot in the chest because he's got a vest on.

Kammerer: Um-hm.

DeFrain: And it seemed like he was shooting up because I could feel the (clapping of hand noise) I could feel it.

Kammerer: Um-hm.

DeFrain: And like the window explodes. The back window where I was standing. And Burley's gone and I know Burley's shot. I can sense him like falling. And um, excuse me for a second.

Kammerer: Okay.

DeFrain: So Burley's falling backwards and everybody else is gone. Uh, I'm the only person that can see him. I'm, I'm pretty sure that I'm the only person that can see him, the way that he is. Uh, and then something hits me, uh, like in my groin.

Kammerer: Um-hm.

DeFrain: And uh, I don't know, but if you were a kid, like did you, you, you do pressure points on each other when you're a kid or whatever, you hold a guy down and you stick the knuckle of your finger like where their pelvic bone is 'cause it hurts really bad (laugh) when you do it.

Kammerer: Um-hm.

DeFrain: You hold 'em down and then you, you stick 'em. It's like a pressure point. And I got hi- like I feel like somebody did that to me. And my first thought, I had talked to Craig Gervais like two days earlier and he had had a hernia.

Kammerer: Um-hm.

DeFrain: And he said when he had a hernia like his stomach popped out, down above his groin.

Kammerer: Um-hm.

DeFrain: And they put some net in there. And I mean I'm a complete ass, I know, but I'm like, oh, I just got a hernia. Uh – and then my second thought is, oh, I just got shot. Uh, and all those thoughts are going on at the same time.

Kammerer: Right.

DeFrain: And so now this guy has shot my friend, I, I think he shot me, it didn't hurt enough, like I was surprised, I'm thinking eh, if I'm shot it doesn't really hurt that bad. (laugh) And then uh, you know you watch those videos and they say all these weird things happen, uh, when you're in a shooting and I'm like maybe it just, you know, maybe I'm so scared or, or something, that something just happened and it's, you know, it is what it is, I, I gotta do what I'm doing. And either by this time, I think by the time his second shot got off I was shooting. And I was by the back door and I could feel windows explode, I think in the back. And I think that the window on the drivers side had already exploded. And I started shooting through that back window acrost at uh, the brick wall and at, at the seat. I, I a- I got a little bit high so I could shoot down.

Kammerer: When, when you say you got a little bit higher, you're standing up on your toes.

DeFrain: Like I lifted, you know how you might, if you were gonna shoot inside of a car you might do it your hip level to get in there.

Kammerer: Okay.

DeFrain: But I wanted the bullets to go down and into the car.

Kammerer: Okay.

DeFrain: Or the sidewalk or the wall. So I think I got myself, like I had a sense I need to get those bullets on a downward angle.

Kammerer: Okay.

DeFrain: And so I'm like bam, bam, bam, I shoot through the back window. And either he shoots and it goes through that pillar that I was at, or I shoot and it goes through the pillar that I was at. And I see a big hole in the pillar. And I, I keep shootin' and keep shootin' and the windows had exploded and at some point during that time I take a, a second.

Kammerer: Um-hm.

DeFrain: And I'm sure this was a half a second or something. But I, I stop 'cause I want to reassess. I know that there's been a fair amount of shooting and I put some, some rounds at this guy. But nobody else is here so I don't know if they're behind their cars, I don't know what kind of angle that anybody's got. I don't think that they, anybody sees him but me, 'cause he's down. Uh, and I come around to the front, uh, the front window.

Kammerer: Um-hm.

DeFrain: Not the front driver window, the –

Kammerer: ...The driver's side door...

DeFrain: ...The driver's side door window. And I come around that and he is now, like on his stomach, but he's crawling across the, the seats. And he's going, I, I don't know if he had opened up the door, he was reaching for the door, but it, it was clear he was trying to get out the door. And I didn't see any marks on him. And his, I didn't see his face 'cause I think his hoody was up over his head by that time. And his hand was under him and um, I'm like this guy is gonna turn around and shoot me. He's, he's pretending – an- and he's like slow crawling across the, the seats. And I think either he's gonna shoot me right now, when I put my face in this stupid window or he's gonna bail out of that side of the car and run and shoot.

Kammerer: Okay.

DeFrain: So as he's crawling across the seat, I shoot him, I start shooting again. Um, and I'm high, at least, obviously I don't know, I'm, I feel like I'm high. And I'm shooting at him, you know, bang, bang, bang. Uh, because he's still moving. And at some point he, he stops, but I don't know if he got the door open or how he did it, but he was, he got out of the car, like he fell out of the car now.

Kammerer: Um-hm.

DeFrain: Instead of getting himself up and out of the car he kinda, like it seemed like now it was only, instead of him pulling himself across the seat, now it's only his weight like drags him out of the car.

Kammerer: Okay.

DeFrain: And he falls out of the car and I knew that he was at least stopped. And I, I can't hear what I said in my mind, but I started screaming 'cause I didn't want

anybody to shoot anymore. It was done for right now. And I, I either said, you know, stop. I think I said like, Stop, stop, stop! 'Cause it was done.

Kammerer: Um-hm.

DeFrain: At least for now it's done. He, he's out and he's, he's laying in a weird uncomfortable position now. And I think I got him, when he was crawling. Whatever happened I got him there. And I can see now, like on his back, in my mind there's a couple of bloody, like, spots. Uh – and I don't remember, like I can't remember what he was wearing now, but I'm sure it had to be the same hoody. And I can see like that I had hit him, even though I never had any sense of hitting him, but I, I mean we were three or four feet apart. When he started shootin'. And maybe I backed up and then went back, but we weren't far apart.

Kammerer: Okay.

DeFrain: And he comes out of the car and I start screaming to everybody, and then I'm really surprised 'cause nobody shoots. It's done. And the guy's out of the car and nobody's shootin'. So I'm like, okay, well they stopped. And uh – I start going around the car and I do a tactical reload, um, as I'm moving around the other side of the car.

Kammerer: Okay.

DeFrain: And so I, I go across the trunk and I come out on the other side of the trunk with my gun up and I can see him and he's moving. And he's groaning. But I can see that he's been shot in a bad spot. Uh – and he's making some sort of noise and I think I yelled, he's moving. But he wasn't moving in a way that I considered to be dangerous to me anymore.

Kammerer: Okay.

DeFrain: I, I thought he's dying or he's hurt bad enough, but he's not moving his arms or anything, but I can't see his arms. And I don't know where the gun is – I, I don't know where anything is. All I can see is his back, the door is open, and he's laying there like his head down and his shoulders on the ground and his feet are still in the car. And so I'm up and I'm probably, you know, I'm at the back corner of the car and I'd done the tactical reload. And so I'm up on him and I hear chaos. You know, I hear officer down, uh, we- just chaos. You know, everything's going – I can hear people screaming behind me. And um, two guys come up and I'm not sure who it is, but they snugged right up against

me. And I remember how fucking happy I was that somebody was touching me. Like – and he was like shoulder-to-shoulder…

Kammerer: …Um-hm…

DeFrain: …Pressed up against me. And I just, it was the happiest feeling in the world, you know I love this guy for being up here with me. And uh, at some point I look over and I didn't see a face, but I think somebody had a long gun. Like one of the two guys I think had, had a long gun.

Kammerer: Okay.

DeFrain: And I'm like thank fucking god somebody's got a rifle. Because this guy is gonna get up. You know, it, you're thinking crazy at the time because he had been so strong and so - committed to the whole thing. And uh, Do- I could hear Don behind me talking on the radio.

Kammerer: Um-hm.

DeFrain: And I said Don, I think that I'm shot. Or I think that I might be shot. 'Cause my groin hurt. But again I, I thought it was weird because the cant, I thought he would've shot Burley in the chest, it just seemed like the gun wouldn't have been low enough, like I was behind the door. You know, that part of my body was behind the door.

Kammerer: Um-hm.

DeFrain: So I wasn't sure how anything would've happened. But, I said, Don, I think that I'm shot, or I think I might be shot. And uh, one of the guys comes up and says get off the line. And Dauchy comes in at the same time, in his car. And Don says get another car between us and him. And so Dauchy pulls in, but he doesn't pull in all the way. And I start saying Dauchy move the car, move the car. And Dauchy pulls the car up on the curb so we have a platform behind the car now.

Kammerer: Um-hm.

DeFrain: Uh, and we can still look at the guy and at the same time somebody grabs me by the shoulder and I think it was Don and I said Don you gotta check me, I think I've been shot. And so Don, uh, checks me and he says I don't see anything and I'm like alright you know, maybe I just, soo- you know, people do weird things and the angle didn't seem right and it just, it's nothing. You know I just – onward. Um, and somehow or another uh, Craig Anderson gets

assigned to me and takes me over to the, you know, back. And I kept, I kept grabbing the front of my, uh, pants, and I'm going Craig something is wrong, you gotta check, you gotta check. And Craig looks at me like three or four times. And I just keep like, even unintentionally, I keep grabbing the front of my pants and twisting 'em. And uh, I swear, I must've had the guy check me three times. And I'm like there's, I, I might've gotten a hernia, you know, it comes to my mind again, something happened where I, or, you know, maybe I was trying so hard not to crap my pants that I, you know, strained something, who knows.

Kammerer: Okay.

DeFrain: Um, and that was kind of the end of the, the interaction. I mean all this stuff happens after where, the, you know, Craig stayed with me the whole time and um, a little later I went to the bathroom and kinda looked around, but I didn't see anything. And then like the next morning I, I got in the shower and uh, I looked down and there's this hole. It's, it's almost like somebody took a cigarette and put it right above my groin and it was like a burn.

Kammerer: Um-hm.

DeFrain: Um, and it's almost perfectly round. And um, so I went in and, you know, I called I think, whoever and they said come up to ID and I got the pictures taken, but, I mean, I don't know. I don't know.

Kammerer: Okay. Um, when you were um, at the car and uh, the guy was holding the Crown Royal bag and you saw gunfire, how was he holding the Crown Royal bag?

DeFrain: (sigh) In my recollection he was like leaned forward with it like right here. 'Cause the, it seemed like the shots…

Kammerer: …So you, you have your hands in front of you about mid-chest, together.

DeFrain: I have my hands like this and I'm thinking…

Kammerer: …No, I'm sorry, I'm describing your action um, when you're describing how he's holding the Crown Royal bag.

DeFrain: Okay, yeah, oh yeah, I'm sorry, go ahead.

Kammerer: That's okay. Um, so when you showed was you, you had your hands together about uh, mid-chest. Uh, touching in front of you with the elbows at your sides. Is that how he was holding the bag?

DeFrain: Yeah, except he was leaning forward like…

Kammerer: …Okay…

DeFrain: …Like that.

Kammerer: And um, was the bag between his hands?

DeFrain: Yes, it was like in the center of his chest.

Kammerer: Okay. Did you ever see a gun?

DeFrain: I never saw a gun. I saw the explosions from a gun.

Kammerer: Where do you believe that gun was?

DeFrain: In the Crown Royal bag.

Kammerer: Okay.

DeFrain: Like the thought, but I kinda expected to see the Crown Royal bag explode.

Kammerer: Um-hm.

DeFrain: And I never really saw that, but there was explosions coming from where he was with the Crown Royal bag.

Kammerer: Okay. And then uh, um, are you, I, I think you probably indirectly answered this question, but um, when you're shooting are you aware if anybody else is shooting?

DeFrain: I sensed that somebody, 'cause the windows exploded, I wasn't positive, but I think that I heard other – I mean, I think that other people were shooting. I, I can't say 100 percent, but I believe that they were.

Kammerer: Do you recall how many times you fired?

DeFrain: I, I know in fact how many times I fired. At the time, I thought that I would've shot maybe 10 times.

Kammerer: Okay. And you know um, how many times you fired as a result of the weapons countdown that was conducted later?

DeFrain: I, I do, yes.

Kammerer: Okay. But at the time, before that weapons countdown was conducted, how many times did you think you fired?

DeFrain: I thought I'd fired somewhere between 10 and 12 times.

Kammerer: Okay. And um, each time you pulled the trigger uh, was that an intentional act on your part?

DeFrain: Yes.

Kammerer: And you uh, you already described what your point of aim was, um, when you were uh, shooting through that back window. Uh, when you moved around to the driver's side window and you saw him still moving and decided to shoot again, what was your point of aim at that point?

DeFrain: Uh, the biggest part of him that I could see. Which was like his, it seems to me to be his torso.

Kammerer: Okay. And uh, you described uh, how you were high and I just want – I saw what you were doing when you described that, but I just want it to be clear um, because, you know, this is just audio recorded and not video recorded.

DeFrain: Sure.

Kammerer: When you said you were high, um, you were pantomiming uh, the gun being in the elevated position shooting a, somewhat extreme downward angle. Uh, is that correct?

DeFrain: I, I was trying to put rounds down, like if you were in the seat so they would go down through the seat. Um, instead of out, you know, as, as, once, especially once I got to the front window I was really trying to get 'em down.

Kammerer: And what was your intent with that?

DeFrain: I, so they didn't go all over God's green earth.

Kammerer: Okay. Using the, the vehicle and then the ground underneath it s your backstop?

DeFrain: I had him, I had a seat, I had a car, I had the curb and I high brick wall.

Kammerer: Okay.

DeFrain: On the passenger side. I was, like you don't get very many back stops like that.

Kammerer: Okay.

DeFrain: It was really a good back stop.

Kammerer: Okay. Did you um, and, and I understand you were refocused up when you're out there dealing with this guy. Did you notice any, anyone else around uh, that wasn't a member of the HEAT Team?

DeFrain: No, I don't know how anybody – nobody could've got a car in there. And nobody was on the sidewalk.

Kammerer: No civilians or pedestrians or?

DeFrain: No, people would've pushed, the other guys would've said get the f-outta here if somebody would've walked up.

Kammerer: Okay.

DeFrain: Because it was a deal.

Kammerer: Okay.

DeFrain: Um, so no, no.

Kammerer: Um, do you recall using your sites at all?

DeFrain: No, I did not use my sites.

Kammerer: Okay.

DeFrain: I never brought the gun up in front of my face like that. I was doing a, a, a, I don't even know what to call it, but like sited fire as best I could. Just trying to get rounds on this guy who was shooting at me.

Kammerer: But you were pointing your gun in the direction of the, the guy in the car.

DeFrain: Oh absolutely.

Kammerer: Okay. Um, think you said sited fire, did, did you mean to say un-sited fire?

DeFrain: It, I, I didn't use my sites.

Kammerer: Okay.

DeFrain: I just pointed in the direction that he was. And because he was shooting at me at the time I needed to get as many rounds at him as I could. I was more careful when I came around to the window.

Kammerer: Um-hm.

DeFrain: Um – bec- because I had a little bit more time. Um, but I still was just trying to get rounds on the guy to make him stop.

Kammerer: Okay. And do you recall what your distance was from him?

DeFrain: Close. Under five, maybe five. Yeah, if I was, maybe if I was stepped back, maybe a little bit more, but I don't think much more. Somewhere I guess between five and eight feet maybe.

Kammerer: Okay, um, Mark do you have anything? (pause) Okay. Um, is there anything we haven't asked you Jim and you think is important?

DeFrain: I'm sure that I'll come up, you know, I'll have thoughts after the fact.

Kammerer: Sure.

DeFrain: This is kind of the first time that I ever really, really tried to play this thing out. Um, out loud. Um, no, so no, not at this time.

Kammerer: Okay, um, I just have a couple more questions for you. In hindsight do you think uh, this incident could've been approached in a way that presented less risk to yourself or others?

DeFrain: No. Not at this time. I think we did a really good job in a bad situation.

Kammerer: Do you have suggestions for improving relevant uh, Portland Police Bureau training?

DeFrain: Not right now I don't.

Kammerer: And uh, has anyone discussed the details of this case with you or have you learned information about the incident from sources other than your own observations?

DeFrain: Uh, I saw the video that had been taken. Um, by the girl across the street.

Kammerer: Okay.

DeFrain: Um, but it didn't, like I, I think I watched it once and then I watched it one more time and it wasn't, didn't help me.

Kammerer: Was, was your viewing of that video um, uh, in any way used to uh, describe what happened today?

DeFrain: No, I couldn't see anything. Uh, you know it's –

Kammerer: Every- everything you've told us today is from your own recollection?

DeFrain: Absolutely.

Kammerer: Okay.

DeFrain: Yeah, it's, I had this thing in my mind and I don't really know, maybe time will change it, but – nothing, you know, well – yeah, nothing that I've said today changed anything.

Kammerer: Okay. And um, just kind of a follow-up with that, have you discussed um, this case with anyone else other than your attorney or us today?

DeFrain: My|_____

Kammerer: Your _____

DeFrain: Yeah.

Kammerer: Okay.

DeFrain: And there was, uh, do you want me to bring that up now? Okay. There was some uh, like the guys and I have sent, you know, like I hope you're okay messages. Um, a couple days ago when I was up in ID, uh, Don sent me message and said, you know, I'm proud of you, how are you or are you okay, and uh, I sent him back a message and said uh, I think I'm okay, I found a, a, a small hole today above my groin and I'm up at ID right now getting it looked

at. Um, he said is, is it okay and I said yeah, it, it seems to be okay. Um, that, like we'd already, I, they let me go up and see Burley.

Kammerer: Um-hm.

DeFrain: And we talked about exactly where his wounds were and uh, like what happened to him and injuries and stuff. So when I sent that to him it was just kind of an answer to the check on my welfare. You know, I wasn't trying to violate the spirit or the letter of, of the Gag Order.

Kammerer: Okay.

DeFrain: And I don't believe that it did. I mean I had a conversation with Chris out in the hallway, checked on him today and uh, I don't, you know, I don't think hey, you know you got a hole in you are you okay is, is in anyway violating uh, what I was told to do.

Kammerer: Okay. But you didn't discuss any of the details or your recollection of events or anything like that?

DeFrain: Absolutely not. Only that I had an injury.

Kammerer: Okay.

DeFrain: And uh, I was gettin' it photographed.

Kammerer: And that was done via text message?

DeFrain: Via text message, yeah.

Kammerer: Okay. Alright, um, if there's nothing further um, we'll go ahead and conclude the interview it's uh 1615 hours.

Transcribed Verbatim with Punctuation Added 052010 / tb

PORTLAND POLICE BUREAU

CONFIDENTIAL

SPECIAL REPORT

☐ INFORMATION ☐ CLEARANCE ☐ CONTINUATION ☐ SUPPLEMENTAL

Page/Of 1/6

CASE NO.	REFER CASE NO.	CLASSIFICATION
10-38353	10-38359	OFFICER INVOLVED SHOOTING

☐1. UNFOUNDED ☐ 3. SUSPENDED ☐ 5. EXCEPTIONAL
☐ 2. PENDING ☐ 4. CLR BY ARREST ☐ 6. REFERRED

ORIGINAL REPORT DATE/TIME	THIS REPORT DATE/TIME
051210 / 1821	052010 / 1400

LOCATION OF OCCURRENCE
NE 6th AVENUE / NE HALSEY STREET

PERSONS CO-Complainant SB-Subject SI-Sick/Injured/Cared For PE-Park Exclusion

CODE	NAME	CRN	SEX	RACE	DOB
SB	OTIS, KEATON DUPREE		M	B	010485

ADDRESS	ZIP	PHONE
3541 N HOUGHTON STREET	97217	

SUBJECT OF THIS REPORT	PROPERTY RECEIPT NO.
INTERVIEW OF OFFICER POLAS	

NARRATIVE/PROPERTY ITEM CODE S-STOLEN L-LOST F-FOUND D-DAMAGED K-SAFEKEEPING R-RECOVERED

COPIES
☐ DET
☐ Central
☐ East
☐ SE
☐ North
☐ NE
☐ Traffic
☐ DVD
☐ ID
☐ Prop Room
☐ Crime Prev
☐ ☐ ☐ ☐

COMPUTER ENTRY
☐ Person
OPR ☐ Vehicle
OPR ☐ Crime/ Prop
OPR ☐ Book
OPR

CONNECT INFORMATION

Victim in PPB Case #10-38359:

Officer Chris BURLEY, DPSST #45975
M/W, DOB [redacted]
Work Address: 449 NE Emerson Street
Portland, Oregon 97211
Hotspot Enforcement Action Team (HEAT), Unit 1951

NONCONNECT INFORMATION

Officer Interviewed:

Officer Andy POLAS, DPSST #43489
M/W, DOB [redacted]
Work Address: 449 NE Emerson Street
Portland, Oregon 97211
Hotspot Enforcement Action Team (HEAT), Unit 1951

Detectives Mentioned:

Detective Mark SLATER, DPSST #27192

REPORTING OFFICERS	DPSST	PREC/DIV	RLF/SHFT	ASSN/DIST	SUPERVISOR
Detective E.W. Kammerer	29988	DET	M	HOM	

CASE NO.	CLASSIFICATION	TYPE:	SEX	RACE	DOB
10-38353	OFFICER INVOLVED SHOOTING	☐ Incident ☐ Traffic Accident ☐ Custody ☐ Special			
SUBJECT'S NAME: OTIS, KEATON DUPREE			M	B	010485

LOCATION OF OCCURENCE
NE 6th AVENUE / NE HALSEY STREET

NARRATIVE: The order of appearance for additional information will be:
ITEM 1: ADDITIONAL PERSON INFO--List additional people (not suspects) and identify their involvement with the appropriate code. Additional person info includes contacts.
ITEM 2: ADDITIONAL SUSPECT INFO--Report all suspect info on additional Incident Reports. Each suspect must have coded crime analysis descriptors. Detail in the narrative only suspect info not covered in the boxes.
ITEM 3: ADDITIONAL VEHICLE INFO--List additional vehicles in the same fashion as reported in the vehicle section. Include the identifying code.
ITEM 4: ADDITIONAL WORTHLESS DOCUMENTS--Record multiple worthless documents on a Multiple Worthless Document form and attach as additional pages. Record in the narrative the number of worthless documents written.
ITEM 5: ADDITIONAL PROPERTY--Record no more than four additional items of property in the narrative--and/or use a Special Report and attach as additional pages.
ITEM 6: ADDITIONAL OFFICERS--List all officers present and identify their involvement with the incident being reported.
ITEM 7: SUMMARY--A short summary is necessary if the narrative is more than one full page in length.
ITEM 8: NARRATIVE--List in chronological order all of the relevant details in the incident and/or elements of the crime or violation.

ITEM | CODE

Officers Mentioned:

Sergeant Don LIVINGSTON, DPSST #32588
Officer James DEFRAIN, DPSST #44436
Officer Cody BERNE, DPSST #45662
Officer Ryan FOOTE, DPSST #43493
Officer Patrick MURPHY, DPSST #44162
Officer Aaron DAUCHY, DPSST #30873
Officer Brian DALE, DPSST #23726
Officer Anthony EUGENIO, DPSST #39877
Officer Darrell SHAW, DPSST #28923
Officer Matt DELENIKOS, DPSST #21331
Sergeant Frank GORGONE, DPSST #27542

Person Mentioned:

Whitney P. Boise, Attorney At Law
Representing Officer Polas
Work Phone: 503-228-0497

EXHIBITS

1. Portland Police Bureau Property/Evidence Receipt #1203490:
   Item 1: Google Earth image used by Officer Polas
   Item 2: CD-R of interview of Officer Polas
2. Photocopy of Google Earth image used by Officer Polas
3. Transcript of interview of Officer Polas

REPORTING OFFICERS	DPSST	PREC/DIV	RLF/SHFT	ASSN/DIST	SUPERVISOR
Detective E.W. Kammerer	29988	DET	M	HOM	

CASE NO.	CLASSIFICATION	TYPE:			
10-38353	OFFICER INVOLVED SHOOTING	☐ Incident ☐ Custody	☐ Traffic Accident ☐ Special		
SUBJECT'S NAME		SEX	RACE	DOB	
OTIS, KEATON DUPREE		M	B	010485	

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ITEM | CODE

SUMMARY

Officer Polas was present when Officer Burley was shot twice by KEATON OTIS during a traffic stop. Officer Polas, along with Officers DeFrain and Berne, returned fire, fatally wounding KEATON OTIS. Officer Polas, after consulting with his attorney, declined to be interviewed the night of the incident. An interview was conducted two days later, and this report details the results of that interview.

NARRATIVE

On May 12th, 2010, Officer Burley was involved in a deadly force incident in which he was shot twice by KEATON OTIS during a traffic stop. Officers DeFrain, Berne, and Polas returned fire, fatally wounding KEATON OTIS. Sergeant Livingston directed Officer Dauchy to fire his Less-Lethal shotgun at KEATON OTIS in order to determine if it was safe to approach and take KEATON OTIS into custody. KEATON OTIS was then taken into custody. That evening, the involved officers were provided attorneys to represent them. The involved officers went to the Traffic Division. Officer Polas, after consulting with his attorney, Whitney Boise, declined to be interviewed that night.

On May 14th, 2010, I spoke with Mr. Boise and arranged for Officer Polas to be interviewed later that day. At approximately 2150 hours, Officer Polas came to the Detective Division with Mr. Boise for his interview. Detective Slater and I escorted Officer Polas and Mr. Boise to the small conference room in the Detective Division. I activated a digital recorder at 2155 hours, and verified Officer Polas understood the conversation was being recorded and he agreed to the recording. The following is a brief summary of the interview and Officer Polas' statements. Please see the attached transcription for a more detailed and verbatim account of Officer Polas' interview.

Officer Polas was riding in the car driven by his partner, Officer Burley, driving northbound on NE Martin Luther King Jr. Boulevard at NE Fremont Street when he heard, via the Nextel talkgroup, Officer Foote say he was going to be stopping a car near NE Martin Luther King Jr. Boulevard and NE Clackamas Street. Officer Polas said Officer Foote also requested, via the Nextel, another car. Officer Polas said Officer Burley then turned around and began driving southbound to go cover on the traffic stop. Officer Polas said Officer Foote then stated on the Nextel talkgroup, "This guy is being

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10-38353	OFFICER INVOLVED SHOOTING	☐ Incident ☐ Custody	☐ Traffic Accident ☐ Special	

SUBJECT'S NAME	SEX	RACE	DOB
OTIS, KEATON DUPREE	M	B	010485

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ITEM | CODE

non-compliant, you guys need to get here." Officer Polas said Officer Murphy and Sergeant Livingston were in their car in front of Officer Burley and Officer Polas, and both vehicles started driving Code 3. Officer Polas said Officer Foote requested, via the Nextel, the next vehicle to arrive to "box-in" the stopped car. Officer Polas said as they were driving, he heard Officer Foote broadcast on the radio his location, a request for additional cover units, and a request for the next car to arrive to "box-in" the stopped car. Officer Polas believed things were going very badly at the scene of the stop because Officer Foote was no longer content to wait for a HEAT car to arrive, and would take the first arriving unit from anywhere.

Officer Polas said as they arrived in the area, Officer Murphy missed the turn onto NE Halsey Street and continued southbound. Officer Polas said Officer Burley turned eastbound onto NE Halsey, and "boxed-in" the stopped car. Officer Polas said as he exited the vehicle, he made eye contact with the driver, whom he did not recognize, and noticed the driver was "extremely angry." Officer Polas said the driver threw up his hands as if to say, "What's this all about?" Officer Polas said he saw Officers Foote, DeFrain, and Berne on the driver's side of the car, so he made his way over there as well.

Officer Polas said he heard Officer Foote tell the driver to place his hands on his head and interlace his fingers, and the driver stated, "Fuck you! I'm not doing shit! Fuck this!" Officer Polas said Officer Foote continued to give the driver commands, and the driver continued to ignore him. Officer Polas said the driver was holding his hands in front of his chest and rocking back and forth, completely ignoring Officer Foote. Officer Polas said it appeared as if the driver were "contemplating a big decision." Officer Polas said at this point, Officer Burley and Sergeant Livingston were also at the driver's side of the car. Officer Polas said the driver was still continuing to ignore any commands being given to him.

Officer Polas said the decision was made to remove the driver from the car and take him into custody. Officer Polas said officer Burley took hold of the driver's left arm, and the driver pulled away and stated two or three times, "Get your fuckin' hands off me!" Officer Polas said Officer DeFrain had tried to open the driver's door, but when the driver pulled away, it pulled Officer Burley into the driver's door, causing the door to close. Officer Polas said the driver was moving so violently he was "ripping away" from Officer Burley.

CASE NO.	CLASSIFICATION	TYPE:		
10-38353	OFFICER INVOLVED SHOOTING	☐ Incident ☐ Custody	☐ Traffic Accident ☐ Special	

SUBJECT'S NAME	SEX	RACE	DOB
OTIS, KEATON DUPREE	M	B	010485

LOCATION OF OCCURENCE
NE 6th AVENUE / NE HALSEY STREET

NARRATIVE: The order of appearance for additional information will be:
ITEM 1: ADDITIONAL PERSON INFO--List additional people (not suspects) and identify their involvement with the appropriate code. Additional person info includes contacts.
ITEM 2: ADDITIONAL SUSPECT INFO--Report all suspect info on additional Incident Reports. Each suspect must have coded crime analysis descriptors. Detail in the narrative only suspect info not covered in the boxes.
ITEM 3: ADDITIONAL VEHICLE INFO--List additional vehicles in the same fashion as reported in the vehicle section. Include the identifying code.
ITEM 4: ADDITIONAL WORTHLESS DOCUMENTS--Record multiple worthless documents on a Multiple Worthless Document form and attach as additional pages. Record in the narrative the number of worthless documents written.
ITEM 5: ADDITIONAL PROPERTY--Record no more than four additional items of property in the narrative--and/or use a Special Report and attach as additional pages.
ITEM 6: ADDITIONAL OFFICERS--List all officers present and identify their involvement with the incident being reported.
ITEM 7: SUMMARY--A short summary is necessary if the narrative is more than one full page in length.
ITEM 8: NARRATIVE--List in chronological order all of the relevant details in the incident and/or elements of the crime or violation.

ITEM | CODE

Officer Polas said he was trying to figure out how to help when he heard Officer Foote yell, "He's going for something!" Officer Polas said he then heard a Taser discharge from the driver's side of the car. Officer Polas said Officer Foote continued to yell, "He's going for something!" and Officer Polas saw Officer Murphy open the right rear door of the car and discharge a Taser. Officer Polas said he saw both of those probes strike the driver's hooded sweatshirt. Officer Polas said neither Taser affected the driver.

Officer Polas said he then heard Officer Foote yell, "Gun!" and Officer Polas realized he was not in a position to defend himself or anyone else. Officer Polas said he began backing up to gain distance and he heard a gunshot. Officer Polas said he knew it was the driver shooting because he could see none of the officers at the car had his gun drawn. Officer Polas said he then tripped and fell to the ground "for a fraction of second" before getting back to his feet and hearing two more gunshots. Officer Polas said he immediately saw Officer Burley fall to the ground, and he heard Officer Foote yell, "Officer down!" Officer Polas knew at that point Officer Burley had been shot by the driver of the car.

Officer Polas said he heard gunfire "coming from all directions" and "chaotic screaming" from the area where Officer Foote was trying to rescue Officer Burley. Officer Polas said he could see into the car through the back window and he could see the driver was "aggressively" trying to get to the passenger seat and exit the vehicle. Officer Polas said the driver did not appear to have been shot or disabled in any way. Officer Polas believed his partner had just been shot and possibly killed and the driver was attempting to exit the vehicle in order to engage the rest of the officers. Officer Polas said he had a clear line of sight into the car, and the entire front of the car and the engine block as his backstop. Officer Polas said he drew his handgun, aimed at the driver with his sights, and fired through the back window of the car. Officer Polas said his second shot "blew out the glass" and he could clearly see the driver still attempting to open the passenger door, so Officer Polas continued to fire.

Officer Polas said it appeared the driver had finally been hit when he dropped below Officer Polas' line of sight. Officer Polas said the driver was able to open the passenger door, and "snaked out" of the car, and his body from his waist up was visible. Officer Polas said the driver's hand were underneath him and not in sight. Officer Polas said he yelled commands at the driver to show his hands. Officer Polas said he then broadcast on the radio shots had been fired, and stated he needed Code 0 cover, and Code 0 medical

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ITEM | CODE

for an officer down. Officer Polas said he looked over at Officer Burley, and saw Officer Foote dragging Officer Burley, and knew Officer Burley had been shot. Officer Polas said he was aware Officer Burley had been placed into a car, and then driven to the hospital.

Officer Polas said he continued to yell commands at the driver with no response, but the driver was still slowly moving. Officer Polas said he moved across the street to the south and took a position next to a back hoe with Officer Eugenio. Officer Polas said he proned out and had a good line of sight to the driver and could see he was still moving. Officer Polas said he heard Sergeant Livingston broadcast on the radio a Less-Lethal was going to be deployed. Officer Polas said he heard the Less-Lethal fire and saw the Less-Lethal strike the driver on his right side and bounce off. Officer Polas said he then heard a second Less-Lethal round strike and bounce off the driver. Officer Polas said Sergeant Livingston then broadcast they were going to approach the driver and take him into custody. Officer Polas said he watched as the driver was handcuffed and placed in the post-shooting position.

Officer Polas said he saw medical personnel began to assess the driver's injuries. Officer Polas said Sergeant Gorgone arrived onscene, and Officer Polas told Sergeant Gorgone he had been one of the shooters. Officer Polas said he was then separated and did not discuss what had happened.

The interview was concluded at 2246 hours. At the beginning of the interview, I had provided Officer Polas with a printout of a Google Earth overhead satellite image of the intersection of NE 6th Avenue and NE Halsey Street and the surrounding area. During the interview, Officer Polas referenced this image, and marked various locations on the image. At the conclusion of the interview, Officer Polas signed and dated the image. This image was retained and receipted on Portland Police Bureau Property/Evidence Receipt # 1203490. The audio recording of the interview was later copied to a CD-R and also receipted on Portland Police Bureau Property/Evidence Receipt #1203490. The recording and image were later placed into the Property Room.

Please refer to the attached transcript for a more detailed and verbatim account of Officer Polas' interview.

This investigation is ongoing.

REPORTING OFFICERS	DPSST	PREC/DIV	RLF/SHFT	ASSN/DIST	SUPERVISOR
Detective E.W. Kammerer	29988	DET	M	HOM	

UREAU OF POLICE
319 NW INDUSTRIAL WAY, STE. B4
ORTLAND, OREGON 97210

PROPERTY/EVIDENCE RECEIPT

THIS RECEIPT MUST BE ACCOMPANIED BY AN APPROPRIATE REPORT

RECEIPT NUMBER	DATE/TIME	REFER CASE NO.	PPB CASE NO.
No.1203490	5-14-10 / 2300 AM PM		10-38353

OFFICE ONLY — EVIDENCE — FOUND PROPERTY — PRISONER'S PROP (TRAFFIC/PED ARREST) — SAFEKEEPING

PROPERTY TAKEN FROM: LAST NAME | FIRST | M.I. | SEX | DOB

DENIED OWNERSHIP ☐

HOME ADDRESS | CITY | STATE | ZIP

OWNER OF PROPERTY LAST NAME | FIRST | M.I. | SEX | DOB

HOME ADDRESS | CITY | STATE | ZIP | PHONE

I VOLUNTARILY RELINQUISH THE ITEM(S) LISTED FOR SAFEKEEPING.

SIGNATURE

TYPE OF INCIDENT: Officer Involved Shooting

DELIVERING OFFICER: Kamper

P.P.B. ASSIGN #: 2337/1207

LOCATION WHERE SEIZED/FOUND/SURRENDERED: 11th Set 82nd Ave

INVESTIGATOR/DETECTIVE: [illegible]

P.P.B. ASSIGN #:

☐ DEFENDANT LAST NAME | FIRST | M.I. | SEX | RACE | DOB

☐ SUSPECT

ITEM	FOR GUNS, LIST: MAKE, TYPE, CALIBER, MODEL, SERIAL NUMBER(S), IMPORTER & COUNTRY OF ORIGIN. LIST ONLY ONE ITEM PER SELECTION.	STLN	FOR PED USE ONLY
ITEM 1	Google Earth image used by Ofc Polas		
ITEM 2	CD-R containing images of Ofc Polas		
ITEM 3			
ITEM 4			
ITEM 5			
ITEM 6			
ITEM 7			
ITEM 8			

DELIVERED TO PROPERTY EVIDENCE DIVISION PERSONNEL

LOCKER	DATE	RECEIVED BY
C6		

DO NOT WRITE IN SPACE BELOW — FOR PED USE ONLY

INVENTORIED AND ACCEPTED IN PROPERTY EVIDENCE DIVISION	BY	WHITE - RECORDS COPY YELOW - CITIZENS RECEIPT PINK - WITH PROPERTY
DATE: TIME:		

02-01-10

05/1/2010 43489

PORTLAND POLICE BUREAU
CASE NUMBER 10-38353

May 14th, 2010

Officer Andy Polas

TAPED STATEMENT TRANSCRIPTION

CONFIDENTIAL

PORTLAND POLICE BUREAU
DETECTIVE DIVISION
CONFIDENTIAL
TAPED STATEMENT TRANSCRIPTION

Kammerer: This Detective Erik Kammerer. It's May 14, 2010, time is 2155 hours. We are in the small conference room of the Detective Division on the 13th floor of the Justice Center. We are here regarding case #10-38353 an officer involved shooting which occurred on May 12, 2010. Also present Detective Mark Slater. We are here to interview Officer Andy Polas DPSST #43489. He is accompanied by his attorney WHITNEY BOISE. Officer Polas, do you understand this conversation is being recorded?

Polas: I do.

Kammerer: And you are okay with that?

Polas: I am.

Kammerer: Okay. Um, like I said, we are here to talk about the officer involved shooting that occurred on May 12th. Um, before we talk about that though I'd like to talk a little bit about your background, um, your employment with the police bureau, how long you've been here, what kind of training you've received things like that.

Polas: Okay. I, uh, I went to the Oregon Police Corp Academy and I started in 2003, September of 2003. Um, that academy was six months long, uh, I then after completing the Police Corp Academy I was sworn in for Portland in March of 2004. Um, once I was sworn in I then, uh, worked the street for a few months, uh, and then went to Portland's Advanced Academy, I believe it was 12 weeks at the time and then, um, once I completed that I completed my probationary time with Portland. I attend In-Service training once a year, I've done search warrant, uh, writing class, confidential reliable informant training, um, and now I'm a member of the HEAT team.

Kammerer: Um, you mentioned that, uh, you, uh, went to the Oregon Police Corp.

Polas: Correct.

Kammerer: Can you tell me a little about that?

Polas: Yes, it was a, um, it was a federally funded program at the time that came with a scholarship to, a four year scholarship, to college, um, it, it, it's no longer around, um, at the time it was considered kind of like an advanced academy type. I think the state academy at the time was like 12 weeks or something like that and ours was about six and a half months and, um, pretty much six days a week for 16 hour days. We were, we did, excuse me, training like scenarios, all sorts of scenarios that a police officer would see on the street driving, defensive tactics, extensive law, um, lots of community relations type training like we did a, they simulated us as, uh, being homeless people for a couple nights where we actually had to live out in the woods and find our own food and stuff just to kind of give us the sense of what it's like to be a homeless person in Portland, kind of sympathetic to that kind of stuff.

Kammerer: Okay. Um, have you received any kind of training on any other weapons platforms besides your handgun?

Polas: Um, in the academy we just with shotguns, my handgun and, uh, we had a day a couple days in one in I think in Advanced Academy and one in the Police Corps where we fired some different types of fully automatic guns and it was kind of like an exotic gun day kind of thing. They brought in different types of weapons and showed us how to use them and if we ever needed to for disable them or whatever for whatever reason.

Kammerer: What about your time in the police bureau? Have you, um, received any kind of training in any other weapons besides your handgun?

Polas: Uh, just my taser, um, asp baton, um, pepper spray, I believe that's about it.

Kammerer: Okay, you mentioned taser. Um, what kind of training you received on that?

Polas: Uh, I, I actually received, uh, some training in the Police Corps Academy but we didn't get certified to use it. Um, they for whatever reason I don't know why they just, they were only, I think it was just a test project in Portland at the time, they were only having a few people do it. We actually sat through the class, did the training, I got Tasered while in the Police Corps, um, and then when they certified us to carry the taser in Portland, I did the class and then, the, the in-service training

I think there was some training in practicing different stuff with the taser and I chose not to get Tasered again.

Kammerer: Okay, um, what about a less lethal shotgun?

Polas: I'm not certified to, I don't use, I don't carry a beanbag.

Kammerer: AR-15 rifle?

Polas: No.

Kammerer: Okay. Um, you mentioned your current assignment is with the HEAT team.

Polas: Correct.

Kammerer: Can you tell me a little about what that is.

Polas: Yes, it's HEAT, Hot Spot Enforcement Action Team. Um, the mission statement kind of reads to, uh, to deal with hot spots of crime throughout the city almost like a citywide street crimes unit in a sense. Um, since the unit was started though, it was, uh, it's been pretty much the focus has been primarily on gangs, which, I this was my fourth week of being on the team and that's what we've done ever since I've been on the team was primarily focus on gangs.

Kammerer: And is that mission conducted in an undercover capacity or do you guys, uh, …

Polas: …uh, we're…

Kammerer: …like in uniform?

Polas: In uniform in a slick top car. My car is a dark grey slick top.

Kammerer: And what is a slick top car?

Polas: Um, it's a police car, it's Ford Crown Victoria, but it has all internal lights no overhead light bar, no police markings on it, just it's all one dark grey color or dark of any color, we have multiple colors/cars in our unit. Um, this has lights on one on each to, um, clear intersections and on the mirrors and in the grill.

Kammerer: Okay. And do you have, uh, and MDT inside your vehicle…

Polas: ...yes...

Kammerer: and police radios and

Polas: yes we do. I mean we have a cage for prisoners as well.

Kammerer: Oh, okay. And I believe you said you, you were in uniform.

Polas: Yes.

Kammerer: Okay. So you guys looked like police officers.

Polas: Yes.

Kammerer: Okay. Um, what, uh, what shift do you normally work?

Polas: Work swing shift, afternoons four to two is our typical shift and, um, we were doing, um, every other Thursday we would start at three because we'd have a gang outreach meeting to attend.

Kammerer: Okay.

Polas: And then, um, Saturdays we'd start at three too, since we are out of the Traffic Division at SE too, every other Saturday we'd rotate, we'd go to East roll one Saturday and we'd go to North roll call the other Saturday so we'd get to work at three, get changed and head on out to there so we could be on time to their roll calls.

Kammerer: Okay.

Polas: Just to get information and stay in touch with what's going on.

Kammerer: And what are your normal days off?

Polas: Sunday, Monday, Tuesday.

Kammerer: Okay, and were you working on May 12th?

Polas: I was.

Kammerer: What time to do you remember, um, were you working your normal hours that day?

Polas: Yes, we were, we were working four to two that day.

Kammerer: Okay, and, um, can you tell you tell me a little bit about your day, um, from the time you got up until you went to work.

Polas: Uh, from the time I got up I, uh, I did my typical routine which is pretty standard for me every work day. I'll usually get up, eat a small meal, um, cereal and a banana, and then I go right to the gym, 24 Hour Fitness is like right by my house so I just head on over there. Um, work out, did chest and back and, um, came home made my lunch for work, ate some more food, watched TV and came on into work.

Kammerer: Okay and, um, how long did you sleep before you, uh, got up that morning?

Polas: Uh, I typically sleep about eight hours every night and I slept eight hours the night before.

Kammerer: Okay.

Polas: I usually, I, it's pretty much like clock work for me to go to bed at three and wake up at eleven.

Kammerer: And from the, from the time you got up that morning until you went into work did you consume any alcoholic beverages?

Polas: No.

Kammerer: Did you use any kind of, uh, drugs?

Polas: No.

Kammerer: Any prescription medication?

Polas: No.

Kammerer: Okay. Did you drive to work?

Polas: Yes.

Kammerer: Everything go okay on the drive to work?

Polas: Yes.

Kammerer: No altercations or?

Polas: Nope.

Kammerer: Okay. What time did you get to work?

Polas: Um, I got to work at about three forty five that day. I only live about five minutes away from SE Precinct so it's a real easy commute for me.

Kammerer: Okay. Um, what did you do when you got to work?

Polas: Uh, went to the locker room, kind of a big day in the police bureau I guess with the new change of chief and everything so all the guys were in the locker room together just joking and talking like we always do and just kind of causally put on my uniform and got ready to head down to roll call.

Kammerer: Okay and what happened in roll call?

Polas: Uh, we had kind of a little bit longer roll call that day just with, uh, all the, the changes and everything going on. People were wanting to discuss everything that's going on, we were kind of, you know of course wondering with us being kind of a specialty unit I guess with the budget and everything if, and what the new priorities were, if we were going to be sticking around or, so we were trying to discuss all that stuff and there was actually, um, more there were some flyers, some flyers of wanted folks and some gang member stuff to pass around, there was more than normal so we had a little bit of a longer roll call than we typically do, we usually are in roll call usually 15-20 minuets tops, but we were probably in roll call at least 30-35 minutes that day.

Kammerer: Okay and, um, it's my understanding with the HEAT team that, uh, you, you guys usually have some sort of, uh, focused mission, uh, after you leave roll call.

Polas: Correct.

Kammerer: Did you have one that day?

Polas: Uh, after we left roll call it was a little different that day because, uh, typically what we'll do is, uh, Sgt. Livingston will pick a location for us to go and we, we stick together and we work that area together.

Kammerer: Yes.

Polas: We don't, we don't deviate from each other whatsoever. Um, and typically we'll take a spin through Holladay Park Lloyd Center area, uh, just with the timing of school getting out and different things there's a tendency to be a lot of gang members hanging out there so we'll go there typically to see what's going on. Uh, that day, um, uh, my partner Chris Burley, uh, he had just got done teaching an in-service class and so he had shown up to roll call, uh, just on time to be at roll call but he hadn't put on his uniform yet so he was in plain clothes for roll call.

Kammerer: Okay.

Polas: Um, so we were going to be a little late getting out because he's going to change after, the, after our long roll call and I actually had a memo I needed to type up to get some time off during a black out date so that gave me, it only took me about ten minutes to type that up, um, so it gave me time to get that done after roll call and gave time for Burley to change and get our stuff organized and then we kind of, the other guys had kind of already headed out and we were going to just join up with them and at the Holladay Park area, uh, so that's what we did. We got our, we got are car all ready to go, headed on out and went straight down to the Holladay Park area.

Kammerer: Okay, anything out of the ordinary occur there?

Polas: No. We, uh, we took a couple spins around the park, around the mall area, um, we got, uh, Don up on the, uh, the Nextel and the other guys and, uh, because we use a, we use a talk group to communicate with, with each other just key the, key, push the talk button and all of us in our talk group can hear

Kammerer: Okay.

Polas: Hear us over the speaker phone. We kind of asked him if they had seen anything or anything is going on and, um, they had said no that it was quiet and we were, we were right there at Holladay Park and there was nobody in there really so we said yeah it's quite while we're here and they're like yeah let's go to MLK and Hoyt and grab a cup of coffee.

Kammerer: Okay.

Polas: Which is typical, we'll, once we usually check out the Holladay Park if nothing is going on then all the guys usually do grab a cup of coffee and whatnot. So, uh, so we headed on over there.

Kammerer: Okay. Anything occur there?

Polas: Um, we were, uh, we ended up having a little bit longer coffee break than normal just with the, um, the, uh, the we were kind of talking more about chief stuff and it was just kind of a big topic of what was going on and Aaron Dauchy was in there as well so we were kind of talking to him, getting his perspective on stuff and then, uh, Sgt. Livingston got a call from, uh, Lt. Walsh who's directly in charge of us, and, uh, actually went outside to take the call and talk to him for probably, probably a good ten minutes I'd say.

Kammerer: Okay.

Polas: And, uh, so we were all, we were all wondering, we were all really curious what's, what's going on like with you know it's big news and he's outside talking.

Kammerer: Sure.

Polas: So then he comes back in and we start picking his brain of what's, what's going on with us and he really didn't have too many answers for us. Um, but so, so, in an, in and Aaron Dauchy had left at that point and so then we just continued to just talk about just different things going on and what we think is going to happen with us and just different cop stuff.

Kammerer: Right.

Polas: Uh, then once that was done we pretty much rolled on out of the coffee shop.

Kammerer: Okay, and you said you work with Officer Burley?

Polas: Yes, he's my partner.

Kammerer: Who was driving the car that day?

Polas: Burley was driving the car that day. We typically switch, uh, day to day and I had driven on our Friday so he was, uh, it was his turn to drive.

Kammerer: Very good. Alright so, um, what did you guys do when you left?

Polas: Uh, we got in the car, we pulled out onto MKL, uh, Sgt. Livingston and Pat Murphy were working that day together, a partner car, uh, they were the first out of the lot, we were the second out of the lot and then I wasn't sure who is, the third and fourth out of the lot. Uh, but we went north on MLK and, uh, uh, …

Kammerer: …on Grand?

Polas: I'm sorry, what's that?

Kammerer: I'm sorry, on Grand or MLK?

Polas: I think it was MKL. I don't know, if it's a one-way there and then they join up I'm not sure if it's MLK or Grand at that, which one runs north and south.

Kammerer: At that point MLK is a one-way going south.

Polas: Okay then it would be Grand.

Kammerer: Okay.

Polas: Okay, yes, yes. Okay so northbound on Grand, um, crossed over Grand where the 20, the, uh, over or sorry, kept going south or north on Grand, crossed over Broadway where then were MLK becomes a two-way…

Kammerer: …two-way street…

Polas: …yes, two-way north and south, um, so we were headed, uh, northbound on MLK now, um, and I can't remember exactly what street, where exactly we were when I heard the, uh, the, the Nextel start to go off on the speaker phone and it was Officer Foote saying that they were going to make a stop on a vehicle around, uh, MLK and Clackamas area.

Kammerer: Okay.

Polas: So, us being the way we function we always do everything together so we're immediately thinking okay, well we're going to turn around. The next transmission I, I, I hear something along the lines of "this guy, this guys being weird can you guys start this way?" So we were now at Fremont, northbound MLK at Fremont, and we immediately activated our overhead lights to make a U-turn as well as Sgt. Livingston and Pat Murphy who were directly, directly ahead of us, they made their U-turn we made our U-turn and, uh, as we're making the U-turn I can hear on Nextel Officer Foote saying "This guy is being non-compliant, you guys need to get here." And so just being with the type of people that we deal with typically being pretty dangerous people, and I could just tell the tone of his voice that something wasn't' right about this one. And we immediately both Sgt Livingston and our car, we started going Code 3 all the way from about MLK just south of Fremont. So we're traveling uh, Code 3. Foote gets on the Nextel again and says, "We got this guy stopped at 6th and Clackamas and he's being non-compliant. He's being very uncooperative. I want the next car in to box this guy in from the front at Halsey, 6th and Halsey."

Kammerer: What does that mean? To "box" a car in?

Polas: To with our vehicle, pull up in a fashion to where we are blocking the car in so it's unable to pass in either direction. So I was assuming that we were going to pull up from the front and block it in so I just assumed they had it blocked in from the back maybe.

Kammerer: Okay.

Polas: With their patrol cars positioned and we were going to block it in from the front so that it was unable to move. I'm assuming that they thought this guy might be a flight risk.

Kammerer: Okay. What would be the reason for doing that?

Polas: For boxing the car in?

Kammerer: Yes.

Polas: To prevent a pursuit. To prevent, just to make it safer all around whether than have the time of day, 6:20 pm, down the Lloyd District, a lot of people out and about. It'd probably be a lot safer to box the car in as opposed to have a guy take off and do something crazy and kill somebody, run somebody over.

Kammerer: Okay.

Polas: So we're heading southbound on MLK. He had given us the instructions to box this car in. I then heard him go out over the radio that they were traffic with, at the location so that the other precinct units knew what was going on. I also heard him on the radio say, This guy's being uncooperative. Start some more units here. So and he also said on the radio that I want the next car in to box this car in from the north. And this time, I'm assuming that things have really started to get worse down there because he had already told us he wanted the next one of our HEAT units to box it in, but now I'm assuming that he wants the closest precinct car, anybody closest, to box that car in.

Kammerer: Okay.

Polas: So we're now we're I mean we were really moving Code 3 to get there. I was assuming that Sgt Livingston and Pat Murphy were going to, being that they were ahead of us, that they were going to take 6th and Halsey and do the box in, being that they would've been the first car.

Kammerer: Okay.

Polas: I mean we were coming up pretty fast MLK and they passed 6th and Halsey and so we assumed, Burley and I were kind of talking to each other, like me being the passenger, I help with directions and looking at signs and I was kind of assuming maybe they just accidentally passed it and didn't realize they had passed it. So we come to 6th and Halsey and immediately cut east on Halsey. And we pull up, we come to 6th and we see and we came in fast and we immediately pull up and it was pretty much a perfect box in. Or angle of our car where this guy wouldn't have been able to escape to the right, to the left, or to the back 'cause I could see that Officer Foote and Officer DeFrain's car was kind of pulled up at a little bit of an angle where it was blocked in from reversing back or getting out in that direction.

Kammerer: Okay. What happened after that?

Polas: After that, I had gotten out of my, I could see the driver. As soon as we pulled up, Burley hit the on-scene button. I immediately jumped out of the car. And I remember making direct eye contact with the suspect. I looked right at him. I could see he was wearing a gray hoody and black skull cap. Looked right at him and he looked right at me and he looked extremely angry. He had a look on his face that he was, he was very

angry. And I remember as soon as I got out of my car, and started to walk up, 'cause we had come in pretty hot with our lights and siren. I'm sure he heard it.

Kammerer: Right.

Polas: As soon as I got out of the car, he, he was kind of sitting back in his seat and he kind of threw up his hands like this to me like, like he was kind of like, what's this all about? Kind of thing like just throwing up his hands and so once I get out of my car, I can see Foote and DeFrain and I think Officer Berne was there too at that point. We're all on the driver's side of the car, kind of like, kind of lined up from the back of the driver's side door in a line towards the back of the car. So I kind of made my way over to that line. I didn't line up behind them single file, I kind of got in position and

Kammerer: Sure.

Polas: I could hear Officer Foote telling the guy, "Put your hands on your head. Interlace your fingers and put your hands on your head." Giving the guy commands and the commands continued to be more stern and direct as the guy was not complying. The guy started immediately, he was like, "Fuck you! I'm not doing shit. Fuck this!" And started cussing and was refusing to obey commands and just continued to tell us to, Fuck Off and he's not doin' shit.

Kammerer: Okay.

Polas: And so I could see him. Officer Foote continued to tell him Put your hands on the back of your head and interlace your fingers. And he was sitting in the car, the way he was sitting in the car, he was he kind of sat back and he had his hands right here interlaced and he kept just rocking like this. Like he was just like he was thinking. I thought he was gonna maybe put his hands on the back of his head and maybe comply but it also looked like he was getting ready to do something. Like something just wasn't right. Like he was contemplating a big decision. And so they kept giving him commands and he didn't obey. And by that time, Chris Burley had come over so now there was, and Don Livingston and Pat Murphy had arrived from the south from Clackamas on 6th.

Kammerer: Okay.

Polas: And so they had come up from behind.

Kammerer: I'm going to refer to this diagram. It's a Google Earth image I printed out.

Polas: Okay.

Kammerer: Of the intersection of 6th and Halsey. North is at the top. And to the best of your ability, if you could draw in the location of the suspect vehicle, the vehicle that was stopped and then the other police cars for me.

Polas: Good.

Kammerer: So this one here is,

Polas: That's my car.

Kammerer: That's your car?

Polas: Yeah. With the boxing it in.

Kammerer: Okay. And which vehicle then

Polas: Do you want me to number them?

Kammerer: Yeah, we're going to.

Polas: Okay. Sorry.

Kammerer: Alright so this vehicle angled here, that's your car?

Polas: Um-hm.

Kammerer: Okay. Could you put a #1 there for me please? And then this vehicle here, what is that?

Polas: That's the suspect car.

Kammerer: Okay. Could you put an S there?

Polas: S?

Kammerer: Sure. And then this vehicle here?

Polas: That is Officer Foote and Officer DeFrain's car.

Kammerer: Okay. Could we call that #2?

Polas: Yeah.

Kammerer: And then this vehicle here?

Polas: I believe that was Sgt Livingston and Pat Murphy's car.

Kammerer: Okay. Let's put a #3 there. And then you said Officer Berne was also on scene?

Polas: Yeah. I'm not sure exactly where his car was at. I think 'cause the distance here. It was kind of far back so I couldn't exactly see and it ended up being the car that Officer Burley was transported to the hospital so I didn't remember seeing exactly like where it was.

Kammerer: Okay.

Polas: So I don't' know if I can draw…

Kammerer: That's fine. That's fine. Alright so now that so we have you and Officer Berne, Officer Foote and Officer Burley up by the vehicle here.

Polas: Yeah and Officer DeFrain

Kammerer: And Officer DeFrain as well

Polas: And Sgt Livingston

Kammerer: Okay and then he was with Officer Murphy?

Polas: Yes.

Kammerer: Where was Officer Murphy at?

Polas: Murphy was up there as well. There was pretty much all seven of us were on the driver's side to an extent like kind of double stacked, not all crammed in together but we were all kind of, their thinking was nobody really wanted to be on the passenger side in case of a crossfire shoot.

Kammerer: Okay.

Polas: Whatsoever. I didn't know what this guy was gonna do so and we definitely didn't want to send someone into that car to try to grab him so...

Kammerer: Okay.

Polas: ...other than firing a Taser from the passenger side, I think that was the only advantage to having somebody on the passenger side.

Kammerer: Okay. So what happens now?

Polas: So once the commands are repeatedly ignored, continuing ignored, Burley had somehow gotten towards, kind of towards the closest to the car door now. He had kind of gotten in closest to the suspect. And somebody said, I think it was Burley or DeFrain, I can't be certain, but I heard someone say, Let's get him out of the car.

Kammerer: Okay.

Polas: And like we're gonna arrest him 'cause this guy is clearly non-compliant and fail to obey a police officer so gonna get him out of the car.

Kammerer: Okay.

Polas: I see Burley real quick going through the window, grab onto his arm 'cause he had his hands kind of like this. And interlaced and he went in to grab his left arm and the guy immediately pulls away and I hear him say, "Get your fuckin' hands off me!" I remember him saying that at least two or three times. "Get your fuckin' hands off me!"

Kammerer: Okay.

Polas: Multiple times. At that point then DeFrain had tried to open the door, tried to open the door and was going to try and grab that way but Burley was already through the window and when DeFrain opened the door, Burley's body, it caused the door to close. So the guy, I could see the guy ripping away from Burley. And when he ripped away from Burley, he had come all the way over here. Almost to the center console and Burley kept trying to grab him and pull him. The guy was just, continued to like rip away...

Kammerer: Okay.

Polas: ...from Burley. Then I'm not sure if it was Officer Murphy or Sgt Livingston, someone ran around to the passenger seat and they were still struggling with him at the door. It had kind of become like I was one back so there's the line of first guy, officers who were the closest to the car. And I was one body back from them. And I remember I was trying to get, find somewhere where I could come and grab this guy and help.

Kammerer: Um-hm.

Polas: 'Cause I, the way it had become almost like a log jam trying to like fight with this guy at the car door.

Kammerer: Right.

Polas: So I then heard Officer Foote, I heard Officer Foote yell, "He's goin' for something!" and then I hear, then at one Taser fires from the driver's side.

Kammerer: Um-hm.

Polas: I can just vividly hear Officer Foote yelling, "He's goin' for something! He's goin' for something!" And then I saw the back right door, passenger door open up. I can't be certain if it was Murphy or Livingston but then they fired a Taser from the back passenger door at the suspect. And I remember, I specifically remember seeing, 'cause he was kind of leaned over like this still.

Kammerer: Um-hm.

Polas: And the probes, I see, I saw the two probes hit his hoody.

Kammerer: From Officer Murphy's Taser?

Polas: Yeah, from Officer Murphy's Taser from the back. I saw the probes hit his hoody like close in together. And clearly neither one of the Tasers had any affect. And I was actually contemplating trying to pull out my Taser to get a third shot on him somehow. To see if, you know, maybe third time's the charm to get some sort of luck with the Taser on this guy.

Kammerer: Okay.

Polas: And I just, hearing Foote yell, "He's going for something! He's going for something!" And then I hear, "Gun!" Foote yelled, "Gun!" and I kind of took, I kind of took a step back to clear an area to, not only to back up, I heard the word "gun," I was in no position to defend myself or defend anybody with officers in front of me, in between the suspect. So I start to take a step back to clear space, begun to back up and to just get to some point of advantage where I could do something. And as soon as I took that first step back, I just heard, I heard a loud pop. And I knew, I knew it was him shooting at us because I could see everyone else, all of us officers and I could see that nobody had their guns drawn. And I don't know, I don't know what happened, if I dove for cover behind the engine block of the two vehicles, of Officer Foote and DeFrain's vehicle, or if I tripped or fell but I ended up on the ground. And it was just a fraction of a second, immediately popping up just popping up immediately and while I was coming up to my knees, I heard pop, pop, two more shots. As I'm getting up, I'm getting up and I making my way, as I'm coming over, I can see, I see Officer Burley go to the ground. And I can hear Officer Foote yell, "Officer down!" I mean he was yelling it and I knew my partner had been shot. And (pause for emotion and water) So I immediately was able to get to the back of this #2 car here.

Kammerer: Okay.

Polas: And that's when I just started, then I start hearing, hearing gunfire coming from all directions. And I popped up to the back of that car. I could see in. I could hear screaming, it just sounded like chaotic screaming coming from like where Foote was trying to rescue Officer Burley.

Kammerer: Um-hm.

Polas: I knew Burley was down. I knew he'd been hit. And uh, I had a clear line of fire on the suspect. I could see him in the car and I could see he was aggressively, I could hear gunshots going off. I thought he was still shooting at us. I knew that he had just tried to kill us. And tried to kill my partner. And I could see him aggressively in that driver's seat, he, he looked like he hadn't been hit or hadn't been wounded or disabled to any extent. He was aggressively trying to like get his legs up over into over and get into that passenger seat and get out that passenger door. And I remember thinking in my head, I mean this is all happening so fast but my thought process was, This guy's gonna kill us

if he gets out of his car. And it's gonna be, I mean he's already tried to kill us and he's gonna, if he gets out of that car, then we're, it's a real bad situation. And I had a clear line of sight on him as he was getting out of the car and I could hear gunfire going off and I thought he was still shooting at my partners. And I pulled my gun and, and fired at him inside the car.

Kammerer: Do you remember what your point of aim was when you fired?

Polas: I remember thinking that I'm kind of tall and I remember when I pulled out my gun, that it was aimed in a position to the car to where I felt my bullets would be fired at a downward angle that, that they most likely hit the engine block or if they had exited the car, they'd hit the concrete just in front of the car. I remember not seeing any civilians to the north or anybody out in the street walking around. That's one thing I remember about that day on that street; it was kind of weird. It was a quiet, it appeared to be there was nobody out and about which I thought was kind of weird. But when I fired my gun, I felt that my backdrop was, with my downward angle, I mean I specifically remember looking down the sites of my gun at him and it wasn't straight up. It was at an angle so I knew, I felt that my shots would go into the engine block of the car or if they went out the windshield, that they hit the concrete maybe 15, 20 feet in front of the vehicle.

Kammerer: So you were standing at the back of the suspect vehicle then?

Polas: Yeah, I had made my way once I had hit the ground here, I'd made my way around here.

Kammerer: Okay.

Polas: And about right here is where I fired my shots from.

Kammerer: Okay. So as you're looking down your sites, and what are you seeing? What are your sites lining up with? What are you seeing?

Polas: I was lining up with his, the silhouette of him in the car.

Kammerer: Okay. Were you shooting through the back window of the car? Or...

Polas: Yes. I was shooting through the back window.

Kammerer: Okay. And how many times did you shoot?

Polas: I fired six shots.

Kammerer: okay. Did you know at that time that you fired six shots? Or...

Polas: I felt, I thought, I thought I had fired five or six. I, I couldn't say for sure at that time. I had done a reload at some point. And then I had looked at my magazine afterwards and saw I had fired six shots. But I felt at the time I knew I'd fired it was either five or six. I couldn't be exact at that time.

Kammerer: Okay.

Polas: But I remember seeing my first shot, it was, the back window hadn't been shot out at all and I just saw my first shot, I just saw it, the hole immediately the hole and then the next shot blew out the glass and more glass blew out and I continued firing at him 'cause he was trying to get out of the, get into that passenger seat and get out that passenger side door.

Kammerer: Were you, are you able to tell if you hit him with your rounds or not?

Polas: I couldn't tell.

Kammerer: okay. Did there appear to be any kind of reaction to you shooting him?

Polas: Yeah, I, he went from aggressively with just aggressive movements, trying to get out of there real fast movements getting out of there to his movements became slow. Where he I thought, I remember thinking he may have been hit or that he was gonna give up. That he was, yeah, either been hit or was gonna give up. His movements became way slow. I remember him almost laid out now 'cause my line of sight I almost, from my angle, I was having a, 'cause he was up in the car like trying to get out this way and then he was down, trying to get out. And I would've had to get a lot closer to the vehicle to see him.

Kammerer: Okay.

Polas: Otherwise it would've been just blind shooting into the car.

Kammerer: How far away from the car do you think you were?

Polas: probably 20 feet

Kammerer: Okay.

Polas: If that. And as he was now like slouched down, he was able to get that passenger side door open. And I was the only one on the, in this back here. And to get to the right and I can see him as he opened that door and at that point, I had stopped firing and I remember thinking in my head, he almost snaked out of the car. He kind of came out like he maybe put his hands on that passenger seat, pulled himself out and when he pulled himself out, his hands went underneath his body and his head just came, his head upper torso came out.

Kammerer: Okay.

Polas: ...of the body because I remember his, from about his waist up, was out on the street or curb and his waist down was still inside the car. And that's when I immediately started giving commands. 'Cause I still was like I remember just thinking, I was still extremely scared that he had that gun on him and just thinking about I mean I was thinking action / reaction. If this guy has this gun under him, he could quickly pull that thing out and shoot me before I could shoot him. And I kind of moved to the corner of his car now to use it as some cover like

Kammerer: The passenger side corner?

Polas: Yeah, the back passenger side corner to use it as some cover. I was giving commands and I remember Sgt Livingston had joined me at that point. We were just screaming commands at him. Show us your hands! Get your hands up! Let me see your hands! And his head, the way he'd come out, he was facing north so we were to the south so we couldn't see his face or, or head really, just the back of his head. And I was just yelling at him to get his hands up and then we, at that point I had gotten on the radio and said, Code Zero cover, we've got shots fired. We got an officer down. We need Code Zero medical. And I had time to just take a quick look back 'cause I was scared for my partner. I didn't know how many of us had been shot. And I looked back and I saw Officer Foote dragging Officer Burley down the street and, and I mean I could see the look on Burley's face. I just knew something wasn't right. I knew he'd...and I was just really scared for him.

Kammerer: Okay.

Polas: and they loaded him in the back of the car and that's when I heard, I heard on the radio or somebody said something that they were going to be transporting him in the car. 'Cause I had called for Code Zero

Medical to come stage at 6th and Clackamas. I wanted them to come which was only right here but I knew that one of us had been hit. Maybe more. And I wanted an ambulance to be, we could address the threat and cover them. I needed that ambulance to be right there so we could get our guy in the back of the ambulance.

Kammerer: When you say Code Zero, what does that mean?

Polas: It's kind of a universal term, I mean Code 3 is like Code 3 cover, emergency, get there immediately but Code Zero is kind of like universal for drop everything no matter what you're doing and get here to help us.

Kammerer: Okay.

Polas: As far as medical, I mean I don't care. I needed them to drive like hell to get to us.

Kammerer: Okay.

Polas: So I remember I just took a quick glance back and saw Officer Foote dragging Officer Burley. I looked back and Sgt Livingston and I continued to address the threat, yelling at him, Get your hands up! Get your hands up! And then we said to each other, We need to get out of here. This guy still has this gun. We need to get out of here. We need to get to cover. And so 'cause other officers had joined us at that side now. We're like, Everybody get back. Get back. And I remember I see, I saw a bicyclist right up here. I looked right at him and he was right...

Kammerer: On the north side of Halsey there?

Polas: Yes. On the northeast corner of Halsey. He just rode right up and I saw him and was right in my line of fire. And I remember I yelled at him. I was like, Get out of the way! Get out of the way! And he saw me and was like, Oh and quickly rode east. So he was no longer

Kammerer: Okay.

Polas: ...in our line of fire. So then we're like, okay we need to get out of here and at that point I saw another, it was a GET unit had pulled up right here. It was Officer Eugenio and Officer Foxworth. I remember I saw them exit their car and they came running down here. And so we

start backing off. We're like, okay and so we realized though that this car #3 car was our only hard cover but if we got on the left side of it, behind the engine block, we wouldn't be able to see the suspect any more. And so the other option was to be on the right side but just to open the car door but if he can shoot at us through the door, I mean we're still gonna not be in a good position. So I see over here there's a back hoe. A big piece of construction equipment back hoe so I immediately run over here. Officer Foxworth and Officer Eugenio had joined me and I proned myself out on the pavement here and I could see I had good hard cover with this back hoe. And I could see directly under the car. I had a perfectly clear line of fire at this guy with about this much space underneath the car. I could see his whole body or his upper body, everything that was outside of the car. I could see his arms were underneath him and so I had a perfectly good line of fire if he did indeed pull that gun out again and start shooting.

Kammerer: Prior to leaving your position behind this car, and redeploying over here, when you and Sgt Livingston were giving commands, did there seem to be any kind of reaction from the guy?

Polas: I could see when he came out of that car, he was, he was still moving. He still was almost, he wasn't like arms out or anything or trying to like get his hands out. He was kind of almost just real like he was still alive. His body was still, he clearly was, I don't think he was able to pull his hands out though. But I remember when he came out of that car slowly, he was still moving his body had real slow movements. And so once I'm over here, I think Sgt Livingston and them had all decided to use a door as cover or maybe they got behind a car. I couldn't see. I just knew they were over there at that car.

Kammerer: Okay.

Polas: So there's a group over here now and a group over here now. And I think we had advised on the radio or something that we had a good line of sight on this guy from the back hoe or from the west where we could see his whole body.

Kammerer: Okay.

Polas: And then Sgt Livingston had activated SERT on the radio. I heard him activate SERT on the radio for an armed suspect still down. And I think at one point I had said something about getting us a shield here. I couldn't remember if they had deployed those things or not yet but

Kammerer: Okay.

Polas: ... so then they got on the radio and Sgt Livingston got on the radio and said, We're going to beanbag this guy. And I heard the first beanbag round go off. I knew it wasn't a gunshot. I heard the pop of it. It was way quieter and I actually could see the beanbag round hit him, hit his like right side and bounce off.

Kammerer: Okay.

Polas: And I heard the second beanbag round hit him and bounce off. And then Sgt Livingston said on the radio that we just beanbagged him. There's no response. We're gonna approach. And that's when, so then they were approaching from back here and so Officer Foxworth and I knew immediately we were going to have a crossfire situation so we immediately as soon as they said they were gonna approach, we immediately ran out here across the street and joined up with them. Because if they would have approached him and he would've done something and we would've had to fire, we could have potentially had a serious crossfire situation. So we come over here and join up with them. And that's when I don't know who it was but I saw two officers, somebody had him at gunpoint. And the other two had holstered and grabbed each side, one of his arms and were able to pull his arms out from underneath his body and handcuff him and then they pulled him up onto the sidewalk and rolled him on his side and put him in the post shooting position so he didn't suffer from positional asphyxia.

Kammerer: Okay.

Polas: tucked his knees to his chest and I remember, I remember seeing him when they rolled over, I could see blood and I, I, I looked at his face as they rolled him over on his side, his head kind of flopped back and I looked at his face and I saw his eyes roll back in his head and I remember thinking to myself, I bet, I don't think this guy's gonna make it.

Kammerer: Okay. When you were at the back of the vehicle, and shooting into the vehicle, the five or six times that you shot, was it your intention to do so every time you did?

Polas: My intention to...?

Kammerer: To squeeze that trigger and...

Polas: Yes.

Kammerer: ...fire a round?

Polas: Yes.

Kammerer: Okay.

Polas: Every time I pulled that trigger, I, I, my thoughts were that I was gonna keep shooting until I thought that he was no longer a threat to kill my partners or kill me.

Kammerer: Okay.

Polas: and the reason I stopped shooting is 'cause I saw his body, his movement stopped from aggressive, quick, trying to get out of that car to slouched over, almost laid down, slow, trying to get that door open.

Kammerer: Okay.

Polas: and I felt that he may have been hit.

Kammerer: Did you ever see a gun? A gun in his hand?

Polas: I did not see a gun in his hand.

Kammerer: Okay. Okay. So after he's taken into custody, and placed in the post shooting position, what happened next?

Polas: They had medical come. I remember the Fire Department being there instantaneously almost. Everyone, at that point, everyone, we had backed out. Tons of cops had arrived. I mean it was, everybody had taken up a role, blocking stuff off, and we started I remember walking down the street this way and I was immediately...

Kammerer: Southbound on...

Polas: Yeah, southbound on 6th and Sgt Gorgone had pulled up. His car was right back here and he was immediately asking who the shooters were. And we were like, I mean I said I was one. I think I was walking with Cody Berne down the street here. And he had said, okay, you two separate and immediately Ryan Hiltsenteger, K-9, had shown up. Me and him are really good buddies and he immediately grabbed onto me and was like, I'm sticking with you. And so then from then on out,

then we were all separated and Officer Sze Lai from Traumatic Incident Committee, he was my, he was assigned to me as well.

Kammerer: Okay.

Polas: Both him and Hiltsenteger stayed with me the whole time and I just stood by a patrol car.

Kammerer: Okay. Earlier I believe you said that you'd reloaded your handgun and that's when you looked at your magazine and realized how many rounds you'd shot.

Polas: Yeah.

Kammerer: At what point did you do that reload?

Polas: I actually, I think it was actually after, after when it might even have been when we were walking, walking back down the street. So it wasn't even in the actual gunfight itself that I did a reload.

Kammerer: Okay.

Polas: Just 'cause I knew I still had eleven rounds left and when I was proned out, I just I was just so intent on, I just didn't even want to take a second to not have a mag in my chamber or mag in my gun. I just wanted to be ready to go right away.

Kammerer: Okay.

Polas: So I think it was just kind of I think I just kind of when I was walking down the street, just popped my mag out, changed it real quick, put it back in and looked at it. And saw how many I had fired.

Kammerer: Alright. Mark, do you have anything? Is there anything we didn't ask you that you think is important?

Polas: I don't believe so.

Kammerer: Okay.

Polas: I remember hearing on the Nextel before anybody had gone on the radio, that after the fact that Foote and Officer Foote and Officer Murphy had gotten Officer Burley to the hospital in a very quick timely

fashion and Foote had given us an update 'cause I mean, we were all scared to death for him that what was gonna happen to him and

Kammerer: Sure

Polas: He said he was gonna be alright.

Boyce: Can we have just a minute?

Kammerer: Sure. Yeah.

Kammerer: This is Detective Kammerer. We're back on recording. You understand that, Officer Polas?

Polas: Yes.

Kammerer: Okay. I neglected to say the time when I stopped the recorder but it's been less than a minute. Officer Polas, is there anything you wanted to add?

Polas: No.

Kammerer: Okay. In hindsight, do you think the incident could have been approached in a way that presented less risk to yourself or others?

Polas: No.

Kammerer: And do you have any suggestions for improving relevant Portland Police Bureau training?

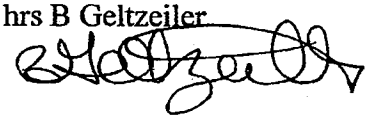
Polas: No.

Kammerer: Alright. Has anyone discussed the details of this case with you or have you learned information about the incident from sources other than your own observations?

Polas: No.

Kammerer: Okay. If there's no further, anything else you'd like to say, then I'll stop the recorder and we'll be done with the interview. It's now 2246 hours.

Transcribed Verbatim With Punctuation Added 052010 at 1530 hrs B Geltzeiler



PORTLAND POLICE BUREAU | CONFIDENTIAL | **SPECIAL REPORT** | ☐ INFORMATION ☐ CONTINUATION ☐ CLEARANCE ☐ SUPPLEMENTAL | Page/Of 1/7

CASE NO.	REFER CASE NO.	CLASSIFICATION
10-38353	10-38359	OFFICER INVOLVED SHOOTING

☐1. UNFOUNDED ☐2. PENDING ☐3. SUSPENDED ☐4. CLR BY ARREST ☐5. EXCEPTIONAL ☐6. REFERRED

ORIGINAL REPORT DATE/TIME	THIS REPORT DATE/TIME
051210 / 1821	052010 / 1400

LOCATION OF OCCURRENCE: NE 6th AVENUE / NE HALSEY STREET

PERSONS CO-Complainant SB-Subject SI-Sick/Injured/Cared For PE-Park Exclusion

CODE	NAME	CRN	SEX	RACE	DOB
SB	OTIS, KEATON DUPREE		M	B	010485

ADDRESS	ZIP	PHONE
3541 N HOUGHTON STREET	97217	

SUBJECT OF THIS REPORT: INTERVIEW OF OFFICER BERNE — PROPERTY RECEIPT NO.:

NARRATIVE/PROPERTY ITEM CODE — S-STOLEN L-LOST F-FOUND D-DAMAGED K-SAFEKEEPING R-RECOVERED

COPIES
☐ DET
☐ Central
☐ East
☐ SE
☐ North
☐ NE
☐ Traffic
☐ DVD
☐ ID
☐ Prop Room
☐ Crime Prev
☐ ntell
☐
☐
☐
☐

COMPUTER ENTRY
☐ Person
OPR ☐ Vehicle
OPR ☐ Crime/ Prop
OPR ☐ Book
OPR

CONNECT INFORMATION

Victim in PPB Case #10-38359:

Officer Chris BURLEY, DPSST #45975
M/W, DOB [redacted]
Work Address: 449 NE Emerson Street
Portland, Oregon 97211
Hotspot Enforcement Action Team (HEAT), Unit 1951

NONCONNECT INFORMATION

Officer Interviewed:

Officer Cody BERNE, DPSST #45662
M/W, DOB [redacted]
Work Address: 449 NE Emerson Street
Portland, Oregon 97211
Hotspot Enforcement Action Team (HEAT), Unit 1955

Detectives Mentioned:

Detective Mark SLATER, DPSST #27192

REPORTING OFFICERS	DPSST	PREC/DIV	RLF/SHFT	ASSN/DIST	SUPERVISOR
Detective E.W. Kammerer	29988	DET	M	HOM	

CASE NO.	CLASSIFICATION	TYPE:		
10-38353	OFFICER INVOLVED SHOOTING		☐ Incident ☐ Custody	☐ Traffic Accident ☐ Special

SUBJECT'S NAME	SEX	RACE	DOB
OTIS, KEATON DUPREE	M	B	010485

LOCATION OF OCCURENCE

NE 6th AVENUE / NE HALSEY STREET

NARRATIVE: The order of appearance for additional information will be:
ITEM 1: ADDITIONAL PERSON INFO--List additional people (not suspects) and identify their involvement with the appropriate code. Additional person info includes contacts.
ITEM 2: ADDITIONAL SUSPECT INFO--Report all suspect info on additional Incident Reports. Each suspect must have coded crime analysis descriptors. Detail in the narrative only suspect info not covered in the boxes.
ITEM 3: ADDITIONAL VEHICLE INFO--List additional vehicles in the same fashion as reported in the vehicle section. Include the identifying code.
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ITEM | CODE

Officers Mentioned:

Sergeant Don LIVINGSTON, DPSST #32588
Officer James DEFRAIN, DPSST #44436
Officer Andy POLAS, DPSST #43489
Officer Ryan FOOTE, DPSST #43493
Officer Patrick MURPHY, DPSST #44162
Officer Aaron DAUCHY, DPSST #30873
Officer Brian DALE, DPSST #23726
Officer Anthony EUGENIO, DPSST #39877
Officer Darrell SHAW, DPSST #28923
Officer Matt DELENIKOS, DPSST #21331

Person Mentioned:

Krista Shipsey, Attorney At Law
Representing Officer Berne
Work Phone: 503-222-9830

EXHIBITS

1. Portland Police Bureau Property/Evidence Receipt #1203489:
   - Item 1: Google Earth image used by Officer Berne
   - Item 2: CD-R of interview of Officer Berne
2. Photocopy of Google Earth image used by Officer Berne
3. Transcript of interview of Officer Berne

CASE NO.	CLASSIFICATION	TYPE:	SEX	RACE	DOB
10-38353	OFFICER INVOLVED SHOOTING	☐ Incident ☐ Traffic Accident ☐ Custody ☐ Special			
SUBJECT'S NAME: OTIS, KEATON DUPREE			M	B	010485

LOCATION OF OCCURENCE
NE 6th AVENUE / NE HALSEY STREET

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SUMMARY

Officer Berne was present when Officer Burley was shot twice by KEATON OTIS during a traffic stop. Officer Berne, along with Officers DeFrain and Polas, returned fire, fatally wounding KEATON OTIS. Officer Berne, after consulting with his attorney, declined to be interviewed the night of the incident. An interview was conducted two days later, and this report details the results of that interview.

NARRATIVE

On May 12th, 2010, Officer Burley was involved in a deadly force incident in which he was shot twice by KEATON OTIS during a traffic stop. Officers DeFrain, Berne, and Polas returned fire, fatally wounding KEATON OTIS. Sergeant Livingston directed Officer Dauchy to fire his Less-Lethal shotgun at KEATON OTIS in order to determine if it was safe to approach and take KEATON OTIS into custody. KEATON OTIS was then taken into custody. That evening, the involved officers were provided attorneys to represent them. The involved officers went to the Traffic Division. Officer Berne, after consulting with his attorney, Krista Shipsey, declined to be interviewed that night.

On May 14th, 2010, I spoke with Ms. Shipsey and arranged for Officer Berne to be interviewed later that day. At approximately 2015 hours, Officer Berne came to the Detective Division with Ms. Shipsey for his interview. Detective Slater and I escorted Officer Berne and Ms. Shipsey to the small conference room in the Detective Division. I activated a digital recorder at 2020 hours, and verified Officer Berne understood the conversation was being recorded and he agreed to the recording. The following is a brief summary of the interview and Officer Berne's statements. Please see the attached transcription for a more detailed and verbatim account of Officer Berne's interview.

Officer Berne said when he was leaving the Starbucks at NE Grand Avenue and NE Hoyt Street, he observed a Toyota Corolla drive by him going northbound. Officer Berne said he could see inside the vehicle, and saw only one person in the vehicle, a young man with a hood over his head. Officer Berne said he drove northbound on NE Grand Avenue, and Officers Foote and DeFrain were behind him. Officer Berne said he ran the plate and saw, per the DMV registration, the car was owned by a middle aged female. Officer Berne said he observed the driver of the car change lanes without signaling for at least

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one-hundred feet, as is required by law. Officer Berne said he was contacted by Officer DeFrain via Nextel, and a short conversation occurred about whether or not to stop the vehicle. Officer Berne said Officers DeFrain and Foote decided they were going to stop the car, and Officer Berne said he would cover them.

Officer Berne said he saw Officer Foote activate his police lights on NE Grand Avenue, and the vehicle turned eastbound off of NE Grand Avenue and onto an unknown side street south of NE Clackamas Street. Officer Berne said when the vehicle did not stop after turning, Officer Foote activated his siren, and the vehicle still did not stop. Officer Berne said the driver continued for four to five blocks before finally stopping. Officer Berne said the vehicle eventually pulled to the curb at NE 6th Avenue and NE Halsey Street. Officer Berne said Officer Foote did not stop his vehicle directly behind the Toyota as is normal, but instead pulled his vehicle partially alongside the Toyota. Officer Berne believed Officer Foote was positioning his car so he could PIT the vehicle should it attempt to drive away. Officer Berne said he stopped his car directly behind the Toyota.

Officer Berne said he exited his vehicle and saw Officers DeFrain and Foote were going to the driver's side of the Toyota, so he went to the passenger side. Officer Berne said he immediately noticed the driver, whom he did not recognize, was "moving around about as much as a person could move around and still be in the driver's seat." Officer Berne described the driver's movements as "moving very aggressively and very rapidly and very deliberately." Officer Berne said he heard Officer Foote tell the driver to stop moving and to show him his hands, and the driver was shouting something Officer Berne could not hear at Officer Foote. Officer Berne noticed Officer Foote had drawn his Taser but not pointed it at the driver, and Officer DeFrain had his handgun at the "low ready" position. Officer Berne said Officer DeFrain told him to move to the driver's side of the vehicle, and Officer Berne knew this was to clear Officer DeFrain's line of fire.

Officer Berne said Officer Foote continued to tell the driver to put his hands on top of his head and interlace his fingers, but the driver kept his hands wrapped tightly around the steering wheel. Officer Berne said as Officer Foote continued to give commands, Officer DeFrain holstered his firearm. Officer Berne said the driver continued to yell and scream at Officer Foote. Officer Berne said Officer Foote requested additional cover cars over the radio, and specifically asked for the next car to arrive to "box-in" the Toyota. Officer

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Berne said Officers Burley and Polas, and Sergeant Livingston and Officer Murphy arrived, and one of those cars performed the "box-in."

Officer Berne said Officer Burley and Sergeant Livingston approached the driver's side of the Toyota, and the decision was made to remove the driver from the car and take him into custody. Officer Berne said Officer Burley took hold of the driver's left arm and began to apply a sankajo control hold. Officer Berne said the driver immediately lunged "extremely aggressively" toward the glove box. Officer Berne said he was surprised by the "speed and strength" of the driver's movement. Officer Berne said he then heard the sound of a Taser being discharged, and saw Officer Foote had used his Taser on the driver. Officer Berne could see the Taser probes in the driver's sweatshirt, and did not believing the Taser was affecting the driver.

Officer Berne said the driver then reached over and opened the glove box with his right hand. Officer Berne said he saw a purple Crown Royal bag in the glove box. Officer Berne said officers were shouting commands at the driver, and Officer Berne thought he may have been shouting commands as well. Officer Berne said the driver was able to get his left hand away from Officer Burley and he then reached into the glove box. Officer Berne said the driver then twisted his body around so he was facing the officers on the driver's side of the vehicle. Officer Berne said the driver pointed his hand at them in a position and manner consistent with someone holding and pointing a handgun.

Officer Berne said he then heard two gunshots coming from inside the vehicle. Officer Berne said he did not remember drawing his handgun, but it was now held in a two-handed grip in front of him, with the front sight pointed at the driver's center of mass, from his shoulders to his hips. Officer Berne said he saw Officer Burley fall backward, and he heard Officer Burley say he had been shot. Officer Berne said he heard a third gunshot which seemed to emanate from inside the vehicle. Officer Berne said all of this was occurring simultaneous to him aiming his handgun at the driver and firing it. Officer Berne said he had already noted the large brick building which was his backstop when he approached the vehicle.

Officer Berne said his was aware of Officer DeFrain beside him, also firing his handgun, and he heard several gunshots. Officer Berne said at that time he did not know how many times he fired, but he was astounded that the driver was still moving around in a controlled manner inside the car toward the front passenger seat. Officer Berne said he

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did not see any prominent injuries on the driver, and was unable to tell if his, or any other Officers', shots had been effective in stopping the driver. Officer Berne said he continued to aim and shoot until the driver was no longer moving in a deliberate manner. Officer Berne said the driver was able to open the passenger door, and the driver then fell or slumped out of the open door, and his upper body and hands were no longer in sight.

Officer Berne said he and Officer DeFrain then moved the rear passenger side of the Toyota to maintain sight of the driver. Officer Berne said he heard radio transmissions indicating shots had been fired and an officer had been shot. Officer Berne said Officer DeFrain told him he might have been shot as well. Officer Berne said he was aware Officer Burley was placed into Officer Berne's car, and then Officers Foote and Murphy drove Officer Burley to the hospital. Officer Berne said cover cars began arriving very quickly, and Officer Dale came over to his position with an AR-15 rifle. Officer Berne said he then told Officer DeFrain to go seek medical treatment if he had been shot.

Officer Berne said Officer Dauchy arrived and positioned his car at an angle so they could use his car as cover while still maintaining sight of the driver. Officer Berne said he moved to the passenger side of Officer Dauchy's car and could see the driver was no longer moving, but still had his hands underneath him. Officer Berne said officers were continuously yelling commands at the driver, with no apparent response. Officer Berne said Sergeant Livingston established a custody team, which Officer Berne was not a part of, and directed Officer Dauchy to shoot the driver with a Less-Lethal shotgun to elicit a response. Officer Berne said the driver was shot three times with the Less-Lethal shotgun without any response from the driver. Officer Berne said the custody team then moved forward and placed the driver in handcuffs, and placed him in the post-shooting position.

The interview was concluded at 2137 hours. At the beginning of the interview, I had provided Officer Berne with a printout of a Google Earth overhead satellite image of the intersection of NE 6th Avenue and NE Halsey Street and the surrounding area. During the interview, Officer Berne referenced this image, and marked various locations on the image. At the conclusion of the interview, Officer Berne signed and dated the image. This image was retained and receipted on Portland Police Bureau Property/Evidence Receipt # 1203489. The audio recording of the interview was later copied to a CD-R and also receipted on Portland Police Bureau Property/Evidence Receipt #1203489. The recording and image were later placed into the Property Room.

REPORTING OFFICERS	DPSST	PREC/DIV	RLF/SHFT	ASSN/DIST	SUPERVISOR
Detective E.W. Kammerer	29988	DET	M	HOM	

PORTLAND POLICE BUREAU — **CONTINUATION REPORT** — Page/Of 7/7

CASE NO.	CLASSIFICATION	TYPE:	SEX	RACE	DOB
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Please refer to the attached transcript for a more detailed and verbatim account of Officer Berne's interview. It should be noted I incorrectly stated the end time during the interview as 2037 hours. Then end time was in fact 2137 hours. The transcript reflects this error.

This investigation is ongoing.

REPORTING OFFICERS	DPSST	PREC/DIV	RLF/SHFT	ASSN/DIST	SUPERVISOR
Detective E.W. Kammerer	29988	DET	M	HOM	

BUREAU OF POLICE
2619 NW INDUSTRIAL WAY, STE. B4
PORTLAND, OREGON 97210

PROPERTY/EVIDENCE RECEIPT

THIS RECEIPT MUST BE ACCOMPANIED BY AN APPROPRIATE REPORT

RECEIPT NUMBER	DATE/TIME	AM / PM	REFER CASE NO.	PPB CASE NO.
No. 1203489	5-14-10	PM		10-38353

CHECK ONE: EVIDENCE | FOUND PROPERTY | PRISONER'S PROP (GA COPY ATTACHED) | SAFEKEEPING

PROPERTY TAKEN FROM:	LAST NAME	FIRST	M.I.	SEX	DOB
DENIED OWNERSHIP ☐					
HOME ADDRESS	CITY	STATE	ZIP		
OWNER OF PROPERTY	LAST NAME	FIRST	M.I.	SEX	DOB
HOME ADDRESS	CITY	STATE	ZIP	PHONE	

VOLUNTARILY RELINQUISHED ITEM(S) LISTED FOR SAFEKEEPING

SIGNATURE

TYPE OF INCIDENT: Officer Involved Shooting

DELIVERING OFFICER: Kamara

DEPT ASSIGNMENT: Detectives

LOCATION WHERE SEIZED / CONDX SUSPECT RELEASED: 1111 SW 2nd Ave

INVESTIGATOR IF DIFFERENT

PRIMARY ASSIGNMENT

	LAST NAME	FIRST	M.I.	SEX	RACE	DOB
☐ DEFENDANT						
☐ SUSPECT						

	FOR GUNS: LIST MAKE, TYPE, CALIBER, MODEL, SERIAL NUMBER(S), IMPORTER & COUNTRY OF ORGIN. LIST ONE ITEM PER SELECTION	STLN	FOR PED USE ONLY
ITEM 1	Google Earth image used by Ofc Berne		
ITEM 2	CD-R containing interview of Ofc Berne		
ITEM 3			
ITEM 4			
ITEM 5			
ITEM 6			
ITEM 7			
ITEM 8			

PROPERTY LOCATION	LOCKER	DATE	RECEIVED BY
	C6		

DO NOT WRITE IN SPACE BELOW — FOR PED USE ONLY

INVENTORIED AND ACCEPTED IN PROPERTY EVIDENCE DIVISION	BY	WHITE - RECORDS COPY YELOW - CITIZENS RECEIPT PINK - WITH PROPERTY
DATE: TIME:		

02-01-10

NE Halsey St
Image © 2010 Metro, Portland Oregon
© 2010 Google
2009 Google
Imagery Date: Jun 19, 2008
45°32'00.69" N 122°39'34.43" W elev 139 ft
Eye alt 463 ft

PORTLAND POLICE BUREAU
CASE NUMBER 10-38353

May 14th, 2010

Officer Cody Berne

TAPED STATEMENT TRANSCRIPTION

CONFIDENTIAL

PORTLAND POLICE BUREAU
DETECTIVE DIVISION
CONFIDENTIAL TAPED STATEMENT TRANSCRIPTION

Kammerer: This is Detective Erik Kammerer of the Portland Police Bureau, it is May 14th, 2010, it's currently 2025 hours. We're here in the uh, small conference room of the Detective Division on the 13th floor of the Justice Center. We're here regarding an officer involved shooting, case #10-38353. Also present Detective Mark Slater and we're here to interview Officer Cody Berne, DPSST #45662. Uh, he's also, he's represented by his Attorney, Krista Shipsey. And Officer Berne, you understand that this conversation is being recorded?

Berne: I do.

Kammerer: And you're okay with that?

Berne: I am.

Kammerer: Okay, um, like I said we're here to talk about the officer involved shooting that occurred on May 12th. Um, before we get into that though I'd like to talk a little bit about your background, your experience, your kind of training you've received with the, the Police Bureau or, or other locations.

Berne: Okay, just talk about my training. When I first started my career with the police bureau I went to the Basic Police Academy, run by the State. It was 10 weeks and it was in Monmouth, Oregon. Following that I was on probation for my first 18 months, as part of that probationary period I also went to the Police Bureau's Advanced Academy and I think my Advanced Academy was 18 weeks and it was in the City, put on by the Police Bureau. So again during that probationary period I rode with the more senior officers on patrol and learned from them. Following that I've been to in-service annually since my time in the Police Bureau, I've also had an opportunity to take some other classes outside of in-service, some of them I've forgotten, some of them I still remember the names of them.

Kammerer: Okay. Uh, what year were you hired?

Berne: May of 2005.

Kammerer: Okay, and um, have you uh, received any kind of training on any other uh, uh, weapons platforms other than the uh, the handgun that you carry?

Berne: Uh, the shotgun as well. But at, at this place no.

Kammerer: Okay, what kind of uh, shotgun training did you receive?

Berne: I received Acad- Academy training both in Monmoth, if I remember correctly and also the Advanced Academy.

Kammerer: Okay.

Berne: I mean other weapons outside of, you know, guns, yes. If you consider traser.

Kammerer: Sure, yeah, tell me about that.

Berne: I've also had training regards to the taser, gone through taser certifications, at least at the Advanced Academy, I'm not sure we did that in the Basic Police Academy. I remember there being an in-service refresher years ago as well. In addition to the taser I've had training in the asp baton that I'm required to carry. Using a flashlight as an impact weapon, pepper spray, and I don't think we routinely carry any other weapons. Actually remember a knife fighting class at the Basic Police Academy as well.

Kammerer: Okay. Um, have you ever received any training on less lethal shotgun?

Berne: No.

Kammerer: Or the AR-15 rifle?

Berne: No.

Kammerer: Okay. Um, where are you currently working?

Berne: I work for the Police Bureau, I'm assigned to the Hot Spot Enforcement Action Team, the short acronym is HEAT.

Kammerer: And what, what is your role with the HEAT Team?

Shipsey: You can tell them what you do, just the basics.

Berne: Well the HEAT Team was created, this is sort of the answer I give in court when I'm asked what I do by the District Attorney and then by the Defense Counsel. The HEAT Team was created about a year and a half ago, it'll be two years coming up here in June so I should say two years ago. Uh, in response to an increase in the number of shootings in the this City for about five years. My understanding was the, the Gang Team did not have a uniform

patrol capacity so because of that a generation of young men involved in gangs grew up without police officers going and talking with them. A lot of police officers on patrol aren't able or not willing to go out and talk with groups of kids standing on the corner, probably because it's not safe. Partially because people are just sort of discouraged away from doing that. So because of that you had a generation of kids come up in gang culture that weren't being talked with by the police and I think that led to an increase in the number of shootings and an increase of gang violence. So the Police Bureau decided they wanted to address that, created the HEAT Team and our initial mission was to move throughout the City and address hot spots of crime. When HEAT Team was created the, the major hot spot was this gang violence, the shooting violence and that's main, been the mission of the team since it's inception and has continued for the last year and three-quarters. So in that capacity I, I see that it's my responsibility to go out and, and talk with these kids that are, that are doing shootings and try to get guns off the street. So short answer is try to get guns off the street.

Kammerer: Okay. Um, what days do you normally work?

Berne: We have Sunday, Monday and Tuesday off and work afternoon shift, from four pm until two am.

Kammerer: Okay, and were you working on May 12th?

Berne: I was.

Kammerer: And what time did you start work that day?

Berne: four pm.

Kammerer: Okay. Can you kind of take me through your, uh, your day before uh, you got to work.

Berne: I struggled with this earlier, but I'll try to just backtrack from the time I got to work. I um, I bicycled to work, as I normally do. Um, before that I, I made lunch, I think I had some chicken that I'd made the night before. Um, before that I usually sleep in on the first day of the week so I try not to get up until 10 or 11 just so that I have sort of a sleep reservoir or bank built up for the week.

Kammerer: Um-hm.

Berne: So between 10 and 11 I, I think I resealed the grout on the exterior part of my shower 'cause it goes to the outside, I'd done a first coat the night before and I

wanted to put two coats of seal on the grout, so I remember doing that before coming into work.

Kammerer: Okay. Um, you slept the night before I assume?

Berne: Yeah.

Kammerer: Do you recall how long you slept?

Berne: Probably eight hours.

Kammerer: Okay, is that a normal amount for you?

Berne: Normal at the start of the work week.

Kammerer: Yes.

Berne: During the work week I think I normally sleep six hours.

Kammerer: [redacted]

Berne: [redacted]

Kammerer: [redacted]

Berne: [redacted]

Kammerer: [redacted]

Berne: No.

Kammerer: Anything uh, like that? Okay. Your uh, rode your bike to work is that correct?

Berne: I did.

Kammerer: Um, is that normal for you to do that?

Berne: I probably do it three out of four days.

Kammerer: Okay.

Berne: Ride to work.

Kammerer: Any problems uh, riding to work that day?

Berne: No, it's actually very nice riding to the SE Precinct Traffic Division from where I live.

Kammerer: Okay, no altercations or?

Berne: No, it was a nice day.

Kammerer: Great, um, when you got to work what happened?

Berne: I got to work and I was gonna be riding with Officer Billard that day. Sergeant Livingston I think had, I guess spoke to him on the phone maybe earlier that day or the day before and told me that Officer Billard's gonna be late, you know, [redacted]

Kammerer: Um-hm.

Berne: So I got to work, I put gas in the car from the week before, hadn't been gassed up, I did that in the basement at Traffic Division. I set up the car, loaded the shotgun, put the shotgun in the rack. And then I first drove to the Holiday Park area and started the shift.

Kammerer: Uh, did you uh, attend a roll-call prior to?

Berne: Yeah we did have a roll-call at, at Traffic Division.

Kammerer: And what, if anything, occurred during that roll-call?

Berne: Typically in our roll-calls Sergeant Livingston leads the roll-calls and this one I remember him leading the roll-call and I remember he was reading off some flyers that he printed off the intranet about people that were wanted. I don't know if there was any flyer that had any significance in my mind, but he then passed those flyers around.

Kammerer: Um-hm. Um, and it's my understanding that the HEAT Team, uh, it kind of has a directed mission, uh, depending on the day. Is that accurate?

Berne: In, in general that mission's the same, sometimes there's different events, parties that pop up where we then focus our attention there, but we generally patrol the same neighborhoods, the same spots, it's not an absolutely standard day with no more direct mission.

Kammerer: Okay, and was there any uh, sort of directed mission given to you that day during roll-call?

Berne: At the end of roll-call or at some point before I was finished I got my car, I remember Sergeant Livingston telling me we were gonna start by driving through Holiday Park, see if people were out in Holiday Park. And if Holiday Park wasn't busy a lot of the times we go as a team to get coffee at Starbucks it's at Grand and Hoyt.

Kammerer: Okay, and is that in fact what happened?

Berne: Yes.

Kammerer: So uh, what happened after that?

Berne: We were at coffee at Grand and Hoyt. I don't drink coffee so I think I had some water. Remember Officer Aaron Dauchy was there, we often work pretty closely with him, he knows a lot of the same youngsters that we know in his role as a Tri-Met officer.

Kammerer: Um-hm.

Berne: He just happened to be sitting there so he sat with us and chatted with us for awhile.

Kammerer: Okay, and then what?

Berne: Then we left Starbucks. Um, I remember as we were getting ready to leave I got up and I went to go use the restroom inside Starbucks. It was locked, I didn't want to wait. As I was doing that Officer DeFrain was sort of walking towards the restroom as well and I said, hey Jim, Officer DeFrain, bathroom's locked.

Kammerer: Um-hm.

Berne: Then I walked out of Starbucks toward my car.

Kammerer: Okay.

Berne: And I heard Officer DeFrain tell Officer Foote, in some joking way, hey, take me to North I need to, I need to whiz.

Kammerer: Okay.

Berne: So my thought was I'll go to North Precinct too and, and since I didn't have a partner yet so I'm not as uh, eager to out and make a, a bunch of traffic stops or a bunch of contacts with people on the street without a partner 'cause it's just not safe with the work we do.

Kammerer: Okay, so you left Starbucks, what happened then?

Berne: Left Starbucks and driving north on Grand. Should I go into?

Shipsey: Yeah, just go into the contact.

Berne: Okay, I'm driving north on Grand, there's a gray, I believe it's a Corolla, that's west of me on Grand. We're stopped at a traffic light four or five blocks south of Clackamas, I don't remember the street, I never had an opportunity to go back and actually figure out which street it was, but we were four or five blocks south of Clackamas, stopped at a traffic light. I believe I was in the second most western lane on Grand and I hope I'm correct in saying Grand, goes northbound, sometimes I confuse Grand and MLK there.

Kammerer: Correct.

Berne: So I was stopped at a traffic light, second most western lane, if I remember correctly, the Corolla was in the far western lane on Grand traveling northbound. Officer DeFrain and Foote were behind the Corolla, in their patrol car. Uh, I remember there not being any other cars alongside us. The traffic light turned green and I proceeded north, the Corolla proceeded north and the Corolla then made a series of very rapid lane change movements in front of my car. Basically what I would describe as cut across the lanes of traffic and he ended up in the eastern most lane on Grand. When he did that I saw a series of lane change violations. He'd signaled the initial lane change, he had to signal 100 feet before he did that, I know that it's a traffic violation not to signal 100 feet before you make that lane change.

Kammerer: Um-hm.

Berne: And in the rapid series of lane changes he made the same repeated violation. So because of that I know I had probable cause to at least pull him over. Officer DeFrain and Foote got in front of me in their patrol car. Uh, turned on the overhead lights, not the overhead lights, excuse me, there's no overhead lights in that car, but turned on the red and blue lights on their patrol car indicating that the Corolla should stop, they were directly behind the Corolla. This was still on Grand. The Corolla then made a, a turn eastbound off of Grand. He probably drove about half a block, I turned on my red and blue

lights, I was following directly behind Officer, Officers DeFrain and Foote. Officer DeFrain and Foote then turned on the siren on their patrol car giving an even more clear indication to the Corolla it needed to stop. I remember the Corolla then driving, I would say through the blocks, east of Grand, wasn't stopping. Drove, I believe, four or five blocks without stopping. And there were some thoughts going through my mind that I can describe if you want later.

Kammerer: Right, if you could describe 'em for me now that'd be great.

Berne: Essentially my experience doing the type of work that we do on the HEAT Team, when a person isn't stopping like this there's certain things going through my mind. Uh, namely they're either trying to conceal evidence, which is sort of the most common situation, most typically they're trying to conceal some sort of drugs, cocaine, marijuana, methamphetamine, whatever, before the traffic stop and so they're essentially creating a time for them to do that by not stopping immediately. And the second possibility is that they're preparing some sort of weapon to have a violent confrontation with us.

Kammerer: Okay, and this what's going through your mind as you're watching this going.

Berne: Yes, the, the, I mean, before the traffic stop ever occurred the, the lead up to the traffic stop, the amount of driving this Mr. OTIS took us on was very abnormal. And when those types of situations happen, when that sort of driving happens it elevates the risk factor in my mind, it's an indication that he he is doing something that he does not want to immediately comply and I'm always concerned about what he's using that time for.

Kammerer: Okay.

Berne: So he finally came to a stop on NE Sixth I believe, just south of Halsey, north of Clackamas, he was on the east side of the street.

Kammerer: Okay. Um, prior to the um, the, the actual traffic stop before they, Officers Foote and DeFrain turn on their lights, was there any conversation that occurred, uh, between you and Officer Foote or Officer DeFrain?

Berne: Yes.

Kammerer: Can you tell me about that?

Berne: We had a conversation via Nextel, the HEAT Team along with the, the afternoon Gang Team, we have a, a talk group I believe is the technical Nextel

term, where if I go and turn on my Nextel and click the button that says, on my phone I think it's HEAT 4 now at this point.

Kammerer: Um-hm.

Berne: The fourth talk group we've created, I can communicate with everybody on the HEAT Team. Officer DeFrain when we were stopped at the red light still on Grand, broadcast on the Nextel, you know, *hey Cody do you see that car to your left, west of you.* And I said yes, and Officer DeFrain says, *do you think that's a good car to stop?* And I told Officer DeFrain that when I left the Starbucks lot turning, I left the east driveway of the Starbucks lot, that would enable me to turn north on Grand, make a left turn onto Grand. As I was making that turn the Corolla actually drove perpendicular to my patrol car north on Grand and I saw in the Corolla. I already saw that there was at least one occupant in the Corolla.

Kammerer: Um-hm.

Berne: And the Corolla pulled in front of my patrol car I was able to see the license plate and I queried the license plate on the MDT in my car, I used the, the QRW method, so I didn't see any PPDS history associated with the car.

Kammerer: Um-hm.

Berne: But I did see the DMV history and I saw that the car was registered, I believe to a woman whose last name was OTIS, I believe she was born in 1959. So when Officer DeFrain asked me to pull alongside the car, pull, just slightly more north to get a better a view I told him I already saw there was at least one occupant, I think the car is registered to a woman born in 1959.

Kammerer: Uh, so when you pulled up were you able to see into the vehicle?

Berne: I, I didn't pull up.

Kammerer: Okay.

Berne: I, I was, I already saw the person that was in the, at least one person I saw inside the car so I didn't pull up any farther. I was waiting for the light to turn green before I started north.

Kammerer: Did the, the occupants of the vehicle appear to be a, a female who was born somewhere around 1959.

Berne: No.

Kammerer: Okay.

Berne: I saw, when the vehicle drove north, perpendicular to my, or when I'm still sitting in the parking lot at Starbucks I saw what looked to be a young man with a, a hood over his head and some scruffy, scruffy facial hair.

Kammerer: Okay, was it that along with the, the um, registered owner information that indicated to you that that might be a stop worth making?

Berne: I'm not quite sure I understand.

Kammerer: Well you said that uh, Officer uh, DeFrain asked you, hey is that a car we should stop and you said something to the effect of yeah, that looks like a good stop.

Berne: I think I said something similar along the lines of the car's registered to a woman born in 1959 and the person, most likely not a woman, certainly doesn't look like they're born in 1959. He's got a hood up and it's a sunny day. You know, why does he have his hood up on a sunny day?

Kammerer: Okay, so it was all those factors then that uh, led you to believe that that would be a vehicle worth stopping.

Berne: And there's a, a possibility there, I'm not sure the timing in the Nextel conversation, then Officer DeFrain said, or I think he said, or maybe Officer Foote, but it was Officer DeFrain said, *well somebody should stop that car.* That happened before he made these sort of, what I would call an aggressive series of lane changes in front of two police cars.

Kammerer: Okay.

Berne: So at some point I believe Officer DeFrain said, *well somebody should stop that car.* And then I then communicated with the Nextel back to them, well there's two of you guys, why don't you guys do the stop and I'll follow behind you.

Kammerer: Okay, um, the vehicles that you guys drive uh, in the HEAT Team, I believe you said that the, the lights on them are not on the outside of the vehicle, is that correct?

Berne: There are some lights behind the grille and there are some lights on the, the backside of the mirrors, so I guess those are technically on the outside of the vehicle, but there's no overhead light bar like on a normal patrol car.

Kammerer: Okay, so it doesn't obviously look like a police car then?

Berne: I mean they're the Crown Vic's, but they're not marked police vehicles.

Kammerer: Okay, so someone would possibly think it is a police car then by, by looking at it?

Berne: By the mere fact that it's the Crown Victoria with police wheels and it has this large MDT.

Kammerer: Um-hm.

Berne: You know, if you looked with any level of detail you can see the lights inside the car both in the front windshield and rearview mirror.

Kammerer: Okay, and are you guys in uniform or uh in an undercover capacity?

Berne: Yes, we're always in uniform, this day I was wearing my Class B uniform with my badge.

Kammerer: Okay. So uh, uh, Officer Foote and DeFrain uh, activate their, their lights to stop the vehicle.

Berne: Correct.

Kammerer: Um, and uh, do you recall where it was that they uh, activated their lights?

Berne: They were still on Grand when they activated their lights, the vehicle made a turn east off of Grand and my thought was that the motorist was gonna pull off the major street.

Kammerer: Um-hm.

Berne: And stop on the side street.

Kammerer: Do you recall which street that was?

Berne: I don't remember. Probably four or five blocks, my best estimation south of Clackamas. It had to happen somewhere between Hoyt and Clackamas and at

some point we were stopped at a red light between Hoyt and Clackamas on Grand.

Kammerer: Okay. So the vehicle then eventually uh, does pull to the curb, um, on Sixth between the Clackamas and Halsey.

Berne: Uh, yes.

Kammerer: Okay, what happens next?

Berne: Officer DeFrain and Foote's patrol car wasn't directly behind the Corolla, it was just off set to the west of the Corolla and I believe it was angled slightly toward the northeast or toward the rear passenger door on the driver's side of the Corolla.

Kammerer: Is that uh,unusual?

Berne: Yeah, that's unusual.

Kammerer: Why is that?

Berne: Typically when we conduct a traffic stop we're directly behind the car then offset at an angle toward, away from the driver's door.

Kammerer: Um-hm.

Berne: Just slightly, one in case your patrol car gets rear-ended the cars not going to go smash you and two it's just, I guess it's the initial position that we would set up the felony high risk stop should the traffic stop evolve into that.

Kammerer: Um-hm.

Berne: I think there's some other tactical reasons in terms of cover and concealment, so in this case I think Officers DeFrain and Foote were likely thinking that the car was still going to flee so they were essentially in a better position to, how to use a, a PIT maneuver to intercept that car before it was able to flee.

Kammerer: Okay. So what did you do then?

Berne: I pulled my patrol car more directly behind the, the Corolla. I was south of the Corolla, front bumper of my car was facing the bumper of the Corolla. The bumper was facing southwards.

Kammerer: So um, in the, the situation you described earlier about what a, a normal traffic stop would look like then with the car position, yours was more in that position then?

Berne: Correct. As, as if I was the only patrol car there.

Kammerer: Sure.

Berne: Conducting a traffic stop.

Kammerer: Okay, so what happened after that?

Berne: At that point by, we essentially arrived at the same time our patrol cars were in those positions, very close to each other, just because I was directly behind DeFrain and Foote when they were following the Corolla.

Kammerer: Um-hm.

Berne: I got out of the, my car. I saw Officer DeFrain move from the front passenger seat of his patrol car. And I don't remember if he walked around the rear of his patrol car or if he just simply walked between his patrol car and the Corolla, but he immediately positioned himself on the driver's side of the Corolla alongside Officer Foote. When he did that I saw that the passenger side of the Corolla didn't have an officer on it, wasn't being covered, they were all, already two officers on the driver's side, so I walked up to the passenger side of the Corolla. And as I was doing that I was watching the driver do some things that were unusual.

Kammerer: Uh, could you describe those for me?

Berne: Yeah, as I was walking up I saw the driver moving around about as much as a person could move around and still be in the driver's seat. I remember him lifting his body, I remember his reaching around, moving his torso, just moving very aggressively and very rapidly and very deliberately within the car. And because of that I saw that Officer DeFrain and Foote were responding to his actions, what he was doing.

Kammerer: Now as your, as your describing those movements uh, to me, you're leaning over to your right um, uh, towards what would be the center console of the car, if I were sitting in it and leaning in that direction. Is, is that how he was moving?

Berne: Yeah, it was not only that he was leaning his torso, I remember him moving his right hand and arm, I remember specifically his right hand and arm moving and sort of dig between the center console and the front passenger seat. I also remember him doing, what I would describe, as posting in his seat. As if your riding a horse and…

Kammerer: …Um-hm…

Berne: …Your using the English method and you're posting, where you're lifting your body in rhythm with the horse. He was pushing his feet off the floor in all likelihood. I remember his hips sort of raising off the base of his seat as he was then contorting his body to the right toward that center console.

Kammerer: And was Officer DeFrain or Officer Foote saying anything or, or doing anything at that point?

Berne: They, I remember Officer Foote, I don't remember if Officer DeFrain was as well, but I remember hearing Officer Foote telling this guy, you know, *stop moving, show me your hands, show me your hands.* And I remember the driver was shouting, I don't remember what he was shouting, just that he was shouting at Officer's Foote and DeFrain.

Kammerer: Okay, what happened next?

Berne: As I said I was walking up on the passenger side and as I was doing that, you know, a couple reasons why I want to do that, one it looked like this guy was focused on Officers DeFrain and Foote, his attention was directed toward them, he wasn't focused on me, I'm not sure he knew I was on the passenger side of the car. I wanted to get a better angle for what he was potentially trying to access or what exactly he was doing.

Kammerer: Um-hm.

Berne: As I was walking up on that side I saw that Officer DeFrain had his handgun at, what I would call, a low ready position. His handgun was out of the holster, I think facing generally north on Sixth. Saw that Officer DeFrain was just north, or excuse me, Officer Foote was just north of Officer DeFrain. And if I confuse those names Officer DeFrain was the officer that had his handgun in low ready.

Kammerer: Got it.

Berne: Officer Foote was north of Officer DeFrain, remember he had his taser out in his hand as he was giving Mr. OTIS, who I'll call from now on, the driver, instructions. I think it's sort of at the same point of time Officer DeFrain and I realized I wasn't in a good position on the passenger side of that car. Officer DeFrain had his pistol at low ready, creates all sort of, more complications in terms of crossfire. In, in terms of having good safe backdrop if officers are on opposite sides of the car.

Kammerer: Sure.

Berne: So because of that I started moving to the driver's side of the car. I remember Officer DeFrain yelling, you know, Cody, or Coco, they often call me Coco.

Kammerer: Um-hm.

Berne: *Get back to the driver's side of the car.* So I did that and I joined Officer DeFrain and Foote on the driver's side of the Corolla.

Kammerer: Okay. And what happened next?

Berne: I think I was just behind, so just west of Officer DeFrain and Foote and, for the next few minutes, or what felt like a few minutes, Officer Foote, in an extremely calm voice, had a, gave a series of instructions to the driver. First to stop reaching around, which the gentleman did. And throughout Officer Foote's conversation statements to this man, Mr. OTIS was just screaming and shouting. And then Officer Foote was trying to one, de-escalate the situation and two, put Mr. OTIS at a dis- disadvantage. Officer Foote told Mr. OTIS to put his hands on top of his head, interlace his fingers. It's a standard position we use, a position we're taught in defensive tactics. It enables us to see a persons hands and it prevents them from accessing a weapon, most people don't have some sort of weapon on their head.

Kammerer: Right.

Berne: So Officer Foote gave this instruction, you know, countless times, telling Mr. OTIS, put your hands on top of your head, interlace your fingers. And at some point after Mr. OTIS stopped reaching around, he sort of began to comply and he put his hands on the steering wheel and wrapped his hands tightly around the steering wheel. While he's doing this Officer Foote continued to tell, *"Sir, put your hands on top of your head, interlace your fingers."* And this then continued for a, a good deal of time.

Kammerer: Okay.

Berne: Just continue?

Kammerer: Please.

Berne: Uh, at some point I remember, at some point Officer DeFrain had holstered his gun, I remember seeing his gun in his holster. And I believe Officer Foote still had the taser out, sort of in a, in a relaxed position closer into his torso. Wasn't as if, as if he was sighting a taser.

Kammerer: Um-hm.

Berne: Directly at Mr. OTIS, but it was in a position in his torso and readily able to, to shoot the probes into Mr. OTIS if that was necessary. And I remember Mr. OTIS' hands on the steering wheel, sort of making this very deliberate, distinct motion as he's turning his head west from his car, looking more directly at Officers DeFrain and Foote and I, for the most part prior to this he had been facing forward, just yelling and screaming. He looks back at us and makes some comment about his race and about the traffic stop and then looks back forward and starts screaming and shouting. The whole time Officer Foote's telling him, put your hands on top of your head, interlace your fingers. In just about the same tone of voice I'm using here.

Kammerer: Do you recall what it was that Mr. OTIS said?

Berne: Something about, you know, this, I'm a black man, you just stopped a black man. He said it with some anger and just, just, anger in his voice.

Kammerer: Okay.

Berne: And Officer Foote then again continued to give him these instructions. At some point, I think I was Officer Foote, got on the radio I believe and asked for additional cars. Uh, Officer DeFrain or I may have also then used the Nextel. Oftentimes in HEAT when we're asking for additional cars we first go to the Nextel because we're more comfortable working with our, our friends on the HEAT Team. I know and I trust those other officers, typically we're, we're pretty close together so oftentimes we can get cover there more quickly on the Nextel.

Kammerer: Okay.

Berne: At some point an officer used the radio as well. And again this is sort of speaking what, what's typical for the HEAT Team. If, if I'm working with my normal partner in HEAT, Jared Laws who has since left the HEAT Team.

Kammerer: Um-hm.

Berne: When we would use our radio for ask, to ask for cover, that typically meant there was something more involved in this situation and our request for cover than using the Nextel. The Nextel is slightly more involved to get on the Nextel and say hey, I need an additional car.

Kammerer: Right.

Berne: The radio is, is easier to use and just out of course of habit from working patrol it, it's just easier to talk on that radio. So when officer's using that radio that's sort of an indication to the other officers in HEAT that maybe they need to get there a little faster.

Kammerer: So if I'm understanding you correctly then, the, if you just need somebody else to come by and cover you, you can ask for somebody from the HEAT Team where you use the Nextel, if uh, if you believe that there's a higher priority of, of cover necessary now you're gonna get on the radio and anybody in the HEAT Team that hears that will realize that. Is that?

Berne: Correct. We want, the caveat there is it's not just in the, guess, language of priority, when I think priority I think of Code 1 versus Code 3. To me there's variations and gradiations of Code 1.

Kammerer: Um-hm.

Berne: So typically I can just be say, hey send me another car Code 1 and if I'm talking to my friends in HEAT on the radio, that Code 1 is a, is a more rapid quicker Code 1 than just if I'm using the Nextel.

Kammerer: Right. Okay.

Berne: So in this case someone used the radio so it was clear to everyone else that this wasn't just a, a normal request for cover.

Kammerer: Okay.

Berne: Everyone else also knew, I, I believe I broadcast the traffic stop, I think I missed that. Officer DeFrain and Foote made have broadcast the stop as well, I don't know if I heard it, I don't remember hearing it when I got out. So I remember using my, the microphone on my uniform as I'm out of my patrol car and broadcasting, 1955 I'm traffic with 1950 at Sixth and Halsey, I think I said. And then I remember walking back and reading the license plate.

Kammerer: Okay.

Berne: To dispatch.

Kammerer: Okay so you've, uh, you've used the radio and you've uh, requested cover.

Berne: I, I think Officer Foote did. I may have...

Kammerer: ...Oh you, Officer Foote, oh, okay...

Berne: ...I may have as well, I don't remember or not at this point if I did. I remember distinctly seeing Officer Foote and seeing Officer Foote, you know, asking for, for cover.

Kammerer: Okay, what happened next?

Berne: So at this point Officer Foote's still having his conversation with Mr. OTIS, Mr. OTIS is still shouting and screaming, his hands are still wrapped around the steering wheel. Officer Foote asked one of the additional HEAT cars coming to go ahead and box, the term he used I believe was box-in the Corolla from the front.

Kammerer: What does that mean?

Berne: The idea there is to position a patrol car very close to the intended direction of the, the stopped motorist, in this case Mr., Mr. OTIS' stopped Corolla.

Kammerer: Um-hm.

Berne: And to be more clear, a box-in essentially means the patrol cars that, the, the front of a car that you want to not move and also at the rear of the car that you don't want to move. And in this way, essentially, there's no space for that Corolla to either move forward or backwards. So Officer Foote was asking for another patrol car to move close to the front end to drive and park adjacent to the, the front end, the engine block of the Corolla to prevent that Corolla from deciding to take off, to drive away to the north.

Kammerer: What, what would be the, the advantage to that?

Berne: The advantage of that would be to prevent the, Mr. OTIS, the driver of the Corolla from fleeing in the vehicle. When a person flees in a vehicle it creates all sorts of risks for him, for the community and then for officers – so, our hope is to prevent that. You can technically, I think, label that a pursuit

intervention technique. We're trying to avoid a pursuit, prevent the pursuit before it even happens.

Kammerer: Okay. Alright, so Officer Foote asks for the next car to, to box-in.

Berne: Right.

Kammerer: The vehicle, what happens after that?

Berne: A patrol car, a, a HEAT car comes in and, and occupies that position that Officer Foote described. I don't remember who it was. Sergeant Livingston and Officer Murphy's car or if it was Officer Polas and Officer Burley's car. Those were the two other HEAT cars that were on patrol on uh, May 12th.

Kammerer: Okay, so one of those two vehicle then positions itself.

Berne: Correct. And I remember both of those partnerships, Livingston, Murphy, Polas and Burley, sort of arriving at the same time. I remember Officer Burley and I think Sergeant Livingston as well, on the driver's side of the Corolla, sort of alongside me. And at this point Officer Foote still had his taser out, I guess he was sort of assigning himself as the less lethal component of a, a use of force in the event that this individual, Mr. OTIS, wanted to escalate the situation further. Officer Burley, you know, then communicated well lets get him out of the car. We waited for enough officers to get there before we decided to get him out of the car. Initially there were only three of us and if we could have seven, why not have seven as opposed to just three.

Kammerer: Okay.

Berne: And Mr. OTIS looked to be at, at least my size, looked to be a young man in good health, I'd much rather have seven officers there than three officers in the event he does something totally unpredictable and wants to have a, a physical confrontation with us.

Kammerer: Okay.

Berne: So Officer Burley has now arrived, Officer Burley is also an extremely strong individual, if you don't know him, I think you guys know Officer Burley, and you know the members on the HEAT Team he's, he and his former partner Walker Berg was also very strong, but, probably stronger than Officer Burley, but Officer Burley now I think has the title as the strongest, biggest guy on the team so if you want someone to try to control someone sitting in a patrol car, he can have all the technique in the world, but if you have all the technique in

the world along with a great deal of strength your in a superior position. Officer Burley is a sound officer, I know he has good technique in his control holds and he's also very strong. So he put himself in position to, you know, be responsible for physical control of Mr. OTIS in terms of getting him out of the car. So I remember Officer Burley saying well lets get him out of the car. And the other guy went over other stuff as well. When Officer Foote was talking with Mr. OTIS, Mr. OTIS kept on saying, "*open the door, open the door.*" Telling us, being Berne, DeFrain and Foote to open the door and I think he was referring to the driver door. I hadn't heard someone say that to me, at least I don't remember someone saying that to me and I thought that was very bizarre.

Kammerer: Okay.

Berne: So Officer Burley now had announced that he was gonna, well it's time to get this, get him out of the car. Um, Officer Burley, I believe the window was down, the front window on the Corolla was down. And Mr. OTIS' hands were still wrapped around the steering wheel. He'd been given ample time to put his hands on top of head, interlace his fingers and he clearly was not going to do that. At this point I thought I had possible cause to arrest him for a whole series of crimes, I imagine Foote and DeFrain did as well. To this point our intention was to get him out of the car, separated from the car and take him into custody.

Kammerer: Okay.

Berne: Officer Burley reached, just part of his arms through the window. He didn't put his full body in the car, in any way, shape or form, I don't think even his shoulder was into the car. And I remember him taking one of Mr. OTIS' hands off the steering wheel, I believe it was his left hand. He then used, I think what I would call a sankajo hold.

Kammerer: Um-hm.

Berne: Sergeant Livingston would be the expert for the name, pronunciation and spelling, and attempted to bring Mr. OTIS' left arm behind his back. I'll try to describe it as best for the recorder. He attempted to put Mr. OTIS' knuckles and fingers pointing south toward the floor of the car where his uh, lower form was canted at a, a 90 degree angle, relative to his upper arm. Essentially his forearm was hanging down in the same direction as his torso where his upper was parallel with the floor. Then used a, a, what again we would call a control hold to rotate Mr. OTIS' hand and wrist inward toward Mr. OTIS' body so in

a clockwise motion with his left hand. And in doing that he essentially used pain compliance to encourage Mr. OTIS to follow Officer Foote's instructions.

Kammerer: Okay.

Berne: So as Officer Burley was doing that, attempting to bring Mr. OTIS' one, hand off the steering wheel, two, put his arm and hand at this angle that I describe, three, apply that, that torsion, that inward twisting motion is the pain compliant component of it and the control compliant. I remember Mr. OTIS lunging, extremely aggressively, east in the Corolla toward the glove box and front passenger seat, and very aggressively pulling away from Officer Burley.

Kammerer: Okay.

Berne: So that the speed and the strength of which he made that motion, I remember surprised me. Again going back to how strong Officer Burley was and I could see by the angle the way Officer Burley was applying that hold, the hold was essentially in the correct position. It looked like he had a, a good perpendicular bend in the forearm and upper arm and then it looked like, to me, that he was providing that twisting force to Mr. OTIS' hand. So I was impressed that I've been in this position many times in training and I know if, there's a great deal of pain compliance it, it hurts and it's very hard to resist that movement. Especially when someone as strong as Officer Burley's would be applying it. And you know Officer Burley would be applying it to the degree that Mr. OTIS would be resisting that movement. Officer Burley has a great ability to apply a great deal of force is that Mr. OTIS continued to resisit and was clearly resisting, I was surprised at how quickly he was able to lean and lunge across that car.

Kammerer: Uh, when he lunged across the car did Officer Burley still have a, a hold on him or was that hold broken?

Berne: I think he, the, the technical set-up of the sankajo was broken. Officer Burley I st- I believe still had his hands on Mr. OTIS' I think hand and lower forearm.

Kammerer: Um-hm.

Berne: But his arm was no longer in this, this angled position was nowhere near…

Kammerer: …Okay…

Berne: …Behind his back. So he had, essentially if he had the, Officer Burley's maneuver…

Kammerer: ...Okay...

Berne: ...Right, right away as Officer Burley was applying it.

Kammerer: So when he lunges into the passenger seat what happened next?'

Berne: I remember hearing the, the puffing sound that, that a cartridge on a taser makes as the probes are deployed. It sounds to me a lot like a CO2 bb gun.

Kammerer: Um-hm.

Berne: Sort of a, a muffled pop. I remember seeing the wires connect to the probes, back to, I believe it was Officer Foote's taser. And Officer Foote was belongside me. Seeing those wires hanging through the window and it looked to me like the probes were embedded in Mr. OTIS' toso area in his sweatshirt.

Kammerer: Okay.

Berne: So I didn't see any skin except for, I think it was embedded in his sweatshirt.

Kammerer: Okay. What happened next?

Berne: Uh, at this point I don't remember if I heard the taser cycling or not, Mr. OTIS was still reaching, reaching, this is happening extremely quickly, in much less than a second I would say. He's opened the, the uh, glove box on the Corolla and when he opens the glove box, he's opened the glove box with his right hand, I think Officer Burley still has his hands, to some degree, on Mr. OTIS' arm. I see a Crown Royal bag in the glove box. A, a pretty large Crown Royal bag. The Crown Royal bag I'm describing is a purple bag that has sort of gold rope along the outside of the bag.

Kammerer: Um-hm.

Berne: And I remember focusing on that bag. Often times that bag conceals contraband. It seems to me in, in the course of what I do oftentimes people like to hide their drugs in Crown Royal bags. Why? I don't know, but think they like the velvet of the Crown Royal bag.

Kammerer: Okay.

Berne: I remember focusing on that. And I remember sort of Officer Burley being pulled forward and I remember seeing these taser wires, remember hearing people shouting at Mr. OTIS, giving him commands, I don't remember if I was giving him commands as well. Then I sort of remember Mr. OTIS

breaking more and more free of Officer Burley. And I remember seeing him reach in the glove box. I don't remember if he reached in the Crown Royal bag or if he reached alongside the Crown Royal bag. I just remember focusing on that Crown Royal bag where his right hand was going. Sort of like, "Hey, a Crown Royal bag." Then he began to sort of twist his torso and right arm back towards the officers. He was rotating towards the officers and me. Rotating his, his torso to the north and west. Again his Corolla is facing north. And as he was doing that he was sort of leaning backward in the drivers seat, leaning toward the passenger seat and rotating his shoulder blades toward the inside of the passenger side door. So he's almost laying across the front seats now. As he's reached into the glove box. And just continue?

Kammerer: Yes please.

Berne: All along people are yelling at him, giving him commands, giving him instructions. He's showing absolutely no indication that he's slowing down his movements. And again this happening extremely quickly. An- and again I would say less than a second this, this past maneuvers and motions that he's done, taken place that I've described for the last five minutes. As he's rotated his body he's reached into the glove box, he's moving his hand in the glove box and I remember seeing his hand point in, the only motion I would describe is if your holding a pistol with one hand. His had was, you know I'm, I'm holding my hand now with my thumb just separated from my forefinger and my fingers all parallel…

Kammerer: …Um-hm…

Berne: …As if I'm holding a semi-automatic pistol by the handle of that semi-automatic pistol.

Kammerer: Okay.

Berne: And I remember him continuing to rotate his body, he's sort of at this, what I thought was a, a flat angle, with his back and shoulder blades toward the front passenger seat, I'll try to stop moving as I'm describing these motions.

Kammerer: It's okay.

Berne: It's sort of frustrating me, I imagine it's frustrating you too. I remember seeing his hand in that very, it was an uncomfortable position seeing his hand like that. And as I saw his hand, as I'm processing this Crown Royal bag, as I'm processing the taser wires and the instruction, I hear two pops. Like cannon fire in rapid succession, coming from him. Coming from that car. As

soon as I heard those first two pops I remember my ears sort of muffling over as if I was being stupid in that firing range and not wearing ear muffs and I just fired a, an AR-15 or some sort of, you know, loud rifle.

Kammerer: Right.

Berne: There was that level of noise distortion in my ears. So there was this noise dis- distortion yet I heard these two extremely loud pops from the car, and I knew in my head this guy, Mr. OTIS is shooting at us. So at that point I don't remember drawing, I remember my handgun, you know, in a position to fire. I remember seeing my front site, and I remember firing at Mr. OTIS. Sort of at Mr. OTIS' center mass. This whole, from his shoulders to his hips was all, you know, very well exposed, at my angle to him. And then I remember an- another sort of cannon ball explosion coming from his car. And I sort of saw Officer Burley out of the corner of my eye going flying backwards. I'm not sure if he was running, if he was being pulled or what was happening. Way into the street and I remember seeing him out of the corner of my eye again, like he was immediately 15 feet south and west of me in the middle of the Sixth and I was amazed how quickly he got there. And I heard Officer Burley shouting, you know, I've been shot. As I'm hearing this cannon fire, as I'm shooting and aiming my handgun at Mr. OTIS. This is all sort of happening at the same time.

Kammerer: Um-hm.

Berne: So – there's those two distinct pops in rapid succession then that third pop and I, I remember shooting at Mr. OTIS.

Kammerer: Okay, um, if we could refer to this diagram here, uh, this is a Google Earth image of, of the intersection of uh, NE Sixth and Halsey that I've printed out. To the best of your recollection can you draw in uh, the location of Mr. OTIS' vehicle and then uh, the other police vehicles that were out there at the scene.

Berne: Okay. I don't remember the trees being there, I do remember as well, I don't think I described this earlier, when we made the traffic stop one of the things I learned from, through Pete Taylor at East Precinct, one of the habits I sort of tried to get into was always consider your backstop as your making this traffic stop. So I remember when I pulled behind the Corolla I remember thinking wow, there's this great wall, just east of us, of all the places for a traffic stop to happen this is a, you know, unusual to have this solid of a backstop.

Kammerer: Um-hm.

Berne: In the city. A- again I don't remember the trees, I remember his car was on the east curb somewhere, fairly close to the south end of Halsey.

Kammerer: Okay.

Berne: I guess I'll just label his car with an "O".

Kammerer: Okay.

Berne: My patrol car was maybe five to 10 feet south of his patrol car. Also on the east curbline on NE Sixth.

Kammerer: Can you just put a "1" there for your car.

Berne: Sure, my patrol car's a "1". My car's facing north. The Corolla is also facing north. Officer DeFrain and Foote again were, their patrol car was canted at a, a slight angle, I'll put their car as number "2". And the cant in that angle was towards the north and east. Their car was offset onto the driver's side of the Corolla and toward the rear quarter panel toward the rear trunk area of the car.

Kammerer: Okay.

Berne: Either Sergeant Livingston and Officer Murphy or Officer Burley and Officer Polas had then pulled their patrol car, if I remember correctly, not directly head on with the Corolla, but at a slight angle facing toward the south and east.

Kammerer: Okay.

Berne: And with, I would say less than one foot between the Corolla and then what I'll call the, the third police vehicle.

Kammerer: Okay.

Berne: So at least in this stage of the traffic stop these are the only three cars whose position I can describe to you. I remember a fourth car becoming involved later.

Kammerer: That's fine, uh, if you can draw that, where, where do you think that fourth car was?

Berne: You know I think maybe I've had these positions just slightly off 'cause I think Officer Dauchy then drove his marked patrol car. I remember he pulled his marked patrol car in somewhere to the west of my car.

Kammerer: Uh-huh.

Berne: And I remember I was yelling at him and some other officers were yelling at him, you know, point your car directly at this wall and drive up over the curb so we can use your engine block as a position of cover. At this point in the confrontation Mr. OTIS was on the passenger side outside of the car.

Kammerer: Okay, we'll get to that in a minute then. Um, so we've got your car, Officer Foote's car and then this is either Sergeant Livingston and Officer Murphy car or uh, uh, Officer Burley and Officer Polas car correct?

Berne: Correct.

Kammerer: Um, and uh, we know that all those uh, the aforementioned officers and the Sergeant was on-scene correct?

Berne: Correct. I remember everyone again arriving…

Kammerer: …Do you recall where that other HEAT car was parked then?

Berne: I don't remember where the fourth HEAT car…

Kammerer: …Okay…

Berne: …Ended up.

Kammerer: Okay, that's fine. Um, and you don't need to draw this on the diagram, but if we could just refer to it as we talk about, um, Officer's Foote and DeFrain are at the driver's side of this vehicle…

Berne: …Right…

Kammerer: …When you arrive. You walk up to the passenger side and then uh, decide to re-deploy back around to the driver's side of the vehicle.

Berne: Correct.

Kammerer: When Officer uh, Murphy and Sergeant Livingston get there do you recall where they went?

Berne: I remember seeing Sergeant Livingston – soon within their arrival of it and at some point before gunshots happened, I remember Officer Murphy sort of going to the position that I went to initially, sort of to the rear passenger side of the Corolla. I remember yelling at Officer Murphy and I remember some

other officers yelling at Officer Murphy, you know, Murph, get out of there, get on this side of the car. Because at this point the contact had escalated and I think Officer Murphy was there as Officer Burley was, uh, you know, initially attempting to move, control…

Kammerer: …The sankajo?

Berne: Yeah, the sankajo.

Kammerer: So that would place Officer Burley then also on the driver's side of the vehicle there.

Berne: Yes.

Kammerer: Um, and I believe his partner is Officer Polas?

Berne: Yes.

Kammerer: Do you recall where Officer Polas was?

Berne: I don't remember where Officer Polas was. I don't remember seeing Officer Polas until the situation had become more controlled.

Kammerer: Okay so at this point in time then we have Officer Foote and uh, Officer DeFrain and you and Officer Burley and possibly Sergeant Livingston all at the driver's side of the vehicle?

Berne: Yeah, and I can better describe our position as best I remember as well, relative to each other, if that helps.

Kammerer: Sure.

Berne: From memory, um, I don't remember where Off- Sergeant Livingston was, I just remember seeing him somewhere around here.

Kammerer: Okay.

Berne: While this was taking place. I remember Officer Foote was north of me and I believe he was the north most officer. Again he had a taser. And Officer Foote was aiming his taser, or was able to aim his taser at a southeasterly angle into the Corolla through the driver's side window. Officer Burley was then just south of Officer Foote, more directly adjacent or alongside the driver's side door. I was just slightly behind Officer Burley, west of Officer Burley

and then I think I was just slightly north of him, so perhaps, you know half my left side was not directly behind Officer Burley relative to the Corolla.

Kammerer: Okay.

Berne: And then I think then Officer DeFrain was sort of in a sim- similar position to Officer Burley, except on Officer Burley's right side. So Officer DeFrain was also just west of Officer Burley and his body was about, from his midsection, if you draw a centerline from the ground up just east offset from Officer Burley.

Kammerer: So you and Officer DeFrain would have kind of been bracketing Officer Burley?

Berne: Yeah.

Kammerer: Okay. Alright, so then uh, you see uh, uh, Mr. OTIS, uh, reach towards the Crown Royal bag, um, either into it or to- beside it, and then you see his hand come up in a posture that you believe is consistent with someone holding a, a semi-automatic handgun.

Berne: It wasn't just consistent with, it was sort of in my mind there was no other reason why a hand would ever be in that position.

Kammerer: Okay.

Berne: Except for to hold his handgun. And not just the hand, the way he then positioned his ar- his arm. It was as if I was on a firing range, I'm drawing my pistol and I'm extending my right arm, to try to shoot accurately one handed. Locking on my elbow and I'm canning my hand. It was as if he was doing that with his arm, extending out away from his body. (overhead paging system talking in background)

Kammerer: Yeah, if you could get that we'll just uh, keep talking. Um, did you ever see a, a handgun itself?

Berne: I didn't see a handgun in his hand.

Kammerer: Okay.

Berne: I saw his hand and arm position and then I heard these shots from his car.

Kammerer: Did you uh, see any kind of muzzle flash or anything like that?

Berne: I don't remember seeing a muzzle flash.

Kammerer: Okay. Um, you heard the shots, did you see, uh, him, Mr. OTIS, reacting um, in, in a manner um, that would consistent with someone shooting gun? Do you understand what I'm asking you?

Berne: I, I think the way I've described it, the manner consistent with in terms of physical reaction was his, again, hand and arm positions.

Kammerer: Okay.

Berne: And just the movement of his body as he continued to rotate his body he was bringing whatever was in his hand into alignment with us alongside the driver's side. So those were the actions I saw consistent with, with shooting.

Kammerer: Okay, um –

Berne: Shooting at a target I think I would clarify.

Kammerer: Sure.

Berne: I mean aiming, moving himself to a better position, his gun towards us.

Kammerer: Uh, let me ask you this, um, when you, you yourself are shooting a handgun, um, what kind of uh, biomechanical action and reaction is occurring in your body?

Berne: Bio, you mean physically?

Kammerer: Yes sir.

Berne: You finger is, or a finger is depressing the trigger and most handguns have some sort of recoil and your body is then reacting to that recoil.

Kammerer: Okay, did you see anything like that occur with Mr. OTIS?

Berne: I don't remember that I just remember seeing his hand and arm in this position and in my mind it was almost a static position. I don't remember being focused on any given finger on his hand, just seeing that general position of his hand and arm.

Kammerer: Okay. So you hear the, the two uh, loud booms and you associate that with uh, with gunfire.

Berne: Yeah there's sort of nothing else in my mind that could be, except gunfire combining his actions, his physical body position and then those sounds.

Kammerer: And if you can, and I, I don't know if you can, but if you can um, when you see this what is the thought that's going through your head?

Berne: My thought is this guy is trying to kill us. Mr. OTIS is shooting at us.

Kammerer: Okay.

Berne: And that was, those are the only thought going through my head. It was, wow, Mr. OTIS is shooting at us, you know, how did this happen?

Kammerer: And what was your, your reaction to that thought?

Berne: I don't remember my initial reaction, I remember the sort of the next pause in my mind where there was a clear memory, was I remember I, you know, un-holstered my handgun and had gone into a two-handed shooting position alongside that door. And sort of the next memory I have is that I'm now looking at my front site.

Kammerer: And where is your front site aimed?

Berne: It's aimed at his, essentially from his shoulder to his, his waist. I remember him being, it looked like he was just this enormous target in my front site was huge. I felt like I was directly alongside him or sitting across a three foot table, I felt like I was, you know, on top of him and my front site was covering his entire torso. That was sort of my, my next memory.

Kammerer: Okay. And then uh, you said you fired?

Berne: Yes.

Kammerer: Do you recall how many times you fired?

Berne: Yeah, after the fact when I then downloaded my magazine.

Kammerer: No, at, at that time.

Berne: At that time I didn't, I had no idea. I then, I did a, a tactical reload and after the situation had calmed, later I done, did a tactical reload and I remember taking the magazine out of the satellite pocket on my pants on my left side and then looking in the magazine and I saw then that I was missing X number of bullets.

Kammerer: Okay. Um, do you know what uh, your backdrop was at the time that you fired?

Berne: Yes. In my mind I'd already assi- assigned that backdrop as the wall of the building east of us. I remember it being, it looked to me like it was this, you know, very solid stucco pink wall. And I thought from the position I was in, alongside the driver door, it was just this wall, behind him, behind his car. That's what I remember seeing.

Kammerer: Okay, um, so when you, you fire and then at some point you stop firing. Do you recall what occurred between that first time that you shot and then when you stopped shooting that, what happened and what caused you to stop?

Berne: I remember as I was firing I, I heard the, the two loud explosions coming from the Corolla. I heard and saw Officer Burley moving and the shots coming from the Corolla then made a really distinct sound from the shots I remember hearing alongside me. It was as if I was at a, a training day at the Police Bureau and my partner is shooting at a target on my side. I remember Officer DeFrain being on my right shoulder south of me. And I remember hearing Officer DeFrain was shooting as well and I remember hearing the pops from his handgun and my handgun and they sounded very different in this, sort of bizarre auditory, whatever was happening with my ears.

Kammerer: Um-hm.

Berne: Hearing a very distinct sound from the pops coming out of the Corolla. I remember sort of these two different sounds, I remember Mr. OTIS kept on moving, he kept on, it was sort of astounded and I'm still, yeah, sort of astounded now and I shouldn't be. But as this was taking place I was amazed that, I heard a lot of pops coming from my position, coming from Officer DeFrain. And, you know, I thought there'd been a number of bullets fired, not just one or two, yet Mr. OTIS was still moving, still moving his body, still moving his arms, still moving his hand. And I was just astounded at the number of pops and then his ability to still continue to move. And I think then at some point while I'm processing this and I heard that third pop coming from his car as well. Again this happens in, I'd say a second or less.

Kammerer: Um-hm.

Berne: There's no great period of time here. It was bang, bang, bang, bang, bang, bang, bang. And then that third pop coming from his car and bang, bang, bang, bang, bang, bang, bang.

Kammerer: Okay, um, so you're, you're firing and uh, then you hear that, what you said a third pop.

Berne: Yeah.

Kammerer: Are you still firing after that?

Berne: Yes.

Kammerer: Okay.

Berne: And I remember as that third pop happened, I remember again this imagine of him, Mr. OTIS in my head, as he's now turned his body – he's almost in the front passenger seat, almost entirely in the front passenger seat. And I think he was now facing generally south and west. His torso. I think his knees may have even been on the front passenger seat. I remember his head, uh, facing south toward the trunk of the car. And I also remember this, that, I was amazed by the number of gunshots that I heard in this brief period of time, but I didn't see any prominent physical injury on Mr. OTIS.

Kammerer: Um-hm.

Berne: And that could be a bad habit on my part from shooting steel targets where I'm used to this sort of auditory response, when you shoot the steel the steel goes ping.

Kammerer: Right.

Berne: Even when you shoot a target, a paper target, you know often times that paper targets wobbles. You might not know exactly where your round impacted that target, but you still see some indication that the round impacted that target. In this case there was no indication that I was used to in my training that showed that that round actually, you know, impacted and was doing anything to Mr. OTIS. You know, it wasn't clear in my mind that this was over yet. Which I remember just being astounded, why isn't this over? How is he still moving?

Kammerer: Okay. Um, what um, motivated you to um, stop shooting?

Berne: At some point he, I think he was moving much less. He was no longer moving deliberately. I think I sort of remember his, you know, like torso and head just moving very slowly as he's putting his body in this south facing position, almost kneeling in the, the front passenger seat. And then at, at some point he opened the front passenger door and began to sort of fall and slump and move

out of that front passenger door. And once that happened Officer Burley had already shouted he'd been shot. Officer DeFrain then moved to the east side, the passenger side of the Corolla. Essentially there was no longer a good angle on the driver's side of the Corolla where we could cover Mr. OTIS with our handguns.

Kammerer: Okay.

Berne: He was so far below us, toward the ground that the angle wasn't, it was not a, a, you know, a, a tactically sound angle to still be on the driver's side. Officer DeFrain realized that, moved to the passenger side and I think...

Kammerer: ...And that was the rear passenger side?

Berne: Yeah, the rear passenger side of the Corolla. And I remember moving there as well and I think during the course of that movement I remember tactic, doing some sort of tactical reload. I remember being very angry at myself that as I'm trying to put the, the spent magazine into a pocket. Whenever we train we use BDU's and I'm so used to sticking the magazine into a cargo pocket. And I'm trying to find the satellite pocket...

Kammerer: ...Um-hm...

Berne: ...In my, my Class B pants, since I remember thinking well I'll just jam this thing into my waistband and then I think I tried one more time and I got the satellite pocket. And I joined Officer DeFrain on the passenger side of the car. And I was shoulder to shoulder with Officer DeFrain. I believe I was west of Officer DeFrain, so closer to the southeast corner of the Corolla. Could have that mixed up. And I remember Officer DeFrain then telling me, I think I may have been shot as well.

Kammerer: Okay.

Berne: Officers had broadcast on the radio, I remember hearing people alongside me, mo- motioning or gesturing as if they were talking on the radio. I remember them, hearing, saying, you know, shots fired, officer shot. So it was clear in my mind that, you know, other officers would be responding as cover to this in the event those transmissions got broadcast. I remember seeing Officer Dale and Officer Eugenio who work on the afternoon Gang Team in uniform, uh, showing up. Their, their patrol car coming in from the north and west on Halsey. And Officer Dale is trained to carry an AR-15. I remember him running toward my position with an AR-15. I remember yelling at Officer

DeFrain, you know, get out of here, I'm here, I have a pistol, Officer Dale has a rifle. If Officer DeFrain's been shot he needs to go get taken care of.

Kammerer: Okay.

Berne: But before that I remember Officer Foote yelling at Officer Murphy to, you know, get Officer Burley, lets get the hell out of here. And I don't remember seeing this, I remember them being behind me, I remember them yelling. And, and sort of the next thing I knew my patrol car was gone south of the Corolla and Murphy and Foote were gone. So I'm now alongside the passenger side of the Corolla, initially with DeFrain, I think Sergeant Livingston at that point was yelling, you know, *get to cover, get to cover.* Officer Dale arrived shortly thereafter. Joins me. Officer DeFrain now I don't know where he is. Officer Dauchy then arrives in his patrol car as well. We're able to use his patrol car as cover.

Kammerer: When uh, when you, when you look and you see your car is gone and uh, Officer uh Foote and Officer Murphy are gone what, what'd you think has happened?

Berne: I thought that Officer Foote had organized getting Officer Burley out of there and to the hospital.

Kammerer: Okay.

Berne: I think Officer Burley had said he'd been shot. I thought Officer DeFrain might be gone as well, 'cause he said he may have been shot.

Kammerer: Okay. So Officer Dauchy arrives and uh, um, earlier, uh, you'd talked about how Officer Dauchy parked his car uh, uh, I believe you said perpendicular uh, on the sidewalk?

Berne: Yes, he initially, I don't remember if he came from the north or south on Sixth. He pulled his patrol car in front of Officer Dale and I and sort of directly behind the Corolla. I remember Officers, me included, yelling at Dauchy, *drive over the curb, drive over the curb* so we would have an angle behind Officer Daucy's engine block to be able to see Mr. OTIS and then still have that engine block as cover. So Officer Dauchy did that, drove his patrol car up on the curb, I remember him sort of reaching in front of me, pushing me aside for a minute, getting his beanbag shotgun, less lethal shotgun out of the front rack of his patrol car. And then coming to Officer Dale's right side, all this time Officer Dale has his AR-15 aiming at Mr. OTIS.

Kammerer: Okay, um, when you're at your position at the back end of uh, of the car and then you send Officer DeFrain away. Are you maintaining a, a constant uh, vigil on Mr. OTIS?

Berne: Yeah, I had my handgun aimed at Mr. OTIS the whole time this is going on.

Kammerer: And what actions if any were you seeing from Mr. OTIS?

Berne: At this point he, he wasn't moving. Certainly, as, as Officer Dauchy arrived and we positioned his car, Sergeant Livingston was yelling, *get to cover*, I didn't see Mr. OTIS moving anymore. He was – the front passenger door was open, Mr. OTIS had opened that front passenger door. I think the entirety of his torso was out of the front passenger door and I think he was sort of laying with his right shoulder down against the, the street, or maybe even the sidewalk and curb. And his hands were sort of tucked under his torso and away from us. I think I could see part of one his arms and part of one his hands, but I couldn't see all of his hands. His body was, was tucking together right, I think most of his legs were still inside of the Corolla.

Kammerer: Okay.

Berne: On that passenger side.

Kammerer: Um, so you're now um, behind uh, Officer Dauchy's vehicle. Officer Dauchy is next to uh, Officer Dale, what happens next?

Berne: I remember now Sergeant Livingston coming back into the picture in a major way in my mind and Sergeant Livingston coordinating what we were gonna do next. I think I remember him saying, *activate SERT.* And I remember somebody making a comment about a shield. And then I remember hearing Officer Shaw's voice behind me and I remember yelling who's that behind me, is that Shaw? I don't, I know Officer Shaw somewhat, I don't know him that well, but...

Kammerer: ...Um-hm.

Berne: I remember hearing his voice. Then I remember, I think I was yelling, Officer Dale and Dauchy were yelling, okay, who's behind us and Officer Shaw said its Shaw and Delenikos. And I remember yelling at them, how many people do we have, can we coordinate – why don't you coordinate this Officer Shaw so we can stay focused on this guy. And then I remember Sergeant Livingston coming up and Sergeant Livingston then taking control of, of what was going on on that passenger side behind Officer Dauchy's car.

Kammerer: At, from the time that you move around, next to Officer DeFrain and then when Officer Dauchy arrives and, and you again move position behind Officer Dauchy's car, is anyone uh, giving any commands to Mr. OTIS?

Berne: People were, were yelling at him. I don't remember if I was as well. People were giving him instructions, like show your hands, move away from the car. I don't remember who was saying what or what exactly was being said, but I just remember that what I would call the stock commands that officers, you know, give to people when there's, no necessarily a situation like this, but just where you want to control the person's hands.

Kammerer: Okay.

Berne: So there was a, a whole host of language being sent his way.

Kammerer: Okay. And was there any kind of response that you noticed?

Berne: No.

Kammerer: Okay. So um, uh, Sergeant Livingston's behind you with Officer Shaw and Delenikos and, and I think you said some sort of plan is occurring?

Berne: Yeah.

Kammerer: What happens next?

Berne: Sergeant Livingston is, you know, I kind of respect for Sergeant Livingston and he's now in charge of this and he gave some clear instruction about what he wanted to do next, which I thought was great. It was calming for me and probably calming for everybody else. Sergeant Livingston told Officer Dauchy, we're giving him these verbal instructions, he's not complying, um, lets – fire a beanbag round and see how he reacts, if he reacts at all. I remember Officer Dauchy firing one beanbag round and Mr. OTIS' back was sort of the, the best, most exposed target to us. His lower back.

Kammerer: Um-hm.

Berne: Because of the way he'd slumped out of the Corolla that I described earlier. I remember that first shotgun round impacting him somewhere in that lower back area. Paused for a few seconds, Mr. OTIS didn't react, Sergeant Livingston, he ordered Officer Dauchy to deploy another beanbag round. He fired a second round and again Off- Mr. OTIS didn't react and I think I remember then a third round being fired after again a pause between the first

and second rounds. And again Mr. OTIS didn't react. At that point Sergeant Livingston then coordinated a, a contact team to go up and actually physically take Mr. OTIS into custody. Physically handcuff him. I'm positioned as the western most person. I think Officer Dale is directly to, on my right shoulder. Officer Dauchy is on Officer Dale's right shoulder, Officer Shaw and Delenikos are behind us and then Sergeant Livingston is somewhere alongside Officer Shaw and Delenikos. So Sergeant Livingston said Dale you're lethal, the AR, Dauchy you're less lethal with the beanbag, Shaw and Delenikos are handcuffing or custody and, you know, I'll trail. So they walked out from behind the engine block of Officer Dauchy's car. I holstered my pistol and then followed alongside Sergeant Livingston behind Shaw and Delenikos as we then walked up in a group, up to Mr. OTIS.

Kammerer: You, you also walked up with the group?

Berne: Yeah, with sort of, alongside Sergeant Livingston I guess.

Kammerer: Okay. And uh, what happened then?

Berne: I remember seeing Officer Shaw and Delenikos were wearing gloves so I thought great, I wish I was wearing gloves if we're gonna have to go up and handcuff this guy. And I remember Officer Shaw, I think on Mr. OTIS' right side, Officer Delenikos on his left, left side, if I, and actually they were both wearing BDU's, and I thought that's sort of neat. And I remember Officer Shaw trying to grab one of Mr. OTIS' hands and then I think saying, to Officer Delenikos, *lets just pull him out.* He wasn't able to move his hand and both Shaw and Delenikos are pretty strong guys. They pulled Mr. OTIS sort of fully out of the car, up onto the sidewalk and as they were doing that they handcuffed him. And I remember them rolling him onto his side on the sidewalk and either one of them or someone sort of pulled on his pants I think a little bit and brought his knees a little closer into his torso into his chest so he's lying on the sidewalk on his side.

Kammerer: What, what was the purpose of that?

Berne: It's to prevent him from rolling over, I think the term is the post shooting position within the Police Bureau. It enables him to keep his airway so there's no weight pressing on his airway so in the event that he's able to survive it's the most survivable position after a shooting.

Kammerer: Okay, what happened after that?

Berne: Uh, he's now handcuffed and I think, sort of the time period directly after that's a blur in my mind to an extent. I remember seeing Officer Polas, now we're standing in the middle of Sixth.

Kammerer: Um-hm.

Berne: I remember saying hey, Officer Polas did you reload? And Polas goes no, I remember Officer Polas taking his magazine out, just as his handgun's holstered and, you know, making some comment to me like man, a lot of bullets gone. I think I made the same comment to him that I saw, I took my magazine out and put it back in my ammunition pouch.

Kammerer: Um-hm.

Berne: I remember moving, when I do a tactical reload I almost always take the magazine out of the top pouch, I think I always do.

Kammerer: Alright.

Berne: 'Cause I remember moving the fully loaded magazine in the bottom pouch of my magazine holder to the top pouch and as I was doing that I was looking at the magazine that I'd fired rounds from. I think Officer Polas and I both made comments together, it's a lot of rounds. And I remember walking on Sixth, I remember Gorgone running, running up to the scene and then from then I was sort of standing with Officer McCallister for awhile.

Kammerer: Okay, um, when you asked Officer Polas if he'd uh, reloaded did you have a reason to believe that he had fired?

Berne: I, I don't know why I asked him because, you know, as I think about this now, I don't remember him being in a position, I don't remember where he was shooting from, I don't know how I knew that he was shooting, I don't know if I knew that he was shooting. I knew that Officer DeFrain had shot because Officer DeFrain and I were so close together throughout this, but I don't know why I knew that Officer Polas shot. I don't know if I knew that Officer Polas shot or if I thought that Officer Polas shot.

Kammerer: Okay.

Berne: So as you ask that it, you know it's interesting in my mind, I don't know why I told him that.

Kammerer: Okay. Um, when you uh, when you saw Mr. OTIS fire and you heard those gunshots. Um, and you said that you don't really recall drawing your gun, but your gun was in your hand and you're looking down your sites. Um, when you did fire was that a conscious decision on your part to do that?

Berne: Yeah.

Kammerer: Okay.

Berne: I, I don't remember it all to clarify that drawing, I just remember my gun, I'm hearing these sounds, I'm seeing his position and hand that I described earlier, and I remember my gun being in my hand, in front of my face, with my front site and Mr. OTIS just looking like he was enormous, in my front site looking like he was enormous. I don't remember making some conscious effort to focus on the rear site. And if I'm site-ing in from 25 yards, I just remember that front site being huge and I remember making this decision, just start shooting, this guy's shooting at us. Burley yelling, Burley's flying, you know, thinking people are getting shot and I guess it's the best way for me to describe it.

Kammerer: Okay. I'm just uh, and we know that people will do things instinctively and I'm just trying to differentiate between instinctive and uh, making a conscious decision to do something.

Berne: Yeah, I remember in my mind seeing this front site, seeing him and then pulling this trigger. I don't remember, you know, how many times I'm pulling this trigger, I remember again seeing his torso seeing that front site and then pulling the trigger.

Kammerer: Okay.

Berne: And then when it was all said and done and then I looked at my magazine, sorta look, I remember making the decision and participating in this shooting and I'm thinking well when did all this happen?

Kammerer: Okay.

Berne: You know, that didn't just happen, it didn't feel like that just happened, I don't remember that just happening.

Kammerer: Okay.

Berne: And just in terms of the number of rounds I'm describing looking, monitoring as if I'm looking at the number of rounds that are missing from the magazine to you.

Kammerer: Right.

Berne: So the microphone's clear.

Kammerer: Right, okay. Mark you got anything?

Slater: Did you um, do you recognize Mr. OTIS when, when you saw him in the car is it someone you recognized from your prior contacts?

Berne: The only time I had a good look at his face was when he was on the ground handcuffed…

Slater: …That was it, okay…

Berne: …And I don't recognize, you know, in the short time I was looking at his face I didn't recognize him.

Slater: Okay.

Kammerer: What about the, the vehicle itself? Is that a vehicle you're familiar with or?

Berne: No.

Kammerer: See a flyer on or?

Berne: No.

Kammerer: Okay.

Berne: There's one other thing I want to add just so I'm accurate.

Kammerer: Yes.

Berne: I think I'd mentioned that I didn't, as this exchange of gunfire is happening I don't remember seeing any visible injuries, and I do then remember seeing his arm. I think it was his right hand, where his right hand and wrist met, as he was getting handcuffed, as I'm sort of alongside Livingston and Shaw and Delenikos are handcuffing him. I remember seeing his bone and muscle and ligament and tendon exposed on his hand. And that was sort of, even at that point I was still amazed this is the only injury. I was, you know, just a few

feet from him and the only injury I see is this injury to the wrist, which again, wasn't, didn't quite add up in my mind how this transpired.

Kammerer: Okay. Um, is there anything we didn't ask you that you feel is important?

Berne: No.

Kammerer: Okay. In, excuse me, in hindsight do you think uh, this incident could've been approached in a way that presented less risk to yourself or others?

Berne: No.

Kammerer: And do you have any suggestions for improving relevant Portland Police Bureau training?

Berne: No.

Kammerer: Has anyone discussed the details of this case with you or have you learned information about the incident from sources other than your own observations?

Berne: Just discussed it with my lawyers.

Kammerer: Okay. Alright, um, Ms. Shipsey anything?

Shipsey: Nothing.

Kammerer: Okay, uh, Officer Berne if you don't have anything further to add uh, we'll conclude the interview, it's 2037 hours.

Transcribed Verbatim with Punctuation Added 051810 / tb

APPROVAL ROUTE: Homicide

CASE NUMBER 10-038353

PORTLAND POLICE BUREAU — **SPECIAL REPORT** — TYPE: 4. SUPPLEMENTAL — PAGE/OF 1 / 5

CASE NUMBER	REFER CASE NUMBER	CLASSIFICATION
10-038353		

STATUS	ORIGINAL REPORT DATE	TIME	THIS REPORT DATE	TIME
5. Exceptional	05/12/10	1821	05/13/10	0045

LOCATION OF OCCURRENCE	PRECINCT OF OCCURRENCE
NE 6TH AVENUE / NE HALSEY STREET	North Precinct

SUBJECT OF THIS REPORT	CAD INCIDENT NUMBER
OFFICER RYAN FOOTE INTERVIEW SUMMARY	PP1005121772

COPIES
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- ☐ DVCS
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PERSON CO - Complainant SB - Subject SI - Sick/Injured/Cared For PE - Park Exclusion VI - Victim RP - Reporting Party KN - Person w/Knowledge OW - Owner WI - Witness BU - Business PF - Property Finder MI - Missing RW - Runaway AR - Arrested

CODE	NAME: (Last, First Middle)	CRN	SEX	RACE	DOB
DE	OTIS, KEATON DUPREE		M	B	01/04/85

ADDRESS	CITY	STATE	ZIP
3541 N. HOUGHTON STREET	PORTLAND	Oregon	

☐ WORK PHONE ☐ MESSAGE PHONE	MOBILE PHONE	HOME PHONE

VEHICLE L - Locate A - Abandoned T - Towed V - Victim's Vehicle X - Suspect Vehicle I - Information M - Missing

PROPERTY RECEIPT NO.

PROPERTY S - STOLEN L - LOST D - DAMAGED F - FOUND K - SAFEKEEPING R - RECOVERED E - EVIDENCE

NARRATIVE (COMMENTS)

NO CONNECT INFORMATION

NONCONNECT INFORMATION

COPY

Additional Detectives:

Detective E. KAMMERER, DPSST #29988
Detective Division Homicide Detail, Primary Investigator

Additional Persons Present:

Officer Dave Dobler, DPSST #19896
Portland Police Association

EXHIBITS

1. Portland Police Bureau Property/Evidence Receipt Number 1203414:

   Item 1: Scene diagram drawn by Officer Foote during interview

   Item 2: CD-R recording of interview with Officer Foote

2. Transcription of interview with Officer Foote

NO SUMMARY

COMPUTER ENTRY
- ☐ Desk

DPSST
- ☐ Person

DPSST
- ☐ Entry / Vehicle

DPSST
- ☐ Distribution

DPSST

REPORTING OFFICER(S)	DPSST	PREC / DIV	RLF / SHIFT	ASSN / DIST	SUPERVISOR'S SIGNATURE
Mark E Slater	27192	DET/HOM	M	HOM	

PPB-SSD-TH

05-20-10 2026

423 (08/07)

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COMPUTER ENTRY
☐ Desk

DPSST
☐ Person

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☐ Entry / Vehicle

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NARRATIVE

On 051310 at approximately 0045 hours, Detective Kammerer and I interviewed Officer Foote in a conference room at the Traffic Division regarding the officer involved shooting which occurred earlier in the evening. Also present during the interview with Officer Foote was Officer Dave Dobler with the Portland Police Association.

Officer Foote explained he is a member of the Hotspot Enforcement Action Team (HEAT), and was working with his partner Officer Defrain. Officer Foote said they finished having coffee at NE Grand Avenue/NE Hoyt Street, and were driving northbound on NE Grand Avenue, and within three blocks after leaving, he observed a light colored Toyota Corolla in front of him. Officer Foote said he was driving, and said the vehicle caught his attention because the driver of the vehicle, later identified as KEATON OTIS, was staring at him in his side mirror.

Officer Foote said KEATON OTIS was staring at him continuously as they drove northbound on NE Grand Avenue, explaining how KEATON OTIS was not paying attention to the road in front of him. Officer Foote said he thought the driver of the vehicle was a black male, and said the driver had a hooded sweatshirt pulled over his head, which Officer Foote thought was odd because it was a hot day outside. Officer Foote also described how the driver of the vehicle was slouched down into his seat the entire time. Officer Foote said he didn't think much of it at the time other than the guy was looking at him funny in the mirror and his hood was up.

Officer Foote said he entered the license plate of the vehicle into his mobile data terminal and remembered the vehicle being registered to a female. Officer Foote said his partner Officer Defrain then called Officer Berne on his Nextel. Officer Foote said Officer Berne was driving alongside them as well, and had stopped basically alongside the vehicle at a red light. Officer Foote said Officer Defrain had asked Officer Berne what he thought about the guy in the car next to him. Officer Foote said Officer Berne said something similar to how the car didn't match the person inside, and that something was not right.

Officer Foote said there was discussion on whether or not they were going to stop the vehicle, and said as the light turned green, the vehicle took off and cut over from the western most lane of traffic, all the way to the eastern most lane of traffic in one continuous turn. Officer Foote again described how the driver of the vehicle kept staring at him in the mirror while he was driving, not paying attention to the road. Officer Foote then described how the driver of the vehicle leaned forward in his vehicle with the right side of his body as if he was reaching underneath his seat. Officer Foote said this really caught his attention because the driver was staring at him, and Officer Foote wondered what the driver was doing under his seat, and discussed how the HEAT unit had recovered over 130 guns off of people, and described how he was used to seeing these types of movements in vehicles when they recover guns.

Officer Foote described how he had probable cause to stop the vehicle so he initiated his emergency lights in the unmarked police vehicle he was driving. Officer Foote said the vehicle turned eastbound on an unknown street off of Grand Avenue, and Officer Foote said he had his emergency lights activated. Officer Foote said the vehicle slowed down slightly, and said the driver kept watching him in the mirror so Officer Foote knew the subject knew the police were behind him and trying to stop him.

Officer Foote described how he used the air horn in the police vehicle as well as the siren to get the driver's attention to get him to stop, however the driver, KEATON OTIS, kept going. Officer Foote said the vehicle

made a northbound turn onto NE 6th Avenue then began to pull over to the curb line. Officer Foote said the vehicle was now travelling at approximately five miles per hour, and said once it got to the curb line, it sped up again and continued northbound. Officer Foote then described how he knew the vehicle was not going to stop for him, and said the vehicle continued northbound until it stopped along the curb line near NE 6th/NE Halsey.

Officer Foote said he was not convinced the vehicle was going to remain stopped at this point so he positioned his police vehicle in a position where he could utilize a pursuit intervention technique if the vehicle takes off again. Officer Foote then explained how he now had elude charges against the driver as well as the prior traffic violations.

Officer Foote said he and his partner Officer Defrain exited their patrol vehicle, and said he immediately heard screaming coming from the suspect vehicle. Officer Foote said the driver, KEATON OTIS, was yelling, "Fuck you guys", and, "Fuck this", and, "Fuck the police." Officer Foote said KEATON OTIS was looking over his shoulder at he and Officer Defrain while he was yelling this.

Officer Foote said Officer Defrain had his weapon out, and said they approached the vehicle, again describing how KEATON OTIS was "extremely agitated" and screaming at the top of his lungs at them. Officer Foote said he started to give KEATON OTIS commands because they could not see his hands. Officer Foote said KEATON OTIS was slouched down in the driver's seat of the vehicle, the seat was tilted back, and described KEATON OTIS as sitting so low in the seat that his head was not much above the frame of the driver's door.

Officer Foote said he was giving commands to KEATON OTIS, telling him to put his hands on top of his head and interlace his fingers together. Officer Foote said KEATON OTIS was yelling back at him saying, "Fuck you, I don't have to do what you say", and, "Fuck the police", and, "Why the fuck are you pulling your guns out?"

Officer Foote said while KEATON OTIS was yelling at them, KEATON OTIS was extremely agitated, shaking, and looking around inside of his vehicle. Officer Foote said KEATON OTIS kept moving his hands from the steering wheel down near his legs. Officer Foote said he was giving commands to KEATON OTIS in a "moderate voice", and said he gave the commands to KEATON OTIS at least five times to this point, and said KEATON OTIS kept repeating how he was not going to follow the instructions, and kept saying, "Fuck you." Officer Foote said KEATON OTIS was so agitated at this point that Officer Foote has not dealt with a person as mad and agitated as KEATON OTIS was.

Officer Foote said he was very concerned at this point, so he got onto his radio and requested cover cars to his location. Officer Foote said KEATON OTIS reached down at this point and put his hand on the gear shift, so Officer Foote thought KEATON OTIS was going to try and drive away again so he requested the next vehicle to arrive to box the suspect vehicle in.

Officer Foote said cover units arrived and the vehicle driven by Officer Burley with his partner Officer Polas, arrived and parked directly in front of the suspect vehicle. Officer Foote said Sergeant Livingston and his partner Officer Murphy parked at an angle to the suspect vehicle, also assisting with the boxing in of the vehicle.

Officer Foote said the cover officers walked up the suspect vehicle while Officer Foote continued to give commands to KEATON OTIS. Officer Foote said KEATON OTIS then said, "No", and said something

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COMPUTER ENTRY: ☐ Desk — DPSST ☐ Person — DPSST ☐ Entry / Vehicle — DPSST ☐ Distribution — DPSST

similar to, "You're going to have to pull me out of this car or you're going to have to come get me out of this car." Officer Foote then said he had his Taser out and pointed at KEATON OTIS and was positioned near the front door post near the hood of the suspect vehicle so he could see the front of KEATON OTIS.

Officer Foote said he remembered Sergeant Livingston saying, "Let's get him out of the car", or, "Let's go ahead and get him out of the car." Officer Foote said Officer Burley then grabbed hold of KEATON OTIS and attempted to use a control hold to get him out of the vehicle. Officer Foote said KEATON OTIS started to pull back into the car trying to get away towards the passenger compartment. Officer Foote said the struggle went fast and again described how KEATON OTIS was leaning towards the passenger seat of the car, and described how KEATON OTIS was reaching across the passenger seat towards the glove box.

Officer Foote said he remembered how KEATON OTIS had been reaching down to the right near his legs before he stopped the car, and wondered why he was not reaching in the same location. Officer Foote said while KEATON OTIS was resisting and struggling, he heard Sergeant Livingston yell, "Taser, Taser, Taser!" Officer Foote said he thinks Sergeant Livingston then fired his Taser at KEATON OTIS. Officer Foote said he thought the Taser was working on KEATON OTIS because his body was somewhat convulsing, however it was not stopping his movement across the vehicle. Officer Foote said KEATON OTIS was able to continue his reach towards the glove box in the vehicle.

Officer Foote said he then heard Sergeant Livingston say, "Taze him again", or something similar to this. Officer Foote said he then deployed his Taser at KEATON OTIS because Sergeant Livingston's Taser was not having the desired effect. Officer Foote said KEATON OTIS was still able to reach towards the glove box in the car and that his Taser was not causing KEATON OTIS to stop his actions.

Officer Foote then said he was not sure where it came from, but all of a sudden he saw a purple colored Crown Royal bag in KEATON OTIS' hands, and said it was in the same hand KEATON OTIS was reaching with. Officer Foote said he had moved slightly and was now looking into the vehicle through the driver's window as well as the windshield. Officer Foote said Officer Burley is still struggling with KEATON OTIS at this point; and said KEATON OTIS was able to break free from Officer Burley and was now almost entirely in the passenger seat of the vehicle. Officer Foote then described how the purple Crown Royal bag dropped to the floorboard in the vehicle and described how KEATON OTIS did basically a "barrel roll" in the passenger seat.

Officer Foote said shortly after this, he heard one of the other officers yell, "He's going for a gun", or, "He's got a gun." Officer Foote said he was in a vulnerable spot at this point, so he moved back from the vehicle and immediately heard multiple "pops", describing them as really loud and obviously gun shots.

Officer Foote said he did not have any cover at this point, so he moved back towards a police vehicle for cover from the gunshots. Officer Foote said as he was moving back, he dropped his Taser on the ground and was going to take his gun out when he heard more "pops." Officer Foote said the shooting only occurred for about one or two seconds, and after this, he heard either Officer Defrain or Officer Berne say something similar to "hold", or, "wait", and Officer Foote described how he saw a hand up while this command was given.

Officer Foote then noticed the front windshield of the vehicle had been shot in multiple places, and looked over and saw Officer Burley lying on his back with his legs out in front of him. Officer Foote said it appeared to him Officer Burley's legs were not working and knew something was clearly wrong with Officer Burley, describing how he is very athletic and should pop right back up. Officer Foote said Officer Burley

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COMPUTER ENTRY: ☐ Desk ☐ DPSST Person ☐ DPSST Entry / Vehicle ☐ DPSST Distribution ☐ DPSST

was still down on the ground trying to push himself backwards and Officer Foote said he knew Officer Burley had been shot.

Officer Foote said he knew he needed to help Officer Burley so he ran between the suspect vehicle and Officer Burley, and began to pull Officer Burley to cover behind his police vehicle. Officer Foote said he kept yelling at Officer Burley if he was okay, and said Officer Burley told him, "I've been shot." Officer Foote said Sergeant Livingston was with him and Officer Foote said he told Sergeant Livingston they needed to get Officer Burley to a hospital. Officer Foote said Sergeant Livingston then yelled at Officer Murphy to go with Officer Foote and Officer Burley to the hospital.

Officer Foote said he and Officer Murphy then transported Officer Burley to Emanual Hospital in a police vehicle and Officer Foote said they kept talking with Officer Burley while enroute. Officer Foote said they arrived at the emergency room and he and Officer Chastain lifted Officer Burley onto a stretcher and they took him into the emergency room.

We concluded our interview at approximately 0125 hours.

For a complete verbatim account of the interview, refer to the transcription of the interview.

This case continues to be investigated.

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EXTERNAL DISTRIBUTION LIST

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Mark E Slater	27192	DET/HOM	M	HOM	

BUREAU OF POLICE
619 NW INDUSTRIAL WAY, STE. B4
PORTLAND, OREGON 97210

PROPERTY/EVIDENCE RECEIPT

THIS RECEIPT MUST BE ACCOMPANIED BY AN APPROPRIATE REPORT

RECEIPT NUMBER	DATE/TIME	REFER CASE NO.	PPB CASE NO.
No. 1203414	05/12/10 1821 AM PM		10-38353

ONLY ☒ EVIDENCE ☐ FOUND PROPERTY ☐ PRISONER'S PROP (SAFE COPY) YES ☐ NO ☐ ☐ SAFEKEEPING

PROPERTY TAKEN FROM: LAST NAME | FIRST | M.I. | SEX | DOB

DENIED OWNERSHIP ☐

HOME ADDRESS | CITY | STATE | ZIP

OWNER OF PROPERTY LAST NAME | FIRST | M.I. | SEX | DOB

HOME ADDRESS | CITY | STATE | ZIP | PHONE

I VOLUNTARILY RELINQUISH THE ITEM(S) LISTED FOR SAFEKEEPING.

SIGNATURE

TYPE OF INCIDENT: OFC. INVOLVED SHOOTING

DELIVERING OFFICER: M SLATER BEST ASSIGN: 2192 HELM

LOCATION WHERE SEIZED, FOUND, SURRENDERED: 111 SW 2ND AVE

INVESTIGATOR (IF DIFFERENT) BEST ASSIGN:

☐ DEFENDANT ☐ SUSPECT | LAST NAME | FIRST | M.I. | SEX | RACE | DOB

FOR GUNS: LIST MAKE, TYPE, CALIBER, MODEL, SERIAL NUMBER(S), IMPORTER & COUNTRY OF ORGIN. LIST ONLY ONE ITEM PER SELECTION	STLN	FOR PED USE ONLY
ITEM 1 SCENE DIAGRAM DRAWN BY OFC. FOOTE		
ITEM 2 CD-R RECORDING OF INTERVIEW W/ OFC. FOOTE		
ITEM 3		
ITEM 4		
ITEM 5		
ITEM 6		
ITEM 7		
ITEM 8		

LEAVE LOCKED ☐ TURN OVER TO ☒ SEND TO PROPERTY ☐ OTHER ☐	LOCKER	DATE	RECEIVED BY

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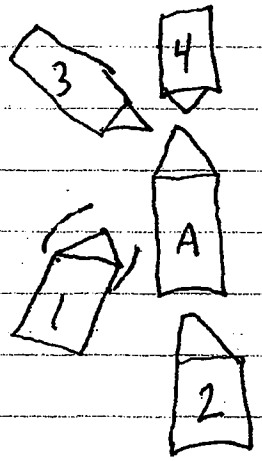
INVENTORIED AND ACCEPTED IN PROPERTY EVIDENCE DIVISION	BY	WHITE - RECORDS COPY YELOW - CITIZENS RECEIPT PINK - WITH PROPERTY
DATE: TIME:		

02-01-10



43493

PORTLAND POLICE BUREAU
CASE NUMBER 10-38353

May 13th, 2010

Officer Ryan Foote

TAPED STATEMENT TRANSCRIPTION

CONFIDENTIAL

PORTLAND POLICE BUREAU
DETECTIVE DIVISION
CONFIDENTIAL
TAPED STATEMENT TRANSCRIPTION

Kammerer: This is Detective Erik Kammerer with the Portland Police Bureau. It is May 13, 2010 0045 hours. I'm here in the community room at the Traffic Division. Also present is Detective Mark Slater. We are here to interview Officer Ryan Foote, DPSST #43493. Also present is his Union representation, uh, Dave Dobler, DPSST #19816 regarding case #10-38353 an officer involved shooting which occurred earlier in the night. Officer Foote do you understand this conversation is being recorded?

Foote: I do.

Kammerer: And you're ok with that?

Foote: Yes.

Kammerer: Okay. Like I mentioned we are here to talk about a shooting involving you and several other officers earlier tonight. Um, can you kind of tell me what, where do you work currently?

Foote: I'm assigned to HEAT

Kammerer: And what is HEAT?

Foote: It's the Hot Spot Enforcement Action Team which is generally, right now assigned and has been for the last year and a half to two years to Youth Violence and Gang Violence.

Kammerer: Okay. And where do you normally work?

Foote: Uh, we go city wide, the unit goes city wide depending on where the most recent shooting have been or trends or where we know guys might be hanging out.

Kammerer: Okay. And you were working today?

Foote: I was.

Kammerer: And do you work by yourself or with a partner.

Foote: With a partner.

Kammerer: And were you working with a partner today?

Foote: I was.

Kammerer: And who was that?

Foote: Um, Jim Defrain.

Kammerer: Okay. What time did you guys start work today?

Foote: Uh, roll call was at four o'clock, 1600.

Kammerer: Okay. And what happened after roll call?

Foote: Uh, after roll call we went to um we were going to go to Holiday Park, it's kind of a typical thing for us to leave Traffic Division and go straight to Holiday Park and check Holiday Park and then, um, we were going to, uh, we went to coffee at, uh, MLK and Hoyt, and uh, we sat there. We had a meeting actually about, um, some changes coming up in our unit and possible things going on and then we, uh,...

Kammerer: Who is we?

Foote: All of HEAT, uh, was there minus, uh, John Billard who was coming in late today because of a T-ball game for his son so there was seven of there and, uh, Aaron Dauchy from Traffic.

Kammerer: Okay, do you remember who the seven were from HEAT?

Foote: Yes, uh, myself, Jim Defrain, Sgt. Livingston, uh, Patrick Murphy, uh, Chris Burley, Andy Polas and Cody Berne.

Kammerer: And what happened after your meeting?

Foote: Uh, after we had coffee we, uh, were leaving to go work what we call the core area of Northeast Portland, we always have areas where we work, uh, like we'll set geographic boundaries for ourselves so we're all within a close proximity just because of the guys we deal with we tend to need our, our other guys in our unit around pretty quick so.

Kammerer: Sure.

Foote: Uh, we set up our geographic boundary to be the core which to us means like MLK and Killingsworth and then maybe 15 blocks in each direction from there.

Kammerer: Okay.

Foote: So we were headed out to that area and uh, right after we pulled out of MLK and Hoyt I turned, uh, going north on MLK into the western most lane and immediately I noticed, I don't know how soon, it was within probably three blocks maybe less of leaving MLK and Hoyt, there was a Toyota Corolla in front of me, silver Toyota Corolla, and uh, it caught my attention because, uh, the guy driving the car, um, was focused on me in the side view mirror. He was, as I looked up at the car I looked to the mirror I could see he was just staring at me as he was driving on the road. He wasn't focused on in front of him he was focused on me in the side view mirror and it caught my attention. Uh, he uh, I could tell he was an African American male and uh, it also caught my attention because it was warm out today, significantly warmer than it has been and he had his hoodie up over his head and was sitting slouched low in the seat, uh, and like I said he was real focused on me. So I, uh, I actually didn't want to bug Jim with it because I, I never, I always drive, he's always the passenger, that's the way we've done it for the last two years.

Kammerer: Okay.

Foote: Uh, and uh, I didn't want to bug him to plug this plate in because I really didn't think much of it at the time other than this guy is looking at me funny and he's got his hood up. So I plugged in the plate myself and he kind of made a comment about it. He's like "Why are you running that plate?" And the Toyota, it looked like the standard you know like Toyota Corolla that's a little bit older you wouldn't be expecting someone to be driving that would be doing anything bad plus it hadn't done anything in front of us wrong so Jim asked me why I ran it. And I, you know the guy, this guy in front of it in front of us kind of looks like he could be a gangster, he's got his hood up over his head and he's, he's there is something, he doesn't fit this car, things aren't right in this car. And uh, he said "okay," ran the plate. We drove probably from the time I ran it to the time we came to a stop light, a red light, uh, it was probably about three more blocks. And uh, Cody had also left, uh, MLK and Hoyt coffee

Kammerer: Cody Berne.

Kammerer: Cody Berne and he was by himself, uh, because his partner wasn't in yet. He was now in the lane just east of this Corolla sitting slightly behind the car.

Kammerer: Yes.

Foote: And I told Jim "Hey just call, call Cody real quick, or hit him up on the Nextel and see what he thinks about this guy in this car next to him." So Jim calls him, says, asks him and Cody says "That guy doesn't match that car, there's just something, something not right about that." So there's a discussion on the Nextel whether we're going to stop him or not and, uh, we decided we are going to stop him and immediately as he takes off from that red light from the stop, he cuts over from the western most lane to the eastern most lane of traffic in one continuous turn without stopping. So

Kammerer: Let me ask you a couple of questions here.

Foote: Sure.

Kammerer: Had you gotten the hit back yet when you ran the plate?

Foote: We did, uh, Jim read it, uh, he said the name, I, I believe it was registered to a female I'm not a hundred percent sure on that. He said the name it didn't strike us anybody that we knew from contacting these guys, a lot of the guys we know I mean by name and by face and they know us by name and face too and none of these names on the, um, from the DMV name that he said to me didn't catch any of our attention and I think Cody might have mentioned that his PPDS hit, he ran the plate too, and the PPDS hit didn't come back for him.

Kammerer: Okay.

Foote: Or maybe Jim said that to me that he hadn't seen the PPDS. So

Kammerer: So there was nothing in the, the registration or anything like that that, uh, gave you probable cause to stop the car.

Foote: No, nothing by the registration.

Kammerer: Okay. And then, um, now you said that you had this discussion about whether or not you were going to stop the car.

Foote: Yes.

Kammerer: Uh, and you decided you were going to stop the car.

Foote: Yes.

Kammerer: What was going to be your basis for stopping the car?

Foote: Well, we hadn't, we, we hadn't decided I can't remember if, uh, he changed lanes at one point the car, at one point the car, uh, I'm trying to think of, I think as we were driving down the road he may have moved one lane over, and I thought if I needed a violation or if there was really a violation I had one for him failing to signal 100 feet, but I was going to wait...

Kammerer: 100 feet prior to a lane change?

Foote: ...yes, yes, but I was going to wait because I didn't really love, I remember thinking I don't love the PC for this stop right now.

Kammerer: Okay.

Foote: So as he, uh, took off from the stop, the stop light, he, uh, continued northbound and then cut across to the east through two or three lanes, three lanes of traffic and didn't stop between any of the lanes, it was just one continuous drift across to the eastern most lane. So, uh, we went around Cody to the east and got into that lane and he turned, um, signaled to turn eastbound on, you know I'm not even sure exactly what street that was..

Kammerer: The guy in the Toyota did?

Foote: Yes, in the Corolla. Uh, and the whole time he was moving he was watching me in his side mirror. I could see his face like he was, he was really it, it drew my attention how much he was watching us. So I initiated the overheard lights, or we're in an unmarked so its not overhead lights.

Kammerer: Okay, I was going to ask you what, what kind of vehicle are you...

Foote: ...it's a slick top with, uh, a regular slick top slick top package with lights on the mirrors and, uh, and the inside of the car.

Kammerer: And what color is your car?

Foote: It's dark blue.

Kammerer: And your assignment in HEAT is that a uniform assignment or plain clothes?

Foote: It's uniform.

Kammerer: Okay. So today you were in uniform?

Foote: I was in a BDU uniform, yes. Uh, Jim was in the regular class C uniform, or class B uniform.

Kammerer: Okay, so anyone looking at you it would be apparent then that you are a police officer.

Foote: Yes, there's a badge on the front of the uniform, my name tag, and shoulder patches on each side just like every other uniform.

Kammerer: Okay.

Foote: Um, so I, uh…

Kammerer: …you said you turned on the overhead lights.

Foote: Yes, I turned on the lights inside the car and he made the turn eastbound, we made the turn eastbound with him, uh, Jim started to put out the traffic stop and he kind of slowed down a little bit, but was again was watching me in the side mirror and I, so I knew at this point he had initially right away I knew that he saw that we had initiated a stop just because he's looking in his mirror so I knows that he's seen the lights. So I hit the air horn a couple of times because he's not stopping right away.

Kammerer: Yes.

Foote: And uh, he starts to kind of speed up a little bit, not too fast we're probably going 15 to 20 miles per hour. I thought maybe he was going to slow down and then he sped up and, uh, I turned on the siren and I started, I left the siren on continuously from this point, uh, and I think I was like flipping it between two setting to try and grab his attention and it was obvious to me that he knew he was being stopped and he just kept going. At this point he's, can I back up for a second because I remembered something else.

Kammerer: Absolutely.

Foote: So when, uh, when he crossed lanes and before he went eastbound but he had crossed drifted all the way across the lanes, I saw him lean forward with his, um, right side of his body and it looked like to me that his right shoulder dipped forward towards the steering wheel as if he was leaning underneath his seat.

Kammerer: Okay.

Foote: And it really caught my attention when that, did that especially because he was staring at me so much in the side view mirror. So I was already kind of thinking to myself why is he, what's he doing around his seat. In HEAT

we've taken like a 130 some guns off of people or more, around there, so those theses kind of movements are stuff that we are used to seeing,

Kammerer: Okay

Foote: and it drew my attention to, heightened my attention I guess or my awareness. So, um, once we were at the point of the stop where the sirens going, he's not stopping, he's continuing eastbound, uh, he gets to, um, to 6th Avenue and makes a northbound turn, um, the siren is still going and he pulls over as if he's going to stop and slows down to probably less than I don't know maybe five miles an hour, and then he picks his speed back up again. And he actually pulls like he's pulling to the curb and then he makes a movement away so he comes veers back out into the lane left, left into the lane a little bit and, uh, at this point I'm thinking he's not stopping, he's probably going to take off at any moment, or he's looking for an opportunity so I pulled my car, our car along the left rear portion of his car to put myself in a position to pit him if he really aggressively took off.

Kammerer: Okay.

Foote: So, uh, now Cody is, Cody's right behind us in his police car and he continues down the Corolla continues all the way down 6th until whatever that next street is, I think Halsey, almost to where he's at Halsey.

Kammerer: Okay.

Foote: Um, and then he stops. I-I wasn't convinced at that point, um, just based on doing this with, uh, guys who are dangerous for a while that he was really going to stop, I kind of thought maybe he was going to sucker stop us.

Kammerer: Okay.

Foote: Because he hadn't stopped yet. I felt we had a good elude charge at this point, uh,...

Kammerer: ...when you say sucker stop, what does that mean?

Foote: Well, I thought he was going to wait until we stopped and start to get out of the car and then he would take off again to give himself some sort of advantage because we'd have to get back into the car.

Kammerer: Sure.

Foote: So, um, I uh, …

Kammerer: …so at this point you feel that you have, uh, an elude charge?

Foote: Yes.

Kammerer: Okay.

Foote: Uh, it's very apparent to me that he knows that we've been behind him for now two blocks and this is not fast speeds, he's been, I mean like I said it's probably 15 miles an hour or less.

Kammerer: yes

Foote: um, that he's moving. So he's been watching, looking in the rear view mirror and the siren is on, his windows are down, um, I, I know that he knows what's going on.

Kammerer: Sure.

Foote: Um, so we stop, I position our car to the left, uh, rear portion of his car again to like I said to see if he was going take off I could pit him right away and so that's where we stopped. Um, just like, uh, on the tape you can't say…

Kammerer: …this is uh, uh, just a piece of notebook paper here, if you could just to the best of your recollection…

Foote: …yes…

Kammerer: draw.

(long pause)

Foote: So this would be, so could I just do C for Corolla or…

Kammerer: …uh, go ahead and do an A for the Corolla,

Foote: okay

Kammerer: And then for your car, um, do like 1.

Foote: And then Cody's 2?

Kammerer: Sure.

Foote: So, we, we stopped, we're slightly angled in towards his car, towards the Corolla and, uh, I remember starting to get out of the car, Jim gets out of the car and, uh, the guy immediately is screaming "Fuck you guys, fuck this fuck that." I remember him just saying fuck a lot, fuck the police, um,

Kammerer: Where's he looking when he's doing that?

Foote: He's looking over his shoulder back at us yelling.

Kammerer: Okay.

Foote: And, uh, Jim gets out and I get out both at the same time. Jim, um, draws his weapon out, this guy is extremely agitated I mean he's screaming at the top of lungs this stuff. Jim draws his weapon, uh, and I, uh, begin to walk up this way, uh, around the front of our car. Jim goes between the two cars and, um, I immediately start giving the guy commands to, because his hands are down, he's slouched, his seat is, um, dropped back, he's sitting down in his seat, he looks like he's probably a fairly tall guy and he's sitting in his seat like, um, probably his head wasn't much above the actual door frame in the car.

Kammerer: Yes.

Foote: So he's sitting slouched in his seat pretty low and, uh, I tell him, um, I tell him, I immediately notice that there is a witness on a bicycle, uh, just east of us or sorry just north of us at the next intersection at 6th and I think its Halsey

Kammerer: okay

Foote: that's watching. This guy is yelling so much that it's drawn this witnesses' attention and he's now focused on us as well. I go up as I approach it, I, uh, I tell him to put his hands on top of his head and interlace his fingers together and he says like "fuck you, I don't have to do what you say," "fuck the police," uh, "why the fuck is, why the fuck are you pulling your guns out." Um, as he's saying all this I can see he's just, he's so agitated, he's shaky, he's, uh, kind of looking around, he's looking around in his car, his hands are moving from the steering wheel down to his legs, um, down to the right side of right leg, his right hand is, and I continuously tell him and, uh, first in sort of moderate voice "put your hands on top of head and interlace your fingers together." I must have said the five times and he's repeating that he's not going to follow the instructions, he doesn't have to, fuck you. It's all very aggressive, he's yelling it. I mean I think anybody within a block can probably hear him yelling this and, uh, I continue to tell him that. I, uh, I know, I know from dealing with these guys a lot that, um, this guy is amped

up as I've ever seen any guy that we've dealt with and, uh, I even noticed that his left hand he's kind of moving his left hand by the, by his head through the open window and his hand is trembling like out of control shaking he's so agitated and nervous.

Kammerer: Okay.

Foote: Um, it's really causing me enough concern that I, uh, immediately get on the radio and say get us more cars here and I want the first car, oh he had dropped his hand at one right hand at one point onto the gear shift of his car and, um, I thought he was going to try and drive away so I said I want the first car here to box him in from the front because I don't want him to be able to leave or use his car in any sort of way. So I hear that Don and

Kammerer: Don?

Foote: Don Livingston and his partner Murphy and, uh, Polas and, um, Burley are now en route and I continue to calmly or I think my voice is raising now "put your hands on top of your head and interlace your fingers together." This goes, this interaction goes on, he continues to refuse to do any of this and is just extremely agitated for I don't know, it seems like a while I'm sure exactly how long it took for the other guys to get there, but they eventually arrive Burley blocks in the front of his car with his police car and Don pulls in kind of to the left front portion of the bad guys car. Do you want me to draw that in there?

Kammerer: Please.

(long pause)

Kammerer: Go ahead and label Livingston's car 3.

Foote: Okay.

Kammerer: And then is that Burley's car?

Foote: Yes, Burley and Polis in 4. Um, so they walk up, he's still extremely agitated, um, I again direct him to put his hands behind his head and interlace his fingers together, he's saying "no" he says something like "you're going to have to pull me out of this car or you're going to have to come get me out of this car" something to that effect. I have my taser now on him, uh, I've moved to the front door jamb just, uh, opposite so I'm now I'm almost looking directly at his at him and at his chest in the, uh, in the front seat.

Kammerer: So you're at kind of where the door hinges?

Foote: Yes, exactly.

Kammerer: Okay.

Foote: And I've moved there because I know that I'm going to be the less lethal cover, um, to get this guy out of the car and it's going to take multiple officers probably to control his hands and get him out of the car. Um,

Kammerer: When you say you have your taser on him what does that mean?

Foote: I have, I have it out and I have it flipped to so the safe is off.

Kammerer: Okay.

Foote: So the red dot is on his person so if I pulled trigger it would go off.

Kammerer: The red dot, what is that?

Foote: It, uh, is the laser site for the taser.

Kammerer: Okay.

Foote: So I tell him, um, again I think I give him a command, um, uh, Burley moves up, uh, sorry Don is to my right and standing slightly behind me. He has a taser also, uh, out and Burley is to the right of Don standing about right at the car window and to the right of him is Cody, Cody Berne and Jim Defrain. Jim is still, um, as lethal cover.

Kammerer: Okay.

Foote: Um, so we've done this a lot together…

Kammerer: …I know you said that, uh, Jim Defrain had his gun out, um, do you recall where he was holding his gun? Was it down at his side?

Foote: When we initially got out, Jim had his gun raised, um, at like a low ready.

Kammerer: Yes.

Foote: I don't remember him ever having it above like waist height.

Kammerer: Okay.

Foote: Um, and I remember as we are talking to this guy when it was Jim and I, Jim had his gun down to his side. I think to see, I know from working with Jim for, for since before he we were partners for a year and a half before that and I, I think what he was trying to do was de-escalate the guy because the guy had made mention of why you have gun out and blah, blah, blah. So I think Jim drops his gun down to his side, but keeps it out of his holster.

Kammerer: Okay

Foote: Um, so we've been working together for the last, the guys that are up at this side of the car now, have been working together for the last two years and I'm pretty comfortable that we're all in the same page as what's going to happen.

Kammerer: Okay.

Foote: I think Don Livingston says, um, "let's get him out of the car or let's go ahead and get him out of the car" something to that effect and Chris Burley, the guy has one hand, um, on either it's on the window seal of the car or it's hanging kind of out of the car, it's his left hand, um, and Chris goes to grab that hand and put it into like a san kajo or one of those moves we use to get people out of the car.

Kammerer: Okay.

Foote: Um, when he does that, um, the suspect, uh, initially starts to pull back into the car trying to pull away towards the passenger seat, um, and then I can see Chris who is a very large, muscular person pulling against him trying to get that keep control of his hand and, uh, I'm not sure if Cody started to open the car door or not, but the struggle went fast and the guy was leaning over towards the passenger seat of the car and as he's leaning I can see he's reaching and his reach is like a, um, his palm is up and he's reaching across the passenger seat and to me it's like he's reaching for the glove box

Kammerer: Yes.

Foote: or something on that side of the car and I remember thinking to myself that's weird, I remember him putting something under the driver's sear, why isn't he reaching under the driver's seat? It didn't, I'm like wh, he's not even going for where I would expect him to go at this point. So, as he's doing this the struggle continues I hear Don yell taser, taser, taser multiple times and I believe Don fires his taser. It connects with the sub, the subject and he, uh, he's seems to be affected by it, it's causing his body to, um, to be in a like convulse and its, its obviously had some effect but it's not stopping his

movement across the car. So he still is able to continue in the direction he was going with his hand…

Kammerer: Do you recall where on his body, um, the taser connected?

Foote: I don't.

Kammerer: Okay.

Foote: Um, and I see him continue to reach and as he's doing that, uh, I hear Don yell "tase him again" or something like that, I can see his taser isn't having an effect. I fire my taser, it hits him it connects, um, I remember seeing taser wires my taser wires and Don's taser wires, uh, in like the left portion of his body, stomach area of his body between his chest and his, um, waist line area.

Kammerer: Okay.

Foote: I remember seeing multiple wires so I'm sure that's where Don's connected also. Uh, the taser cycling through, it seems to have an effect on him but again it's not causing him to clench up in his seat. He's able to reach, keep continue to reach and go across and, um, I'm not sure if he got into the glove box or where this item came from but all of a sudden I saw in his hand there was a purple Crown Royale bag.

Kammerer: And that was the same hand that he was reaching with?

Foote: Yes, his right hand. Yes. I, I can't tell if he actually got into the, the glove box or he it was by the seat the right passenger seat someplace, I never saw a weapon on that passenger seat when we were initially talking to him or any or this purple bag but all of a sudden now he's got a purple bag in his right hand. I'm positioning, I'm moving myself now so that I'm looking through, um, not only the open window but through the windshield as well so I'm trying see what's going on.

Kammerer: So you position yourself a little closer to the front of the car…

Foote: …a little closer. Yes, I moved a little bit closer, um, and I can see that Chris is still struggling to try and control him and that I'm not sure if was able to break away from Chris' control or how it all worked out but I remember his entire body was almost at the passenger seat now so his legs are still in the driver's seat but his upper half of his body is in the passenger seat area and this purple bag to me it seemed like it floated away, it's like it just dropped and kind of like there was almost nothing in it.

Kammerer: Yes.

Foote: And as it dropped it went down towards the passenger side floor. Um, and then I'm not sure how but it seemed like, uh, the suspect almost did like a barrel roll in the, in the over the passenger seat and he was now facing so that his torso was twisting basically away from the forward position in his seat so he is now twisting into the passenger seat and I heard someone yell "he's going for a gun" or "he's got a gun." I remember hearing the word gun and, uh, then I heard, I-I started, I think I took one step back away from where I was at because I really felt like I was kind of in a vulnerable position and, uh, I heard multiple pops, really loud obvious gun shots to me.

Kammerer: Yes.

Foote: Um, and it seemed like I don't know, to me it seemed like there was maybe four or five initial gun shots and, uh, I not having lethal cover or any sort of cover or any sort of way of protecting myself, I shifted back to, um, Don's car to try and take cover behind his car, the right side of the engine block area.

Kammerer: Yes.

Foote: And I was moving back, I had dropped my, dropped my taser and I was going to a gun and I heard more pops, this is probably over the course of one to two seconds, it was really fast, so I heard pop, pop, pop, pop, pop and then more pops, uh, I'd say in total probably it seemed like maybe eight they were super loud and my hearing actually, and it felt like someone took frying pans and was bashing the sides of my ears because it was so loud.

Kammerer: Okay.

Foote: And I heard, uh, Jim or Cody "hold" or "wait" and I saw a hand, one of them holding a hand up to signal to everybody else and, uh, I noticed the front windshield was now blown out in multiple areas and, uh, I looked over and I saw Chris Burley, um, laying like on his, on his back in a half seated position with legs out in front of him.

Kammerer: Okay.

Foote: And it looked to me like his legs weren't working or something was clearly wrong with Chris, he's a very athletic guy I, he would pop right back up.

Kammerer: Right.

Foote: And he wasn't. I could see him almost like pushing himself backwards to try and get away from where he was at and it was clear to me that Chris had been shot.

Kammerer: Okay.

Foote: Just by, or was hurt. I didn't know that he'd been shot. He was, he was clearly hurt to me something had happened to him.

Kammerer: Okay.

Foote: So I ran, um, I could tell from Cody and from Jim that they were locked on this guy, they both had their guns up and there were evaluating whatever was going on inside the car, I couldn't see from where I was at what was going on inside the car and I just thought I need to move to help Chris so I, uh, went behind ran behind Cody and Jim to where Chris was and started pulling him towards the south behind, um, my car and between my car and Cody's car and as I was doing it I was yelling at, I asked Chris I think if he was okay, he said "I've been shot," um, I yelled to Don that we had an officer down and, uh, I'm not sure if Don helped me or how, how we got Chris, uh, to Cody's car, but it was quick, it happened very fast. I think Chris was able to kind of help me get him there and, uh, I was just yelling at Don "we need to get him to the hospital, uh, he's been shot," uh, we get him in the car I tell him I'm going to take him to Emanuel I'm going now and, uh, Don had this moment of like big clarity where he's like "okay, you're not, you're going to, you take him to the hospital, you go, but we're going to send Murphy with you" and Don started yelling at Murphy "Murphy, get in the fucking car with Foote!" and Murphy was, uh, standing I think up towards the front of my car or was using my car as cover and I remember Don slapping or punching the back of a car to get Murphy's attention and, uh, I was just getting ready to drive away and Murphy ran over and hopped into the passenger side of the car I was now driving which was Cody's car and, uh, we made a U-turn, backed up made a U-turn and then went out and then started driving to Emanuel.

Kammerer: Okay. What happened when you got to Emanuel?

Foote: Um, well on the way there Chris, I was, we were trying to keep Chris alert and conscious I was a little nervous about, I didn't want to put him in the front seat of the car because he's so big and I, I he said he was shot [redacted] or [redacted]. I didn't see any blood initially on him so I couldn't find his injury, I was looking to see if there was torn clothing or if there was blood and I couldn't, I

couldn't see it so we thought we should just lay him down across the back seat.

Kammerer: Yes.

Foote: So we laid him across the back seat just to try and keep his heart and his legs at the same area because I didn't want to, I didn't know if he'd been hit in a major vein or what the deal was so we laid him across the back seat and, uh, as we started driving there we were just keeping him alert telling him, like asking him questions and he was, he was very vocal and he was clearly staying with us, he said he had been, he said he had been shot [redacted] and, um, uh, I started driving and as I was driving there I was trying to get on the air because as we're driving down MLK the traffic was horrible and then the slick tops the people don't necessarily see the lights or hear where it's coming from and traffic was stopped and, uh, so we, uh, I was able to navigate I think maybe even up onto a curb and get around traffic at MLK and Holiday or I'm sorry MLK and Broadway and then continue north down MLK and as we're going police cars are passing us because they've heard the shots fired and officer down and I was trying to flag people over to clear traffic for us

Kammerer: Sure

Foote: But I couldn't get out on the radio. I was trying to get on the radio. Finally as we're going down MLK I was able to get out and say "the next car that passes us, this black slick top, it was Dan Chastain coming the other way turn around and come with us and start clearing traffic. So because I didn't know how long Chris was going to be, I could see now he had blood on his hands, he was obviously shot

Kammerer: Right.

Foote: In the, in the area that really concerned me because he had a lot of blood on his hands.

Kammerer: Yes.

Foote: Um, so Dan was able to start clearing traffic down MLK as we made it to Fremont and then we went down Fremont to the hospital and, uh, as we pulled into the hospital lot, um, I sort of half expected the whole ER team would be waiting for us to get there because we had said we were going to Emanuel, um, and nobody was out there so we got out and there was a paramedic unloading an ambulance and I said "get the fuck over here and help us, he's been shot," uh, and Dan Chastain and I were able to pick him up out of the car

and put him onto a gurney and then we wheeled him in and went straight in to the OR.

Kammerer: Okay. Um, do you know, uh, do you know what happened with Officer Burley's, uh, gun?

Foote: Yes. Uh, we were taking off his stuff, um, as were putting him onto the gurney we were taking off his, uh, gear. I think Chris on the way to the hospital had been undoing his keepers because his belt came right off when we were getting out, when we pulled him out of the car his belt was coming off. Um, I think, I'm not positive, um, but as he was laid actually as he was on the gurney I'm not sure if Murphy handed me his gun or not. I had his gun and I handed if off to Chastain and who said he'd be able to take care of it.

Kammerer: Okay.

Foote: So I went with the, with Burley into the OR.

Kammerer: Okay. Did, uh, Officer Burley, uh, ever say who shot him?

Foote: Uh, uh, on the car ride there I think he said multiple times "that mother fucker shot me." Um, and uh, he made he actually hit the screen once in the back of the car and was like "that mother fucker shot me [redacted] He said something like that, it like right here, something like that. He made multiple mentions that of that guy using different terms like "fucker," "that guy,"

Kammerer: Not referring to anybody on the HEAT team?

Foote: No.

Kammerer: Okay.

Foote: It was just, this is one of the deals where, uh, I mean just last weekend we chased a guy downtown with a Tec 9 and he was running through downtown and on a Saturday night and, uh, this the guy I was chasing that night and my interactions with him before he actually pulled his gun out and ran, was half as animated or agitated as this guy in the car and we've dealt with lots of guys who have had guns on them and this guy was amped through the roof. He was so nervous that it really from the time we got out to contact him it just had all, my, my gut was like this is not going to go well and that's what, I mean we had seven of us there.

Kammerer: Right.

Foote: And still having to box in and contain it just it felt like this situation a hundred times different than anything else we've dealt with and any of the other situations where guys have pulled out guns when we're doing foot chases and tossed them or whatever, this was totally different, had a completely different feel to it.

Kammerer: Is this guy anybody that you recognize…

Foote: …his, his face, uh, I remember being up at the car thinking that I had seen this guy before. I couldn't put a name to his face, but, uh, but, um, I remember thinking on the way to the hospital and once I was at the hospital that when I hear his name it's going to all click with me, I just can't right now put a name to the face but he's somebody that I've seen before, I believe I've seen before or, uh, have seen a flyer on before.

Kammerer: Do you recall any specific instances of ever dealing with this guy before?

Foote: No, I don't.

Kammerer: Oh, okay. Is there anything, uh, we didn't ask that you think is important?

Foote: Uh, (long pause) I don't think so. I think just, uh, his driving and his the way he was watching in his mirrors and his once the siren was on and the lights were on the way he was slowing down and then kind of speeding up and then when he pulled to the curb and pulled away, all that stuff was playing into my head on it was just raising suspicion in my mind or raising concern in my mind about the whole stop itself. Um, it like I said it just he was so agitated and so, um, nervous and so aggressive from the get go that I just, I–I had concerns about this stop from the time we got, I mean from before when we tried to stop him when he leaned forward that shoulder movement under his seat, from then on it was it concerned me from the beginning.

Kammerer: Did you ever see a gun?

Foote: No.

Kammerer: Okay. Okay.

Slater: Um, were there any other people in the car?

Foote: No.

Slater: Positive?

Foote: Yes.

Slater: Okay.

Foote: All the windows were not tinted, I think all the windows were down in the car, um, no there was, there was nobody else in the car surely.

Slater: Thank you.

Kammerer: Okay, alright, it's, um, 0125 go ahead and conclude.

Transcribed Verbatim with Punctuation Added at 1200 hours on 051810, S. Maier.

PORTLAND POLICE BUREAU

CONFIDENTIAL

SPECIAL REPORT

☐ INFORMATION ☐ CLEARANCE ☐ CONTINUATION ☐ SUPPLEMENTAL

CASE NO.	REFER CASE NO.	CLASSIFICATION
10-38353	10-38359	OFFICER INVOLVED SHOOTING

☐1. UNFOUNDED ☐ 3. SUSPENDED ☐ 5. EXCEPTIONAL ☐ 2. PENDING ☐ 4. CLR BY ARREST ☐ 6. REFERRED

ORIGINAL REPORT DATE/TIME	THIS REPORT DATE/TIME
051210 / 1821	052010 / 1500

LOCATION OF OCCURRENCE
NE 6th AVENUE / NE HALSEY STREET

PERSONS CO-Complainant SB-Subject SI-Sick/Injured/Cared For PE-Park Exclusion

CODE	NAME	CRN	SEX	RACE	DOB
SB	OTIS, KEATON DUPREE		M	B	010485

ADDRESS	ZIP	PHONE
3541 N HOUGHTON STREET	97217	

SUBJECT OF THIS REPORT	PROPERTY RECEIPT NO.
INTERVIEW OF OFFICER DAUCHY	

NARRATIVE/PROPERTY ITEM CODE S-STOLEN L-LOST F-FOUND D-DAMAGED K-SAFEKEEPING R-RECOVERED

COPIES
☐ DET
☐ Central
☐ East
☐ SE
☐ North
☐ NE
☐ Traffic
☐ DVD
☐ ID
☐ Prop Room
☐ Crime Prev
Intell
☐
☐
☐
☐

COMPUTER ENTRY
☐ Person
OPR
☐ Vehicle
OPR
☐ Crime/ Prop
OPR
☐ Book
OPR

CONNECT INFORMATION

Victim in PPB Case #10-38359:

Officer Chris BURLEY, DPSST #45975
M/W, DOB [redacted]
Work Address: 449 NE Emerson Street
Portland, Oregon 97211
Hotspot Enforcement Action Team (HEAT), Unit 1951

NONCONNECT INFORMATION

Officer Interviewed:

Officer Aaron DAUCHY, DPSST #30873
M/W, DOB [redacted]
Work Address: 210 NW 1st Avenue
Portland, Oregon 97209
Transit Division, Unit 1763A

Detectives Mentioned:

Detective Mark SLATER, DPSST #27192

REPORTING OFFICERS	DPSST	PREC/DIV	RLF/SHFT	ASSN/DIST	SUPERVISOR
Detective E.W. Kammerer	29988	DET	M	HOM	

CASE NO.	CLASSIFICATION	TYPE:		
10-38353	OFFICER INVOLVED SHOOTING	☐ Incident ☐ Custody	☐ Traffic Accident ☐ Special	

SUBJECT'S NAME	SEX	RACE	DOB
OTIS, KEATON DUPREE	M	B	010485

LOCATION OF OCCURENCE

NE 6th AVENUE / NE HALSEY STREET

NARRATIVE: The order of appearance for additional information will be:
ITEM 1: ADDITIONAL PERSON INFO--List additional people (not suspects) and identify their involvement with the appropriate code. Additional person info includes contacts.
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ITEM 3: ADDITIONAL VEHICLE INFO--List additional vehicles in the same fashion as reported in the vehicle section. Include the identifying code.
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ITEM 7: SUMMARY--A short summary is necessary if the narrative is more than one full page in length.
ITEM 8: NARRATIVE--List in chronological order all of the relevant details in the incident and/or elements of the crime or violation.

ITEM. CODE

Officers Mentioned:

Sergeant Don LIVINGSTON, DPSST #32588
Officer James DEFRAIN, DPSST #44436
Officer Andy POLAS, DPSST #43489
Officer Cody BERNE, DPSST #45662
Officer Ryan FOOTE, DPSST #43493
Officer Patrick MURPHY, DPSST #44162
Officer Brian DALE, DPSST #23726
Officer Anthony EUGENIO, DPSST #39877
Officer Darrell SHAW, DPSST #28923
Officer Matt DELENIKOS, DPSST #21331

Person Mentioned:

James J. McIntyre, Attorney At Law
Representing Officer Dauchy
Work Phone: 503-546-0696

EXHIBITS

1. Portland Police Bureau Property/Evidence Receipt #1203415:
   Item 1: Google Earth image used by Officer Dauchy
   Item 2: CD-R of interview of Officer Dauchy
2. Photocopy of Google Earth image used by Officer Dauchy
3. Transcript of interview of Officer Dauchy

SUMMARY

Officer Dauchy was involved immediately after a deadly force incident occurred in which he fired his less lethal shotgun at KEATON OTIS. Officer Dauchy, after

CASE NO.	CLASSIFICATION	TYPE:	SEX	RACE	DOB
10-38353	OFFICER INVOLVED SHOOTING	☐ Incident ☐ Traffic Accident ☐ Custody ☐ Special			
SUBJECT'S NAME: OTIS, KEATON DUPREE			M	B	010485

LOCATION OF OCCURENCE: NE 6th AVENUE / NE HALSEY STREET

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ITEM | CODE

consulting with his attorney, declined to be interviewed the night of the incident. An interview was conducted two days later, and this report details the results of that interview.

NARRATIVE

On May 12th, 2010, Officer Burley was involved in a deadly force incident in which he was shot twice by KEATON OTIS during a traffic stop. Officers DeFrain, Berne, and Polas returned fire, fatally wounding KEATON OTIS. Officer Dauchy responded as cover immediately after the shooting, and was directed by Sergeant Livingston to fire his Less-Lethal shotgun at KEATON OTIS in order to determine if it was safe to approach and take KEATON OTIS into custody. Officer Dauchy then fired his Less-Lethal shotgun three times. KEATON OTIS was then taken into custody. That evening, the involved officers were provided attorneys to represent them. The involved officers went to the Traffic Division. Officer Dauchy, after consulting with his attorney, Jim McIntyre, declined to be interviewed that night.

On May 14th, 2010, I spoke with Mr. McIntyre and arranged for Officer Dauchy to be interviewed later that day. At approximately 1630 hours, Officer Dauchy came to the Detective Division with Mr. McIntyre for his interview. Detective Slater and I escorted Officer Dauchy and Mr. McIntyre to the small conference room in the Detective Division. I activated a digital recorder at 1635 hours, and verified Officer Dauchy understood the conversation was being recorded and he agreed to the recording. The following is a brief summary of the interview and Officer Dauchy's statements. Please see the attached transcription for a more detailed and verbatim account of Officer Dauchy's interview.

Officer Dauchy said he had been doing paperwork at the Transit Division when he heard Officers DeFrain and Foote on the radio conducting a traffic stop, and Officer Dauchy heard sirens in the background. Officer Dauchy said he then heard those officers ask for a cover car, and heard Sergeant Livingston advise he and another car were responding as cover. Officer Dauchy said he then heard Officer Foote request the next car to arrive to "box-in" the vehicle. Officer Dauchy also heard Officer Foote say on the radio the person in the stopped car was not complying. Officer Dauchy said he could tell by the

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10-38353	OFFICER INVOLVED SHOOTING	☐ Incident ☐ Traffic Accident ☐ Custody ☐ Special			
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LOCATION OF OCCURENCE: NE 6th AVENUE / NE HALSEY STREET

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tone of Officer Foote's voice "it wasn't going good" so Officer Dauchy responded as cover.

Officer Dauchy said he was almost to the Steel Bridge when he heard someone say on the radio shots had been fired, and then "Code 0 Officer Down." Officer Dauchy said he was aware "guns were facing northbound" and he asked for a safe route in to the location and was told to approach from the south. Officer Dauchy said as he arrived, he was told to position his car at an angle toward the sidewalk in order for other officers to use his car for hard cover. Officer Dauchy said he positioned his car, but was then told to pull his car forward until he drove up onto the sidewalk, which he did.

Officer Dauchy said he exited his vehicle and moved to the front passenger side, and saw a person, whom he did not recognize, partially out of the passenger side of the stopped vehicle. Officer Dauchy said the area of the person from his hips to his head was exposed. Officer Dauchy said the person was parallel to the curb with his hands underneath him. Officer Dauchy also heard an officer giving commands to the person to show his hands. Officer Dauchy said he removed his Less-Lethal shotgun from his vehicle and pointed it at the person. Officer Dauchy said Officer Dale was beside him with his AR-15 rifle as lethal cover.

Officer Dauchy said he was aware Sergeant Livingston had activated SERT in order to take the person into custody. Officer Dauchy said nearby officers were forming into a custody team, so Officer Dauchy also began yelling commands to the person to show his hands. Officer Dauchy noticed no reaction to the verbal commands from the person. Officer Dauchy said he was aware it would take SERT a minimum of thirty minutes to assemble and then approach the person to take him into custody. Officer Dauchy said he wanted to be able to render aid to the person as soon as possible, so he and Sergeant Livingston discussed shooting the person with the Less-Lethal shotgun in order to elicit some type of reaction. Officer Dauchy said Sergeant Livingston directed him to fire his Less-lethal shotgun one time at the person, and said on the radio Less-Lethal was going to be deployed.

Officer Dauchy said he announced "Beanbag, Beanbag" and then aimed his Less-Lethal shotgun at and struck the person's "right hip and butt cheek" area. Officer Dauchy did not see any reaction from the person. Officer Dauchy said he continued to shout commands at the person to show his hands. Officer Dauchy said he again announced,

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LOCATION OF OCCURENCE: NE 6th AVENUE / NE HALSEY STREET

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then aimed at and struck the same area with a second shot, again without a reaction. Officer Dauchy said he again announced, then aimed at and struck the same area with a third shot, still without a reaction.

Officer Dauchy said at this point, Sergeant Livingston decided to approach the person and take him into custody. Officer Dauchy said he was designated Less-Lethal with Officer Dale as his lethal cover, and Officers Shaw and Delenikos were designated to take control of the person. Officer Dauchy said as they approached, he swung wide and was finally able to see the person's hands and noticed they were empty. Officer Dauchy said before he could relay this information, Officers Shaw and Delenikos were already taking control of the person. Officer Dauchy said Officers Shaw and Delenikos placed the person into handcuffs and then placed the person on his side in the post-shooting position.

Officer Dauchy said medical was immediately requested for the person. Officer Dauchy said the person appeared to be deceased, and he asked if the person was deceased and an officer told him he appeared to be deceased. Officer Dauchy said at this point firefighters and medical personnel began to arrive and started to assess the person. Officer Dauchy said there were so many firefighters and medical personnel in the scene, he was concerned the evidence would be disturbed, so he and Officer Eugenio began marking items of evidence with their business cards.

The interview was concluded at 1705 hours. At the beginning of the interview, I had provided Officer Dauchy with a printout of a Google Earth overhead satellite image of the intersection of NE 6th Avenue and NE Halsey Street and the surrounding area. During the interview, Officer Dauchy referenced this image, and marked various locations on the image. At the conclusion of the interview, Officer Dauchy signed and dated the image. This image was retained and receipted on Portland Police Bureau Property/Evidence Receipt # 1203415. The audio recording of the interview was later copied to a CD-R and also receipted on Portland Police Bureau Property/Evidence Receipt #1203415. The recording and image were later placed into the Property Room.

Please refer to the attached transcript for a more detailed and verbatim account of Officer Dauchy's interview.

This investigation is ongoing.

REPORTING OFFICERS	DPSST	PREC/DIV	RLF/SHFT	ASSN/DIST	SUPERVISOR
Detective E.W. Kammerer	29988	DET	M	HOM	

BUREAU OF POLICE
2619 NW INDUSTRIAL WAY, STE. B4
PORTLAND, OREGON 97210

PROPERTY/EVIDENCE RECEIPT

THIS RECEIPT MUST BE ACCOMPANIED BY AN APPROPRIATE REPORT

RECEIPT NUMBER	DATE/TIME	REFER CASE NO.	PPB CASE NO.
No. 1203415	05/2/10 1821 AM/PM		10-38353

CHECK ONE ONLY: ☒ EVIDENCE ☐ FOUND PROPERTY ☐ PRISONER'S PROP ☐ SAFEKEEPING

HAVE COPY OF TEST: YES / NO

PROPERTY TAKEN FROM:	LAST NAME	FIRST	M.I.	SEX	DOB
☐ DENIED OWNERSHIP					
HOME ADDRESS	CITY	STATE	ZIP		
OWNER OF PROPERTY	LAST NAME	FIRST	M.I.	SEX	DOB
HOME ADDRESS	CITY	STATE	ZIP	PHONE	

I VOLUNTARILY RELINQUISH THE ITEM(S) LISTED FOR SAFEKEEPING.

SIGNATURE

TYPE OF INCIDENT: OIC INVOLVED SHOOTING

DELIVERING OFFICER: M. SLATER — BRS/ASSIGN: 271-9211 HSW

LOCATION WHERE SEIZED/FOUND/TURNED/REFERRED: 11TH & SW 2ND AVE

INVESTIGATOR IF DIFFERENT: — BRS/ASSIGN:

☐ DEFENDANT / ☐ SUSPECT	LAST NAME	FIRST	M.I.	SEX	RACE	DOB

	FOR GUNS: LIST MAKE, TYPE, CALIBER, MODEL, SERIAL NUMBER(S), IMPORTER & COUNTRY OF ORGIN. LIST ONLY ONE ITEM PER SELECTION.	STLN	FOR PED USE ONLY
ITEM 1	GOOGLE EARTH IMAGE USED BY OFC. DAUCHY		
ITEM 2	CD-R RECORDING OF INTERVIEW W/OFC. DAUCHY		
ITEM 3			
ITEM 4			
ITEM 5			
ITEM 6			
ITEM 7			
ITEM 8			

DELIVERED BY: CHECK ONE ONLY: OFFICER / OTHER	LOCKER	DATE	RECEIVED BY

DO NOT WRITE IN SPACE BELOW — FOR PED USE ONLY

INVENTORIED AND ACCEPTED IN PROPERTY EVIDENCE DIVISION DA: TIME:	BY	WHITE - RECORDS COPY YELOW - CITIZENS RECEIPT PINK - WITH PROPERTY

02-01-10

Aaron M. Sands
#30873

PORTLAND POLICE BUREAU
CASE NUMBER 10-38353

May 14th, 2010

Officer Aaron Dauchy

TAPED STATEMENT TRANSCRIPTION

CONFIDENTIAL

PORTLAND POLICE BUREAU
DETECTIVE DIVISION
CONFIDENTIAL
TAPED STATEMENT TRANSCRIPTION

Kammerer: Today is May 14, 2010. It is now 1640 hours. This is Detective Erik Kammerer with the Portland Police Bureau regarding case #10-38353, an officer-involved shooting which occurred on May 12, 2010. We're on the 13th floor of the Justice Center in the small conference room of the Detective Division. Also present Detective Mark Slater and we are here to interview Officer Aaron Dauchy, DPSST # 30873 and he is accompanied by his attorney, Jim McIntyre. Officer Dauchy, do you understand this interview is being recorded?

Dauchy: Yes, I do.

Kammerer: And you're okay with that?

Dauchy: Yes.

Kammerer: Okay. As I said, we're here to talk about the officer-involved shooting which occurred on May 12th. Before we get into that though, I'd like to go over a little bit of your experience, how long you've been a police officer, what kind of experience you have as a police officer, what kind of training you've received. We'll start with that.

Dauchy: I've been a Portland police officer for eleven years, 3 ½ years Reserve for Portland prior to being hired. Attended the Basic Academy, the Advanced Academy and then the annual In-Service trainings throughout my career.

Kammerer: And are you trained on any weapons platforms?

Dauchy: Yes. Taser, pepper spray and also the Less Lethal beanbag shotgun.

Kammerer: And what kinds of certifications if any are you required to maintain on any of those weapons platforms?

Dauchy: The Less Lethal we do quar...or every In Service or I'm sorry, every qualification, every quarterly qualification downstairs. In fact, I just shot a week ago, qualified.

Kammerer: Okay. How does that qualification go? Is there a, if you hit enough targets correctly you pass or is it Pass / Fail?

Dauchy: Yeah, they have a set course where you shoot at various ranges and they call out how many shots and it's at different distances and you just go through it and you have to hit below the waistline but it's Pass / Fail.

Kammerer: Okay. And then when you were initially certified on the Less Lethal shotgun, do you recall what kind of training you received then?

Dauchy: I believe it was a 30-hour class. Most of it was, there was a small portion that was classroom. The rest was Range time.

Kammerer: Okay. And then the Taser that you mentioned, is there any sort of qualification process for that?

Dauchy: There was a day class and then I think since we've been, since we've had the class, I think we've had two or three re-certs at In Service.

Kammerer: Okay and where do you currently work?

Dauchy: I'm assigned to the Transit Division. And the office is at 210 NW 1st Avenue.

Kammerer: And what do your duties there normally consist of?

Dauchy: Basically Transit's responsible for buses, trains, all calls but we're also available to assist other officers with calls and traffic stops.

Kammerer: And in your capacity as a Transit officer, then is it normal for you to carry your Taser and your Less Lethal shogtun?

Dauchy: Yes, it is.

Kammerer: Okay. And you were working on May 12th, is that correct?

Dauchy: Yes, I was.

Kammerer: And what is your normal shift hours and days that you work?

Dauchy: My normal shift days are Thursday through Sunday. I work 2:00 pm to 12 at night.

Kammerer: And what time did you start work on the 12th?

Dauchy: At two o'clock.

Kammerer: Okay. And if you could just take me through your day prior to reporting to work. If you recall what time did you get up in the morning?

Dauchy: I think I got up about 9:30.

Kammerer: Okay. Did you receive a normal amount of sleep that night?

Dauchy: Yes.

Kammerer: What's a normal amount for you?

Dauchy: For me, anywhere from about six to eight hours.

Kammerer: Okay and so after you got up, do you recall anything of consequence that day?

Dauchy: No

Kammerer: Just normal day?

Dauchy: Did stuff around the house.

Kammerer: Okay and just prior to reporting to work, did you go anywhere or do anything?

Dauchy: I don't remember. I think I was just at home and then went to work.

Kammerer: Okay. Nothing out of the ordinary occurred on the drive to work?

Dauchy: No.

Kammerer: Okay. Upon reporting for work, do you recall what you did next?

Dauchy: We had roll call and then after roll call, loaded up my car, went to coffee, got a call, went and took that call, and the person had left prior to me getting there.

Kammerer: Do you recall what that call was?

Dauchy: I believe it was a trespasser at Pioneer Square. At the Tri Met ticket center there.

Kammerer: But that person was no longer there when you arrived?

Dauchy: No, they were gone.

Kammerer: Okay. What happened next?

Dauchy: I started to drive back to meet the other officers I was meeting for coffee at 11 and Lovejoy when another call came out at 82nd Transit Station of a man down so then I drove out to that call.

Kammerer: And what happened there?

Dauchy: By the time I got there, the person was getting up. He wasn't drunk. He just decided to take a nap on the side of the road so he went on his way and I drove back into Portland, was headed to the office actually to get a case envelope to do follow-up.

Kammerer: And do you recall about what time this was?

Dauchy: Oh, 4:30 roughly, 5:00? I'm guessing.

Kammerer: Okay. And then what did you do next?

Dauchy: On my way to my office, a friend of mine called me that works Willie 2-6 said they were gonna go to coffee at Grand and Lloyd Starbucks so I went in there to meet her and her partner and then while I was there, they HEAT, the whole HEAT Team came in.

Kammerer: And what is the HEAT Team?

Dauchy: Um, Hotspot Enforcement Reaction Team. They basically work with GET dealing with problems, specifically gangsters, Holladay Park and they kind of roam throughout the city dealing with hot spots.

Kammerer: Okay and so what happened when the HEAT Team came in?

Dauchy: Nothing. I've worked around them probably for the last year and a half quite a bit. Same calls, the gangsters kind of like to hang out at Tri Met so the HEAT guys and Tri Met work pretty close together quite a bit. Came in, we had coffee, probably there about 20 minutes. And then left them and headed downtown to my office to do case envelope.

Kammerer: Okay and what happened after that?

Dauchy: So I'm in the office, I called the person I needed to do a photo lineup with. They were home. I told them I'd get back to them in a little bit. Was getting ready to do the photo lineup when I was still on North dispatch and I heard somebody come on the radio. I could hear sirens in the background like it was

possibly somebody chasing a car. And I heard him say, 2666 traffic. I immediately knew that that was one of the HEAT guys because prior to them getting transferred to the Traffic Division, their unit numbers were all 2600 numbers.

Kammerer: Oh okay.

Dauchy: And I knew that that was DEFRAIN and FOOTE's number when they were out there at North.

Kammerer: Okay.

Dauchy: Kind of was listening to it. Next thing I know, probably a couple seconds later, they keyed up, asked for another car. I remember Sergeant Livingston saying him and another car were responding. I could tell in their voice that they were a little agitated like I don't know whether the person was thinkin' about drivin' off or what. Next thing I heard was, next car in boxed this car in. At that point, I could tell by their voice it wasn't going good so I started to my car. Got in my car, pulled out of the office, had assigned myself to the call. I knew they were over in Lloyd Center. I wasn't sure when the call popped up I saw 6 and Halsey.

Kammerer: Okay. When you heard 2666 go Traffic, were you aware at that time of their approximate location?

Dauchy: I wasn't.

Kammerer: Okay. And you were in your office which is I believe somewhere near 2 and Couch?

Dauchy: It's First and Davis.

Kammerer: Okay. So when you assigned yourself to the call, did you assign yourself to the call?

Dauchy: Yeah, I put myself on the call at BOEC.

Kammerer: That's when you first realized they were at 6th and

Dauchy: Halsey

Kammerer: Halsey?

Dauchy: Yeah, that's when I realized. When I saw it popped up on the screen, I saw they were at 6th and Halsey.

Kammerer: Okay. Did you then proceed to that location?

Dauchy: Yeah. At that point, used my lights, cleared the intersection, started up the ramp from Naito onto the Steele Bridge and probably about the top of the ramp is when I heard shots fired. At that point…

Kammerer: When you say you heard shots fired…

Dauchy: Broadcast on the radio

Kammerer: Okay.

Dauchy: Um, started going, next thing I heard was pretty sure it was "Shots fired." I heard it a second time and then I heard, "Code Zero Officer Down." At that point, I was driving, I was already across the bridge, had turned onto 1st and was making a right onto Halsey or not Halsey but Holladay from 1st.

Kammerer: When you hear the phrase "Code Zero," what does that mean to you?

Dauchy: Um, that's any available officers get there as fast as possible.

Kammerer: Okay.

Dauchy: So at that point, I'm coming up Holladay, I hear 'em saying, "He's not complying" or actually I heard, "He's not complying" prior to the shots fired. I heard that. But I'm coming up, I hear, "He's goin' to Emanuel. We're taking the officer to Emanuel." And by this time, I'm turning onto MLK. There's no other police cars coming. As I turn onto MLK from Holladay, I see another car coming up behind me. At that point, there was a break in transmission. I knew they were at 6th and Holladay or I'm sorry, Halsey. I knew guns were facing northbound but I didn't know exactly what was going to be a safe route in. Just come straight in off of Halsey or if I need to go to 6th. I asked what was a safe route in. I remember somebody saying from the south. About the time I'm crossing Multnomah, I'm gonna turn, make a right onto I think it was Clackamas and head toward 6th. I saw a silver slick top pop out of the blocks to head off of Halsey headed towards Emanuel.

Kammerer: When you said you heard somebody on the radio broadcast they were taking the officer to Emanuel, you'd heard Code Zero, Shots Fired, prior to that the

guy not being compliant, and then you hear a transmission about taking an officer to the hospital.

Dauchy: Yes.

Kammerer: What did you think was the reason that officer was going to the hospital?

Dauchy: I knew he'd been shot. I mean when they said, Officer Down, they were loading him up to Emanuel, …

Kammerer: So you heard "Officer Down" broadcast as well then?

Dauchy: Yes.

Kammerer: Okay.

Dauchy: And I knew, I figured if they were loading him up in a police car and taking him to the hospital, I figured he was hurt pretty bad.

Kammerer: Do you recall when in the sequence of events, that you heard "Officer Down" broadcast on the radio?

Dauchy: Um, I think it was, I heard shots fired, shots fired and then I want to say it was like either Code Zero Officer Down or it was Officer Down Code Zero.

Kammerer: Okay.

Dauchy: It was after the shots fired call had come out.

Kammerer: So the Code Zero was then in relation to the officer down and not necessarily shots fired?

Dauchy: Yeah, it was in relation to the officer down.

Kammerer: Okay. Okay. So you're arriving on scene and you see a silver slick top leaving the area?

Dauchy: yeah. As I'm turning off of MLK, I see this slick top come onto MLK headed northbound.

Kammerer: Okay. What did you do next?

Dauchy: Turned onto Wasco, went down to 6th, and at that point, I headed north on 6th. As I came in the area, I could see a car on the curb. I could see a blue slick top

with its lights on in off set of the car along the curbline. I could see two other police cars facing that car. One of them was boxing or blocking it in. As I'm coming, I could see officers, I could see the passenger door open on the car that was stopped. I could see the back window was shot out. I could see officers pointing their guns towards the passenger side but I couldn't see what or who. At that point, I kind of pulled in behind the car, got out, started to come around and…

Kammerer: This is a Google Earth image that I printed out of the intersection of 6th and Halsey and north is at the top here. If you could, to the best of your ability and recollection, draw in the location of all those vehicles you just mentioned.

Dauchy: Okay.

Kammerer: And I'll have you label them too. I'll kind of walk you through that.

Dauchy: Alright. One of them was kind of under this tree sort of.

Kammerer: That's fine. Just do the …

Dauchy: This first one, the S is the suspect.

Kammerer: Okay.

Dauchy: this one here is the blue slick top.

Kammerer: Just put a 1 for that.

Dauchy: Alright. There was slick top here

Kammerer: And that's 2

Dauchy: Slick top here and then over here there was like a big old CAT construction vehicle over here and officers were actually using, some officers were using that for cover when I pulled up.

Kammerer: Okay and then where did you park?

Dauchy: I parked, it would've been right about here. And that's #4.

Kammerer: Okay. All right so then you exited the vehicle and you don't have to draw it on there.

Dauchy: Okay.

Kammerer: But if you could just reference it for me so I could see it.

Dauchy: So I get out. I come around there. There's officers standing over here on the curb like in the street and they're pointing their guns at the suspect vehicle at the door's open

Kammerer: Which is directly to the north of your car.

Dauchy: Just to the north of my car. I don't remember who it was but they called me by name and said, Dauchy, pull your car up. So at that point, I turned my car and ran it to where the tires hit the curb. I figured at that point, the suspect was probably down on the ground there and they were going to use my car as cover. So I got out, came back around. They said, nope, pull it back up on the curb or pull it up on the curb. So at that time I ran back around, got in and pulled it up so that the right front tire was completely up on the curb and the left front tire was touching the curb.

Kammerer: And at that point your car is ...

Dauchy: It's at about a 45 degree angle.

Kammerer: Okay. To the suspect vehicle?

Dauchy: Yes.

Kammerer: Okay.

Dauchy: So get out, come back around and I remember asking um who were the shooters so I could get them out.

Kammerer: Um-hm.

Dauchy: Before I got in there to assist. And somebody told me that they had already been taken out.

Kammerer: Okay.

Dauchy: So they'd been removed from the scene. I came around the front of my car. At that point, that was the first time I could see the suspect laying about from about his butt forward was out of the car.

Kammerer: Okay so from his hips up to his head was exposed?

Dauchy: Yeah, was out of the car.

Kammerer: Okay.

Dauchy: I could see that he was down. I couldn't see his hands. I don't remember which way his head was facing but it was kind of like resting up towards the curb.

Kammerer: Was he on the sidewalk then?

Dauchy: No. He was basically along the curb line. The car was maybe I don't know, a foot and a half, two feet from the curb so his chest and his head are kind of resting in the street, up against a curb.

Kammerer: Okay.

Dauchy: I could see a Taser laying on the ground pointed at him and it was maybe two feet from his head.

Kammerer: And when you say "a Taser," do you mean a Taser itself?

Dauchy: The Taser itself with the cartridges or with the cartridge still attached to the Taser.

Kammerer: Okay. And then the wire leading to the _____

Dauchy: I don't remember seeing the wires.

Kammerer: okay.

Dauchy: But I remember seeing the Taser pointed in his direction.

Kammerer: Okay.

Dauchy: Somebody was giving commands to him; show his hands. At that point, I heard Sergeant Livingston activate SERT. There was already enough officers with handguns and rifles out. At that point I reached in the car and pulled out my Less Lethal shotgun. Officer Dale was standing basically, he had his rifle trained on the suspect. There was an officer to his left and at that point, I came around to his right and went down to a knee and used the car as cover. And basically was pointing my shotgun at him or the Less Lethal shotgun at him over the hood of the car.

Kammerer: Okay.

Dauchy: At that point, they started, people were gloving up and they were trying to figure out who was going to take who into custody and at that point somebody told me to give the commands when we approached. So at that point I just started giving him commands.

Kammerer: Okay so Sergeant Livingston has activated SERT and you're setting up a Custody Team?

Dauchy: Yeah.

Kammerer: Okay.

Dauchy: So he's activated SERT. At that point, I can't see him moving. Medical has already been called for I remember somebody calling for that. At that point, I'm giving commands, telling him, Show us your hands. And I'm yelling at him, Show us your hands. Show us your hands. I told him, You've already shot a Portland police officer. And you do as you're told. If not, you could be shot again. Repeat that probably five, six times.

Kammerer: Did he appear to have any kind of reaction to your commands?

Dauchy: No. I didn't see any movement. At that point, um, I remember asking him like if we're gonna go up, do you guys want me to bag him first? And I remember somebody saying yeah and then I said, well, where is Livingston? Clear it with him first.

Kammerer: And when you say "bag him" first, what does that mean?

Dauchy: Shoot him with the beanbag.

Kammerer: Okay.

Dauchy: To see if we get a reaction from him, see if he'll move. Anything, moan, anything. At that point, I remember Sergeant Livingston come up behind me and tell me, "Bag him three times."

Kammerer: And to get back to him, shooting with the Less Lethal shotgun to see if he'll have some kind of reaction, moan. What's the reason for that?

Dauchy: Well, one; we can't see his hands. We know he shot the police. We don't know if he's laying on the gun. The gun's in his hands. If I shoot him with it and he moves, we're not going to approach him. If I shoot him once or twice

and he's not moving, then we might at that time decide to move up and take custody of him.

Kammerer: Can you talk me through the reasoning behind those actions?

Dauchy: Well one; to give him aid if he is alive. Then we can go up and give him medical aid if he is moving. The other thing too is he's still a threat if he's laying on that gun, he could be laying there waiting for us to come up and start shooting at us again. So rather than us just go up,

Kammerer: And you know already that he's already shot the police officer?

Dauchy: Yeah.

Kammerer: Okay.

Dauchy: Like I said, the car was, there was glass all over. I mean it looked like rounds had been coming through windows, coming out of it. You could see holes going through car doors. So I mean I knew officers had fired shots. There were shell casings on the ground around. So I knew that there had been a gunfight.

Kammerer: Okay and then just getting back to the reasoning for shooting him with the Less Lethal shotgun to see if you can get some kind of reaction prior to the approach,

Dauchy: Like I said, if we shoot him and he doesn't react, then at that point we may be moving up. We just had shield training at In Service. If he doesn't move, I mean if we wait for SERT, it could take 30 minutes to get there minimum. If he does react and we're able to give him commands and he can crawl away and we can see his hands, we'll have him crawl away from the car and the gun if he's on it. If he doesn't move, he might be too injured to move and at that point, we can move up and cover him and take him into custody. Get him away from the car and if medical's there, we can bring them in.

Kammerer: Great. Okay. So as I recall then, Sergeant Livingston directed you to shoot him three times with the beanbag shotgun?

Dauchy: Yes. Um so I announce "Beanbag, Beanbag" and I fired the first shot. And basically the way he's laying, I've got his whole right hip and butt cheek and that's where I aim. First round hits him, no reaction. And as soon as I fired, I remembered telling somebody, saying, Hey, broadcast on the radio we're deploying beanbag. I don't want somebody to crank off a round.

Kammerer: Okay.

Dauchy: I remember at that point I think it was Sergeant Livingston broadcast that beanbag had been deployed. While he was doing that, I was still giving him commands; Show us your hands! Show us your hands! Still no reaction. At that point I announced beanbag two more times. Fired again, no reaction. Laid there. Waited. Gave him more commands again. Beanbag, beanbag announced it, fired a third round. Still no reaction. At that point, they decided we were gonna move up. Before we did, I loaded three more rounds into my beanbag.

Kammerer: Okay.

Dauchy: To top off the tube magazine before we went up. When at that point I stood up, we slid out as we approached, Officer Dale was still on my left, covering with the rifle and as we moved up and approached, I slid out to the right and I believe it was Officer Shaw came in between Dale and I, along with Officer Delenikos who was on Officer Dale's right. Or I'm sorry, on his left to take control of the suspect. And at that point as they were moving in, I come out wide and I can see both his hands out from under him and they're both empty. I can see a gunshot wound to one wrist. And both his hands are down. At that point, I just kind of stepped back. There's nothing in the car, nobody else in the car and they tried to get his hands up from under they can't and finally they have control of his hands and they pick him up and drag him out. Roll him on his side and handcuff him.

Kammerer: Okay. When you moved out to the side and were in a position to see his hands and noticed they were empty, did you announce that information to the other officers or were they already in position…

Dauchy: They were already in there.

Kammerer: Okay. Okay. And then when he was taken into custody, what happened after that?

Dauchy: At that point, I remember somebody saying Medical could come in. I heard a Fire truck off to the east so I walked around the corner and I saw a fire truck pulling up.

Kammerer: Onto Halsey Street?

Dauchy: Onto Halsey. They weren't out yet. I remember I looked back and I remember when they brought him out. He looked like he was dead to me. And I asked them, I go, is he 55? Which is code for us for deceased.

Kammerer: Um-hm.

Dauchy: and I remember somebody telling me, yeah, I think so. He's not moving. At that point, the first Fire guy came up and I said, pretty sure he's dead. I said there's shell casings everywhere. If maybe just one of you guys can go in to verify it. And at that point, somebody he asked for a monitor. Another firefighter gave it to him. I walked him up and then I remember somebody yelling at somebody else to turn or get back. And at that point I turned around to tell, to help them tell him to get out of the way. The next thing I know, I turned around and there was probably five or six firefighters around the guy, hooking him up, working on him. At that point, I walked back to my car, put up my beanbag gun in the police car secured it and literally there were shell casings around our car, around my car. There was firefighters walking around so myself and Officer Eugenio literally started going around and marking shell casings with business cards just to Fire wouldn't kick 'em.

Kammerer: Okay. Do you have anything, Mark? Okay. Did you recognize the guy that was on the ground? The guy that had been handcuffed?

Dauchy: No, I didn't. In fact, a couple people asked me throughout the night, Do you recognize him? And I said no, I've never seen him before.

Kammerer: Okay.

Dauchy: And I remember a couple of the HEAT guys also saying the same thing; that they didn't recognize him either.

Kammerer: Okay. Is there anything we did not ask you that you think is important?

Dauchy: Not that I can think of.

Kammerer: Okay. Mr. McIntyre? Alright. If there's nothing further than it's 1705 hours and I will conclude the interview.

Transcribed Verbatim With Punctuation Added 051710 at 1508 hrs B Geltzeiler

CASE NO. 038353.

MULTNOMAH COUNTY SHERIFF'S OFFICE — **SPECIAL REPORT** — ☐ INFORMATION ☐ CONTINUATION ☐ CLEARANCE ☐ SUPPLEMENTAL — PAGE/OF 1 of 5

CASE NO.	REFER CASE NO.	CLASSIFICATION
10-038353	10-038359	Officer Involved Shooting (OIS)

☐ 1. UNFOUNDED ☐ 2. PENDING ☐ 3. SUSPENDED ☐ 4. CLR BY ARREST ☐ 5. EXCEPTIONAL ☐ 6. REFERRED

ORIGINAL REPORT DATE/TIME	THIS REPORT DATE/TIME
5-12-2010/1823	5-14-2010/1500

LOCATION OF OCCURRENCE: NE 6th/NE Clackamas (Portland, Oregon)

PERSON — CO-Complainant — SB-Subject — SI-Sick/Injured/Cared For — PE-Park Exclusion

CODE	NAME: LAST, FIRST MIDDLE		SEX	RACE	DOB
PPB	Murphy, Patrick M		M	W	

ADDRESS	ZIP	PHONE
Portland Police Bureau/DPSST #44162		

SUBJECT OF THIS REPORT	PROPERTY RECEIPT NO.
Interview of PPB Officer Murphy	

NARRATIVE/PROPERTY — S-STOLEN L-LOST F-FOUND D-DAMAGED K-SAFEKEEPING R-RECOVERED

(ITEM) CODE ITEM BRAND MODEL/STYLE SERIAL NO. COLOR ENGRAVINGS/PECULIARITIES SIZE VALUE

COPIES
☐ DET
☐ Roll Call
☐ Gresham
☐ Fairview
☐ Troutdale
☐ TRF
☐ DA
☐ MDT
☐ PPB
☐ Crime Prev
☐ Intell

SUMMARY:

Interview of PPB Officer Patrick Murphy (witness) related to an Officer Involved Shooting Investigation.

MENTIONED:

Gosson, Lee A/Detective Sgt./MCT/DPSST #30282
Multnomah County Sheriff's Office 503-255-3600

Michaelson, David Det. Sgt./DPSST #23060
Portland Police Bureau 503-823-0460

Mallory,Sean Detective/MCT/DPSST #31088
Multnomah County Sheriff's Office 503-255-3600

Justus, Doug Sgt./PPB Union Officer/DPSST #14080
Portland Police Bureau

ACTION TAKEN:

On Wednesday May 12, 2010, at 1912 hours, I was contacted (via Nextel) by Multnomah County Sheriff's Office Acting Detective Sergeant Lee Gosson at my residence. A/Det. Sgt. Gosson advised that the Portland Police Bureau (PPB) had an Officer Involved Shooting (OIS) in the area of NE 6th/NE Clackamas and requested that I respond to the scene as a member of the East County Major Crimes Team to provided assistance with the pending investigation.

At 2330 hours, Portland Police Bureau Detective Sergeant David Michaelson directed Detective Sean Mallory and I to respond to PPB SE Precinct to assist detectives with witness officer interviews. At 0010 hours, Detective Mallory and I arrived at PPB SE Precinct (currently PPB Traffic Division) located near 4700 E. Burnside (Portland, Oregon). Once inside the building, PPB Detective Sergeant David Michaelson indicated that Detective Mallory and I would be interviewing PPB Officer Patrick Murphy, who was present at the Officer Involved Shooting (OIS) incident at NE 6th/NE Halsey (Portland, Oregon) on Wednesday May 12, 2010 at 1823 hours.

COMPUTER ENTRY
☐ Person OPR
☐ Vehicle OPR
☐ Crime/Prop OPR
OPR

Officer(s) Involved	BPST	PREC/DIV	RLF/SHFT	ASSN/DIST	SUPERVISOR'S SIGNATURE
Detective LARS SNITKER/23519		ENF	M	DET	

On Thursday May 13, 2010, between 0020 to 0050 hours, Detective Sean Mallory and I conducted a digitally recorded interviewed with PPB Officer Patrick Murphy (witness officer), in the presence of PPB Sgt. Doug Justus (PPB/Union Representative) within a PPB lieutenant's office at SE Precinct.

STATEMENTS:

PPB Officer Patrick Murphy (summary statement overview);
PPB Officer Patrick Murphy stated that he was employed as a police officer for Portland Police Bureau for the past 6 years. Officer Murphy indicated that his past assignments have been on uniform patrol at various Portland Police Bureau precincts in Portland, Oregon.

Officer Murphy reported that he was assigned to the Portland Police Bureau's H.E.A.T detail (Hotspot Enforcement Action Team). Officer Murphy reported that PPB H.E.A.T officers conducted self-initiated activity including subject stops and traffic stops. Officer Murphy reported that the majority of the work was directed toward gang issues throughout the City of Portland.

Officer Murphy reported that May 12, 2010, he was operating a two person PPB patrol car with the dispatch call sign of "3950." Officer Murphy indicated that he was operating the police car and that Sergeant Don Livingston was front seat passenger within the police vehicle. Officer Murphy reported that at that time, they were working the Northeast Portland area. Officer Murphy indicated that H.E.A.T officers had been communicating (via Nextel) regarding a suspicious Toyota Corolla in the Northeast Portland area.

Officer Murphy reported that he and Sgt. Livingston were driving northbound on NE MLK near NE Knott, when they heard (via police BOEC North dispatch net) an officer mention that a driver was not complying on a traffic stop. Officer Murphy indicated that he turned the police car around, activated the police lights and siren on the patrol vehicle, and immediately responded to the traffic stop (NE 6th/NE Clackamas). Officer Murphy stated that en-route to the traffic stop, they received updates via police radio. Officer Murphy reported that the updates reported that the driver of the vehicle was "not being compliant." Officer Murphy indicated that several warnings of the subject being "non-compliant" with officers were being broadcast over the police net. Officer Murphy stated that, "Somebody came on the radio and mentioned that they would like the next car that comes into the stop area, to assist with 'a box-in', so we didn't have the vehicle (suspect vehicle) take off on us." Officer Murphy indicated that when he and Sgt. Livingston arrived at the traffic stop, Officer Murphy noticed that there was a PPB police vehicle in front of the suspect's vehicle, which was facing northbound on NE 6th/NE Halsey. Officer Murphy indicated that there was a police vehicle behind suspect vehicle, which he believed had conducted the traffic stop on the suspect vehicle. Officer Murphy reported that he then positioned their police vehicle, at an angle, facing the

driver of the suspect vehicle. Officer Murphy reported that their police vehicle was positioned to the front left area of the suspect vehicle, facing toward the suspect vehicle.

Officer Murphy reported, "Sergeant Livingston exited the patrol vehicle and joined the other officers who were outside of the suspect vehicle on the driver's side. At that time I observed that there was no one on the passenger side of the vehicle and I saw that there was only one, being the driver, in the vehicle. I went around my patrol car and the car that was parked in front, directly in front of the suspect vehicle, and positioned myself on the passenger's side for another view and vantage point. As I made my way around I observed that the driver was facing northbound. I noticed that he was wearing a hooded sweatshirt and he had the hood pulled up over his head. As I made my way in between on the passenger's side of the back passenger window and front passenger window I heard officers, and I can't specifically say who, giving commands to show, uh, for the driver to show them his hands."

Officer Murphy reported that, "This occurred a second time after the first time the driver was not complying. After the first time the driver was not compliant I observed, out of the corner of my eye it appeared that, and again I'm not sure who, but one of the officers, and there were multiple on the driver's side, I believe e yone who was on the stop, with the exception of myself, was, was over on the driver's side of the ve...cle; had pulled their handgun as cover. "

Officer Murphy stated, "I unholstered my taser for less lethal. After the second command was given for the driver to show his hands and he was not compliant, I then turned my taser 'on' and without warning fired, uh, in, uh, the probes into, uh, the driver, I believe striking him in the upper back area. And at that time, uh, unbeknownst to me, there was another officer who was on the driver's side who also had a taser out, I did not see that, because we fired almost simultaneously or one just after the other. After the first taser firing from both of us, like I said almost the same time, uh, I was able to see that the driver kind of turned his head to the right and made a face like he was gritting his teeth, his eyes were squinting, which from previous encounters, uh, personal and from training I know is an indication that the taser more than likely was affective at that point. The taser, for my taser, cycled its five seconds."

Officer Murphy reported that, "After the five second cycle from my taser the suspect continued to somewhat lean down, almost like he was trying to lay on the passenger seat. More commands were being yelled at this point. Still believing he had the probes in because the first hit appeared to be good from the taser, I attempted to cycle a second time. The taser was starting to cycle but did not appear to affect the driver in any way the second time." Officer Murphy reported that, "Probably a couple seconds into that cycle (taser cycle number 2) I hear somebody from, an officer from the other side of the vehicle yell gun. And then I start hearing 'pops', not knowing if they're coming from officers or the suspect. I immediately drop my taser, based on my position and their position, their being the officers that are on the other side. My focus initially being on the suspect, I know there's a potential for crossfire. My first movement is around

to where we have hard cover. The first car is parked in front, patrol car, unmarked. And then I'm able to make my way to my patrol car, the back, I'm behind the trunk on the back right-hand side, so I can see every officer who's involved in the traffic stop."

Officer Murphy stated, "At that point I observe officers with guns drawn and I observe Officer Burley specifically on the ground and I hear somebody yelling Burley's been shot. Umm, at that point I cannot see the suspect due to the fact he is more than likely down on the seat within the vehicle still, but down on the seat, so I've lost sight of him. I get a command from Sergeant Livingston after there's cover there to make my way to where they are." Officer Murphy quickly makes his way to their position.

Officer Murphy indicated that Sgt. Livingston had already spoken with Officer Foote about transporting Officer Burley to Emmanuel Hospital. Officer Murphy indicted that he had not seen Officer Burley's wounds, however observed that Officer Burley was holding [redacted]

Officer Murphy reported that Officer Burley was placed into the back seat of a patrol car, which was being operated by Officer Foote. Officer Murphy indicated that he was in the right front passenger seat of the p ol vehicle and ready to provided aid to Officer Burley if needed. Officer Murphy indicated that Officer Bu ey had his leg propped up in the backseat. They drove to Emmanuel Hospital. Officer Murphy reported that once at Emmanuel Hospital, they contacted hospital medicals staff. Officer Burley was then removed from the patrol car, placed on to a gurney, rushed him into the hospital.

I asked Officer Murphy if he could provide me with additional information about their Nextel communication related to the suspect and the suspect vehicle. Officer Murphy reported that, "I believe Officer Foote and Defrain had run the plate on the Toyota and while there was no PPDS hit the registered owner appeared to be a female born in '59 or thereabouts. The driver was a male, not born in '59. That was, I think, one of the initial things that caught their eye."

I then reviewed portions of Officer Murphy's statement with him.

I asked Officer Murphy if he could draw a sketch of the scene (showing vehicle positions and officer's positions around the suspect vehicle). Officer Murphy agreed to my request and drew a sketch of the OIS scene.

Using drawing, I then reviewed Officer Murphy's movements with him. During the review, Officer Murphy reported that he fired his taser through the back passenger window area of the suspect vehicle because the passenger window of the suspect vehicle was in the 'up' position. Murphy reported, "based on his facial expression, his being the driver, the suspect, it looked like the first taser hit." Murphy reported that his taser probes hit the suspect in the upper back area and stated, "I saw mine hit." Officer Murphy reported that

almost simultaneously, that another unknown officer also fired his taser from the driver's side of the suspect vehicle.

Officer Murphy reported, "After the cycle (taser) went through, he (the suspect) starts leaning again, uh, additional commands are given, he's not following them. The probes from my first hit were still in, I tried firing or cycling (the taser) a second time. It was not affective. One of the officers over here (driver's side of the suspect vehicle) yells 'Gun!' At that point, like almost immediately after the word is yelled, I hear shots fired; not verbally, but literally shots fired. At that point I drop the taser from my hand." Officer Murphy then moves in a northward direction seeking cover behind a police car. Officer Murphy then moved in a westerly direction back to his patrol vehicle.

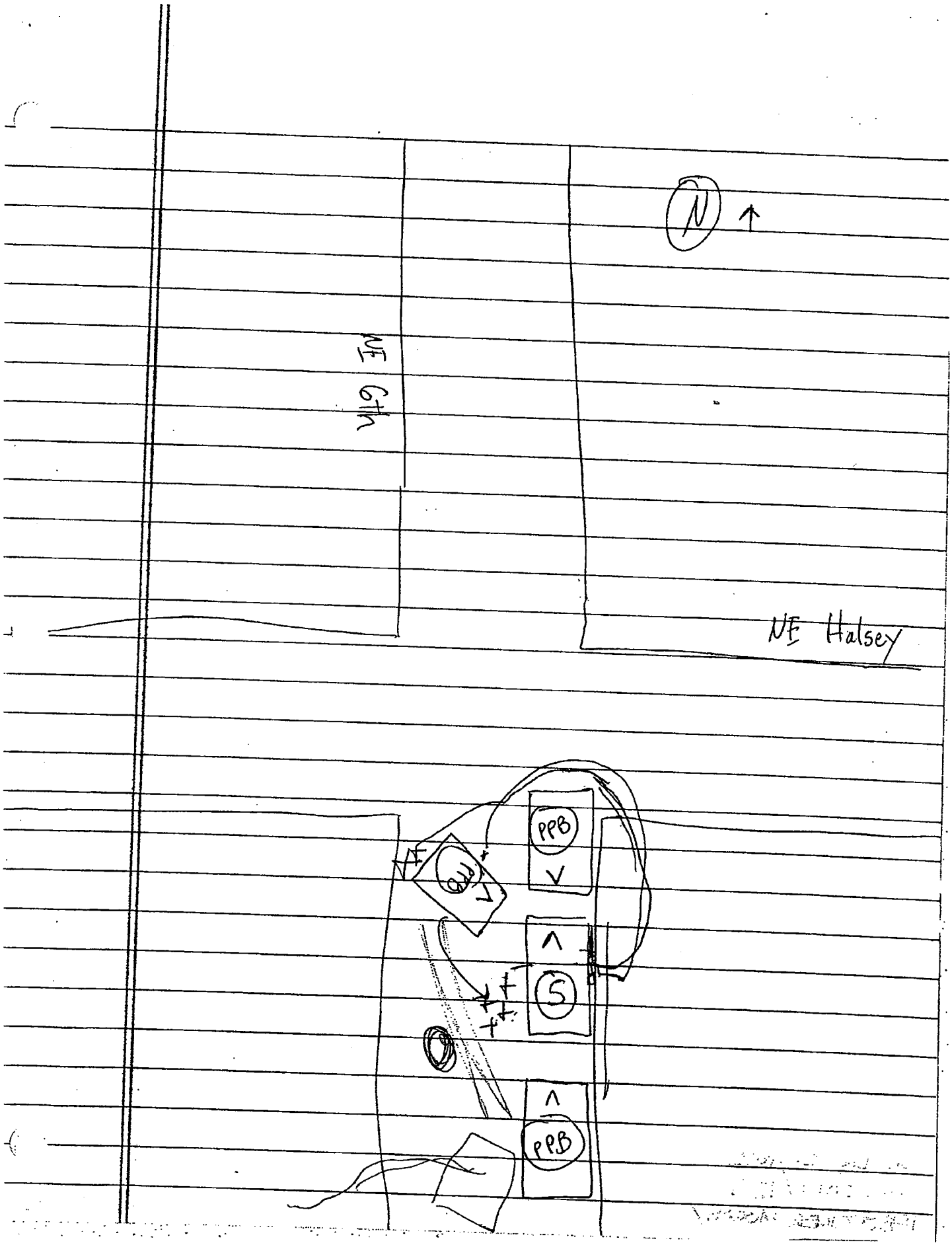
I asked Officer Murphy from his position on the right side of the suspect vehicle, if he could see any kind of weapon in proximity to the suspect. Officer Murphy replied, "I couldn't see."

EVIDENCE:

Refer to attached transcription for specific details regarding Officer Murphy's statement.
Refer to attached sketch/drawing by Officer Murphy.
Refer to attached BOEC dispatch records for additional details.

ACTION RECOMMENDED:

Report forwarded to PPB Detective Kammerer.


N
NE 6th
NE Halsey
PPB
S
PPB

PORTLAND POLICE BUREAU
CASE NUMBER 10-38353

May 13th, 2010

Officer Patrick Murphy

TAPED STATEMENT TRANSCRIPTION

CONFIDENTIAL

LS: DETECTIVE LARS SNITKER, Multnomah County Sheriff's Office
SM: DETECTIVE SEAN MALLORY, Multnomah County Sheriff's Office
PM: OFFICER PAT MURPHY, Portland Police Bureau
DJ: SERGEANT DOUG JUSTUS, Portland Police Bureau, Union Secretary

LS: This is Detective Lars Snitker with the Multnomah County Sheriff's Office. Today's date is May 13th. The time is 12:20 a.m. Umm, this is, we are currently, umm, at the Traffic Division, umm, located at 47th and so-, and east Burnside. Umm, this is Portland case number 10-038353, in reference to an officer involved shooting that occurred earlier this evening in the area of NE 6th, NE Halsey. Uh, present in the room with me is Detective Sean Mallory with the Multnomah County Sheriff's Office Major Crimes Teams. Also inside the room is Doug Justus, who is a sergeant with the Portland Police Bureau and also the union secretary, umm, and, uh, with him is Pat Murphy, uh, Officer Pat Murphy with the Portland Police Bureau. Umm, does everybody understand that I'm recording this conversation?

PM: Yes.

LS: Officer Murphy? Okay. Umm, Mr. Murphy, tell, uh, Officer Murphy tell me how you're employed.

PM: Uh, as a police officer with the City of Portland.

LS: Okay. And how long have you been employed with the City of Portland?

PM: Uh, just over six years.

LS: Six years, okay. And what type of assignments have you worked for the Portland Police Bureau; you just worked patrol?

PM: Just, uh, directive patrol in various precincts.

LS: Okay. And, uh, earlier this evening, umm, you responded to, uh, to a call in the area of NE 6th and NE Halsey; is that correct?

PM: I did.

LS: Okay. Umm, first, why don't you tell me what district you're working.

PM: I'm not currently working an assigned district. I'm assigned to the Heat Team.

LS: Heat Team.

PM: Which is out of, uh, Traffic Division here.

LS: And what does the Heat Team do?

PM: Uh, there's, uh, we work all over the city, basically self-initiated activity, including subject stops, traffic stops. Uh, for the majority it's directed toward gang issues. We contact gangsters and gang associates through, like I said, traffic stops, subject stops, mere conversations, things of that nature.

LS: Okay. And you travel all over the city dealing, uh, with problem areas or, umm –

PM: Yes.

LS: Okay. And you were working in that capacity, umm, earlier this evening?

PM: Yes, I was.

LS: Okay. And did you have a call number on the radio where dispatch would call you?

PM: Uh, our call number this evening was 3950, 3-9-5-0.

LS: Okay. And were you working in a one-man car or a two-man car?

PM: It was a two-man car, which I was driving, and my passenger who was in the front seat was Sergeant Don Livingston.

LS: Okay. And, umm, what, uh, what area of Portland were you working?

PM: We were in Northeast Portland.

LS: Okay. And why, in your own words, uh, why don't you, uh, kind of tell me how the call developed, umm, umm, and just kind of go from there.

PM: Okay. Uh, a lot of the communication that we do, we as the Heat Team, we do through our Nextels talk group, umm, in case we see something that potentially might arise as an issue, be it a person, a vehicle, something that we want to keep an eye on, umm, we might speak to each other on the talk group, just say hey, heads up, we're gonna be in this area or we're gonna be looking at this. Uh, that was mentioned by a couple of the officers tonight regarding a suspicious vehicle, being the Toyota Corolla. They indicated that, where they were at, the area. Then they then, uh, over the radio for the entire precinct were on North Net, North Dispatch when we were in Northeast, uh, Portland, they put the traffic stop out over the air, uh, the one at 6th and Halsey. Uh, at one point during the traffic stop one of the officers mentioned that the driver was not being compliant.

LS: Okay. And, yeah, just keep, just go ahead.

PM: Okay.

LS: Just go ahead and talk about it. What I'll do I'll, I can go back and ask you some, umm, some questions –

PM: Okay. .

LS: -- kind of follow it up.

PM: Umm, at that moment we were initially traveling northbound on MLK, I'd say around the area of MLK and Knott, or thereabouts, Knott being the 2700 block of, uh, NE Portland. Once we heard one of the officers mention that the, uh, driver was not complying we then, I turned the car around to start heading southbound on MLK, activated my lights and siren and begin my code run to the traffic stop, uh, as did, uh, the other vehicle that was nearby, which was, uh, Officer, uh, Burley and Officer Polas.

LS: What unit were they operating?

PM: I believe they're 1951, I believe. Umm, we continued heading southbound as we received updates via radio again so –

LS: Okay.

PM: -- the entire precinct can hear it, regarding the stop, again updated that, uh, the driver's still not being compliant. And there was mention –

LS: Who's, who's saying that on the radio?

PM: That I do not recall.

LS: Okay.

PM: Umm, again after the second time somebody came on the radio and mentioned that they would like the next car that comes into the stop area, uh, to assist with a box in, so we didn't have the vehicle take off on us. As, uh, Sergeant Livingston and I arrived on scene I noticed that there was a patrol car in front of the suspect vehicle, which was facing northbound on 6th; there was a vehicle behind the vehicle, initially doing the traffic stop; so Sergeant Livingston and I positioned the car at an angle facing the driver so we'd technically be like the northeast corner of the suspect vehicle facing southeast, if that makes sense.

LS: Okay.

PM: So there's a, we're basically to the front left of the suspect vehicle facing toward it.

LS: Okay. So you're on, are you on Halsey then off to his, off to the left; would that be right?

PM: We're on 6th off –

LS: On 6th.

PM: -- off to the left.

LS: 6th, off to the left, okay.

PM: Yeah. Umm, uh, Sergeant Livingston exited the patrol vehicle and joined the other officers who were outside of the suspect vehicle on the driver's side. At that time I observed that there was no one on the passenger side of the vehicle and I saw that there was only one, being the driver, in the vehicle. I went around my patrol car and the car that was parked in front, directly in front of the suspect vehicle, and positioned myself on the passenger's side for another view and vantage point. As I made my way around I observed that the driver was facing northbound. I noticed that he was wearing a hooded sweatshirt and he had the hood pulled up over his head. As I made my way in between on the passenger's side of the back passenger window and front passenger window I heard, uh, officers, and I can't specifically say who, giving commands to show, uh, for the driver to show them his hands. Umm, this occurred a second time after the first time the driver was not complying. After the first time the driver was not compliant I observed, out of the corner of my eye it appeared that, and again I'm not sure who, but one of the officers, and there were multiple on the driver's side, I believe everyone who was on the stop, with the exception of myself, was, was over on the driver's side of the vehicle; uh, had pulled their handgun as cover. Now that I saw that I deployed and, I should say I unholstered my taser for less lethal. After the second command was given –

LS: For?

PM: -- for the driver to show his hands and he was not compliant, I then turned my taser on and without warning fired, uh, in, uh, the probes into, uh, the driver, I believe striking him in the upper back area. And at that time, uh, unbeknownst to me, there was another officer who was on the driver's side who also had a taser out, I did not see that, because we fired almost simultaneously or one just after the other. After the first taser firing from both of us, like I said almost the same time, uh, I was able to see that the driver kind of turned his head to the right and made a face like he was gritting his teeth, his eyes were (can't understand), which from previous encounters, uh, personal and from training I know is an indication that the taser more than likely was affective at that point. The taser, for my taser, cycled its five seconds. After the five second cycle from my taser the suspect continued to somewhat lean down, almost like he was trying to lay on the, uh, passenger seat. More commands were being yelled at this point. Still believing he had the probes in because the first hit appeared to be good from the taser, I attempted to cycle a second time.

LS: Uh-huh.

PM: That did not appear to be any, I mean the taser was starting to cycle but did not s-, uh, appear to affect the driver in any way the second time.

LS: Okay.

PM: Umm, probably a couple seconds into that cycle I hear somebody from, an officer from the other side of the vehicle yell gun. And then I start hearing pops, not knowing if they're coming from officers or the suspect.

LS: Okay.

PM: Uh, I immediately drop my taser, based on my position and their position, their being the officers that are on the other side –

LS: Uh-huh.

PM: -- and my focus initially being on the suspect, umm, I know there's a potential for crossfire. My first movement is around to where we have hard cover. The first car is parked in front, patrol car, unmarked.

LS: Uh-huh.

PM: And then I –

LS: That's directly in front of 'em?

PM: Directly in front of 'em.

LS: Okay.

PM: And then I'm able to make my way to my patrol car, the back, I'm behind the trunk on the back right-hand side, so I can see every officer who's involved in the traffic stop.

LS: Okay.

PM: Umm, at that point I observe officers with guns drawn and I observe Officer Burley specifically on the ground and I hear somebody yelling Burley's been shot. Umm, at that point I cannot see the suspect due to the fact he is more than likely down on the seat.

LS: Uh-huh, within the vehicle?

PM: Within the vehicle still, but down on the seat, so I've lost sight of him. Uh, I get a command from Sergeant Livingston after there's cover there to make my way to where they are. They're the officers that are now to the back left of the, of the suspect vehicle.

LS: Okay.

PM: So they'd moved a little bit south of their original position when the shots were initially fired. I quickly make my way over there. Uh, at this point Sergeant Livingston has already, uh, spoken to Officer Foote about transporting Officer Burley who's been shot to the nearest hospital, Emmanuel Hospital. Officer Burley, we get him in the backseat of a patrol car, one of the unmarks that are on there.

LS: Could you see where he was shot?

PM: Uh, initially no, but he appeared to be holding [redacted] –

LS: Okay.

PM: -- I later found was where he had been shot.

LS: Okay.

PM: Officer Burley was in the back of the car. Officer Foote was driving. And then I was in the front seat of the patrol car that Officer Foote was transporting Officer Burley in, talking to Officer Burley, just making sure he was doing okay.

LS: Okay.

PM: And he was speaking to us. We arrived at the hospital moments later. And, uh, upon arriving started telling any personnel out there we have an officer shot. Umm, they rushed a gurney out there. Uh, myself and, uh, I believe at that point it was Officer Chastine, uh, who was at the hospital, we were able, along with Officer Foote, to pick up Officer Burley, uh, left him, put him on the gurney. And then I followed Officer Burley, along with Officer Foote, into surgery initially where he was taken.

LS: Okay. Umm, when you're initially responding to the scene, umm, let me backup here. Umm, tell me about the Nextel communications, uh, related to the information about the suspect vehicle, do you, do you recall what generated, umm, umm, that information?

PM: I do.

LS: Okay. Could you maybe expand on that –

PM: Absolutely.

LS: -- about why you guys were interested in that vehicle.

PM: Uh, not sure which of, uh, there were, at that time it was, uh, communication between Officer Berne and Officer Foote and Officer Defrain. Officer Foote and Officer Defrain were riding in the car together and Officer Berne was, uh, riding by himself at that time. The communication came out that, uh, I believe Officer Foote and Defrain had run the plate on the Toyota and while there was no PPDS hit the registered owner appeared to be a female born in '59 or thereabouts. The driver was a male, not born in '59. That was, I think, one of the initial things that caught their eye. Uh, not sure if there was something else that just wasn't discussed but –

LS: Okay.

PM: Then once they established whatever their PC was for the traffic stop, uh, like I said, they did that over the air.

LS: They switched over to the regular –

PM: They switched –

LS: -- uh, the regular –

PM: -- they just, yeah anytime –

LS: -- police channel, okay.

PM: -- they, yeah, they definitely put that out so the entire precinct could hear it. Umm, we knew where the sus-, sorry, where the traffic stop was taking place. And usually we tend to always go by each others stops just to check up on people, like a lot of patrol officers do, but –

LS: Sure, and for officer safety.

PM: Exactly. Umm, so we, we were still moving northbound on MLK but slowed, kind of listening to the update. And like I said, once we heard the update stating that the driver was not being compliant we immediately turned and I started heading southbound on MLK toward the stop location.

LS: Okay. And was, is that coming out on, is it northeast dispatch that they're communicating the stop or –

PM: Uh, it's actually –

LS: Or is north –

PM: -- north dispatch.

LS: North dispatch.

PM: Yes, it was.

LS: And when they, uh, when the other officers initially indicated that, umm, they weren't being complaint, umm, were, I assume they were broadcasting that on the radio.

PM: They were.

LS: Okay. So you knew that they had a non-complaint subject within the vehicle.

PM: Yes, we did.

LS: And did they do that several times before you got there?

PM: I know it happened at least a couple of times –

LS: At least a couple of times, okay.

PM: -- before we arrived. So it was definitely put out over the air at least twice.

LS: Okay. And then you went lights and siren to the scene.

PM: Yes, I did.

LS: Okay. And when, when you did arrive there and position your vehicle, umm, as far as you could see from the other officers the individual, nothing had changed, the individual was still non-compliant; is that correct –

PM: Yes.

LS: -- from what you were seeing? Umm, and when you exited the vehicle, umm, you were hearing commands of, uh, something to the subject inside the car saying show me your hands, show me your hands.

PM: Something, yeah.

LS: Ver-, verbal commands that he, that you didn't see him –

PM: Verbal, verbal commands were being given, yes.

LS: Okay. Uh, to that effect, show me your hands and as far as you could tell you didn't see that happening?

PM: No, sir.

LS: Okay. Umm, and could you see what the individual was doing when he was given those commands?

PM: He just appeared to be facing northbound with, again, his sweatshirt hood pulled up, uh, did not seem to be facing the officers or acknowledging them.

LS: Okay. And they, are the, the officers are, are generally –

PM: At the, at the driver's side window.

LS: At the driver's side window.

PM: Right next to him.

LS: Okay, next to him.

PM: So he was aware of the fact they were there.

LS: Okay.

PM: He just did not seem to be responding at all.

LS: And his window was down –

PM: Yes, it was.

LS: -- so he could hear the commands?

PM: Yes, he could.

LS: Okay. And the commands were, were loud, they're verbal, loud verbal commands, right –

PM: Yes, they were.

LS: -- they're not just instructions. Umm, Detective Mallory, do you have any questions?

SM: Umm, so once the, uh, Officer Burley, umm, when someone said Officer Burley had been shot, umm, at that point, umm, let's see here, umm, so can, can you just backup and tell me, after Officer Burley had been shot, umm, you basically, Sergeant Livingston, you guys had went over there and, and grabbed Officer Burley and, and put him in a vehicle, kind of a throw and go and then you guys left, right?

PM: Yeah, I believe Officer Foote was able to get Burley, Burley was able to be somewhat mobile to kind of assist himself to get in the back of the patrol car, but essentially it was, yeah, just in the back of the car; I hopped in the front passenger seat and Officer Foote drove the patrol car and we headed to Emmanuel Hospital from the, uh, stop location.

SM: Okay. So you didn't see what happened with, uh, with the, umm, the suspect after that then –

PM: No, I was –

SM: -- as far as how, what was dealt with and –

PM: No, I did not. I was at the hospital.

SM: Okay.

LS: Umm, I got a couple questions here. Umm, after the, umm, the shots are fired, umm, do you recall anybody beginning to call EMS or, umm, or is that automatically happening when there was, uh, the exchange? Do you recall anybody calling for EMS?

PM: I don't recall hearing that on the radio. I don't recall.

LS: Okay. And, uh, you were the, the passenger, umm, with Officer Foote when you, you drove to the hospital –

PM: I was.

LS: -- is that right? Okay.

PM: Yes.

LS: And so who was with, was, was Burley just in the backseat?

PM: Burley was in the backseat with [redacted]

LS: [redacted]

PM: And he was sitting up, talking, conscious. I was just talking to him.

LS: Okay. And he, did he have a bandage [redacted] r was he just, umm –

PM: At the time he had been shot?

LS: Right after he had been shot –

PM: Oh, no.

LS: -- were you guys able to get to a medical kit or anything like that –

PM: No.

LS: -- at all just to –

PM: Not at all.

LS: Okay.

PM: We just, we were told by Livingston, I think, everyone had the same mindset –

LS: To pack him in the car and go?

PM: Yeah, just go.

LS: Okay. And you went to, uh, Emmanuel?

PM: Yes.

LS: Emmanuel, okay. Umm, I wonder if I can have you just draw, maybe draw me a quick, uh, where you were positioned when you, uh, when you were engaging him with the taser. Uh, do you feel okay if I, if I, do you feel okay drawing the, where the vehicles are and where's your position is –

PM: Yes, sir.

LS: -- when you're taser him and maybe where the general, uh, position of the other officers are in your recollection.

SM: We didn't get to get a good look at anything at the scene. I mean we walked by and that was it, once, so I mean –

PM: Oh.

SM: -- I know where the, I know where the, the, the vehicle, the suspect vehicle was and I remember the unmarked car, but th-, and th-, and that's about it as far as.

PM: This won't be to scale or anything, we'll just –

LS: No. No, we understand, no.

PM: Yeah, okay.

LS: Just more of a rough, a rough idea so I can get a better depiction about where he was positioned –

PM: Uh-huh.

LS: -- versus, umm, umm, the suspect within the car there.

SM: Yeah, we didn't get a chance to do a walk through or anything (can't understand)

PM: Got it.

SM: -- talk to anybody, so. The only picture we're getting of, of everything that happened is from the witnesses so far, so.

PM: Okay. So the suspect vehicle was, label it with a S?

LS: Yeah, you can put S if you want and then maybe, umm, put a little, uh, like a some kind of an arrow showing that, what direction the car's –

PM: Sure.

LS: -- pointed in, if you can do that, orientation of the car.

PM: I'll just mark the patrol cars with a P.

LS: You can just put, yeah.

PM: Does that work?

LS: Or PPB.

SM: Is that, that was, was the slick top?

PM: They're all slick tops.

LS: Okay. You can just put PPB on 'em.

SM: Oh, they're all slick tops.

PM: Okay.

LS: Just so –

SM: 'Cuz wasn't there a, uh, wasn't there, uh, maybe that was the third car. There was a marked car.

PM: Behind it, that came afterwards.

SM: Okay.

PM: Okay. So this is the suspect vehicle.

LS: Okay. So when you arrive into the area –

PM: This is the car.

LS: Okay. And you came in from, uh –

PM: I came in from –

LS: You came in from this direction.

PM: From this direction, so I came in from Halsey headed eastbound towards 6th. Pulled in –

LS: Okay. So you approached the scene from the west.

PM: I approached the scene from the west, came east on NE Halsey, observed that a vehicle is already here. And the next move I made was to pull in right here to complete the box in. He had a car behind him, one in front of him and the only, and this is the curb line right here, so his only move essentially is going to be pulling out to the left, if he did so. That's why I pushed, or I put the car right here and parked it. So from there you have I believe all three officers initially being, I believe Foote, Defrain and Berne here. Uh, I don't remember at what time, if it was, I, it might have been prior, just right before we got there where Polas and Burley were, uh, on the s-, they were on the driver's side, too, I know that. Sergeant Livingston and I pull up. Sergeant Livingston positions himself with them, so now there's –

LS: Okay. So there's a large group basically standing, umm –

PM: On the driver's side.

LS: -- on the driver's side, basically behind the, the B-pillar maybe, I mean are they at the door or are they –

PM: I would say about at the pillar.

LS: Okay.

PM: Umm, and there's, because of the number there's probably a couple that are behind it. Umm, based on that and the fact that we had enough people there I went from driver

door here around the patrol vehicle and positioned myself here. The driver didn't seem to divert attention or focus on me at all. So now we had a vantage point from a viewpoint stand, I should say, people who could see here, focus on here, and I wanted to see if I could position myself to see the driver's hands and what he might do or whatnot. Umm, so when I fired my taser I did so through the back passenger window because the passenger window was up.

LS: Okay.

PM: So I could see through, but he wasn't being complaint and he was sitting there. I positioned myself after the first time they gave the command when I was there, drew my taser and then I fired. Uh, I could see his back and he was wearing a, I believe it was a gray hooded sweatshirt. And like I said, at the same time another officer, I'm not sure who, on the driver's side fired almost simultaneously. And based on his facial expression, his being the driver, the suspect, it looked like the first taser hit.

LS: But do you know if it was yours or was it –

PM: I don't know.

LS: Okay.

PM: I know my probes hit him in the upper back. I saw mine hit.

LS: Okay. From the right rear passen-, 'cuz you were shooting in the right rear passenger and the other officer is tasing him through, I assume –

PM: The driver window.

LS: The driver window.

PM: Yes, sir.

LS: So they're coming in from two different directions.

PM: Yes. After the cycle went through, he starts leaning again, uh, additional commands are given, he's not following them. The probes from my first hit were still in, I tried firing or cycling a second time. It was not affective. One of the officers over here yells gun. At that point, like almost immediately after the word is yelled, I hear shots fired; not verbally, but literally shots fired. At that point I drop the taser from my hand.

LS: Uh-huh.

PM: And based on the position of where, uh, the officers are, out of the corner of my eye, I'm seeing this all in the same plane, I'm not seeing them way back here, they're close to the door.

LS: Right.

PM: Uh, I made my way around, so northbound pass this car, and positioned myself here so I had a view vantage point of everyone on this side.

LS: Okay. So when the shots are fired you're initially here and then I assume there's, there's a lull, or are you actually running while the shots are being fired?

PM: Shots are being fired, the first shot is fired, drop, and then I'm moving, ducked, and moving.

LS: Seeking cover?

PM: Seeking cover.

LS: Cover away –

PM: And the first thing I see is the car in front of me and I know that's a patrol car so I'm gonna make my way around here. Shots –

LS: To the, to the north?

PM: To the north. Shots are still being fired as I'm moving, umm, and I make my way ultimately around here. Uh, I could see Livingston, uh, Berne and then that's when I hear somebody say Burley, I believe Burley's been shot. And I see Chris sitting up on the ground somewhere in this vicinity.

LS: Okay.

PM: Uh, and at that point we're able to take, that's gonna be, there's gonna be another patrol car I believe somewhere around here, because that's the one we took, uh, and headed out toward the hospital. And we ended up going out that way and heading north on –

LS: Back to Clackamas?

PM: I believe so, yeah, we're not gonna be going by it so, I'm pretty s-, yeah, Clackamas is the on the street south of Halsey, and I'm fairly certain that's the one we took.

LS: And how, how long did it take after, umm, Officer Burley had been shot, from the time that he'd been shot that you evacuated him to the car, was that really quick, I mean. was the decision made like instantaneous –

PM: It was.

LS: -- like package him in the car and get him out of there?

PM: Yeah, Don was on it and, uh, we, he had, Foote might have taken the initiative but directed me to go with Foote. Foote was already getting in the driver's seat and Burley, we had got him in the back of the car. So it was pretty instantaneous from the time –

LS: Umm, after the other officers shoot the, uh, shoot at the driver, umm, did, are the other officers retreating also, umm –

PM: They were moving back toward I believe this vehicle for hard cover.

LS: Okay. So they, they retreated to the south.

PM: They retreated to the south, but still keeping –

LS: Okay.

PM: When I made my move after Don said we need to, you know, I heard he had been shot and we n-, he told me to come over, I looked and I was able to see that there was still cover being provided on the vehicle, so I moved quickly here to the vehicle, uh, that we transported Officer Burley in.

LS: Okay. And then packaged him and left?

PM: Yeah.

LS: Umm, when you're up on the, umm, right passenger side area of the vehicle –

PM: Uh-huh.

LS: -- umm, what, when you actually walked or I guess accessed around the suspect's car behind the other Portland police car, umm, he was just sitting in the car facing, facing I guess to the north not moving?

PM: That's what I saw.

LS: Umm, non-complaint.

PM: Non-complaint.

LS: Not doing anything at all, not making any statements to the officers?

PM: Didn't look like he was acknowledging them.

LS: From your vantage point?

PM: From my vantage point. Again, with his hood up on his sweatshirt like he didn't want to see his face or who he was.

LS: Okay. And when you're, uh, over on this side of the vehicle, on the right side of the suspect vehicle, can you, do you see any kind of a weapon or weapons in proximity to him –

PM: I couldn't see.

LS: -- from that position? Okay. Okay.

SM: Was the car running?

PM: I don't believe so. That I don't recall.

SM: Okay. He wasn't like playing loud music or anything like that?

PM: Not when I got there, no.

SM: So there's nothing that you can, you can remember that would interfere with him being able to hear these commands?

PM: I don't believe so, no.

LS: Okay. Is there any additional information that you wish to provide us?

PM: No, sir.

LS: Okay. Uh, the time is, uh, 12:50 and we're going to conclude the interview.

INTERVIEW CONCLUDED

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ncident #PP1005121772  1950   Ent/1821  Dsp/1821  Enr/1821  Ons/1821
  Xref #PP1005121790  #RP1005121780          Trn/2312  Trc/2319

ype: TRASTP (1) (TRAFFIC STOP)  Src: R  Init: 1/TRASTP
oc:  NE 6 AV/NE CLACKAMAS ST ,POR  <600,1400>  (V)

rp  O  Dist: 690  Box: 1348    TMap: 596G4  Dispo: R2

:21:00  (DP12  ) $OUTSRV          ,NO MORE INFORMATION
:21:00            DISPOS  1950     #43493    FOOTE, RYAN J
                                   #44436    DEFRAIN, JAMES P
:21:36            ASSTOS  1955    [6TH/CLACKAMAS]
                                   #45662    BERNE, CODY O
:21:46            NEWLOC  1950    [6TH/HALSEY]
:21:46            NEWLOC  1955    [6TH/HALSEY]
:22:00  (1951  ) *ASSTER  1951    [6TH/HALSEY]
                                   #43489    POLAS, ANDY G
                                   #45975    BURLEY, CHRISTOPHER
:22:01  (DP12  )  MISC    1950    ,NOT COMPLIANTANT
:22:11            ASSTER  3950    [6TH/HALSEY]
                                   #32588    LIVINGSTON, DONALD K
                                   #44162    MURPHY, PATRICK M
:22:15  (1657A ) *ASSTER  1657A   [6TH/HALSEY]
                                   #23726    DALE, BRIAN J
                                   #39877    EUGENIO, ANTHONY M
:22:45  (DP12  )  MISC    1950    ,NEXT CAR IN, BOX IN SUSP VEH
:22:54            ONSCNE  1951
:23:20  (1763A ) *ASSTER  1763A   [6TH/HALSEY]
                                   #30873    DAUCHY, AARON M
:23:47  (DP12  )  HOTINC  1951    ,CODE 0
:  56  (635A  ) *ASSTER  635A    [6TH/HALSEY]
                                   #37638    CHAPIN, TRAVIS M (MIKE)
:23:59  (625A  ) *ASSTER  625A    [6TH/HALSEY]
                                   #37629    LIDAY, KIMBERLY A
:24:02  (545A  ) *ASSTER  545A    [6TH/HALSEY]
                                   #28162    SNYDER, MARK E
:24:13  (524AP ) *ASSTER  524AP   [6TH/HALSEY]
                                   #49957    PARRY, LOUIS D
:24:16  (515A  ) *ASSTER  515A    [6TH/HALSEY]
                                   #43491    PETROV, CHRISTOPHER D
:24:17  (DP10  )  ASSTER  964AP    #36272    BARBER, KRISTOPHER P
:24:18  (DP12  )  CHANGE #18367   LOC: 6TH/CLACKAMAS  -->  NE 6 AV/NE CLACKAMAS
                                  ST ,POR ,
                                  BLK:  -->  22010,
                                  District:  -->  690
:24:26            COPIED          T/AS1     ,C/3 , 6TH/CLACKAMAS....OFCR SHOT
:24:26           $LINKED          #RP1005121780
:24:34  (K911  ) *ASSTER  K911    [6TH/HALSEY]
                                   #29200    PRESTON, JASON M
:24:35  (DP10  )  ASSTER  944AP    #36874    MAST, TIMOTHY M
:24:46  (915AP ) *ASSTER  915AP   [NE 6 AV/NE CLACKAMAS ST ,POR]
                                   #50157    GREEN, KYLE L
                                   #29352    BACON, TIMOTHY L
:24:49  (674AP ) *ASSTER  674AP   [6TH/HALSEY]
                                   #45405    MCALLISTER, MATTHEW A
                                   #46055    ANDERSEN, CRAIG L
:  )2  (1750A ) *ASSTER  1750A   [6TH/HALSEY]
                                   #39513    HERTZLER, GABRI B
                                   #42660    SHARP, STEVEN M
:25:05  (654AP ) *ASSTER  654AP   [6TH/HALSEY]
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				#36271 OLMOS, MIGUEL J
:25:05	(804A)	*ASSTER	804A	[6TH/HALSEY]
				#44630 WORTHINGTON, JASON A
:25:07	(DP12)	SUPP	#18367	TXT: NEED CUPLE MORE AMBS HERE, POSS MULT VICT
:25:09	(955AP)	*ASSTER	955AP	[NE 6 AV/NE CLACKAMAS ST ,POR]
				#50676 CURRIER, MICHAEL P
				#36157 CHRISTENSEN, TODD E
:25:28	(2558A)	*ASSTER	2558A	[6TH/HALSEY]
				#33711 SCHMERBER, MICHAEL A
:25:28	(674AP)	*ONSCNE	674AP	
:25:33	(DP12)	CALLBK	3950	,LET EM KNOW OFCR BEING XPORT BY PPB CAR, SHOT BTWN LEGS///
:25:33	(1757A)	*ASSTER	1757A	[6TH/HALSEY]
				#45622 OMAN, KERRI P
:25:34	(K97)	*ASSTER	K97	[6TH/HALSEY]
				#29338 ELIAS, JEFFREY E
:25:41	(SV1)	CB-ACK		T/DP12
:25:42	(724A)	*ASSTER	724A	[6TH/HALSEY]
				#32938 PHOTHIVONGSA, NEY
:25:43	(645A)	*ASSTER	645A	[6TH/HALSEY]
				#50821 SAPPER, JOHN L
				#37143 PADILLA, MARTIN A
:25:53	(K93)	*ASSTER	K93	[6TH/HALSEY]
				#29898 GRUNDMEYER, TROY R
:25:54	(DP12)	MISC	3950	,1 SUSP IN CUST
:25:59	(DP2)	SUPP	#27507	HAVE A COAST GUARD GUY ON THE PHONE SAYS SUSP IN SILVER VEH THAT IS BLOCKED IN.. OR/ZET208 ON THE VEH
:25:59	(3609A)	*ASSTOS	3609A	[6TH/HALSEY]
				#14402 BERRY, RONALD K
: 0	(DP12)	SUPP	#18367	TXT: EMS STAGE....
:26.42		CALLBK	3950	,ACTIVATING SERT
:26:24	(745A)	*ASSTER	745A	[6TH/HALSEY]
				#29201 SESSUM, DAVID R
:26:29	(K97)	*ONSCNE	K97	
:26:38	(SV2)	CB-ACK		T/DP12
:26:52	(DP12)	SUPP	#18367	TXT: APPROACH FROM SOUTH ON 6TH...
:27:04	(635A)	*ONSCNE	635A	
:27:18	(DP2)	SUPP	#27507	MY WITN [redacted]
:27:32	(DP12)	CALLBK	3950	,SERT STAGE 1 BLK W 6TH/CLACKAMAS IN KAISER LOT
:27:36	(835A)	*ASSTER	835A	[NE 6 AV/NE CLACKAMAS ST ,POR]
				#42631 PELSTER, BRIAN S
				#42308 BRAUN, BECKY L
:27:39	(DP12)	ASSTOS	K96	#38637 STROHMEYER, ERIK D
:27:52	(724A)	*ONSCNE	724A	
:27:53	(SV1)	CB-ACK		T/DP12
:28:02	(DP17)	SUPP	#27926	EM NOTIFIED THAT POLICE OFFICER ER IN POLICE CAR
:28:02	(714A)	*ASSTER	714A	[6TH/HALSEY]
				#40588 ZANETTI, ANTHONY R
:28:04	(DP12)	MISC	#18367	,BLK WEID & BRDWY, BLKS ALL DIR
:28:08	(DP11)	ASSTOS	2820A	#21331 DELENIKOS, MATTHEW J
				#28923 SHAW, DARRELL W (BILL)
:28:17	(745A)	*ONSCNE	745A	
: 1	(DP12)	NEWLOC	515A	[6TH/WEIDLER]
:2 4	(825A)	*ASSTER	825A	[6TH/HALSEY]
				#43484 THOMPSON, JENNIFER L
				#43480 STENSGAARD, CHADD D

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3:28:48  (DP12  )  MISC    3950    ,BB THE SUSP...LAYG ON GROUND. POSS WEAP
                                    UNDER HIM
3:28:59            ASSTOS  665A     #47103    BURNS, JUSTIN L
3:29:06            NEWLOC  665A    [6TH/WEIDLER]
3:29:10  (DP9   )  $PREMPT K96
3:29:18  (DP12  )  MISC    #18367  ,NO MOMENT AFTER BB. MOVING FORWARD TO TAKE
                                    HIM INTO CUST
3:29:37            INCUST  3950
3:29:38  (SV3   )  COPIED          T/ASSIST  ,FOR SERT CALL
3:29:38            $CROSS          #PP1005121790
3:29:47  (DP11  )  ASSTER  864A     #50733    PAVEL, BENJAMIN
                                    #38995    PAK, CURTIS C
3:29:47  (DP12  )  CALLBK  3950    ,CANCEL SERT, 61
3:29:51  (545A  )  *ONSCNE 545A
3:29:52  (K93   )  *CLEAR  K93
3:29:54  (SV2   )  CB-ACK          T/DP12
3:30:01  (835A  )  *ONSCNE 835A
3:30:02  (DP12  )  SUPP    #18367  TXT: SEND MEDICAL, 6TH/HALSEY FROM THE EAST
3:30:03  (1750A )  *ONSCNE 1750A
3:30:08  (655A  )  *ASSTER 655A    [6TH/HALSEY]
                                    #37668    JONES, JASON L
3:30:10  (DP12  )  SUPP    #18367  TXT: JUST SOUTH OF THE INTERSECTION
3:30:16            ASSTOS  3613AP   #27542    GORGONE, FRANK R
                                    #26848    BLANCHARD, PHILLIP P
3:30:59  (DP11  )  ASSTER  885A    [TO EAST FOR MCC]
                                    #23591    FOSTER, SCOTT
3:31:00  (DP12  )  MISC    3613AP  ,TAPE OFF 1 N & S, GRAND TO 7TH
3:31:01  (1823  )  *ASSTOS 1823    [6TH/HALSEY]
                                    #17017    JAMES, MARK A
3:31:23  (DP12  )  MISC    #18367  ,SOME1 WALK IN EMS, EVID ALL OVER
3:31:30  (K92   )  *ASSTOS K92      #25521    VANDERHOOF, RANDY B
3:31:35  (DP12  )  CALLBK          ,MAKE NOTIFICATION FOR OFCR INVLD SHOOTG
3:31:41  (SV1   )  CB-ACK          T/DP12
3:31:43  (SV4   )  CB-ACK          T/DP12
3:31:48  (DP10  )  ASST    904A     #34017    GILBERT, CHRISTOPHER J
3:31:57  (DP12  )  ASSTOS  3734     #15413    CHAMBERLAIN, MARK E
3:31:59            CHGLOC  3734    [EM]
3:32:13  (1713  )  *ASSTOS 1713    [6TH/HALSEY]
                                    #26976    HEDGES, DEAN L
3:32:15  (DP12  )  MISC    #18367  ,6HT>>7TH/CLACKAMAS CP
3:32:19  (SV1   )  MISC    #10229  ,AFTDETS REC'D PAGE
3:32:25  (DP12  )  CHGLOC  885A    [EAST]
3:32:28  (SV2   )  CB-ACK          T/DP12
3:32:31  (DP12  )  ASSTER  9601     #16415    HAMANN, EDWARD T
3:32:36  (944AP )  *ONSCNE 944AP
3:32:39  (DP12  )  ASSTOS  9652     #15909    MODICA, KEVIN L
3:32:39            ASSTOS  3809A    #33878    HOGAN, KEVIN T
3:32:46            NEWLOC  745A    [CLACKAMAS/7TH]
3:32:56            CHGLOC  964AP   [EM]
                                    , TIC
3:32:57  (9725  )  *ASSTOS 9725    [NE 6 AV/NE CLACKAMAS ST ,POR]
                                    #17431    HENDRICKS, ERIC A
3:33:14  (DP11  )  CHGLOC  3809A   [EMAN]
3:33:31  (DP12  )  CONTRL          GRP: NO --> TB
3:33:39  (864A  )  *ONSCNE 864A
3:33:48  (DP8   )  ASSTER  5P32     #49436    WAGNER, CHRISTOPHER M
3:33:53  (DP12  )  MISC    515A    ,MEDIA ARRV'G
3:33:54  (524AP )  *ONSCNE 524AP
3:34:00  (657AP )  *ASSTER 657AP   [NE 6 AV/NE CLACKAMAS ST ,POR]
                                    #41756    BOYLAN, JOHN R
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3:34:02  (2558A ) *ONSCNE  2558A
3:34:21  (K98   ) *ASSTOS  K98     [6TH/HALSEY]
                                    #39660    HILSENTEGER, RYAN A
3:34:28  (585A  ) *ASSTOS  585A    [6TH/HALSEY]
                                    #40932    RUSSELL, ALICIA L
3:35:52  (645A  ) *NEWLOC  645A    [MLK/CLACKAMAS]
3:   02  (DP11  )  CLEAR   3734
3:36:22  (DP12  )  NEWLOC  2558A   [7TH/CLACKAMAS]
3:36:54  (SV3   )  ASSTOS  1768A    #35292    WATKINS, CHRISTOPHER S
3:36:58  (DP12  )  NEWLOC  3613AP  [6TH>>7TH/CLACKAMAS CP]
3:36:59  (654AP ) *ONSCNE  654AP
3:37:01  (DP12  )  ASSTER  9600    #11406    FERRARIS, JAMES C
3:37:03  (836E  ) *ASSTOS  836E    [6TH/HALSEY]
                                    #39879    KULA, BRADLEY J
3:37:04  (574AP ) *ASSTOS  574AP   [6TH/WEIDLER]
                                    #50527    DIMATTEO, DANIEL A
3:37:11  (DP12  )  NEWLOC  1823    [WB HALSEY/8TH]
3:37:14  (1713  ) *CLEAR   1713
8:37:18  (DP11  )  SUPP   #24229   TXT: MEDIA SHOWING UP AT GRAND/WASCO, WHERE
                                   DO THEY WANT THEM
8:37:26  (DP12  )  ASSTER  9996    #18924    O'DEA, LAWRENCE P
8:37:32  (DP11  )  NEWLOC  825A
8:37:33  (955AP ) *ONSCNE  955AP
8:37:34  (DP11  )  NEWLOC  825A    [GRAND/WASCO]
8:38:03  (524AP ) *NEWLOC  524AP   [BLOCKING 6/WEIDLER]
8:38:05  (955AP ) *CHGLOC  955AP   [MLK/WASCO]
8:38:08  (DP8   ) $PREMPT  5P32
8:38:09  (955AP ) *ONSCNE  955AP
8:38:12  (694AP ) *ASSTOS  694AP   [6TH/WEIDLER]
                                    #50500    GRYPHON, CHRISTOPHER L
                                    #36875    QUACKENBUSH, JAMES P
8:   18  (DP11  )  SUPP   #24229   WITNESS OFFICER INVOLVED IS AT EMANUEL FOR
                                   WHOMEVER IS DOING INTERVIEWS PER 3809.
8:38:29  (DP12  )  MISC    885A    ,NB 7TH/LEFT ON CLACK
8:38:37  (655A  ) *ONSCNE  655A
8:38:41  (915AP ) *ONSCNE  915AP
8:38:42  (804A  ) *ONSCNE  804A
8:39:22  (DP12  )  NEWLOC  3950    [EM]
8:39:23  (DP11  )  CONTCT  724A    Contact Timer Canceled
8:40:27  (1781A ) *ASSTOS  1781A   [6TH/WEIDLER]
                                    #42502    HILL, DANNY G
8:40:43  (885A  ) *ONSCNE  885A
8:40:50  (DP12  )  SUPP   #18367   TXT: NEED AMR TO STAY OS TIL INVESTIGATORS
                                   CAN TALK TO THEM
8:41:02            ASSTER  1772A
8:41:05            CHGLOC  1772A   [EM]
8:41:30  (585A  ) *NEWLOC  585A    [MLK/CLACK]
8:41:37  (DP12  )  MISC    3613AP  ,ALL WITNS/SHOOTR'S I.D. STAY OUT OF INNER
                                   CRIME SCENE. BILL SHAW KEEPG LOG
8:41:45  (DP6   )  SUPP   #48056   NEITHER M308/M311 ANSWERING, THEY WERE PAGED
                                   WITH INFO
8:41:55  (DP12  )  NEWLOC  3613AP  [7TH/CLACKAMAS]
8:42:17  (625A  ) *ONSCNE  625A
8:42:27           *CHGLOC  625A    [NE 6/WASCO]
8:42:30           *ONSCNE  625A
8:42:42  (745A  ) *CLEAR   745A
8:   06  (714A  ) *ONSCNE  714A
8:43:11  (K911  ) *CHGLOC  K911    [EMANUEL]
8:43:38  (915AP ) *CLEAR   915AP
8:43:40  (DP11  )  NEWLOC  3809A
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8:43:52  (DP12  )  ASSTER  1777A
8:44:13            ASSTER  3865A
8:44:17            CHGLOC  3865A   [EM]
8:45:52            MISC    3613AP ,DELIVER WATER 6TH/CLACKAMAS
8:46:15            CHGLOC  724A    [NORTH]
                                   , FOR WATER
8:  17  (K92    ) *CLEAR   K92
8:48:20  (DP12  )  CHGLOC  864A    [EM]
8:48:29            ASSTOS  814A     #39651     LINDSEY, LAURA W
8:48:33            CHGLOC  814A    [EM]
8:48:36  (SV2   )  ASSTOS  9994    [EMAN]
                                    #26851     WALSH, PATRICK A
8:49:07  (DP12  )  NEWLOC  9601    [EM]
8:49:25            ONSCNE  9600
8:51:02            NEWLOC  944AP   [7TH/HALSEY]
8:51:24            NEWLOC  9652    [6TH/HALSEY]
8:51:48  (814A  ) *ONSCNE  814A
8:51:50  (SV1   )  SUPP   #10229   ** NEED 1 OF THE ONSCENE DETS TO CALL SGT
                                   HOGAN AT EMAN, 971 253 9147
8:52:00  (515A  ) *REMINQ  515A    MDTQP,X,X,X, , , , ,[                    ],
                                   M,B
8:52:02  (724A  ) *ONSCNE  724A
8:52:51  (515A  ) *REMINQ  515A    MDTQP,X,X,X, , , , , , , , , , ,3271129
8:53:03            *REMINQ  515A   PDSI,104089
8:53:03            *REMINQ  515A   PDSI,162997
8:53:48  (DP12  )  ASSTOS  555A     #37043     BUDRY, RICHARD J
                                    #29199     OLLENBROOK, WILLIAM D
8:54:03  (8134  ) *ASSTER  8134    [6TH/HALSEY]
                                    #35297     BURKEEN, RYAN W
                                    #38601     FRIDERICH, LINDSAY
8:54:20  (DP11  )  NEWLOC  804A    [BLK'G TRAF, MLK/HALSEY]
8:  30   (DP12  )  MISC    9652    ,EXPANDG, RED TAPE'G UP TO 6TH/WEID, 7TH/
                                   HALSEY
8:55:10            ASSTOS  4535     #24579     WEINSTEIN, MICHAEL L
8:55:15            NEWLOC  4535    [EM]
8:56:24            CALLBK  3613AP ,PLEASE CONFIRM FED WAS NOTIFIED AND IS
                                   RESPONDING
8:56:41            ASSTER  4861    [FED]
8:56:45  (SV2   )  CB-ACK          T/DP12
8:56:59  (SV1   )  CB-ACK          T/DP12
8:57:20  (DP12  )  CALLBK  3613AP ,NOW SAYING TO PLEASE CALL THEM TO HAVE CALL
                                   SET UP, 4861 WAS JUST MONITORING
8:57:32  (SV1   )  CB-ACK          T/DP12
8:57:45  (DP12  )  ASSTOS  3755A    #25276     WHEELER, CHRIS P
8:57:49            ONSCNE  904A
8:57:51            ONSCNE  1657A
8:57:55            NEWLOC  K911
8:58:16            MISC    3613AP ,ANY OFFICERS INVOLVED W/SCENE AS YOU CLEAR
                                   ALL REPORTS TO ELECTRONICALLY AND PUT IN
                                   HOMICIDE CUE
8:58:23            NEWLOC  1772A
8:58:31            NEWLOC  657AP
8:58:41  (SV1   )  SUPP   #34443   F.E.D IS REALLY COMING OUT
8:59:49  (DP12  )  ASSTOS  9603     #37149     RODRIGUES, DEREK W
9:02:26  (DP13  )  ASSTOS  646A    [MLK/CLACKAMAS]
                                    #50738     PAYTON, SARAH J
                                    #32398     KLUNDT, KARL J
9:02:31            NEWLOC  646A    [NE 6 AV/NE CLACKAMAS ST ,POR]
9:03:11  (DP12  )  MISC    3613AP ,NEED OFFICER TO MEET 3613 AT NE 6TH/HALSEY
9:03:47            NEWLOC  515A    [6TH/NE WEIDLER POSET]
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9:04:09  (SV2    )  PICKUP          T/DP9
                                    ,TRIMET ADVISED AND WILL PROVIDE BUS
9:05:21  (DP12   )  NEWLOC  964AP
9:05:24             NEWLOC  864A
9:05:31             ONSCNE  1757A
9:05:31             ONSCNE  1763A
9:05:31             ONSCNE  1777A
9:05:31             ONSCNE  3865A
9:05:31             ONSCNE  4861
9:05:31             ONSCNE  8134
9:05:31             ONSCNE  9996
9:06:47  (K911   )  *CLEAR  K911
9:06:55  (DP12   )  MISC    9652    ,DET MICHAELSON OR SHAW ADV ON PROVIDING A
                                    BARRIER...
9:07:59  (904A   )  *CLEAR  904A
9:08:01  (DP12   )  MISC    9652    ,6TH/WEIDLER
9:08:11             NEWLOC  515A    [SB 6TH/WEIDLER W/CAMERA CREWS]
9:08:55  (814A   )  *CLEAR  814A
9:11:13  (DP12   )  MISC    9603    ,FED 15 MIN FROM DOWNTOWN
9:11:20  (DP15   )  CLEAR   714A
9:11:27  (8530   )  *ASSTOS 8530    [6TH/HALSEY]
                                     #37153    JACQUOT, STEVEN R
9:11:49             *CHGLOC 8530    [GRAND/WASCO]
9:11:53             *ONSCNE 8530
9:12:15  (DP12   )  MISC    9994    ,EMPLOYEE OUT OF SURGERY AND FINE
9:12:19  (DP15   )  CLEAR   885A
9:12:27  (864A   )  *CLEAR  864A
9:13:20  (724A   )  *CHGLOC 724A    [EMANUEL]
9:14:10  (DP15   )  ASSTOS  9920     #23591    FOSTER, SCOTT
9:14:29  (615A   )  *ASSTOS 615A    [6TH/WEIDLER]
                                     #45124    BREN, RYAN J
9:16:53  (DP13   )  CONTCT          Contact in 999 Minutes
9:16:29  (DP8    )  SUPP   #35183   PER 5S92 MAJOR CRIME SCENE DETECTIVES
                                    NOTIFIED
9:16:34  (DP12   )  MISC    2820A   ,ANYONE AT CRIME SCENE NEAR RED TAPE, CHECK
                                    IN W/LOG AT 6TH/NE CLACK
9:16:56  (3809A  )  *CLEAR  3809A   ,R1
9:17:37  (DP12   )  CALLBK  657AP   ,NEED PIO TO 7TH/WASCO IF RESPONDING
9:17:39  (SV1    )  CB-ACK          T/DP12
9:18:01  (DP12   )  NEWLOC  657AP   [7TH/WASCO W/ MEDIA]
9:18:46  (955AP  )  *CLEAR  955AP
9:18:54  (SV1    )  SUPP   #34443   PIO PAGED WITH INFO
9:19:53  (8134   )  *CLEAR  8134
9:20:00  (625A   )  *ASNCAS 625A    $PP10038353
9:21:48  (724A   )  *ONSCNE 724A
9:22:10  (DP12   )  MISC    3613AP  ,OFFICER W/NO ROLE TO GRAND/CLACKAMAS TO HELP
                                    SET UP BARRIERS
9:22:17             CHGLOC  1750A   [GRAND/CLACKAMS]
9:22:27             CHGLOC  836E    [GRAND/CLACKAMAS]
9:22:28             NEWLOC  836E
9:22:31             NEWLOC  1750A
9:24:21             MISC    515A    ,CHARGER 6TH/HALSEY TO CLACK MOVE FARTHER TO
                                    EAST TO HELP BLOCK MEDIA CAMERAS
9:27:04  (724A   )  *CLEAR  724A
9:27:17  (DP12   )  MISC    9652    ,COUPLE OFFICERS W/BARRIER, WHERE DOES IT
                                    NEED TO BE PUT UP..
9:30:00             MISC    3613AP  ,REGULAR NORTH TRAFFIC
9:32:20             MISC    657AP   ,7TH/MULTNOMAH TO BLOCK NB TRAFFIC
9:32:47             MISC    9994    ,KEEP EMER CLEAR, COME TO FRONT LOBBY
9:32:49  (SV2    )  SUPP   #14966   PER SGT BERRY SEND A FREE CAR TO EMAN PARK BY
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                                    THE EMERGENCY ROOM AND FIND SGT BERRY
9:33:03  (DP12   )  ASSTER  2557A   [7TH/MULT NB TRAFFIC]
                                     #38197    CARMON, DEREK L
9:33:27             NEWLOC  9994    [EM]
9:34:12  (2557A  ) *ONSCNE  2557A
9:34:32  (DP12   )  MISC    9652    ,ANY OUTREACH STREET UNITS HAVE OFFICER GET
                                    NAME AND CONT 9652
9:35:03             ASSTER  814A    [EMANUEL]
                                     #39651    LINDSEY, LAURA W
9:38:28             MISC   #24229   ,ANY DET MEET 3613 OUTSIDE COMMANDPOST
9:40:41  (SV2    )  ASNCAS          $PP10038359
9:42:47  (DP12   )  MISC    3613AP  ,NEED 2 OFFICERS, 1 TO INNER CRIME SCENE TO
                                    RELIEVE DELENIKOS, SOUTH OF HALSEY, 1 TO
                                    RELIEVE OFCR SHAW W/CRIME SCENE LOG
9:43:07             NEWLOC  524AP   [CRIME SCENE]
9:44:43  (814A   ) *ONSCNE  814A
9:44:56  (DP12   )  APPEND #24229
                      05/12/10 19:44:26 Message To: DP12  Routed from: DP6
                      (FORBES, ANNIE E)
                       OH WELL.
                      05/12/10 19:44:19 Message To: DP6   From:..DP12..(BRONSON,
                      KIMBERLY M)
                      YEAH ITS LIKE THEY DROP OFF AFTER SO MANY ARE ON THERE! I
                      DONT KNOW WHAT HAPPENS
                      05/12/10 19:43:40 Message To: DP12   From: DP6 (FORBES,
                      ANNIE E)
                       IS IT REALLY GONE?
                      ..
9:45:56             MISC   #24229   ,DISREGARD APPEND, FOR A DIFFERENT CALL
9:48:17             MISC    9652    ,FIND OUT WHO MEDIA CAMERA IS FROM AND LET
                                    9652 KNOW
9:   32             MISC    9652    ,793 9303
9:50:39             CHGLOC  835A    [6TH/SO HALSEY INNER CRIME SCENE]
9:53:40  (1959   ) *ASSTOS  1959    [EM]
                                     #44160    BILLARD, JOHN P
9:54:00            *NEWLOC  1959    [EMANUEL]
9:55:41  (DP12   )  ASSTOS  1670A    #40218    BROUGHTON, SCOTT P
                                     #43483    FOXWORTH, DERRICK L
9:56:05             NEWLOC  835A
9:58:40  (DP11   )  ASSTER  1602     #37765    HULL, DARKE P
9:58:59  (DP13   )  ASSTOS  7762    [CRIME SCENE]
                                     #46507    LEWIS, CLYDE
9:59:02             CHGLOC  7762    [EMANUEL]
0:02:41  (DP12   )  NEWLOC  7762
0:03:10  (825A   ) *REMINQ  825A    MDTQP,X,X,X, , , , ,[redacted],
                                    [redacted]
0:03:57            *REMINQ  825A    PDSI,895284
0:06:40            *CLEAR   825A    DSP: R2
0:09:28  (DP12   )  MISC    3613AP  ,FOR ALL OFFICERS ON INCIDENT, OCA #1038353,
                                    NO ONE IS RELEASED UNTIL REPORT HAS BEEN
                                    CHEDK BY MCGLATHERY, ELEC IN HOMICIDE QUE
0:11:22             NEWLOC  1602
0:11:27             CONTCT  1670A   Contact Timer Canceled
0:13:21  (3736   ) *ASSTER  3736    [NE 6 AV/NE CLACKAMAS ST ,POR]
                                     #18957    DAVIS, GEORGE T (TODD)
0:23:19  (DP12   )  MISC    3613AP  ,ANY MORE CIVILIAN WITNESS COME FORWARD HAVE
                                    THEM GO TO COMMAND POST AND CONT DET
                                    MICHAELSON
0:23:54             MISC    3613AP  ,6 TO 7 ON CLACKAMAS IS COMMAND POST
0:25:43  (804A   ) *CLEAR    804A
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0:29:19  (3736   ) *ONSCNE  3736
0:32:24  (519N   ) *ASSTER  519N    #41052    NETT, JAMES C
0:32:34  (1670A  ) *CHGLOC  1670A   [NORTH]
0:32:47  (3606M  ) *MISC    #20006  ,519 WILL TAKE GUARD DUTY AT EMAN
0:35:23  (DP13   )  CHGLOC  519N    [EMANUEL]
0:38:19  (DP12   )  CHGLOC  1781A   [GRAND/HALSEY]
0:   28             NEWLOC  1781A
0:38:32             NEWLOC  1670A
0:40:27  (519N   ) *ONSCNE  519N
0:40:56  (DP13   )  ASSTOS  3734    [EMANUEL]
                                    #15413    CHAMBERLAIN, MARK E
0:40:59  (DP12   )  NEWLOC  519N    [EMAN W/OFCR]
0:43:48  (3606M  ) *MISC    #20006  ,2 RES CARS ENRTE TO RELIEVE 836 AND 944
0:52:46  (DP13   )  ASSTER  7501    [7/HALSEY]
                                    #15650    MOORE, GARY D
                                    #47554    PETERSON, JAMES R
0:53:17  (DP12   )  CONTCT  3734    Contact Timer Canceled
0:55:51             PICKUP  515A    T/DP13
                                    ,NEED NORTH CAR TO WALGRENS LOT FOR A DK SUBJ

0:57:02             MISC    515A    ,CANCEL THE CAR
1:01:31  (7501   ) *ONSCNE  7501
1:01:37  (655A   ) *REMINQ  655A    MDTQP,X,X,X, , , , ,
                                    , ,M,W
1:02:03  (814A   ) *CLEAR   814A
1:03:50  (DP12   )  MISC    3613AP  ,AS WE GET BODIES WE WILL GET PRE RELIEF
                                    PEOPLE OUT OF HERE..618 WILL E 835'S RELIEF
1:08:46  (569N   ) *ASSTER  569N    #50231    COX, BRANDON K
1:12:10  (8530   ) *REMINQ  8530    PDSC,37153
1:13:22  (1823   ) *CLEAR   1823
1:15:01  (DP12   )  CLEAR   9600
1:   49             CHGLOC  569N    [RELIEVING 836 AT WENDYS]
1:1 :14  (9996   ) *CLEAR   9996
1:18:35  (569N   ) *ONSCNE  569N
1:22:04  (K97    ) *CLEAR   K97     DSP: R2 --> R1
1:25:13  (944AP  ) *CLEAR   944AP
1:27:47  (654AP  ) *CLEAR   654AP
1:33:43  (836E   ) *CLEAR   836E    DSP: R1 --> R2
1:51:15  (1670A  ) *CLEAR   1670A
1:52:12  (SV1    )  ASSTER  1553    #28796    SOTHERN, SEAN C
                                    ,FOR LITES
1:52:12             ASSTER  1554    #41047    BOCCHINO, JOSHUA J
                                    ,FOR LITES
1:53:45  (835A   ) *CLEAR   835A
2:02:53  (DP11   )  CLEAR   9994
2:03:41  (3606M  ) *ASSTER  3606M   [7/CLACK CP]
                                    #20006    HANLEY, ALAN D
2:07:21  (DP12   )  MISC    694AP   ,30 PEOPLE PROTESTING THE SHOOTING ON WEIDLER
                                    /7TH, JUST FYI FOR NOW
2:07:58  (3606M  ) *ONSCNE  3606M
2:08:01  (DP12   )  MISC    9652    ,GOING TO MOVE OFFICERS UP ON THE FAR TAPE
                                    LINE, ON THE 7TH/WEIDLER SIDE
2:08:24             MISC    515A    ,MOVING SB
2:08:48             MISC    9652    ,NEED A COUPLE OFFICERS FROM 6TH & HALSEY GO
                                    TO 7TH/HALSEY
2:08:54             NEWLOC  9603    [7TH/HALSEY]
2:   39             PICKUP  3613AP  T/DP13
                                    ,EED 2 UNITS W/HATS & BATS TO GO TO 7TH/
                                    HALSEY FOR PROTESTERS
2:09:42  (3606M  ) *CLEAR   3606M
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2:09:48  (DP12   )  ASSTER   3618N    #29520    POOL, MICHAEL E
2:09:55             CHGLOC   3618N    [7TH/HALSEY]
2:10:12             MISC     9603     ,GOING NB ON 7TH
2:10:27             NEWLOC   9652     [SB 7TH FROM HALSEY]
2:10:34             MISC     3613AP   ,FOR EVERYONE ON PRIMITER
2:10:47             MISC     3613AP   ,IF ANYONE CROSES TAPE 61 THEM IMMEDIATELY
2:  26   (DP13   )  ASSTER   599N     [7TH/CLACKAMAS]
                                      #49837    PARKER, NEIL A
2:11:26             ASSTER   649N     [7TH/CLACKAMAS]
                                      #49067    MCCARTHY, DAVID R
2:11:26             ASSTER   539N     [7TH/CLACKAMAS]
                                      #46310    ADDICKS, CHRISTOPH
2:11:28  (DP12   )  MISC     9603     ,SB ON 7TH
2:11:54             CHGLOC   555A     [7TH/WEIDLER]
2:12:02             MISC     3613AP   ,CONTINUING SB 7TH FROM WASCO
2:12:47             MISC     3613AP   ,HAVE THEM COME MULTNOMAH AND MONITOR, THEY
                                      ARE CALMING DOWN NOW
2:13:02  (3617N  )  *ASSTOS  3617N    [7TH/CLACKAMAS]
                                      #34353    MARTIN, SCOTT D
2:13:08  (DP12   )  MISC     3613AP   ,KEEPING EYES ON SUBJS UNTIL DISPERSED
2:13:11  (DP13   )  $CROSS            #PP1005122101
2:13:11             DUP               #PP1005122101
                                      , THEY HAVE THE INFO
2:13:11             CANREQ
2:13:20  (DP12   )  ASSTOS   3608A    #34491    DUILIO, KENNETH
2:13:23  (668N   )  *ASSTER  668N     [NE 6 AV/NE CLACKAMAS ST ,POR]
                                      #42016    SNITILY, THOMAS A
2:13:29  (DP12   )  MISC     3613AP   ,WB ON MULTNOMAH, CROSSING W/LIGHTS AND ON
                                      SIDEWALK
2:14:04             MISC     3613AP   ,HAVE THEM ON STANDBY, 20 TOPS WILL NOT BE
                                      NEEDED, BEING LOUD BUT LAWFUL
2:  12   (3606M  )  *MISC    #20006   ,CE NITES MFF FORMING
2:14:28  (DP12   )  NEWLOC   3617N    [W/PROTESTERS]
2:14:29  (555A   )  *ONSCNE  555A
2:14:36  (DP11   )  ASSTER   857N     [MFF]
                                      #47656    WEINBERGER, BENSON W
2:14:38  (678N   )  *ASSTER  678N     [7TH/CLACKAMAS]
                                      #47104    MCDONALD, CHRISTOPHER M
2:14:39  (CT2    )  MISC     #50102   [redacted]
                                      [redacted]...CONCERNED BUNDLE OF CLOTHES
                                      SITTING ON W/S 17 AT HANCOCK MIGHT BE RELATED
                                      TO INCIDENT.
2:15:15  (DP12   )  MISC     3613AP   ,ALL PROTESTERS ARE CONTINUING WB ON
                                      MULTNOMAH APPROACHING GRAND
2:15:23  (3618N  )  *ONSCNE  3618N
2:15:23  (DP12   )  NEWLOC   649N     [GRAND/MULTNOMAH]
2:15:39             NEWLOC   3608A    [NB GRAND FROM MULTNOMAH]
2:15:42  (594AP  )  *ASSTER  594AP    [7TH/CLACKAMAS]
                                      #34677    PRYCE, JIMMY L
2:16:00  (DP12   )  NEWLOC   555A     [PRESS W/PROTESTERS]
2:16:24             NEWLOC   678N     [WB MULT APPROACHING GRAND]
2:16:29  (DP11   )  ASSTER   718N     [MFF]
                                      #21339    EDGECOMB, ANDREW E
2:16:39  (688N   )  *ASSTER  688N     [NE 6 AV/NE CLACKAMAS ST ,POR]
                                      #37608    HO, QUENCY G
2:17:00  (DP12   )  NEWLOC   9603     [NB GRAND APPROACHING CLACKAMAS]
2:  20   (594AP  )  *ONSCNE  594AP
2:1..22  (3606M  )  *ASSTOS  3606M    [ORANIZING CE MFF]
                                      #20006    HANLEY, ALAN D
2:17:58  (DP12   )  NEWLOC   569N     [GRAND/CLACKAMS W/PROTESTERS]
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2:18:03  (668N  ) *CLEAR   668N
2:18:20  (DP12  )  MISC    3606M  ,HAVE MOBILE FIELD FORCE READY TO COME ACROSS
                                  BRIDGE IF NEEDED
2:18:26            MISC    569N   ,NB GRAND
2:18:37  (599N  ) *CLEAR   599N
2:18:34  (DP12  )  NEWLOC  9603   [NB GRAND FROM HALSEY, BEING BOISTUROU]
2:18:50  (539N  ) *CLEAR   539N
2:20:18  (688N  ) *CLEAR   688N
2:20:25  (3606M ) *MISC   #20006  ,3817N SQ LDR FOR CE MFF
2:20:44  (DP13  )  CONTRL         GRP: TB --> NO
2:21:42  (3606M ) *MISC   #20006  ,TRF MFF MOBILIZING AT 15/MULT
2:22:02  (DP12  )  MISC    3606M  ,15TH/NE MULTNOMAH
2:22:17            NEWLOC  3608A  [NB BROADWAY/GRAND]
2:23:27            MISC    3608A  ,1 UNIT BEHIND 3608, NEED A COUPLE MORE,
                                  FOLLOWING THEM AND WATCHING THEM
2:23:51            NEWLOC  649N   [W/3608]
2:23:57  (3606M ) *MISC   #20006  ,CE MFF WILL STAGE AT MEMORIAL COLISEUM FROM
                                  CENTRAL
2:24:21  (DP12  )  MISC    3606M  ,CENTRAL MOBILE FIELD FORCE STAGING AT
                                  MEMORIAL COLISEUM
2:24:31            NEWLOC  3606M  [BROADWAY 7TH/EB]
2:24:50  (DP11  )  ASSTER  1904   [MFF]
                                   #41137    SCOTT, NATHAN G
2:25:06  (K93   ) *ASSTOS  K93    [NB BROADWAY/GRAND]
                                   #29898    GRUNDMEYER, TROY R
2:25:09  (DP11  )  NEWLOC  1904   [15/MULTNOMAH LC PARKLOT]
2:25:19  (DP12  )  MISC    3608A  ,L/S NB 7TH, AND SPLITTING UP
2:25:20  (DP11  )  ASSTER  1823   [15/MULTNOMAH LC PARKLOT]
                                   #17017    JAMES, MARK A
2:25:37  (668N  ) *ASSTER  668N   [NB BROADWAY/GRAND]
                                   #42016    SNITILY, THOMAS A
2:25:50  (K93   ) *MISC    K93    ,ONSCENE FOR CROWD CONTROL...FOR PROTESTORS
2:26:11  (628N  ) *ASSTER  628N   [NB BROADWAY/GRAND]
                                   #37618    DOBBS, SABRINA R
2:26:16  (3609A ) *CLEAR   3609A
2:26:30  (599N  ) *ASSTER  599N   [NB BROADWAY/GRAND]
                                   #49837    PARKER, NEIL A
2:26:35  (3609A ) *ASSTOS  3609A  [NB BROADWAY/GRAND]
                                   #14402    BERRY, RONALD K
2:26:35  (857N  ) *ONSCNE  857N
2:27:12  (DP12  )  ASSTOS  K94    [SCHUYLER/600]
                                   #37633    SWEENEY, LONN N
2:27:21            ASSTER  K92     #25521    VANDERHOOF, RANDY B
2:27:26            ASSTER  K96     #38637    STROHMEYER, ERIK D
2:27:28  (628N  ) *ONSCNE  628N
2:27:29  (668N  ) *ONSCNE  668N
2:27:41  (DP12  )  ASSTOS  K91     #27836    GORE, SHAWN A
2:27:44            NEWLOC  K91    [W/K94]
2:28:14  (K92   ) *CLEAR   K92
2:28:48  (DP12  )  MISC    3608A  ,FOLLOWING GROUP AT 6TH/NE SCHUYLER, ALL
                                  OTHERS DISPERSED, HAVE CARS STAY IN THE AREA
2:30:16            MISC    3606M  ,STAND DOWN MOBILE FIELD FORCE
2:30:32            NEWLOC  K94    [ALBINA COMM BANK, 415 NE SCHUYLER]
2:31:12  (DP11  )  ASSTER  836E   [MFF]
                                   #39879    KULA, BRADLEY J
2:31:31  (K94   ) *REMINQ  K94    MDTQP,X,X,X, , , ,
2:31:32  (DP12  )  ASSTER  539N   [415 NE SCHUYLER]
                                   #46310    ADDICKS, CHRISTOPH
2:31:57  (594AP ) *CLEAR   594AP
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:32:05  (599N   ) *ONSCNE  599N
:32:08  (K94    ) *REMINQ  K94     MDTQP,X,X,X, , , , ,KELLY,NICK RYAN ,092889,
                                   ,M,W
:33:03             *REMINQ  K94     PDSI,2024086
:33:28  (DP13   )  CONTRL           GRP: NO --> TB
:   51  (678N   ) *CLEAR   678N
:    8  (628N   ) *CLEAR   628N
:34:37  (K96    ) *CLEAR   K96
:35:56  (DP12   )  CONTCT  K93     Contact Timer Canceled
:36:14  (K94    ) *REMINQ  K94     QSID,15554318
:37:41  (DP12   )  MISC    3613AP  ,SOUTH END IS CLEAR
:37:53             NEWLOC  599N    [6 SUBJS 7TH/SCHUYLER]
:38:16             MISC    599N    ,GROUP OF 10 HEADING WB
:38:32             ASSTOS  K911    [415 NE SCHUYLER]
                                    #29200    PRESTON, JASON M
:38:42             NEWLOC  649N    [7TH/SCHUYLER]
:38:43  (K94    ) *REMINQ  K94     MDTQP,X,X,X, , , , [redacted]
                                   [redacted]
:39:15  (K93    ) *REMINQ  K93     LIC,K93 ,XMP108 , , ,
:39:43  (DP15   )  REMINQ  K94     [redacted]
:40:06             REMINQ  K94     [redacted]
:40:16  (DP12   )  MISC    649N    ,WB ON SCHUYLER ALMOST TO GRAND
:40:28  (1823   ) *ONSCNE  1823
:40:49  (539N   ) *ONSCNE  539N
:41:25  (718N   ) *CLEAR   718N
:41:30  (678N   ) *ASSTER  678N    [7TH/MULT NB TRAFFIC]
                                    #47104    MCDONALD, CHRISTOPHER M
:42:25  (DP12   )  CLEAR   9652
:42:50  (857N   ) *CLEAR   857N
:43:21  (PNE36  )  MISC   #20006   ,3 TRF MOTORS AND 2 CARS MONITORING THE BLACK
                                   BLOCKERS
:   35  (DP12   )  NEWLOC  K94     [415 NE SAN RAFAEL]
:43:44  (678N   ) *ONSCNE  678N
:43:54  (DP12   )  NEWLOC  K911    [415 NE SAN RAFAEL]
:44:08             MISC    649N    ,GRAND/SCHUYLER TO BROADWAY, ENOUGH HERE
:44:16             NEWLOC  649N    [GRAND/SCHUYLER TO BDWY]
:44:19  (K98    ) *CHGLOC  K98     [TRAFFIC]
:44:45  (DP12   )  CONTCT  3609A   Contact Timer Canceled
:44:53  (3606M  ) *CLEAR   3606M
:44:54  (K94    ) *REMINQ  K94     MDTQP,X,X,X, , , [redacted]
                                   [redacted]
:46:10  (DP12   )  NEWLOC  1553
:46:13             NEWLOC  1554
:46:50             NEWLOC  599N    [EB BROADWAY]
:47:39  (3609A  ) *REMINQ  3609A   MDTQL,X, ,X, , , ,614EES ,OR
:47:59             *REMINQ  3609A   DMVQ,[redacted]
:48:15             *REMINQ  3609A   MDTQP,X,X,X, , , , , , , , , , ,1472344
:48:45  (DP12   )  NEWLOC  649N    [EB BDWY PASSING 7TH W/3]
:49:15  (3618N  ) *CLEAR   3618N
:51:41  (545A   ) *NEWLOC  545A    [SE/TRF]
:51:53  (K98    ) *ONSCNE  K98
:52:00  (836E   ) *ONSCNE  836E
:52:22             *CLEAR   836E
:52:58  (649N   ) *NEWLOC  649N    [BROADWAY/10]
:53:45  (668N   ) *CLEAR   668N
:56:18  (539N   ) *REMINQ  539N    QSID,15554318
:   13  (DP12   )  NEWLOC  649N    [SB 13/FROM BDWAY]
:58:06  (1750A  ) *MISC    1750A   ,REGARDING BLUE CHEV CAPRICE WITHIN CRIME
                                   SCENE CALL[redacted]
                                   [redacted] PRIOR TO TOWING IT WHEN
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                                    CRIME SCENE BREAKS DOWN
3:00:23  (DP12   )  NEWLOC   649N   [WB WEIDLER ABOUT 10TH]
3:02:07  (3617N  ) *REMINQ  3617N  MDTQP,X,X,X, , , ,[redacted]
                                    M,W
3:02:08  (DP12   )  NEWLOC   649N   [SB 10TH FROM WEIDLER]
3:02:20             NEWLOC   1904   [SCHUYLER/8]
                                    , WITH 1...CODE4
3:02:34  (DP11   )  CLEAR    9725
3:04:57  (DP12   )  NEWLOC   649N   [SB 9TH FROM HALSEY]
3:05:37  (539N   ) *REMINQ   539N   MDTCCH,CXA,C,46310 [redacted]
                                    [redacted]
3:05:46  (DP12   )  NEWLOC   3609A  [8/HANCOCK W/2]
3:05:53  (K94    ) *REMINQ   K94    MDTCCH,LNS,C,37633 ,[redacted]
                                    [redacted]
3:06:08  (678N   ) *CLEAR    678N
3:06:13  (1781A  ) *CLEAR    1781A
3:07:32  (3609A  ) *REMINQ   3609A  MDTQP,X,X,X, , , ,[redacted]
                                    W
3:07:52  (1959   ) *NEWLOC   1959   [6/WEIDLER]
3:08:07  (DP12   )  INCUST   K94
3:08:13  (3609A  ) *REMINQ   3609A  MDTQP,X,X,X, , , ,[redacted]
                                    ,M,W
3:08:27  (DP13   )  ASSTOS   1670A  [8/HANCOCK]
                                     #40218    BROUGHTON, SCOTT P
                                     #43483    FOXWORTH, DERRICK L
3:09:26  (DP12   )  NEWLOC   649N   [SB 9 PASSING MULTNOMAH]
3:09:26  (3609A  ) *REMINQ   3609A  PDSI,2041799
3:10:53  (3617N  ) *CLEAR    3617N
3:11:24  (DP12   ) $PREMPT   1823
3:11:28              CROSS           #PP1005122161
3:12:05  (K93    ) *CLEAR    K93
3:   10  (539N   ) *TRANS    539N   0.0     [MCDC]
                                    ,1F
3:12:42  (K911   ) *CLEAR    K911
3:13:10  (K94    ) *CHGLOC   K94    [MCDC]
3:13:45  (555A   ) *REMINQ   555A   PDSC,29199
3:13:46  (K91    ) *CLEAR    K91
3:13:56  (555A   ) *REMINQ   555A   PDSC,37043
3:14:52  (DP12   )  MISC     3613AP ,INNER PERIMETER BEING TURNED OVER TO SGT
                                    DUILIO/3608
3:15:06              NEWLOC  3608A  [***INNER PERIMETER***]
3:15:39              MISC    1904   ,CLR SUBJ STOP
3:16:25              NEWLOC  649N   [EB LLOYD FROM 9TH]
3:18:30  (585A   ) *CLEAR    585A   DSP: R2 --> R2
3:19:14  (539N   ) *TRANSC   539N
3:19:35             *MISC    539N   ,ENDING MILEAGE 2.7
3:21:26  (DP12   )  CONTRL           GRP: TB --> NO
3:21:46  (K94    ) *ASNCAS   K94    $PP10038401
3:21:54  (DP11   )  CLEAR    1768A
3:22:10  (3613AP) *CLEAR    3613AP DSP: R2 --> R2
3:22:26  (DP12   )  ASSTOS   1823    #17017    JAMES, MARK A
3:22:33  (1670A  ) *CLEAR    1670A
3:26:04  (DP12   )  MISC     649N   ,LETTING GROUP GO... SB 12TH FROM LLOYD
                                    OBEYING TRAFFIC LAWS
3:26:49  (599N   ) *CLEAR    599N
3:27:00  (DP12   )  CLEAR    3734
3:   16             CLEAR    4535
3:2 :45  (649N   ) *CHGLOC   649N   [EMANUEL]
3:28:15  (DP12   ) $PREMPT   3609A
3:28:16  (555A   ) $PREMPT   555A
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3:28:56  (DP12  )  CROSS          #PP1005122184
3:30:56            CLEAR   1772A
3:33:41  (649N  ) *ONSCNE  649N
3:35:13  (DP12  )  CLEAR   1951
3:36:39            CONTCT  1823   Contact Timer Canceled
3:40:35  (K98   ) *CHGLOC  K98    [EMANUEL]
3:   20  (1823  ) *REMINQ  1823   MDTQL,X, ,X, , , , 775BVZ
3:41:26  (655A  ) *REMINQ  655A   PDSC,37668
3:42:38  (DP12  )  CLEAR   9601
3:43:37  (655A  ) *NEWLOC  655A   [GRAND/WASCO]
3:48:36  (625A  ) *REMINQ  625A   MDTQP,X,X,X, , , ,
                                  ,
3:48:46  (1750A ) *CLEAR   1750A
3:53:46  (K94   ) *REMINQ  K94    MDTQP,X,X,X, , , ,
                                  ,
3:57:01  (7501  ) *REMINQ  7501   PDSC,15650
3:57:14  (DP12  )  CHGLOC  9603   [EM]
3:57:43  (7501  ) *CLEAR   7501
3:58:11  (1823  ) *CHGLOC  1823   [TRAFFIC]
3:58:20  (659N  ) *ASSTER  659N   [GRAND/WASCO]
                                   #46619    SHEPPARD, NATHAN A
** New Date: 05/13/10 ***
0:03:14  (9603  ) *ONSCNE  9603
0:05:53  (1757A ) *CLEAR   1757A
0:06:19  (3736  ) *CLEAR   3736
0:06:46  (DP12  )  MISC    3608A  ,OK TO OPEN GRAND AND WEIDLER
0:07:02            MISC   #46086  ,HALSEY TO REMAIN CLOSED AND CLACKAMAS AND
                                  6TH...
0:07:58  (8530  ) *REMINQ  8530   QRW,8530 ,783DSE
0:08:24  (659N  ) *ONSCNE  659N
0:08:49  (DP12  )  MISC   #46086  ,OPEN 7TH
0:   06  (2557A ) *CLEAR   2557A
0:  .18  (K94   ) *CLEAR   K94    DSP: R2 --> R1
0:09:36  (659N  ) *REMINQ  659N   QRW,659N ,618ELQ
0:10:39  (DP12  )  CLEAR   7762
0:12:36  (655A  ) *CHGLOC  655A   [NO]
0:15:34  (539N  ) *CLEAR   539N
0:15:50  (657AP ) *CHGLOC  657AP  [NO]
0:16:35  (655A  ) *ONSCNE  655A
0:17:13  (DP11  )  CLEAR   1602
0:17:14  (8530  ) *CLEAR   8530   DSP: R1 --> R2
0:22:18  (659N  ) *CLEAR   659N
0:26:13  (3755A ) *CLEAR   3755A
0:26:32  (K98   ) *ONSCNE  K98
0:26:47           *CLEAR   K98
0:28:33  (657AP ) *ONSCNE  657AP
0:30:21  (569N  ) *REMINQ  569N   PDSC,50231
0:33:03  (DP12  )  CLEAR   674AP  DSP: R2 --> R2
0:34:53  (655A  ) *CLEAR   655A   DSP: R2 --> R2
0:39:28  (DP12  )  CLEAR   9603
0:43:31  (657AP ) *REMINQ  657AP  PDSC,41756
0:45:07           *CLEAR   657AP
0:47:48  (646A  ) *CLEAR   646A   DSP: R2 --> R2
0:52:28  (645A  ) *NEWLOC  645A   [6/WASCO]
0:52:59  (DP12  ) $PREMPT  649N
0:56:49  (PTF15 )  ASNCAS         $PP10038424
0:   53  (646A  ) *ASSTER  646A   [6/WASCO]
                                   #50738    PAYTON, SARAH J
                                   #32398    KLUNDT, KARL J
1:00:42  (3608A ) *CLEAR   3608A
```

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:01:41  (DP12  )  ASSTOS  3618N  [SB 6TH/WEIDLER W/CAMERA CREWS]
                                  #29520    POOL, MICHAEL E
:01:46            MISC    3618N  ,IN CHARGE OF CRIME SCENE
:02:32  (718N  ) *ASSTOS  718N   [NE 6 AV/NE CLACKAMAS ST ,POR]
                                  #21339    EDGECOMB, ANDREW E
                                  #50640    RIDGELY, ARIANA P
    6           *NEWLOC  718N   [MCC 7/CLACKAMAS]
:07:12  (PBTF1 )  ASNCAS         $PP10038428
:07:28            ASNCAS         $PP10038429
:07:47  (964AP ) *CLEAR   964AP
:07:47  (PBTF1 )  ASNCAS         $PP10038430
:08:03            ASNCAS         $PP10038431
:08:17            ASNCAS         $PP10038432
:10:46  (SV3   )  CB-ACK         T/DP12
:10:52  (SV2   )  CB-ACK         T/DP12
:11:11  (SV1   )  CB-ACK         T/DP12
:11:46  (SV3   )  MISC    #29634 ,PG AFTDET,PLEASE CALL 3617N MARTIN, C/503-
                                  [redacted] PLEASE LET DISPATCH KNOW YOU GOT
                                  THIS PAGE, 503-823-1902.
:14:26  (678N  ) *ASSTER  678N   [SB 6TH/WEIDLER W/CAMERA CREWS]
                                  #47104    MCDONALD, CHRISTOPHER M
:16:05  (DP12  )  OK      3618N
:21:34  (635A  ) *CLEAR   635A   DSP: R2 --> R2
:21:46  (678N  ) *ONSCNE  678N
:21:55  (545A  ) *CLEAR   545A   ,R2
:25:37  (DP12  )  NEWLOC  646A   [GRAND/HALSEY]
:32:27           $PREMPT  2558A
:33:54            CLEAR   1959
:35:11  (625A  ) *CLEAR   625A   DSP: R2 --> R2
:38:07  (615A  ) *CLEAR   615A   DSP: R2 --> R2
:40:38  (665A  ) *CLEAR   665A   ,SPECIAL REPORT WRITTEN
    4   (DP12  )  OK      646A
:59:23  (1657A ) *CLEAR   1657A  DSP: R2 --> R2
2:01:42 (DP12  )  ONSCNE  1823   , UNK TIME
2:45:44           CLEAR   1823
2:47:46 (DP11  ) $PREMPT  2820A
3:09:26 (DP9   )  CLEAR   1904
3:30:39 (DP12  )  MISC    515A   ,CAMERA CREWS BACK AT 6/WEIDLER
3:33:18 (DP15  )  TOWREQ  574AP  ZET208
                                  ,TOYOTA, NE 6/HALSEY, WILL NEED FLATBED,
                                  SEIZUREWORKD HOLD FOR HOMICIDE
3:40:01 (TOW1  )  TOWREP  574AP  ZET208
                                  ,SPEEDS TO 6/HALSEY
3:44:40 (678N  ) *REMINQ  678N   QRW,678N ,ZET208
3:46:05 (515A  ) *REMINQ  515A   PDSC,43491
3:49:50 (DP12  )  MISC    1950   ,PER 515
3:49:53           MISC    1955   ,PER 515
3:49:55           CLEAR   1950
3:49:57           CLEAR   1955
3:54:40 (579N  ) *ASSTER  579N   [6/WASCO]
                                  #45180    SORENSON, MONICA D
```

PORTLAND POLICE BUREAU

FORENSIC EVIDENCE DIVISION SPECIAL REPORT

DA COPY

CASE NUMBER	REFER CASE NUMBER	CLASSIFICATION	DATE OF INVESTIGATION
10-38353		Shooting/Police Involved	5/12/2010

CALL TIME REC:	ARR:	CLR:	REQUESTING OFFICER	ASSIGNMENT
18:50	19:00	4:30	Michaelson	23060

NAME: LAST FIRST MIDDLE	SEX	RACE	DOB	SSN
Otis, Keaton Dupree	M	B	1/4/1985	[redacted]

LOCATION OF OCCURRENCE	LOCATION OF INVESTIGATION (If Different)
NE 6th south of Halsey	

VEHICLE MAKE / MODEL	COLOR	STATE	LICENSE

COPIES

- ☐ DETS
- ☐ CAU
- ☐ CE
- ☐ EA
- ☐ SE
- ☐ N
- ☐ NE
- ☐ TRAFFIC
- ☐ DA
- ☐ DVD
- ☐ PROPERTY ROOM
- ☐ CRIME PREV
- ☐ INTELL
- ☐ PATROL SUPPORT
- ☐ FBI
- ☐
- ☐
- ☐

Computer Entry

- ☐ Person

- ☐ OPR Vehicle

OPR

- ☐ CRIME/ PROP

- ☐ PR Book

OPR

SUBJECT OF THIS REPORT	IDENTIFIED SUBJECT	DOB
Investigation		

LATENTS OF VALUE OBTAINED	PPB/MCI/SID NUMBER	
Fingers: 0 Palms: 0		☐ - SUSPECT ☐ - ELIMINATION ☐ - VICTIM ☐ - AFIS

PROCESSED ITEM (S)

☐ - TO OWNER ☐ - DISCARDED PER OWNER ☐ - TO CRIME LAB

☐ - TO OFFICER ☐ - TO PROPERTY ROOM ☐ - RETAINED IN ID

☑ - PHOTOGRAPHS TAKEN OF:

☑ - 35MM ☑ - COLOR ☐ - B&W ☐ - VIDEO ☐ - ALS

ID Lab # 28252

EVIDENCE:

PER #1209402

ITEM #1: Placard #1; Taser X00-[redacted] w/50 on it
-from south of deceased
-transferred to PER #1209412

ITEM #2: Placard #2; Crown Royal Bag
ITEM #3: Placard #3; bullet
ITEM #4: Placard #4; beanbag sock
ITEM #5: Placard #5; bullet fragment
ITEM #6: Placard #6; bullet fragment
ITEM #7: Placard #7; bullet fragment
ITEM #8: Placard #8; bullet fragment

PER #1209403

ITEM #1: Placard #9; beanbag sock
ITEM #2: Placard #10; beanbag sock
ITEM #3: Placard #11; 9mm casing
ITEM #4: Placard #12; police Ford vehicle key with selectron
-transferred to PER #1209413
ITEM #5: Placard #13; 9mm casing
ITEM #6: Placard #14; 9mm casing
ITEM #7: Placard #15; 9mm casing
ITEM #8: Placard #16; 9mm casing

INVESTIGATION BY CRIMINALIST	DPSST	THIS REPORT DATE	REPORT TIME	REVIEWED BY
Durham, H 33027		5/14/2010	17:30	Sgt. R. Mason # 25247

LATENT(S) LIFTED BY CRIMINALIST DPSST

CASE NUMBER	CLASSIFICATION
10-38353	Shooting/Police Involved

NAME: LAST	FIRST	MIDDLE	SEX	RACE	DOB	SRC
Otis, Keaton Dupree			M	B	1/4/1985	

LOCATION OF OCCURRENCE	LOCATION OF INVESTIGATION (If Different)
NE 6th south of Halsey	

PER #1209404

ITEM #1: Placard #17; 9mm casing
ITEM #2: Placard #18; 9mm casing
ITEM #3: Placard #19; 9mm casing
ITEM #4: Placard #20; 9mm casing
ITEM #5: Placard #21; 9mm casing
ITEM #6: Placard #22; 9mm casing
ITEM #7: Placard #23; 9mm casing
ITEM #8: Placard #24; black piece of plastic

PER #1209405

ITEM #1: Placard #25; beanbag round
ITEM #2: Placard #26; 9mm casing
ITEM #3: Placard #27; beanbag round
ITEM #4: Placard #28; beanbag round
ITEM #5: Placard #29; 9mm casing
ITEM #6: Placard #30; 9mm casing
ITEM #7: Placard #31; 9mm casing
ITEM #8: Placard #32; 9mm casing

PER #1209406

ITEM #1: Placard #33; 9mm casing
ITEM #2: Placard #34; blue latex gloves
ITEM #3: Placard #35; fragment
ITEM #4: Placard #36; black latex glove
ITEM #5: Placard #37; Tigerlight flashlight
-transferred to PER #1209414
ITEM #6: Placard #38; bullet fragment
ITEM #7: Placard #39; black latex glove
ITEM #8: Placard #40; Taser X00- [redacted] SE67
-transferred to PER #1209415

PER #1209407

ITEM #1: Placard #41; bullet
ITEM #2: Placard #42; 9mm casing
ITEM #3: Placard #43; watch
ITEM #4: Placard #44; taser gate
ITEM #5: Placard #45; 9mm casing
ITEM #6: Placard #46; 9mm casing
ITEM #7: Placard #47; 9mm casing
ITEM #8: Placard #48; 9mm casing

INVESTIGATION BY CRIMINALIST	DPSST	SUPERVISOR
Durham, H 33027		

CASE NUMBER	CLASSIFICATION				
	Shooting/Police Involved				

NAME: LAST FIRST MIDDLE	SEX	RACE	DOB	CRN
Otis, Keaton Dupree	M	B	1/4/1985	[redacted]

LOCATION OF OCCURRENCE	LOCATION OF INVESTIGATION (If Different)
NE 6th south of Halsey	

PER #1209408

ITEM #1: Placard #49; 9mm casing
ITEM #2: Placard #50; 9mm casing
ITEM #3: Placard #51; 9mm casing
ITEM #4: Placard #53; 9mm casing
ITEM #5: Placard #54; 9mm casing
ITEM #6: Placard #55; Taser X00-[redacted] T8
-transferred to PER #1209416
ITEM #7: Placard #56; bullet fragment
ITEM #8: Placard #57; bullet fragment

PER #1209409

ITEM #1: Placard #58; blood on wall
ITEM #2: Placard #59; blood on wall
ITEM #3: Placard #60; blood on wall
ITEM #4: Placard #61; wallet- from DE's rt front pocket
ITEM #5: Placard #62; card from under body
ITEM #6: Placard #63; bullet fragment
ITEM #7: Placard #64; 9mm casing
ITEM #8: Placard #65; 9mm casing

PER #1209410

ITEM #1: Placard #66; 9mm casing
ITEM #2: Placard #67; Taurus PT111 9mm handgun serial #[redacted] 1 round in chamber; magazine with 5 rounds
-transferred to PER #1209417
ITEM #3: Placard #68; 9mm casing
ITEM #4: Placard #69; bullet fragment
ITEM #5: Placard #70; bullet fragment
ITEM #6: Tazer wire

PER #1209411

ITEM #1: Beanbag gun #LL5 with 15 rounds

PER #1209412

ITEM #1: Transferred from PER #1209402
Placard #1; Taser X00-[redacted] w/50 written on it

INVESTIGATION BY CRIMINALIST	DPSST	SUPERVISOR
Durham, H 33027		

CASE NUMBER	CLASSIFICATION
10-38353	Shooting/Police Involved

NAME: LAST FIRST MIDDLE	SEX	RACE	DOB	CRN
Otis, Keaton Dupree	M	B	1/4/1985	[redacted]

LOCATION OF OCCURRENCE	LOCATION OF INVESTIGATION (If Different)
NE 6th south of Halsey	

PER #1209413

ITEM #1: Transferred from PER #1209403
-Placard #12; Ford police vehicle key w/selctron

PER #1209414

Item #1: Transferred from PER #1209406
-Placard #37; Tigerlight flashlight

PER #1209415

Item #1: Transferred from PER #1209406
-Placard #40; Tazer X00-[redacted] SE 67

PER #1209416

Item #1: Transferred from PER #1209408
-Placard #55; Tazer X00-[redacted] T8

PER #1209417

Item #1: Transferred from PER #1209410
-Placard #67; Taurus PT111 9mm handgun
serial #[redacted] 1 9mm round from chamber;
magazine with 5 9mm rounds

VEHICLES: OR/ZET208 Toyota Corolla

OR/ZHC240 Grey Crown Victoria/ police vehicle
OR/015CLW Silver Crown Victoria/ police vehicle
OR/ZHC233 Blue Crown Victoria/ police vehicle
OR/E248018 Trimet police vehicle

CASE NUMBER	CLASSIFICATION
10-38353	Shooting/Police Involved

NAME: LAST FIRST MIDDLE	SEX	RACE	DOB	CRN
Otis, Keaton Dupree	M	B	1/4/1985	[redacted]

LOCATION OF OCCURRENCE	LOCATION OF INVESTIGATION (If Different)
NE 6th south of Halsey	

NARRATIVE:

I responded to NE 6th/Halsey regarding a police involved shooting. Also at the location were Sgt McGlathery, Sgt Michaelson, Detective Kammerer, Detective Slater, Detective Michaels, Detective Madden, Detective Dran, Detective Harris, Detective Musser, Detective Sponhauer, Criminalist Schleich, and Sgt Mason.

I took overall 35mm color photographs of the scene. This included photographs of the four listed police vehicles, of the listed Toyota Corolla OR/ZET208, and of the deceased/Otis. Criminalist Schleich also took overall video of the scene.

At the request of detectives, I took photographs of witnesses' vantage points of the incident. This included photographs from the front porch of 603 NE Halsey, photographs from the intersection of NE 6th/Halsey and east of this intersection, photographs from the first and second drive thru-windows of McDonald's at NE Halsey/Grand, and photographs from the southwest parking lot of NE 6th/Clackamas.

I also took photographs of the DE/Otis when Deputy ME/Bellant arrived onscene.

Items of evidence were marked with placards 1-70. Placard #52 was not used at this scene. I took photographs of the evidence and Criminalist Schleich took video of the evidence. Criminalist Schleich and I collected the evidence on PPB Property Receipts #1209402-1209411.

Three tazers were collected as evidence at the scene. Taser X00-[redacted] was marked as placard #1 and was found with its safety on. Taser X00-[redacted] was marked as placard #40 and was made safe. Taser X00-[redacted] was marked as placard #55 and was made safe.

To the east of the Toyota Corolla, south of Halsey on the east side of 6th, is the exterior west side wall of 1425 NE 7th. On this wall were three areas that blood was located. These three areas were marked as placard 58, placard 59, and placard 60. Criminalist Schleich collected swabs from each of the areas marked as evidence.

In the Toyota Corolla, on the driver's seat was a handgun. The gun was marked with placard #67. I photographed the gun as it was upon my arrival. I collected the gun as evidence. The gun is a Taurus PT111 9mm handgun with serial #[redacted] I removed the magazine from the gun and observed five 9mm rounds in the gun. There was also one round in the chamber of the gun. I made the gun safe at the scene and collected it on PPB Property Receipt #1209410.

CASE NUMBER	CLASSIFICATION
10-38353	Shooting/Police Involved

NAME: LAST FIRST MIDDLE	SEX	RACE	DOB	CRN
Otis, Keaton Dupree	M	B	1/4/1985	

LOCATION OF OCCURRENCE	LOCATION OF INVESTIGATION (If Different)
NE 6th south of Halsey	

Collected on PPB Property Receipt #1209411 was a less lethal beanbag gun #LL5. This was located in the interior vehicle rack of a marked police vehicle TM900098, OR/E248018. I photographed this beanbag gun, the 6 rounds from inside the beanbag gun, the 3 rounds in one carrier on the beanbag gun, and 6 rounds in the second carrier on the beanbag gun.

In the interior rack of OR/ZHC240, was a TOD shotgun. Photographs were taken of the shotgun, of the 6 rounds from inside the shotgun, and the 6 rounds in the exterior carrier of the shotgun.

I brought the evidence to the Forensic Evidence Division. Evidence was transferred to PPB Property Receipts #1209412-1209417. See evidence section of report for details.

At the scene Detective Musser transferred two memory cards that had been taken as evidence to me. A 2GB Optima memory card with pictures of the scene taken by a witness was listed on PPB Property Receipt #1199166. A Lexar 128MB SD card with pictures of the scene was listed on PPB Property Receipt #1193107. I brought both of the memory cards to the Forensic Evidence Division and submitted them to the PPB Photo lab to be processed. I requested copies of the photographs obtained for Detective Kammerer and Detective Slater.

At the Forensic Evidence Division, I photographed the Taurus PT111 handgun, the magazine with five rounds, and the one round removed from the chamber.

I submitted the film to the PPB Photo Lab for processing. Copies of the photographs were requested for Detective Kammerer and Detective Slater. Criminalist Schleich submitted the video she took of the scene.

Items of evidence were placed in the FED vault. On May 18th evidence was removed from the vault by Criminalist Jones for Detective Kammerer and Detective Slater. See Criminalist Jones' report for further on the evidence that was removed.

Evidence in the FED vault are:

PER #1209402

Item #2: Placard #2; Crown Royal Bag
Item #4: Placard #4; Beanbag sock

PORTLAND POLICE BUREAU

FORENSIC EVIDENCE DIVISION
CONTINUATION REPORT

CASE NUMBER	CLASSIFICATION
10-38353	Officer Involved Shooting

NAME: LAST FIRST MIDDLE	SEX	RACE	DOB	CRN
Otis, Keaton D	M	B	1/4/1985	[redacted]

LOCATION OF OCCURRENCE	LOCATION OF INVESTIGATION (If Different)
NE 6th south of Halsey	

PER #1209403

Item #1: Placard #9; beanbag sock
Item #2: Placard #10; beanbag sock

PER #1209404

Item #8: Placard #24; black piece of plastic

PER #1209405

Item #1: Placard #25; beanbag shell casing
Item #3: Placard #27; beanbag shell casing
Item #4: Placard #28; beanbag shell casing

PER #1209406

Item #2: Placard #34; blue latex gloves
Item #4: Placard #36; black glove
Item #7: Placard #39; black glove

PER #1209407

Item #3: Placard #43; watch
Item #4: Placard #44; taser gate

PER #1209409

Item #1: Placard #58; swabs of blood on the wall
Item #2: Placard #59; swabs of blood on the wall
Item #3: Placard #60; swabs of blood on the wall
Item #4: Placard #61; deceased's wallet
Item #5: Placard #62; card from under deceased

PER #1209410

Item #6: Taser wire

PER #1209411

Item #1: Beanbag gun #LL5 with 15 rounds

PER #1209412

Item #1: Placard #1; Taser X00-[redacted]
-transferred from PER #1209402

PER #1209413

Item #1: Placard #12; Ford Key and selectron
-transferred from PER #1209403

INVESTIGATION BY CRIMINALIST	DPSST	SUPERVISOR
Durham, H 33027		

PORTLAND POLICE BUREAU | **FORENSIC EVIDENCE DIVISION CONTINUATION REPORT** | PAGE / OF 8 18

CASE NUMBER	CLASSIFICATION
10-38353	Officer Involved Shooting

NAME: LAST FIRST MIDDLE	SEX	RACE	DOB	CRN
Otis, Keaton D	M	B	1/4/1985	[redacted]

LOCATION OF OCCURRENCE	LOCATION OF INVESTIGATION (If Different)
NE 6th south of Halsey	

PER #1209414

Item #1: Placard #37; Tigerlight Flashlight
-transferred from PER #1209406

PER #1209415

Item #1: Placard #40; Taser X00-[redacted] SE67
-transferred from PER #1209406

PER #1209416

Item #1: Placard #55; Taser X00-[redacted] T8
-transferred from PER #1209408

INVESTIGATION BY CRIMINALIST DPSST	SUPERVISOR
Durham, H 33027	

BUREAU OF POLICE
2619 NW INDUSTRIAL WAY, STE. B4
PORTLAND, OREGON 97210

PROPERTY/EVIDENCE RECEIPT

THIS RECEIPT MUST BE ACCOMPANIED BY AN APPROPRIATE REPORT

RECEIPT NUMBER	DATE/TIME	REFER CASE NO.	PPB CASE NO.
No. 1209402	051210 AM / PM		10-38353

EVIDENCE ONLY | FOUND PROPERTY | PRISONER'S PROP. GAVE COPY: YES ☐ NO ☐ | SAFEKEEPING

PROPERTY TAKEN FROM:	LAST NAME	FIRST	M.I.	SEX	DOB
DENIED OWNERSHIP ☐					
HOME ADDRESS	CITY	STATE	ZIP		
OWNER OF PROPERTY	LAST NAME	FIRST	M.I.	SEX	DOB
HOME ADDRESS	CITY	STATE	ZIP	PHONE	

VOLUNTARILY RELINQUISHED THE ITEMS LISTED FOR SAFEKEEPING

SIGNATURE

TYPE OF INCIDENT	DELIVERING OFFICER	PER/ASSIGNMENT
Officer Involved Shooting	H Durham	33027/FED
LOCATION WHERE SEIZED/FOUND/SURRENDERED	INVESTIGATOR IF DIFFERENT	PER/ASSIGN
45 & Halsey	Kammerer	29978/Hm Dets

☐ DEFENDANT ☐ SUSPECT	LAST NAME	FIRST	M.I.	SEX	RACE	DOB

FOR GUNS: LIST MAKE, TYPE, CALIBER, MODEL, SERIAL NUMBER(S), IMPORTER & COUNTRY OF ORGIN
LIST ONLY ONE ITEM PER SELECTION

		STLN	FOR PED USE ONLY
ITEM 1	Plac #1 - Taser X00 (SO written on top) - south of body - transfered to 1209412		
ITEM 2	Plac #2 - Crown Royal Bag		
ITEM 3	Plac #3 - bullet - south of body		
ITEM 4	Plac #4 - beanbag sock - east of passenger door		
ITEM 5	Plac #5 - bullet fragment - east of passenger door		
ITEM 6	Plac #6 - bullet fragment - under passenger (front) side of Toy Camry OR ZET 208		
ITEM 7	Plac #7 - bullet fragment SE corner of NE Halsey/16		
ITEM 8	Plac #8 - bullet fragment SE corner of NE Halsey/16		

LOCKER	DATE	RECEIVED BY

DO NOT WRITE IN SPACE BELOW — FOR PED USE ONLY

IN DA...	ORIED AND ACCEPTED IN PROPERTY EVIDENCE DIVISION TIME:	BY	WHITE - RECORDS COPY YELOW - CITIZENS RECEIPT PINK - WITH PROPERTY

02-01-10

BUREAU OF POLICE
2619 NW INDUSTRIAL WAY, STE. B4
PORTLAND, OREGON 97210

PROPERTY EVIDENCE RECEIPT

THIS RECEIPT MUST BE ACCOMPANIED BY AN APPROPRIATE REPORT

RECEIPT NUMBER	DATE/TIME	REFER CASE NO.	PPB CASE NO.
No. 1209403	051210 AM / PM		10-38353

PPB ONLY — EVIDENCE ☒ FOUND PROPERTY ☐ PRISONER'S PROP ☐ SAFEKEEPING ☐
CAVE COPY YES ☐ NO ☐

PROPERTY TAKEN FROM:	LAST NAME	FIRST	M.I.	SEX	DOB
DENIED OWNERSHIP ☐					
HOME ADDRESS	CITY	STATE	ZIP		
OWNER OF PROPERTY	LAST NAME	FIRST	M.I.	SEX	DOB
HOME ADDRESS	CITY	STATE	ZIP	PHONE	

VOLUNTARILY RELINQUISH THE ITEM(S) LISTED FOR SAFEKEEPING

SIGNATURE

TYPE OF INCIDENT	DELIVERING OFFICER	BADGE/ID/SIGN
Officer involved shooting	H Durham	33047 FED
LOCATION WHERE SEIZED/FOUND/SURRENDERED	INVESTIGATOR/OFFICER	BADGE/ID/SIGN
NE 61st/Halsey	Kammerer	29866 / Hon DCS

☐ DEFENDANT ☐ SUSPECT

LAST NAME	FIRST	M.I.	SEX	RACE	DOB

	FOR CLINS: LIST MAKE, TYPE, CALIBER, MODEL, SERIAL NUMBER(S), IMPORTER, COUNTRY OF ORIGIN. LIST ONE ITEM PER SELECTION.	STLN	FOR PED USE ONLY
ITEM 1	Placard #9 - beanbag sock eastside walk - east		
ITEM 2	Placard #10 - beanbag sock eastside walk - west		
ITEM 3	Placard #11 - casing East sidewalk		
ITEM 4	Placard #12 - ~~casing~~ keys w/selotish transfered to PER 120913		
ITEM 5	Placard #13 - casing		
ITEM 6	Placard # 14 - casing		
ITEM 7	Placard # 15 - casing		
ITEM 8	Placard #16 casing		

ITEM	LOCKER	DATE	RECEIVED BY

DO NOT WRITE IN SPACE BELOW — FOR PED USE ONLY

INV: RIED AND ACCEPTED IN PROPERTY EVIDENCE DIVISION	BY	WHITE - RECORDS COPY YELOW - CITIZENS RECEIPT PINK - WITH PROPERTY
DA TIME:		

02-01-10

BUREAU OF POLICE
2619 NW INDUSTRIAL WAY, STE. B4
PORTLAND, OREGON 97210

PROPERTY/EVIDENCE RECEIPT

THIS RECEIPT MUST BE ACCOMPANIED BY AN APPROPRIATE REPORT

RECEIPT NUMBER	DATE/TIME	REFER CASE NO.	PPB CASE NO.
No. 1209404	051210 AM / PM		10-38353

TYPE ONLY → EVIDENCE | FOUND PROPERTY | PRISONER'S PROP (CASH COPY? YES / NO) | SAFEKEEPING

PROPERTY TAKEN FROM:	LAST NAME	FIRST	M.I.	SEX	DOB
DENIED OWNERSHIP ☐					
HOME ADDRESS	CITY	STATE	ZIP		
OWNER OF PROPERTY	LAST NAME	FIRST	M.I.	SEX	DOB
HOME ADDRESS	CITY	STATE	ZIP	PHONE	

I VOLUNTARILY RELINQUISH THE ITEMS LISTED FOR SAFEKEEPING

SIGNATURE

TYPE OF INCIDENT	DELIVERING OFFICER	P#	ASSIGN
Officer involved Shooting	H Durham	33027	1FE01
LOCATION WHERE SEIZED / FOUND / ARRESTED / FREED	INVESTIGATOR RECEIVING PROPERTY	P#	ASSIGN
NE 6th/Halsey	Kammerer	29178	Hm Dets

	LAST NAME	FIRST	M.I.	SEX	RACE	DOB
☐ DEFENDANT						
☐ SUSPECT						

	FOR GUNS LIST MAKE / CALIBER / MODEL / SERIAL NUMBER(S) / IMPORTER / COUNTRY OF ORIGIN — LIST ONLY ONE ITEM PER SELECTION	STLN	FOR PED USE ONLY
ITEM 1	Plac #17 - casing		
ITEM 2	Plac #18 - casing		
ITEM 3	Plac #19 casing		
ITEM 4	Plac #20 casing		
ITEM 5	Plac #21 - casing		
ITEM 6	Plac #22 - casing		
ITEM 7	Plac #23 - casing - undergrate		
ITEM 8	Plac #24 - black plastic - next to tree in east sidewalk		

LOCKER	DATE	RECEIVED BY

DO NOT WRITE IN SPACE BELOW — FOR PED USE ONLY

INVENTORIED AND ACCEPTED IN PROPERTY EVIDENCE DIVISION	BY	WHITE - RECORDS COPY YELOW - CITIZENS RECEIPT PINK - WITH PROPERTY
DATE: TIME:		

02-01-10

BUREAU OF POLICE
2619 NW INDUSTRIAL WAY, STE. B4
PORTLAND, OREGON 97210

PROPERTY/EVIDENCE RECEIPT

THIS RECEIPT MUST BE ACCOMPANIED BY AN APPROPRIATE REPORT

RECEIPT NUMBER	DATE/TIME	REFER CASE NO.	PPB CASE NO.
No. 1209405	05/210 AM / PM		10-38353

TYPE: ONLY ➡ EVIDENCE | FOUND PROPERTY | PRISONER'S PROP. Or GAVE COPY YES ☐ NO ☐ | SAFEKEEPING

PROPERTY TAKEN FROM:	LAST NAME	FIRST	M.I.	SEX	DOB
DENIED OWNERSHIP ☐					
HOME ADDRESS	CITY	STATE	ZIP		

I VOLUNTARILY RELINQUISH THE ITEM(S) LISTED FOR SAFEKEEPING.

SIGNATURE

OWNER OF PROPERTY	LAST NAME	FIRST	M.I.	SEX	DOB
HOME ADDRESS	CITY	STATE	ZIP	PHONE	

TYPE OF INCIDENT	DELIVERING OFFICER	DEPT ASSIGN
Officer Involved Shooting	Durkan 35024	MED
LOCATION WHERE SEIZED, FOUND, SURRENDERED	INVESTIGATOR IF DIFFERENT	DEPT ASSIGN
NE 6th/Halsey	Kemmerer 29382	MHanDets

☐ DEFENDANT ☐ SUSPECT	LAST NAME	FIRST	M.I.	SEX	RACE	DOB

FOR ITEMS LIST MAKE, STYLE, CALIBER, MODEL, SERIAL NUMBER(S), IMPORTER & COUNTRY OF ORGIN (LIST ONE ITEM PER SELECTION)	STLN	FOR PED USE ONLY
ITEM 1 Plac #25 - Beanbag ~~round~~ Shell casing - next to building		
ITEM 2 Plac #26 - casing		
ITEM 3 Plac 27 - Beanbag ~~round~~ Shell casing - east sidewalk		
ITEM 4 Plac 28 - Beanbag ~~round~~ Shell casing - east sidewalk		
ITEM 5 Plac 29 - casing		
ITEM 6 Plac 30 - casing		
ITEM 7 Plac 31 - casing		
ITEM 8 Plac 32 - casing		

DELIVERED BY (SIGNATURE)	LOCKER	DATE	RECEIVED BY

DO NOT WRITE IN SPACE BELOW — FOR PED USE ONLY

IN ...ORIED AND ACCEPTED IN PROPERTY EVIDENCE DIVISION	BY	WHITE - RECORDS COPY YELOW - CITIZENS RECEIPT PINK - WITH PROPERTY
DA... TIME:		

02-01-10

BUREAU OF POLICE
2619 NW INDUSTRIAL WAY, STE. B4
PORTLAND, OREGON 97210

PROPERTY/EVIDENCE RECEIPT

THIS RECEIPT MUST BE ACCOMPANIED BY AN APPROPRIATE REPORT

RECEIPT NUMBER	DATE/TIME	REFER CASE NO.	PPB CASE NO.
No. 1209406	051210 AM / PM		10-38353

CHECK TYP ONLY: EVIDENCE ☐ FOUND PROPERTY ☐ PRISONER'S PROPS GAVE COPY: YES ☐ NO ☐ SAFEKEEPING ☐

PROPERTY TAKEN FROM:	LAST NAME	FIRST	M.I.	SEX	DOB
DENIED OWNERSHIP ☐					
HOME ADDRESS	CITY	STATE	ZIP		
OWNER OF PROPERTY	LAST NAME	FIRST	M.I.	SEX	DOB
HOME ADDRESS	CITY	STATE	ZIP	PHONE	

I VOLUNTARILY RELINQUISH THE ITEM(S) LISTED FOR SAFEKEEPING

SIGNATURE

TYPE OF INCIDENT	DELIVERING OFFICER	P#	ASSIGNED
Officer involved shooting	Duchow	33027	HED
LOCATION WHERE SEIZED / FOUND / SURRENDERED	INVESTIGATOR (IF DIFFERENT)	P#	ASSIGNED
NE 6th Halsey	Kammerer	29786	Hmlds

☐ DEFENDANT ☐ SUSPECT	LAST NAME	FIRST	M.I.	SEX	RACE	DOB

	FOR GUNS: LIST MAKE, TYPE, CALIBER, MODEL, SERIAL NUMBER(S), IMPORTER & COUNTRY OF ORIGIN (ONLY ONE ITEM PER SELECTION)	STLN	FOR PED USE ONLY
ITEM 1	Plac# 33 - Casing		
ITEM 2	Plac 34 - gloves (blue)		
ITEM 3	Plac 35 - fragment - next to blue glove		
ITEM 4	Plac 36 - black glove		
ITEM 5	Plac 37 - flashlight - Tiger light transf. to PER # 1209414		
ITEM 6	Plac 38 - bullet fragment		
ITEM 7	Plac 39 - black glove - near west sidewalk		
ITEM 8	Plac 40 - Taser X00- [redacted] $67 - trans to PER 1209415 between Grey Crown VIC OR Zhc 20 & Silver Vic 015 CLW		

LOCKER	DATE	RECEIVED BY

DO NOT WRITE IN SPACE BELOW — FOR PED USE ONLY

INV: CARRIED AND ACCEPTED IN PROPERTY EVIDENCE DIVISION	BY	WHITE - RECORDS COPY YELOW - CITIZENS RECEIPT PINK - WITH PROPERTY
DA: TIME:		

02-01-10

BUREAU OF POLICE
2619 NW INDUSTRIAL WAY, STE. B4
PORTLAND, OREGON 97210

PROPERTY/EVIDENCE RECEIPT

THIS RECEIPT MUST BE ACCOMPANIED BY AN APPROPRIATE REPORT

RECEIPT NUMBER	DATE/TIME	AM / PM	REFER CASE NO.	PPB CASE NO.
No. 1209407	051210			10-38353

TYPE ONLY: ☑ EVIDENCE ☐ FOUND PROPERTY ☐ PRISONER'S PROP. (SAFE COPY: YES ☐ NO ☐) ☐ SAFEKEEPING

PROPERTY TAKEN FROM: LAST NAME | FIRST | M.I. | SEX | DOB

DENIED OWNERSHIP ☐

HOME ADDRESS | CITY | STATE | ZIP

OWNER OF PROPERTY LAST NAME | FIRST | M.I. | SEX | DOB

HOME ADDRESS | CITY | STATE | ZIP | PHONE

I VOLUNTARILY RELINQUISH THE ITEMS LISTED FOR SAFEKEEPING.

OWNER SIGNATURE

TYPE OF INCIDENT: Officer Involved Shooting | DELIVERING OFFICER: Duchaine 3312 | FIRST ASSIGNED: PSD

LOCATION WHERE SEIZED / FOUND / SURRENDERED: NE 61st Ave | INVESTIGATOR (IF DIFFERENT): Kammerer 2988 | SUPERVISOR: Hamm 0551

☐ DEFENDANT ☐ SUSPECT | LAST NAME | FIRST | M.I. | SEX | RACE | DOB

ITEM	FOR GUNS: LIST MAKE, TYPE, CALIBER, MODEL, SERIAL NUMBER(S), IMPORTER & COUNTRY OF ORIGIN. LIST ONLY ONE ITEM PER SELECTION.	STLN	FOR PED USE ONLY
ITEM 1	Plac 41 - bullet		
ITEM 2	Plac 42 - casing		
ITEM 3	Plac 43 - watch - under driver's side of vehicle ORIZET 208 Taylor		
ITEM 4	Plac 44 - taser gate		
ITEM 5	Plac 45 - casing		
ITEM 6	Plac 46 - casing		
ITEM 7	Plac 47 - casing		
ITEM 8	Plac 48 - casing		

OTHER PROPERTY ITEMS | LOCKER | DATE | RECEIVED BY

DO NOT WRITE IN SPACE BELOW — FOR PED USE ONLY

IN: ORIED AND ACCEPTED IN PROPERTY EVIDENCE DIVISION | BY
DA: TIME:

WHITE - RECORDS COPY
YELOW - CITIZENS RECEIPT
PINK - WITH PROPERTY

02-01-10

BUREAU OF POLICE
2619 NW INDUSTRIAL WAY, STE. B4
PORTLAND, OREGON 97210

PROPERTY/EVIDENCE RECEIPT

THIS RECEIPT MUST BE ACCOMPANIED BY AN APPROPRIATE REPORT

RECEIPT NUMBER	DATE/TIME	REFER CASE NO.	PPB CASE NO.
No. 1209408	051210 AM / PM		10-38353

CHECK TYPE ONLY: ☑ EVIDENCE ☐ FOUND PROPERTY ☐ PRISONER'S PROP. GAVE COPY? YES ☐ NO ☐ ☐ SAFEKEEPING

PROPERTY TAKEN FROM:	LAST NAME	FIRST	M.I.	SEX	DOB
DENIED OWNERSHIP ☐					
HOME ADDRESS	CITY	STATE	ZIP		
OWNER OF PROPERTY	LAST NAME	FIRST	M.I.	SEX	DOB
HOME ADDRESS	CITY	STATE	ZIP	PHONE	

VOLUNTARILY RELINQUISHED ITEMS LISTED FOR SAFEKEEPING

SIGNATURE

TYPE OF INCIDENT	RECEIVING OFFICER	I.D./ASSIGN.
Officer involved shooting	Dishaw	23027/1160
LOCATION WHERE SEIZED, FOUND, SURRENDERED	INVESTIGATOR I.D. (IF DIFFERENT)	I.D./ASSIGN.
NE 61st Halsey	Kammerer	29483/Hmicide

☐ DEFENDANT / ☐ SUSPECT	LAST NAME	FIRST	M.I.	SEX	RACE	DOB

FOR GUNS USE: MAKE, TYPE, CALIBER, MODEL, SERIAL NUMBER(S), IMPORTER & COUNTRY OF ORIGIN — LIST ONLY ONE ITEM PER SELECTION	STLN	FOR PED USE ONLY
ITEM 1: Plac 49 - casing		
ITEM 2: Plac 50 - casing		
ITEM 3: Plac 51 - casing		
ITEM 4: Plac 53 - casing		
ITEM 5: Plac 54 - casing		
ITEM 6: Plac 55 - taser X26 - T8 - trash taper probe east of rear passenger side of OIS CW		
ITEM 7: Plac 56 - bullet fragment - SW corner of NE 61st Halsey		
ITEM 8: Plac 57 bullet fragment - wall		

DELIVERED TO: SECURE AREA / SAFE / ROOM / PED	LOCKER	DATE	RECEIVED BY

DO NOT WRITE IN SPACE BELOW — FOR PED USE ONLY

IN: CARRIED AND ACCEPTED IN PROPERTY EVIDENCE DIVISION DATE: TIME:	BY	WHITE - RECORDS COPY YELOW - CITIZENS RECEIPT PINK - WITH PROPERTY

02-01-10

BUREAU OF POLICE
2619 NW INDUSTRIAL WAY, STE. B4
PORTLAND, OREGON 97210

PROPERTY/EVIDENCE RECEIPT

THIS RECEIPT MUST BE ACCOMPANIED BY AN APPROPRIATE REPORT

RECEIPT NUMBER	DATE/TIME	REFER CASE NO.	PPB CASE NO.
No. 1209409	051210 AM / PM		10-38353

TYPE: ONLY ☒ EVIDENCE ☐ FOUND PROPERTY ☐ PRISONER'S PROP. GAVE COPY? YES ☐ NO ☐ ☐ SAFEKEEPING

PROPERTY TAKEN FROM:	LAST NAME	FIRST	M.I.	SEX	DOB
DENIED OWNERSHIP ☐					
HOME ADDRESS	CITY	STATE	ZIP		
OWNER OF PROPERTY	LAST NAME	FIRST	M.I.	SEX	DOB
HOME ADDRESS	CITY	STATE	ZIP	PHONE	

I VOLUNTARILY RELINQUISH THE ITEM(S) LISTED FOR SAFEKEEPING

SIGNATURE

TYPE OF INCIDENT	RECEIVING OFFICER	P#	ASSIGN
Officer Involved Shooting	Dicharo	33027	HEO
LOCATION WHERE SEIZED/FOUND/SURRENDERED	INVESTIGATOR IF DIFFERENT	P#	ASSIGN
NE 61st & Halsey	Kammerer	29981	Hawes

☐ DEFENDANT ☐ SUSPECT	LAST NAME	FIRST	M.I.	SEX	RACE	DOB

	FOR GUNS: LIST MAKE, TYPE, CALIBER, MODEL, SERIAL NUMBER(S), IMPORTER & COUNTRY OF ORGIN. LIST ONLY ONE ITEM PER SELECTION	STLN	FOR PED USE ONLY
ITEM 1	Plac 58 - blood on wall		
ITEM 2	Plac 59 - blood on wall under south window		
ITEM 3	Plac 60 - blood on wall - next to sidewalk		
ITEM 4	Plac 61 - wallet - body's right front jean's pocket		
ITEM 5	Plac 62 - card from under body		
ITEM 6	Plac 63 - bullet fragment hood of OR17HC240		
ITEM 7	Plac 64 - casing - east side trunk of Tayota OR/ZET208		
ITEM 8	Plac 65 - mid trunk of Tayota OR/ZET208 casing		

LOCATION OF ITEM(S) IF NOT STORED IN PROPERTY	LOCKER	DATE	RECEIVED BY

DO NOT WRITE IN SPACE BELOW — FOR PED USE ONLY

IN[illegible]ORIED AND ACCEPTED IN PROPERTY EVIDENCE DIVISION DA[illegible] TIME:	BY	WHITE - RECORDS COPY YELOW - CITIZENS RECEIPT PINK - WITH PROPERTY

02-01-10

BUREAU OF POLICE
2619 NW INDUSTRIAL WAY, STE. B4
PORTLAND, OREGON 97210

PROPERTY/EVIDENCE RECEIPT

THIS RECEIPT MUST BE ACCOMPANIED BY AN APPROPRIATE REPORT

RECEIPT NUMBER	DATE/TIME	REFER CASE NO.	PPB CASE NO.
No. 1209410	05/2/10 AM/PM		10-38353

TYPE ONLY: ☐ EVIDENCE ☐ FOUND PROPERTY ☐ PRISONER'S PROP GAVE COPY: YES ☐ NO ☐ ☐ SAFEKEEPING

PROPERTY TAKEN FROM: LAST NAME | FIRST | M.I. | SEX | DOB

DENIED OWNERSHIP ☐

HOME ADDRESS | CITY | STATE | ZIP

I VOLUNTARILY RELINQUISH THE ITEMS LISTED FOR SAFEKEEPING

OWNER OF PROPERTY LAST NAME | FIRST | M.I. | SEX | DOB

SIGNATURE

HOME ADDRESS | CITY | STATE | ZIP | PHONE

TYPE OF INCIDENT: Officer involved shooting | DELIVERING OFFICER: Durham 3324 / FED

LOCATION WHERE SEIZED/FOUND/SURRENDERED: NE 61 Halsey | INVESTIGATOR (IF DIFFERENT): Kammerer 2988 / Hamblet

☐ DEFENDANT ☐ SUSPECT | LAST NAME | FIRST | M.I. | SEX | RACE | DOB

FOR PEDS USE: LIST MAKE, TYPE, CALIBER, MODEL, SERIAL NUMBER(S), IMPORTER & COUNTRY OF ORGIN. LIST ONLY ONE ITEM PER SELECTION	STLN	FOR PED USE ONLY
ITEM 1	Plac 66 - casing west (mid) trunk OR 1ZET208 Toyota		
ITEM 2	Plac 67 - gun - 1 round chamber, mag w/ 5 rounds - Taurus PT111 TVK95611 driver's side seat - Transfer PER # 1209417		
ITEM 3	Plac 68 - casing - hood of Blue Chevy Vic OR 1ZHC233		
ITEM 4	Plac 69 - fragment - NE corner NE 61/Halsey		
ITEM 5	~~Taser wire~~ Plac 70 - bullet fragment ~~Toyota Camry~~ ~~- from rear passenger door & east sidewalk next to OR 1ZET208~~		
ITEM 6	Taser wire - from rear passenger door & east sidewalk next to Toy Corolla OR 1ZET208		
ITEM 7			
ITEM 8			

DELIVERED TO PROPERTY EVIDENCE DIVISION BY (CHECK ONE ONLY) ☐ HAND ☐ MAIL ☐ OTHER | LOCKER | DATE | RECEIVED BY

DO NOT WRITE IN SPACE BELOW — FOR PED USE ONLY

STORIED AND ACCEPTED IN PROPERTY EVIDENCE DIVISION | BY

DATE: TIME:

WHITE - RECORDS COPY
YELOW - CITIZENS RECEIPT
PINK - WITH PROPERTY

02-01-10

BUREAU OF POLICE
2619 NW INDUSTRIAL WAY, STE. B4
PORTLAND, OREGON 97210

PROPERTY/EVIDENCE RECEIPT

THIS RECEIPT MUST BE ACCOMPANIED BY AN APPROPRIATE REPORT

RECEIPT NUMBER	DATE/TIME	REFER CASE NO.	PPB CASE NO.
No. 1209411	05/2/10 AM / PM		10-38353

TYPE ONLY → EVIDENCE | FOUND PROPERTY | PRISONER'S PROP. GAVE COPY YES ☐ NO ☐ | SAFEKEEPING

PROPERTY TAKEN FROM: LAST NAME | FIRST | M.I. | SEX | DOB

DENIED OWNERSHIP ☐

HOME ADDRESS | CITY | STATE | ZIP

VOLUNTARILY RELINQUISHED ITEM(S) LISTED FOR SAFEKEEPING

OWNER OF PROPERTY LAST NAME | FIRST | M.I. | SEX | DOB

SIGNATURE

HOME ADDRESS | CITY | STATE | ZIP | PHONE

TYPE OF INCIDENT: Officer involved shooting | DELIVERING OFFICER: Durkee 3597 | P# ASSIGN: 1 FED

LOCATION WHERE SEIZED, FOUND, SURRENDERED: 106 & Halsey | INVESTIGATOR (IF DIFFERENT): Kammer 29681 | DES. ASSIGN: 1 Kam Det.

☐ DEFENDANT ☐ SUSPECT | LAST NAME | FIRST | M.I. | SEX | RACE | DOB

FOR EACH ITEM LIST MAKE, TYPE, CALIBER, MODEL, SERIAL NUMBER(S), IMPORTER & COUNTY OF ORIGIN. LIST ONLY ONE ITEM PER SELECTION	STLN	FOR PED USE ONLY
ITEM 1	Beanbag gun & 15 rounds: Beanbag gun # LL5 - interior rack of TM 0900098 ORIE248018		
ITEM 2			
ITEM 3			
ITEM 4			
ITEM 5			
ITEM 6			
ITEM 7			
ITEM 8			

DELIVERED BY (PRINT & SIGN)	LOCKER	DATE	RECEIVED BY

DO NOT WRITE IN SPACE BELOW — FOR PED USE ONLY

ITEMS CARRIED AND ACCEPTED IN PROPERTY EVIDENCE DIVISION DATE: TIME:	BY	WHITE - RECORDS COPY YELOW - CITIZENS RECEIPT PINK - WITH PROPERTY

02-01-10

.BUREAU OF POLICE
2619 NW INDUSTRIAL WAY, STE. B4
PORTLAND, OREGON 97210

PROPERTY EVIDENCE RECEIPT

THIS RECEIPT MUST BE ACCOMPANIED BY AN APPROPRIATE REPORT

RECEIPT NUMBER	DATE/TIME	REFER CASE NO.	PPB CASE NO.
No. 1209412	051210 AM / PM		10-38353

EVIDENCE ONLY ☐ | FOUND PROPERTY ☐ | PRISONER'S PROP. GAVE CORV. YES ☐ NO ☐ | SAFEKEEPING ☐

PROPERTY TAKEN FROM: LAST NAME | FIRST | M.I. | SEX | DOB

DENIED OWNERSHIP ☐

HOME ADDRESS | CITY | STATE | ZIP

VOLUNTARILY RELINQUISHED ITEMS LISTED FOR SAFEKEEPING

OWNER OF PROPERTY LAST NAME | FIRST | M.I. | SEX | DOB

SIGNATURE

HOME ADDRESS | CITY | STATE | ZIP | PHONE

TYPE OF RECOVERY: ORS 161.325 Seizure | DELIVERING OFFICER: [illegible] | OPS ASSIGN: 3502

LOCATION WHERE SEIZED / FOUND / SURRENDERED: 4 Dr. Car Hallway | INVESTIGATOR OF RECOVERED PROPERTY: Kaminski | PR ASSIGN: 12961/Romero

☐ DEFENDANT | LAST NAME | FIRST | M.I. | SEX | RACE | DOB

☐ SUSPECT

ITEM	FOR GUNS: LIST MAKE, TYPE, CALIBER, MODEL, SERIAL NUMBER & IMPORTER & COUNTRY OF ORGIN. LIST ONLY ONE ITEM PER SELECTION	STLN	FOR PED USE ONLY
1	Plac #1 - Taser X00- [redacted] (SO written on top) transfered from PER 1209402 #1		
2			
3			
4			
5			
6			
7			
8			

DELIVERED BY: [illegible] | LOCKER | DATE | RECEIVED BY

DO NOT WRITE IN SPACE BELOW — FOR PED USE ONLY

IN [illegible] ORIED AND ACCEPTED IN PROPERTY EVIDENCE DIVISION | BY

DA[illegible] TIME:

WHITE - RECORDS COPY
YELOW - CITIZENS RECEIPT
PINK - WITH PROPERTY

02-01-10

BUREAU OF POLICE
2619 NW INDUSTRIAL WAY, STE. B4
PORTLAND, OREGON 97210

PROPERTY/EVIDENCE RECEIPT

THIS RECEIPT MUST BE ACCOMPANIED BY AN APPROPRIATE REPORT

RECEIPT NUMBER	DATE/TIME	REFER CASE NO.	PPB CASE NO.
No. 1209413	051210 AM / PM		10-38353

TYPE ONLY ☐ EVIDENCE ☐ FOUND PROPERTY ☐ PRISONER'S PROP ☐ SAVE COPY YES ☐ NO ☐ SAFE KEEPING ☐

PROPERTY TAKEN FROM: LAST NAME | FIRST | M.I. | SEX | DOB

DENIED OWNERSHIP ☐

HOME ADDRESS | CITY | STATE | ZIP

I VOLUNTARILY RELINQUISH THE ITEM(S) LISTED FOR SAFEKEEPING

SIGNATURE

OWNER OF PROPERTY LAST NAME | FIRST | M.I. | SEX | DOB

HOME ADDRESS | CITY | STATE | ZIP | PHONE

TYPE OF INCIDENT: Prop Damage | DELIVERING OFFICER: Dan Rose | BPST ASSIGN: 3302 / FED

LOCATION WHERE ITEM(S) FOUND/SURRENDERED: [illegible] | INVESTIGATOR (IF DIFFERENT): Kammerer 2998 / Homicide | BPST ASSIGN:

☐ DEFENDANT ☐ SUSPECT | LAST NAME | FIRST | M.I. | SEX | RACE | DOB

	FOR GUNS: LIST MAKE, TYPE, CALIBER, MODEL, SERIAL NUMBER(S), IMPORTER & COUNTRY OF ORIGIN. FOR ONLY ONE ITEM PER SELECTION.	STLN	FOR PED USE ONLY
ITEM 1	Ford key w/ selkton & PPB keychain Pbcard #12 transferred from PER 1209403 Item #4		
ITEM 2			
ITEM 3			
ITEM 4			
ITEM 5			
ITEM 6			
ITEM 7			
ITEM 8			

CHECKED OUT BY	LOCKER	DATE	RECEIVED BY

DO NOT WRITE IN SPACE BELOW — FOR PED USE ONLY

ITEM(S) INVENTORIED AND ACCEPTED IN PROPERTY EVIDENCE DIVISION	BY	WHITE - RECORDS COPY YELOW - CITIZENS RECEIPT PINK - WITH PROPERTY
DATE: TIME:		

02-01-10

BUREAU OF POLICE
2619 NW INDUSTRIAL WAY, STE. B4
PORTLAND, OREGON 97210

PROPERTY/EVIDENCE RECEIPT

THIS RECEIPT MUST BE ACCOMPANIED BY AN APPROPRIATE REPORT

RECEIPT NUMBER	DATE/TIME	REFER CASE NO.	PPB CASE NO.
No. 1209414	0520 AM / PM		10-38353

EVIDENCE ONLY ☐ EVIDENCE ☐ FOUND PROPERTY ☐ PRISONER'S PROP. CAVE COPY YES ☐ NO ☐ ☐ SAFEKEEPING

PROPERTY TAKEN FROM:	LAST NAME	FIRST	M.I.	SEX	DOB
DENIED OWNERSHIP ☐					
HOME ADDRESS	CITY	STATE		ZIP	
OWNER OF PROPERTY	LAST NAME	FIRST	M.I.	SEX	DOB
HOME ADDRESS	CITY	STATE		ZIP	PHONE

VOLUNTARILY RELINQUISHED ITEMS LISTED FOR SAFEKEEPING

SIGNATURE

TYPE OF INCIDENT: Officer Involved Shooting | DELIVERING OFFICER: Dufresne | STA. NO.: 33941

LOCATION WHERE SEIZED/FOUND/SURRENDERED: NE 60th Ave & Prescott | INVESTIGATOR IF DIFFERENT: Kaczmarek | TEL. NO.: 823-0060

☐ DEFENDANT ☐ SUSPECT	LAST NAME	FIRST	M.I.	SEX	RACE	DOB

FOR ITEMS LISTED MAKE, TYPE, CALIBER, MODEL, SERIAL NUMBERS, IMPORTER & COUNTRY OF ORIGIN. LIST ONE FOUND ITEM PER SELECTION	STLN	FOR PED USE ONLY
ITEM 1 Plac #37 - Tigerlight Flashlight transferred from PER #1209406		
ITEM 2		
ITEM 3		
ITEM 4		
ITEM 5		
ITEM 6		
ITEM 7		
ITEM 8		

LOCKER	DATE	RECEIVED BY

DO NOT WRITE IN SPACE BELOW — FOR PED USE ONLY

INV. ORIED AND ACCEPTED IN PROPERTY EVIDENCE DIVISION	BY	WHITE - RECORDS COPY YELOW - CITIZENS RECEIPT PINK - WITH PROPERTY
DA: TIME:		

02-01-10

BUREAU OF POLICE
2619 NW INDUSTRIAL WAY, STE. B4
PORTLAND, OREGON 97210

PROPERTY/EVIDENCE RECEIPT

THIS RECEIPT MUST BE ACCOMPANIED BY AN APPROPRIATE REPORT

RECEIPT NUMBER	DATE/TIME	REFER CASE NO.	PPB CASE NO.
No. 1209415	05/20 AM PM		10-38353

TYPE ONLY: EVIDENCE | FOUND PROPERTY | PRISONER'S PROP. GAVE COPY: YES NO | SAFEKEEPING

PROPERTY TAKEN FROM:	LAST NAME	FIRST	M.I.	SEX	DOB
DENIED OWNERSHIP ☐					
HOME ADDRESS	CITY	STATE		ZIP	
OWNER OF PROPERTY	LAST NAME	FIRST	M.I.	SEX	DOB
HOME ADDRESS	CITY	STATE		ZIP	PHONE

VOLUNTARILY RELINQUISH THE ITEM(S) LISTED FOR SAFEKEEPING

SIGNATURE

TYPE OF INCIDENT: Robbery/Rape | DELIVERING OFFICER: D. Gaeddert | BEAT ASSIGNED: B207 FED

LOCATION WHERE SEIZED, FOUND, SURRENDERED BY: Mall Kaiser | INVESTIGATOR IF DIFFERENT: R. Kammeier | BEAT ASSIGNED: 2998/15mDet

☐ DEFENDANT ☐ SUSPECT

LAST NAME	FIRST	M.I.	SEX	RACE	DOB

	FOR GUNS: LIST MAKE, TYPE, CALIBER, MODEL, SERIAL NUMBER(S), IMPORTER & COUNTRY OF ORIGIN. LIST ONLY ONE ITEM PER SELECTION	STLN	FOR PED USE ONLY
ITEM 1	Plac #40 - Taser X00- [redacted] SE67		
	trasfer: from PER # 1209406		
ITEM 2			
ITEM 3			
ITEM 4			
ITEM 5			
ITEM 6			
ITEM 7			
ITEM 8			

DESCRIPTION OF PROPERTY	LOCKER	DATE	RECEIVED BY

DO NOT WRITE IN SPACE BELOW — FOR PED USE ONLY

STORIED AND ACCEPTED IN PROPERTY EVIDENCE DIVISION TIME:	BY	WHITE - RECORDS COPY YELOW - CITIZENS RECEIPT PINK - WITH PROPERTY

02-01-10

BUREAU OF POLICE
2619 NW INDUSTRIAL WAY, STE. B4
PORTLAND, OREGON 97210

PROPERTY/EVIDENCE RECEIPT

THIS RECEIPT MUST BE ACCOMPANIED BY AN APPROPRIATE REPORT

RECEIPT NUMBER	DATE/TIME	REFER CASE NO.	PPB CASE NO.
No. 1209416	05/20 AM / PM		10-38353

TYPE ONLY: EVIDENCE | FOUND PROPERTY | PRISONER'S PROP. (GIVE COPY? YES / NO) | SAFEKEEPING

PROPERTY TAKEN FROM: LAST NAME | FIRST | M.I. | SEX | DOB

DENIED OWNERSHIP ☐

HOME ADDRESS | CITY | STATE | ZIP

VOLUNTARILY RELINQUISHED THE ITEM(S) LISTED FOR SAFEKEEPING

SIGNATURE

OWNER OF PROPERTY LAST NAME | FIRST | M.I. | SEX | DOB

HOME ADDRESS | CITY | STATE | ZIP | PHONE

TYPE OF INCIDENT: Police Impound

DELIVERING OFFICER: Duncan 3302 | PREC

LOCATION WHERE SEIZED / FOUND / SURRENDERED: NE Cathay

INVESTIGATOR IF DIFFERENT: Kaemmerer 29787 | PREC ASSIGN: Homicide

☐ DEFENDANT
☐ SUSPECT

LAST NAME | FIRST | M.I. | SEX | RACE | DOB

FOR GUNS: LIST MAKE, TYPE, CALIBER, MODEL, SERIAL NUMBER(S), IMPORTER & COUNTRY OF ORIGIN. LIST ONE ITEM PER SELECTION	STLN	FOR PED USE ONLY
ITEM 1: Plac #55 - Taser X00- [redacted] T8 transf. PER #1209408		
ITEM 2:		
ITEM 3:		
ITEM 4:		
ITEM 5:		
ITEM 6:		
ITEM 7:		
ITEM 8:		

RELEASED TO (LIST OF OFFICER'S PRINT NAME, SIGNATURE, AND PPB NO.)	LOCKER	DATE	RECEIVED BY

DO NOT WRITE IN SPACE BELOW — FOR PED USE ONLY

ITEMS ENTERED AND ACCEPTED IN PROPERTY EVIDENCE DIVISION	BY	
DATE: TIME:		WHITE - RECORDS COPY YELOW - CITIZENS RECEIPT PINK - WITH PROPERTY

02-01-10

BUREAU OF POLICE
2619 NW INDUSTRIAL WAY, STE. B4
PORTLAND, OREGON 97210

PROPERTY/EVIDENCE RECEIPT

THIS RECEIPT MUST BE ACCOMPANIED BY AN APPROPRIATE REPORT

RECEIPT NUMBER	DATE/TIME	REFER CASE NO.	PPB CASE NO.
No. 1209417	051210 AM / PM		10-38353

CHECK TYPE ONLY: ☒ EVIDENCE ☐ FOUND PROPERTY ☐ PRISONER'S PROP. (GAVE COPY: YES ☐ NO ☐) ☐ SAFEKEEPING

PROPERTY TAKEN FROM: LAST NAME | FIRST | M.I. | SEX | DOB

DENIED OWNERSHIP ☐

HOME ADDRESS | CITY | STATE | ZIP

OWNER OF PROPERTY LAST NAME | FIRST | M.I. | SEX | DOB

HOME ADDRESS | CITY | STATE | ZIP | PHONE

I VOLUNTARILY RELINQUISH THE ITEM(S) LISTED FOR SAFEKEEPING

SIGNATURE

TYPE OF INCIDENT: Police Shooting | DELIVERING OFFICER: Davidson | 3307 | BPS/ASSIGN: Keo

LOCATION WHERE SEIZED, FOUND, SURRENDERED, ETC.: NE 6th/Maxey | INVESTIGATOR IF DIFFERENT: Kammerer 2998/Hendes | BPS/ASSIGN:

☐ DEFENDANT ☐ SUSPECT | LAST NAME | FIRST | M.I. | SEX | RACE | DOB

ITEM	FOR GUNS, LIST MAKE, TYPE, CALIBER, MODEL, SERIAL NUMBER(S), IMPORTER & COUNTRY OF ORGIN. LIST ONLY ONE ITEM PER SELECTION	STLN	FOR PED USE ONLY
ITEM 1	Glock 17 - Taurus PT111 9mm handgun		
	transf. from 1209410; 1 round chamber; mag w/15 9mm rounds		
ITEM 2			
ITEM 3			
ITEM 4			
ITEM 5			
ITEM 6			
ITEM 7			
ITEM 8			

ITEM DISPOSITION	LOCKER	DATE	RECEIVED BY

DO NOT WRITE IN SPACE BELOW — FOR PED USE ONLY

VOID	STORIED AND ACCEPTED IN PROPERTY EVIDENCE DIVISION TIME:	BY	WHITE - RECORDS COPY YELOW - CITIZENS RECEIPT PINK - WITH PROPERTY

02-01-10

BUREAU OF POLICE
2619 NW INDUSTRIAL WAY, STE. B4
PORTLAND, OREGON 97210

PROPERTY/EVIDENCE RECEIPT

THIS RECEIPT MUST BE ACCOMPANIED BY AN APPROPRIATE REPORT

RECEIPT NUMBER	DATE/TIME	REFER CASE NO.	PPB CASE NO.
No. 1199166	05/21/2019 AM / PM		19-38353

EVIDENCE ONLY ☒ EVIDENCE ☐ FOUND PROPERTY ☐ PRISONER'S PROP GAVE COPY? YES ☐ NO ☐ ☐ SAFEKEEPING

PROPERTY TAKEN FROM: LAST NAME FIRST M.I. DOB

DENIED OWNERSHIP ☐

HOME ADDRESS SE 141st Ave CITY Portland STATE OR ZIP 97233

OWNER OF PROPERTY LAST NAME Same M.I. SEX DOB

HOME ADDRESS CITY STATE ZIP PHONE

DATE OF INCIDENT Yesterday DELIVERING OFFICER Rutger FIRST ASGN 409327

LOCATION FOUND/SUSPENDED 4NE Grand INVESTIGATOR (IF DIFFERENT) BUREAU/DIV

☐ DEFENDANT ☐ SUSPECT | LAST NAME | FIRST | M.I. | SEX | RACE | DOB

FOR GUNS: LIST MAKE, TYPE, CALIBER, MODEL, SERIAL NUMBER(S), IMPORTER & COUNTRY OF ORIGIN (LIST ONLY ONE ITEM PER SELECTION)	STLN	FOR PED USE ONLY
ITEM 1 — 2GB memory card OPTIMA w/ 3 pictures of scene		
ITEM 2		
ITEM 3		
ITEM 4		
ITEM 5		
ITEM 6		
ITEM 7		
ITEM 8		

LOCKER	DATE	RECEIVED BY
	05/21/19	

DO NOT WRITE IN SPACE BELOW — FOR PED USE ONLY

INV	CARRIED AND ACCEPTED IN PROPERTY EVIDENCE DIVISION	BY	WHITE - RECORDS COPY YELOW - CITIZENS RECEIPT PINK - WITH PROPERTY
DA	TIME:		

02-01-10

BUREAU OF POLICE
2619 NW INDUSTRIAL WAY, STE. B4
PORTLAND, OREGON 97210

PROPERTY/EVIDENCE RECEIPT

THIS RECEIPT MUST BE ACCOMPANIED BY AN APPROPRIATE REPORT

RECEIPT NUMBER	DATE/TIME	REFER CASE NO.	PPB CASE NO.
No. 1193107	051310 12:20 (AM) PM	10-038359	10-038353

CHECK ONE ONLY: EVIDENCE | FOUND PROPERTY | PRISONER'S PROP. (COPY: YES ☐ NO ☐) | SAFEKEEPING

PROPERTY TAKEN FROM: LAST NAME | FIRST | M.I. | SEX | DOB

DENIED OWNERSHIP ☐

HOME ADDRESS: NE 7TH AVE | CITY | STATE: PORTLAND, OR | ZIP: 97232

OWNER OF PROPERTY: SAME | LAST NAME | FIRST | M.I. | SEX | DOB

HOME ADDRESS | CITY | STATE | ZIP | PHONE

VOLUNTARILY RELINQUISHED ITEM(S) LISTED FOR SAFEKEEPING

SIGNATURE

TYPE OF INCIDENT: OFC. INVOLVED SHOOTING | RECEIVING OFFICER: MOSES | I.D./ASSIGN.: 4076/DET

WHERE SEIZED / FOUND / SURRENDERED: NE 7TH AVE | INVESTIGATIVE DIVISION/UNIT: DET | PST/ASSIGN.:

☐ DEFENDANT ☐ SUSPECT | LAST NAME | FIRST | M.I. | SEX | RACE | DOB

ITEM	FOR GUNS: LIST MAKE, TYPE, CALIBER, MODEL, SERIAL NUMBER(S), IMPORTER & COUNTRY OF ORIGIN (LIST ONLY ONE ITEM PER SELECTION)	STLN	FOR PED USE ONLY
ITEM 1	MEMORY CARD - PHOTO'S "LEXAR 128MB SD CARD"		
ITEM 2			
ITEM 3			
ITEM 4			
ITEM 5			
ITEM 6			
ITEM 7			
ITEM 8			

DISPOSITION: CRIME LAB / SAFEKEEPER / OTHER	LOCKER	DATE	RECEIVED BY
CHECK ONE ☐			

DO NOT WRITE IN SPACE BELOW — FOR PED USE ONLY

INVENTORIED AND ACCEPTED IN PROPERTY EVIDENCE DIVISION	BY	WHITE - RECORDS COPY YELOW - CITIZENS RECEIPT PINK - WITH PROPERTY
TIME:		

02-01-10

PORTLAND POLICE BUREAU

FORENSIC EVIDENCE DIVISION SPECIAL REPORT

DA COPY

CASE NUMBER	REFER CASE NUMBER	CLASSIFICATION	DATE OF INVESTIGATION
10-38353		Police Shooting/Add'l	5/12/2010

CALL TIME REC:	ARR:	CLR:	REQUESTING OFFICER	ASSIGNMENT
18:45	19:55	4:15	Det. Kammerer 29988	Homi Dets

NAME: LAST	FIRST	MIDDLE	SEX	RACE	DOB	CRN

LOCATION OF OCCURRENCE	LOCATION OF INVESTIGATION (If Different)
NE 6th Ave/NE Clackamas St	

VEHICLE MAKE / MODEL	COLOR	STATE	LICENSE

COPIES

- ☐ DETS
- ☐ CAU
- ☐ CE
- ☐ EA
- ☐ SE
- ☐ N
- ☐ NE
- ☐ TRAFFIC
- ☐ DA
- ☐ DVD
- ☐ PROPERTY ROOM
- ☐ CRIME PREV
- ☐ INTELL
- ☐ PATROL SUPPORT
- ☐ FBI
- ☐
- ☐
- ☐

Computer Entry

- ☐ Person

- ☐ OPR Vehicle

- ☐ OPR CRIME/ PROP

- ☐ PR Book

OPR

SUBJECT OF THIS REPORT	IDENTIFIED SUBJECT	DOB
Investigation		

LATENTS OF VALUE OBTAINED	PPB/M CI/SID NUMBER	
Fingers: 0 Palms: 0		☐ - SUSPECT ☐ - ELIMINATION ☐ - VICTIM ☐ - AFIS

PROCESSED ITEM (S)

- ☐ - TO OWNER ☐ - DISCARDED PER OWNER ☐ - TO CRIME LAB
- ☐ - TO OFFICER ☐ - TO PROPERTY ROOM ☑ - RETAINED IN ID

☑ - PHOTOGRAPHS TAKEN OF: Subject

☑ - 35MM ☑ - COLOR ☐ - B&W ☐ - VIDEO ☐ - ALS

ID Lab # 28286

EVIDENCE:

Property/Evidence Receipt #1209427:
Item 1: Glock 17 semi-automatic handgun; Ser # [redacted] (with TLR-1 Streamlight)
Item 2: three empty magazines
Item 3: 41 rounds of 9mm ammunition
Disposition: Retained in vault at FED.

Property/Evidence Receipt #1209428:
Item 1: Glock 17 semi-automatic handgun; Ser # [redacted]
Item 2: 3 empty magazines
Item 3: 46 rounds of 9mm ammunition
Disposition: Retained in vault at FED.

Property/Evidence Receipt #1209429:
Item 1: Glock 17 semi-automatic handgun; Ser # [redacted]
Item 2: 3 empty magazines
Item 3: 37 rounds of 9mm ammunition
Disposition: Retained in vault at FED.

Property/Evidence Receipt #1209430:
Item 1: Smith & Wesson .38 spl "Airweight" Revolver (5 round capacity); ser # [redacted]
Item 2: 15 rounds of .38 spl ammunition
Item 3: two speed loaders (5 round capacity each)
Disposition: Retained in vault at FED.

INVESTIGATION BY CRIMINALIST	DPSST	THIS REPORT DATE	REPORT TIME	REVIEWED BY
Nebling, V 37144		5/15/2010	7:30	Sgt. R. Mason # 25247
LATENT(S) LIFTED BY CRIMINALIST	DPSST			

CASE NUMBER	CLASSIFICATION
10-38353	Police Shooting/Add'l

NAME: LAST	FIRST	MIDDLE	SEX	RACE	DOB	CRN

LOCATION OF OCCURRENCE	LOCATION OF INVESTIGATION (If Different)
NE 6th Ave/NE Clackamas St	

Property/Evidence Receipt #1213076:
Item 1: ABA body armor w/tan holster (empty)
Item 2: PPB uniform shirt w/earpiece attached (bloodstained)
Item 3: "Calvin Klein" underwear -- white (bloodstained)
Item 4: PPB uniform pants
Item 5: "Under Armor" shirt -- blue
Item 6: 1 pair blk socks
Item 7: 1 blk duty notebook
Item 8: 1 pair blk tennis shoes
Disposition: Retained in vault at FED.

NARRATIVE:

Criminalist Outhaythip and I responded to NE 6th Ave/NE Clackamas St. regarding an officer involved shooting. On arrival, we contacted Det. Slater, Det. Kammerer, Sgt. Mason, and Sgt. McGlathery. Inside the mobile precinct, I took 35mm color film photographs of Ofc. Defrain (DPSST #44436) and Ofc. Polas (DPSST #43489). Outhaythip assisted with the collection of their firearms as evidence on PER #'s 1209428, 1209429, and 1209430.

After photographing Defrain and Polas, Criminalist Outhaythip and I responded to the Traffic Division at 4735 E. Burnside St. where I took 35mm color film photographs of the following officers: Ofc. Berne (DPSST #45662), Ofc. Eugenio (DPSST #39877), Ofc. Foote (DPSST #43493), Ofc. Dale (DPSST #23726), Ofc. Delenikos (DPSST #21311), Ofc. Shaw (DPSST #28923), Ofc. Dauchy (DPSST #30873), Ofc. Murphy (DPSST #44162), and Sgt. Livingston (DPSST #32588). We collected Ofc. Berne's firearm as evidence on PER #1209427. Det. Slater and Det. Kammerer were present during the photographs and evidence collection at the Traffic Division.

Outhaythip and I then responded to Emanuel Hospital where we met Det. Weinstein, Det. Slater, and Det. Kammerer at the emergency room parking lot. I took 35mm color film photographs of Ofc. Burley's (DPSST #45975) web gear and firearm. I also took possession of the evidence listed on PER #1213076 that had been collected by Det. Weinstein.

The film was submitted to the photo lab for processing (photo log #'s 1567, 1568,1569 & 1570).

INVESTIGATION BY CRIMINALIST	DPSST	SUPERVISOR
Nebling, V 37144		

BUREAU OF POLICE
2619 NW INDUSTRIAL WAY, STE. B4
PORTLAND, OREGON 97210

PROPERTY/EVIDENCE RECEIPT

THIS RECEIPT MUST BE ACCOMPANIED BY AN APPROPRIATE REPORT

RECEIPT NUMBER	DATE/TIME	REFER CASE NO.	PPB CASE NO.
No. 1209427	5-12-10 / 2310 AM (PM)		10-38353

CHECK ONE ONLY: ☐ EVIDENCE ☐ FOUND PROPERTY ☐ PRISONER'S PROP (SAFE COPY YES / NO) ☐ SAFEKEEPING

PROPERTY TAKEN FROM:	LAST NAME	FIRST	M.I.	SEX	DOB
DENIED OWNERSHIP ☐	BERNE	CODY			
HOME ADDRESS	CITY	STATE	ZIP		
OWNER OF PROPERTY	LAST NAME	FIRST	M.I.	SEX	DOB
HOME ADDRESS	CITY	STATE	ZIP	PHONE	

ENTERED IN DEVICE: Property Warehouse
TOOK CUSTODY OF SEIZED/FOUND/SURRENDERED: Traffic Division
RECEIVING OFFICER: [illegible]
INVESTIGATOR/REPORTING OFFICER: Det. Kanzaki
DISPOSITION: RETAINED

☐ DEFENDANT / ☐ SUSPECT	LAST NAME	FIRST	M.I.	SEX	RACE	DOB

	SHOTGUN, LNT MAKE, TYPE, CALIBER, MODEL, SERIAL NUMBER(S), IMPORTER & COUNTRY OF ORIGIN (ATTACH DOCUMENTATION IF REQUESTED)	STLN	FOR PED USE ONLY
ITEM 1	Glock 17 Semi-automatic HANDGUN; SER# [redacted] (with TLR-1 Streamlight)		
ITEM 2	THREE Empty magazines		
ITEM 3	41 rounds of 9mm ammunition		
ITEM 4			
ITEM 5			
ITEM 6			
ITEM 7			
ITEM 8			

LOCKER	DATE	RECEIVED BY

DO NOT WRITE IN SPACE BELOW — FOR PED USE ONLY

INVENTORIED AND ACCEPTED IN PROPERTY EVIDENCE DIVISION TIME:	BY	WHITE - RECORDS COPY YELOW - CITIZENS RECEIPT PINK - WITH PROPERTY

02-01-10

BUREAU OF POLICE
2619 NW INDUSTRIAL WAY, STE. B4
PORTLAND, OREGON 97210

PROPERTY/EVIDENCE RECEIPT

THIS RECEIPT MUST BE ACCOMPANIED BY AN APPROPRIATE REPORT

RECEIPT NUMBER	DATE/TIME	REFER CASE NO.	PPB CASE NO.
No. 1209428	5-12-10 / 2220 AM (PM)		10-38353

FOR PED USE ONLY ☒ EVIDENCE ☐ FOUND PROPERTY ☐ PRISONER'S PROP. (SAFE KEEPING) ☐ NOT ☐ PROPERTY FOR

PROPERTY TAKEN FROM:	LAST NAME	FIRST	M.I.	SEX	DOB
DENIED OWNERSHIP ☐	POLAS	ANDY			

HOME ADDRESS	CITY	STATE	ZIP

OWNER OF PROPERTY	LAST NAME	FIRST	M.I.	SEX	DOB

HOME ADDRESS	CITY	STATE	ZIP	PHONE

TYPE OF INCIDENT: Theft - Found Property
LOCATION WHERE SEIZED / FOUND / SPREADSHEET: SE 8th Ave / SE Clinton St (Inside Property)
INVESTIGATOR ASSIGNED: Det. Bommer

☐ DEFENDANT ☐ SUSPECT	LAST NAME	FIRST	M.I.	SEX	RACE	DOB

	FOR GUNS LIST: MAKE, TYPE, CALIBER, MODEL, SERIAL NUMBER(S), IMPORTER, COUNTRY OF ORIGIN (STRONG CONVICTION PER SELECTION)	STLN	FOR PED USE ONLY
ITEM 1	Glock 17 Semi-automatic handgun; Ser#		
ITEM 2	3 empty magazines		
ITEM 3	46 rounds of 9mm ammunition		
ITEM 4			
ITEM 5			
ITEM 6			
ITEM 7			
ITEM 8			

LOCKER	DATE	RECEIVED BY

DO NOT WRITE IN SPACE BELOW — FOR PED USE ONLY

INVENTORIED AND ACCEPTED IN PROPERTY EVIDENCE DIVISION TIME:	BY	WHITE - RECORDS COPY YELOW - CITIZENS RECEIPT PINK - WITH PROPERTY

02-01-10

BUREAU OF POLICE
2619 NW INDUSTRIAL WAY, STE. B4
PORTLAND, OREGON 97210

PROPERTY/EVIDENCE RECEIPT

THIS RECEIPT MUST BE ACCOMPANIED BY AN APPROPRIATE REPORT

RECEIPT NUMBER	DATE/TIME	REFER CASE NO.	PPB CASE NO.
No. 1209429	5-12-10 / 2200 AM (PM)		10-38353

CHECK TYPE ONLY: ☑ EVIDENCE ☐ FOUND PROPERTY ☐ PRISONER'S PROP. SAVE COPY? YES ☐ NO ☐ ☐ SAFEKEEPING

PROPERTY TAKEN FROM: LAST NAME: DEFRAIN FIRST: JAMES M.I. SEX DOB

DENIED OWNERSHIP ☐

HOME ADDRESS CITY STATE ZIP

OWNER OF PROPERTY LAST NAME FIRST M.I. SEX DOB

HOME ADDRESS CITY STATE ZIP PHONE

INVOLUNTARILY RELINQUISHED ITEM(S) TYPED FOR SAFEKEEPING

SIGNATURE

TYPE OF INCIDENT: Felon in Poss. of Firearm

RECEIVING OFFICER: V. Nobles 37149 PRINT NAME / ID NO.

LOCATION WHERE SEIZED/FOUND/SURRENDERED: NE 162nd Ave & Glisan St (inside Freightliner Trk)

INVESTIGATOR TO BE NOTIFIED: Det. Hunt #7202 BUREAU/ASSIGN.

☐ DEFENDANT ☐ SUSPECT | LAST NAME | FIRST | M.I. | SEX | RACE | DOB

ITEM	FOR GUNS LIST MAKE, TYPE, CALIBER, MODEL, SERIAL NUMBER(S), IMPORTER & COUNTRY OF ORGIN. LIST ONLY ONE ITEM PER SELECTION.	STLN	FOR PED USE ONLY
ITEM 1	Glock 17 Semi-automatic handgun; Ser #		
ITEM 2	3 empty magazines		
ITEM 3	37 9mm rounds of Ammunition		
ITEM 4			
ITEM 5			
ITEM 6			
ITEM 7			
ITEM 8			

LOCATION OF PROPERTY / EVIDENCE AFTER PED SIGNATURE	LOCKER	DATE	RECEIVED BY

DO NOT WRITE IN SPACE BELOW — FOR PED USE ONLY

INVENTORIED AND ACCEPTED IN PROPERTY EVIDENCE DIVISION TIME:	BY	WHITE - RECORDS COPY YELOW - CITIZENS RECEIPT PINK - WITH PROPERTY

02-01-10

BUREAU OF POLICE
2619 NW INDUSTRIAL WAY, STE. B4
PORTLAND, OREGON 97210

PROPERTY EVIDENCE RECEIPT

THIS RECEIPT MUST BE ACCOMPANIED BY AN APPROPRIATE REPORT

RECEIPT NUMBER	DATE/TIME	REFER CASE NO.	PPB CASE NO.
No. 1209430	5-12-10 / 2220 AM (PM)		10-38353

ONE TYPE ONLY ➧ ☑ EVIDENCE ☐ FOUND PROPERTY ☐ PRISONER'S PROP. (GIVE COPY: YES / NO) ☐ SAFEKEEPING

PROPERTY TAKEN FROM:	LAST NAME	FIRST	M.I.	SEX	DOB
DENIED OWNERSHIP ☐	Polas	ANDY			
HOME ADDRESS	CITY	STATE		ZIP	
OWNER OF PROPERTY	LAST NAME	FIRST	M.I.	SEX	DOB
HOME ADDRESS	CITY	STATE		ZIP	PHONE

TYPE OF INCIDENT: Officer involved Shooting | RECEIVING OFFICER: J. Hebert | DATE/TIME OF INCIDENT: 5-11-10 | DESTRUCTION DATE:
LOCATION WHERE SEIZED, FOUND, OR RECEIVED: 2x - 6th Ave / SW Madison St (outside Precinct) | BRIEF DESCRIPTION OF PROPERTY:

☐ DEFENDANT ☐ SUSPECT	LAST NAME	FIRST	M.I.	SEX	RACE	DOB

	FOR GUNS: LIST MAKE, TYPE, CALIBER, MODEL, SERIAL NUMBER(S), IMPORTER & COUNTRY OF ORIGIN — LIST ONLY ONE ITEM PER SELECTION:	STLN	FOR PED USE ONLY
ITEM 1	Smith & Wesson .38 spl "Airweight" Revolver (5 round capacity); Ser#		
ITEM 2	15 rounds of .38 spl ammunition		
ITEM 3	two speed loaders (5 round capacity each)		
ITEM 4			
ITEM 5			
ITEM 6			
ITEM 7			
ITEM 8			

DISPOSITION: ONE LINE	LOCKER	DATE	RECEIVED BY

DO NOT WRITE IN SPACE BELOW — FOR PED USE ONLY

STORIED AND ACCEPTED IN PROPERTY EVIDENCE DIVISION	BY	WHITE - RECORDS COPY YELOW - CITIZENS RECEIPT PINK - WITH PROPERTY
DATE: TIME:		

02-01-10

BUREAU OF POLICE
2619 NW INDUSTRIAL WAY, STE. B4
PORTLAND, OREGON 97210

PROPERTY/EVIDENCE RECEIPT

THIS RECEIPT MUST BE ACCOMPANIED BY AN APPROPRIATE REPORT

RECEIPT NUMBER	DATE/TIME	REFER CASE NO.	PPB CASE NO.
No. 1213076	5-12-10 AM 9115 PM		10-38359

CHECK ONE ONLY: ☒ EVIDENCE ☐ FOUND PROPERTY ☐ PRISONER'S PROP. GAVE COPY: YES ☐ NO ☐ ☐ SAFEKEEPING

PROPERTY TAKEN FROM:	LAST NAME	FIRST	M.I.	SEX	DOB
DENIED OWNERSHIP ☐	OFC. BURLEY #15975				
HOME ADDRESS	CITY	STATE	ZIP		

OWNER OF PROPERTY	LAST NAME	FIRST	M.I.	SEX	DOB
	SAME				
HOME ADDRESS	CITY	STATE	ZIP	PHONE	

OFFENSE CHARGED OR SUSPECTED: OFC. INVOLVED SHOOTING
LOCATION WHERE SEIZED, FOUND, OR RECEIVED: 82ND + TROUTDALE RD #55392
INVESTIGATING OFFICER OR DETECTIVE: OFC. BURLEY #15975

☐ DEFENDANT ☐ SUSPECT	LAST NAME	FIRST	M.I.	SEX	RACE	DOB

	FOR GUNS: LIST MAKE, TYPE, CALIBER, MODEL, SERIAL NUMBER(S), IMPORTER & COUNTRY OF ORIGIN. LIST ONLY ONE ITEM PER SELECTION.	STLN	FOR PED USE ONLY
ITEM 1	ABA BODY ARMOR w/ TAN HOLSTER (EMPTY)		
ITEM 2	PPB UNIFORM SHIRT w/ EARPIECE ATTACHED -BLOODSTAINED-		
ITEM 3	"CALVIN KLEIN" UNDERWEAR - WHITE -BLOODSTAINED-		
ITEM 4	PPB UNIFORM PANTS		
ITEM 5	"UNDER ARMOR" SHIRT - BLUE		
ITEM 6	1 PAIR BLK SOCKS		
ITEM 7	1 BLK - DUTY NOTEBOOK		
ITEM 8	1 PAIR BLK TENNIS SHOES		

DESTROY NOT TO BE STATE CRIME LAB EXAMINED	LOCKER	DATE	RECEIVED BY

DO NOT WRITE IN SPACE BELOW — FOR PED USE ONLY

INVENTORIED AND ACCEPTED IN PROPERTY EVIDENCE DIVISION TIME:	BY	WHITE - RECORDS COPY YELOW - CITIZENS RECEIPT PINK - WITH PROPERTY

04-01-10

PORTLAND POLICE BUREAU

FORENSIC EVIDENCE DIVISION SPECIAL REPORT

DA COPY

CASE NUMBER	REFER CASE NUMBER	CLASSIFICATION	DATE OF INVESTIGATION
10-38353		Police Shooting/Add'l	5/12/2010

CALL TIME REC:	ARR:	CLR:	REQUESTING OFFICER	ASSIGNMENT
19:50	20:00	2:10	Det. Kammerer 29988	Homicide

NAME: LAST FIRST MIDDLE	SEX	RACE	DOB	CRN
Otis, Keaton D	M	B	1/4/1985	

LOCATION OF OCCURRENCE	LOCATION OF INVESTIGATION (If Different)
NE 6th Avenue/Halsey Street	

VEHICLE MAKE / MODEL	COLOR	STATE	LICENSE

COPIES
- [x] DETS
- [ ] CAU
- [ ] CE
- [ ] EA
- [ ] SE
- [ ] N
- [ ] NE
- [ ] TRAFFIC
- [ ] DA
- [ ] DVD
- [ ] PROPERTY ROOM
- [ ] CRIME PREV
- [ ] INTELL
- [ ] PATROL SUPPORT
- [ ] FBI

Computer Entry
- [ ] Person

- [ ] OPR Vehicle
- [ ] OPR CRIME/ PROP
- [ ] OPR Book

OPR

SUBJECT OF THIS REPORT	IDENTIFIED SUBJECT	DOB
Investigation		

LATENTS OF VALUE OBTAINED	PPB/MCI/SID NUMBER	
Fingers: 0 Palms: 0		[ ] - SUSPECT [ ] - ELIMINATION [ ] - VICTIM [ ] - AFIS

PROCESSED ITEM (S)

[ ] - TO OWNER [ ] - DISCARDED PER OWNER [ ] - TO CRIME LAB [ ] - PHOTOGRAPHS TAKEN OF:

[ ] - TO OFFICER [ ] - TO PROPERTY ROOM [ ] - RETAINED IN ID [ ] - 35MM [ ] - COLOR [ ] - B&W [ ] - VIDEO [ ] - ALS

ID Lab # 28308

Criminalist Nebling #37144 (Assisting Criminalist)
Sergeant Mason #25247 (Forensic Evidence Division's on scene supervisor)
Detective Kammerer #29988 (Primary investigator)
Detective Slater #27192 (Primary investigator)
Detective Weinstein #24579 (Assisting investigator)

Criminalist Nebling and I responded to NE 6th Avenue/Halsey Street to assist with a police involved shooting investigation. Upon our arrival, we made contact with Sergeant Mason, a sergeant of the Forensic Evidence Division. He briefed us on the investigation and gave us our assignments. Then we went to the mobile command post nearby and contacted Detective Kammerer and Slater, the primary investigators, for further instructions. At the direction of Detective Kammerer, Criminalist Nebling photographed the officers involved and their side arms. I assisted him by collecting the officers' side arms.

The following officers were photographed and their side arms collected at the mobile command post:

Officer Defrain #44436
Primary side arm - 17 live rounds in the magazine and 1 live round in the chamber.
Top magazine pouch - The pouch was empty. The magazine was in his back pocket. 2 live rounds in the magazine.
Bottom magazine pouch - 17 live rounds in the magazine.

INVESTIGATION BY CRIMINALIST	DPSST	THIS REPORT DATE	REPORT TIME	REVIEWED BY
Outhaythip, Dan 24990		5/17/2010	22:30	Sgt. R. Mason # 25247
LATENT(S) LIFTED BY CRIMINALIST	DPSST			

CASE NUMBER	CLASSIFICATION
10-38353	Police Shooting/Add'l

NAME: LAST FIRST MIDDLE	SEX	RACE	DOB	CRN
Otis, Keaton D	M	B	1/4/1985	

LOCATION OF OCCURRENCE	LOCATION OF INVESTIGATION (If Different)
NE 6th Avenue/Halsey Street	

Officer Polas #43489
Primary side arm - 17 live rounds in the magazine and 1 live round in the chamber.
Top magazine pouch - 11 live rounds in the magazine.
Bottom magazine pouch - 17 live rounds in the magazine.
Addition side arm - 5 live rounds in the cylinder.
Speed loader - 5 live rounds in the speed loader.
Speed loader - 5 live rounds in the speed loader.

Officer Berne #45662 (He was photographed and his side arm was collected at the Traffic Division)
Primary side arm - 17 live rounds in the magazine and 1 live round in the chamber.
Top magazine pouch - 17 live rounds in the magazine.
Bottom magazine pouch - 6 live rounds in the magazine.

The following officers and their side arms were photographed at the Traffic Division:

Officer Dauchy #30873
Primary side arm - 17 live rounds in the magazine and 1 live round in the chamber.
Top magazine pouch - 17 live rounds in the magazine.
Bottom magazine pouch - 17 live rounds in the magazine.
Additional side arm - 10 live rounds in the magazine and 1 live round in the chamber.

Officer Murphy #44162
Primary side arm - 17 live rounds in the magazine and 1 live round in the chamber.
Top magazine pouch - 17 live rounds in the magazine.
Bottom magazine pouch - 18 live rounds in the magazine.

Sergeant Livingston #32588
Primary side arm - 17 live rounds in the magazine and 1 live round in the chamber.
Top magazine pouch - 17 live rounds in the magazine.
Bottom magazine pouch - 17 live rounds in the magazine.

Officer Shaw #28923
Primary side arm - 17 live rounds in the magazine and 1 live round in the chamber.
Top magazine pouch - 17 live rounds in the magazine.
Bottom magazine pouch - 17 live rounds in the magazine.

CASE NUMBER	CLASSIFICATION
10-38353	Police Shooting/Add'l

NAME: LAST FIRST MIDDLE	SEX	RACE	DOB	CRN
Otis, Keaton D	M	B	1/4/1985	

LOCATION OF OCCURRENCE	LOCATION OF INVESTIGATION (If Different)
NE 6th Avenue/Halsey Street	

Officer Delenikos #21331
Primary side arm - 17 live rounds in the magazine and 1 live round in the chamber.
Top magazine pouch - 17 live rounds in the magazine.
Bottom magazine pouch - 17 live rounds in the magazine.

Officer Foote #43493
Primary side arm - 15 live rounds in the magazine and 1 live round in the chamber.
Top magazine pouch - 16 live rounds in the magazine.
Bottom magazine pouch - 15 live rounds in the magazine.

Officer Dale #23726
Primary side arm - 17 live rounds in the magazine and 1 live round in the chamber.
Top magazine pouch - 17 live rounds in the magazine.
Bottom magazine pouch - 17 live rounds in the magazine.

Officer Eugenio #39877
Primary side arm - 17 live rounds in the magazine and 1 live round in the chamber.
Top magazine pouch - 17 live rounds in the magazine.
Bottom magazine pouch - 17 live rounds in the magazine.

Criminalist Nebling and I then went to the Emanuel Hospital and met with Detective Kammerer, Slater, and Weinstein.

Criminalist Nebling received evidence from Detective Weinstein and he photographed Officer Burley's #45975 gear and side arm.
Primary side arm - 17 live rounds in the magazine and 1 live round in the chamber.
Top magazine pouch - 17 live rounds in the magazine.
Bottom magazine pouch - 18 live rounds in the magazine.

Criminalist Nebling and I then proceeded to the Forensic Evidence Division to package the evidence that we had collected. See his report for further details.

PORTLAND POLICE BUREAU

FORENSIC EVIDENCE DIVISION SPECIAL REPORT

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CASE NUMBER	REFER CASE NUMBER	CLASSIFICATION	DATE OF INVESTIGATION
10-38359	10-38353	Police Shooting/Add'l	5/13/2010

CALL TIME REC:	ARR:	CLR:	REQUESTING OFFICER	ASSIGNMENT
18:45	19:00	19:20	Kammerer 28899	Homicide

NAME: LAST FIRST MIDDLE	SEX	RACE	DOB	CRN:
Burley, Christopher	M	W		

LOCATION OF OCCURRENCE	LOCATION OF INVESTIGATION (If Different)
Emanuel ER	

VEHICLE MAKE / MODEL	COLOR	STATE	LICENSE
Ford Crown Vic	Silver	OR	ZVN481

COPIES

- ☐ DETS
- ☐ CAU
- ☐ CE
- ☐ EA
- ☐ SE
- ☐ N
- ☐ NE
- ☐ TRAFFIC
- ☐ DA
- ☐ DVD
- ☐ PROPERTY ROOM
- ☐ CRIME PREV
- ☐ INTELL
- ☐ PATROL SUPPORT
- ☐ FBI
- ☐
- ☐
- ☐

Computer Entry

- ☐ Person

- ☐ OPR Vehicle

- ☐ OPR CRIME/ PROP

- ☐ PR book

OPR

SUBJECT OF THIS REPORT	IDENTIFIED SUBJECT	DOB
Investigation		

LATENTS OF VALUE OBTAINED	PPB/MCL/SID NUMBER	
Fingers: 0 Palms: 0		☐ - SUSPECT ☐ - ELIMINATION ☐ - VICTIM ☐ - AFIS

PROCESSED ITEM(S)

☐ - TO OWNER ☐ - DISCARDED PER OWNER ☐ - TO CRIME LAB

☐ - TO OFFICER ☐ - TO PROPERTY ROOM ☐ - RETAINED IN ID

☑ - PHOTOGRAPHS TAKEN OF: Injuries

☑ - 35MM ☑ - COLOR ☐ - B&W ☐ - VIDEO ☐ - ALS

ID Lab # 28265

I responded to Emanuel Hospital to photograph Officer Burley's injury. Officer Burley had a [redacted]

I took overall and detailed photographs of Burley's injuries.

I also took overall and detailed photographs of the listed vehicle which was used to transport him to the hospital.

I submitted the film to the photo lab for processing on photo log #1587.

INVESTIGATION BY CRIMINALIST DPSST	THIS REPORT DATE	REPORT TIME	REVIEWED BY
Schleich, A 36817	5/15/2010	1:24	Sgt. R. Mason # 25247

LATENT(S) LIFTED BY CRIMINALIST DPSST

PORTLAND POLICE BUREAU

FORENSIC EVIDENCE DIVISION SPECIAL REPORT

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PAGE / OF 1 / 1

CASE NUMBER	REFER CASE NUMBER	CLASSIFICATION	DATE OF INVESTIGATION
10-38353		Police Shooting/Add'l	5/13/2010

CALL TIME REC:	ARR:	CLR:	REQUESTING OFFICER	ASSIGNMENT
18:30	18:45	23:00	Michaelson	

NAME: LAST	FIRST	MIDDLE	SEX	RACE	DOB	CRN

LOCATION OF OCCURRENCE	LOCATION OF INVESTIGATION (If Different)
1425 NE 7th	

VEHICLE MAKE / MODEL	COLOR	STATE	LICENSE

COPIES

- ☐ DETS
- ☐ CAU
- ☐ CE
- ☐ EA
- ☐ SE
- ☐ N
- ☐ NE
- ☐ TRAFFIC
- ☐ DA
- ☐ DVD
- ☐ PROPERTY ROOM
- ☐ CRIME PREV
- ☐ INTELL
- ☐ PATROL SUPPORT
- ☐ FBI
- ☐
- ☐
- ☐

Computer Entry

- ☐ Person

- ☐ **OPR** Vehicle

- **OPR** ☐ CRIME/ PROP

- **PR** ☐ Book

OPR

SUBJECT OF THIS REPORT	IDENTIFIED SUBJECT	DOB
Investigation		

LATENTS OF VALUE OBTAINED	PPB/MCU/SID NUMBER	☐ - SUSPECT ☐ - ELIMINATION ☐ - VICTIM ☐ - AFIS
Fingers: 0 Palms: 0		

PROCESSED ITEM (S)

☐ - TO OWNER ☐ - DISCARDED PER OWNER ☐ - TO CRIME LAB

☐ - TO OFFICER ☐ - TO PROPERTY ROOM ☐ - RETAINED IN ID

☑ - PHOTOGRAPHS TAKEN OF:

☑ - 35MM ☑ - COLOR ☐ - B&W ☐ - VIDEO ☐ - ALS

ID Lab # 28267

I responded to the complex at 1425 NE 7th regarding follow up on a police involved shooting. At the request of Sgt. Michaelson, I took photographs of witness' vantage points of the incident. I took photographs at several different apartments in the building. The apartments that I took photographs at were #124, #126, #218, #219, #318, #319, and #322.

I submitted the film to the PPB Photo Lab for processing. Copies of the photographs were requested for Detective Kammerer and Detective Slater.

INVESTIGATION BY CRIMINALIST	DPSST	THIS REPORT DATE	REPORT TIME	REVIEWED BY
Durham, H 33027		5/19/2010	2:36	

LATENT(S) LIFTED BY CRIMINALIST DPSST

PORTLAND POLICE BUREAU

FORENSIC EVIDENCE DIVISION SPECIAL REPORT

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CASE NUMBER	REFER CASE NUMBER	CLASSIFICATION	DATE OF INVESTIGATION
10-38359		Officer Involved Shooting/Additional	5/18/2010

CALL TIME REC:	ARR:	CLR:	REQUESTING OFFICER	ASSIGNMENT
18:30	18:30	23:30	Kammerer	

NAME: LAST	FIRST	MIDDLE	SEX	RACE	DOB	CRN

LOCATION OF OCCURRENCE	LOCATION OF INVESTIGATION (If Different)
1111 SW 2nd Ave #1250	

VEHICLE MAKE / MODEL	COLOR	STATE	LICENSE

COPIES

- [ ] DETS
- [ ] CAU
- [ ] CE
- [ ] EA
- [ ] SE
- [ ] N
- [ ] NE
- [ ] TRAFFIC
- [ ] DA
- [ ] DVD
- [ ] PROPERTY ROOM
- [ ] CRIME PREV
- [ ] INTELL
- [ ] PATROL SUPPORT
- [ ] FBI
- [ ]
- [ ]
- [ ]

Computer Entry

- [ ] Person

- [ ] OPR Vehicle

OPR

- [ ] CRIME/ PROP

- [ ] PR Book

OPR

SUBJECT OF THIS REPORT	IDENTIFIED SUBJECT	DOB
Investigation		

LATENTS OF VALUE OBTAINED	PPB/MCI/SID NUMBER	
Fingers: 0 Palms: 0		[ ] - SUSPECT [ ] - ELIMINATION [ ] - VICTIM [ ] - AFIS

PROCESSED ITEM(S)

- [ ] - TO OWNER
- [ ] - DISCARDED PER OWNER
- [ ] - TO CRIME LAB
- [ ] - TO OFFICER
- [ ] - TO PROPERTY ROOM
- [ ] - RETAINED IN ID

- [x] - PHOTOGRAPHS TAKEN OF:
- [x] - 35MM [x] - COLOR [ ] - B&W [ ] - VIDEO [ ] - ALS

ID Lab # 28355

Criminalist Nebling brought evidence to the Forensic Evidence Division from PPB officer involved shooting case 10-38359. Evidence collected on PPB Property Receipt #1213076 included Officer Burley's uniform pants, uniform shirt, and underwear.
I took overall 35mm color photographs of these three items of clothing.

I submitted the film to the PPB Photo Lab for processing. Copies of the photographs were requested for Detective Kammerer and Detective Slater.

INVESTIGATION BY CRIMINALIST	DPSST	THIS REPORT DATE	REPORT TIME	REVIEWED BY
Durham, H	33027	5/19/2010	2:58	Sgt. R. Mason # 25247

LATENT(S) LIFTED BY CRIMINALIST DPSST

PORTLAND POLICE BUREAU

FORENSIC EVIDENCE DIVISION SPECIAL REPORT

DA COPY

CASE NUMBER	REFER CASE NUMBER	CLASSIFICATION	DATE OF INVESTIGATION
10-38353		Police Involved Shooting-Additional	5/12/2010

CALL TIME REC:	ARR:	CLR:	REQUESTING OFFICER	ASSIGNMENT
21:00	22:38	0:56	Det. Kammerer 29988	Homicide

NAME: LAST	FIRST	MIDDLE	SEX	RACE	DOB	CRN

LOCATION OF OCCURRENCE	LOCATION OF INVESTIGATION (If Different)
4735 E Burnside St	NE 6th Avenue/Halsey Street

VEHICLE MAKE / MODEL	COLOR	STATE	LICENSE

COPIES

- ☐ DETS
- ☐ CAU
- ☐ CE
- ☐ EA
- ☐ SE
- ☐ N
- ☐ NE
- ☐ TRAFFIC
- ☐ DA
- ☐ DVD
- D
- ☐ PROPERTY ROOM
- ☐ CRIME PREV
- ☐ INTELL
- ☐ PATROL SUPPORT
- ☐ FBI
- ☐
- ☐
- ☐

Computer Entry

- ☐ Person

☐ OPR Vehicle

OPR ☐ CRIME/ PROP

OPR ☐ Book

OPR

SUBJECT OF THIS REPORT	IDENTIFIED SUBJECT	DOB
Investigation		

LATENTS OF VALUE OBTAINED	PPB/M CL/SID NUMBER	
Fingers: 0 Palms: 0		☐ - SUSPECT ☐ - ELIMINATION ☐ - VICTIM ☐ - AFIS

PROCESSED ITEM (S)

☐ - TO OWNER ☐ - DISCARDED PER OWNER ☐ - TO CRIME LAB

☐ - TO OFFICER ☐ - TO PROPERTY ROOM ☑ - RETAINED IN ID

☐ - PHOTOGRAPHS TAKEN OF:

☐ - 35MM ☐ - COLOR ☐ - B&W ☐ - VIDEO ☐ - ALS

ID Lab # 28420

Lead Detective- Kammerer #29988
Criminalist Sgt- Mason #25247
Criminalists- Mark Johnson #22655
Dan Outhaythip #24990
Vance Nebling #37144

At Sgt. Mason's request, Criminalist Johnson and I responded to the Traffic Division located at the listed address to assist with an officer involved shooting investigation. Criminalist Outhaythip and Nebling took overall photographs and collected weapons/magazines from the Officers involved in the incident. See their report for further.

With Criminalist Johnson's assistance I collected the following Officers gun belts and outer clothing.

Per Detective Kammerer the items collected were placed in the Forensic Evidence Division Evidence Vault.

PER #1208828- Officer Defrain #44436
Item 1- Duty Belt
Item 2- Black Converse Shoes- Size 12
Item 3- Class B duty shirt with name tag
Item 4- Class B duty pants

INVESTIGATION BY CRIMINALIST	DPSST	THIS REPORT DATE	REPORT TIME	REVIEWED BY
McIntyre, B 35126		5/22/2010	23:45	Sgt. R. Mason # 25247

LATENT(S) LIFTED BY CRIMINALIST DPSST

PORTLAND POLICE BUREAU

FORENSIC EVIDENCE DIVISION
CONTINUATION REPORT

CASE NUMBER	CLASSIFICATION
10-38353	Police Involved Shooting-Addition

NAME: LAST	FIRST	MIDDLE	SEX	RACE	DOB	CRN

LOCATION OF OCCURRENCE	LOCATION OF INVESTIGATION (If Different)
4735 E Burnside St	NE 6th Avenue/Halsey Street

PER #1208829- Officer Polas #43489
Item 1- Duty belt
Item 2- Tiger Flashlight and duty belt keepers
Item 3- Black Nike Air Shoes- Size 12
Item 4- Class B uniform shirt with name tag
Item 5- Class B uniform pants
Item 6- Taser ser #X00- [redacted] taser holster/2 cartridges, pepper spray, hobble/holder

PER #1208830- Officer Berne #45662
Item 1- Duty belt
Item 2- Pelican Flashlight, ASP, Taser ser #X00 [redacted] taser holster/2 cartridges
Item 3- Black New Balance Shoes- Size 11
Item 4- Class B uniform shirt with name tag
Item 5- Class B uniform pants

PER #1208831- Officer Murphy #44162
Item 1- Taser holster, 2 cartridges, ASP
Item 2- Duty belt
Item 3- Black Danner Boots- Size 10
Item 4- Class B uniform shirt with name tag
Item 5- Class B uniform pants

PER #1208832- Sergeant Livingston #32588
Item 1- Duty belt
Item 2- Taser ser #X00 [redacted] Holster- 2 cartridges, Pepper spray/holder
Item 3- Black Danner Boots- Size 10
Item 4- Class B uniform shirt with name tag
Item 5- Class B uniform pants

PER #1208833- Officer Foote #43493
Item 1- Taser holster 1 cartridge
Item 2- Duty belt
Item 3- Black Converse Shoes- Size 11
Item 4- Baseball style hat
Item 5- BDU uniform shirt
Item 6- BDU uniform pants

INVESTIGATION BY CRIMINALIST	DPSST	SUPERVISOR
McIntyre, B 35126		

BUREAU OF POLICE
2619 NW INDUSTRIAL WAY, STE. B4
PORTLAND, OREGON 97210

PROPERTY/EVIDENCE RECEIPT

THIS RECEIPT MUST BE ACCOMPANIED BY AN APPROPRIATE REPORT

RECEIPT NUMBER	DATE/TIME	REFER CASE NO.	PPB CASE NO.
No. 1208828	051210 2256 AM/PM		10-38353

FOR PED USE ONLY ▶ X EVIDENCE | FOUND PROPERTY | PRISONER'S PROP. GAVE COPY? YES / NO | SAFEKEEPING | VOLUNTARILY RELINQUISH THE ITEMS LISTED FOR SAFEKEEPING

PROPERTY TAKEN FROM: LAST NAME | FIRST | M.I. | SEX | DOB

DENIED OWNERSHIP ☐

HOME ADDRESS | CITY | STATE | ZIP

SIGNATURE

OWNER OF PROPERTY LAST NAME | FIRST | M.I. | SEX | DOB

OFC JAMES DEFRAIN DPST M 44436

HOME ADDRESS | CITY | STATE | ZIP | PHONE

TYPE OF INCIDENT: Officer Involved Shooting

DELIVERING OFFICER: JA Enright

1ST PC BY ASSIGNED: Battelle

LOCATION WHERE SEIZED / FOUND / SURRENDERED: 4735 E Burnside

INVESTIGATOR (IF DIFFERENT): Lt Armellino

2ND PC BY ASSIGNED: Hobson

	LAST NAME	FIRST	M.I.	SEX	RACE	DOB
☐ DEFENDANT						
☐ SUSPECT						

	GUNS: LIST MAKE, TYPE, CALIBER, MODEL, SERIAL NUMBER(S), IMPORTER & COUNTRY OF ORIGIN (LIST ONLY ONE ITEM PER SELECTION)	STLN	FOR PED USE ONLY
ITEM 1	DUTY BELT		
ITEM 2	CONVERSE BLACK SHOES SZ 12 (1 PAIR)		
ITEM 3	1- DUTY SHIRT W/ NAME TAG		
ITEM 4	1- PR DUTY PANTS		
ITEM 5			
ITEM 6			
ITEM 7			
ITEM 8			

LOCKER	DATE	RECEIVED BY

DO NOT WRITE IN SPACE BELOW — FOR PED USE ONLY

ENTORIED AND ACCEPTED IN PROPERTY EVIDENCE DIVISION	BY	WHITE - RECORDS COPY YELOW - CITIZENS RECEIPT PINK - WITH PROPERTY
DATE: TIME:		

02-01-1

BUREAU OF POLICE
2619 NW INDUSTRIAL WAY, STE. B4
PORTLAND, OREGON 97210

PROPERTY/EVIDENCE RECEIPT

THIS RECEIPT MUST BE ACCOMPANIED BY AN APPROPRIATE REPORT

RECEIPT NUMBER	DATE/TIME	REFER CASE NO.	PPB CASE NO.
No. 1208829	05/20 2311 AM/PM		10-38353

TYPE ONLY: [X] EVIDENCE [ ] FOUND PROPERTY [ ] PRISONER'S PROP. GAVE COPY? YES [ ] NO [ ] [ ] SAFEKEEPING

PROPERTY TAKEN FROM: LAST NAME | FIRST | M.I. | SEX | DOB

DENIED OWNERSHIP [ ]

HOME ADDRESS | CITY | STATE | ZIP

I VOLUNTARILY RELINQUISH THE ITEM(S) LISTED FOR SAFEKEEPING

SIGNATURE

OWNER OF PROPERTY LAST NAME | FIRST | M.I. | SEX | DOB

OFC ANDY POLAS # 43489

HOME ADDRESS | CITY | STATE | ZIP | PHONE

TYPE OF INCIDENT: Police Involved Shooting | DELIVERING OFFICER: [illegible] | BUREAU ASSIGN: 3576 IRD

FOUND, SEIZED, SURRENDERED BY: 4705 E Burnside (Traffic Div) | INVESTIGATOR IF DIFFERENT: Hammer | BUREAU ASSIGN: IPR

[ ] DEFENDANT [ ] SUSPECT | LAST NAME | FIRST | M.I. | SEX | RACE | DOB

ITEM	FOR GUNS LIST MAKE, TYPE, CALIBER, MODEL, SERIAL NUMBER(S), IMPORTER & COUNTRY OF ORGIN. LIST ONLY ONE ITEM PER SELECTION.	STLN	FOR PED USE ONLY
ITEM 1	DUTY BELT		
ITEM 2	FLASH LIGHT TIGER + duty belt keepers		
ITEM 3	1-PR NIKE AIR SHOES BLACK SZ 12		
ITEM 4	1- UNIFORM SHIRT with name TAG		
ITEM 5	1- PR UNIFORM PANTS		
ITEM 6	1- TASER W/ HOLDER SER # X00- [redacted] HOBBLE / HOLDER MACE / HOLDER 2 CARTRIDGES		
ITEM 7			
ITEM 8			

FOUND PROPERTY TAGGED AND SECURED IN PROPERTY	LOCKER	DATE	RECEIVED BY

DO NOT WRITE IN SPACE BELOW — FOR PED USE ONLY

ITEMS CATEGORIED AND ACCEPTED IN PROPERTY EVIDENCE DIVISION DATE: TIME:	BY	WHITE - RECORDS COPY YELOW - CITIZENS RECEIPT PINK - WITH PROPERTY

02-01-10

BUREAU OF POLICE
2619 NW INDUSTRIAL WAY, STE. B4
PORTLAND, OREGON 97210

PROPERTY EVIDENCE RECEIPT

THIS RECEIPT MUST BE ACCOMPANIED BY AN APPROPRIATE REPORT

RECEIPT NUMBER	DATE/TIME	REFER CASE NO.	PPB CASE NO.
No. 1208830	05/20 2329 AM/PM		10-38353

TYPE ONLY: X EVIDENCE | FOUND PROPERTY | PRISONER'S PROP. (LAW COPY? YES NO) | SAFEKEEPING

PROPERTY TAKEN FROM: LAST NAME | FIRST | M.I. | SEX | DOB

DENIED OWNERSHIP ☐

HOME ADDRESS | CITY | STATE | ZIP

VOLUNTARILY RELINQUISHED THE ITEM(S) LISTED FOR SAFEKEEPING

SIGNATURE

OWNER OF PROPERTY LAST NAME | FIRST | M.I. | SEX | DOB

OFC CODY BERNE # 45662

HOME ADDRESS | CITY | STATE | ZIP | PHONE

TYPE OF INCIDENT: OFFICER INVOLVED SHOOTING

DELIVERING OFFICER: KNEVITT BR/STA/SN: 8501

LOCATION WHERE SEIZED/FOUND/SURRENDERED: 4735 E BURNSIDE

INVESTIGATOR IF DIFFERENT: KENNEDY BR/STA/SN: 1111

☐ DEFENDANT | LAST NAME | FIRST | M.I. | SEX | RACE | DOB

☐ SUSPECT

ITEM	FIREARMS: LIST MAKE, TYPE, CALIBER, MODEL, SERIAL NUMBER(S), IMPORTER, COUNTRY OF ORIGIN. LIST ONLY ONE ITEM PER SELECTION.	STLN	FOR PED USE ONLY
ITEM 1	1- DUTY BELT		
ITEM 2	PELICAN FLASHLIGHT - ASP - TASER SER X00 [redacted] W/ HOLDER & CARTRIDGES		
ITEM 3	- 1 PR BLACK NEW BALANCE - SZ 11 SHOES		
ITEM 4	1- UNIFORM SHIRT W/ NAME TAG		
ITEM 5	1- UNIFORM PANTS		
ITEM 6			
ITEM 7			
ITEM 8			

VOUCHERED AS	STATE CRIME	SAFEKEEPING REASON	FEE	LOCKER	DATE	RECEIVED BY

DO NOT WRITE IN SPACE BELOW — FOR PED USE ONLY

IN	RIED AND ACCEPTED IN PROPERTY EVIDENCE DIVISION	BY	WHITE - RECORDS COPY YELOW - CITIZENS RECEIPT PINK - WITH PROPERTY
DA	TIME:		

02-01-10

BUREAU OF POLICE
2619 NW INDUSTRIAL WAY, STE. B4
PORTLAND, OREGON 97210

PROPERTY/EVIDENCE RECEIPT

THIS RECEIPT MUST BE ACCOMPANIED BY AN APPROPRIATE REPORT

RECEIPT NUMBER	DATE/TIME	REFER CASE NO.	PPB CASE NO.
No. 1208831	05/2/10 2357 AM PM		10-38353

EVIDENCE ONLY ☒ EVIDENCE ☐ FOUND PROPERTY ☐ PRISONER'S PROP. ☐ CAVE COP? YES ☐ NO ☐ SAFEKEEPING ☐

PROPERTY TAKEN FROM: LAST NAME | FIRST | M.I. | SEX | DOB

DENIED OWNERSHIP ☐

HOME ADDRESS | CITY | STATE | ZIP

I VOLUNTARILY RELINQUISH THE ITEM(S) LISTED FOR SAFEKEEPING

SIGNATURE

OWNER OF PROPERTY	LAST NAME	FIRST	M.I.	SEX	DOB
OFC	PATRICK	MURPHY		# 44162	

HOME ADDRESS | CITY | STATE | ZIP | PHONE

TYPE OF INCIDENT	DELIVERING OFFICER	EPDS ASSIGN
OFFICER INVOLVED SHOOTING	MCENTEE	33204
LOCATION WHERE SEIZED/RECOVERED/SURRENDERED	INVESTIGATOR (IF DIFFERENT)	EPDS ASSIGN
CRIME SCENE	KAMRADT	1002

☐ DEFENDANT ☐ SUSPECT | LAST NAME | FIRST | M.I. | SEX | RACE | DOB

	FOR GUNS: SERIAL MAKE, TYPE, CALIBER, MODEL, SERIAL NUMBER(S), IMPORTER & COUNTRY OF ORIGIN LIST ONLY ONE ITEM PER SELECTION	STLN	FOR PED USE ONLY
ITEM 1	TASER HOLSTER - ASP 2 CARTRIDGES		
ITEM 2	DUTY BELT		
ITEM 3	1 PR DANNER BOOTS. SZ 10		
ITEM 4	1- UNIFORM SHIRT w/ NAME TAG		
ITEM 5	1- PR. UNIFORM PANTS		
ITEM 6			
ITEM 7			
ITEM 8			

LOCKER	DATE	RECEIVED BY

DO NOT WRITE IN SPACE BELOW — FOR PED USE ONLY

INV	VERIFIED AND ACCEPTED IN PROPERTY EVIDENCE DIVISION	BY	WHITE - RECORDS COPY YELOW - CITIZENS RECEIPT PINK - WITH PROPERTY
DA	TIME:		

02-01-10

BUREAU OF POLICE
2619 NW INDUSTRIAL WAY, STE. B4
PORTLAND, OREGON 97210

PROPERTY/EVIDENCE RECEIPT

THIS RECEIPT MUST BE ACCOMPANIED BY AN APPROPRIATE REPORT

RECEIPT NUMBER	DATE/TIME	REFER CASE NO.	PPB CASE NO.
No. 1208832	05/30/10 0001 AM/PM		10-38353

ONLY ☒ EVIDENCE ☐ FOUND PROPERTY ☐ PRISONER'S PROP. GAVE COPY YES ☐ NO ☐ ☐ SAFEKEEPING

PROPERTY TAKEN FROM:	LAST NAME	FIRST	M.I.	SEX	DOB
DENIED OWNERSHIP ☐					
HOME ADDRESS	CITY	STATE	ZIP		

I VOLUNTARILY RELINQUISH THE ITEM(S) LISTED FOR SAFEKEEPING

SIGNATURE

OWNER OF PROPERTY	LAST NAME	FIRST	M.I.	SEX	DOB
SGT	DON	LIVINGSTON		# 32580	
HOME ADDRESS	CITY	STATE	ZIP	PHONE	
4735 E BURNSIDE					

TYPE OF INCIDENT	DELIVERING OFFICER	ID/ASSIGN #
OFFICER INVOLVED SHOOTER	PRENTICE	30216
LOCATION WHERE SEIZED / FOUND / SURRENDERED	INVESTIGATOR IF DIFFERENT	BEAT/ASSIGN
4735 E BURNSIDE	/s/ PRENTICE	1H21

☐ DEFENDANT ☐ SUSPECT	LAST NAME	FIRST	M.I.	SEX	RACE	DOB

	FOR GUNS LIST: MAKE, TYPE, CALIBER, MODEL, SERIAL NUMBER(S), IMPORTER & COUNTRY OF ORIGIN. LIST ONLY ONE ITEM PER SELECTION	STLN	FOR PED USE ONLY
ITEM 1	DUTY BELT		
ITEM 2	TASER - HOLDER X00 - [redacted]		
	PEPPER w/ HOLDER - 2 - CARTRIDGES		
ITEM 3	1 - PR DANNER BOOTS Black Sz 10		
ITEM 4	1 - UNIFORM SHIRT w/ NAME TAG		
ITEM 5	1 - PR UNIFORM PANTS		
ITEM 6			
ITEM 7			
ITEM 8			

TEMPORARY RELEASE: SIGNATURE OF PERSON TO WHOM RELEASED	LOCKER	DATE	RECEIVED BY

DO NOT WRITE IN SPACE BELOW — FOR PED USE ONLY

IN:	ORIED AND ACCEPTED IN PROPERTY EVIDENCE DIVISION	BY	WHITE - RECORDS COPY YELOW - CITIZENS RECEIPT PINK - WITH PROPERTY
DA	TIME:		

02-01-10

BUREAU OF POLICE
2619 NW INDUSTRIAL WAY, STE. B4
PORTLAND, OREGON 97210

PROPERTY/EVIDENCE RECEIPT

THIS RECEIPT MUST BE ACCOMPANIED BY AN APPROPRIATE REPORT

RECEIPT NUMBER	DATE/TIME	REFER CASE NO.	PPB CASE NO.
No.1208833	05/31/10 0020 AM/PM		10-38353

ONLY ☒ EVIDENCE ☐ FOUND PROPERTY ☐ PRISONER'S PROP. GAVE COPY YES ☐ NO ☐ ☐ SAFEKEEPING

PROPERTY TAKEN FROM: LAST NAME | FIRST | M.I. | SEX | DOB

DENIED OWNERSHIP ☐

HOME ADDRESS | CITY | STATE | ZIP

VOLUNTARILY RELINQUISHED THE ITEM(S) LISTED FOR SAFEKEEPING

SIGNATURE

OWNER OF PROPERTY LAST NAME | FIRST | M.I. | SEX | DOB

OFC RYAN FOOTE #43493

HOME ADDRESS | CITY | STATE | ZIP | PHONE

TYPE OF INCIDENT: OFFICIAL EMPLOYEE SHOOTING | DELIVERING OFFICER: M.E. SYKE | BADGE/I.D. NO. 43493

VICTIM(S) NAME(S), SEX(ES), RACE(S) & SUSPECT(S) IF KNOWN: LT. BRET E. BORNSTEIN | INVESTIGATOR(S) ASSIGNED: TEAM LEADER | BADGE/I.D. NO. HOM

☐ DEFENDANT ☐ SUSPECT | LAST NAME | FIRST | M.I. | SEX | RACE | DOB

ITEM	LIST ONLY ONE ITEM PER SELECTION: QUANTITY, TYPE, CALIBER, MODEL, SERIAL NUMBER(S), IMPORTER & COUNTRY OF ORIGIN	STLN	FOR PED USE ONLY
ITEM 1	TASER HOLSTER - 1 CARTRIDGE		
ITEM 2	1- DUTY BELT		
ITEM 3	1- PR BLACK CONVERSE SHOES SZ 11		
ITEM 4	1- BASEBALL HAT		
ITEM 5	1- BDU UNIFORM SHIRT		
ITEM 6	1- PR BDU UNIFORM PANTS		
ITEM 7			
ITEM 8			

DESCRIPTION OF PROPERTY	LOCKER	DATE	RECEIVED BY

DO NOT WRITE IN SPACE BELOW — FOR PED USE ONLY

STORIED AND ACCEPTED IN PROPERTY EVIDENCE DIVISION	BY	WHITE - RECORDS COPY YELOW - CITIZENS RECEIPT PINK - WITH PROPERTY
DATE: TIME:		

02-01-10

PORTLAND POLICE BUREAU

FORENSIC EVIDENCE DIVISION SPECIAL REPORT

DA COPY

PAGE / OF 1 / 1

CASE NUMBER	REFER CASE NUMBER	CLASSIFICATION	DATE OF INVESTIGATION
10-38353		Autopsy/Other	5/13/2010

CALL TIME REC:	ARR:	CLR:	REQUESTING OFFICER	ASSIGNMENT
12:15	12:45	16:45	Kammerer 29988	Detectives

NAME: LAST	FIRST	MIDDLE	SEX	RACE	DOB	CRN
Otis, Keaton			M	B	1/4/1985	

LOCATION OF OCCURRENCE	LOCATION OF INVESTIGATION (If Different)
13309 SE 84th Avenue, Clackamas	

VEHICLE MAKE / MODEL	COLOR	STATE	LICENSE

COPIES

- ☐ DETS
- ☐ CAU
- ☐ CE
- ☐ EA
- ☐ SE
- ☐ N
- ☐ NE
- ☐ TRAFFIC
- ☐ DA
- ☐ DVD
- ☐ PROPERTY ROOM
- ☐ CRIME PREV
- ☐ INTELL
- ☐ PATROL SUPPORT
- ☐ FBI
- ☐
- ☐
- ☐

Computer Entry

- ☐ Person

☐ OPR Vehicle

OPR ☐ CRIME/ PROP

PR ☐ Book

OPR

SUBJECT OF THIS REPORT	IDENTIFIED SUBJECT	DOB

LATENTS OF VALUE OBTAINED	PPB/M CI/SID NUMBER	
Fingers: 0 Palms: 0		☐ - SUSPECT ☐ - ELIMINATION ☐ - VICTIM ☐ - AFIS

PROCESSED ITEM (S)

☐ - TO OWNER ☐ - DISCARDED PER OWNER ☐ - TO CRIME LAB

☐ - TO OFFICER ☐ - TO PROPERTY ROOM ☐ - RETAINED IN ID

☑ - PHOTOGRAPHS TAKEN OF: deceased

☑ - 35MM ☑ - COLOR ☐ - B&W ☐ - VIDEO ☐ - ALS

ID Lab # 28303

Criminalist Schleich and I went to the postmortem examination for Keaton OTIS at the Oregon State Medical Examiner's office. The exam was conducted by Dr. Gunson. I photographed OTIS prior to and during the examination. My photographs included injuries to his head, neck, torso, arms, and legs. I also photographed spent bullets recovered from OTIS' body and clothing.

At the conclusion of the examination, I recorded inked impressions of OTIS' finger and palm prints.

At the Forensic Evidence Division office, I photographed the clothing that was removed from OTIS during the examination. Refer to Criminalist Schleich's report for details on the disposition of the clothing.

I did a Career Criminal History check on OTIS' name and date of birth (information for deceased provided by Criminalist Schleich), but the search did not produce a State Identification number. I entered OTIS' right thumb print, that I recorded after the autopsy, into AFIS and IAFIS with negative results. I was not able to positively identify OTIS through fingerprint comparison.

I placed the film from this case into the FED photography lab for processing (log #'s 1614, 1615, 1616, 1617, and 1618.)

INVESTIGATION BY CRIMINALIST	DPSST	THIS REPORT DATE	REPORT TIME	REVIEWED BY
Yoshimura, R 24583		5/15/2010	9:00	Sgt. R. Mason # 25247

LATENT(S) LIFTED BY CRIMINALIST DPSST

PORTLAND POLICE BUREAU

FORENSIC EVIDENCE DIVISION SPECIAL REPORT

DA COPY

CASE NUMBER	REFER CASE NUMBER	CLASSIFICATION	DATE OF INVESTIGATION
10-38353		Autopsy/Other	5/13/2010

CALL TIME REC:	ARR:	CLR:	REQUESTING OFFICER	ASSIGNMENT
12:00	13:00	17:00	Mason 25247	FED

NAME: LAST FIRST MIDDLE	SEX	RACE	DOB	CRN
Otis, Keaton D.	M	B	1/4/1985	

LOCATION OF OCCURRENCE	LOCATION OF INVESTIGATION (If Different)
13309 SE 84th Avenue, Clackamas	

VEHICLE MAKE / MODEL	COLOR	STATE	LICENSE

COPIES

- [ ] DETS
- [ ] CAU
- [ ] CE
- [ ] EA
- [ ] SE
- [ ] N
- [ ] NE
- [ ] TRAFFIC
- [ ] DA
- [ ] DVD
- [ ] PROPERTY ROOM
- [ ] CRIME PREV
- [ ] INTELL
- [ ] PATROL SUPPORT
- [ ] FBI
- [ ]
- [ ]
- [ ]

Computer Entry

- [ ] Person

- [ ] OPR Vehicle

OPR

- [ ] CRIME/ PROP

- [ ] PR Book

OPR

SUBJECT OF THIS REPORT	IDENTIFIED SUBJECT	DOB
Investigation		

LATENTS OF VALUE OBTAINED	PPB/MCU/SID NUMBER	
Fingers: 0 Palms: 0		☐ - SUSPECT ☐ - ELIMINATION ☐ - VICTIM ☐ - AFIS

PROCESSED ITEM (S)

☐ - TO OWNER ☐ - DISCARDED PER OWNER ☐ - TO CRIME LAB ☑ - PHOTOGRAPHS TAKEN OF: Autopsy

☐ - TO OFFICER ☑ - TO PROPERTY ROOM ☑ - RETAINED IN ID ☑ - 35MM ☑ - COLOR ☐ - B&W ☐ - VIDEO ☐ - ALS

ID Lab # 28255

EVIDENCE COLLECTED:

PER #1193768

Item 1 - Grey Nike Air Force 1 tennis shoes (transferred to PER #1209431)
Item 2 - Pair of white Haines socks (transferred to PER# 1209431)
Item 3 - Blue jeans with black leather belt
Item 4 - White boxer style underwear
Item 5 - White t-shirt over Item 8
Item 6 - Grey zip up hooded jacket
Item 7 - Black "do rag" (transferred to PER#1209431)
Item 8 - White t-shirt under Item 5

Items 3,4,5,6 &8 were taken to the Hazmat shed at Rivergate Storage Facility.

PER #1193769

Item 1 - Tazer probe removed from the right forearm of the jacket and arm
Item 2 - Tazer probe removed from the left side pocket of the jacket
Item 3 - Tazer probe removed from the back of the jacket
Item 4 - Miscellaneous paperwork recovered from the left front pocket of the blue jeans
Item 5 - Metal bullet fragment recovered from a bullet wound in left arm
Item 6 - Thread recovered from the bullet wound in back of the neck
Item 7 - Metal bullet fragment recovered from the left upper arm
Item 8 - DNA standard from deceased

Items on this Property Receipt were retained in the FED vault by request of Detective Kammerer.

INVESTIGATION BY CRIMINALIST DPSST	THIS REPORT DATE	REPORT TIME	REVIEWED BY
Schleich, A 36817	5/15/2010	18:47	Sgt. R. Mason # 25247
LATENT(S) LIFTED BY CRIMINALIST DPSST			

CASE NUMBER	CLASSIFICATION
10-38353	Autopsy/Other

NAME: LAST FIRST MIDDLE	SEX	RACE	DOB	SRN
Otis, Keaton D.	M	B	1/4/1985	

LOCATION OF OCCURRENCE	LOCATION OF INVESTIGATION (If Different)
13309 SE 84th Avenue, Clackamas	

EVIDENCE COLLECTED:
PER #1193770
Item 1 - Bullet recovered from right side of underwear
Item 2 - Bullet recovered from right thigh
Item 3 - Bullet recovered from right shoulder
Item 4 - Bullet recovered from right lower chest
Item 5 - Bullet recovered from right chest cavity
Item 6 - Bullet recovered from bowel
Item 7 - Bullet recovered from right side of the spine
Item 8 - Bullet recovered from the left clavicle

Items on this Property Receipt were retained in the FED vault by request of Detective Kammerer.

PER #1209431
Item 1 - Grey Nike Air Force 1 tennis shoes (transferred from PER #1193768)
Item 2 - Pair of white Haines socks (transferred from PER #1193768)
Item 3 - Black "do rag" (transferred from PER #1193768)
Item 4 - Bullet recovered from white t-shirt listed on PER #1193768 as Item 5

Items on this Property Receipt were retained in the FED vault by request of Detective Kammerer.

NARRATIVE:

Criminalist Yoshimura and I went to the postmortem examination for Keaton OTIS at the Oregon State Medical Examiner's office. The exam was conducted by Dr. Gunson. I collected the listed evidence during the exam.

After the autopsy Criminalist Yoshimura and I transported the evidence back to the lab for additional photographs and final packaging. I assisted Criminalist Yoshimura by laying out the clothing and placing measurement scales on defects in the clothing while he took photographs. While turning over Item 5 listed on PER #1193768 a bullet dislodged from the material. Additional photographs were taken of the bullet and I collected it as evidence.

After the additional photographs were taken I transported the bloody clothing to Rivergate's Hazmat shed.

PORTLAND POLICE BUREAU | **FORENSIC EVIDENCE DIVISION CONTINUATION REPORT** | PAGE / OF 3 / 3

CASE NUMBER	CLASSIFICATION
10-38353	Autopsy/Other

NAME: LAST FIRST MIDDLE	SEX	RACE	DOB	CRN
Otis, Keaton D.	M	B	1/4/1985	

LOCATION OF OCCURRENCE	LOCATION OF INVESTIGATION (If Different)
13309 SE 84th Avenue, Clackamas	

On 05/14/10, I did the final packaging of the remaining evidence which was retained in the FED vault per the request of Detective Kammerer.

INVESTIGATION BY CRIMINALIST DPSST	SUPERVISOR
Schleich, A 36817	

BUREAU OF POLICE
2619 NW INDUSTRIAL WAY, STE. B4
PORTLAND, OREGON 97210

PROPERTY/EVIDENCE RECEIPT

THIS RECEIPT MUST BE ACCOMPANIED BY AN APPROPRIATE REPORT

RECEIPT NUMBER	DATE/TIME	REFER CASE NO.	PPB CASE NO.
No. 1193768	5/13/10 AM PM		10-38353

EVIDENCE ONLY ☒ EVIDENCE ☐ FOUND PROPERTY ☐ PRISONER'S PROP GAVE COPY: YES ☐ NO ☐ SAFEKEEPING ☐

PROPERTY TAKEN FROM: DENIED OWNERSHIP ☐	LAST NAME	FIRST	M.I.	SEX	DOB
(DE)	Otis,	Keaton	D	M/B	1/4/85

HOME ADDRESS	CITY	STATE	ZIP

OWNER OF PROPERTY	LAST NAME	FIRST	M.I.	SEX	DOB

HOME ADDRESS	CITY	STATE	ZIP	PHONE

CRIME: Unlawful Shooting — DELIVERING OFF.: A Schalick — BADGE/ID: 36817/PE1

LOCATION WHERE CRIME OCCURRED: 3500 SE 64th Ave — INVESTIGATOR (PRINT): Rutherford — INV. SIGN: 25788/PPB

☐ DEFENDANT ☐ SUSPECT	LAST NAME	FIRST	M.I.	SEX	RACE	DOB

ITEM	DESCRIPTION (INCLUDE MAKE, CALIBER, MODEL, SERIAL NUMBER(S), IMPORTER, COUNTRY OF ORIGIN) (LIST ONE ITEM PER SECTION)	STLN	FOR PED USE ONLY
ITEM 1	Grey Nike "Air Force 1" tennis shoes (transfered to PER# 1209431 Item 1)		
ITEM 2	1 pair of white Hanes socks (transfered to PER # 1209431 Item #2)		
ITEM 3	Blue jeans w/ black leather belt		
ITEM 4	white boxer style underwear		
ITEM 5	white t-shirt		
ITEM 6	Grey zip up hooded jacket		
ITEM 7	Black "do-rag" (transfered to PER # 1209431 Item #3)		
ITEM 8	white inner T-shirt		

OFFICER: A Schalick	LOCKER	DATE: 5/13/10	RECEIVED BY

DO NOT WRITE IN SPACE BELOW — FOR PED USE ONLY

ITORIED AND ACCEPTED IN PROPERTY EVIDENCE DIVISION TIME:	BY	WHITE - RECORDS COPY YELOW - CITIZENS RECEIPT PINK - WITH PROPERTY

02-01-10

BUREAU OF POLICE
2619 NW INDUSTRIAL WAY, STE. B4
PORTLAND, OREGON 97210

PROPERTY/EVIDENCE RECEIPT

THIS RECEIPT MUST BE ACCOMPANIED BY AN APPROPRIATE REPORT

RECEIPT NUMBER	DATE/TIME	REFER CASE NO.	PPB CASE NO.
No.1193769	5/13/10 AM PM		10-38353

ONLY ☒ EVIDENCE ☐ FOUND PROPERTY ☐ PRISONER'S PROP. (SAFE COPY REQUIRED) ☐ NO ☐ SAFEKEEPING

PROPERTY TAKEN FROM:	LAST NAME	FIRST	M.I.	SEX	DOB
DENIED OWNERSHIP ☐	(DE) OTIS,	Keaton	D.	M/B	1/4/85

HOME ADDRESS	CITY	STATE	ZIP

VOLUNTARILY RELINQUISHED THEY STATED FOR SAFEKEEPING

OWNER OF PROPERTY	LAST NAME	FIRST	M.I.	SEX	DOB

HOME ADDRESS	CITY	STATE	ZIP	PHONE

INCIDENT	DELIVERING OFFICER	BADGE
6 Ofc Involved Shooting	A Schierds	38271 FED

LOCATION FOUND/SEIZED/SOURCE/RECEIVED FROM	INVESTIGATING/RECEIVING OFFICER	BADGE
4830 SE 67th Ave	Kammerer	29982 / Hom

☐ DEFENDANT ☐ SUSPECT	LAST NAME	FIRST	M.I.	SEX	RACE	DOB

ITEM	DESCRIPTION (INCLUDE MAKE, CALIBER, MODEL, SERIAL NUMBER(S), IMPORTER & COUNTRY OF ORIGIN) LIST ONLY ONE ITEM PER SELECTION	STLN	FOR PED USE ONLY
ITEM 1	tazer probe taken from R forearm of jacket & arm		
ITEM 2	tazer probe taken from L side pocket of jacket		
ITEM 3	tazer probes taken from back of jacket		
ITEM 4	Paperwork recovered from L front pocket of blue jeans		
ITEM 5	metal fragment recovered from bullet wound in Left arm		
ITEM 6	thread recovered from neck bullet wound		
ITEM 7	metal fragement recovered from L upper arm		
ITEM 8	DNA standard from deceased		

LOCKER	DATE	RECEIVED BY
	5/13/10	

DO NOT WRITE IN SPACE BELOW — FOR PED USE ONLY

STORIED AND ACCEPTED IN PROPERTY EVIDENCE DIVISION TIME:	BY	WHITE - RECORDS COPY YELOW - CITIZENS RECEIPT PINK - WITH PROPERTY

02-01-10

BULLED

BUREAU OF POLICE
2619 NW INDUSTRIAL WAY, STE. B4
PORTLAND, OREGON 97210

PROPERTY/EVIDENCE RECEIPT

THIS RECEIPT MUST BE ACCOMPANIED BY AN APPROPRIATE REPORT

RECEIPT NUMBER	DATE/TIME	REFER CASE NO.	PPB CASE NO.
No. 1193770	5/13/10 AM PM		10-38353

TYPE ONLY ▶ X EVIDENCE ☐ FOUND PROPERTY ☐ PRISONER'S PROP. (SAVE COPY? YES ☐ NO ☐) ☐ SAFEKEEPING

PROPERTY TAKEN FROM:	LAST NAME	FIRST	M.I.	SEX	DOB
DENIED OWNERSHIP ☐	(DE) Otis,	Keaton	D.	M/B	1/4/85

HOME ADDRESS	CITY	STATE	ZIP

I VOLUNTARILY RELINQUISH THE ITEM(S) LISTED FOR SAFEKEEPING

SIGNATURE

OWNER OF PROPERTY	LAST NAME	FIRST	M.I.	SEX	DOB

HOME ADDRESS	CITY	STATE	ZIP	PHONE

TYPE OF INCIDENT	OFFICER/ID	BADGE/EMP. NO.
Gsw Involved Shooting	A Schlerf	58177/FED
LOCATION WHERE STOLEN, FOUND, OR ARREST OCCURRED	INVESTIGATOR (IF DIFFERENT)	DATE/TIME ASSIGNED
3201 SE 82nd Ave	Kemmerer	5/13/10 1700

☐ DEFENDANT ☐ SUSPECT	LAST NAME	FIRST	M.I.	SEX	RACE	DOB

ITEM	FOR GUNS: LIST MAKE, TYPE, CALIBER, MODEL, SERIAL NUMBER(S), IMPORTER, COUNTRY OF ORIGIN (DO NOT USE STRIKE-THROUGH SELECTION)	STLN	FOR PED USE ONLY
ITEM 1	Bullet recovered from R side of underwear lining		
ITEM 2	Bullet recovered from R thigh		
ITEM 3	Bullet recovered from R shoulder		
ITEM 4	Bullet recovered from R lower chest		
ITEM 5	Bullet recovered from R chest cavity		
ITEM 6	Bullet recovered from bowel		
ITEM 7	Bullet recovered from R side of spine		
ITEM 8	Bullet recovered from L clavicle		

RELEASED BY	LOCKER	DATE	RECEIVED BY

DO NOT WRITE IN SPACE BELOW — FOR PED USE ONLY

ITEM(S) ID.	STORIED AND ACCEPTED IN PROPERTY EVIDENCE DIVISION TIME:	BY	WHITE - RECORDS COPY YELOW - CITIZENS RECEIPT PINK - WITH PROPERTY

02-01-10

BUREAU OF POLICE
2619 NW INDUSTRIAL WAY, STE. B4
PORTLAND, OREGON 97210

PROPERTY/EVIDENCE RECEIPT

THIS RECEIPT MUST BE ACCOMPANIED BY AN APPROPRIATE REPORT

RECEIPT NUMBER	DATE/TIME	REFER CASE NO.	PPB CASE NO.
No. 1209431	5/13/10 AM / PM		10-38353

P ONLY ☒ EVIDENCE ☐ FOUND PROPERTY ☐ PRISONER'S PROP. GAVE COPY YES ☐ NO ☐ ☐ SAFEKEEPING

PROPERTY TAKEN FROM: LAST NAME: (DE) Otis | FIRST: Keaton | M.I.: D. | SEX: M/B | DOB: 1/4/85

DENIED OWNERSHIP ☐

HOME ADDRESS: 13301 SE 84th Ave | CITY | STATE | ZIP

VOLUNTARILY RELINQUISHED ITEMS LISTED FOR SAFEKEEPING

SIGNATURE

OWNER OF PROPERTY | LAST NAME | FIRST | M.I. | SEX | DOB

HOME ADDRESS | CITY | STATE | ZIP | PHONE

OFFICER INVOLVED SHOOTING | OFFICER: N. Schleich | BADGE/ID: 36917/TFD

LOCATION WHERE PROPERTY FOUND: 13301 SE 84th Ave | INVESTIGATION FOR (IF DIFFERENT): Homicide | DR/CR #: 09388-10

☐ DEFENDANT ☐ SUSPECT | LAST NAME | FIRST | M.I. | SEX | RACE | DOB

ITEM	DESCRIPTION (MAKE, MODEL, SERIAL NUMBER(S), IMPORTER & COUNTRY OF ORIGIN) — ENTER ONLY ONE ITEM PER SELECTION	STLN	FOR PED USE ONLY
ITEM 1	Grey Nike "Air Force 1" tennis shoes (transfered FROM PER# 1193768 Item #1)		
ITEM 2	1 pair of white Hanes socks (transfered FROM PER # 1193768 Item #2)		
ITEM 3	Black "Do-rag" (transfered from PER#1193768 Item #7)		
ITEM 4	Bullet recovered from Outer white t-shirt listed on PER #1193768 Item5)		
ITEM 5			
ITEM 6			
ITEM 7			
ITEM 8			

LOCKER	DATE	RECEIVED BY

DO NOT WRITE IN SPACE BELOW — FOR PED USE ONLY

IN	TORIED AND ACCEPTED IN PROPERTY EVIDENCE DIVISION	BY	WHITE - RECORDS COPY
D	TIME:		YELOW - CITIZENS RECEIPT PINK - WITH PROPERTY

02-01-10

PORTLAND POLICE BUREAU

FORENSIC EVIDENCE DIVISION SPECIAL REPORT

DA COPY

CASE NUMBER	REFER CASE NUMBER	CLASSIFICATION	DATE OF INVESTIGATION
10-38359		Shooting/Police Involved	5/14/2010

CALL TIME REC:	ARR:	CLR:	REQUESTING OFFICER	ASSIGNMENT
9:30	13:00	18:00	Kammerer 29988	Det. Div.

NAME: LAST FIRST MIDDLE	SEX	RACE	DOB	CRN
Otis, Keaton	M	B	1/4/1985	

LOCATION OF OCCURRENCE	LOCATION OF INVESTIGATION (If Different)
7027 NW St. Helens Rd.-Rivergate	

VEHICLE MAKE / MODEL	COLOR	STATE	LICENSE
Toyota Corolla	Cham.	OR	ZET208

SUBJECT OF THIS REPORT	IDENTIFIED SUBJECT	DOB
Investigation		

LATENTS OF VALUE OBTAINED	PPB/MCI/SID NUMBER
Fingers: 0 Palms: 0	

☐ - SUSPECT ☐ - ELIMINATION ☐ - VICTIM ☐ - AFIS

PROCESSED ITEM (S)

☐ - TO OWNER ☐ - DISCARDED PER OWNER ☐ - TO CRIME LAB

☐ - TO OFFICER ☑ - TO PROPERTY ROOM ☐ - RETAINED IN ID

☑ - PHOTOGRAPHS TAKEN OF: Property

☑ - 35MM ☑ - COLOR ☐ - B&W ☐ - VIDEO ☐ - ALS

ID Lab # 28281

COPIES

☐ DETS
☐ CAU
☐ CE
☐ EA
☐ SE
☐ N
☐ NE
☐ TRAFFIC
☐ DA
☐ DVD
☐ PROPERTY ROOM
☐ CRIME PREV
☐ INTELL
☐ PATROL SUPPORT
☐ FBI
☐
☐
☐

Computer Entry
☐ Person

☐ OPR Vehicle

OPR ☐ CRIME/ PROP

OPR ☐ Book

OPR

EVIDENCE COLLECTED:

PER #1209460: (Disposition-Sent to the Property and Evidence Division)

Item #1: Bullet from trunk lid frame/drivers side
Item #2: Bullet and fragments found in laundry basket/trunk
Item #3: Taser probe-stuck in rear passenger side seat
Item #4: Bullet from rear passenger seat/under coat
Item #5: AFID tag's (TASER brand), and Taser blast door's from: front drivers, front passenger, rear drivers, and rear passenger compartment's
Item #6: Bullet from rear driver's side floorboard
Item #7: Bullet from coin holder/front compartment
Item #8: Bullet from dashboard

PER #1209461: (Disposition-Sent to the Property and Evidence Division)

Item #1: LG/Verizon cell phone; found on drivers side floorboard
Item #2: HTC/Touch cell phone; found on center dashboard compartment
Item #3: 9mm casing; found on front passenger side floorboard; "CBC" head stamp
Item #4: Taser wiring; front compartment floorboard's
Item #5: Fuji film-disposable camera
Item #6: Black "Kenneth Cole" jacket; rear seat
Item #7: Bullet from front passenger side door; interior door frame; (bullet fell out)
Item #8: Bullet from front passenger side door; interior door frame; (bottom of frame)

INVESTIGATION BY CRIMINALIST	DPSST	THIS REPORT DATE	REPORT TIME	REVIEWED BY
Ware, P 37137 PMW		5/16/2010	10:15	Sgt. R. Mason # 25247
LATENT(S) LIFTED BY CRIMINALIST	DPSST			

CASE NUMBER	CLASSIFICATION
10-38359	Shooting/Police Involved

NAME: LAST	FIRST	MIDDLE	SEX	RACE	DOB	CRN
Otis, Keaton			M	B	1/4/1985	

LOCATION OF OCCURRENCE	LOCATION OF INVESTIGATION (If Different)
7027 NW St. Helens Rd.-Rivergate	

EVIDENCE COLLECTED:

PER #1209462: (Disposition-Sent to the Property and Evidence Division)

Item #1: Bullet from front passenger side door; interior door frame; (next to crossbar)

Criminalist Vance Nebling and I were sent to the Rivergate Storage Facility to assist the Detective Division with an officer involved shooting/homicide investigation.

The listed vehicle was captured with 35mm overall, mid-range and close-up photographs by Criminalist Nebling, and I used a digital video camera to take overall, mid-range and close-up's of the exterior and interior of the car.

Numerous scale stickers were already on the car from the initial scene processing, and were photographed and videoed as they were found. After the collection of the evidence, trajectory rods were used to show the approximate path of travel of the bullet holes and strike marks inside the car. The car was then videoed and photographed with the trajectory rods in place.

The film and video card were submitted to the Portland Police Photo Lab for processing under log #1626-1628.

INVESTIGATION BY CRIMINALIST	DPSST	SUPERVISOR
Ware, P 37137		

BUREAU OF POLICE
2619 NW INDUSTRIAL WAY, STE. B4
PORTLAND, OREGON 97210

PROPERTY/EVIDENCE RECEIPT

THIS RECEIPT MUST BE ACCOMPANIED BY AN APPROPRIATE REPORT

RECEIPT NUMBER	DATE/TIME	REFER CASE NO.	PPB CASE NO.
No. 1209460	5-14-10 AM / PM		10-38353

CHECK TYPE ONLY: [X] EVIDENCE [ ] FOUND PROPERTY [ ] PRISONER'S PROP. GAVE COPY? YES [ ] NO [ ] [ ] SAFEKEEPING

PROPERTY TAKEN FROM:	LAST NAME	FIRST	M.I.	SEX	DOB
DENIED OWNERSHIP [ ]					
HOME ADDRESS	CITY	STATE	ZIP		
OWNER OF PROPERTY	LAST NAME	FIRST	M.I.	SEX	DOB
HOME ADDRESS	CITY	STATE	ZIP	PHONE	

I VOLUNTARILY RELINQUISH THE ITEM(S) LISTED FOR SAFEKEEPING.

SIGNATURE

TYPE OF INCIDENT	DELIVERING OFFICER	P#/ASSIGN
OFFICER INVOLVED SHOOTING	P. WARE	#33157 / FED
LOCATION WHERE SEIZED, FOUND, SURRENDERED	INVESTIGATOR IF DIFFERENT	P#/ASSIGN
RIVERGATE STORAGE FACILITY	DET. E. HAMMERER	HOM. DETAIL

	LAST NAME	FIRST	M.I.	SEX	RACE	DOB
[ ] DEFENDANT						
[ ] SUSPECT						

FOR GUNS LIST MAKE, TYPE, CALIBER, MODEL, SERIAL NUMBER(S), IMPORTER & COUNTRY OF ORGIN. LIST ONLY ONE ITEM PER SELECTION.	STLN	FOR PED USE ONLY
ITEM 1: BULLET FROM TRUNK HID FRAME / DRIVERS SIDE		
ITEM 2: BULLET & FRAGMENT FOUND IN LAUNDRY BASKET / TRUNK		
ITEM 3: TASER PROBE - STUCK IN REAR PASSENGER SIDE SEAT		
ITEM 4: BULLET FROM REAR PASSENGER SIDE SEAT / UNDER COAT		
ITEM 5: AFID TAG'S & TASER BLAST DOOR'S FROM: FRONT DRIVER'S; FRONT PASSENGER SIDE; REAR DRIVER'S; AND REAR PASSENGER COMPARTMENT		
ITEM 6: BULLET FROM REAR DRIVER'S SIDE FLOORBOARD		
ITEM 7: BULLET FROM COIN HOLDER / FRONT COMPARTMENT		
ITEM 8: BULLET FROM DASHBOARD		

EVIDENCE TYPE: FIREARM / CHEMICAL / TOOL / BIOHAZARD / OTHER	LOCKER	DATE	RECEIVED BY
	FED OUTGOING	5-14-10	

DO NOT WRITE IN SPACE BELOW — FOR PED USE ONLY

INVENTORIED AND ACCEPTED IN PROPERTY EVIDENCE DIVISION TIME:	BY	WHITE - RECORDS COPY YELOW - CITIZENS RECEIPT PINK - WITH PROPERTY

02-01-10

BUREAU OF POLICE
2619 NW INDUSTRIAL WAY, STE. B4
PORTLAND, OREGON 97210

PROPERTY/EVIDENCE RECEIPT

THIS RECEIPT MUST BE ACCOMPANIED BY AN APPROPRIATE REPORT

RECEIPT NUMBER	DATE/TIME	REFER CASE NO.	PPB CASE NO.
No. 1209461	5-14-10 AM / PM		10-38353

CHECK TYPE ONLY ➧ [X] EVIDENCE [ ] FOUND PROPERTY [ ] PRISONER'S PROP. GAVE COPY? YES [ ] NO [ ] [ ] SAFEKEEPING

PROPERTY TAKEN FROM:	LAST NAME	FIRST	M.I.	SEX	DOB
DENIED OWNERSHIP [ ]					
HOME ADDRESS	CITY	STATE	ZIP		

I VOLUNTARILY RELINQUISH THE ITEM(S) LISTED FOR SAFEKEEPING.

SIGNATURE

OWNER OF PROPERTY	LAST NAME	FIRST	M.I.	SEX	DOB
HOME ADDRESS	CITY	STATE	ZIP	PHONE	

TYPE OF INCIDENT	DELIVERING OFFICER	BPST/ASSIGN
OFFICER INVOLVED SHOOTING	P. WAGE #37432	FED
LOCATION WHERE SEIZED, FOUND, SURRENDERED	**INVESTIGATOR II, DIVISION**	**BPST/ASSIGN**
PRECINCT STORAGE FACILITY	DET. E. HAMMERER	HOM. DETAIL

	LAST NAME	FIRST	M.I.	SEX	RACE	DOB
[ ] DEFENDANT						
[ ] SUSPECT						

FOR GUNS LIST MAKE, TYPE, CALIBER, MODEL, SERIAL NUMBER(S), IMPORTER & COUNTRY OF ORGIN. LIST ONLY ONE ITEM PER SELECTION	STLN	FOR PED USE ONLY
ITEM 1 — LG / VERIZON CELL PHONE; DRIVER'S SIDE FLOORBOARD		
ITEM 2 — HTC / TOUCH CELL PHONE; CENTER DASHBOARD COMPARTMENT		
ITEM 3 — 9MM CASING; FRONT PASSENGER SIDE FLOORBOARD; "CBC" HEAD STAMP		
ITEM 4 — TASER WIRING; FRONT COMPARTMENT FLOORBOARD'S		
ITEM 5 — FUJI FILM - DISPOSABLE CAMERA; FOUND IN GLOVE BOX		
ITEM 6 — BLACK "KENNETH COLE" JACKET; REAR SEAT		
ITEM 7 — BULLET FROM FRONT PASSENGER SIDE; INTERIOR DOOR FRAME (BULLET FELL OUT)		
ITEM 8 — BULLET FROM FRONT PASSENGER SIDE; INTERIOR DOOR FRAME (BOTTOM OF FRAME)		

RELINQUISHED BY / DATE / TIME / RECEIVED BY / DATE / TIME	LOCKER	DATE	RECEIVED BY
	FED OUTGOING	5-14-10	

DO NOT WRITE IN SPACE BELOW — FOR PED USE ONLY

INVENTORIED AND ACCEPTED IN PROPERTY EVIDENCE DIVISION	BY	WHITE - RECORDS COPY YELOW - CITIZENS RECEIPT PINK - WITH PROPERTY
TIME:		

02-01-10

BUREAU OF POLICE
2619 NW INDUSTRIAL WAY, STE. B4
PORTLAND, OREGON 97210

PROPERTY/EVIDENCE RECEIPT

THIS RECEIPT MUST BE ACCOMPANIED BY AN APPROPRIATE REPORT

RECEIPT NUMBER	DATE/TIME	REFER CASE NO.	PPB CASE NO.
No. 1209462	6-14-10 AM / PM		10-38353

CHECK TYPE ONLY: EVIDENCE [X] FOUND PROPERTY [ ] PRISONER'S PROP [ ] GAVE COPY? YES [ ] NO [ ] SAFEKEEPING [ ]

PROPERTY TAKEN FROM:	LAST NAME	FIRST	M.I.	SEX	DOB
DENIED OWNERSHIP [ ]					
HOME ADDRESS	CITY	STATE	ZIP		

I VOLUNTARILY RELINQUISH THE ITEM(S) LISTED FOR SAFEKEEPING.

SIGNATURE

OWNER OF PROPERTY	LAST NAME	FIRST	M.I.	SEX	DOB
HOME ADDRESS	CITY	STATE	ZIP	PHONE	

TYPE OF INCIDENT	DELIVERING OFFICER	BPST/ASSIGN
OFFICER INVOLVED SHOOTING	P. WAGE	8713 / INV
LOCATION WHERE SEIZED, FOUND, SURRENDERED	INVESTIGATOR(S)/DIVISION	BPST/ASSIGN
INTERGATE STORAGE FACILITY	DET. E. KAMMERER	HOM DETAIL

	LAST NAME	FIRST	M.I.	SEX	RACE	DOB
[ ] DEFENDANT						
[ ] SUSPECT						

FOR CONSIST: MAKE, TYPE, CALIBER, MODEL, SERIAL NUMBER(S), IMPORTER & COUNTRY OF ORGIN. LIST ONLY ONE ITEM PER SELECTION	STLN	FOR PED USE ONLY
ITEM 1 BULLET FROM FRONT PASSENGER SIDE, INTERIOR DOOR FRAME; (NEXT TO CROSSBAR)		
ITEM 2		
ITEM 3		
ITEM 4		
ITEM 5		
ITEM 6		
ITEM 7		
ITEM 8		

DISPOSITION: RETURN TO OWNER / DESTROY / AUCTION / RELEASED TO OTHER AGENCY / HOLD FOR COURT	LOCKER	DATE	RECEIVED BY
	FED OUTCOME	5-14-10	

DO NOT WRITE IN SPACE BELOW — FOR PED USE ONLY

INVENTORIED AND ACCEPTED IN PROPERTY EVIDENCE DIVISION TIME:	BY	WHITE - RECORDS COPY YELOW - CITIZENS RECEIPT PINK - WITH PROPERTY

02-01-10

PORTLAND POLICE BUREAU

FORENSIC EVIDENCE DIVISION SPECIAL REPORT

DETECTIVES COPY

PAGE / OF 1 / 1

CASE NUMBER	REFER CASE NUMBER	CLASSIFICATION	DATE OF INVESTIGATION
10-38353		Officer Involved Shooting/Additional	5/18/2010

CALL TIME REC:	ARR:	CLR:	REQUESTING OFFICER	ASSIGNMENT
19:49	20:00	20:10	Michaelson	Det Sgt

NAME: LAST	FIRST	MIDDLE	SEX	RACE	DOB	RN

LOCATION OF OCCURRENCE	LOCATION OF INVESTIGATION (If Different)
NE 7th #	

VEHICLE MAKE / MODEL	COLOR	STATE	LICENSE

COPIES
- [ ] DETS
- [ ] CAU
- [ ] CE
- [ ] EA
- [ ] SE
- [ ] N
- [ ] NE
- [ ] TRAFFIC
- [ ] DA
- [ ] DVD
- [ ] PROPERTY ROOM
- [ ] CRIME PREV
- [ ] INTELL
- [ ] PATROL SUPPORT
- [ ] FBI
- [ ]
- [ ]
- [ ]

Computer Entry
- [ ] Person

- [ ] OPR Vehicle

OPR
- [ ] CRIME/ PROP

OPR
- [ ] Book

OPR

SUBJECT OF THIS REPORT	IDENTIFIED SUBJECT	DOB
Investigation		

LATENTS OF VALUE OBTAINED	PPB/MCU/SID NUMBER	
Fingers: 0 Palms: 0		[ ] - SUSPECT [ ] - ELIMINATION [ ] - VICTIM [ ] - AFIS

PROCESSED ITEM (S)

[ ] - TO OWNER [ ] - DISCARDED PER OWNER [ ] - TO CRIME LAB

[ ] - TO OFFICER [ ] - TO PROPERTY ROOM [ ] - RETAINED IN ID

[x] - PHOTOGRAPHS TAKEN OF:

[x] - 35MM [x] - COLOR [ ] - B&W [ ] - VIDEO [ ] - ALS

ID Lab # 28354

At the request of Sgt. Michaelson, I respond to the listed location regarding follow up on a police involved shooting. I took 35mm color photographs of WI [redacted] vantage point of the incident.

I submitted the film to the PPB Photo Lab for processing. Copies of the photographs were requested for Detective Kammerer and Detective Slater.

INVESTIGATION BY CRIMINALIST	DPSST	THIS REPORT DATE	REPORT TIME	REVIEWED BY
Durham, H	33027	5/19/2010	2:40	

LATENT(S) LIFTED BY CRIMINALIST DPSST

PORTLAND POLICE BUREAU

FORENSIC EVIDENCE DIVISION SPECIAL REPORT

RECORDS DIVISION COPY

PAGE / OF 1 / 1

CASE NUMBER	REFER CASE NUMBER	CLASSIFICATION	DATE OF INVESTIGATION
10- 38353		Shooting/Police Involved	5/13/2010

CALL TIME REC:	ARR:	CLR:	REQUESTING OFFICER	ASSIGNMENT
14:00	14:00	15:30	Weatheroy 20824	FED

NAME: LAST FIRST MIDDLE	SEX	RACE	DOB
Defrain, James P	M	W	[redacted]

LOCATION OF OCCURRENCE	LOCATION OF INVESTIGATION (If Different)
1111 SW 2nd Ave #1250	

VEHICLE MAKE / MODEL	COLOR	STATE	LICENSE

COPIES

- [x] DETS
- [ ] CAU
- [ ] CE
- [ ] EA
- [ ] SE
- [ ] N
- [ ] NE
- [ ] TRAFFIC
- [x] DA
- [ ] DVD (1)
- [ ] ID
- [ ] PROPERTY ROOM
- [ ] CRIME PREV
- [ ] INTELL
- [ ] PATROL SUPPORT
- [ ] FBI
- [ ]
- [ ]
- [ ]

Computer Entry

- [ ] Person

- [ ] OPR Vehicle

OPR

- [ ] CRIME/ PROP 45985

OPR

- [ ] Book

OPR

SUBJECT OF THIS REPORT	IDENTIFIED SUBJECT	DOB
Investigation		

LATENTS OF VALUE OBTAINED	PPB/MCU/SID NUMBER	
Fingers: 0 Palms: 0		[ ] - SUSPECT [ ] - ELIMINATION [ ] - VICTIM [ ] - AFIS

PROCESSED ITEM (S)

- [ ] - TO OWNER [ ] - DISCARDED PER OWNER [ ] - TO CRIME LAB
- [ ] - TO OFFICER [ ] - TO PROPERTY ROOM [x] - RETAINED IN ID

- [x] - PHOTOGRAPHS TAKEN OF: Injuries/evidence
- [x] - 35MM [x] - COLOR [ ] - B&W [ ] - VIDEO [ ] - ALS

ID Lab # 28260

Officer Defrain, [redacted] and attorney, and Dave Dobler from the PPA came to the FED for photographs of an injury Officer Defrain had received from the Officer involved shooting on 5/12/10. I took 35mm color photographs of a round reddish abrasion/injury, approximately 5 to 6 mm in diameter, to his lower left abdomen area. I also took photographs of the corresponding areas of his duty pants and duty belt. The injury was also illuminated with the ALS using the UV light source and viewed through a yellow filter. No additional injuries were visible.

The film was promptly submitted for processing.

10 MAY 15 AM 10:22

INVESTIGATION BY CRIMINALIST	DPSST	THIS REPORT DATE	REPORT TIME	REVIEWED BY
Stanton, D 9047		5/13/2010	15:30	Sgt G Weatheroy #20824
LATENT(S) LIFTED BY CRIMINALIST	DPSST			

PORTLAND POLICE BUREAU

FORENSIC EVIDENCE DIVISION SPECIAL REPORT

DETECTIVES COPY

PAGE / OF 1 /

CASE NUMBER	REFER CASE NUMBER	CLASSIFICATION	DATE OF INVESTIGATION
10-38353		Death/Homicide/Add'l	5/18/2010

CALL TIME REC:	ARR:	CLR:	REQUESTING OFFICER	ASSIGNMENT
9:45	9:45	10:30	Kammerer / Slater 29988	HOM

NAME: LAST	FIRST	MIDDLE	SEX	RACE	DOB	CRN

LOCATION OF OCCURRENCE	LOCATION OF INVESTIGATION (If Different)
1111 SW 2nd Ave #1250	

VEHICLE MAKE / MODEL	COLOR	STATE	LICENSE

COPIES
- ☐ DETS
- ☐ CAU
- ☐ CE
- ☐ EA
- ☐ SE
- ☐ N
- ☐ NE
- ☐ TRAFFIC
- ☐ DA
- ☐ DVD
- ☐ PROPERTY ROOM
- ☐ CRIME PREV
- ☐ INTELL
- ☐ PATROL SUPPORT
- ☐ FBI
- ☐
- ☐
- ☐

Computer Entry
- ☐ Person
- ☐ OPR Vehicle
- ☐ OPR CRIME/ PROP
- ☐ PR Book
- OPR

SUBJECT OF THIS REPORT	IDENTIFIED SUBJECT	DOB
Investigation		

LATENTS OF VALUE OBTAINED	PPB/MCI/SID NUMBER	
Fingers: 0 Palms: 0		☐ - SUSPECT ☐ - ELIMINATION ☐ - VICTIM ☐ - AFIS

PROCESSED ITEM (S)

☐ - TO OWNER ☐ - DISCARDED PER OWNER ☐ - TO CRIME LAB

☑ - TO OFFICER ☐ - TO PROPERTY ROOM ☐ - RETAINED IN ID

☐ - PHOTOGRAPHS TAKEN OF:

☐ - 35MM ☐ - COLOR ☐ - B&W ☐ - VIDEO ☐ - ALS

ID Lab # 28344

SUMMARY: Detectives Kammerer and Slater obtained ballistic evidence from the Forensic Evidence Division Vault for submission to OSP for additional examinations. The following items of evidence collected by Criminalist Durham on 5/12/10 were viewed and then sealed with evidence tape. The evidence was removed from the Division by Detectives Kammerer and Slater:

PER #1209402
Item #3 Placard 3 – Spent Bullet
Item #5 Placard 5 or 6 – Bullet Fragment
Item #6 Placard 6 or 6 – Bullet Fragment
Item #7 Placard 7 – Bullet Fragment
Item #8 Placard 8 – Bullet Fragment

PER #1209403
Item #3 Placard 11 – Spent Casing
Item #5 Placard 13 – Spent Casing
Item #6 Placard 14 – Spent Casing
Item #7 Placard 15 – Spent Casing
Item #8 Placard 16 – Spent Casing

PER #1209404
Item #1 Placard 17 – Spent Casing
Item #2 Placard 18 – Spent Casing
Item #3 Placard 19 – Spent Casing
Item #4 Placard 20 – Spent Casing
Item #5 Placard 21 – Spent Casing
Item #6 Placard 22 – Spent Casing

INVESTIGATION BY CRIMINALIST	DPSST	THIS REPORT DATE	REPORT TIME	REVIEWED BY
Jones, Ken 22516		5/18/2010	11:00	
LATENT(S) LIFTED BY CRIMINALIST	DPSST			

PORTLAND POLICE BUREAU

FORENSIC EVIDENCE DIVISION
CONTINUATION REPORT

CASE NUMBER	CLASSIFICATION
10-38353	Death/Homicide/Add'l

NAME: LAST	FIRST	MIDDLE	SEX	RACE	DOB

LOCATION OF OCCURRENCE	LOCATION OF INVESTIGATION (If Different)
1111 SW 2nd Ave #1250	

PER #1209405
Item #2 Placard 26 – Spent Casing
Item #5 Placard 29 – Spent Casing
Item #6 Placard 30 – Spent Casing
Item #7 Placard 31 – Spent Casing
Item #8 Placard 32 – Spent Casing

PER #1209406
Item #1 Placard 33 – Spent Casing
Item #3 Placard 35 – Bullet Fragment
Item #6 Placard 38 – Bullet Fragment

PER #1209407
Item #1 Placard 41 – Spent Bullet
Item #2 Placard 42 – Spent Casing
Item #5 Placard 45 – Spent Casing
Item #6 Placard 46 – Spent Casing
Item #7 Placard 47 – Spent Casing
Item #8 Placard 48 – Spent Casing

PER #1209408
Item #1 Placard 49 – Spent Casing
Item #2 Placard 50 – Spent Casing
Item #3 Placard 51 – Spent Casing
Item #4 Placard 53 – Spent Casing
Item #5 Placard 54 – Spent Casing
Item #7 Placard 56 – Bullet Fragment
Item #8 Placard 57 – Bullet Fragment

PER #1209409
Item #6 Placard 63 – Bullet Fragment
Item #7 Placard 64 – Spent Casing
Item #8 Placard 65 – Spent Casing

PER #1209410
Item #1 Placard 66 – Spent Casing
Item #3 Placard 68 – Spent Casing
Item #4 Placard 69 – Bullet Fragment
Item #5 Placard 70 – Bullet Fragment

INVESTIGATION BY CRIMINALIST	DPSST	SUPERVISOR
Jones, Ken 22516		

PORTLAND POLICE BUREAU

FORENSIC EVIDENCE DIVISION
CONTINUATION REPORT

CASE NUMBER	CLASSIFICATION
10-38353	Death/Homicide/Add'l

NAME: LAST	FIRST	MIDDLE	SEX	RACE	DOB	SBN

LOCATION OF OCCURRENCE	LOCATION OF INVESTIGATION (If Different)
1111 SW 2nd Ave #1250	

PER #1209417
Item #1 Placard 67 – Taurus PT111 9mm Handgun [redacted] with 1 round from chamber and magazine with 9mm rounds.

INVESTIGATION BY CRIMINALIST	DPSST	SUPERVISOR
Jones, Ken 22516		

PORTLAND POLICE BUREAU

FORENSIC EVIDENCE DIVISION SPECIAL REPORT

DA COPY

PAGE / OF 1 / 1

CASE NUMBER	REFER CASE NUMBER	CLASSIFICATION	DATE OF INVESTIGATION
10-38353		Death/Homicide/Add'l	5/20/2010

CALL TIME REC:	ARR:	CLR:	REQUESTING OFFICER		ASSIGNMENT
15:00	15:00	15:00	Slater	27192	Detective

NAME: LAST FIRST MIDDLE	SEX	RACE	DOB	GRN
OTIS, Keaton Dupree	M	B	1/4/1985	

LOCATION OF OCCURRENCE	LOCATION OF INVESTIGATION (If Different)
1111 SW 2nd Ave #1250	

VEHICLE MAKE / MODEL	COLOR	STATE	LICENSE

SUBJECT OF THIS REPORT	IDENTIFIED SUBJECT	DOB

LATENTS OF VALUE OBTAINED	PPB/M CI/SID NUMBER	
Fingers: 0 Palms: 0		☐ - SUSPECT ☐ - ELIMINATION ☐ - VICTIM ☐ - AFIS

PROCESSED ITEM (S)

☐ - TO OWNER ☐ - DISCARDED PER OWNER ☐ - TO CRIME LAB ☐ - PHOTOGRAPHS TAKEN OF:

☐ - TO OFFICER ☐ - TO PROPERTY ROOM ☐ - RETAINED IN ID ☐ - 35MM ☐ - COLOR ☐ - B&W ☐ - VIDEO ☐ - ALS

ID Lab # 28384

COPIES

☐ DETS
☐ CAU
☐ CE
☐ EA
☐ SE
☐ N
☐ NE
☐ TRAFFIC
☐ DA
☐ DVD
☐
☐ PROPERTY ROOM
☐ CRIME PREV
☐ INTELL
☐ PATROL SUPPORT
☐ FBI
☐
☐
☐

Computer Entry

☐ Person

☐ OPR Vehicle

☐ OPR CRIME/ PROP

☐ OPR Book

OPR

EVIDENCE RELEASED:

PER 1209412, Item 1: Tazer, sn X00-[redacted]
PER 1209415, Item 1: Tazer, sn X00-[redacted]
PER 1209416, Item 1: Tazer, sn X00-[redacted]

NARRATIVE:

Detective Slater came to the Forensic Evidence Division to take custody of evidence listed on PER's 1209412, 1209415, and 1209416. We located the items in the FED vault. I released the items of evidence to Detective Slater - the items were still sealed in their respective evidence packages.

INVESTIGATION BY CRIMINALIST	DPSST	THIS REPORT DATE	REPORT TIME	REVIEWED BY
Yoshimura, R	24583	5/21/2010	12:30	Sgt. R. Mason # 25247

LATENT(S) LIFTED BY CRIMINALIST DPSST

Portland Police Bureau: Forensic Evidence Division
Evidence Vault
Property / Evidence Log

CASE # 10-383555
OTIS, KEATON DUREE 1/4/85

PER #	Item #	Item Description	Action Taken ** See Below	Det. / Ofc. Initials / DPSST	Criminalist	Date	Out	In
1209412	1	TAZER X00 - [redacted]	RELEASED TO DET. SLATER	27192	R. YOSHIMURA	5/20/10	1500	
1209415	1	TAZER X00 - [redacted]	11	27192	R. YOSHIMURA	5/20/10	1500	
1209416	1	TAZER X00- [redacted]	11	27192	R. YOSHIMURA	5/20/10	1500	

** Action Taken: Released to Det/Ofc, Received from Det/Ofc, Viewed, Temp. release for search warrant, Temp. release for autopsy, Temp. release (state reason), Processing if other than collecting Criminalist

A Special report must be written by a Criminalist for each action taken.

Make co[illegible] for: Records, Detectives, DA, and place original in the [illegible]e file with the FED report.

PORTLAND POLICE BUREAU

FORENSIC EVIDENCE DIVISION SPECIAL REPORT

DA COPY

PAGE / OF 1 / 1

CASE NUMBER	REFER CASE NUMBER	CLASSIFICATION	DATE OF INVESTIGATION
10-38353		Death/Homicide/Add'l	5/19/2010

CALL TIME REC:	ARR:	CLR:	REQUESTING OFFICER	ASSIGNMENT
9:30	9:30	9:40	Kammerer	Homicide

NAME: LAST	FIRST	MIDDLE	SEX	RACE	DOB	GRN

LOCATION OF OCCURRENCE	LOCATION OF INVESTIGATION (if Different)
1111 SW 2nd Ave #1250	

VEHICLE MAKE / MODEL	COLOR	STATE	LICENSE

COPIES

- ☐ DETS
- ☐ CAU
- ☐ CE
- ☐ EA
- ☐ SE
- ☐ N
- ☐ NE
- ☐ TRAFFIC
- ☐ DA
- ☐ DVD
- ☐ PROPERTY ROOM
- ☐ CRIME PREV
- ☐ INTELL
- ☐ PATROL SUPPORT
- ☐ FBI
- ☐
- ☐
- ☐

Computer Entry

- ☐ Person

- ☐ OPR Vehicle

- OPR ☐ CRIME/ PROP

- OPR ☐ Book

OPR

SUBJECT OF THIS REPORT	IDENTIFIED SUBJECT	DOB
Investigation		

LATENTS OF VALUE OBTAINED	PPB/MCL/SID NUMBER	☐ - SUSPECT ☐ - ELIMINATION ☐ - VICTIM ☐ - AFIS
Fingers: 0 Palms: 0		

PROCESSED ITEM (S)

☐ - TO OWNER ☐ - DISCARDED PER OWNER ☐ - TO CRIME LAB

☑ - TO OFFICER ☐ - TO PROPERTY ROOM ☐ - RETAINED IN ID

☐ - PHOTOGRAPHS TAKEN OF:

☐ - 35MM ☐ - COLOR ☐ - B&W ☐ - VIDEO ☐ - ALS

ID Lab # 28368

I assisted Detective Kammerer with retrieving evidence on receipt #1213076 items 2, 3, and 4; receipt #1193770 all items; and receipt #1193769 items 5 and 7. Kammerer took possession of those items in order to deliver them to the Oregon State Police Crime Lab for examination.

INVESTIGATION BY CRIMINALIST	DPSST	THIS REPORT DATE	REPORT TIME	REVIEWED BY
Shearer, J 29992		5/21/2010	6:32	Sgt. R. Mason # 25247
LATENT(S) LIFTED BY CRIMINALIST	DPSST			

Portland Police Bureau: Forensic Evidence Division
Evidence Vault
Property / Evidence Log

CASE # 10-38358

PER #	Item #	Item Description	Action Taken ** See Below	Det. / Ofc. Initials / DPSST	Criminalist	Date	Out	In
				KAMMERER				
1213076	2	Shirt	Taken to Lab	29988	JA	5-19-10	0940	
"	3	Underwear	"	29988	JA	5-19-10	"	
"	4	Pants	"	29988	JA	5-19-10	"	
1193770	All	Belts	"	29988	JA	5-19-10	"	
1193769	5/7	metal fragments	"	29988	JA	5-19-10	"	

** Action Taken: Released to Det/Ofc, Received from Det/Ofc, Viewed, Temp. release for search warrant, Temp. release for autopsy, Temp. release (state reason), Processing if other than collecting Criminalist

A Special report must be written by a Criminalist for each action taken.

Make copi[illegible]or: Records, Detectives, DA, and place original in the case file with the FED report.

REAU OF POLICE
9 NW INDUSTRIAL WAY, STE. B4
RTLAND, OREGON 97210

PROPERTY/EVIDENCE RECEIPT

THIS RECEIPT MUST BE ACCOMPANIED BY AN APPROPRIATE REPORT

RECEIPT NUMBER	DATE/TIME	AM/PM	REFER CASE NO.	PPB CASE NO.
No.1193134	05-18-10 / 1935	PM		10-38353

EVIDENCE ☐ FOUND PROPERTY ☐ PRISONER'S PROP. ☐ SAFEKEEPING ☐

PROPERTY TAKEN FROM: LAST NAME | FIRST | M.I. | SEX | DOB

DENIED OWNERSHIP ☐

HOME ADDRESS | CITY | STATE | ZIP

VOLUNTARILY RELINQUISHED ITEM(S) LISTED FOR SAFEKEEPING

SIGNATURE

OWNER OF PROPERTY: LAST NAME | FIRST | M.I. | SEX | DOB

HOME ADDRESS | CITY | STATE | ZIP | PHONE

OFFICER IN CHARGE | DELIVERING OFFICER | P# | DEPT. ASSIGN.

POSITION MATCHES PHOTO AND SURROUNDINGS | INVESTIGATOR NOTIFIED | P# | DEPT. ASSIGN.

☐ DEFENDANT ☐ SUSPECT | LAST NAME | FIRST | M.I. | SEX | RACE | DOB

ITEM	FOR GUNS: LIST MAKE, TYPE, CALIBER, MODEL, SERIAL NUMBER(S), IMPORTER & COUNTRY OF ORIGIN (LIST ONLY 5 OUTER PACKAGE SELECTION)	STLN	FOR PED USE ONLY
ITEM 1	1 CD-R with recorded interviews		
ITEM 2			
ITEM 3			
ITEM 4			
ITEM 5			
ITEM 6			
ITEM 7			
ITEM 8			

DESCRIPTION OF ARTICLE(S) FROM ITEM(S) # | LOCKER | DATE | RECEIVED BY

C-6 | 05-18-10

DO NOT WRITE IN SPACE BELOW — FOR PED USE ONLY

INVENTORIED AND ACCEPTED IN PROPERTY EVIDENCE DIVISION | BY | TIME:

WHITE - RECORDS COPY
YELOW - CITIZENS RECEIPT
PINK - WITH PROPERTY

02-01-10

REAU OF POLICE
19 NW INDUSTRIAL WAY, STE. B4
RTLAND, OREGON 97210

PROPERTY EVIDENCE RECEIPT

THIS RECEIPT MUST BE ACCOMPANIED BY AN APPROPRIATE REPORT

RECEIPT NUMBER **No.1193135**

DATE/TIME	AM / PM	REFER CASE NO.	PPB CASE NO.
05-18-10 / 22:32	PM		10-38353

ONLY ☒ EVIDENCE ☐ FOUND PROPERTY ☐ PRISONER'S PROP. (SEAL COPY IF ☐ NO) ☐ SAFEKEEPING

PROPERTY TAKEN FROM: LAST NAME | FIRST | M.I. | SEX | DOB

DENIED OWNERSHIP ☐

HOME ADDRESS | CITY | STATE | ZIP

Portland, OR | 97232

OWNER OF PROPERTY | LAST NAME | FIRST | M.I. | SEX | DOB

Same as Above

HOME ADDRESS | CITY | STATE | ZIP | PHONE

VOLUNTARILY RELINQUISHED ITEM(S) LISTED FOR SAFEKEEPING

SIGNATURE

RECEIVING OFFICER | P# / BADGE | DELIVERING OFFICER | P# / BADGE

INVESTIGATOR ASSIGNED | P# / BADGE

VEHICLE WHEELS SEALED FOR FINGERPRINTS

☐ DEFENDANT | LAST NAME | FIRST | M.I. | SEX | RACE | DOB

☐ SUSPECT

ITEM	FOR GUNS: LIST MAKE, TYPE, CALIBER, MODEL, SERIAL NUMBER(S), IMPORTER & COUNTRY OF ORIGIN. LIST ONE ITEM PER SEQUENCE.	STLN	FOR PED USE ONLY
ITEM 1	One CD-R containing crime scene photos taken by		
ITEM 2			
ITEM 3			
ITEM 4			
ITEM 5			
ITEM 6			
ITEM 7			
ITEM 8			

SEALED PACKAGE RECEIVED FROM | LOCKER | DATE | RECEIVED BY

C-6 | 05-18-10

DO NOT WRITE IN SPACE BELOW — FOR PED USE ONLY

IN[illegible]TORIED AND ACCEPTED IN PROPERTY EVIDENCE DIVISION | BY

D[illegible] TIME:

WHITE - RECORDS COPY
YELOW - CITIZENS RECEIPT
PINK - WITH PROPERTY

02-01-10

BUREAU OF POLICE
1619 NW INDUSTRIAL WAY, STE. 84
PORTLAND, OREGON 97210

PROPERTY/EVIDENCE RECEIPT

THIS RECEIPT MUST BE ACCOMPANIED BY AN APPROPRIATE REPORT

RECEIPT NUMBER	DATE/TIME	AM	REFER CASE NO.	PPB CASE NO.
No. 1193136	051810 2300	PM		10-38353

CHECK ONLY ONE: EVIDENCE | FOUND PROPERTY | PRISONER'S PROP (GAVE COPY: YES / NO) | SAFEKEEPING

PROPERTY TAKEN FROM: LAST NAME | FIRST | M.I. | SEX | DOB

DENIED OWNERSHIP ☐

HOME ADDRESS | CITY | STATE | ZIP

VOLUNTARILY RELINQUISHED ITEM(S) LISTED FOR SAFEKEEPING

SIGNATURE

OWNER OF PROPERTY | LAST NAME | FIRST | M.I. | SEX | DOB

HOME ADDRESS | CITY | STATE | ZIP | PHONE

NATURE OF INCIDENT: DUI

RECEIVING OFFICER: MICHAEL TURNER 23268/PSU

LOCATION WHERE SEIZED OR FOUND: NE 47 & Killingsworth

INVESTIGATING DETECTIVE: Emmerson 29758/PSU

☐ DEFENDANT ☐ SUSPECT | LAST NAME | FIRST | M.I. | SEX | RACE | DOB

FOR GUNS: LIST MAKE, TYPE, CALIBER, MODEL, SERIAL NUMBER(S), IMPORTER & COUNTRY OF ORIGIN
LIST ONLY ONE ITEM PER LINE

		STLN	FOR PED USE ONLY
ITEM 1	CD - INTERVIEW W/		
ITEM 2			
ITEM 3			
ITEM 4			
ITEM 5			
ITEM 6			
ITEM 7			
ITEM 8			

DESCRIBE CONDITION OF EVIDENCE/PROPERTY (SEAL NUMBER, ETC.)

LOCKER: CE6 | DATE: 051810 | RECEIVED BY

DO NOT WRITE IN SPACE BELOW — FOR PED USE ONLY

INVENTORIED AND ACCEPTED IN PROPERTY EVIDENCE DIVISION
DATE: TIME: BY

WHITE - RECORDS COPY
YELOW - CITIZENS RECEIPT
PINK - WITH PROPERTY

02-01-10

BUREAU OF POLICE
2619 NW INDUSTRIAL WAY, STE. B4
PORTLAND, OREGON 97210

PROPERTY/EVIDENCE RECEIPT

THIS RECEIPT MUST BE ACCOMPANIED BY AN APPROPRIATE REPORT

RECEIPT NUMBER	DATE/TIME	REFER CASE NO.	PPB CASE NO.
No.1193769	5/13/10 AM PM		10-36353

ONLY ☐ EVIDENCE ☐ FOUND PROPERTY ☐ PRISONER'S PROP (SAFE COPY ☐ YES ☐ NO) ☐ SAFEKEEPING

PROPERTY TAKEN FROM: LAST NAME (DE) Otis, FIRST Keaton D. M.I. SEX M/B DOB 1/4/85

DENIED OWNERSHIP ☐ HOME ADDRESS CITY STATE ZIP

VOLUNTARILY RELINQUISH ALL ITEMS LISTED FOR SAFEKEEPING

OWNER OF PROPERTY LAST NAME FIRST M.I. SEX DOB

SIGNATURE

HOME ADDRESS CITY STATE ZIP PHONE

TYPE OF INCIDENT OFFICER BPS/ASA

LOCATION OF RECOVERY DATE/TIME OF RECOVERY

☐ DEFENDANT ☐ SUSPECT LAST NAME FIRST M.I. SEX RACE DOB

	DESCRIPTION: LIST MAKE, TYPE, NUMBER, MODEL, SERIAL NUMBERS, IMPORTER & COUNTRY OF ORIGIN. LIST ONLY ONE ITEM PER SELECTION	STLN	FOR PED USE ONLY
ITEM 1	tazer probe taken from R forearm of jacket		
ITEM 2	tazer probe taken from L side pocket of jacket		
ITEM 3	tazer probe taken from back of jacket		
ITEM 4	Paperwork recovered from L front pocket of blue jeans		
ITEM 5	metal fragment recovered from bullet wound in Left arm		
ITEM 6	thread recovered from neck bullet wound		
ITEM 7	metal fragement recovered from L upper arm		
ITEM 8	DNA standard from deceased		

BIOHAZARD

LOCATION LOCKER DATE 5/13/10 RECEIVED BY

DO NOT WRITE IN SPACE BELOW — FOR PED USE ONLY

STORIED AND ACCEPTED IN PROPERTY EVIDENCE DIVISION DATE: TIME: BY

WHITE - RECORDS COPY
YELOW - CITIZENS RECEIPT
PINK - WITH PROPERTY

02-01-10

BULLETS

BUREAU OF POLICE
2619 NW INDUSTRIAL WAY, STE. B4
PORTLAND, OREGON 97210

PROPERTY/EVIDENCE RECEIPT

THIS RECEIPT MUST BE ACCOMPANIED BY AN APPROPRIATE REPORT

RECEIPT NUMBER	DATE/TIME	REFER CASE NO.	PPB CASE NO.
No.1193770	5/13/10 AM PM		10-38353

ONLY ☐ EVIDENCE ☐ FOUND PROPERTY ☐ PRISONER'S PROP. ☐ SAFEKEEPING

PROPERTY TAKEN FROM:	LAST NAME	FIRST	M.I.	SEX	DOB
DENIED OWNERSHIP ☐	(DE) Otis,	Keaton	D.	M/B	1/4/85

HOME ADDRESS	CITY	STATE	ZIP

VOLUNTARILY RELINQUISHED BY (NAME OF OWNER) FOR SAFEKEEPING

SIGNATURE

OWNER OF PROPERTY	LAST NAME	FIRST	M.I.	SEX	DOB

HOME ADDRESS	CITY	STATE	ZIP	PHONE

TYPE OF INCIDENT | DELIVERING OFFICER | EMP. NO. / SEC.

LOCATION WHERE PROPERTY FOUND, SUSPECTED OF BEING STOLEN OR WHERE ARRESTED | INVESTIGATOR ASSIGNED | EMP. NO. / SEC.

	LAST NAME	FIRST	M.I.	SEX	RACE	DOB
☐ DEFENDANT						
☐ SUSPECT						

	FOR GUNS ONLY: MAKE, TYPE, CALIBER, MODEL, SERIAL NUMBER(S), IMPORTER & COUNTRY OF ORIGIN (LIST ONE ITEM PER SEQUENCE)	STLN	FOR PED USE ONLY
ITEM 1	Bullet recovered from R side of under-wear lining		
ITEM 2	Bullet recovered from R thigh		
ITEM 3	Bullet recovered from R shoulder		
ITEM 4	Bullet recovered from R lower chest		
ITEM 5	Bullet recovered from R chest cavity		
ITEM 6	Bullet recovered from bowel		
ITEM 7	Bullet recovered from R side of spine		
ITEM 8	Bullet recovered from L clavicle		

FINAL DISPOSITION AUTHORIZED BY	LOCKER	DATE	RECEIVED BY

DO NOT WRITE IN SPACE BELOW — FOR PED USE ONLY

INVENTORIED AND ACCEPTED IN PROPERTY EVIDENCE DIVISION TIME:	BY	WHITE - RECORDS COPY YELOW - CITIZENS RECEIPT PINK - WITH PROPERTY

02-01-10

BUREAU OF POLICE
2619 NW INDUSTRIAL WAY, STE. B4
PORTLAND, OREGON 97210

PROPERTY/EVIDENCE RECEIPT

THIS RECEIPT MUST BE ACCOMPANIED BY AN APPROPRIATE REPORT

RECEIPT NUMBER	DATE/TIME	REFER CASE NO.	PPB CASE NO.
No.1199684	5-12-10 / 1936 AM PM		10-138353

PD ONLY ☐ EVIDENCE ☒ FOUND PROPERTY ☐ PRISONER'S PROP ☐ GAVE COPY YES ☐ NO ☐ SAFE KEEPING ☐

PROPERTY TAKEN FROM: LAST NAME | FIRST | M.I. | SEX | DOB

DENIED OWNERSHIP ☐

HOME ADDRESS | CITY | STATE | ZIP

NE Halsey st | Portland | OR | 97232

I VOLUNTARILY RELINQUISH THE ITEM(S) LISTED FOR SAFEKEEPING

SIGNATURE

OWNER OF PROPERTY LAST NAME | FIRST | M.I. | SEX | DOB

HOME ADDRESS | CITY | STATE | ZIP | PHONE

TYPE OF INCIDENT: Homicide | DELIVERING OFFICER | BPST/ASSIGN

LOCATION WHERE SEIZED/FOUND/SURRENDERED | INVESTIGATOR (IF DIFFERENT): Det Kammeyer | BPST/ASSIGN: 16087

☐ DEFENDANT ☐ SUSPECT | LAST NAME | FIRST | MI | SEX | RACE | DOB

FOR GUNS: LIST MAKE, TYPE, CALIBER, MODEL, SERIAL NUMBER(S), IMPORTER & COUNTRY OF ORGIN. LIST ONLY ONE ITEM PER SELECTION.

		STLN	FOR PED USE ONLY
ITEM 1	ONE APPLE I-PHONE # AND CHARGER		
ITEM 2	Returned to [redacted] by Det Kammeyer on 5-13-10 @ 0500		
ITEM 3			
ITEM 4			
ITEM 5			
ITEM 6			
ITEM 7			
ITEM 8			

DELIVERED TO: ☐ STATE CRIME LAB ☐ FBI ☐ OTHER ☐ STATE MEDICAL EXAMINER ☐ RETURNED ☐ GREG KONDON ☐ FBI ☐ OTHER

LOCKER	DATE	RECEIVED BY

DO NOT WRITE IN SPACE BELOW — FOR PED USE ONLY

ITORIED AND ACCEPTED IN PROPERTY EVIDENCE DIVISION	BY	WHITE - RECORDS COPY YELOW - CITIZENS RECEIPT PINK - WITH PROPERTY
TIME:		

02-01-10

UREAU OF POLICE
519 NW INDUSTRIAL WAY, STE. B4
ORTLAND, OREGON 97210

PROPERTY/EVIDENCE RECEIPT

THIS RECEIPT MUST BE ACCOMPANIED BY AN APPROPRIATE REPORT

RECEIPT NUMBER	DATE/TIME	REFER CASE NO.	PPB CASE NO.
No.1199685	5·12·10/2007 AM PM		10-383553

CHECK ONLY ☒ EVIDENCE ☐ FOUND PROPERTY ☐ PRISONER'S PROP (2 COPY, 1 STAY) ☐ SAFEKEEPING

VOLUNTARILY RELINQUISHED ITEMS LISTED FOR SAFEKEEPING

PROPERTY TAKEN FROM:	LAST NAME	FIRST	M.I.	SEX	DOB
DENIED OWNERSHIP ☐					

HOME ADDRESS	CITY	STATE
NE	Halsey	Portland OR 97232

OWNER OF PROPERTY	LAST NAME	FIRST	M.I.	SEX	DOB

SIGNATURE

HOME ADDRESS	CITY	STATE	ZIP	PHONE

TYPE OF INCIDENT | DELIVERING OFFICER | PRECINCT/DIVISION

LOCATION WHERE SEIZED/FOUND/SURRENDERED | INVESTIGATOR (IF DIFFERENT) | PRECINCT/DIVISION

☐ DEFENDANT ☐ SUSPECT

LAST NAME	FIRST	M.I.	SEX	RACE	DOB

FOR GUNS: LIST MAKE, TYPE, CALIBER, MODEL, SERIAL NUMBER(S), IMPORTER & COUNTRY OF ORGIN. LIST ONLY ONE ITEM PER SELECTION	STLN	FOR PED USE ONLY
ITEM 1 — Sandisk 2 Gb SD CARD from		
ITEM 2 — one Sony CD-R 700 MB Disc from		
ITEM 3		
ITEM 4		
ITEM 5		
ITEM 6		
ITEM 7		
ITEM 8		

RELEASED TO OR DISPOSITION (CHECK ONE)	LOCKER	DATE	RECEIVED BY

DO NOT WRITE IN SPACE BELOW — FOR PED USE ONLY

STORIED AND ACCEPTED IN PROPERTY EVIDENCE DIVISION TIME:	BY	WHITE - RECORDS COPY YELOW - CITIZENS RECEIPT PINK - WITH PROPERTY

02-01-10

BUREAU OF POLICE
619 NW INDUSTRIAL WAY, STE. B4
PORTLAND, OREGON 97210

PROPERTY/EVIDENCE RECEIPT

THIS RECEIPT MUST BE ACCOMPANIED BY AN APPROPRIATE REPORT

RECEIPT NUMBER	DATE/TIME	REFER CASE NO.	PPB CASE NO.
No.1199686	5-12-10 / 2040 AM (PM)		10038353

ONE ONLY: EVIDENCE | FOUND PROPERTY | PRISONER'S PROP. SAFEKEEPING

PROPERTY TAKEN FROM: LAST NAME | FIRST | M.I. | SEX | DOB

DENIED OWNERSHIP ☐

HOME ADDRESS | CITY | STATE | ZIP

NE Halsey ct | PORTLAND | OR | 97232

OWNER OF PROPERTY | LAST NAME | FIRST | M.I. | SEX | DOB

HOME ADDRESS | CITY | STATE | ZIP | PHONE

I VOLUNTARILY RELINQUISH THE ITEM(S) LISTED FOR SAFEKEEPING

X SIGNATURE

TYPE OF INCIDENT | DELIVERING OFFICER | I.D. NO. | DEPT/ASSIGN

LOCATION WHERE SEIZED/FOUND/SURRENDERED | INVESTIGATOR (IF DIFFERENT) | I.D. NO. | DEPT/ASSIGN

☐ DEFENDANT | LAST NAME | FIRST | M.I. | SEX | RACE | DOB

☐ SUSPECT

	FOR GUNS LIST MAKE, TYPE, CALIBER, MODEL, SERIAL NUMBER(S), IMPORTER & COUNTRY OF ORGIN. LIST ONLY ONE ITEM PER SELECTION	STLN	FOR PED USE ONLY
ITEM 1	CDR - Video : EDITED VERSION BY		
ITEM 2			
ITEM 3			
ITEM 4			
ITEM 5			
ITEM 6			
ITEM 7			
ITEM 8			

DELIVERED TO: ☐ STATE CRIME LAB ☐ SATELLITE ☐ PROPERTY DIVISION ☐ OTHER

LOCKER	DATE	RECEIVED BY

DO NOT WRITE IN SPACE BELOW — FOR PED USE ONLY

INVENTORIED AND ACCEPTED IN PROPERTY EVIDENCE DIVISION	BY	WHITE - RECORDS COPY YELOW - CITIZENS RECEIPT PINK - WITH PROPERTY
DATE: TIME:		

02-01-10

UREAU OF POLICE
319 NW INDUSTRIAL WAY, STE. B4
ORTLAND, OREGON 97210

PROPERTY/EVIDENCE RECEIPT

THIS RECEIPT MUST BE ACCOMPANIED BY AN APPROPRIATE REPORT

RECEIPT NUMBER	DATE/TIME	REFER CASE NO.	PPB CASE NO.
No.1203414	051210 1821 AM/PM		10-38353

C[illegible] ONLY ☒ EVIDENCE ☐ FOUND PROPERTY ☐ PRISONER'S PROP. ☐ SAFEKEEPING ☐

HAVE COPY ☐ YES ☐ NO

PROPERTY TAKEN FROM: LAST NAME | FIRST | M.I. | SEX | DOB

DENIED OWNERSHIP ☐

HOME ADDRESS | CITY | STATE | ZIP

OWNER OF PROPERTY LAST NAME | FIRST | M.I. | SEX | DOB

HOME ADDRESS | CITY | STATE | ZIP | PHONE

I VOLUNTARILY RELINQUISH THE ITEM(S) LISTED FOR SAFEKEEPING.

SIGNATURE

TYPE OF INCIDENT: OFC. INVOLVED SHOOTING

DELIVERING OFFICER: M SLATER BPS/ASSIGN: 27192 / HOME

LOCATION WHERE SEIZED/FOUND/SURRENDERED: 111th SE 2ND AVE

INVESTIGATOR (IF DIFFERENT) BPS/ASSIGN #

☐ DEFENDANT LAST NAME | FIRST | M.I. | SEX | RACE | DOB

☐ SUSPECT

ITEM	FOR GUNS: LIST MAKE, TYPE, CALIBER, MODEL, SERIAL NUMBER(S), IMPORTER & COUNTRY OF ORIGIN. LIST ONE ITEM PER SECTION	STLN	FOR PED USE ONLY
ITEM 1	SCENE DIAGRAM DRAWN BY OFC. FOOTE		
ITEM 2	CD-R RECORDING OF INTERVIEW W/ OFC. FOOTE		
ITEM 3			
ITEM 4			
ITEM 5			
ITEM 6			
ITEM 7			
ITEM 8			

DELIVERED TO: ☐ EAST CRIME LAB ☒ PENDING PROP. ROOM ☐ PER CHECK ONE AND IF NEEDED ☐ OTHER

LOCKER	DATE	RECEIVED BY

DO NOT WRITE IN SPACE BELOW — FOR PED USE ONLY

ENTORIED AND ACCEPTED IN PROPERTY EVIDENCE DIVISION TIME:	BY	WHITE - RECORDS COPY YELOW - CITIZENS RECEIPT PINK - WITH PROPERTY

02-01-10

BUREAU OF POLICE
1519 NW INDUSTRIAL WAY, STE. B4
PORTLAND, OREGON 97210

PROPERTY/EVIDENCE RECEIPT

THIS RECEIPT MUST BE ACCOMPANIED BY AN APPROPRIATE REPORT

RECEIPT NUMBER	DATE/TIME	REFER CASE NO.	PPB CASE NO.
No.1203415	05/2/10 1821 AM PM		10-38353

CHECK ONLY ONE: X EVIDENCE | FOUND PROPERTY | PRISONER PROPERTY (CAVE BODY? YES / NO) | SAFEKEEPING

PROPERTY TAKEN FROM:	LAST NAME	FIRST	M.I.	SEX	DOB
DENIED OWNERSHIP ☐					
HOME ADDRESS	CITY	STATE	ZIP		
OWNER OF PROPERTY	LAST NAME	FIRST	M.I.	SEX	DOB
HOME ADDRESS	CITY	STATE	ZIP	PHONE	

I VOLUNTARILY RELINQUISH THE ITEM(S) LISTED FOR SAFEKEEPING.

SIGNATURE

TYPE OF INCIDENT	DELIVERING OFFICER	BRS/ASSIGN.
OFC INVOLVED SHOOTING	M SLATER	2712 / HOM
LOCATION WHERE SEIZED, FOUND, SURRENDERED	INVESTIGATOR (IF DIFFERENT)	BRS/ASSIGN.
11th & NW 2nd Ave		

☐ DEFENDANT / ☐ SUSPECT	LAST NAME	FIRST	M.I.	SEX	RACE	DOB

	FOR GUNS: LIST MAKE, TYPE, CALIBER, MODEL, SERIAL NUMBER(S), IMPORTER & COUNTRY OF ORIGIN. LIST ONE ITEM PER SELECTION.	STLN	FOR PED USE ONLY
ITEM 1	GOOGLE EARTH IMAGE USED BY OFC. DAUCHY		
ITEM 2	CD-R RECORDING OF INTERVIEW W/OFC DAUCHY		
ITEM 3			
ITEM 4			
ITEM 5			
ITEM 6			
ITEM 7			
ITEM 8			

DELIVERED BY: ☐ U.S. MAIL ☐ TIME ☐ SATELLITE PROPERTY ☐ OTHER	LOCKER	DATE	RECEIVED BY

DO NOT WRITE IN SPACE BELOW — FOR PED USE ONLY

INVENTORIED AND ACCEPTED IN PROPERTY EVIDENCE DIVISION	BY	WHITE - RECORDS COPY YELOW - CITIZENS RECEIPT PINK - WITH PROPERTY
DATE: TIME:		

02-01-10

UREAU OF POLICE
319 NW INDUSTRIAL WAY, STE. B4
ORTLAND, OREGON 97210

PROPERTY/EVIDENCE RECEIPT

THIS RECEIPT MUST BE ACCOMPANIED BY AN APPROPRIATE REPORT

RECEIPT NUMBER	DATE/TIME	REFER CASE NO.	PPB CASE NO.
No.1203485	5-12-10/2100 AM PM		10-38353

FOR ONLY ➡ ☐ EVIDENCE ☐ FOUND PROPERTY ☐ PRISONER'S PROP. ☐ SAFEKEEPING

PROPERTY TAKEN FROM:	LAST NAME	FIRST	M.I.	SEX	DOB
DENIED OWNERSHIP ☐					
HOME ADDRESS	CITY	STATE	ZIP		

I VOLUNTARILY RELINQUISH THE ITEM(S) LISTED FOR SAFEKEEPING.

SIGNATURE

OWNER OF PROPERTY	LAST NAME	FIRST	M.I.	SEX	DOB
HOME ADDRESS	CITY	STATE	ZIP	PHONE	

TYPE OF INCIDENT	DELIVERING OFFICER	BPST ASSIGN.
Officer Initiated Stop	Kamin	12
LOCATION WHERE SEIZED/FOUND/SURRENDERED	INVESTIGATOR (IF DIFFERENT)	BFS ASSIGN.
NE Cleveland St / NE 6th		

☐ DEFENDANT ☐ SUSPECT	LAST NAME	FIRST	M.I.	SEX	RACE	DOB

	FOR GUNS: LIST MAKE, TYPE, CALIBER, MODEL, SERIAL NUMBER(S), IMPORTER & COUNTRY OF ORGIN. LIST ONLY ONE ITEM PER SELECTION.	STLN	FOR PED USE ONLY
ITEM 1	Search by Consent Form, signed by		
ITEM 2	Search by Consent Form, signed by		
ITEM 3			
ITEM 4			
ITEM 5			
ITEM 6			
ITEM 7			
ITEM 8			

DELIVERED BY: CHECK ONE ☐ OFFICER ☐ PERSONAL CRIME ☐ ABANDONED ☐ SATELLITE PROP. ROOM ☐ FOUND ☐ OTHER	LOCKER	DATE	RECEIVED BY

DO NOT WRITE IN SPACE BELOW — FOR PED USE ONLY

IN	TORIED AND ACCEPTED IN PROPERTY EVIDENCE DIVISION	BY	WHITE - RECORDS COPY
DA	TIME:		YELOW - CITIZENS RECEIPT PINK - WITH PROPERTY

02-01-10

JREAU OF POLICE
519 NW INDUSTRIAL WAY, STE. B4
ORTLAND, OREGON 97210

PROPERTY/EVIDENCE RECEIPT

THIS RECEIPT MUST BE ACCOMPANIED BY AN APPROPRIATE REPORT

RECEIPT NUMBER	DATE/TIME	REFER CASE NO.	PPB CASE NO.
No.1203486	5-13-10/0430 (AM) PM		10-88353

ONLY → EVIDENCE | FOUND PROPERTY | PRISONER'S PROP. (SAFE COPY YES NO) | SAFEKEEPING

PROPERTY TAKEN FROM: LAST NAME | FIRST | M.I. | SEX | DOB

DENIED OWNERSHIP ☐

HOME ADDRESS | CITY | STATE | ZIP

I VOLUNTARILY RELINQUISH THE ITEM(S) LISTED FOR SAFEKEEPING.

OWNER OF PROPERTY LAST NAME | FIRST | M.I. | SEX | DOB

SIGNATURE

HOME ADDRESS | CITY | STATE | ZIP | PHONE

TYPE OF INCIDENT: Theft Block

DELIVERING OFFICER: K Brewer | BPST/ASSIGN: 2

LOCATION WHERE SEIZED, FOUND, SURRENDERED: 14th SW 32 Ave

INVESTIGATOR (IF DIFFERENT) | BPST/ASSIGN

☐ DEFENDANT
☐ SUSPECT

LAST NAME | FIRST | M.I. | SEX | RACE | DOB

ITEM	FOR GUNS LIST MAKE, TYPE, CALIBER, MODEL, SERIAL NUMBER(S), IMPORTER & COUNTRY OF ORGIN. LIST ONLY ONE ITEM PER SELECTION	STLN	FOR PED USE ONLY
1	CD-R containing video footage from ☐ iPhone		
2	CD-R containing video footage from memory card		
3			
4			
5			
6			
7			
8			

DELIVERED TO: CHECK ONE ☐ STATE CRIME LAB ☐ SATELLITE PROP. ROOM ☐ PED ☐ FED ☐ OTHER

LOCKER | DATE | RECEIVED BY

DO NOT WRITE IN SPACE BELOW — FOR PED USE ONLY

STORIED AND ACCEPTED IN PROPERTY EVIDENCE DIVISION
TIME:

BY

WHITE - RECORDS COPY
YELOW - CITIZENS RECEIPT
PINK - WITH PROPERTY

02-01-10

BUREAU OF POLICE
1619 NW INDUSTRIAL WAY, STE. B4
PORTLAND, OREGON 97210

PROPERTY/EVIDENCE RECEIPT

THIS RECEIPT MUST BE ACCOMPANIED BY AN APPROPRIATE REPORT

RECEIPT NUMBER	DATE/TIME	REFER CASE NO.	PPB CASE NO.
No.1203487	5-15-10/1445 AM PM		10-38353

EVIDENCE ONLY | FOUND PROPERTY | PRISONER'S PROP. SAFEKEEPING

PROPERTY TAKEN FROM: LAST NAME FIRST M.I. SEX DOB

DENIED OWNERSHIP ☐

HOME ADDRESS CITY STATE ZIP

OWNER OF PROPERTY LAST NAME FIRST M.I. SEX DOB

HOME ADDRESS CITY STATE ZIP PHONE

I VOLUNTARILY RELINQUISH THE ITEM(S) LISTED FOR SAFEKEEPING.

SIGNATURE

TYPE OF INCIDENT: Child Prostitution

DELIVERING OFFICER: Kramer

BRST/ASSIGN.: 2 5th Ave

LOCATION WHERE SEIZED/FOUND/SURRENDERED: 1111 SW 2nd Ave

INVESTIGATOR (IF DIFFERENT)

BRST/ASSIGN.

☐ DEFENDANT ☐ SUSPECT | LAST NAME | FIRST | M.I. | SEX | RACE | DOB

FOR GUNS: LIST MAKE, TYPE, CALIBER, MODEL, SERIAL NUMBER(S), IMPORTER & COUNTRY OF ORGIN. LIST ONLY ONE ITEM PER SELECTION	STLN	FOR PED USE ONLY
ITEM 1 Google Earth image used by Ofc Burley		
ITEM 2 CD-R containing interview of Ofc Burley		
ITEM 3		
ITEM 4		
ITEM 5		
ITEM 6		
ITEM 7		
ITEM 8		

DELIVERY TO PROPERTY: ☐ MAIL ☐ COURIER ☐ DESIGNATED PROP. ROOM ☐ PED ☐ OTHER

LOCKER	DATE	RECEIVED BY
C6		

DO NOT WRITE IN SPACE BELOW — FOR PED USE ONLY

INVENTORIED AND ACCEPTED IN PROPERTY EVIDENCE DIVISION | BY | TIME:

WHITE - RECORDS COPY
YELOW - CITIZENS RECEIPT
PINK - WITH PROPERTY

02-01-10

BUREAU OF POLICE
1619 NW INDUSTRIAL WAY, STE. B4
PORTLAND, OREGON 97210

PROPERTY/EVIDENCE RECEIPT

THIS RECEIPT MUST BE ACCOMPANIED BY AN APPROPRIATE REPORT

RECEIPT NUMBER	DATE/TIME	REFER CASE NO.	PPB CASE NO.
No.1203488	5-14-10/2000 PM		10-88353

DO NOT USE ONLY ☐ EVIDENCE ☐ FOUND PROPERTY ☐ PRISONER'S PROP. ☐ SAFEKEEPING
GAVE COPY/GIVES RECEIPT? YES ☐ NO ☐

PROPERTY TAKEN FROM:	LAST NAME	FIRST	M.I.	SEX	DOB
DENIED OWNERSHIP ☐	—				
HOME ADDRESS	CITY	STATE	ZIP		
OWNER OF PROPERTY	LAST NAME	FIRST	M.I.	SEX	DOB
HOME ADDRESS	CITY	STATE	ZIP	PHONE	

I VOLUNTARILY RELINQUISH THE ITEM(S) LISTED FOR SAFEKEEPING.

SIGNATURE

TYPE OF INCIDENT	DELIVERING OFFICER	BPSTI/ASSIGN.
DUII - Forest Park	Livingston	3-5997/07
LOCATION WHERE SEIZED/FOUND/SURRENDERED	INVESTIGATOR (IF DIFFERENT)	BPSTI/ASSIGN.
Hwy 30 & NW 21st Ave		

☐ DEFENDANT ☐ SUSPECT	LAST NAME	FIRST	M.I.	SEX	RACE	DOB

FOR GUNS LIST MAKE, TYPE, CALIBER, MODEL, SERIAL NUMBER(S), IMPORTER & COUNTRY OF ORGIN — LIST ONLY ONE ITEM PER SELECTION	STLN	FOR PED USE ONLY
ITEM 1 Google Earth image used by Sgt. Livingston		
ITEM 2 CD-R containing interview of Sgt. Livingston		
ITEM 3		
ITEM 4		
ITEM 5		
ITEM 6		
ITEM 7		
ITEM 8		

DELIVERED FOR (CHECK ONE ONLY)	DATE/TIME DUE	FILE PROPERTY	EXPEDITE	LOCKER	DATE	RECEIVED BY
☐ FED EX ☐ OTHER				C6		

DO NOT WRITE IN SPACE BELOW — FOR PED USE ONLY

STORIED AND ACCEPTED IN PROPERTY EVIDENCE DIVISION TIME:	BY	WHITE - RECORDS COPY YELOW - CITIZENS RECEIPT PINK - WITH PROPERTY

02-01-10

BUREAU OF POLICE
1619 NW INDUSTRIAL WAY, STE. B4
PORTLAND, OREGON 97210

PROPERTY/EVIDENCE RECEIPT

THIS RECEIPT MUST BE ACCOMPANIED BY AN APPROPRIATE REPORT

RECEIPT NUMBER	DATE/TIME	REFER CASE NO.	PPB CASE NO.
No.1203489	5-14-10 AM (PM)		10-38353

EVIDENCE ONLY | EVIDENCE | FOUND PROPERTY | PRISONER'S PROP. | SAFEKEEPING

PROPERTY TAKEN FROM:	LAST NAME	FIRST	M.I.	SEX	DOB
DENIED OWNERSHIP ☐					
HOME ADDRESS	CITY	STATE		ZIP	
OWNER OF PROPERTY	LAST NAME	FIRST	M.I.	SEX	DOB
HOME ADDRESS	CITY	STATE		ZIP	PHONE

I VOLUNTARILY RELINQUISH THE ITEM(S) LISTED FOR SAFEKEEPING.

SIGNATURE

TYPE OF INCIDENT	DELIVERING OFFICER	P#	RPST/ASSIGN
Ofc Bernt Trafficked Stock	Kalmeyer		Detail
LOCATION WHERE SEIZED, FOUND, SURRENDERED	INVESTIGATOR (IF DIFFERENT)	P#	RPST/ASSIGN
1811 SW 2nd Ave			

☐ DEFENDANT ☐ SUSPECT	LAST NAME	FIRST	M.I.	SEX	RACE	DOB

	FOR GUNS: LIST MAKE, TYPE, CALIBER, MODEL, SERIAL NUMBER(S), IMPORTER & COUNTRY OF ORGIN. LIST ONLY ONE ITEM PER SELECTION	STLN	FOR PED USE ONLY
ITEM 1	Google Earth image used by Ofc Bernt		
ITEM 2	CD-R containing interview of Ofc Bernt		
ITEM 3			
ITEM 4			
ITEM 5			
ITEM 6			
ITEM 7			
ITEM 8			

DELIVERED TO: ☐ STATE CRIME LAB ☐ PENDLETON PROP. ROOM ☐ PPB ☐ FINGERPRINTING ☐ OTHER	LOCKER	DATE	RECEIVED BY
	CG		

DO NOT WRITE IN SPACE BELOW — FOR PED USE ONLY

INVENTORIED AND ACCEPTED IN PROPERTY EVIDENCE DIVISION TIME:	BY	WHITE - RECORDS COPY YELOW - CITIZENS RECEIPT PINK - WITH PROPERTY

02-01-10

BUREAU OF POLICE
1119 NW INDUSTRIAL WAY, STE. B4
PORTLAND, OREGON 97210

PROPERTY/EVIDENCE RECEIPT

THIS RECEIPT MUST BE ACCOMPANIED BY AN APPROPRIATE REPORT

RECEIPT NUMBER	DATE/TIME	REFER CASE NO.	PPB CASE NO.
No.1203490	5-14-10 / 2300 (PM) AM		10-38353

CHECK ONLY ONE: ☒ EVIDENCE ☐ FOUND PROPERTY ☐ PRISONER PROP GAVE COPY? YES NO ☐ SAFEKEEPING

PROPERTY TAKEN FROM: LAST NAME — FIRST — M.I. — SEX — DOB

DENIED OWNERSHIP ☐

HOME ADDRESS — CITY — STATE — ZIP

I VOLUNTARILY RELINQUISH THE ITEM(S) LISTED FOR SAFEKEEPING.

SIGNATURE

OWNER OF PROPERTY — LAST NAME — FIRST — M.I. — SEX — DOB

HOME ADDRESS — CITY — STATE — ZIP — PHONE

TYPE OF INCIDENT: Officer Involved Shooting

DELIVERING OFFICER: [illegible] BPST/ASSIGN. 29918

LOCATION WHERE SEIZED/FOUND/SURRENDERED: [illegible] INVESTIGATOR (IF DIFFERENT) BPST/ASSIGN.

☐ DEFENDANT ☐ SUSPECT — LAST NAME — FIRST — M.I. — SEX — RACE — DOB

ITEM	FOR GUNS: LIST MAKE, TYPE, CALIBER, MODEL, SERIAL NUMBER(S), IMPORTER & COUNTRY OF ORGIN. LIST ONLY ONE ITEM PER SELECTION	STLN	FOR PED USE ONLY
ITEM 1	Google Earth image used by Ofc Polas		
ITEM 2	CD-R containing image of Ofc Polas		
ITEM 3			
ITEM 4			
ITEM 5			
ITEM 6			
ITEM 7			
ITEM 8			

DELIVERED TO: ☐ PROPERTY ROOM ☐ CRIME LAB ☐ MEDICAL EXAMINER ☐ FED-X ☐ OTHER

CHECK ONLY ONE: ☐ FED-EX

LOCKER: C6 — DATE — RECEIVED BY

DO NOT WRITE IN SPACE BELOW — FOR PED USE ONLY

STORIED AND ACCEPTED IN PROPERTY EVIDENCE DIVISION — BY

TIME:

WHITE - RECORDS COPY
YELOW - CITIZENS RECEIPT
PINK - WITH PROPERTY

02-01-10

UREAU OF POLICE
619 NW INDUSTRIAL WAY, STE. B4
ORTLAND, OREGON 97210

PROPERTY/EVIDENCE RECEIPT

THIS RECEIPT MUST BE ACCOMPANIED BY AN APPROPRIATE REPORT

RECEIPT NUMBER	DATE/TIME	REFER CASE NO.	PPB CASE NO.
No.1203491	5-17-10/1300 AM (PM)		10-38857

ONLY: EVIDENCE | FOUND PROPERTY | PRISONER'S PROP. | SAFEKEEPING

PROPERTY TAKEN FROM:	LAST NAME	FIRST	M.I.	SEX	DOB
DENIED OWNERSHIP ☐					
HOME ADDRESS	CITY	STATE	ZIP		
OWNER OF PROPERTY	LAST NAME	FIRST	M.I.	SEX	DOB
HOME ADDRESS	CITY	STATE	ZIP	PHONE	

I VOLUNTARILY RELINQUISH THE ITEM(S) LISTED FOR SAFEKEEPING

SIGNATURE

TYPE OF INCIDENT	DELIVERING OFFICER	BPST/ASSIGN #
Officer Involved Shooting	Reinhart	21911
LOCATION WHERE SEIZED, FOUND, SURRENDERED	INVESTIGATOR (IF DIFFERENT)	BPST/ASSIGN #
1111 SW 2nd Ave		

☐ DEFENDANT / ☐ SUSPECT	LAST NAME	FIRST	M.I.	SEX	RACE	DOB

	FOR GUNS LIST: MAKE, TYPE, CALIBER, MODEL, SERIAL NUMBER(S), IMPORTER & COUNTRY OF ORGIN — LIST ONLY ONE ITEM PER SELECTION	STLN	FOR PED USE ONLY
ITEM 1	CD-R containing interview of		
ITEM 2			
ITEM 3			
ITEM 4			
ITEM 5			
ITEM 6			
ITEM 7			
ITEM 8			

DELIVERED TO: LAB / CHEMIST / FIREARMS EXAMINER / PROPERTY ROOM / OTHER	LOCKER	DATE	RECEIVED BY
PROPERTY ROOM ONLY	C6		

DO NOT WRITE IN SPACE BELOW — FOR PED USE ONLY

ENTERED AND ACCEPTED IN PROPERTY EVIDENCE DIVISION	BY	WHITE - RECORDS COPY YELOW - CITIZENS RECEIPT PINK - WITH PROPERTY
TIME:		

02-01-10

BUREAU OF POLICE
1619 NW INDUSTRIAL WAY, STE. B4
PORTLAND, OREGON 97210

PROPERTY EVIDENCE RECEIPT

THIS RECEIPT MUST BE ACCOMPANIED BY AN APPROPRIATE REPORT

RECEIPT NUMBER	DATE/TIME	REFER CASE NO.	PPB CASE NO.
No.1203492	5-15-10/1630 AM PM		10-138553

PPB ONLY — EVIDENCE — FOUND PROPERTY — PRISONER'S PROP. — SAFEKEEPING

GAVE COPY TO: YES ☐ NO ☐

PROPERTY TAKEN FROM:	LAST NAME	FIRST	M.I.	SEX	DOB
DENIED OWNERSHIP ☐	—				
HOME ADDRESS	CITY	STATE	ZIP		
OWNER OF PROPERTY	LAST NAME	FIRST	M.I.	SEX	DOB
HOME ADDRESS	CITY	STATE	ZIP	PHONE	

I VOLUNTARILY RELINQUISH THE ITEM(S) LISTED FOR SAFEKEEPING

SIGNATURE

TYPE OF INCIDENT	DELIVERING OFFICER	BRS/ASSIGN.
Child Pornography Search Warrant	K. Smith	2010-138553
LOCATION WHERE SEIZED/FOUND/SURRENDERED	INVESTIGATOR (IF DIFFERENT)	BRS/ASSIGN.
1111 SW 2nd Ave		

☐ DEFENDANT ☐ SUSPECT

LAST NAME	FIRST	M.I.	SEX	RACE	DOB

FOR GUNS LIST MAKE, TYPE, CALIBER, MODEL, SERIAL NUMBER(S), IMPORTER & COUNTRY OF ORGIN. LIST ONLY ONE ITEM PER SELECTION	STLN	FOR PED USE ONLY
ITEM 1 Google Earth image used by Ofc DeFrain		
ITEM 2 CD-R containing interview of Ofc DeFrain		
ITEM 3		
ITEM 4		
ITEM 5		
ITEM 6		
ITEM 7		
ITEM 8		

DELIVERED TO: (CHECK ONE ONLY)	LOCKER	DATE	RECEIVED BY
	C6		

DO NOT WRITE IN SPACE BELOW — FOR PED USE ONLY

INVENTORIED AND ACCEPTED IN PROPERTY EVIDENCE DIVISION TIME:	BY	WHITE - RECORDS COPY YELOW - CITIZENS RECEIPT PINK - WITH PROPERTY

02-01-10

BUREAU OF POLICE
2619 NW INDUSTRIAL WAY, STE. B4
PORTLAND, OREGON 97210

PROPERTY/EVIDENCE RECEIPT

THIS RECEIPT MUST BE ACCOMPANIED BY AN APPROPRIATE REPORT

RECEIPT NUMBER	DATE/TIME	REFER CASE NO.	PPB CASE NO.
No.1203493	5-23-10/1000 (AM) PM		10-38353

PEDS ONLY ☐ EVIDENCE ☐ FOUND PROPERTY ☐ PRISONER'S PROP GAVE COPY? YES ☐ NO ☐ ☐ SAFEKEEPING

PROPERTY TAKEN FROM: LAST NAME: Ofc Lundry, FIRST: The Dalles Police M.I. SEX DOB

DENIED OWNERSHIP ☐

HOME ADDRESS CITY STATE ZIP

I VOLUNTARILY RELINQUISH THE ITEM(S) LISTED FOR SAFEKEEPING

OWNER OF PROPERTY LAST NAME FIRST M.I. SEX DOB

SIGNATURE

HOME ADDRESS CITY STATE ZIP PHONE

TYPE OF INCIDENT: Officer Involved Shooting

DELIVERING OFFICER: Kimmie BRST/ASSIGN: 29988/P37

LOCATION WHERE SEIZED/ FOUND/ SURRENDERED: 401 Court St. The Dalles, OR

INVESTIGATOR (IF DIFFERENT) BRST/ASSIGN #

☐ DEFENDANT ☐ SUSPECT LAST NAME FIRST M.I. SEX RACE DOB

FOR GUNS: LIST MAKE, TYPE, CALIBER, MODEL, SERIAL NUMBER(S), IMPORTER & COUNTRY OF ORGIN. LIST ONE ITEM PER SELECTION.	STLN	FOR PED USE ONLY
ITEM 1: One Fired bullet		
ITEM 2		
ITEM 3		
ITEM 4		
ITEM 5		
ITEM 6		
ITEM 7		
ITEM 8		

DELIVERED FOR: ☐ LATENT PRINTS ☐ PHOTOGRAPHS ☐ PROPERTY ROOM ☐ OTHER

CHECK ONE ONLY

LOCKER	DATE	RECEIVED BY
C6		

DO NOT WRITE IN SPACE BELOW — FOR PED USE ONLY

INVENTORIED AND ACCEPTED IN PROPERTY EVIDENCE DIVISION
D. TIME:

BY

WHITE - RECORDS COPY
YELOW - CITIZENS RECEIPT
PINK - WITH PROPERTY

02-01-10

JREAU OF POLICE
:19 NW INDUSTRIAL WAY, STE. B4
)RTLAND, OREGON 97210

PROPERTY EVIDENCE RECEIPT

THIS RECEIPT MUST BE ACCOMPANIED BY AN APPROPRIATE REPORT

RECEIPT NUMBER	DATE/TIME	REFER CASE NO.	PPB CASE NO.
No. 1203637	05/2/10 AM / PM		10-138557

MONEY | EVIDENCE | FOUND PROPERTY | PRISONER'S PROP. | SAFEKEEPING

GAVE COPY: YES / NO

PROPERTY TAKEN FROM:	LAST NAME	FIRST	M.I.	SEX	DOB
DENIED OWNERSHIP ☐					
HOME ADDRESS	CITY	STATE	ZIP		
OWNER OF PROPERTY	LAST NAME	FIRST	M.I.	SEX	DOB
HOME ADDRESS	CITY	STATE	ZIP	PHONE	

ACCOUNTABILITY RELINQUISHED THE ITEM(S) LISTED FOR SAFEKEEPING

SIGNATURE

TYPE OF INCIDENT	DELIVERING OFFICER	I.D. #	FIRST ASSIST
HOMICIDE	J. HAMMER	41838	
OCCURRENCE NUMBER, SEIZED FOUND OR SUBMITTED	INVESTIGATOR (IF DIFFERENT)	I.D. #	
10-138557	J. HAMMER	41838	

☐ DEFENDANT
☐ SUSPECT

LAST NAME	FIRST	M.I.	SEX	RACE	DOB

FOR GUNS: LIST MAKE, TYPE, CALIBER, MODEL, SERIAL NUMBER(S), IMPORTER & COUNTRY OF ORGIN (LIST ONLY ONE ITEM PER SELECTION)	STLN	FOR PED USE ONLY
ONE CD CONTAINING RECORDED INTERVIEWS WITH [redacted]		

LOCATION OF ITEM (IF OTHER THAN PROPERTY)	LOCKER	DATE	RECEIVED BY
	C6	05/3/10	

DO NOT WRITE IN SPACE BELOW — FOR PED USE ONLY

INVENTORIED AND ACCEPTED IN PROPERTY EVIDENCE DIVISION	BY	WHITE - RECORDS COPY YELOW - CITIZENS RECEIPT PINK - WITH PROPERTY
AT: TIME:		

02-01-10

BUREAU OF POLICE
2619 NW INDUSTRIAL WAY, STE. B4
PORTLAND, OREGON 97210

PROPERTY EVIDENCE RECEIPT

THIS RECEIPT MUST BE ACCOMPANIED BY AN APPROPRIATE REPORT

RECEIPT NUMBER	DATE/TIME	REFER CASE NO.	PPB CASE NO.
No.1203918	5-18-10 / 1955 (PM) AM		10-38353

P.P.D. USE ONLY ▶ [X] EVIDENCE [ ] FOUND PROPERTY [ ] PRISONER'S PROP. GAVE COPY YES [ ] NO [ ] [ ] SAFEKEEPING

PROPERTY TAKEN FROM: LAST NAME: Ofc | FIRST: Chris | M.I.: Burley | SEX: # 45975 | DOB:

DENIED OWNERSHIP [ ]

HOME ADDRESS: 1111 SW 2nd Ave | CITY | STATE | ZIP

I VOLUNTARILY RELINQUISH THE ITEM(S) LISTED FOR SAFEKEEPING.

SIGNATURE

OWNER OF PROPERTY | LAST NAME | FIRST | M.I. | SEX | DOB

HOME ADDRESS | CITY | STATE | ZIP | PHONE

TYPE OF INCIDENT: Officer Involved Shooting | DELIVERING OFFICER: Kerr | BPST/ASSIGN: 2870/118

LOCATION WHERE SEIZED, FOUND, SURRENDERED: Mult. County | INVESTIGATOR (IF DIFFERENT) | BPST/ASSIGN

[ ] DEFENDANT [ ] SUSPECT | LAST NAME | FIRST | M.I. | SEX | RACE | DOB

ITEM	FOR GUNS: LIST MAKE, TYPE, CALIBER, MODEL, SERIAL NUMBER(S), IMPORTER & COUNTRY OF ORGIN. LIST ONLY ONE ITEM PER SELECTION.	STLN	FOR PED USE ONLY
ITEM 1	4/ oral DNA swabs		
	~~*~~ To be destroyed after investigation is complete ~~*~~		
ITEM 2			
ITEM 3			
ITEM 4			
ITEM 5			
ITEM 6			
ITEM 7			
ITEM 8			

DELIVERED TO: [ ] STATE CRIME LAB [ ] PSB LITTLE PROP. ROOM [ ] FED. [ ] OTHER (CHECK ONE ONLY) [ ] UNIFED

LOCKER | DATE | RECEIVED BY

DO NOT WRITE IN SPACE BELOW — FOR PED USE ONLY

ITORIED AND ACCEPTED IN PROPERTY EVIDENCE DIVISION TIME:	BY	WHITE - RECORDS COPY YELOW - CITIZENS RECEIPT PINK - WITH PROPERTY

02-01-10

BUREAU OF POLICE
1619 NW INDUSTRIAL WAY, STE. B4
PORTLAND, OREGON 97210

PROPERTY/EVIDENCE RECEIPT

THIS RECEIPT MUST BE ACCOMPANIED BY AN APPROPRIATE REPORT

RECEIPT NUMBER	DATE/TIME	REFER CASE NO.	PPB CASE NO.
No. 1208828	051210 2256 AM/PM		10-38353

ONLY ☒ EVIDENCE | FOUND PROPERTY | PRISONER'S PROP. (CAT COD PER MCSO) | SAFEKEEPING

PROPERTY TAKEN FROM: LAST NAME | FIRST | M.I. | SEX | DOB

DENIED OWNERSHIP ☐

HOME ADDRESS | CITY | STATE | ZIP

VOLUNTARILY RELINQUISHED THE ITEMS LISTED FOR SAFEKEEPING

OWNER OF PROPERTY LAST NAME | FIRST | M.I. | SEX | DOB

OFC JAMES DEFRAIN DPSST # 44436

HOME ADDRESS | CITY | STATE | ZIP | PHONE

TYPE OF NOTICE: OREGON ERRATA SHEET

RELEASED/RECEIVED/SURRENDERED BY: JEFF E. BURNSIDE

RECEIVING OFFICER: K. STRYKE

WITNESSING OFFICER: K. STRYKE

DPSST/ASSIGN: 33526

DPSST/ASSIGN: 44436

☐ DEFENDANT ☐ SUSPECT | LAST NAME | FIRST | M.I. | SEX | RACE | DOB

ITEM	LIST: 1ST MAKE, 2ND CALIBER, MODEL, SERIAL NUMBER(S), IMPORTER, COUNTRY OF ORIGIN. LIST ONLY ONE ITEM PER SEQUENTION	STLN	FOR PED USE ONLY
ITEM 1	DUTY BELT		
ITEM 2	CONVERSE BLACK SHOES SZ 12 (1 PAIR)		
ITEM 3	1- DUTY SHIRT W/ NAME TAG		
ITEM 4	1- PR DUTY PANTS		
ITEM 5			
ITEM 6			
ITEM 7			
ITEM 8			

LOCKER	DATE	RECEIVED BY

DO NOT WRITE IN SPACE BELOW — FOR PED USE ONLY

ENTORIED AND ACCEPTED IN PROPERTY EVIDENCE DIVISION | BY

DATE: TIME:

WHITE - RECORDS COPY
YELOW - CITIZENS RECEIPT
PINK - WITH PROPERTY

02-01-1

BUREAU OF POLICE
2619 NW INDUSTRIAL WAY, STE. B4
PORTLAND, OREGON 97210

PROPERTY/EVIDENCE RECEIPT

THIS RECEIPT MUST BE ACCOMPANIED BY AN APPROPRIATE REPORT

RECEIPT NUMBER	DATE/TIME	REFER CASE NO.	PPB CASE NO.
No. 1208829	05/2/10 2311 PM		10-38353

ONLY ☒ EVIDENCE | FOUND PROPERTY | PRISONER'S PROP. GAVE COPY/RVE — NONE | SAFEKEEPING

PROPERTY TAKEN FROM: LAST NAME | FIRST | M.I. | SEX | DOB

DENIED OWNERSHIP ☐

HOME ADDRESS | CITY | STATE | ZIP

VOLUNTARILY RELINQUISH THE ITEMS LISTED FOR SAFEKEEPING

OWNER OF PROPERTY LAST NAME: POLAS | FIRST: OFC ANDY | M.I. | SEX | DOB: # 43489

HOME ADDRESS | CITY | STATE | ZIP | PHONE

OFFICER/DEPT: Police Officer Shooter | RECEIVING OFFICER: Mike Entyre | SERIAL/ASSIGN: 35201 FIR

LOCATION WHERE SEIZED/FOUND/SURRENDERED: 4735 E Burnside (Starbucks) | INVESTIGATOR IF DIFFERENT: Sgt Schmaltz | ACCEPT/ASSIGN: Sgt

☐ DEFENDANT | LAST NAME | FIRST | M.I. | SEX | RACE | DOB

☐ SUSPECT

ITEM	DESCRIPTION (LIST MAKE, STYLE, CALIBER, MODEL, SERIAL NUMBER(S), IMPORTER, COUNTRY OF ORIGIN — LIST ONLY ONE ITEM PER SELECTION)	STLN	FOR PED USE ONLY
ITEM 1	DUTY BELT		
ITEM 2	FLASH LIGHT TIGER + duty belt keepers		
ITEM 3	-PR NIKE AIR SHOES BLACK SZ 12		
ITEM 4	1- UNIFORM SHIRT with name TAG		
ITEM 5	1- PR UNIFORM PANTS		
ITEM 6	1- TASER W/ HOLDER SER # X00- [redacted] HOBBLE/HOLDER MACE/HOLDER 2 CARTRIDGES		
ITEM 7			
ITEM 8			

LOCATION OF PROPERTY IF NOT TURNED IN AT TIME OF RECEIPT | LOCKER | DATE | RECEIVED BY

DO NOT WRITE IN SPACE BELOW — FOR PED USE ONLY

NVF | VERIFIED AND ACCEPTED IN PROPERTY EVIDENCE DIVISION | BY

DATE | TIME:

WHITE - RECORDS COPY
YELOW - CITIZENS RECEIPT
PINK - WITH PROPERTY

02-01-10

BUREAU OF POLICE
2619 NW INDUSTRIAL WAY, STE. B4
PORTLAND, OREGON 97210

PROPERTY/EVIDENCE RECEIPT

THIS RECEIPT MUST BE ACCOMPANIED BY AN APPROPRIATE REPORT

RECEIPT NUMBER	DATE/TIME	REFER CASE NO.	PPB CASE NO.
No. 1208830	05/20 2329 AM/PM		10-38353

EVIDENCE ONLY ☒ EVIDENCE ☐ FOUND PROPERTY ☐ PRISONER'S PROP. (SAFEKEEPING) ☐ SAFEKEEPING ☐

PROPERTY TAKEN FROM: LAST NAME | FIRST | M.I. | SEX | DOB

DENIED OWNERSHIP ☐

HOME ADDRESS | CITY | STATE | ZIP

VOLUNTARILY RELINQUISH THE ITEM(S) LISTED ON SAFEKEEPING

SIGNATURE

OWNER OF PROPERTY LAST NAME: BERNE | FIRST: CODY | M.I. | SEX | DOB: # 45662

HOME ADDRESS | CITY | STATE | ZIP | PHONE

OFC

RECEIVED FROM: OFFICER INVOLVED SHOOTING | DELIVERING OFFICER: WRIGHT | PROFESSION: SWORN

POSITION WHERE SEIZED OR SURRENDERED: OTAK | INVESTIGATING OFFICER: LAMBERTH | BADGE/CLASS #: 47

☐ DEFENDANT ☐ SUSPECT | LAST NAME | FIRST | M.I. | SEX | RACE | DOB

	FOR BMS USE ONLY: MAKE, TYPE, CALIBER, MODEL, SERIAL NUMBER(S), IMPORTER & COUNTRY OF ORIGIN (LIST ONLY ONE ITEM PER SELECTION)	STLN	FOR PED USE ONLY
ITEM 1	1- DUTY BELT		
ITEM 2	PELICAN FLASHLIGHT - ASP - TASER SER X00 [redacted] W/ HOLDER & CARTRIDGES		
ITEM 3	1 PR BLACK NEW BALANCE - SZ 11 SHOES		
ITEM 4	1- UNIFORM SHIRT W/ NAME TAG		
ITEM 5	1- UNIFORM PANTS		
ITEM 6			
ITEM 7			
ITEM 8			

DESCRIPTION OF ITEMS ENTERED IN PROPERTY ROOM	LOCKER	DATE	RECEIVED BY

DO NOT WRITE IN SPACE BELOW — FOR PED USE ONLY

INV[illegible]RIED AND ACCEPTED IN PROPERTY EVIDENCE DIVISION | BY

DAT[illegible] TIME:

WHITE - RECORDS COPY
YELOW - CITIZENS RECEIPT
PINK - WITH PROPERTY

02-01-10

BUREAU OF POLICE
2619 NW INDUSTRIAL WAY, STE. B4
PORTLAND, OREGON 97210

PROPERTY EVIDENCE RECEIPT

THIS RECEIPT MUST BE ACCOMPANIED BY AN APPROPRIATE REPORT

RECEIPT NUMBER	DATE/TIME	REFER CASE NO.	PPB CASE NO.
No. 1208831	05/20 2357 AM PM		10-38353

EVIDENCE ONLY ☒ | FOUND PROPERTY ☐ | PRISONER'S PROP. ☐ (CAVE COPY - YES ☐ NO ☐) | SAFEKEEPING ☐

PROPERTY TAKEN FROM: LAST NAME | FIRST | M.I. | SEX | DOB

DENIED OWNERSHIP ☐

HOME ADDRESS | CITY | STATE | ZIP

I VOLUNTARILY RELINQUISH THE ITEM(S) LISTED FOR SAFEKEEPING

SIGNATURE

OWNER OF PROPERTY LAST NAME | FIRST | M.I. | SEX | DOB

OFC PATRICK MURPHY # 44162

HOME ADDRESS | CITY | STATE | ZIP | PHONE

TYPE OF INCIDENT: OFFICER INVOLVED SHOOTING

DELIVERING OFFICE: M ENTER

ASSIST: STAFFER

LOCATION WHERE SEIZED: 4735 E BURNSIDE

IF NOT SEIZED: LOCKER

ASSIST: 1802

☐ DEFENDANT ☐ SUSPECT | LAST NAME | FIRST | M.I. | SEX | RACE | DOB

ITEM	FOR GUNS: MUST MAKE, TYPE, CALIBER, MODEL, SERIAL NUMBER(S), IMPORTER & COUNTRY OF ORIGIN. MUST ONE ITEM PER SELECTION	STLN	FOR PED USE ONLY
1	TASER HOLSTER - ASP 2 CARTRIDGES		
2	DUTY BELT		
3	PR DANNER BOOTS, SZ 10		
4	1 - UNIFORM SHIRT w/ NAME TAG		
5	1 - PR. UNIFORM PANTS		
6			
7			
8			
9			

LOCKER | DATE | RECEIVED BY

DO NOT WRITE IN SPACE BELOW — FOR PED USE ONLY

IVED AND ACCEPTED IN PROPERTY EVIDENCE DIVISION | BY

ATE: TIME:

WHITE - RECORDS COPY
YELOW - CITIZENS RECEIPT
PINK - WITH PROPERTY

02-01-10

BUREAU OF POLICE
2619 NW INDUSTRIAL WAY, STE. B4
PORTLAND, OREGON 97210

PROPERTY/EVIDENCE RECEIPT

THIS RECEIPT MUST BE ACCOMPANIED BY AN APPROPRIATE REPORT

RECEIPT NUMBER	DATE/TIME	REFER CASE NO.	PPB CASE NO.
No. 1208832	05/30/10 0001 AM/PM		10-38353

ONLY ☒ EVIDENCE ☐ FOUND PROPERTY ☐ PRISONER'S PROPERTY (GIVE DOC. # IF KNOWN) ☐ SAFEKEEPING

PROPERTY TAKEN FROM: LAST NAME FIRST M.I. SEX DOB

DENIED OWNERSHIP ☐

HOME ADDRESS CITY STATE ZIP

IF VOLUNTARILY RELINQUISHED ITEMS LISTED FOR SAFEKEEPING, SIGN HERE

OWNER OF PROPERTY LAST NAME FIRST M.I. SEX DOB

SGT DON LIVINGSTON #32580

HOME ADDRESS CITY STATE ZIP PHONE

4735 E BURNSIDE

RECEIVING OFFICER (PRINT) | SIGNATURE | P# | DATE/TIME

CAPTAIN FAIRCHILD SPOTTED

DELIVERING OFFICER (PRINT) | SIGNATURE | P# | DATE/TIME

MACKENZIE 32580

RECEIVING LOCATION (IF DIFFERENT FROM ABOVE)

4735 E BURNSIDE

INVESTIGATIVE DIVISION (IF DIFFERENT FROM ABOVE) | SIGNATURE | P# | DATE/TIME

J. BANNER

☐ DEFENDANT ☐ SUSPECT | LAST NAME | FIRST | M.I. | SEX | RACE | DOB

	FOR GUNS: LIST MAKE, TYPE, CALIBER, MODEL, SERIAL NUMBER, IST, IMPORTER & COUNTRY OF ORIGIN. LIST ONLY ONE ITEM PER SELECTION.	STLN	FOR PED USE ONLY
ITEM 1	DUTY BELT		
ITEM 2	TASER - HOLDER X00-1		
	PEPPER W/ HOLDER - 2 - CARTRIDGES		
ITEM 3	1 - PR BANNER BOOTS BLACK SZ 10		
ITEM 4	1 - UNIFORM SHIRT W/ NAME TAG		
ITEM 5	1 - PR UNIFORM PANTS		
ITEM 6			
ITEM 7			
ITEM 8			

DESCRIPTION OF PROPERTY FOUND | LOCKER | DATE | RECEIVED BY

DO NOT WRITE IN SPACE BELOW — FOR PED USE ONLY

INV. DATA: ORIED AND ACCEPTED IN PROPERTY EVIDENCE DIVISION TIME: | BY

WHITE - RECORDS COPY
YELOW - CITIZENS RECEIPT
PINK - WITH PROPERTY

02-01-10

BUREAU OF POLICE
2619 NW INDUSTRIAL WAY, STE. B4
PORTLAND, OREGON 97210

PROPERTY/EVIDENCE RECEIPT

THIS RECEIPT MUST BE ACCOMPANIED BY AN APPROPRIATE REPORT

RECEIPT NUMBER	DATE/TIME	REFER CASE NO.	PPB CASE NO.
No. 1208833	05/31/10 0020 AM/PM		10-38353

EVIDENCE ONLY ☒ EVIDENCE ☐ FOUND PROPERTY ☐ PRISONER'S PROP. GAVE COPY YES ☐ NO ☐ SAFEKEEPING ☐

PROPERTY TAKEN FROM: LAST NAME | FIRST | M.I. | SEX | DOB

DENIED OWNERSHIP ☐

HOME ADDRESS | CITY | STATE | ZIP

VOLUNTARILY RELINQUISHED ITEM(S) LISTED FOR SAFEKEEPING

OWNER OF PROPERTY LAST NAME | FIRST | M.I. | SEX | DOB

OFC RYAN FOOTE #43493

HOME ADDRESS | CITY | STATE | ZIP | PHONE

SIGNATURE

TYPE OF INCIDENT: OFFICER INJURED BOOKING

DELIVERING OFFICER: FOOTE

FIRST ASSIGNED: SAME

LOCATION WHERE SEIZED/FOUND/SURRENDERED: 4715 SE BURNSIDE

INVESTIGATOR/TESTIFYING OFFICER: FOOTE

RELEASED TO: HIM

☐ DEFENDANT ☐ SUSPECT | LAST NAME | FIRST | M.I. | SEX | RACE | DOB

	FOR GUNS ONLY: MAKE/TYPE/CALIBER/MODEL/SERIAL NUMBER(S)/IMPORTER & COUNTRY OF ORIGIN — LIST ONLY ONE ITEM PER SELECTION	STLN	FOR PED USE ONLY
ITEM 1	TASER HOLSTER - 1 CARTRIDGE		
ITEM 2	1- DUTY BELT		
ITEM 3	1- PR BLACK CONVERSE SHOES SZ 11		
ITEM 4	1- BASEBALL HAT		
ITEM 5	1- BDU UNIFORM SHIRT		
ITEM 6	1- PR BDU UNIFORM PANTS		
ITEM 7			
ITEM 8			

LOCKER	DATE	RECEIVED BY

DO NOT WRITE IN SPACE BELOW — FOR PED USE ONLY

IF DA: STORIED AND ACCEPTED IN PROPERTY EVIDENCE DIVISION TIME: | BY

WHITE - RECORDS COPY
YELOW - CITIZENS RECEIPT
PINK - WITH PROPERTY

02-01-10

Colonial Business Forms (503) 293-6734

BUREAU OF POLICE
26[illegible]W INDUSTRIAL WAY, STE. B4
P[illegible]AND, OREGON 97210

PROPERTY/EVIDENCE RECEIPT

THIS RECEIPT MUST BE ACCOMPANIED BY AN APPROPRIATE REPORT

RECEIPT NUMBER	DATE/TIME	REFER CASE NO.	PPB CASE NO.
No. 1209402	051210 AM PM		05-38353

CHECK ONE ONLY: ☒ EVIDENCE ☐ FOUND PROPERTY ☐ PRISONER'S PROP. ☐ SAFEKEEPING

PROPERTY TAKEN FROM:	LAST NAME	FIRST	M.I.	SEX	DOB
DENIED OWNERSHIP ☐					
HOME ADDRESS	CITY	STATE	ZIP		
OWNER OF PROPERTY	LAST NAME	FIRST	M.I.	SEX	DOB
HOME ADDRESS	CITY	STATE	ZIP	PHONE	

INCIDENT: Officer Involved Shooting
DELIVERED BY: H. Dirksen
CLASS: 3502 Fat
RECEIVED FROM: Koerstner
ASSIGNED TO: Det. Pitt

☐ DEFENDANT ☐ SUSPECT

LAST NAME	FIRST	M.I.	SEX	RACE	DOB

FOR GUNS: LIST MAKE, TYPE, CALIBER, MODEL, SERIAL NUMBER(S), IMPORTER & COUNTRY OF ORIGIN (LIST ONLY ONE ITEM PER SELECTION)	STLN	FOR PED USE ONLY
ITEM 1 Plac #1 - Taser X00 - [redacted] (SO written on top) - south of body - transfered to 1209412		
ITEM 2 Plac #2 - Crown Royal Bag		
ITEM 3 Plac #3 - bullet - south of body		
ITEM 4 Plac #4 - beanbag sock - east of passenger door		
ITEM 5 Plac #5 - bullet fragment - east of passenger door		
ITEM 6 Plac #6 - bullet fragment - under passenger (front) side of Toy Camry OR ZET 208		
ITEM 7 Plac #7 - bullet fragment SE corner of NE Halsey/16		
ITEM 8 Plac #8 - bullet fragment SE corner of NE Halsey/16		

LOCKER	DATE	RECEIVED BY

DO NOT WRITE IN SPACE BELOW — FOR PED USE ONLY

INVENTORIED AND ACCEPTED IN PROPERTY EVIDENCE DIVISION	BY	WHITE - RECORDS COPY YELOW - CITIZENS RECEIPT PINK - WITH PROPERTY
DATE: TIME:		

02-01-10

Colonial Business Forms (503) 293-6784

BUREAU OF POLICE
2[illegible]W INDUSTRIAL WAY, STE. B4
P[illegible]AND, OREGON 97210

PROPERTY/EVIDENCE RECEIPT

THIS RECEIPT MUST BE ACCOMPANIED BY AN APPROPRIATE REPORT

RECEIPT NUMBER	DATE/TIME	REFER CASE NO.	PPB CASE NO.
No. 1209403	051210 AM / PM		10-38353

CHECK ONE ONLY: ☒ EVIDENCE ☐ FOUND PROPERTY ☐ PRISONER'S PROP. ☐ SAFEKEEPING

PROPERTY TAKEN FROM:	LAST NAME	FIRST	M.I.	SEX	DOB
DENIED OWNERSHIP ☐					
HOME ADDRESS	CITY	STATE	ZIP		
OWNER OF PROPERTY	LAST NAME	FIRST	M.I.	SEX	DOB
HOME ADDRESS	CITY	STATE	ZIP	PHONE	

TYPE OF INCIDENT: Officer involved shooting | DELIVERED BY OFFICER: H Ducheneaux | DIVISION: SIU FED
LOCATION OF INCIDENT: [illegible] | INVESTIGATING OFFICER: Kamper | OFFICE PHONE: [illegible]

☐ DEFENDANT ☐ SUSPECT

LAST NAME	FIRST	M.I.	SEX	RACE	DOB

	FOR GUNS LIST MAKE, TYPE, CALIBER, MODEL, SERIAL NUMBER(S), IMPORTER & COUNTRY OF ORIGIN. LIST ONLY ONE ITEM PER SELECTION	STLN	FOR PED USE ONLY
ITEM 1	Placard #9 - beanbag sock eastside walk - east		
ITEM 2	Placard #10 - beanbag sock eastside walk - west		
ITEM 3	Placard #11 - casing east sidewalk		
ITEM 4	Placard #12 - ~~casing~~ Keys w/selotah transfered to PER 120913		
ITEM 5	Placard #13 - casing		
ITEM 6	Placard #14 - casing		
ITEM 7	Placard #15 - casing		
ITEM 8	Placard #16 casing		

[illegible]	LOCKER	DATE	RECEIVED BY

DO NOT WRITE IN SPACE BELOW — FOR PED USE ONLY

INVENTORIED AND ACCEPTED IN PROPERTY EVIDENCE DIVISION	BY	WHITE - RECORDS COPY YELOW - CITIZENS RECEIPT PINK - WITH PROPERTY
DATE: TIME:		

02-01-10

Colonial Business Forms (503) 293-6139

BUREAU OF POLICE
2 NW INDUSTRIAL WAY, STE. B4
P AND, OREGON 97210

PROPERTY/EVIDENCE RECEIPT

THIS RECEIPT MUST BE ACCOMPANIED BY AN APPROPRIATE REPORT

RECEIPT NUMBER	DATE/TIME	REFER CASE NO.	PPB CASE NO.
No. 1209404	051210 AM / PM		10-38353

CHECK ONE TYPE ONLY: ☒ EVIDENCE ☐ FOUND PROPERTY ☐ PRISONER'S PROP ☐ SAFEKEEPING

PROPERTY TAKEN FROM:	LAST NAME	FIRST	M.I.	SEX	DOB
DENIED OWNERSHIP ☐					
HOME ADDRESS	CITY	STATE	ZIP		
OWNER OF PROPERTY	LAST NAME	FIRST	M.I.	SEX	DOB
HOME ADDRESS	CITY	STATE	ZIP	PHONE	

TYPE OF INCIDENT: Officer Involved Shooting
LOCATION WHERE PROPERTY FOUND, STOLEN OR RECOVERED: NE 60th & Prescott
ITEM(S) RECEIVED FROM: Detective
INVESTIGATING OFFICER OR DETECTIVE ASSIGNED: Kammerer
BADGE #: 3302 ID #: 1760

☐ DEFENDANT ☐ SUSPECT | LAST NAME | FIRST | M.I. | SEX | RACE | DOB

	FOR GUNS: LIST MAKE, TYPE, CALIBER, MODEL, SERIAL NUMBER(S), IMPORTER & COUNTRY OF ORIGIN. LIST ONE ITEM PER SELECTION.	STLN	FOR PED USE ONLY
ITEM 1	Plac #17 - casing		
ITEM 2	Plac #18 - casing		
ITEM 3	Plac #19 casing		
ITEM 4	Plac #20 casing		
ITEM 5	Plac #21 - casing		
ITEM 6	Plac #22 - casing		
ITEM 7	Plac #23 - casing - undergrate		
ITEM 8	Plac #24 - black plastic - next to tree in east sidewalk		

RECEIVED FROM (SIGNATURE)	LOCKER	DATE	RECEIVED BY

DO NOT WRITE IN SPACE BELOW — FOR PED USE ONLY

INVENTORIED AND ACCEPTED IN PROPERTY EVIDENCE DIVISION	BY	WHITE - RECORDS COPY YELOW - CITIZENS RECEIPT PINK - WITH PROPERTY
DATE: TIME:		

02-01-10

Colonial Business Forms (503) 293-0734

BUREAU OF POLICE
2[illegible]W INDUSTRIAL WAY, STE. B4
P[illegible]ND, OREGON 97210

PROPERTY/EVIDENCE RECEIPT

THIS RECEIPT MUST BE ACCOMPANIED BY AN APPROPRIATE REPORT

RECEIPT NUMBER	DATE/TIME	REFER CASE NO.	PPB CASE NO.
No. 1209405	05/210 AM PM		10-38353

CHECK ONE BOX ONLY: ☒ EVIDENCE ☐ FOUND PROPERTY ☐ PRISONER'S PROPERTY ☐ SAFEKEEPING

PROPERTY TAKEN FROM:	LAST NAME	FIRST	M.I.	SEX	DOB
DENIED OWNERSHIP ☐					
HOME ADDRESS	CITY	STATE	ZIP		
OWNER OF PROPERTY	LAST NAME	FIRST	M.I.	SEX	DOB
HOME ADDRESS	CITY	STATE	ZIP	PHONE	

RECEIVED FROM: Officer Ivan Stoltz | DELIVERED TO/BY: Ducker | SHIFT: 3rd/Fed
INVESTIGATION ASSIGNED TO: Kammerer | STATUS: Open | DATE/TIME: 1/10/05 0:45

☐ DEFENDANT ☐ SUSPECT

LAST NAME	FIRST	M.I.	SEX	RACE	DOB

ITEM	FOR GUNS LIST MAKE, TYPE, CALIBER/MODEL, SERIAL NUMBER(S), IMPORTER & COUNTRY OF ORIGIN. LIST ONLY ONE ITEM PER SELECTION	STLN	FOR PED USE ONLY
ITEM 1	Plac #25 - Beanbag round - next to building		
ITEM 2	Plac #26 - casing		
ITEM 3	Plac 27 - Beanbag round - east sidewalk		
ITEM 4	Plac 28 - Beanbag round - east sidewalk		
ITEM 5	Plac 29 - casing		
ITEM 6	Plac 30 - casing		
ITEM 7	Plac 31 - casing		
ITEM 8	Plac 32 - casing		

[illegible]	LOCKER	DATE	RECEIVED BY

DO NOT WRITE IN SPACE BELOW — FOR PED USE ONLY

INVENTORIED AND ACCEPTED IN PROPERTY EVIDENCE DIVISION	BY	WHITE - RECORDS COPY YELOW - CITIZENS RECEIPT PINK - WITH PROPERTY
DATE: TIME:		

02-01-10

Colonial Business Forms (503) 393-6134

BUREAU OF POLICE
26[illegible]W INDUSTRIAL WAY, STE. B4
P[illegible]AND, OREGON 97210

PROPERTY/EVIDENCE RECEIPT

THIS RECEIPT MUST BE ACCOMPANIED BY AN APPROPRIATE REPORT

RECEIPT NUMBER	DATE/TIME	REFER CASE NO.	PPB CASE NO.
No.1209406	05/2/10 AM PM		10-38353

CHECK ONLY ONE: EVIDENCE | FOUND PROPERTY | PRISONER'S PROP. | SAFEKEEPING

PROPERTY TAKEN FROM:	LAST NAME	FIRST	M.I.	SEX	DOB
DENIED OWNERSHIP ☐					
HOME ADDRESS	CITY	STATE		ZIP	
OWNER OF PROPERTY	LAST NAME	FIRST	M.I.	SEX	DOB
HOME ADDRESS	CITY	STATE		ZIP	PHONE

TYPE OF CRIME: Officer Involved Shooting | RECEIVING OFFICER: D. Kato | 3642 | HED
INVESTIGATOR ASSIGNED: K. Hamer | 2054 | Homicide

☐ DEFENDANT ☐ SUSPECT	LAST NAME	FIRST	M.I.	SEX	RACE	DOB

	FOR GUNS: LIST MAKE, TYPE, CALIBER, MODEL, SERIAL NUMBER(S), IMPORTER, COUNTRY OF ORIGIN. LIST ONLY ONE ITEM PER SELECTION	STLN	FOR PED USE ONLY
ITEM 1	Plac# 33 - casing		
ITEM 2	Plac 34 - glove (blue)		
ITEM 3	Plac 35 - fragment - next to blue glove		
ITEM 4	Plac 36 - black glove		
ITEM 5	Plac 37 - flashlight - Tigerlight transf. to PER # 1209414		
ITEM 6	Plac 38 - bullet fragment		
ITEM 7	Plac 39 - black glove - near west sidewalk		
ITEM 8	Plac 40 - Taser X00 [redacted] E67 - trans to PER 1209415 between Grey Crown VIC OR Z HC ZD # SILVER VIC OIS CLW		

ITEM(S) STARTING AT ITEM # ENTERED ON LINE #	LOCKER	DATE	RECEIVED BY

DO NOT WRITE IN SPACE BELOW — FOR PED USE ONLY

INVENTORIED AND ACCEPTED IN PROPERTY EVIDENCE DIVISION	BY	WHITE - RECORDS COPY YELOW - CITIZENS RECEIPT PINK - WITH PROPERTY
DATE: TIME:		

02-01-10

Colonial Business Forms (503) 293-0139

BUREAU OF POLICE
26[illegible]W INDUSTRIAL WAY, STE. B4
P[illegible]ND, OREGON 97210

PROPERTY/EVIDENCE RECEIPT

THIS RECEIPT MUST BE ACCOMPANIED BY AN APPROPRIATE REPORT

RECEIPT NUMBER	DATE/TIME	REFER CASE NO.	PPB CASE NO.
No. 1209407	051210 AM PM		10-38353

CHECK ONE ONLY: ☒ EVIDENCE ☐ FOUND PROPERTY ☐ PERSONAL PROPERTY (SAFEKEEPING) ☐ SAFEKEEPING

PROPERTY TAKEN FROM:	LAST NAME	FIRST	M.I.	SEX	DOB
DENIED OWNERSHIP ☐					
HOME ADDRESS	CITY	STATE	ZIP		
OWNER OF PROPERTY	LAST NAME	FIRST	M.I.	SEX	DOB
HOME ADDRESS	CITY	STATE	ZIP	PHONE	

TYPE OF CRIME: Officer involved shooting — OFFICER: Dorbon 3327 / FED — ITEM(S) RECEIVED FROM: Kammbrea — ITEM(S) RECEIVED BY: Hamblet

☐ DEFENDANT ☐ SUSPECT	LAST NAME	FIRST	M.I.	SEX	RACE	DOB

	FOR COURT: LIST MAKE, TYPE, CALIBER, MODEL, SERIAL NUMBER(S), IMPORTER & COUNTRY OF ORIGIN LIST ONLY ONE ITEM PER SELECTION	STLN	FOR PED USE ONLY
ITEM 1	Plac41 - bullet		
ITEM 2	Plac42 - casing		
ITEM 3	Plac43 - watch		
ITEM 4	Plac 44 - tazer gate		
ITEM 5	Plac 45 - casing		
ITEM 6	Plac46 - casing		
ITEM 7	Plac47 - casing		
ITEM 8	Plac48 - casing		

LOCKER	DATE	RECEIVED BY

DO NOT WRITE IN SPACE BELOW — FOR PED USE ONLY

INVENTORIED AND ACCEPTED IN PROPERTY EVIDENCE DIVISION	BY	WHITE - RECORDS COPY YELOW - CITIZENS RECEIPT PINK - WITH PROPERTY
DATE: TIME:		

02-01-10

Colonial Business Forms (503) 293-6134

BUREAU OF POLICE
2[illegible] V INDUSTRIAL WAY, STE. B4
P[illegible] .ND, OREGON 97210

PROPERTY/EVIDENCE RECEIPT

THIS RECEIPT MUST BE ACCOMPANIED BY AN APPROPRIATE REPORT

RECEIPT NUMBER	DATE/TIME	REFER CASE NO.	PPB CASE NO.
No. 1209408	051210 AM / PM		10-38353

CHECK ONE TYPE ONLY: ☑ EVIDENCE ☐ FOUND PROPERTY ☐ PRISONER'S PROP. ☐ SAFEKEEPING

PROPERTY TAKEN FROM:	LAST NAME	FIRST	M.I.	SEX	DOB
DENIED OWNERSHIP ☐					
HOME ADDRESS	CITY	STATE	ZIP		
OWNER OF PROPERTY	LAST NAME	FIRST	M.I.	SEX	DOB
HOME ADDRESS	CITY	STATE	ZIP	PHONE	

TYPE OF INCIDENT: Officer Involved Shooting — CRIME REPORTED: Duties — DATE & TIME OF INCIDENT: 5/12/10 1:30 Hrs

NE 61st Halsey

	LAST NAME	FIRST	M.I.	SEX	RACE	DOB
☐ DEFENDANT ☐ SUSPECT						

FOR GUNS: LIST MAKE, TYPE, CALIBER, MODEL, SERIAL NUMBER(S), IMPORTER & COUNTRY OF ORIGIN — LIST ONLY ONE ITEM PER SELECTION	STLN	FOR PED USE ONLY
ITEM 1 Plac 49 - casing		
ITEM 2 Plac 50 - casing		
ITEM 3 Plac 51 - casing		
ITEM 4 Plac 53 - casing		
ITEM 5 Plac 54 - casing		
ITEM 6 Plac 55 - tazer X26 [redacted] T8 - trast to PER DOJ 116 east of rear passenger side of OIS CW		
ITEM 7 Plac 56 - bullet fragment - SW corner of NE 61st Halsey		
ITEM 8 Plac 57 bullet fragment - wall		

ITEM RECEIVED FROM (NAME) IF OTHER THAN OWNER — IF ITEM SAFEKEPT FOR LOOSE PROPERTY, LIST NAME	LOCKER	DATE	RECEIVED BY

DO NOT WRITE IN SPACE BELOW — FOR PED USE ONLY

INVENTORIED AND ACCEPTED IN PROPERTY EVIDENCE DIVISION	BY	WHITE - RECORDS COPY YELOW - CITIZENS RECEIPT PINK - WITH PROPERTY
DATE: TIME:		

02-01-10

Colonial Business Forms (503) 393-0139

BUREAU OF POLICE
2[illegible]W INDUSTRIAL WAY, STE. B4
P[illegible]AND, OREGON 97210

PROPERTY/EVIDENCE RECEIPT

THIS RECEIPT MUST BE ACCOMPANIED BY AN APPROPRIATE REPORT

RECEIPT NUMBER	DATE/TIME	REFER CASE NO.	PPB CASE NO.
No. 1209409	05/21/10 AM PM		10-38353

CHECK ONLY ONE: EVIDENCE | FOUND PROPERTY | PRISONER'S PROP. | SAFEKEEPING

PROPERTY TAKEN FROM:	LAST NAME	FIRST	M.I.	SEX	DOB
DENIED OWNERSHIP ☐					
HOME ADDRESS	CITY	STATE	ZIP		
OWNER OF PROPERTY	LAST NAME	FIRST	M.I.	SEX	DOB
HOME ADDRESS	CITY	STATE	ZIP	PHONE	

OFFICER ASSIGNED	DETECTIVE ASSIGNED	TECHNICIAN ASSIGNED
Peace, Invalid Stirling	Dunlap,	Fred

☐ DEFENDANT ☐ SUSPECT

LAST NAME	FIRST	M.I.	SEX	RACE	DOB

	FOR GUNS LIST MAKE, TYPE, CALIBER, MODEL, SERIAL NUMBER(S), IMPORTER, COUNTRY OF ORIGIN (LIST ONLY ONE ITEM PER SELECTION)	STLN	FOR PED USE ONLY
ITEM 1	Plac 58 - blood on wall		
ITEM 2	Plac 59 - blood on wall under south window		
ITEM 3	Plac 60 - blood on wall - next to sidewalk		
ITEM 4	Plac 61 - wallet - body's right front jean's pocket		
ITEM 5	Plac 62 - card from under body		
ITEM 6	Plac 63 - bullet fragment hood of OR1ZHC240		
ITEM 7	Plac 64 - casing - east side trunk of Tayota OR1ZET208		
ITEM 8	Plac 65 - mid trunk of Tayota OR1ZET208 casing		

LOCKER	DATE	RECEIVED BY

DO NOT WRITE IN SPACE BELOW — FOR PED USE ONLY

INVENTORIED AND ACCEPTED IN PROPERTY EVIDENCE DIVISION	BY	WHITE - RECORDS COPY YELOW - CITIZENS RECEIPT PINK - WITH PROPERTY
DATE: TIME:		

02-01-10

Colonial Business Forms (503) 293-6134

BUREAU OF POLICE
26[illegible] V INDUSTRIAL WAY, STE. B4
PO[illegible] AND, OREGON 97210

PROPERTY/EVIDENCE RECEIPT

THIS RECEIPT MUST BE ACCOMPANIED BY AN APPROPRIATE REPORT

RECEIPT NUMBER	DATE/TIME	REFER CASE NO.	PPB CASE NO.
No. 1209410	05/2/10 AM PM		10-38353

OFFICE USE ONLY — ☐ EVIDENCE ☐ FOUND PROPERTY ☐ PRISONER'S PROP. ☐ SAFEKEEPING

PROPERTY TAKEN FROM:	LAST NAME	FIRST	M.I.	SEX	DOB
DENIED OWNERSHIP ☐					
HOME ADDRESS	CITY	STATE	ZIP		
OWNER OF PROPERTY	LAST NAME	FIRST	M.I.	SEX	DOB
HOME ADDRESS	CITY	STATE	ZIP	PHONE	

OFFICER [illegible] Shipplee — ID OF PRIMARY OFFICER Dickens — PRECINCT/DIVISION/SECTION/UNIT [illegible] — DATE/TIME RECEIVED [illegible]

	LAST NAME	FIRST	M.I.	SEX	RACE	DOB
☐ DEFENDANT ☐ SUSPECT						

ITEM	FOR GUNS: LIST MAKE, TYPE, CALIBER, MODEL, SERIAL NUMBER(S), IMPORTER & COUNTRY OF ORIGIN. LIST ONLY ONE ITEM PER SELECTION	STLN	FOR PED USE ONLY
ITEM 1	Plac 66 - casing west (mid) trunk OR 1ZE7208 Toyota		
ITEM 2	Plac 67 - gun - loaded chamber; Mag w/ 5 rounds - Taurus PT111 FVK95611 driver's side seat - Transfer PER# 1209417		
ITEM 3	Plac 68 - casing - hood of Blue Chevy Vic OR 17HC233		
ITEM 4	Plac 69 - fragment - NE corner NE 61st/Halsey		
ITEM 5	~~Tazer wire~~ Plac 70 - bullet fragment ~~Toyota Camry~~ ~~- from near passenger door & east sidewalk next to OR 1ZE7208~~		
ITEM 6	Tazer wire - from near passenger door & east sidewalk next to Toyota OR 1ZE7208		
ITEM 7			
ITEM 8			

RELEASED BY (NAME/ID) — SIGNATURE — SATELLITE PROPERTY ROOM — LOCKER — DATE — RECEIVED BY

THIS BOX ONLY IF [illegible]

DO NOT WRITE IN SPACE BELOW — FOR PED USE ONLY

INVENTORIED AND ACCEPTED IN PROPERTY EVIDENCE DIVISION	BY	WHITE - RECORDS COPY YELOW - CITIZENS RECEIPT PINK - WITH PROPERTY
DATE: TIME:		

02-01-10

Colonial Business Forms (503) 293-0134

BUREAU OF POLICE
2[illegible] V INDUSTRIAL WAY, STE. B4
P[illegible] ND, OREGON 97210

PROPERTY/EVIDENCE RECEIPT

THIS RECEIPT MUST BE ACCOMPANIED BY AN APPROPRIATE REPORT

RECEIPT NUMBER	DATE/TIME	REFER CASE NO.	PPB CASE NO.
No. 1209411	05/210 AM PM		10-38353

CHECK ONLY ONE: EVIDENCE | FOUND PROPERTY | HELD FOR SAFEKEEPING

PROPERTY TAKEN FROM: LAST NAME | FIRST | M.I. | SEX | DOB

DENIED OWNERSHIP ☐

HOME ADDRESS | CITY | STATE | ZIP

OWNER OF PROPERTY | LAST NAME | FIRST | M.I. | SEX | DOB

HOME ADDRESS | CITY | STATE | ZIP | PHONE

OFFENSE CHARGED: Officer Involved Shooting | CRIME CODE: Burglary | DISPOSITION: 3502A HEO

☐ DEFENDANT
☐ SUSPECT

LAST NAME | FIRST | M.I. | SEX | RACE | DOB

ITEM	FOR GUNS, LIST MAKE, TYPE, CALIBER, MODEL, SERIAL NUMBER(S), IMPORTER & COUNTRY OF ORIGIN. LIST ONLY ONE ITEM PER SELECTION.	STLN	FOR PED USE ONLY
ITEM 1	Beanbag gun & 15 rounds; Beanbag gun # UL5 - interior rack of TM 0900098 OR/E248018		
ITEM 2			
ITEM 3			
ITEM 4			
ITEM 5			
ITEM 6			
ITEM 7			
ITEM 8			

LOCATION FOUND / SAFEKEEPING | LOCKER | DATE | RECEIVED BY

DO NOT WRITE IN SPACE BELOW — FOR PED USE ONLY

INVENTORIED AND ACCEPTED IN PROPERTY EVIDENCE DIVISION
DATE: TIME: | BY

WHITE - RECORDS COPY
YELOW - CITIZENS RECEIPT
PINK - WITH PROPERTY

02-01-10

Colonial Business Forms (503) 293-0134

BUREAU OF POLICE
26[illegible] V INDUSTRIAL WAY, STE. B4
PO[illegible] ND, OREGON 97210

PROPERTY/EVIDENCE RECEIPT

THIS RECEIPT MUST BE ACCOMPANIED BY AN APPROPRIATE REPORT

RECEIPT NUMBER	DATE/TIME	REFER CASE NO.	PPB CASE NO.
No. 1209412	051210 AM / PM		10-38353

EVIDENCE | FOUND PROPERTY | PRISONER'S PROP. | SAFEKEEPING

PROPERTY TAKEN FROM:	LAST NAME	FIRST	M.I.	SEX	DOB
DENIED OWNERSHIP ☐					
HOME ADDRESS	CITY	STATE		ZIP	
OWNER OF PROPERTY	LAST NAME	FIRST	M.I.	SEX	DOB
HOME ADDRESS	CITY	STATE		ZIP	PHONE

☐ DEFENDANT ☐ SUSPECT

LAST NAME	FIRST	M.I.	SEX	RACE	DOB

	FIREARMS: LIST: MAKE, TYPE, CALIBER, MODEL, SERIAL NUMBER(S), IMPORTER & COUNTRY OF ORIGIN LIST ONLY ONE ITEM PER SELECTION	STLN	FOR PED USE ONLY
ITEM 1	Plac #1 - Tazer X00 [redacted] (SO written on top)		
	transfered from PER 1209402 #1		
ITEM 2			
ITEM 3			
ITEM 4			
ITEM 5			
ITEM 6			
ITEM 7			
ITEM 8			

LOCKER	DATE	RECEIVED BY

DO NOT WRITE IN SPACE BELOW — FOR PED USE ONLY

INVENTORIED AND ACCEPTED IN PROPERTY EVIDENCE DIVISION DATE: TIME:	BY	WHITE - RECORDS COPY YELOW - CITIZENS RECEIPT PINK - WITH PROPERTY

02-01-10

Colonial Business Forms (503) 393-0134

BUREAU OF POLICE
26[illegible]W INDUSTRIAL WAY, STE. B4
P[illegible]AND, OREGON 97210

PROPERTY/EVIDENCE RECEIPT

THIS RECEIPT MUST BE ACCOMPANIED BY AN APPROPRIATE REPORT

RECEIPT NUMBER	DATE/TIME	REFER CASE NO.	PPB CASE NO.
No. 1209413	051210 AM / PM		0-38353

OFFICE USE ONLY: EVIDENCE | FOUND PROPERTY | PRISONER'S PROP. (GROUP I PER ☐ YES ☐ NO) | SAFEKEEPING

PROPERTY TAKEN FROM:	LAST NAME	FIRST	M.I.	SEX	DOB
DENIED OWNERSHIP ☐					
HOME ADDRESS	CITY	STATE	ZIP		
OWNER OF PROPERTY	LAST NAME	FIRST	M.I.	SEX	DOB
HOME ADDRESS	CITY	STATE	ZIP	PHONE	

TYPE OF EVIDENCE: [illegible] | DELIVERING OFFICER: [illegible] | I.D. NO. [illegible]

	LAST NAME	FIRST	M.I.	SEX	RACE	DOB
☐ DEFENDANT ☐ SUSPECT						

ITEM	FOR CHRI'S USE: MAKE, TYPE, CALIBER, MODEL, SERIAL NUMBER(S), IMPORTER & COUNTRY OF ORIGIN (LISTED ONE ITEM PER SELECTION)	STLN	FOR PED USE ONLY
ITEM 1	Ford key w/ selektron & PPB keychain Placard #12 transferred from PER 1209403 Item #4		
ITEM 2			
ITEM 3			
ITEM 4			
ITEM 5			
ITEM 6			
ITEM 7			
ITEM 8			

[illegible] | LOCKER | DATE | RECEIVED BY

DO NOT WRITE IN SPACE BELOW — FOR PED USE ONLY

INVENTORIED AND ACCEPTED IN PROPERTY EVIDENCE DIVISION	BY	WHITE - RECORDS COPY YELOW - CITIZENS RECEIPT PINK - WITH PROPERTY
DATE: TIME:		

02-01-10

Colonial Business Forms (503) 293-0139

BUREAU OF POLICE
26[illegible] NW INDUSTRIAL WAY, STE. B4
P[illegible] AND, OREGON 97210

PROPERTY/EVIDENCE RECEIPT

THIS RECEIPT MUST BE ACCOMPANIED BY AN APPROPRIATE REPORT

RECEIPT NUMBER	DATE/TIME	REFER CASE NO.	PPB CASE NO.
No. 1209414	05/20 AM PM		10-38353

CHECK ONE TYPE ONLY: ☒ EVIDENCE ☐ FOUND PROPERTY ☐ PRISONER'S PROPERTY ☐ SAFEKEEPING

PROPERTY TAKEN FROM:	LAST NAME	FIRST	M.I.	SEX	DOB
DENIED OWNERSHIP ☐					
HOME ADDRESS	CITY	STATE		ZIP	
OWNER OF PROPERTY	LAST NAME	FIRST	M.I.	SEX	DOB
HOME ADDRESS	CITY	STATE		ZIP	PHONE

RECEIVED FROM: [illegible] RELEASED TO: [illegible]

☐ DEFENDANT ☐ SUSPECT

LAST NAME	FIRST	M.I.	SEX	RACE	DOB

	FOR GUN'S LIST MAKE, TYPE, CALIBER, MODEL, SERIAL NUMBER(S), IMPORTER & COUNTRY OF ORIGIN. LIST ONLY ONE ITEM PER SPACE BELOW	STLN	FOR PED USE ONLY
ITEM 1	Plac #37 - Tigerlight Flashlight transferred from PER #1209406		
ITEM 2			
ITEM 3			
ITEM 4			
ITEM 5			
ITEM 6			
ITEM 7			
ITEM 8			

[illegible]	LOCKER	DATE	RECEIVED BY

DO NOT WRITE IN SPACE BELOW — FOR PED USE ONLY

INVENTORIED AND ACCEPTED IN PROPERTY EVIDENCE DIVISION	BY	WHITE - RECORDS COPY YELOW - CITIZENS RECEIPT PINK - WITH PROPERTY
DATE: TIME:		

02-01-10

Colonial Business Forms (503) 393-0134

BUREAU OF POLICE
26[illegible]W INDUSTRIAL WAY, STE. B4
P[illegible]ND, OREGON 97210

PROPERTY/EVIDENCE RECEIPT

THIS RECEIPT MUST BE ACCOMPANIED BY AN APPROPRIATE REPORT

RECEIPT NUMBER	DATE/TIME	REFER CASE NO.	PPB CASE NO.
No.1209415	05/20 AM / PM		10-38353

CHECK ONE TYPE ONLY: ☑ EVIDENCE ☐ FOUND PROPERTY ☐ PRISONER'S PROP. ☐ SAFEKEEPING

PROPERTY TAKEN FROM:	LAST NAME	FIRST	M.I.	SEX	DOB
DENIED OWNERSHIP ☐					
HOME ADDRESS	CITY	STATE	ZIP		
OWNER OF PROPERTY	LAST NAME	FIRST	M.I.	SEX	DOB
HOME ADDRESS	CITY	STATE	ZIP	PHONE	

DIVISION/UNIT: [illegible] | OFFENSE CODE: [illegible] | CASE #: [illegible]
LOCATION WHERE FOUND/STRIPPED: [illegible] | TIME STOLEN OR RECOVERED: [illegible] | DATE STOLEN: [illegible]

☐ DEFENDANT ☐ SUSPECT | LAST NAME | FIRST | M.I. | SEX | RACE | DOB

ITEM	FOR CLERKS TEST: MAKE, TYPE, CALIBER, MODEL, SERIAL NUMBER(S), IMPORTER & COUNTRY OF ORGIN LIST ONE ITEM PER SECTION	STLN	FOR PED USE ONLY
ITEM 1	Plac #40 - Tazer X00- [illegible] SE67 trasfer. from PER # 1209406		
ITEM 2			
ITEM 3			
ITEM 4			
ITEM 5			
ITEM 6			
ITEM 7			
ITEM 8			

DISPOSITION: ☐ RETURN TO OWNER ☐ RELEASE TO PROPERTY ☐ DESTROY ☐ OTHER	LOCKER	DATE	RECEIVED BY

DO NOT WRITE IN SPACE BELOW — FOR PED USE ONLY

INVENTORIED AND ACCEPTED IN PROPERTY EVIDENCE DIVISION DATE: TIME:	BY	WHITE - RECORDS COPY YELOW - CITIZENS RECEIPT PINK - WITH PROPERTY

02-01-10

Colonial Business Forms (503) 293-0134

BUREAU OF POLICE
2[illegible]NW INDUSTRIAL WAY, STE. B4
P[illegible]AND, OREGON 97210

PROPERTY/EVIDENCE RECEIPT

THIS RECEIPT MUST BE ACCOMPANIED BY AN APPROPRIATE REPORT

RECEIPT NUMBER	DATE/TIME	REFER CASE NO.	PPB CASE NO.
No. 1209416	05210 AM / PM		10-38353

CHECK ONE ONLY: ☒ EVIDENCE ☐ FOUND PROPERTY ☐ PRISONER'S PROP. (ARREST/BOOK NO.) ☐ SAFEKEEPING

PROPERTY TAKEN FROM:	LAST NAME	FIRST	M.I.	SEX	DOB
DENIED OWNERSHIP ☐					
HOME ADDRESS	CITY	STATE	ZIP		

OWNER OF PROPERTY	LAST NAME	FIRST	M.I.	SEX	DOB
HOME ADDRESS	CITY	STATE	ZIP	PHONE	

TYPE OF INCIDENT: Ray Issued Stolen — RECEIVING OFFICER: Deputy — SERIAL NO.: 38027 — AGENCY: PPB
LOCATION WHERE PROPERTY WAS OBTAINED: [illegible] — INVESTIGATING OFFICER: [illegible] — AGENCY: [illegible]

☐ DEFENDANT ☐ SUSPECT	LAST NAME	FIRST	M.I.	SEX	RACE	DOB
	0					

	FOR GUNS LIST: MAKE, TYPE, CALIBER, MODEL, SERIAL NUMBER(S), IMPORTER & COUNTRY OF ORIGIN. LIST ONLY ONE ITEM PER SELECTION	STLN	FOR PED USE ONLY
ITEM 1	Plac #55 - Taser X00- [redacted] T8		
	transf. PER #1209408		
ITEM 2			
ITEM 3			
ITEM 4			
ITEM 5			
ITEM 6			
ITEM 7			
ITEM 8			

[illegible] ONLY IF NEEDED	LOCKER	DATE	RECEIVED BY

DO NOT WRITE IN SPACE BELOW — FOR PED USE ONLY

INVENTORIED AND ACCEPTED IN PROPERTY EVIDENCE DIVISION	BY	WHITE - RECORDS COPY YELOW - CITIZENS RECEIPT PINK - WITH PROPERTY
DATE: TIME:		

02-01-10

BUREAU OF POLICE
2[illegible] V INDUSTRIAL WAY, STE. B4
PO[illegible]AND, OREGON 97210

PROPERTY/EVIDENCE RECEIPT

THIS RECEIPT MUST BE ACCOMPANIED BY AN APPROPRIATE REPORT

RECEIPT NUMBER	DATE/TIME	REFER CASE NO.	PPB CASE NO.
No. 1209417	051210 AM / PM		10-38353

CHECK ONLY ONE: EVIDENCE | FOUND PROPERTY | PRISONER'S PROP | SAFEKEEPING

PROPERTY TAKEN FROM:	LAST NAME	FIRST	M.I.	SEX	DOB
DENIED OWNERSHIP ☐					
HOME ADDRESS	CITY	STATE	ZIP		
OWNER OF PROPERTY	LAST NAME	FIRST	M.I.	SEX	DOB
HOME ADDRESS	CITY	STATE	ZIP	PHONE	

[illegible]

☐ DEFENDANT ☐ SUSPECT	LAST NAME	FIRST	M.I.	SEX	RACE	DOB

	FOR GUNS LIST MAKE, TYPE, CALIBER, MODEL, SERIAL NUMBER(S), IMPORTER & COUNTRY OF ORIGIN (LIST ONE ITEM PER SELECTION)	STLN	FOR PED USE ONLY
ITEM 1	Pac 67 - Taurus PT111 9mm handgun		
	transf. from 1209410; 1 round chamber; mag w/15 9mm rounds		
ITEM 2			
ITEM 3			
ITEM 4			
ITEM 5			
ITEM 6			
ITEM 7			
ITEM 8			

[illegible]	LOCKER	DATE	RECEIVED BY

DO NOT WRITE IN SPACE BELOW — FOR PED USE ONLY

INVENTORIED AND ACCEPTED IN PROPERTY EVIDENCE DIVISION	BY	WHITE - RECORDS COPY YELOW - CITIZENS RECEIPT PINK - WITH PROPERTY
DATE: TIME:		

02-01-10

BUREAU OF POLICE
2619 NW INDUSTRIAL WAY, STE. B4
PORTLAND, OREGON 97210

PROPERTY/EVIDENCE RECEIPT

THIS RECEIPT MUST BE ACCOMPANIED BY AN APPROPRIATE REPORT

RECEIPT NUMBER	DATE/TIME	REFER CASE NO.	PPB CASE NO.
No.1209431	5/13/10 AM PM		10-38353

ONLY ☒ EVIDENCE ☐ FOUND PROPERTY ☐ PRISONER'S PROP GAVE COPY: YES ☐ NO ☐ ☐ SAFEKEEPING

PROPERTY TAKEN FROM: LAST NAME FIRST M.I. SEX DOB

DENIED OWNERSHIP ☐ (DE) Otis, Keaton D. M/B 1/4/85

HOME ADDRESS CITY STATE ZIP

I VOLUNTARILY RELINQUISH THE ITEM(S) LISTED FOR SAFEKEEPING

SIGNATURE

OWNER OF PROPERTY LAST NAME FIRST M.I. SEX DOB

HOME ADDRESS CITY STATE ZIP PHONE

ITEM(S) RECEIVED FROM (IF DIFFERENT) Officer Mathes DELIVERING OFFICER Officer Mathes 3081/TED FIRST ASSIGNED 3081/TED

HOW ITEM(S) WERE SEIZED/FOUND/SURRENDERED Found INVESTIGATOR (IF DIFFERENT) Summers 4/19/10 1100 hrs (FIRST ASSIGNED)

☐ DEFENDANT ☐ SUSPECT LAST NAME FIRST M.I. SEX RACE DOB

	FOR GUNS: LIST MAKE, TYPE, CALIBER, MODEL, SERIAL NUMBER(S), IMPORTER & COUNTRY OF ORIGIN. LIST ONLY ONE ITEM PER SELECTION	STLN	FOR PED USE ONLY
ITEM 1	Grey Nike "Air Force 1" tennis shoes (transfered FROM PER# 1193768 Item #1)		
ITEM 2	1 pair of white Hanes socks (transfered FROM PER # 1193768 Item #2)		
ITEM 3	Black "Do-rag" (transfered from PER#1193768 Item #7)		
ITEM 4	Bullet recovered from Outer white t-shirt listed on PER #1193768 Item5)		
ITEM 5			
ITEM 6			
ITEM 7			
ITEM 8			

DISPOSITION: TIME OF DISPOSAL: DISPOSAL METHOD: AUTHORITY: LOCKER DATE RECEIVED BY

DO NOT WRITE IN SPACE BELOW — FOR PED USE ONLY

ITEM(S) INVENTORIED AND ACCEPTED IN PROPERTY EVIDENCE DIVISION TIME: BY

WHITE - RECORDS COPY
YELOW - CITIZENS RECEIPT
PINK - WITH PROPERTY

02-01-10

BUREAU OF POLICE
1619 NW INDUSTRIAL WAY, STE. B4
PORTLAND, OREGON 97210

PROPERTY EVIDENCE RECEIPT

THIS RECEIPT MUST BE ACCOMPANIED BY AN APPROPRIATE REPORT

RECEIPT NUMBER	DATE/TIME	REFER CASE NO.	PPB CASE NO.
No.1209460	5-14-10 ☐ AM ☐ PM		10-38353

FOR PED ONLY ☒ EVIDENCE ☐ FOUND PROPERTY ☐ PRISONER'S PROP (SAFE CORVETTES ☐ YES ☐ NO) ☐ SAFEKEEPING

PROPERTY TAKEN FROM: LAST NAME | FIRST | M.I. | SEX | DOB

DENIED OWNERSHIP ☐

HOME ADDRESS | CITY | STATE | ZIP

OWNER OF PROPERTY LAST NAME | FIRST | M.I. | SEX | DOB

HOME ADDRESS | CITY | STATE | ZIP | PHONE

☐ I VOLUNTARILY RELINQUISH THE ITEM(S) LISTED FOR SAFEKEEPING

SIGNATURE

TYPE OF INCIDENT: OFFICER INVOLVED SHOOTING

DELIVERING OFFICER ID: P. WARE #34427 BPST/ASSIGN: FED

LOCATION WHERE SEIZED, FOUND, SURRENDERED: RIVERGATE STORAGE FACILITY

INVESTIGATOR (IF DIFFERENT): DET. E. RAMMELER BPST/ASSIGN: HOM. DETAIL

☐ DEFENDANT LAST NAME | FIRST | M.I. | SEX | RACE | DOB

☐ SUSPECT

FOR GUNS LIST MAKE, TYPE, CALIBER, MODEL, SERIAL NUMBER(S), IMPORTER & COUNTRY OF ORGIN. LIST ONLY ONE ITEM PER SELECTION.	STLN	FOR PED USE ONLY
ITEM 1 BULLET FROM TRUNK HID FRAME / DRIVERS SIDE		
ITEM 2 BULLET & FRAGMENT FOUND IN LAUNDRY BASKET / TRUNK		
ITEM 3 TASER PROBE - STUCK IN REAR PASSENGER SIDE SEAT		
ITEM 4 BULLET FROM REAR PASSENGER SIDE SEAT / UNDER COAT		
ITEM 5 AFID TAGS & TASER BLAST DOORS FROM: FRONT DRIVER'S; FRONT PASSENGER SIDE; REAR DRIVER'S; AND REAR PASSENGER COMPARTMENT		
ITEM 6 BULLET FROM REAR DRIVER' SIDE FLOORBOARD		
ITEM 7 BULLET FROM COIN HOLDER / FRONT COMPARTMENT		
ITEM 8 BULLET FROM DASHBOARD		

DELIVERED TO: ☐ DFS/ATF/CRIMLAB ☐ SATELLITE PROP ROOM ☒ PED ☐ OTHER

LOCKER	DATE	RECEIVED BY
FED OUTGOING	5-14-10	

DO NOT WRITE IN SPACE BELOW — FOR PED USE ONLY

INVENTORIED AND ACCEPTED IN PROPERTY EVIDENCE DIVISION | BY | TIME:

WHITE - RECORDS COPY
YELOW - CITIZENS RECEIPT
PINK - WITH PROPERTY

02-01-10

BUREAU OF POLICE
2619 NW INDUSTRIAL WAY, STE. B4
PORTLAND, OREGON 97210

PROPERTY/EVIDENCE RECEIPT

THIS RECEIPT MUST BE ACCOMPANIED BY AN APPROPRIATE REPORT

RECEIPT NUMBER	DATE/TIME	REFER CASE NO.	PPB CASE NO.
No.1209461	5-14-10 AM / PM		10-38353

PROPERTY ONLY ☒ EVIDENCE ☐ FOUND PROPERTY ☐ PRISONER'S PROP. ☐ SAFEKEEPING ☐
CAVE COPY ☐ PSL # No. ☐

PROPERTY TAKEN FROM:	LAST NAME	FIRST	M.I.	SEX	DOB
DENIED OWNERSHIP ☐					
HOME ADDRESS	CITY	STATE	ZIP		
OWNER OF PROPERTY	LAST NAME	FIRST	M.I.	SEX	DOB
HOME ADDRESS	CITY	STATE	ZIP	PHONE	

I VOLUNTARILY RELINQUISH THE ITEM(S) LISTED FOR SAFEKEEPING.

SIGNATURE

TYPE OF INCIDENT	DELIVERING OFFICER	BPST/ASSIGN
OFFICER INVOLVED SHOOTING	R. WARE #31377	STED
LOCATION WHERE SEIZED/FOUND/SURRENDERED	INVESTIGATOR (IF DIFFERENT)	BPST/ASSIGN
RIVERGATE STORAGE FACILITY	DET. E. FAMIGLIETTI	HOM. DETAIL

☐ DEFENDANT ☐ SUSPECT	LAST NAME	FIRST	M.I.	SEX	RACE	DOB

FOR GUNS: LIST MAKE, TYPE, CALIBER, MODEL, SERIAL NUMBER(S), IMPORTER & COUNTRY OF ORGIN. LIST ONLY ONE ITEM PER SELECTION.	STLN	FOR PED USE ONLY
ITEM 1 LG / VERIZON CELL PHONE; DRIVER'S SIDE FLOORBOARD		
ITEM 2 HTC / TOUCH CELL PHONE; CENTER DASHBOARD COMPARTMENT		
ITEM 3 9MM CASING; FRONT PASSENGER SIDE FLOORBOARD; "CBC" HEAD STAMP		
ITEM 4 TASER WIRING; FRONT COMPARTMENT FLOORBOARD		
ITEM 5 FUJI FILM - DISPOSABLE CAMERA; FOUND IN GLOVE BOX		
ITEM 6 BLACK "KENNETH COLE" JACKET; REAR SEAT		
ITEM 7 BULLET FROM FRONT PASSENGER SIDE; INTERIOR DOOR FRAME (BULLET FELL OUT)		
ITEM 8 BULLET FROM FRONT PASSENGER SIDE, INTERIOR DOOR FRAME (BOTTOM OF FRAME)		

DELIVERED TO: ☐ PROPERTY EVIDENCE ☐ SATELLITE PROPERTY ROOM ☐ PED ☐ DET'S CONF. ☐ TECHS ☐ OTHER	LOCKER	DATE	RECEIVED BY
	FED OUTLOOK	5-14-10	

DO NOT WRITE IN SPACE BELOW — FOR PED USE ONLY

INVENTORIED AND ACCEPTED IN PROPERTY EVIDENCE DIVISION BY: ____ TIME:	BY	WHITE - RECORDS COPY YELOW - CITIZENS RECEIPT PINK - WITH PROPERTY

02-01-10

BUREAU OF POLICE
619 NW INDUSTRIAL WAY, STE. B4
PORTLAND, OREGON 97210

PROPERTY/EVIDENCE RECEIPT

THIS RECEIPT MUST BE ACCOMPANIED BY AN APPROPRIATE REPORT

RECEIPT NUMBER	DATE/TIME	REFER CASE NO.	PPB CASE NO.
No.1209462	6-14-10 AM / PM		10-38353

CHECK ONLY ONE: [X] EVIDENCE [ ] FOUND PROPERTY [ ] PRISONER'S PROP. GAVE COPY YES / NO [ ] SAFEKEEPING

PROPERTY TAKEN FROM: LAST NAME | FIRST | M.I. | SEX | DOB

DENIED OWNERSHIP [ ]

HOME ADDRESS | CITY | STATE | ZIP

OWNER OF PROPERTY LAST NAME | FIRST | M.I. | SEX | DOB

HOME ADDRESS | CITY | STATE | ZIP | PHONE

I VOLUNTARILY RELINQUISH THE ITEM(S) LISTED FOR SAFEKEEPING

SIGNATURE

TYPE OF INCIDENT	DELIVERING OFFICER	BPST/ASSIGN
OFFICER INVOLVED SHOOTING	D. HAASE #3737	FED
LOCATION WHERE SEIZED/FOUND/SURRENDERED	**INVESTIGATOR (IF DIFFERENT)**	**BPST/ASSIGN**
INTERGATE STORAGE FACILITY	DET. E. HAMMER	HOM. DETAIL

[ ] DEFENDANT [ ] SUSPECT | LAST NAME | FIRST | M.I. | SEX | RACE | DOB

FOR GUNS LIST MAKE, TYPE, CALIBER, MODEL, SERIAL NUMBER(S), IMPORTER & COUNTRY OF ORGIN. LIST ONE ITEM PER SELECTION	STLN	FOR PED USE ONLY
ITEM 1 BULLET FROM FRONT PASSENGER SIDE, INTERIOR DOOR FRAME, (NEXT TO CROSSBAR)		
ITEM 2		
ITEM 3		
ITEM 4		
ITEM 5		
ITEM 6		
ITEM 7		
ITEM 8		

DELIVERED TO: [ ] 1ST FLOOR LOCKER [ ] SATELLITE PROP. ROOM [ ] PEDS? CHECK ONE ONLY [ ] FED [ ] ST/OTHER

LOCKER	DATE	RECEIVED BY
FED OUTGOING	5-14-10	

DO NOT WRITE IN SPACE BELOW — FOR PED USE ONLY

INVENTORIED AND ACCEPTED IN PROPERTY EVIDENCE DIVISION | BY

DATE: TIME:

WHITE - RECORDS COPY
YELOW - CITIZENS RECEIPT
PINK - WITH PROPERTY

02-01-10

BUREAU OF POLICE
1119 NW INDUSTRIAL WAY, STE. B4
PORTLAND, OREGON 97210

PROPERTY EVIDENCE RECEIPT

THIS RECEIPT MUST BE ACCOMPANIED BY AN APPROPRIATE REPORT

RECEIPT NUMBER **No. 1213383**

DATE/TIME 051710 0800 AM / PM

REFER CASE NO.

PPB CASE NO. 10-38353

CHECK ONLY ONE: EVIDENCE | FOUND PROPERTY | PRISONER'S PROPERTY | SAFEKEEPING

PROPERTY TAKEN FROM: LAST NAME | FIRST | M.I. | SEX | DOB

DENIED OWNERSHIP ☐

HOME ADDRESS | CITY | STATE | ZIP

I VOLUNTARILY RELINQUISH THE ITEM(S) LISTED FOR SAFEKEEPING

OWNER OF PROPERTY | LAST NAME | FIRST | M.I. | SEX | DOB

SIGNATURE

HOME ADDRESS | CITY | STATE | ZIP | PHONE

TYPE OF INCIDENT: Unauthorized Entry

DELIVERING OFFICER: Wheeler

BPS/ASSIGN.: 27180

LOCATION WHERE SEIZED/FOUND/SURRENDERED: 6141 NE Alameda

INVESTIGATOR (IF DIFFERENT):

BPS/ASSIGN.:

☐ DEFENDANT ☑ SUSPECT | LAST NAME | FIRST | M.I. | SEX | RACE | DOB

OTIS | Keaton | D | M | B | 010485

FOR GUNS: LIST MAKE, TYPE, CALIBER, MODEL, SERIAL NUMBER(S), IMPORTER & COUNTRY OF ORIGIN
LIST ONE ITEM PER SELECTION

		STLN	FOR PED USE ONLY
ITEM 1	1 CD of Audio Interview with Witness		
ITEM 2			
ITEM 3			
ITEM 4			
ITEM 5			
ITEM 6			
ITEM 7			
ITEM 8			

DELIVERED TO: POLICE BUREAU CRIME LAB | PROPERTY EVIDENCE VAULT | OTHER
SELECT ONE ONLY

LOCKER | DATE | RECEIVED BY

DO NOT WRITE IN SPACE BELOW — FOR PED USE ONLY

INVENTORIED AND ACCEPTED IN PROPERTY EVIDENCE DIVISION
DATE: TIME:

BY

WHITE - RECORDS COPY
YELOW - CITIZENS RECEIPT
PINK - WITH PROPERTY

04-01-10

JREAU OF POLICE
519 NW INDUSTRIAL WAY, STE. B4
ORTLAND, OREGON 97210

PROPERTY/EVIDENCE RECEIPT

THIS RECEIPT MUST BE ACCOMPANIED BY AN APPROPRIATE REPORT

RECEIPT NUMBER **No. 1213384**

DATE/TIME 05/7/10 0800 AM PM

REFER CASE NO.

PPB CASE NO. 10-38353

CHECK ONLY ONE: X EVIDENCE FOUND PROPERTY PRISONER'S PROP SAFEKEEPING

PROPERTY TAKEN FROM: LAST NAME FIRST M.I. SEX DOB

DENIED OWNERSHIP ☐

HOME ADDRESS CITY STATE ZIP

I VOLUNTARILY RELINQUISH THE ITEM(S) LISTED FOR SAFEKEEPING

OWNER OF PROPERTY LAST NAME FIRST M.I. SEX DOB

OWNER SIGNATURE

HOME ADDRESS CITY STATE ZIP PHONE

TYPE OF INCIDENT: DPE Finished Shooting

DELIVERING OFFICER P# BPSTA/SSN#

LOCATION WHERE SEIZED/FOUND/SURRENDERED: 82nd & Cleveland

INVESTIGATOR/FOUND BY P# BPSTA/SSN#

☐ DEFENDANT ☒ SUSPECT

LAST NAME	FIRST	M.I.	SEX	RACE	DOB
OTIS	Keaton	D	M	B	010985

ITEM	FOR GUNS: LIST MAKE, TYPE, CALIBER, MODEL, SERIAL NUMBER(S), IMPORTER & COUNTRY OF ORIGIN. LIST ONLY ONE ITEM PER SELECTION	STLN	FOR PED USE ONLY
ITEM 1	1 CD of Audio Interview w/ witness OFFICER Eugenio		
ITEM 2			
ITEM 3			
ITEM 4			
ITEM 5			
ITEM 6			
ITEM 7			
ITEM 8			

DELIVERED BY: ☐ U.S. MAIL ☐ FAX ☐ OTHER PROPERTY ROOM ☐ OTHER
CHECK ONE ONLY ☐ FILED ☐ NOT FILED

LOCKER	DATE	RECEIVED BY

DO NOT WRITE IN SPACE BELOW — FOR PED USE ONLY

INVENTORIED AND ACCEPTED IN PROPERTY EVIDENCE DIVISION	BY	WHITE - RECORDS COPY YELOW - CITIZENS RECEIPT PINK - WITH PROPERTY
DATE: TIME:		

04-01-10

BUREAU OF POLICE
1319 NW INDUSTRIAL WAY, STE. B4
PORTLAND, OREGON 97210

PROPERTY EVIDENCE RECEIPT

THIS RECEIPT MUST BE ACCOMPANIED BY AN APPROPRIATE REPORT

RECEIPT NUMBER	DATE/TIME	REFER CASE NO.	PPB CASE NO.
No. 1213385	AM / PM		10-338553

CHECK ONE ONLY: ☒ EVIDENCE ☐ FOUND PROPERTY ☐ PRISONER'S PROP (CYL COPY YES / NO) ☐ SAFEKEEPING

PROPERTY TAKEN FROM: LAST NAME | FIRST | M.I. | SEX | DOB

DENIED OWNERSHIP ☐

HOME ADDRESS | CITY | STATE | ZIP

I VOLUNTARILY RELINQUISH THE ITEM(S) LISTED FOR SAFEKEEPING

OWNER OF PROPERTY | LAST NAME | FIRST | M.I. | SEX | DOB

SIGNATURE

HOME ADDRESS | CITY | STATE | ZIP | PHONE

TYPE OF INCIDENT: Theft 2nd & Theft 3rd

DELIVERING OFFICER (I.D.): 3

BRT/ASSIGN:

LOCATION WHERE SEIZED/FOUND/SURRENDERED: Home Depot

INVESTIGATOR (I.D. OR PRINT): 3

BRT/ASSIGN:

☐ DEFENDANT / ☒ SUSPECT	LAST NAME	FIRST	M.I.	SEX	RACE	DOB
	OTIS	Eaton	T	M	B	010485

ITEM	FOR GUNS: LIST MAKE, TYPE, CALIBER, MODEL, SERIAL NUMBER(S), IMPORTER & COUNTRY OF ORIGIN — LIST ONLY ONE ITEM PER SELECTION	STLN	FOR PED USE ONLY
ITEM 1	ICD of Interview with Officer Delenikos		
ITEM 2			
ITEM 3			
ITEM 4			
ITEM 5			
ITEM 6			
ITEM 7			
ITEM 8			

DELIVERED FOR: ☐ STATE CRIME LAB ☐ OTHER ☐ PROP. ROOM ☐ PED

CHECK ONE ONLY: ☐ FED. EX. ☐ U.S. MAIL ☐ HAND DELIVERED

LOCKER | DATE | RECEIVED BY

DO NOT WRITE IN SPACE BELOW — FOR PED USE ONLY

INVENTORIED AND ACCEPTED IN PROPERTY EVIDENCE DIVISION | BY

DATE: TIME:

WHITE - RECORDS COPY
YELOW - CITIZENS RECEIPT
PINK - WITH PROPERTY

04-01-10

JREAU OF POLICE
519 NW INDUSTRIAL WAY, STE. B4
ORTLAND, OREGON 97210

PROPERTY/EVIDENCE RECEIPT

THIS RECEIPT MUST BE ACCOMPANIED BY AN APPROPRIATE REPORT

RECEIPT NUMBER No. 1213386	DATE/TIME AM PM	REFER CASE NO.	PPB CASE NO. 10-98553

SEC ONLY | EVIDENCE | FOUND PROPERTY | PRISONER'S PROP | SAFEKEEPING

PROPERTY TAKEN FROM: LAST NAME | FIRST | M.I. | SEX | DOB

DENIED OWNERSHIP ☐

HOME ADDRESS | CITY | STATE | ZIP

I VOLUNTARILY RELINQUISH THE ITEM(S) LISTED FOR SAFEKEEPING

OWNER OF PROPERTY | LAST NAME | FIRST | M.I. | SEX | DOB

SIGNATURE

HOME ADDRESS | CITY | STATE | ZIP | PHONE

TYPE OF INCIDENT | DELIVERING OFFICER | BUREAU/ASSIGN

LOCATION WHERE SEIZED, OBTAINED OR RECOVERED | INVESTIGATOR (IF DIFFERENT) | BUREAU/ASSIGN

☐ DEFENDANT
☒ SUSPECT

LAST NAME	FIRST	M.I.	SEX	RACE	DOB
OTIS	Kraton	D	M	B	01/04/85

ITEM	FOR GUNS LIST MAKE, TYPE, CALIBER, MODEL, SERIAL NUMBER(S), IMPORTER & COUNTRY OF ORIGIN. LIST ONE SONG ITEM PER SECTION.	STLN	FOR PED USE ONLY
ITEM 1	1 CD of Audio Interview w/ Ofc B. Shaw		
ITEM 2			
ITEM 3			
ITEM 4			
ITEM 5			
ITEM 6			
ITEM 7			
ITEM 8			

RELEASED TO | SYSTEM TIME OUT | SYSTEM PROP ROOM TIME OUT | LOCKER | DATE | RECEIVED BY

CHECK ONE ☐ OTHER

DO NOT WRITE IN SPACE BELOW — FOR PED USE ONLY

INVENTORIED AND ACCEPTED IN PROPERTY EVIDENCE DIVISION | BY

DATE | TIME:

WHITE - RECORDS COPY
YELOW - CITIZENS RECEIPT
PINK - WITH PROPERTY

04-01-10

BUREAU OF POLICE
619 NW INDUSTRIAL WAY, STE. B4
PORTLAND, OREGON 97210

PROPERTY/EVIDENCE RECEIPT

THIS RECEIPT MUST BE ACCOMPANIED BY AN APPROPRIATE REPORT

RECEIPT NUMBER	DATE/TIME	REFER CASE NO.	PPB CASE NO.
No. 1213387	5-17-10/1600 AM PM		10-78353

CHECK ONE ONLY: ☐ EVIDENCE ☐ FOUND PROPERTY ☐ PRISONER'S PROP. (SAVE OR A.E.S.E. NO.) ☐ SAFEKEEPING

PROPERTY TAKEN FROM:	LAST NAME	FIRST	M.I.	SEX	DOB
DENIED OWNERSHIP ☐	—				
HOME ADDRESS	CITY	STATE		ZIP	

I VOLUNTARILY RELINQUISH THE ITEM(S) LISTED FOR SAFEKEEPING.

SIGNATURE

OWNER OF PROPERTY	LAST NAME	FIRST	M.I.	SEX	DOB
	—				
HOME ADDRESS	CITY	STATE	ZIP	PHONE	

TYPE OF INCIDENT	DELIVERING OFFICER	BPST/ASSIGN.
Officer Involved Shooting	K. Rivenburg	29 Portland
LOCATION WHERE SEIZED/FOUND/SURRENDERED	INVESTIGATOR (IF DIFFERENT)	BPST/ASSIGN.
1111 SW 2nd Ave		

☐ DEFENDANT / ☐ SUSPECT	LAST NAME	FIRST	M.I.	SEX	RACE	DOB

	FOR GUNS: LIST MAKE, TYPE, CALIBER, MODEL, SERIAL NUMBER(S), IMPORTER & COUNTRY OF ORIGIN. LIST ONLY ONE ITEM PER SELECTION.	STLN	FOR PED USE ONLY
ITEM 1	CD-R containing interview of [redacted]		
ITEM 2			
ITEM 3			
ITEM 4			
ITEM 5			
ITEM 6			
ITEM 7			
ITEM 8			

DELIVERED TO: CHECK ONE ONLY	LOCKER	DATE	RECEIVED BY
	C6		

DO NOT WRITE IN SPACE BELOW — FOR PED USE ONLY

INVENTORIED AND ACCEPTED IN PROPERTY EVIDENCE DIVISION	BY	WHITE - RECORDS COPY YELOW - CITIZENS RECEIPT PINK - WITH PROPERTY
D: TIME:		

04-01-10